

[Download Document](#)**Town of Cheektowaga**

3301 Broadway

Cheektowaga, NY 14227

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

~ M



Alice Magierski

Monday, April 5,

6:45 PM

Council Chambers

**I. Public Hearings****1. Rezoning from M1 to MS - 3828 Broadway**

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

**II. Call to Order**

6:45 PM Meeting called to order on April 5, 2010 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  
 Robert Brandon, Zoning Board Chairman  
 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  
 John Staniszewski, TCEA Union Representative  
 Christine Ziemba, Chief of Police

**III. Public Comment Period****IV. Resolutions**



**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

GENERAL FUND

FROM:	100.1910.2799	Appropriated Fund Balance	\$ 3,500,000.00
	100.9010.8143	Medical Insurance Retiree	43,454.00
	100.3020.1908	Training	5,172.00
	100.3120.2207	Law Enforcement Jag Grant	70,439.37
	100.3120.2206	Law Enforcement Block Grant	5,537.54
	100.3020.1901	Regular Payroll	252.00
	100.3510.4211	Electric Dog Kennel	1,363.00
TO:	100.9902.9703	Transfer to Risk Retention	\$ 3,500,000.00
	100.9010.5992	Allocated FICA	266.00
	100.9010.5995	Allocated Fringes	43,188.00
	100.3020.1901	Regular Payroll	1,039.00
	100.3020.1902	Overtime Payroll	3,810.00
	100.3020.1932	Sick Sellback	323.00
	100.3120.3820	State Aid Police	75,976.91
	100.3020.1902	Overtime Payroll	252.00
	100.3510.4221	Gas Dog Kennel	1,363.00

HIGHWAY FUND

FROM:	300.1910.2799	Appropriated Fund Balance	\$ 390,000.00
	300.5141.1901	Regular Payroll	877.00
TO:	300.9950.8000	Transfers to Capital Fund	\$ 390,000.00
	300.5141.1971	Part-Time Regular	877.00

SPECIAL DISTRICTS FUND

FROM:	150.8160.4160	Diesel	\$ 59,275.00
	255.8125.1901	Regular Payroll	1,040.00
	255.8125.8143	Medical Insurance Retirees	12,387.00
TO:	150.8160.1901	Regular Payroll	\$ 2,044.00
	150.8160.1902	Overtime Payroll	527.00
	150.8160.8121	Social Security	2,210.00
	150.8160.8975	Retirement Buyout	54,494.00
	255.8125.1902	Overtime Payroll	1,040.00
	255.8125.8975	Retirement Buyout	12,387.00

RISK RETENTION FUND

FROM:	101.1930.4703	Judgments & Claims	\$ 59,296.00
	101.1910.5031	Interfund Transfers	3,500,000.00
TO:	101.1710.4525	Claims Administration	\$ 33,061.00
	101.1937.4703	Judgments & Claims	26,235.00
	101.1932.4703	Judgments & Claims	3,500,000.00

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



SOLUTION 2010-166

**Transfer of Funds - 2010**

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

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

2010

GENERAL FUND

FROM:	100.1410.1971	Part-Time Personnel	\$ 1,200.00
	100.1415.3500	State Aid Archives Grant	8,195.42
TO:	100.1410.1902	Overtime Payroll	\$ 1,200.00
	100.1415.4003.1002	Minor Remodeling	8,195.42

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



SOLUTION 2010-167

**Warrant**

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 2, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,792,406.74
RISK RETENTION FUND	154,685.12
NYS HOME PROGRAM	1,020.00
DEBT SERVICE FUND	51,781.25
HUD HOUSING REHABILITATION FUND	22,512.00
SPECIAL DISTRICTS FUND	693,239.34
HIGHWAY FUND	481,598.49
CAPITAL FUND	585,859.38
TRUST & AGENCY FUND	32,519.75
HUD CDBG FUND	4,763.36
PART TOWN FUND	105,804.34
NYS AFFORDABLE HOUSING	<u>15,667.00</u>
	\$ 4,941,856.77

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





**Award of Bid - Topsoil**

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

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 31, 2010 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 Green Houses, 230 Old 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.

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**TABULATION FOR TOPSOIL  
2010**

Bengert Greenhouses 230 French Road West Seneca, NY 14224 Pickup at above address	Regular -\$13.49 Deliv. Screened-\$17.49Deliv Shredded-\$17.49Deliv	\$12.00 pick/up \$16.00 pick/up \$16.00 pick/up
Leo Brenon Topsoil 5530 Killian Road North Tonawanda, NY 14120 Pickup on Niagara Falls Blvd. near Shawnee in Wheatfield	Regular - \$16.48 Deliv. Screened-\$18.48 Deliv. Shredded-\$18.48 Deliv.	\$14.48 pick/up \$16.48 pick/up \$16.48 pick/up
Visone Construction 79 Sheldon Ave. Depew, NY 14043 Pickup at above address	Regular - \$23.50 Deliv Screened-\$23.50 Deliv Shredded-\$23.50 Deliv	\$19.50 pick/up \$19.50 pick/up \$19.50 pick/up
Custom Topsoil Inc. 320 Crabapple Lane Cheektowaga, NY 14227 Pickup at above address	Regular - \$19.00 Deliv Screened-\$26.00 Deliv Shredded-\$26.00 Deliv	\$16.00 pick/up \$21.00 pick/up \$21.00 pick/up
Legacy Building Company 250 Ramsdell Ave. Buffalo, NY 14216 Pickup at 350 Quaker Road, Aurora, NY 14052	Regular - \$12.00 Screened-\$20.00 Shredded-\$20.00	\$8.00 pick/up \$16.00 pick/up \$16.00 pick/up

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



**Notice of Hearing on Proposed Amendments to Parks Ordinance**

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

WHEREAS, the Town of Cheektowaga 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 existing Parks Ordinance does not permit dogs in the parks or park approaches, and

WHEREAS, the Town of Cheektowaga would like to permit the walking of dogs on leashes in the park area on the south side of Scajaquada Creek to the west and north of the Alexander Community Center building, and

WHEREAS, this Town Board desires to amend the Parks Ordinance to permit said activities in this area of our park, 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 19<sup>th</sup> day of April, 2010 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

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**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 5<sup>th</sup> day of April, 2010, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 19<sup>th</sup> day of April, 2010 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:

Section 174-8 of the Parks Ordinance shall be re-named "Domestic animals in parks and park approaches" and shall state that dogs shall be permitted on the Alexander Walking Path located in the area between the south side of Scajaquada Creek and the east and north sides of the Alexander Community Center provide they are on a leash and further provided that the persons walking said dogs shall clean up after such dogs.

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; April 5, 2010

\_\_\_\_\_  
Alice Magierski  
Town Clerk

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



SOLUTION 2010-170

**Notice to Bidders -Pool Maintenance Chemicals 2010**

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2010, and

WHEREAS, it is necessary to rescind bids received for this item on March 24, 2010, NOW, THEREFORE BE IT

RESOLVED, that bids received for the purchase of Pool Maintenance Chemicals on March 24, 2010 be and hereby are rescinded, and BE IT FURTHER

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

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

RESOLVED, that sealed bids will be received on the 14th day of April, 2010 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 April 14, 2010, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2010.

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

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

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

Alice Magierski, Town Clerk

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



**Notice to Bidders - Athletic White Stripe 2010**

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, and

WHEREAS, it is necessary to rescind bids received for this item on March 24, 2010, NOW, THEREFORE, BE IT

RESOLVED, that bids received for the purchase of Athletic White Stripe on March 24, 2010 be and hereby are rescinded, and BE IT FURTHER

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

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

RESOLVED, that sealed bids will be received on the 14th day of April, 2010 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 April 14, 2010, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2010.

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

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

Alice Magierski, Town Clerk

April 8, 2010

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



SOLUTION 2010-172

~~Notice to Bidders - 2010 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 2010 (or newer) 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 14th day of April, 2010 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 14, 2010 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2010 (or newer) 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: April 5, 2010

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



## New/Renewal Ambulance Drivers/Attendant Licenses

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

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, NOW, THEREFORE BE IT

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the list below be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

### **TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST**

<u>Name</u>	<u>Expiration Date</u>
Atkinson, Andrew J	1/31/2013
Bacon, Nicholas G.	9/30/2011
Benstead, Timothy S	1/31/2013
Bluhm, Sara A	2/28/2013
Brown, David A	1/31/2012
Cruse, Gordon R	2/28/2013
Dysard, Andrew D.	6/30/2012
Dysard, Matthew T.	6/30/2012
Gardner, Kaitlyn M	6/30/2012
Gowanlock, Richard T	9/30/2012
Gowanlock, Zechariah R	9/30/2012
Grabowski, Adam N	1/31/2011
Hankey, Daniel J.	6/30/2012
Harris, Daniel J.	9/30/2012
Harris, Jacob D.	9/30/2012
Harrison, Randy S	11/30/2012
Haynes, Kellie A.	7/31/2012
Hooper, Daniel M	1/31/2012

<u>Name</u>	<u>Expiration Date</u>
Kasper, Robert M	3/31/2013
Keem, Thomas M	6/30/2012
Koczwarra, Allen P.	7/31/2012
Lafferty, David J.	9/30/2012
Lewis, Joseph R	12/31/2011
Lynch, Cody P.	9/30/2012
McCrossan, Michael G	6/30/2013
McLean, Robert E	12/31/2012
McMahon, Susan M	11/30/2012
Mergenhagen, Mark T.	6/30/2012
Meyers, Brian C	2/28/2013
Milks, Douglas E	11/30/2012
Miranto, Andreana	2/28/2013

Murphy, Sean P	3/31/2012
Okupski, Candace M	1/31/2013
Rafferty, Jessica L.	9/30/2012
Relosky, Michael P	3/31/2013
Rivers, Edward A	11/30/2012
Rogers, Lyndsay K	1/31/2012
Roth, Donald K Jr	12/31/2012
Schnitzer, Paul E.	9/30/2012
Seltzer, Douglas P.	2/28/2013
Shantel, Nancy S	3/31/2013
Skinner, Jr., Kenneth C.	1/31/2013
Sloniker, Gary R.	2/29/2012
Taylor, Joshua T	2/28/2013
Tiranno, Charles J	12/31/2012
Ward, Justin C.	10/31/2012
Wissel, John H	02/28/13

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
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<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
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<b>SECONDER:</b>	Richard Zydel, Councilmember
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<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
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<b>ABSENT:</b>	James Rogowski
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RESOLUTION 2010-174

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## SPECIAL EVENT - Crabapple Festival

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**Sponsored By:** Holtz, Markel, Swiatek, Jaworowicz, Zydel, 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 11th, 12th, and 13th, 2010; 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 11-14, 2010.

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





RESOLUTION 2010-175

**SPECIAL EVENT - Infant of Prague "Feel the Spirit" 5K Race**

**Sponsored By:** Councilmember Zydell, Councilmember 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, Infant of Prague Church has made application to hold its "Feel the Spirit" 5K Run on Saturday, April 17, 2010 beginning at 11:00 A.M. for approximately forty minutes along the following route: Foisset, Mapleview, Yeager, Union, Clearvale, Beach, Huth, Burdette; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, 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 aforementioned application of Infant of Prague Church for the said 5K Race on Saturday, April 17, 2010 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 the Chief of Police, Christine Ziemba.

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



RESOLUTION 2010-176

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## SPECIAL EVENT - NCAA Little League Parade

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**Sponsored By:** Councilmember Zydell, Councilmember 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, the North Cheektowaga Amateur Athletic Association has made application to hold its baseball parade on Saturday, June 5, 2010 (rain date of June 6th) beginning at 11:30 a.m., 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 5, 2010 (rain date June 6th) at 11:30 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.

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



RESOLUTION 2010-177

## ~~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 for Equipment and Operators for Public Works Projects 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 and a portion of the Town Campus on Broadway & Union Road for the purpose of staging equipment, AND

WHEREAS, there is sufficient room at both locations for such purpose, AND

WHEREAS, the Town Attorney has prepared a License Agreement for a nine (9) 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.

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



RESOLUTION 2010-178

## **Support the Redevelopment and Preservation of the Villa Maria Campus**

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

WHEREAS, The Felician Sisters have been a compassionate presence in the Town of Cheektowaga and the City of Buffalo for over a century and have supported the educational, health care, social welfare needs of the Town's citizens; AND

WHEREAS, The Villa Maria Campus was established with groundbreaking on the Motherhouse occurring on June 23, 1927, with the laying of the cornerstone on July 1, 1928, and the opening of the building in May of 1929; AND

WHEREAS, The Motherhouse and Academy supported educational aspirations of numerous Catholic women, particularly those of Polish ancestry, for seventy five years; AND

WHEREAS, The Villa Maria Campus now stands as an emblem of Polish Heritage in the community of Buffalo and Cheektowaga; AND

WHEREAS, The Villa Maria Campus and its buildings are part of the area's historical and cultural heritage; AND

WHEREAS, The Felician Sisters have proclaimed their intention of remaining as a compassionate presence on the Campus and have commenced a capital fund drive to support the conversion of the Motherhouse into housing for the Felicians and healthcare for the infirm among the Felicians; AND

WHEREAS, The Felician Sisters have proclaimed their intention of providing housing for the elderly in the Western New York Region; NOW THEREFORE, BE IT

RESOLVED, The Town of Cheektowaga proclaims its support and gratitude for the Felician Sisters in their efforts to preserve the Historical Villa Maria Campus, to remain as a compassionate presence in the Town, and to continue to provide for the social welfare needs of the citizens.

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



RESOLUTION 2010-179

## Cooperation Agreement for HOME Investment Partnership Program

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

WHEREAS, the Congress of the United States has passed, and the President of the United States has signed into law, the National Affordable Housing Act of 1990, and

WHEREAS, Title II of the National Affordable Housing Act of 1990 created the HOME Program under which the Secretary of Housing and Urban Development is authorized to make grants to States and units of general local government to help finance investments in affordable housing, and

WHEREAS, said Act provides that a consortium of geographically contiguous units of local government can be considered to be a unit of general local government for purposes of the HOME program, and

WHEREAS, the Towns of Cheektowaga, Tonawanda, and Amherst, with Amherst acting as the lead community, desire to be considered as such a consortium for purpose of applying for assistance under the HOME Program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized to execute a three-year Cooperation Agreement with the Towns of Amherst and Tonawanda for federal Fiscal Years 2011, 2012 and 2013 for the purpose of forming a Consortium to participate in the HOME Investment Partnership Program.

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



RESOLUTION 2010-180

**Unsafe-Unsecured/15 Andrews Avenue**

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

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 15 Andrews Avenue, Cheektowaga, New York SBL# 101.28-3-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Patron NJ Portfolio, LLC, 334 South Avenue East, Westfield, NJ 07709, as the owner AND

WHEREAS, an inspection of such premises was conducted at 15 Andrews Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



**Unsafe-Unsecured/89 Henry 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 89 Henry Street, Cheektowaga, New York SBL# 113.64-2-34 that is a danger to the safety of others, and records kept by the Assessors Office identify Erie Tax Certificate Corp., 95 Franklin Street, Buffalo, New York 14202, as the owner AND

WHEREAS, an inspection of such premises was conducted at 89 Henry Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



RESOLUTION 2010-182

## **Approve Military Reservist Salary Act to December 31, 2011**

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

WHEREAS, the United States' involvement in the War in Iraq has necessitated the United States Military to call reservists to active duty; and

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements; and

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of war, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis; and

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country; and

WHEREAS, by previous Resolutions, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; NOW, THEREFORE, BE IT

RESOLVED that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; and BE IT FURTHER

RESOLVED, that such policy shall be extended to and including December 31, 2011 and be subject to further review at that time.

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





RESOLUTION 2010-183

**Authorization of Student Intern (Justice Court) Brittany M. Isham**

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

WHEREAS, Brittany Marie Isham, a student at John F. Kennedy High School, has requested to participate in the student internship program at the Justice Court; AND

WHEREAS, Ms. Isham has been interviewed by the Justice Court and the Court is willing to afford her the opportunity to intern; NOW, THEREFORE, BE IT

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

RESOLVED, that the Town 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.

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



RESOLUTION 2010-184

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## Youth & Recreation Transfers

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

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 to Recreation Specialist - 7310.1803 - \$11.00

Regular Part-time

Melissa Rogers

Recreation Attendant to Recreation Instructor - 7310.1804 - \$11.00 - Regular Part-time

Sherry Maran

Recreation Attendant to Recreation Instructor - 7140.1630 - \$8.90 - Regular Part-time

Amanda Cendrowski

Recreation Attendant to Recreation Instructor - 7140.1614 - \$8.65 - Regular Part-time

Katie DeFilippo

Recreation Aide to Recreation Attendant - 7140.1645 - \$7.40 - Regular Part-time

Samantha Sieg

Recreation Attendant - 7310.1804 - \$8.25 - Regular Part-time

Elaine Hawrysiak

Recreation Attendant - 7140.1611 - \$7.65 - Regular Part-time

Jayson Selbert

Recreation Attendant - 7140.1611 - \$7.90 - Regular Part-time

Nathan Pyzykiewicz

Recreation Attendant - 7140.1611 - \$7.65 - Regular Part-time

Liza Fiorella

Recreation Attendant - 7140.1611 - \$10.70 - Regular Part-time

Glenn Au

Recreation Attendant - 7140.1639 - \$9.75 - Regular Part-time

Tom Goff

Recreation Attendant - 7140.1636 - \$9.75 - Regular Part-time

Lynne Butts

Recreation Attendant - 7140.1630 - \$8.00 - Regular Part-time

Lisa Miller

Recreation Aide - 7140.1648 - \$7.40 - Part-time

Ryan Weber

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Waive the Reading of Names for the following resolutions: 2010-184; 2010-185 and 2010-186. Motion Carried
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
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<b>MOVER:</b>	Richard Zydel, Councilmember
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<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
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<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
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<b>ABSENT:</b>	James Rogowski
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RESOLUTION 2010-185

**Youth & Recreation Hiring**

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

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 - 7140.1636 - \$7.25 - Regular Part-time

Andrew Deeds	14211
Robert Gaczewski	14225
Paul Hockwater	14227

Recreation Aide - 7140.1636 - \$7.25 - Part-time

Aaron Wanat	14043
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Recreation Attendant - 7140.1636 - \$8.00 - Seasonal

Jon Deveny	14225
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Recreation Attendant - 7140.1636 - \$7.50 - Regular Part-time

Katie Kapanek	14206
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Recreation Attendant - 7140.1636 - \$8.00 - Regular Part-time

Christie Petre	14211
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



RESOLUTION 2010-186

## 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:

RECORDS MANAGEMENT - Clerk \$8.00/hour effective 5/10/10  
Ian D. Trapper, Cheektowaga, New York

SANITATION DEPARTMENT - Laborer \$8.00/hour effective 4/19/10  
Andrew Wastchak, Cheektowaga, New York  
Walter Szafraniec, Cheektowaga, New York  
Michael Fischer, Cheektowaga, New York  
Mark Blachowicz, Cheektowaga, New York  
Keith Piatek, Sloan, New York  
Scott Jachimiak, Depew, New York  
Jeffrey Lempko, Cheektowaga, New York  
Ryan Jaracz, 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 4/01/10  
James G. Sala, Depew, New York

POLICE DEPARTMENT - Student Assistant \$7.25/hour effective 4/05/10  
Melissa S. Gerace, Cheektowaga, New York

JUSTICE COURT - Laborer - \$9.00/hour effective 4/05/10  
John R. Kozak, Cheektowaga, New York

BE IT RESOLVED, that the following **SEASONAL and/or PART-TIME EMPLOYEES** be and hereby are terminated as listed:

JUSTICE COURT  
John Stronka  
Effective 2/14/10

John R. Kozak  
Effective 4/03/10

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



RESOLUTION 2010-187

**Appointment of Senior Clerk (Senior Services) (Competitive/Permanet) Terri L. Smith**

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

WHEREAS, a vacancy exists in the position of Senior Clerk in the Senior Services Department; AND

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, Terri L. Smith, currently employed as a Court Clerk in the Justice Court, appears on the current civil service list 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 Senior Clerk in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 12, 2010.

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



RESOLUTION 2010-188

~~Appointment of Fire Inspector (Building & Plumbing) (Competitive/Provisional) Gerald E. Sprada~~

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

WHEREAS, a vacancy exists in the position of Fire Inspector in the Building and Plumbing Department; AND

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, a current civil service list does not exist; AND

WHEREAS, Gerald E. Sprada, currently employed as an Assistant Code Enforcement Officer in the Building and Plumbing Department, bid on said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gerald E. Sprada of Cheektowaga, New York, be and hereby is appointed to the provisional position of Fire Inspector in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 6, 2010.

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



RESOLUTION 2010-189

**Appointment of Clerk Typist (Youth & Recreation) (Competitive/Permanet) Brenda S. Iwanski**

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

WHEREAS, a vacancy exists in the title of Clerk Typist in the Youth and Recreation Department; AND

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

WHEREAS, 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, Brenda S. Iwanski appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, Brenda S. Iwanski of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 6, 2010.

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



RESOLUTION 2010-190

**Appointment of Clerk Typist (Justice Court) (Temporary) Kimberly Kent-Chojnicki**

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

WHEREAS, a temporary vacancy exists in the Justice Court; AND

WHEREAS, Kimberly Kent-Chojnicki, currently employed as a part-time Court Officer in the Justice Court, meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Kimberly Kent-Chojnicki of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk Typist 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 April 1, 2010.

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





RESOLUTION 2010-191

**Travel Authorization (Police Department)**

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

WHEREAS, a seminar entitled "Narcotics Enforcement Techniques: Drug Tactics for Patrol Officers" is being held May 24 - May 25, 2010 in North Tonawanda; AND

WHEREAS, Lieutenant Michael Sliwinski, Detective Paul Batt and Detective Valentine Zimniewicz 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 \$648; AND

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

RESOLVED, that Lieutenant Michael Sliwinski, Detective Paul Batt and Detective Valentine Zimniewicz be and hereby are authorized to attend the seminar entitled "Narcotics Enforcement Techniques: Drug Tactics for Patrol Officers" being held May 24 - May 25, 2010 in North Tonawanda.

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



RESOLUTION 2010-192

**Travel Authorization (Building and Plumbing)**

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

WHEREAS, the New York State Fire Marshals and Inspectors Traveling Educational Series is being held on May 26, 2010 in Amherst, New York; AND

WHEREAS, Fire Inspector Gerald Sprada has requested authorization to attend said series; 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 \$75; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspector Gerald Sprada be and hereby is authorized to attend the New York State Fire Marshals and Inspectors Traveling Educational Series being held on May 26, 2010 in Amherst, New York.

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



RESOLUTION 2010-193

## **Travel Authorization (Main Pump Station)**

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

WHEREAS, the seminar entitled, "Twenty-Four Hour HAZWOPER General Site Worker" is taking place on April 12 - April 14, 2010 at the University at Buffalo; AND

WHEREAS, Jon Nichy, Superintendent - Wastewater Pump Station has requested authorization to attend said seminar; AND

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

WHEREAS, the total cost to the Town shall not exceed \$325; AND

WHEREAS, these expenses have been budgeted by the Main Pump Station; NOW, THEREFORE, BE IT

RESOLVED, that Jon Nichy, Superintendent - Wastewater Pump Station, be and hereby is authorized to attend the seminar entitled, "Twenty-Four Hour HAZWOPER General Site Worker" taking place on April 12 - April 14, 2010 at the University at Buffalo.

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

### **V. Suspension of Rules**

Motion by Councilmember Kaznowski, Seconded by Supervisor Holtz; to Suspend the Rules to Include the following resolutions, 2010-194, 2010-195, and 2010-196. Motion Carried.



SOLUTION 2010-194

## Award of Bid for Tactical Vests for Police Department

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

WHEREAS, one bid was duly received by the Town Clerk at a bid opening on December 23, 2009 for the purchase of seven (7) Point Blank Dragon Fire Hi-Lite Tactical Vests with Enhanced Protective Equipment, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to Sewing Technology Uniform Company, Inc., 691 Seneca Street, Buffalo, New York, 14210, for the purchase price of \$19,893.00, said sole bid meeting specifications; and BE IT FURTHER

RESOLVED, that funding for these items shall appropriated from accounts as follows: \$11,533.00 from the Town's Drug Asset Forfeiture account number 100-0600-0881, and \$8,360.00 from account number 100-3120-4007.

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



## **Award of Bid for Two-Way Radios for Police Department**

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

WHEREAS, one bid was duly received by the Town Clerk at a bid opening on December 23, 2009 for the purchase of seventeen (17) Motorola Ex560 XLS Professional Submersible Two-way Portable Radios, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that said bid be awarded to SAIA Communications Inc., 100 Stradtman Street, Cheektowaga, New York, 14206, for the purchase price of \$18,513.00, said sole bid meeting specifications; and BE IT FURTHER

RESOLVED, that funding for these items shall appropriated from Police Department accounts as follows: \$7,000.00 from account number 100-3120-2205, and \$11,503.00 from account number 100-3020-4431.

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



**Accept Proposal of Nussbaumer & Clarke, Inc. for Professional Services Associated with the Structural Analysis of Five Building Roofs**

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

WHEREAS, the Town is the recipient of a grant from the U.S. Department of Energy in the amount of \$718,800.00 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG) Program for the design and installation of photo voltaic (solar) panels proposed to be installed on five (5) municipally owned buildings which will reduce annual utility expenditures, AND

WHEREAS, prior to the initiation of the design of the photo voltaic systems, it is necessary to perform a structural analysis of the various building roof systems to verify the capacity to support the additional load associated with the photo voltaic (solar) panels, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 dated April 1, 2010 as submitted to the Town Supervisor for professional services associated with the structural analysis of five (5) building roofs is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. and that the cost of said professional services in an amount not to exceed \$9,400.00 shall be chargeable to Account #500-1440-9701-5021.

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

**VI. Communications**

*A. Departmental Communications*

1. **Supervisor’s Statement of Funds: January 2010**
2. **Building Permits - March 2010**
3. **Minutes - Cheektowaga Planing Board - March 11, 2010**

*B. General Communications*

1. **Notice of Claim: Alan Blachowski Vs. Town of Cheektowaga**
2. **Notice of Claim: Carolyn Converso Vs. Town of Cheektowaga**
3. **Notice of Claim: John Siuda Vs. Town of Cheektowaga**
4. **Notice of Claim: State Farm Insurance as Subrogee of Annie Johnson Vs. Town of Cheektowaga**
5. **Notice of Claim: Cassandra Tucker 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 Kaznowski to adjourn the meeting. Meeting Closed at 7:23 pm.

Alice Magierski

Town Clerk

Powered by **Granicus**



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, January 4, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on January 4, 2010 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 Chairman  
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 Hearings

### 1. Amendments to Vehicles and Traffic Law - Bike Path Road

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

## IV. Resolutions





## 1. RESOLUTION 2010-1

### Fund Transfer

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

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

**2009**

General Fund

From: 100.1410.4088	Travel, Training, & Conferences	\$ 500.00
To: 100.1680.4146	Outsourcing Services	\$ 500.00

Highway Fund

From: 300.5140.4190	Barricade Rental	\$ 500.00
300.5140.4297	Tree Maintenance	\$1,743.41
300.5140.4191	Miscellaneous	\$7,000.00
To: 300.5142.4029	Salt	\$9,243.41

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



## 2. RESOLUTION 2010-2

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 1, 2010 are hereby approved and made a part hereof;

General Fund	\$190,141.90
Risk Retention Fund	1,255.00
HUD Housing Rehabilitation	2,000.00
Special Districts Fund	188,485.50
Highway Fund	39,090.56
Capital Fund	8,599.80
HUD CDBG Fund	736.29
Part Town Fund	<u>578.00</u>
	\$430,887.05

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

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



### 3. RESOLUTION 2010-3

## Designate 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.

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



## 4. RESOLUTION 2010-4

### Name Official Depositories for 2010

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

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2010:

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

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



## 5. RESOLUTION 2010-5

### 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.

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



## 6. RESOLUTION 2010-6

### Adopt Comprehensive Investment Policy

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

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

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

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

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

**ATTACHMENTS:**

Town of Cheektowaga Investment Policy 2010 (DOC)

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

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



## 7. RESOLUTION 2010-7

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

**Sponsored By:** Councilmember Jaworowicz, Councilmember Kaznowski

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

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

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

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

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

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

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

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



## 8. RESOLUTION 2010-8

### 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, 2010 provides for a credit of \$390,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, and

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

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

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





## 9. RESOLUTION 2010-9

### Retain Outside Accounting Firm

**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, 2009.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2009.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2009.
- 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, 2009.
- 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 2011 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, 2009.
- I. Comprehensive Annual Financial Report - Will compile the Comprehensive Annual Financial Report for the year ended December 31, 2009 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 2011 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 2010 (which would entail the audits for the year ended December 31, 2009) for a fee not to exceed \$98,000.00 (which represents the same fee charged in 2009).

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



## 10. RESOLUTION 2010-10

### Retain Grants Consulting Firm

**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 2010-2011 calendar years, 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 2010-2011, and BE IT FURTHER

RESOLVED, that the fee stipulated in such agreement, \$35,500.00 per year, plus \$65.00 per hour for grant administration services (maximum of \$4,000.00 per year), shall be appropriated from budget line item number 0100-1220-4957.

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



## 11. RESOLUTION 2010-11

### Retain Risk Management and Insurance Consulting Services

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

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

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2009; and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$41,100.00 for years 2010 and 2011, and \$42,000.00 for year 2012; and

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

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

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2010 - 2012, in accordance with the above.

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



## 12. RESOLUTION 2010-12

### Leave of Absence (Thomas G. Poules)

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

WHEREAS, Thomas G. Poules, has requested a one (1) year leave of absence from his position of Working Crew Chief in the Highway Department; AND

WHEREAS, Mr. Poules has made this request as a result of his appointment to the position of Deputy Highway Superintendent; NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 9 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, this leave of absence is hereby granted to Thomas G. Poules effective January 9, 2010, and BE IT FURTHER

RESOLVED, that Resolution No. 2009-664 be and hereby is amended to state that the salary of the position of Deputy Highway Superintendent, effective as of January 9, 2010 is established at \$75,200.00.

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



## 13. RESOLUTION 2010-13

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed 19 hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT Clerk \$7.25/hour effective 1/4/2010  
Sara Berez, Cheektowaga, New York

POLICE DEPARTMENT Student Assistant \$7.25/hour effective 1/4/2010  
Matthew Speyer, Depew, New York

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

POLICE DEPARTMENT  
Paul Hockwater III      effective 12/21/2009  
Timothy Meyers        effective 12/12/2009

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, Kaznowski



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**14. RESOLUTION 2010-14**

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**Reappoint Town Engineer**

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

BE IT RESOLVED, that William R. Pugh, of Cheektowaga, New York be and hereby is reappointed as Town Engineer, effective January 1, 2010 to December 31, 2011.

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



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**15. RESOLUTION 2010-15**

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**Reappoint Town Attorney**

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

BE IT RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is reappointed as Town Attorney, effective January 1, 2010 to December 31, 2011.

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





## 16. RESOLUTION 2010-16

### Reappoint Bingo Inspectors

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

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2010 to December 31, 2010:

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, 2010 for a term of one year:

Thaddeus I. Marciniak, Cheektowaga, New York

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



## 17. RESOLUTION 2010-17

### Reappointments to Traffic Safety Commission

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

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Chairman Richard Zynda, Member Robert Boye and Member James Makowski expired on December 31, 2009, and

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

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

RESOLVED, that the following individuals be and hereby are re-appointed as to the Traffic Safety Commission, effective immediately and terminating on December 31, 2012:

Richard Zynda, Chairman  
Robert Boye, Member  
James Makowski, Member

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



## 18. RESOLUTION 2010-18

### Reappointments to Veterans Affairs Committee

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

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

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and their terms expired on December 31, 2009, 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, 2010 and expiring on December 31, 2010:

Victor Carlucci, Depew, NY  
 J. Donald Griffin, 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  
 Thomas J. Mazur, Cheektowaga, NY  
 Jeff Sundquist, Depew, New York  
 Kelly Robinson, Depew, New York  
 Thomas M. Johnson, Jr., Youngstown, New York

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



## 19. RESOLUTION 2010-19

### Reappoint Member of Zoning Board of Appeals

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, the term of John Ptak as Member of the Zoning Board of Appeals expired on December 31, 2009, and

WHEREAS, John Ptak has expressed an interest in being reappointed to this position, and

WHEREAS, John Ptak 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 John Ptak of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2010 and terminating on December 31, 2014.

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



## 20. RESOLUTION 2010-20

### Reappoint Member of Library Board

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

WHEREAS, the term of Mark E. Weber as Chairman of the Cheektowaga Public Library Board expired on December 31, 2009, and

WHEREAS, Mark E. Weber has requested reappointment to the Cheektowaga Library Board, and

WHEREAS, the Cheektowaga Library Board has recommended that Mark E. Weber be reappointed as member of the Cheektowaga Library Board, NOW, THEREFORE, BE IT

RESOLVED, that Mark E. Weber, of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2010 and terminating on December 31, 2014.

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



## 21. RESOLUTION 2010-21

### Appointment of Police Officers (Matusiak, Slawatycki and Astyk)

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

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

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

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

- Kevin K. Matusiak of Sloan, New York
- Garrett R. Slawatycki of Cheektowaga, New York and
- Julianne Astyk of Cheektowaga, New York; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective January 14, 2010, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

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

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolution. Motion Carried.



## 1. RESOLUTION 2010-22

### Authorize Supervisor to Execute Agreement with JP Morgan Chase Bank, N.A. and Paymentech, LLC for Use of Credit Cards to Make Payments to the Town Clerk/Receiver of 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 and taxes collected by such office, and

WHEREAS, JP Morgan Chase Bank, N.A. and Paymentech, LLC have submitted a proposal to the Town of Cheektowaga to accept credit card payments through the PayConnexion product for payments made to the Town Clerk/Receiver of Taxes, and

WHEREAS, this Board is in agreement with the Town Clerk/Receiver of Taxes that the use of credit cards through PayConnexion to pay fees and taxes will be user-friendly to the public and will help the town to maximize revenues, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the PayConnexion Service Terms with JP Morgan Chase Bank, N.A. and Paymentech, LLC for the services hereinabove mentioned, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with JP Morgan Chase Bank , N.A. and Paymentech, LLC for the use of credit cards to pay fees and taxes.

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

## VI. Communications

### A. Departmental Communications

1. Building Permit List - December 2009

### B. General Communications

1. Notice of Claim: David R. Maguda Vs. Town of Cheektowaga
2. Notice of Claim: Michael Moritz Vs. Town of Cheektowaga

- 3. Notice of Claim: Martin Neureuther Vs. Town of Cheektowaga
- 4. Notice of Claim: Martin Neureuther Vs. Town of Cheektowaga
- 5. Notice of Claim: Timothy P. Schlegel 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 Kaznowski to adjourn the meeting at 7:05 PM.

Alice Magierski

Town Clerk



## TOWN OF CHEEKTOWAGA

### INVESTMENT POLICY

#### I. SCOPE

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

#### II. OBJECTIVES

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

#### III. DELEGATION OF AUTHORITY

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

#### IV. PRUDENCE

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

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

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

V. DIVERSIFICATION

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

VI. INTERNAL CONTROLS

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

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

VII. DESIGNATION OF DEPOSITORIES

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

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Sec. 10, all deposits of the Town of Cheektowaga, including certificates of deposits, and special time deposits, in excess of the amount insured under the provisions of the

Federal Deposit Insurance Act shall be secured:

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

#### IX. SAFEKEEPING AND COLLATERALIZATION

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

The security agreement shall provide that eligible securities are being pledged to secure the Town of Cheektowaga deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the

securities may be sold, presented for payment, substituted or released and the events which will enable the Town of Cheektowaga to exercise its rights against the pledged securities. In the event that the securities are not registered on inscribed in the manner of the Town of Cheektowaga, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Cheektowaga or its custodial bank.

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

#### X. PERMITTED INVESTMENTS

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

- . Special Time Deposit accounts;
- . Certificate of Deposits;
- . Obligations of the United States of America;
- . Obligations issued pursuant to LFL Sec. 24.00 of 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Cheektowaga;

- . Obligations of public housing authorities, urban renewal agencies and industrial development agencies where general State statutes governing such entities or whose specific enabling legislation authorizes such investment;
- . Certificates of Participations (COPS) issued pursuant to GML Sec. 109-b;
- . Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec(s) 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

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

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

Town of Cheektowaga. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Chief Fiscal Officer and/or the Director of Administration & Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

#### XII. PURCHASE OF INVESTMENTS

The Chief Fiscal Officer and/or the Director of Administration &

Finance, or other officer having custody of money is authorized to contract for the purchase of investments:

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

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

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Town of Cheektowaga, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town of Cheektowaga a perfected interest in the securities.

### XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

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

## Appendix A

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

Attachment: Town of Cheektowaga Investment Policy 2010 (RES-2010-6 : Adopt Comprehensive Investment Policy)



HSBC	HUD Rehab Loan Program	762-36975-2		Dir. Of Admin & Finance
HSBC	Money Market Account	762-62045-5		Dir. Of Admin & Finance
HSBC	NYS Affordable Housing	762-36885-3		Dir. Of Admin & Finance
M&T bank	General - Checking	0577346		Dir. Of Admin & Finance
M&T bank	General - Savings	0111037271	6,000,000	Dir. Of Admin & Finance
MBIA-Class	Debt Reserve Fund	NY-01-0273-0001	6,000,000	Dir. Of Admin & Finance
MBIA-Class	General Fund	NY-01-0273-0003	2,000,000	Dir. Of Admin & Finance
MBIA-Class	Risk Retention Fund	NY-01-0273-0002	2,000,000	Dir. Of Admin & Finance
MBIA-Class	Special Districts Fund	NY-01-0273-0004	1,000,000	Dir. Of Admin & Finance
			3,000,000	Dir. Of Admin & Finance

Attachment: Town of Cheektowaga Investment Policy 2010 (RES-2010-6 : Adopt Comprehensive Investment Policy)

## APPENDIX B

## Schedule of Eligible Securities

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

## APPENDIX B

Page 2

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



# Town of Cheektowaga

## Work Session

~ Minutes ~

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

Alice Magierski  
716-686-3400

Tuesday, January 12, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on January 12, 2010 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  
Michael Risman, Esq.

## II. Motion at 6:00 PM

Motion by Supervisor Holtz; Seconded by Councilmember Markel to enter Executive Session to discuss litigation matters. All in favor. Discussion ensued.

## III. Motion at 6:25 PM

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to exit the Executive Session. All in favor.

## IV. Resolutions



## 1. RESOLUTION 2010-23

### Settlement of Litigation - Campbell V Town

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

WHEREAS, on or about April 30, 2008, an action (Susan Campbell vs Town of Cheektowaga, et al, Index No. I-2008-5010) 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, and 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.

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



## 2. RESOLUTION 2010-24

### Settlement of Claim - Town Vs. Manko

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

WHEREAS, as a result of proceedings commenced by the Town's Office of Code Enforcement, the Town Justice Court levied a fine against Louis Manko in 2005, which fine was thereafter converted to a civil judgment, and

WHEREAS, Louis Manko has retained an attorney to contest said fine/judgment and litigation has been threatened, and

WHEREAS, the Town Attorney and Supervising Code Enforcement Officer have recommended a settlement with the claimant's attorney; 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 Settlement Agreement and Release of Lien, and the Supervisor and/or Town Attorney 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.

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

### V. Adjournment

Work Session ended at 7:45 PM



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Tuesday, January, 19, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on January 19, 2010 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  
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  
John Staniszewski, TCEA Union Representative  
Mark Wegner, Highway Superintendent  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Public Hearing

### 1. Community Development Block Grant Program

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

## IV. Resolutions



## 1. RESOLUTION 2010-25

### Transfer of Funds

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

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

#### 2009

#### GENERAL FUND

FROM:	100.1315.1971	Part Time Regular	\$ 1,087.00
	100.1420.1901	Regular Payroll	904.00
	100.1430.1971	Part Time Regular	420.00
	100.1440.4001	Office Supplies	2.00
	100.1625.1902	Overtime Payroll	3,109.00
	100.1680.1902	Overtime Payroll	2,690.00
	100.3020.1901	Regular Payroll	2,814.00
	100.3120.1902	Overtime Payroll	21,422.00
	100.6510.4301	Room Rental	78.00
	100.9499.1971	Part Time Regular	59.00

TO:	100.1315.1931	Vacation Sellback	\$ 1.00
	100.1355.1932	Sick Sellback	1,086.00
	100.1420.1931	Vacation Sellback	904.00
	100.1430.1911	Longevity	420.00
	100.1440.1931	Vacation Sellback	1.00
	100.1440.1932	Sick Sellback	1.00
	100.1625.1911	Longevity	1,979.00
	100.1625.1932	Sick Sellback	1,130.00
	100.1680.1914	Shift Differential	2,690.00
	100.3020.1932	Sick Sellback	2,814.00
	100.3120.1911	Longevity	3,550.00
	100.3120.1918	Education	2,000.00
	100.3120.1932	Sick Sellback	866.00
	100.3120.1936	Holiday Sellback	15,006.00
	100.6510.4311	Veterans Affairs Committee	78.00
	100.9499.1931	Vacation Sellback	1.00
	100.9499.1932	Sick Sellback	58.00

#### SPECIAL DISTRICTS FUND

FROM:	255.8125.1911	Longevity	\$ 1,634.00
	255.8125.8143	Retiree Medical Insurance	7,683.00
	255.8135.1902	Overtime Payroll	884.00

TO:	255.8125.1932	Sick Sellback	\$ 1,634.00
	255.8125.8141	Medical Insurance	7,683.00
	255.8135.1932	Sick Sellback	884.00

#### HIGHWAY FUND



FROM: 300.1910.5031	Interfund Transfers In	\$ 21,536.08
TO: 300.5141.1902	Overtime Payroll	\$ 21,536.08
<u>CAPITAL FUND</u>		
FROM: 500.5141.9901.5914	Highway Reconstruction	\$ 21,536.08
TO: 500.9950.9901.5914	Transfers Out	\$ 21,536.08
<u>PART TOWN FUND</u>		
FROM: 800.3620.1971	Part Time Regular	\$ 1,087.00
TO: 800.3620.1932	Sick Sellback	\$ 1,087.00

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



## 2. RESOLUTION 2010-26

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 15, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,289,233.19
RISK RETENTION FUND	77,327.08
DEBT SERVICE FUND	55,785.79
HUD HOUSING REHABILITATION FUND	22,377.00
SPECIAL DISTRICTS FUND	1,148,414.62
HIGHWAY FUND	554,781.09
CAPITAL FUND	277,077.33
TRUST & AGENCY FUND	14,753.44
HUD CDBG FUND	3,084.15
PART TOWN FUND	167,383.25
NYS AFFORDABLE HOUSING	5,504.00
	<u>\$ 5,615,720.94</u>

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



### 3. RESOLUTION 2010-27

## Amend Resolution Establishing Work Session Dates for 2010

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

WHEREAS, by Resolution 2009-662 adopted December 29, 2009, Town Board Work Session Dates for the calendar year 2010 were established; and

WHEREAS, through inadvertence, the dates of June 1st and August 31st, 2010, were not included; NOW THEREFORE, BE IT

RESOLVED, that the dates of June 1<sup>st</sup> and August 31, 2010, shall be added to the list of Work Sessions of Town Board of the Town of Cheektowaga previously established.

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



## 4. RESOLUTION 2010-28

### Adopt Amendment to Vehicles and Traffic Law - Bike Path Access Road

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

WHEREAS, this Town Board held a public hearing on January 4, 2010 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 235-51, 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 (except for designated parking spaces)

#### Section 2. Time to Take Effect

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

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

#### Section 3. Territorial Application

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

#### Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA BEE, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the

Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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



## 5. RESOLUTION 2010-29

### Rescind Bids for Renovations to the Anna Reinstein Library

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

WHEREAS, by resolution dated August 3, 2009 (Resolution 2009-404), this Town Board issued a Notice to Bidders for Renovations to the Anna Reinstein Library, AND

WHEREAS, one aspect of the bid, General Construction Work, was not awarded due to lack of State grant funding, AND

WHEREAS, this Board has decided not to proceed with this portion of the bid, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rescinds all bids for the General Construction Work for the Renovations to the Anna Reinstein Library, AND, BE IT FURTHER

RESOLVED, that this Town Board directs that all bid deposit checks or bid bonds for the General Construction Work for Renovations to the Anna Reinstein Library shall be returned to the respective bidders.

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



## 6. RESOLUTION 2010-30

### Notice to Bidders -Baseball - Softball Equipment

**Sponsored By:** Councilmember Zydell, 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 February 3, 2010 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 February 3, 2010 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and softball equipment.

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

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

Alice Magierski  
Town Clerk

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



7. RESOLUTION 2010-31

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 February 1, 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 21st day of January, 2010, said amendments being set forth in the Notice of Hearing.

\*\*\*\*\*

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on February 1, 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 235-46, 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:

Table with 3 columns: Stop Signs on, Direction Traffic, At Intersection of. Row 1: Como Park Boulevard, West, Bennett Road

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

Dated: January 19, 2010

ALICE MAGIERSKI
Town Clerk

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





## 8. RESOLUTION 2010-32

### Purchase and Installation of Equipment for Pumping Station through State Contract

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

WHEREAS, the Town of Cheektowaga is interested in monitoring and controlling equipment at the Town's wastewater pumping stations through the establishment of a computer network link in order to be able to provide better and quicker service to Town residents; and

WHEREAS, Saia Communications, Inc., has proposed the installation of a network link and the use of a licensed frequency to achieve this goal; and

WHEREAS, Saia Communications, Inc. was awarded the New York State contract (State Contract Group No. 77200, Award #19521) to provide this equipment and associated installation; and has offered the Town of Cheektowaga a contract price of \$43,172.50 for same; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to utilize the New York State contract for the purchase and installation of the necessary equipment and associated labor to monitor and control the equipment at the Roycroft and Union Road waste water pumping stations through Saia Communications, Inc. for the following contract amounts:

Cheektowaga Water Treatment	\$16,875.50
Roycroft Pumping Station	\$13,198.50
Union Road Pumping Station	\$13,098.50

for a total contract in the amount of \$43,172.50; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all and all documents to effectuate the purchase and installation of the aforesaid equipment; and BE IT FURTHER

RESOLVED, that the moneys for this project shall be appropriated from budget line item number 255.8125.4545.

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



## 9. RESOLUTION 2010-33

### Purchase of a Single Conductor Pan & Tilt Camera for the Sewer Maintenance Department

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

WHEREAS, the Sewer Maintenance Department has requested the purchase of a single conductor pan & tilt camera for telespection of sanitary sewers, AND

WHEREAS, the present equipment being used for telespection was manufactured by Cues, being the sole source supplier, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of a single conductor pan & tilt camera, including data acquisition, upgrades, training and trade-in allowance, be awarded to:

Pierce Eagle Equipment Company  
3388 Route 22 West  
Branchburg, New Jersey 08876

in the amount of \$42,615.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account #2550-8125-2500 for said purchase.

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



## 10. RESOLUTION 2010-34

### Asbestos Abatement @ Anna Reinstein Memorial Library

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

WHEREAS, the HVAC work at the Anna Reinstein Library was awarded by Town Board Resolution dated September 8, 2009 which provided for the removal and replacement of various HVAC equipment and components inside the facility, AND

WHEREAS, based on an asbestos survey recently completed, it became evident that asbestos was present at existing piping and various connections that are to be removed as part of the removal and replacement contract, AND

WHEREAS, three (3) asbestos abatement contractors were petitioned to provide services relevant to the removal of said asbestos related to the HVAC equipment, NOW, THEREFORE, BE IT

RESOLVED, that the contract to remove all asbestos relating to the HVAC Contract be awarded to Arric Corp., 5033 Transit Road, Depew, New York 14043 in the amount of \$10,600.00, said bid being the lowest of three (3) contractors petitioned, AND, BE IT FURTHER

RESOLVED, that funding for said contract shall be chargeable to Account No: 500-1440-2520-5838.

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



## 11. RESOLUTION 2010-35

### Nutrition Contracts for 2010

**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 Management Corp., 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 2010, 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 2010, NOW, THEREFORE, BE IT

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

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



## 12. RESOLUTION 2010-36

### Grant Application - Records Management Needs Assessment

**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 retain a consultant to conduct a Needs Assessment to ascertain the feasibility of using an Electronic Content Management System with a Records Management Application to manage the Town's electronic records; NOW, THEREFORE BE IT

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

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

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



## 13. RESOLUTION 2010-37

### Youth & Rec Gymnastics Campout

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

WHEREAS, members of the Department of Youth & Recreational Services' Girl's Gymnastics have requested permission to conduct a sleep-over at the Alexander Community Center, in early 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's Gymnastics to utilize the Alexander Community Center for a sleep-over in early 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.

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



## 14. RESOLUTION 2010-38

### Retain Drug Court Stenographer

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

WHEREAS, in 2008, 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, Diana Proudman 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 Diana Proudman as court stenographer to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the period January 1, 2008 to September 30, 2008, in accordance with the terms of Agreement between her and 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.

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



## 15. RESOLUTION 2010-39

### Retain Drug Court Stenographer

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

WHEREAS, in 2008, 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, Diana Proudman 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 Diana Proudman as court stenographer to provide court reporting services and transcripts, as required, regarding the court-directed Drug Diversion-to-Treatment Program for the period October 1, 2008 to February 28, 2009, in accordance with the terms of Agreement between her and 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.

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





## 16. RESOLUTION 2010-40

### Retain Drug Court Stenographer

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

WHEREAS, in 2008, the Town of Cheektowaga was awarded a Division of Justice Services Byrne Grant ("DCJS Byrne Grant"), a portion of which enabled the Town to engage the services of a court stenographer for court reporting services regarding the Justice (Drug) Court directed Diversion-to-Treatment Program; and

WHEREAS, Paula Bielat of Clarence, New York 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 Paula Bielat as court stenographer to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the period October 1, 2008 to February 28, 2009; in accordance with the terms of Agreement between her and 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.

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



## 17. RESOLUTION 2010-41

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed 19 hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.75/hour effective 1/19/10  
Sean Trapper, Cheektowaga, NY

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.25/hour effective 1/19/10  
Zachary Mullen, Cheektowaga, NY

SENIOR SERVICES Recreation Attendant \$8.75/hour effective 1/01/10  
Penny J. Crabtree, Cheektowaga, NY

SENIOR SERVICES Recreation Attendant \$8.50/hour effective 1/01/10  
Mildred Fournier, Cheektowaga, NY  
Linda Kolb, Cheektowaga, NY  
Barbara Kornecki, Cheektowaga, NY  
Barbara Large, Depew, NY  
Alice Palistrant, Cheektowaga, NY  
Patricia Stein, Cheektowaga, NY  
Nancy Stepnick, Depew, NY  
Janice Zdybowicz, Cheektowaga, NY  
Shirley A. Zulawski, Cheektowaga, NY

SENIOR SERVICES Recreation Attendant \$9.75 effective 1/01/10  
Debra A. Geary, Depew, NY

SENIOR SERVICES Van Driver \$8.75/hour effective 1/01/10  
Robert T. Benzinger, Depew, NY  
Franklin M. Collins, Cheektowaga, NY  
Joseph P. Farugia, Cheektowaga, NY  
Alex Gabryszak, Cheektowaga, NY  
Thomas E. George, Cheektowaga, NY  
Joseph E. Granat, Cheektowaga, NY  
Robert A. Herlan, Cheektowaga, NY  
Gary R. Kruger, Depew, NY  
Shawn P. Liegl, Cheektowaga, NY  
John F. Lumadue, Cheektowaga, NY  
Mary Ellen Prell, Sloan, NY  
John D. Stiegler, Cheektowaga, NY  
Richard E. Thurnherr, Cheektowaga, NY  
Harry W. Zbytek, Cheektowaga, NY

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

SENIOR SERVICES

Betty Adolf effective 10/28/09

Genevieve Bialy effective 7/30/07

Judith Regian effective 4/01/09

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, Kaznowski

**18. RESOLUTION 2010-42****Appointment of Park Maintenance Worker I  
(Labor/Permanent) (Parks Division) (Michael A. Fullington)**

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

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

WHEREAS, Michael A. Fullington of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael A. Fullington 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 January 20, 2010.

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

**19. RESOLUTION 2010-43****Appointment of Laborer (Labor/Permanent) (Highway Department) (Brian Poules)**

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

WHEREAS, a vacancy exists in the title of Laborer in the Highway Department; AND

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

WHEREAS, Brian Poules, currently employed as a Motor Equipment Operator - B in the Sanitation Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Brian Poules 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 January 20, 2010.

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



## 20. RESOLUTION 2010-44

### Appointment of Three (3) Laborers (Labor/Permanent) (Sanitation Department) (Ahrens, Piatek, Vinci)

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

WHEREAS, three (3) vacancies exist in the title of Laborer in the Sanitation Department;  
AND

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

WHEREAS, no bargaining unit member bid on said vacancies; AND

WHEREAS, the following individuals applied for said vacancies and meet the necessary qualifications for appointment:

- David W. Vinci, Depew, New York
- Kenneth Piatek, Sloan, New York
- Christopher Ahrens, Cheektowaga, New York; NOW,

THEREFORE, BE IT

RESOLVED, that the aforementioned individuals be and hereby are appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 20, 2010.

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

## V. Suspension of Rules

Motion by Councilmember Rogowski; seconded by Supervisor Holtz to Suspend the Rules to Include the Following Two (2) Resolutions. Motion Carried.
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# 1. RESOLUTION 2010-45

## Notice to Bidders - Police Prisoner Transport Vehicle

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

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of One (1) New Police Prisoner Transport Vehicle by the Cheektowaga Police Department, said notice to be published in the Cheektowaga Bee; and it is further

RESOLVED, that sealed bids will be received by the Cheektowaga Town Clerk on Wednesday, February 3, 2010, at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

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### NOTICE TO BIDDERS

Sealed proposals will be received and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, February 3, 2010, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) new Police Prisoner Transport Vehicle as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) new Police Prisoner Transport Vehicle as listed in the bid specifications.

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

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

Alice Magierski  
Town Clerk

Dated: January 19, 2010

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



## 2. RESOLUTION 2010-46

### Authorize Supervisor to Execute Agreement with Erie County for Assessment Services

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

WHEREAS, the position of Sole Assessor for the Town of Cheektowaga is presently vacant, and

WHEREAS, Erie County, through the Erie County Department of Real Property Tax Services, has offered to assist the Town with providing assessment services on a temporary part-time basis, and

WHEREAS, the Erie County Department of Real Property Tax Services issued a Request for Proposals for a personal services contractor to perform as Sole Assessor for the Town of Cheektowaga, and

WHEREAS, representatives from the Town interviewed candidates for the position and have recommended Jeneen Lomando-McSkimming for said position, and

WHEREAS, an inter-municipal agreement between the Town of Cheektowaga and the County of Erie for these services has been prepared for the term beginning on February 1, 2010 and terminating on August 31, 2010 for a maximum of \$35,000.00, and has been reviewed by all parties, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned inter-municipal agreement with the County of Erie, and BE IT FURTHER'

RESOLVED, that Jeneen Lomando-McSkimming be and hereby is appointed Sole Assessor for the Town of Cheektowaga for a term commencing on February 1, 2010 and terminating on August 31, 2010.

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

## VI. Communications

### A. Departmental Communications

1. Town of Cheektowaga Emergency Services Quarterly Report for October to December 2009
2. Supervisor's Statement of Funds - November 2009



**B. General Communications**

1. Notice of Claim: Jessica J. Canfield Vs. Town of Cheektowaga
2. Notice of Claim: Nationwide Mutual Fire Ins. Co as Subrogee for Linda Pitts Vs. Town of Cheektowaga
3. Notice of Claim: Sharon Walker Vs. Town of Cheektowaga

**VII. Comments****A. Supervisor's Comments****B. Councilmember's Comments****C. Public Comments****VIII. Adjournment**

Councilmember Zydel gave proclamation to Frank Wilczak from Doyle #2 Fire District for 50 years of Service.

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to adjourn the meeting.  
Time of adjournment was 7:28 PM



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, February 1, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on February 1, 2010 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

Ellen Fischer, Executive Director - Youth Board  
Jerry Gabryszak, Director of Community Development  
Brian Krause, Director of Finance and Administration  
John Marriott, Chairman, Planning Board  
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

### 1. Amendments to Vehicles and Traffic Law - Como Park Blvd. & Bennett Road

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 2010-47

### Transfer of Funds

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

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

2009

GENERAL FUND

FROM:	100.1440.4191	Misc. Expense	\$	1,004.00
	100.1440.4088	Travel Training & Conf.		131.00
	100.1625.1901	Regular Payroll		3,247.00
	100.1625.4202	Telephone Town Wide		1,231.00
	100.1640.4163	Diesel		8,715.00
	100.1670.4002	Print Shop Paper & Supply		814.00
	100.1680.4434	Software Maintenance		6,147.00
	100.1680.4431	Hardware Maintenance		6,147.00
	100.1680.4204	Communications		489.00
	100.1685.4051	Records Management		4.00
	100.1685.4088	Travel Training & Conf.		325.00
	100.1110.1901	Regular Payroll		1,524.00
	100.1110.4001	Office Supplies		695.00
	100.1220.1971	Part-Time Payroll		174.00
	100.1220.2201	Equipment		662.00
	100.1220.4001	Office Supplies		662.00
	100.1315.1971	Part-Time Payroll		1,639.00
	100.1315.4001	Office Supplies		260.00
	100.1315.4088	Travel Training & Conf.		587.00
	100.1355.4082	Conferences & Seminars		551.00
	100.1420.1971	Part-Time Payroll		992.00
	100.1420.2201	Equipment		221.00
	100.1420.4088	Travel Training & Conf.		1,307.00
	100.1420.4188	Equipment Rental		758.00
	100.1430.4088	Travel Training & Conf.		1,287.00
	100.3510.1917	Clothing Allowance		375.00
	100.3510.1971	Part-Time Regular		453.00
	100.3510.2501	Equipment		106.00
	100.3510.4211	Electric		94.00
	100.5132.4221	Electric		1,110.00
	100.7110.1901	Regular Payroll		30,134.00
	100.7310.4689	Conservation Corp.		82.00
	100.7620.2028	Ceramics & Crafts		244.00
	100.7620.4624	Senior Center Programs		3,434.00
TO:	100.1440.4325	Copy Machine Supplies	\$	1,135.00
	100.1625.1914	Shift Differential		60.00
	100.1625.1951	Seasonal Regular		3,187.00
	100.1625.4432	Repairs & Maintenance		1,231.00
	100.1640.4021	Maintenance Supplies		7,339.00

100.1640.4441	Equipment Repairs	1,375.00
100.1640.4446	Maintenance & Repairs	1.00
100.1670.1902	Overtime Payroll	814.00
100.1680.2204	Computer Hardware	12,294.00
100.1680.4088	Travel Training & Conf.	91.00
100.1680.4206	Internet Services	130.00
100.1680.4321	Software Licensing	268.00
100.1685.2000	Equipment	329.00
100.1110.1902	Overtime Payroll	1,524.00
100.1110.4013	Law Books	536.00
100.1110.4431	Equipment Maintenance	159.00
100.1220.1901	Regular Payroll	174.00
100.1220.4088	Travel Training & Conf.	1,324.00
100.1315.1901	Regular Payroll	1,639.00
100.1315.4011	Printed Forms	11.00
100.1315.4431	Maintenance Agreement	836.00
100.1355.4431	Maintenance Agreement	551.00
100.1420.1901	Regular Payroll	1,213.00
100.1420.4013	Law Books	2,065.00
100.1430.2501	Office Equipment	1,162.00
100.1430.4752	Pre-Employment Physical	125.00
100.3510.1902	Overtime	934.00
100.3510.4221	Gas for Dog Kennel	94.00
100.5010.1901	Regular Payroll	1,095.00
100.5132.4431	Radio Repair	15.00
100.7110.1902	Overtime	10,358.00
100.7110.1971	Part-Time Regular	19,776.00
100.7310.4683	Publications & Printing	82.00
100.7620.4027	Senior Center Supplies	244.00
100.7620.4432	Repairs & Maintenance	3,434.00

SPECIAL DISTRICTS FUND

FROM:	150.8160.1901	Regular Payroll	\$ 21,102.00
	255.8125.1901	Regular Payroll	2,109.00
TO:	150.8160.1951	Seasonal Regular	\$ 4,177.00
	150.8160.1971	Part-Time Regular	16,925.00
	255.8125.1902	Overtime	2,109.00

PART TOWN FUND

FROM:	800.3620.4561	Contracted Services	\$ 10,522.00
TO:	800.3620.1901	Regular Payroll	\$ 380.00
	800.3620.1902	Overtime	6,332.00
	800.3620.2201	Office Equipment	3,810.00

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



## 2. RESOLUTION 2010-48

### Warrant

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

**BE IT RESOLVED,** that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 29, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 192,296.33
RISK RETENTION FUND	549,930.55
HUD HOUSING REHABILITATION FUND	9,413.00
SPECIAL DISTRICTS FUND	27,746.97
HIGHWAY FUND	182,320.95
CAPITAL FUND	356,832.25
TRUST & AGENCY FUND	2,213.73
HUD CDBG FUND	2,721.23
PART TOWN FUND	2,384.06
NYS AFFORDABLE HOUSING	7,314.00
	<u>\$1,333,173.07</u>

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



### 3. RESOLUTION 2010-49

## Settlement of Litigation - Aldi, Inc. V Town

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

WHEREAS, Aldi, Inc., commenced Article 7 proceedings against the Town for Tax Years 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009 and 2009-2010, seeking a reduction in the assessment of properties owned by it located at 1685 Walden Avenue in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town 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 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 Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

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



## 4. RESOLUTION 2010-50

### Settlement of Litigation - Grunin LLC V Town

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

WHEREAS, Grunin, LLC, commenced Article 7 proceedings against the Town for Tax Year 2008-2009 and 2009-2010, seeking a reduction in the assessment of properties owned by it located at 145 Gruner Road in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town 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 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 Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

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





5. RESOLUTION 2010-51

Rescission of and Readvertisement for Bids - Boarding Up, Etc. of Buildings on Unmaintained Properties for 2010

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, after advertisement for bids, by resolution dated December 21, 2009 Resolution 2009-634), this Town Board awarded a bid for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant and Unmaintained Properties in the Town of Cheektowaga, and

WHEREAS, the successful bidder was unable to comply with one of the bid requirements, and therefore, this Town Board must re-advertise for bids for this project,

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have re-drafted bid specifications for this purpose for calendar year 2010, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rejects all bids received on December 16, 2009 and the Bid Award dated December 21, 2009 for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant and Unmaintained Properties in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until February 17, 2010 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2010, said services to include installation of padlocks and latches; boarding up of openings and minor demolitions.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Boarding Up, Etc. of Properties for 2010" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Alice Magierski  
Town Clerk

DATED: February 1, 2010

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



6. RESOLUTION 2010-52

Rescission of and Readvertisement for Bids - Snow & Ice Removal from Unmaintained Properties for 2010

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, after advertisement for bids, by resolution dated December 21, 2009 (Resolution 2009-601), this Town Board awarded a bid for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant and Unmaintained Properties in the Town of Cheektowaga, and

WHEREAS, the successful bidder was unable to comply with one of the bid requirements, and therefore, this Town Board must re-advertise for bids for this project,

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have redrafted bid specifications for this purpose for calendar year 2010, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rejects all bids received on December 16, 2009 and the Bid Award dated December 21, 2009 for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant and Unmaintained Properties in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant and Unmaintained Properties in the Town of Cheektowaga for 2010 in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until February 17, 2010 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2010.

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 Removal of Snow and Ice from Public Sidewalks for

2010" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Alice Magierski

Town Clerk

DATED: February 1, 2010

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



### 7. RESOLUTION 2010-53

## Notice to Bidders for Equipment & Operators for Public Works Projects

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

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for Public Works Projects in the Town of Cheektowaga effective March 1, 2010 to March 1, 2011 with an option to renew for three (3) additional one (1) year periods, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the Furnishing of Equipment and Operators for Public Works Projects, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 17th day of February, 2010 at 11:00 A.M. at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

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### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 2010 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment and operators for Public Works Projects in the Town of Cheektowaga effective March 1, 2010 to March 1, 2011 with an option to renew for three (3) additional one (1) year periods.

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

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

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

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

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

Please be advised that in accordance with a resolution adopted by the Cheektowaga Town Board on December 23, 2008, effective December 24, 2008, contractors on all construction contracts with a value in excess of \$1,000,000 and up to \$3,000,000 must have Apprenticeship Agreements appropriate for the type and scope of work to be performed that have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

Alice Magierski  
Town Clerk

DATED: February 1, 2010

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



## 8. RESOLUTION 2010-54

### Notice to Bidders for Purchase of Police Patrol Vehicles

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

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Six (6) New and Unused 2010 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 by the Town Clerk on the 17th day of February, 2010 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.

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#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, February 17th, 2010 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the purchase of six (6) new and unused police patrol 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 1, 2010

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



9. RESOLUTION 2010-55

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 2010 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 2010, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 17th day of February, 2010 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of work uniforms for the 2010 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: February 1, 2010

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





10. RESOLUTION 2010-56

2010 Community Development Block Grant Annual Plan and 5-Year Consolidated Plan

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,045,720 in Community Development Block Grant Funds and \$382,478 in HOME Investment Partnership funds for the 2010 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 2, 2009 and January 19, 2010, 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 2010 and the HOME Consortium Five-Year Consolidated Plan to the Department of Housing and Urban Development for the 2010 to 2014 Program Year period in conjunction with the Amherst-Cheektowaga-Tonawanda HOME Consortium, including the projects contained in the attached CDBG and HOME Project Summaries, and BE IT

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the required Certifications and any other Community Development Block Grant and HOME Program related documents as may be necessary, including annual grant agreements with the United States Department of Housing and Urban Development.

Town of Cheektowaga
Community Development Block Grant Program Budget

2010 Program Year

Table with 2 columns: Item description and Amount. Rows include Administration (\$170,000), Housing Rehabilitation - Single Family Owner-Occupied Units (225,000), Housing Rehabilitation - Multi-Family Units (60,000), Rehabilitation Activity Delivery Costs (240,882), Environmental Hazard Testing (12,000), Code Enforcement/Neighborhood Preservation Activities (9,000), Disposition (20,000), Acquisition (50,000), and Public Safety - Police Foot Patrols (38,000).

Housing Counseling Services . . . . .	10,000
Fair Housing . . . . .	8,000
Weatherization . . . . .	6,000
Senior Citizen Services Outreach Assistant . . . . .	10,000
Senior Citizen Wheelchair Van . . . . .	18,000
Handicapped Accessibility - Wheelchair Lift for Alexander Center . . . . .	13,000
Summer Day Camp for Children. . . . .	20,000
<u>Village of Depew</u> . . . . .	94,520
\$ 38,000 - Public Safety-Police Foot Patrols	
11,500 - Senior Citizen Van Driver	
11,500 - Senior Services Center Support Staff	
14,520 - Narcotics and Traffic Enforcement Detail	
19,000 - Senior Citizen Van	
<u>Village of Sloan</u> . . . . .	33,318
\$ 3,500 - Signage	
\$ 5,000 - Equipment & Improvements for Village Parks	
\$ 15,000 - Sidewalk Improvements	
\$ 9,818- Drainage and Sewer Improvements	
Contingency B Unprogrammed Funds. . . . .	8,000

**CDBG Grant Amount      \$ 1,045,720**

Projected Revolving Program Income - Housing Rehabilitation . . . . .	200,000
Projected Revolving Program Income - Economic Development . . . . .	300,000

**TOTAL CDBG BUDGET: Entitlement & Revolving Income Funds      \$ 1,545,720**

**Town of Cheektowaga  
HOME Investment Partnership Program  
2010 Program Year**

**HOME Funds**

<u>First-Time Homebuyers Program</u>	\$ 70,000*
Loans of up to \$7,500 for closing cost/downpayment assistance for First-Time Homebuyers.	
<u>Housing Rehabilitation</u>	302,478*
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
<b>TOTAL B HOME Funds</b>	<b>\$ 382,478</b>

\* Does not include HOME Program Income

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



## 11. RESOLUTION 2010-57

### Youth & Recreation Transfer

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

BE IT RESOLVED that the below listed individual be transferred from Clerk Typist (Temporary) 7310.1901 to Recreation Attendant -7310.1804

Regular Part-time \$9.50 effective 2/2/10.

Sherry Maran

Motion by Supervisor Holtz; Seconded by Councilmember Markel to waive the Reading of Names for the following Resolutions: 2010-57 and 2010-58. Motion Carried.

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



## 12. RESOLUTION 2010-58

### Hiring/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:

**SANITATION DEPARTMENT**

Geoffrey Haraburda effective 12/31/09

Cory Herr effective 12/31/09

Scott Jachimaik effective 12/31/09

Jeffrey Lempko effective 12/31/09

Michael McGill effective 12/31/09

Antonio Scarpone effective 12/31/09

David Sparbel effective 12/31/09

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

**13. RESOLUTION 2010-59****Reinstatement of Working Crew Chief Highway Department  
(Thomas G. Poules)**

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

WHEREAS, Thomas G. Poules requested a one (1) year leave of absence from his position of Working Crew Chief in the Highway Department to accept the position of Deputy Highway Superintendent effective January 9, 2010; AND

WHEREAS, Mr. Poules wishes to return to his position of Working Crew Chief in the Highway Department; NOW, THEREFORE, BE IT

RESOLVED, that Thomas G. Poules be and hereby is returned to the position of Working Crew Chief in the Highway Department effective January 25, 2010.

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



## 14. RESOLUTION 2010-60

### **Appointment of Clerk Typist (Youth and Recreation Department) (Competitive/Permanent) (Carol Szczesniak)**

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

WHEREAS, a vacancy exists in the title of Clerk Typist in the Youth and Recreation Department; AND

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

WHEREAS, 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, Carol Szczesniak appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE BE IT

RESOLVED, Carol Szczesniak of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 5, 2010.

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



## 15. RESOLUTION 2010-61

### **Appointment of Principal Engineer Assistant (Engineering Department) (Competitive/Permanent) (Paul Piwowarski)**

**Sponsored By:** Swiatek, Holtz, Rogowski

WHEREAS, a vacancy exists in the position of Principal Engineer Assistant in the Engineering Department; AND

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

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

WHEREAS, Paul G. Piwowarski, currently employed as a Senior Engineer Assistant in the Engineering Department, appears on the existing Civil Service promotional list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Paul G. Piwowarski of Depew, New York, be and hereby is appointed to the position of Principal Engineer Assistant in the Engineering Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 2, 2010.

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



**16. RESOLUTION 2010-62****Appointment of Park Maintenance Worker II (Parks Division)  
(Labor/Permanent) (Michael V. Full)**

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

WHEREAS, a vacancy exists in the title of Park Maintenance Worker II 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 Park Maintenance Worker I in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; 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 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 February 1, 2010.

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

**17. RESOLUTION 2010-63****Appointment of Laborer (Sanitation Department)  
(Labor/Permanent) (Steven Schultz)**

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

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

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

WHEREAS, Steven Schultz, currently employed as a Park Maintenance Worker I in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Steven Schultz 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 February 1, 2010.

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

**18. RESOLUTION 2010-64****Appointment of Park Maintenance Worker I (Parks Division)  
(Labor/Permanent) (Jim Lis)**

**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, Jim Lis, currently employed as a Motor Equipment Operator-B in the Highway Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jim Lis 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 February 8, 2010.

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

**19. RESOLUTION 2010-65****Travel Authorization Police Department (Sergeant Brian Coons, Sergeant Lawrence Bauer, Sergeant Thomas Allen, Lieutenant Michael Sliwinski)**

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

WHEREAS, the New York Tactical Officers Association Expo and Conference is being held April 27-29, 2010 in Verona, New York; AND

WHEREAS, Sergeant Brian Coons, Sergeant Lawrence Bauer, Sergeant Thomas Allen and Lieutenant Michael Sliwinski have requested authorization to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$1656.96; AND

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

RESOLVED, that Sergeant Brian Coons, Sergeant Lawrence Bauer, Sergeant Thomas Allen and Lieutenant Michael Sliwinski be and hereby are authorized to attend the New York Tactical Officers Association Expo and Conference being held April 27-29, 2010 in Verona, New York.

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

**20. RESOLUTION 2010-66****Travel Authorization Police Department (Police Officer Anthony Nazzarett, Police Officer Brian Gray)**

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

WHEREAS, a Traffic Crash Reconstruction Course (Advanced) is being held February 1-12, 2010 in Amherst, New York; AND

WHEREAS, Police Officer Anthony Nazzarett and Police Officer Brian Gray have requested authorization to attend said course; AND

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

WHEREAS, the total cost to the Town shall not exceed \$2597.87; AND

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

RESOLVED, that Police Officer Anthony Nazzarett and Police Officer Brian Gray be and hereby are authorized to attend the Traffic Crash Reconstruction Course (Advanced) being held February 1-12, 2010 in Amherst, New York.

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



## 21. RESOLUTION 2010-67

### Travel Authorization Youth and Recreation Department (Program Coordinator Jillian Gorman-King)

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

WHEREAS, a Association of New York State Annual Youth Leadership Conference is being held February 8-9, 2010 in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King and three Cheektowaga youth have requested authorization to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$550.00; AND

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

RESOLVED, that Program Coordinator Jillian Gorman-King and three Cheektowaga youth be and hereby are authorized to attend the Association of New York State Annual Youth Leadership Conference being held February 8-9, 2010 in Albany, New York.

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

## V. Communications

### A. Departmental Communications

1. Minutes - Cheektowaga Traffic Safety Commission - December 15, 2009
2. Minutes - Cheektowaga Conservation Advisory Council - January 7, 2010

### B. General Communications

1. Notice of Claim: Erie County Water Authority Vs. Town of Cheektowaga
2. Notice of Claim: Deborah Holler Vs. Town of Cheektowaga
3. Notice of Claim: John & Barbara Kehoe Vs. Town of Cheektowaga
4. Notice of Claim: Stephanie Newman Vs. Town of Cheektowaga
5. Notice of Claim: Walter Sieroslowski Vs. Town of Cheektowaga

- 6. Notice of Claim: Jacqueline Surles Vs. Town of Cheektowaga

**VI. Comments**

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

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

***C. Public Comments***

**VII. Exit to Executive Session at 7:15 PM**

Motion by Councilmember Rogowski; Seconded by Councilmember Jaworowicz to move into Executive Session. Motion Carried. After Executive Session, meeting was closed.

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

Thursday, February, 4, 2010

5:15 PM

Council Chambers

## I. Call to Order

5:15 PM Meeting called to order on February 4, 2010 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. **Motion To:** Move into Executive Session at 5:17 PM to discuss a Personnel Matter.  
Motion Carried.

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

3. **Motion To:** Return Public Session at 5:34 pm. Motion Carried.

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

## II. Resolutions





## 1. RESOLUTION 2010-68

### Termination of Cheektowaga Police Officer

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

WHEREAS, Cheektowaga Chief of Police Christine M. Ziembra 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 Amended Charges were duly served upon Officer Robida; and

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 on January 8, January 9, January 14, January 15, February 10, February 11, and February 18, 2009, as to whether each of the Amended Charges should be sustained against Officer Robida; and

WHEREAS, on June 29, 2009, Hearing Officer Whiting issued certain Recommendations to the Cheektowaga Town Board as to whether each of the Amended Charges should be sustained; and

WHEREAS, upon considering the record compiled in that Hearing and Hearing Officer Whiting's Recommendations, the Cheektowaga Town Board unanimously adopted Resolution 2009-366 on July 6, 2009; and

WHEREAS, pursuant to Resolution 2009-366, the Cheektowaga Town Board found that the following charges were 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 Ziembra'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.
- Charge Six: Officer Robida has brought discredit upon the Cheektowaga Police Department; and

WHEREAS, pursuant to these findings, Resolution 2009-366 directed Hearing Officer Whiting to conduct a further hearing to determine a recommended punishment for Officer

Robida (the "Penalty Phase Hearing"); and

WHEREAS, Hearing Officer Whiting conducted the Penalty Phase Hearing on July 20, July 23, October 26, October 27, and October 28, 2009; and

WHEREAS, on January 26, 2010, Hearing Officer Whiting submitted to the Cheektowaga Town Board the "Recommendation of Hearing Officer for Penalty Phase" ("Penalty Phase Recommendation"), which recommended that Officer Robida's punishment for his guilt as to Charges One, Three, Four, and Six, should be as follows:

a suspension of sixty (60) days without pay and that [Officer Robida] should not be allowed to use any type of leave to satisfy this suspension [which] is in addition to whatever other suspension he may have already served previously as a result of the charges herein;

and

WHEREAS, on February 1, 2010, the Cheektowaga Town Board was presented with the complete record of the Penalty Phase Hearing, including the hearing transcript and all evidentiary exhibits entered into evidence; and

WHEREAS, the Cheektowaga Town Board has had an opportunity to review this record and the Hearing Officer's Penalty Phase Recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Cheektowaga Town Board declines to adopt the Hearing Officer's Penalty Phase Recommendation, for the following reasons:

A. According to Hearing Officer Whiting, "This disciplinary action centers around a relationship David K. Robida and K\_\_\_\_\_ Z\_\_\_\_\_ had for approximately four years or so from 2003 to 2007 and around events that occurred between them on the evening of June 13, 2008 and continued through June 15, 2008 while Officer Robida was off duty." (Penalty Phase Recommendation, p. 4). To the contrary, the Penalty Phase Hearing concerned much more: whether Officer Robida's pattern of misconduct throughout his tenure as a Cheektowaga Police Officer, combined with his guilt as to four of the Amended Charges, justified his termination. In Resolution 2009-366, the Cheektowaga Town Board directed Hearing Officer Whiting to determine Officer Robida's punishment, "based upon the Town Board's findings [therein], Officer Robida's overall record and any other evidence which the Hearing Officer should deem relevant to this determination." Accordingly, Hearing Officer Whiting did not carry out this directive.

B. In the Penalty Phase Recommendation (see p. 5), Hearing Officer Whiting improperly attempts to revise his earlier Recommendations dated June 29, 2009, by declaring that the brother of K\_\_\_\_\_ Z\_\_\_\_\_ "was responsible for what started this course of events" leading to the Amended Charges against Officer Robida. To the contrary, Officer Robida's response to conduct involving the brother of K\_\_\_\_\_ Z\_\_\_\_\_ at the Bayou bar on June 12, 2008, did not serve as the basis for any of the Amended Charges.

C. In the Penalty Phase Recommendation, Hearing Officer Whiting does not cite to any testimony elicited during the Penalty Phase Hearing. He also overlooks key documentary evidence - notably Employer's Exhibit 9, in which 48

Cheektowaga Police Department officers signed a statement requesting Officer Robida's resignation from the Department. In so doing, the hearing officer did not carry out the Town Board's directive as described in point (A) above.

D. Inconsistent with the Court of Appeals precedent provided by Matter of Kelly v. Safir, 96 N.Y.2d 32 (2001), the Hearing Officer fails to find that Officer Robida's guilt as to Charge Four (viz., knowingly making a false statement to the Cheektowaga Police Department on July 18, 2008) justifies his termination from the Department, particularly after Officer Robida squandered several opportunities to change his behavior as the result of progressive discipline. The disciplinary record of "Officer B" (see Penalty Phase Recommendation, p. 17) does not require a different result: after progressive discipline failed to change Officer B's behavior, Chief Ziemba sought his termination through a Civil Service Law Section 75 proceeding, but Officer B resigned from the Department before that proceeding ever took place.

E. With regard to Charge Six (viz., that Officer Robida has brought discredit upon the Cheektowaga Police Department), Hearing Officer Whiting submits that "no evidence [was] submitted showing that any of the alleged incidents [involving Officer Robida] were made public or actually caused notoriety or public discredit to the Cheektowaga Police Department." (Penalty Phase Recommendation, p. 7). This is not true. To the contrary, Officer Robida has admitted that his conduct at Savannah's Night Club in November or December 2003 (see Employer's Exhibit 2, Tab 3), at Louie's Texas Hots on January 14, 2006 (see id., Tab 5), and at Matty's Bar on August 4, 2006 (see id., Tab 7), brought discredit upon the Department. Officer Robida's conduct underlying Charges One and Three, moreover, became known to civilians such as K\_\_\_\_\_, Z\_\_\_\_\_, members of her family, and patrons of the Sunset Bay Beach Club on July 4, 2008. Such conduct thereby brought further discredit to the Cheektowaga Police Department, whether the Department publicized it or not. See Matter of Robertson v. Eccleston, 183 A.D.2d 1045 (3d Dep't 1992).

F. The Penalty Phase Recommendation fails to credit or cite to the testimony provided by Chief Christine Ziemba as to the distinction between Officer Robida's disciplinary record on one hand, and the disciplinary records of Officers "1" through "7" on the other.

G. In attempting to justify his finding that Officer Robida should not be terminated, Hearing Officer Whiting states that the Town of Cheektowaga did not terminate the employment of Officers "A" through "E." (Penalty Phase Recommendation, p. 18). This is immaterial: three of those officers resigned before Civil Service Law Section 75 proceedings could begin, disciplinary charges against the fourth officer are pending, and the fifth officer was a probationary employee who voluntarily resigned in lieu of dismissal. Stated differently, four of those five officers resigned from their employment before the Town of Cheektowaga had the opportunity to terminate them.

H. Comparing Officer Robida's disciplinary record with that of Officer 7, Hearing Officer Whiting states that Officer Robida's record includes seven (7) instances of misconduct. (Penalty Phase Recommendation, p. 18). This is incorrect. Including the events underlying Charges One, Three, and Four, Officer Robida has engaged in misconduct on ten (10) separate occasions, as opposed to Officer 7's nine (9) occasions.

I. Hearing Officer Whiting further asserts that “none of Officer Robida’s charges involve incompetency, inefficiency, or failure to carry out duties.” (Penalty Phase Recommendation, p. 18). This is incorrect. Notably, Charge Three arose from Officer Robida’s disobeying a direct Order of Chief Ziemba, and Charge Four arose from Officer Robida’s failure to satisfy his duty to tell the truth to the Cheektowaga Police Department in the course of an internal affairs investigation. Further, Officer Robida’s disciplinary history-Employer Exhibit 2-contains numerous incidents of incompetence, inefficiency or failure to carry out duties.

J. Hearing Officer Whiting further attempts to justify his recommendation not to terminate Officer Robida’s employment, in part, because of “[h]is history of awards, letters of commendation, etc.” (Penalty Phase Recommendation, p. 18). Many of those awards arose from Officer Robida’s actions as part of a group of several officers. The negative impact of Officer Robida’s repeated misconduct far outweighs the positive impact of those awards and citations.

K. The Penalty Phase Recommendation fails to give appropriate weight to the findings of Dr. Jay Supnick, who performed a psychological evaluation of Officer Robida, and found that: (i) Officer Robida “has personality traits that significantly contribute to him engaging in problematic behavior for a police officer” (see Employer’s Exhibit 4, at p. 4), (ii) Officer Robida will continue to get into trouble and will continue to refuse to take responsibility for his actions (see Penalty Phase Hearing Transcript pp. 1027-28), and (iii) he would not recommend Officer Robida to be hired as a police officer in the Town of Cheektowaga (see id. pp. 1068-69).

BE IT FURTHER RESOLVED that, in view of Officer Robida’s extensive disciplinary record (see Employer’s Exhibit 2) and his continued failure to rehabilitate his conduct (as testified to by Chief Ziemba), Officer Robida’s punishment for his misconduct set forth in Charges One, Three, Four, and Six, as sustained by the Cheektowaga Town Board in Resolution 2009-366, should be termination from employment as a Town of Cheektowaga Police Department officer. More particularly, the Board finds:

1. The Cheektowaga Police Department has given David Robida every opportunity to rehabilitate his conduct through its use of progressive discipline. Officer Robida has admitted that he brought discredit upon the Department by his actions at Savannah’s Night Club in November or December 2003 (see Employer’s Exhibit 2, Tab 3), at Louie’s Texas Hots on January 14, 2006 (see id., Tab 5), and at Matty’s Bar on August 4, 2006 (see id., Tab 7). The Department gave Officer Robida a final opportunity to amend his conduct when he agreed to a 45-day suspension in May 2007 as punishment for the incident that took place at Matty’s Bar on August 4, 2006. He has failed to take advantage of this final opportunity, as evidenced by the Cheektowaga Town Board’s finding of Officer Robida’s guilt as to Charges One, Three, Four, and Six.

2. The report prepared by Dr. Jay Supnick (see Employer’s Exhibit 4) demonstrates that Officer Robida is beyond rehabilitation. He will continue to refuse to take responsibility for his misconduct, as evidenced by his open letter to the Cheektowaga Police Department (see Employer’s Exhibit 8), in which he blames “the powers that be” for wanting him to “lose [his] employment” as the result of a “one sided investigation.” The Cheektowaga Town Board gives particularly great weight to Dr. Supnick’s opinion that he would not recommend Officer Robida’s hiring by the Cheektowaga Police Department if he were newly

applying for employment today.

3. Exactly 48 of David Robida's fellow Cheektowaga Police Department officers have signed a statement declaring that his "behavior does not warrant the title of police officer and . . . it is time that [he] move on to the next phase of [his] life." (See Employer's Exhibit 9).

4. Reasons (1) through (3) above, combined with Officer Robida's disrespectful treatment of K\_\_\_\_\_ Z\_\_\_\_\_ while he was off-duty on June 13-15, 2008, merit his termination pursuant to his guilt as to Charge One. Off-duty misconduct, even away from the workplace, serves as a proper predicate for termination of a police officer. See, e.g., Matter of Petry v. Constantine, 210 A.D.2d 866 (3d Dep't 1994); Matter of Robertson v. Eccleston, 183 A.D.2d 1045 (3d Dep't 1992); Matter of Pollett v. McGourty, 111 A.D.2d 1023 (3d Dep't 1985); Matter of Zazycki v. City of Albany, 94 A.D.2d 925 (3d Dep't 1983).

5. Reasons (1) through (3) above, combined with Officer Robida's violation of Chief Christine Ziemba's order to have no contact (including third-party contact) with K\_\_\_\_\_ Z\_\_\_\_\_, merit his termination pursuant to his guilt as to Charge Three. The orderly function of the Cheektowaga Police Department depends upon the Department's ability to enforce the Chief's orders, and to assign consequences to those who choose to disobey them.

6. Reasons (1) through (3) above, combined with Officer Robida's decision to make knowingly a false report to the Cheektowaga Police Department on July 18, 2008, merit his termination pursuant to his guilt as to Charge Four. See Matter of Kelly v. Safir, 96 N.Y.2d 32, 40 (2001). Officer Robida's past untruthfulness renders him to be of no value to any future police investigation. (See Penalty Phase Hearing Transcript, p. 738).

7. Reasons (1) through (3) above, combined with the discredit that Officer Robida has brought to the Cheektowaga Police Department as a result of his misconduct underlying Charges One, Three, and Four, merit his termination pursuant to his guilt as to Charge Six. See Matter of Revella v. Felton, 60 A.D.3d 1184 (3d Dep't 2009); Matter of Novotny v. Constantine, 150 A.D.2d 852 (3d Dep't 1989).

8. Officer Robida's misconduct underlying Charges One, Three, Four, and Six constitutes acts of delinquency seriously affecting his general character and fitness for office. That misconduct, in view of Officer Robida's extensive disciplinary record, his continued failure to rehabilitate himself, and his repeated neglect for the requirements of the Duties and Rules of Conduct for the Government and Discipline of the Cheektowaga Police Department, demonstrates that he is not competent to serve as a Cheektowaga Police Department officer. The Cheektowaga Town Board therefore finds that David Robida should be dismissed from his employment with the Cheektowaga Police Department, pursuant to New York Town Law Section 155.

BE IT FURTHER RESOLVED that, in view of his extensive disciplinary record and his continued failure to rehabilitate his conduct, David K. Robida's employment with the Cheektowaga Police Department is hereby terminated immediately, pursuant to Civil Service Law Section 75 and Town Law Section 155, as punishment for his misconduct underlying Charges One, Three, Four, and Six; and

BE IT FURTHER RESOLVED that for Reasons (4) through (7) stated above, the Cheektowaga Town Board further finds that dismissal from his employment with the Cheektowaga Police Department would constitute the appropriate punishment for David K. Robida, even if only a single one of Charges One, Three, Four, and Six were ultimately sustained against him (see Matter of Langler v. County of Cayuga, 68 A.D.3d 1775, \_\_\_ N.Y.S.2d \_\_\_ (4th Dep't 2009)).

Unanimous motion, Unanimous Second.

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

### III. Adjournment

Motion by Supervisor Holtz, seconded by Councilmember Markel to adjourn meeting at 5:45 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

Thursday, February, 18, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on February 18, 2010 at Council Office, Conference Room, 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

Brian Krause, Director of Finance and Administration  
Kevin Schenk, Town Attorney

### 3. Motion To: Motion to Enter Into Executive Session

COMMENTS - Current Meeting:

To discuss litigation matters.

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

### 4. Motion To: Motion to Exit Executive Session

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

## II. Resolutions



## 1. RESOLUTION 2010-120

### Settlement of Litigation - Transit Auto Center, Inc.

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

WHEREAS, Transit Auto Center, Inc., commenced Article 7 proceedings against the Town for Tax Year 2009-2010, seeking a reduction in the assessment of properties owned by it located at 5460 Transit Road (S.B.L. Nos. 104.61-2-9 and 104.61-2-10) in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town 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 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 Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

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





# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, February 22, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on February 22, 2010 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  
Andrew Kulyk, Zoning Board Chairman  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
John Staniszewski, TCEA Union Representative  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-69

### Transfer of Funds

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

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

#### 2009

#### GENERAL FUND

FROM:	100.1420.4501	Legal Attorney	\$ 49,000.00
	100.9010.8141	Medical Insurance	155,000.00
	100.9010.8143	Medical Insurance Retirees	70,265.00
	100.1640.1901	Regular Payroll	300.00
	100.1680.1902	Overtime Payroll	24.00
	100.3020.1901	Regular Payroll	8,302.00
	100.3120.1901	Regular Payroll	4,412.00
	100.7140.4522	Pro-Shop	2,372.00
	100.3120.2501	Other Equipment	7.00
TO:	100.1430.4502	Legal Personnel	\$ 225,493.00
	100.1440.1902	Overtime Payroll	18,011.00
	100.1640.1990	Other Pay	300.00
	100.1680.1914	Shift Differential	24.00
	100.1910.4101	Unallocated Insurance	13,626.00
	100.1910.4706	Real Property Taxes	17,135.00
	100.3020.1902	Overtime Payroll	8,302.00
	100.3120.1914	Shift Differential	4,412.00
	100.7140.4999	Credit Card Expense	2,372.00
	100.3120.4006	Dare	7.00

#### SPECIAL DISTRICTS FUND

FROM:	640.1910.2799	Appropriated Fund Balance	\$ 403.00
TO:	640.8354.4339	Hydrant Rental	\$ 403.00

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



## 2. RESOLUTION 2010-70

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 19, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$	884,100.41
RISK RETENTION FUND		100,228.99
HUD HOUSING REHABILITATION FUND		10,584.50
SPECIAL DISTRICTS FUND		463,798.45
HIGHWAY FUND		215,556.34
CAPITAL FUND		285,286.39
TRUST & AGENCY FUND		6,648,549.71
HUD CDBG FUND		37,641.46
PART TOWN FUND		34,017.42
NYS AFFORDABLE HOUSING		10,215.50
		<u>10,215.50</u>
	\$	8,689,979.17

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

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



### 3. RESOLUTION 2010-71

## Adopt Amendments to Vehicle & Traffic Law - Como Park Blvd/Bennett Rd.

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

WHEREAS, this Town Board held a public hearing on February 1, 2010 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
Como Park Boulevard	West	Bennett Road

#### Section 2. Time to Take Effect

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

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

#### Section 3. Territorial Application

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

#### Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be

published in the CHEEKTOWAGA BEE, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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



## 4. RESOLUTION 2010-72

### Approval of Change Order No. 1 (General Construction Work) Building Maintenance Facility

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

WHEREAS, the contract for the General Construction Work for the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Building Innovation Group, Inc., 107 Lincoln Parkway, East Rochester, New York 14445 in the amount of \$806,642.00, AND

WHEREAS, the project architect, EI Team, and the Town Engineer have recommended the approval of Change Order No. 1 (General Construction Work) which provides for various additions and credits to the original contract amount as further outlined on the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (General Construction Work) for the new Building Maintenance Facility in the amount of \$9,565.89 as an addition to the contract of Building Innovation Group, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said change order document on behalf of this Town Board.

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



## 5. RESOLUTION 2010-73

### Change Order No. 1 for Contract for Demolition of 44 Meadowbrook Parkway and 155 Wellworth Place

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

WHEREAS, the contract for Furnishing Equipment, Operators and Laborers for the Demolition of Properties Located at 44 Meadowbrook Parkway and 155 Wellworth Place was awarded to Geiter Done of WNY, Inc. by resolution dated December 29, 2009 (Resolution 2009-657) for the contract amount of \$15,925.00, and

WHEREAS, subsequent to said bid award, the Town was notified that there was asbestos present in the siding underneath the vinyl siding on 155 Wellworth Place, and

WHEREAS, the removal of said asbestos material will cost an additional \$4,500.00, and

WHEREAS, the Managing Housing Inspector recommends the approval of Change Order No. 1 (final) which provides for contract modifications for the removal of asbestos materials at 155 Wellworth Place, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the revised project and directs the Supervisor to execute the necessary Change Order No. 1 documents with Geiter Done of WNY, Inc., which provides for an increase to the aforesaid contract in the amount of \$4,500.00 which shall be chargeable to budget line item number 800-3620-4520.

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



## 6. RESOLUTION 2010-74

### Approve Amended PILOT Agreement for Collegiate Village

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

WHEREAS, by resolutions dated September 11, 2007 (Resolution 2007-519), February 4, 2008 (Resolution 2008-73) and February 23, 2009 (Resolution 2009-85), 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), February 4, 2008 (Resolution 2008-73) and February 23, 2009 (Resolution 2009-85).

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





## 7. RESOLUTION 2010-75

### Amend Community Development Annual Plans

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

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing & Urban Development, and

WHEREAS, the Town wishes to amend its Annual Community Development Block Grant Action Plan for the 2003-2007 program years pursuant to the attached Community Development Block Grant Program Amendment Report, and

WHEREAS, citizens and interested parties were provided the opportunity to comment on the proposed amendment pursuant to the Citizen Participation Plan previously adopted by the Town Board, and

WHEREAS, the Director of Community Development recommends approval of the proposed amendment, Now Therefore Be It

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Annual Community Development Block Grant Action Plan for the 2003-2007 program years pursuant to the attached Community Development Block Grant Program Amendment Report.

Town of Cheektowaga  
Community Development Block Grant Program  
Notice of Amended Plan  
2010 - #1

The Town of Cheektowaga amends its Annual Community Development Block Grant Action Plan as follows:

- (1) The following activities will be canceled and the remaining funds, which are no longer required for the stated activity, will be transferred as indicated:
  - (a) 2003 Temporary Relocation (Current Balance-\$373.36)-funds will be transferred to Disposition;
  - (b) 2006 Removal of Architectural Barriers-Elevator at North Branch Library-(Current Balance-\$4,000) funds will be transferred to 2006 Acquisition;
  - (c) 2007 Public Facilities-Elevator at North Branch Library (Current Balance-\$19,760)-funds will be transferred to Single Family Housing Rehabilitation;
  - (d) 2007 Sidewalk Replacement (Current Balance-\$10,000)-funds will be transferred to Single Family Housing Rehabilitation;
  - (e) 2007 Tree Replacement (Current Balance-\$10,000)-\$7,000 will be transferred to 2007 Single-Family Housing Rehabilitation and \$3,000 to 2007 Disposition.
- (2) The Plan is also amended to reprogram \$200,000 in revolving program income received by the Cheektowaga Economic Development Corporation for use by the Town's Housing Rehabilitation Loan Program for loans to low-to-moderate income homeowners. The allocation of funds will not adversely affect the Corporation's ability to implement its programs.

- (3) The Town's 2003 and 2004 Economic Development Activities, each with a balance of \$1.00, are cancelled and funds reprogrammed for another activity as needed.

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



## 8. RESOLUTION 2010-76

### Award of Bid - General Construction Work at Town Records Center

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

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Archives Local Government Records Management Improvement Fund Grant" which provides for various improvements to be made to the Town Records Center located on Maryvale Drive, AND

WHEREAS, said improvements include the development of an Archival Records Research Center and competitive bids were solicited for the associated general construction work, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the bid for general construction work be awarded to Concept Construction Corporation, 2555 Transit Road, Elma, New York 14059 at the bid price of \$33,050.00, said being the lowest bid meeting the requirements of the drawings and 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, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from budget line item #100-1415-4003-1002.

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



## 9. RESOLUTION 2010-77

### Award of Bid - HVAC/Electrical Work at Town Records Center

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

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Archives Local Government Records Management Improvement Fund Grant" which provides for various improvements to be made to the Town Records Center located on Maryvale Drive, AND

WHEREAS, said improvements include HVAC/Electrical improvements for which competitive bids have been solicited, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the bid for HVAC/Electrical improvements be awarded to Northeast Mechanical, Inc., 139 Sawyer Avenue, Depew, New York 14043 at the bid price of \$31,889.00, said being the lowest bid meeting the requirements of the drawings and 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 once state funding is in place, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga has the right to terminate this contract if the state funding is no longer available at the time of the start of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from budget line item #100-1415-4003-1002.

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



## 10. RESOLUTION 2010-78

### Award of Bid - Work Uniforms

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

WHEREAS, bids were received and publicly opened on February 17, 2010 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:

The Liberty Store  
5 East Genesee Street  
Auburn, New York 13021

#### BID ITEM I

Item 1A	Work Pants (sizes to 44)	\$14.40
Item 1B	Work Pants (sizes 46-50)	\$15.80
Item 1C	Work Pants (sizes 52-60)	\$15.80
Item 2A	Shirts (long sleeve, sizes up to 2XL)	\$12.70
Item 2B	Shirts (long sleeve, sizes 3XL, 4XL, talls)	\$13.90
Item 3A	Chambray Shirts (long sleeve, sizes up to 2XL)	\$11.90
Item 3B	Chambray Shirts (long sleeve, sizes 3XL, 4XL, talls)	\$12.90
Item 4A	Shirts (short sleeve, sizes up to 2XL)	\$11.90
Item 4B	Shirts (short sleeve, sizes 3XL - 5XL, tall)	\$12.90
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)	\$22.90
Item 6B	Coveralls (long sleeve, sizes 48-50, short - X long)	\$22.90
Item 6C	Coveralls (long sleeve, sizes 52-60, regular - tall)	\$26.03
Item 7A	Denim Jeans (sizes 28-44)	\$10.65
Item 7B	Denim Jeans (sizes 46-50)	\$11.90

Item 7C	Denim Jeans (sizes 52-56)	\$12.85
Item 8A	Bib Overalls (sizes to 44)	\$18.45
Item 8B	Bib Overalls (sizes 46-50)	\$19.90
Item 8C	Bib Overalls (52-60)	\$21.70
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)	\$40.40
Item 1B	High Visibility Jacket (size 2XL)	\$40.40
Item 1C	High Visibility Jacket (size 3XL)	\$40.40
Item 1D	High Visibility Jacket (size 4XL)	\$40.40
Item IE	High Visibility Jacket (size 5XL)	\$40.40
Item IF	High Visibility Jacket (size 6XL)	\$40.40

\*\*\*\*\*

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)	\$ 3.17
	Pocket Tee Shirt (size M-XL)	\$ 3.95
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)	\$64.40
Carhartt Bib Overall (size 50)	\$64.40

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



## 11. RESOLUTION 2010-79

### Award Bid Baseball & Softball Equipment

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

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on February 3, 2010 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 2010:

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

--Anaconda Sports  
85 Katrine Lane  
Lake Katrine, NY 12449

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

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

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





## 12. RESOLUTION 2010-80

### Award of Bid - Equipment & Operators for Public Works Projects

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

WHEREAS, as a result of advertisement, bids were received on February 17, 2010 for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga for the period of March 1, 2010 to March 1, 2011, with the option to renew for three (3) additional one (1) year periods, be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

		March 1, 2010 - March 1, 2011 Per 8 Hour Day
Item 1	Tandem Dump	\$696.00
Item 2	Hydraulic Backhoe, Rubber Tire	\$695.00
Item 3	Laborers	\$780.00
Item 4	Saw (Vermeer Track)	\$ 2.00
Item 5	Saw (Walk Behind)	\$ 1.00
Item 6	Equipment Truck Type A	\$ 1.00
Item 7	Equipment Truck Type B	\$ 1.00
Item 8	Shield 8' X 10'	\$ 1.00
Item 9	Shield 6' X 16'	\$ 1.00
Item 10	Transport Shield	\$ 1.00
Item 11	Roller, 3 Ton	\$ 1.00
Item 12	Hydraulic Backhoe, 1/3 yard	\$ 2.00
Item 13	Hydraulic Backhoe, 7/8 yard	\$990.00
Item 14	Hydraulic Backhoe, 1-1/3 yard	\$400.00
Item 15	Hydraulic Backhoe, 2-1/3 yard	\$500.00
Item 16	Dozer, D-3	\$ 2.00
Item 17	Dozer, D-4	\$550.00
Item 18	Dozer, D-6	\$ 2.00
Item 19	Front End Loader, 3 yard	\$500.00
Item 20	Landscape Tractor	\$ 1.00
Item 21	Hydraulic Backhoe w/min 4500 lb.	\$ 2.00
Item 22	Hydraulic Backhoe w/min 7500 lb.	\$ 2.00
Item 23	Hydraulic Backhoe w/min 8800	\$ 2.00
Item 24	Smooth Drum Dirt Roller, 4500 lb.	\$ 2.00

AND, BE IT FURTHER

RESOLVED, that payment for said Equipment and Operators for Public Works Projects is to be chargeable on an as-needed basis by any Town departments who wish to

avail themselves of this service within their appropriated budget items.

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



## 13. RESOLUTION 2010-81

### Award Bid for Minor Demolitions on Vacant Land

**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 February 17, 2010 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.

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



## 14. RESOLUTION 2010-82

### Award Bid for Snow & Ice Removal on Sidewalks Adjoining Vacant Properties

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties for the Office of Building Inspections, Housing & Neighborhood Preservation Division for 2010, which bids were duly received and opened on February 17, 2010 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.

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



## 15. RESOLUTION 2010-83

### Award of Bid - Police Prisoner Transport Vehicle

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

WHEREAS, bids were duly received by the Town Clerk at a bid opening on February 3,, 2010, for the purchase of One (1) New Police Prisoner Transport Vehicle; and

WHEREAS, said bids were referred to the Police Department for analysis and tabulation; and

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

RESOLVED, that the bid for the purchase of said new Police Prisoner Transport Vehicle be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York, for the purchase price of \$21,636.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of said vehicle shall be appropriated from Police Department asset forfeiture funds account number 0600-0881.

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



16. RESOLUTION 2010-84

Call for Public Hearing - Amendments to Vehicle & 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 March 15, 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 25th day of February, 2010, 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 March 15, 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 235-46, 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
Garnet Drive	West	Topaz Drive
Peridot Place	West	Topaz Drive
Peridot Place	East	Topaz Drive
Topaz Drive	North	Topaz Drive
Topaz Drive	East	Topaz 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:

WHITNEY PLACE (west of Towers Boulevard) - South side: from the west curb line of Towers Boulevard westerly to the circle at Topaz Drive.

TOPAZ DRIVE (West Leg) - West side: from the circle at Whitney Place northeasterly to the circle on Topaz Drive.

TOPAZ DRIVE (East Leg) - East side: from the north curb line of Whitney Place northerly to the circle on Topaz Drive.

GARNET DRIVE - South side: from the east curb line of Topaz Drive (West Leg) easterly to the west curb line of Topaz Drive (East Leg).

PERIDOT PLACE - South side: from the east curb line of Topaz Drive (West Leg) easterly to the west curb line of Topaz Drive (East Leg).

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

Dated: February 22, 2010

ALICE MAGIERSKI  
Town Clerk

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



17. RESOLUTION 2010-85

Notice to Bidders - Cold Milling of Various Town Highways

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, it is in order that bids be advertised for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the year 2010, with an option to renew for three (3) additional one (1) year periods, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the Cold Milling of Various Town Highways, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 10th day of March, 2010 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 10, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the year 2010, with an option to renew for three (3) additional one (1) year periods.

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 Cold Milling of Various Town Highways" and submitted to the Town Clerk prior to bid opening.

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

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

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

Alice Magierski
Town Clerk



DATED: February 22, 2010

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



## 18. RESOLUTION 2010-86

### Accept Site Plan - 500 Aero Drive

**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 Robert Crooks for the construction of a 2,380 square foot warehouse addition at 500 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of January 14, 2010 is recommending the approval of the site plan, AND

WHEREAS, on October 21, 2009 the Town of Cheektowaga Zoning Board of Appeals granted the necessary area variance from the minimum side yard setback requirement, 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 and Approving the drainage/grading plan.

**ATTACHMENTS:**

500 aero dr variance resolution (PDF)

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



## 19. RESOLUTION 2010-87

### Negative SEQR Declaration - 1717 Walden Avenue

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

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Quattro Development for the construction of a 5,600 square foot retail building for a restaurant and dental office at 1717 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 10, 2010 recommended a determination of non-significance as shown on the attached memorandum dated February 11, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 14, 2010, 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/approving the storm drainage /grading plan.
2. The westerly curblineline of the neighboring Upstate Cooperative driveway being modified , to connect with the proposed entrance /exit driveway of the subject project, which intersects said Upstate driveway.
3. Plans for any exterior dining area be provided to the building department and planning board for review/approval.

**ATTACHMENTS:**

1717 walden plng brd (PDF)

EAC-February 10, 2010 minutes (PDF)

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



## 20. RESOLUTION 2010-88

### Negative SEQR Declaration - 3223 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 Town of Cheektowaga Engineering Department for the construction of a 26,500 square foot building addition to the Town Police and Court Building at 3223 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 10, 2010 recommended a determination of non-significance as shown on the attached memorandum dated February 11, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 11, 2010, 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. Final Recommendations of the Town Traffic Safety Commission.

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



## 21. RESOLUTION 2010-89

### Adapted Recreation Sleepover

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

WHEREAS, members of the Department of Youth & Recreational Services' Adapted Recreation Program have requested permission to conduct a sleep-over at the Alexander Community Center, in early 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' Adapted Recreation Program to utilize the Alexander Community Center for a sleep-over in early 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.

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



## 22. RESOLUTION 2010-90

### 2010 Family Support 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 the 2010 Family Support Contract (C 023360 #1) in the amount of \$28,866.00, on behalf of the Department of Youth & Recreational Services and the New York State Office of Mental Retardation and Developmental Disabilities.

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



## 23. RESOLUTION 2010-91

### **Grant Easement to National Fuel Gas for Property on Wildy Avenue at Gualbert Street**

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

WHEREAS, the Town of Cheektowaga is the owner of real property located on the northwest corner of Wildy Avenue and Gualbert Street, and

WHEREAS, National Fuel Gas Distribution Corporation ("National Fuel Gas") has requested a 15 foot-wide easement over a portion of this property for the maintenance and repair of natural gas distribution pipes, etc. to service residents in this area of Town, 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 February 22, 2010, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to National Fuel Gas Distribution Corporation over Town-owned property located on the northwest of Wildy Avenue and Gualbert Street 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:** February 22, 2010

**ALICE MAGIERSKI**  
Town Clerk

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



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**24. RESOLUTION 2010-92**

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**Authorize Supervisor to Execute Contracts 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 and vendors for the 32nd Annual Polish American Arts Festival, to be held on July 16th, 17th, and 18th, 2010.

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



## 25. RESOLUTION 2010-93

### Authorize Supervisor to Sign Contract-Field Trips

**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 attractions for Youth and Recreational Services Department field trips for the year 2010.

Funding Source: 0100.7140.4524

Revenue Source: 0100.7140.2110

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



## 26. RESOLUTION 2010-94

### Authorize Supervisor to Execute Agreement for Federal Excess Property Program

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

WHEREAS, the United States government, through the Secretary of Defense, is authorized to transfer to Federal and State agencies and local law enforcement agencies personal property that is excess to the needs of the Department of Defense, and

WHEREAS, the New York State Division of Justice Services has been designated to implement the New York State 1033 Federal Excess Property Program ("Program"), statewide, and

WHEREAS, the Town of Cheektowaga Police Department is eligible to receive property under this Program, and

WHEREAS, the Chief of Police has recommended that it be allowed to participate in this Program, and

WHEREAS, the Division of Justice Services has prepared a Memorandum of Agreement between itself and the Town for participation in the Program, and

WHEREAS, said Memorandum of Agreement has been reviewed by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Town Police Department's participation in the Program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid Memorandum of Agreement on behalf of the Town.

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



## 27. RESOLUTION 2010-95

### Authorize Additional Professional Services for the Building Maintenance Facility

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

WHEREAS, at a Town Board meeting held on September 9, 2009, the firm of SJB Services Inc. was engaged to perform special inspections during construction of the new Building Maintenance Facility as dictated by the New York State Division of Code Enforcement and Administration, AND

WHEREAS, during the building construction, additional inspections were required and requested by the owner (Town of Cheektowaga) which resulted in additional fees beyond the original project scope, NOW, THEREFORE, BE IT

RESOLVED, that the firm of SJB Services Inc., 5167 South Park Avenue, Hamburg, New York 14075 be granted an additional \$8,213.00 for special inspections performed beyond the original project scope, AND, BE IT FURTHER

RESOLVED, that funding for additional professional services shall be chargeable to Account #500-1625-2520-5835.

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



## 28. RESOLUTION 2010-96

### Agreement with Catholic Charities (YES Program)

**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 subject to approval by the Town Attorney 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, Retroactive to January 1, 2010 through December 31, 2010 with a total payment to Catholic Charities not to exceed the sum of \$76,572.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

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



## 29. RESOLUTION 2010-97

### Agreement with Public Library

**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 subject to approval by the Town Attorney 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, Retroactive to January 1, 2010 through December 31, 2010 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

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



## 30. RESOLUTION 2010-98

### Approval of Agreement with N. Harris Computer Corporation for Activitek System for Youth & Recreational Services Department

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

WHEREAS, the Town of Cheektowaga Youth & Recreational Services Department and Facilities Department currently utilize a computer program to schedule their various activities of use of town facilities, and

WHEREAS, N. Harris Computer Corporation made a presentation to town representatives concerning a new computer program, Activitek, that can be used by town departments for program registrations, identification cards and reservations, and

WHEREAS, based on said presentation, it appears that the Activitek program will better suit the needs of the town and be more user-friendly, and

WHEREAS, since this is a professional service and proprietary to N. Harris Computer Corporation, competitive bidding is not required, NOW

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute an agreement with N. Harris Computer Corporation or its related company for the installation and administration of the Activitek program, and BE IT FURTHER

RESOLVED, that moneys for the Activitek program, \$13,400.00 for Year 1, plus \$4,500.00 on-going annual administration fee, shall be appropriated from budget line item number 100.1680.4434.

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





## 31. RESOLUTION 2010-99

### Approve Memberships in Various Organizations for Youth & Recreational Services Department

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

WHEREAS, the Town of Cheektowaga Youth & Recreational Services Department needs to maintain memberships in various organizations in order to effectively operate its programs, and

WHEREAS, the Youth & Recreational Services Department currently maintains memberships in the following organizations/associations:

- ASCAP/ American Society of Composers, Authors & Publishers
- SESAC/Society of European Stage Authors & Composers
- The Association of New York State Youth Bureaus
- Cheektowaga Chamber of Commerce
- National Recreation and Park Association
- NYSPRS/New York State Recreation and Park Society
- WNY Association of Youth Boards
- USA Track and Field
- Metro Buffalo Amateur Softball Association
- WNY Amateur Hockey League
- MNY Midget MOHL
- Ontario Minor Roller Hockey
- US Tennis Association

, and

WHEREAS, the Youth & Recreational Services Department needs to acquire permits from the Erie County Health Department/Commissioner of Finance for the Town pools and other facilities, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves membership/organization/permit fees for the above for the Youth & Recreational Services Department and directs that fees for same be paid out of the appropriate department budget line items.

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



## 32. RESOLUTION 2010-100

### Approve Cultural Group Funding for Cheektowaga Community Symphony Orchestra, Friends of the Woods, Ltd. and Arts Society of Cheektowaga

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

WHEREAS, the Town, in its 2010 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 2009 funding to the Town, NOW, THEREFORE, BE IT

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

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

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Community Symphony Orchestra	\$15,000.00
Arts Society of Cheektowaga	\$1,200.00
Friends of the Woods, Ltd.	\$800.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2010 Town budget, subject to audit and approval of a properly signed Town voucher.

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



### 33. RESOLUTION 2010-101

## Unsafe-Unsecured/81 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 81 Huth Road, Cheektowaga, New York SBL# 91.06-20-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Maureen F. Hyla, 81 Huth Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 81 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

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



## 34. RESOLUTION 2010-102

### Snow Removal / 150 Wanda 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 150 Wanda Avenue, Cheektowaga, New York SBL# 102.45-5-2 that is a danger to the safety of others, and records kept by the Assessors Office identify Chi Vo, PO Box 957103, Duluth, GA 30095, as the owner AND

WHEREAS, an inspection of such premises was conducted at 150 Wanda Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



## 35. RESOLUTION 2010-103

### Snow Removal/30-32 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 30-32 Euclid Avenue, Cheektowaga, New York SBL# 101.60-2-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas J. Murphy, 9075 State Line Road, Lindley, New York 14858, as the owner AND

WHEREAS, an inspection of such premises was conducted at 30-32 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

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



## 36. RESOLUTION 2010-104

### Snow Removal/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, 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

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



## 37. RESOLUTION 2010-105

### Snow Removal/9 Siberling 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 9 Siberling Drive, Cheektowaga, New York SBL# 91.14-11-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Gerald E. Male, 3427 Citation Drive, Green Cove Springs, FL 32043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 9 Siberling Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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





## 38. RESOLUTION 2010-106

### Snow Removal/3161 Broadway 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 3161 Broadway Street, Cheektowaga, New York SBL# 102.04-3-27 that is a danger to the safety of others, and records kept by the Assessors Office identify Mary Ann Krzos and John Malley, 7602 MacNamara Drive, Glen Burnie, MD 21061, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3161 Broadway Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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





## 39. RESOLUTION 2010-107

### 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:

Emily Castiglia	8/26/09	14221
Ryan Mrugalski	8/14/09	14225
Calvin Waley	12/12/09	14225

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for the Following Resolutions: 2010-107; 2010-108; and 2010-111. Motion Carried.

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



## 40. RESOLUTION 2010-108

### Youth & Recreation Hiring

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

BE IT RESOLVED that the individual listed below be and hereby is hired and/or transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Recreation Attendant -Regular Part-time - \$7.25 - 7310.1803

Greg McEvoy

14225

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



## 41. RESOLUTION 2010-109

### Retain Drug Court Consultant

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

WHEREAS, this Town Board, by resolution adopted August 13, 2007, engaged the services of Irene Kmiotek to perform services as a Drug Court Case Coordinator for the Justice Court until December 31, 2007; and

WHEREAS, during said period of time Irene Kmiotek performed the required Drug Court Case Coordinator duties; and

WHEREAS, the Town was again awarded a Division of Justice Services Byrne Grant ("DCJS Byrne Grant") for the year 2008, 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 January 1, 2008 to September 30, 2008; NOW THEREFORE BE IT

RESOLVED, that this Town Board ratifies the retention of Irene Kmiotek of Depew, New York, as Consultant to perform the duties of Drug Court Case Coordinator from January 1, 2008 through September 30, 2008, at a salary not to exceed the sum of \$14,080.00; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute an Agreement with Irene Kmiotek for the above services under said grant, subject to approval of same by the Town Attorney's Office.

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



## 42. RESOLUTION 2010-110

### Retain Drug Consultant for Justice Court

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

WHEREAS, the Town of Cheektowaga Drug Court requires a Consultant to provide services as a Drug Court Case Coordinator; and

WHEREAS, Irene Kmiotek of Depew, New York, has previously provided services as a Drug Court Case Coordinator and has the requisite knowledge and experience necessary to act as such; NOW, THEREFORE, BE IT

RESOLVED, that Irene Kmiotek be and hereby is retained to provide consulting services to act as the Town's Drug Court Case Coordinator for the calendar year 2010, at a total cost not to exceed the sum of \$20,000.00; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Irene Kmiotek for the above services, subject to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that funding for such services shall be appropriated from account number 100-1110-4592.

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



## 43. RESOLUTION 2010-111

### 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 & Grounds Division) Laborer \$7.75/hour effective 2/23/10  
Gerald P. Scheib, Cheektowaga, New York

MAIN PUMP STATION Laborer \$8.25/hour effective 2/23/10  
Ronald Strong, Cheektowaga, New York

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

FACILITIES DEPARTMENT  
Donald McArthur effective 9/24/09  
Jonathan Gorski effective 7/25/09

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

**44. RESOLUTION 2010-112**

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**Amend Appointment Date of Clerk Typist  
(Competitive/Permanent) (Youth & Recreation) Carol  
Sczesniak**

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

WHEREAS, this Town Board appointed Carol Sczesniak to the position of Clerk Typist in the Youth and Recreation Department effective February 5, 2010; AND

WHEREAS, the effective date of appointment must be amended; NOW, THEREFORE,  
BE IT

RESOLVED, that Carol Sczesniak of Cheektowaga, New York be and hereby is appointed to the position of Clerk Typist in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 22, 2010.

<b>RESULT:</b> <b>WITHDRAWN</b>
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**45. RESOLUTION 2010-113****Appointment of Motor Equipment Operator-A (Non-Competitive/Permanent) (Sewer Maintenance) G. Dudek**

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

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - A in the Sewer Maintenance Department; AND

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

WHEREAS, Gene N. Dudek currently employed as a Senior Sewer Maintenance Worker in the Sewer Maintenance Department bid on said vacancy and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gene N. Dudek 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 February 22, 2010.

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

**46. RESOLUTION 2010-114****Appointment of Parks Maintenance Worker I  
(Labor/Permanent) (Facilities Department)**

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

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

WHEREAS, Ryan J. Jablonski of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Ryan J. Jablonski 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 February 23, 2010.

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





## 47. RESOLUTION 2010-115

### Appointment of Sewer Maintenance Worker

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

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

WHEREAS, Scott Zaranek of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Scott Zaranek of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker 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 March 9, 2010.

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



## 48. RESOLUTION 2010-116

### Travel Authorization Police Department (Detective Mark Jedd)

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

WHEREAS, the North East Chapter of International Association of Auto Theft Investigators 2010 Joint Annual Training Seminar, is being held on May 11-13, 2010 in Cleveland, Ohio; AND

WHEREAS, Detective Mark Jedd 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 \$535; AND

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

RESOLVED, that Detective Mark Jedd be and hereby is authorized to attend the North East Chapter of International Association of Auto Theft Investigators 2010 Joint Annual Training Seminar on May 11-13, 2010 in Cleveland, Ohio.

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



## 49. RESOLUTION 2010-117

### Travel Authorization Police Department (Captain James Speyer)

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

WHEREAS, an executive seminar entitled, "Media Skills" is being held March 4-5, 2010 in Utica, New York; AND

WHEREAS, Police Captain James Speyer 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 \$227; AND

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

RESOLVED, that Captain James Speyer be and hereby is authorized to attend the executive seminar entitled, "Media Skills" being held March 4-5, 2010 in Utica, New York.

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

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Resolutions, 2010-118 & 2010-119. Motion Carried.
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**1. RESOLUTION 2010-118**

**Call for Hearing - Local Law Intro No. 2010-1 - a Local Law to Change the Grievance Day for Assessments**

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

WHEREAS, the Town of Cheektowaga employs as its Sole Assessor a person who is also employed as an Assessor in another jurisdiction, and

WHEREAS, pursuant to the Real Property Tax Law and the Erie County Tax Act, Grievance Day for the hearing of complaints relating to assessments is scheduled for the fourth Tuesday in May, and

WHEREAS, pursuant to Section 512(1-a) of the Real Property Tax Law, the Town of Cheektowaga can adopt a local law to establish Grievance Day at a date after the fourth Tuesday in May, and

WHEREAS, the Town Attorney has prepared a draft of "A Local to Change the Grievance Day for Assessments", NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 15th day of March, 2010 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. 2010-1 of the Year 2010, entitled "A Local Law to Change the Grievance Day for Assessments" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.

\*\*\*\*\*

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 15th day of March, 2010 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2010-1 of the Year 2010, entitled "A Local Law to Change the Grievance Day for Assessments". A summary of such Local Law is as follows:

**LOCAL LAW INTRO NO. 2010-1 of THE YEAR 2010**

**A LOCAL LAW TO CHANGE THE GRIEVANCE DAY FOR ASSESSMENTS**

The purpose of this law is to change the Grievance Day for the meeting of the Board of Assessment Review to hear complaints in relation to assessments of properties in the Town of Cheektowaga (a/k/a "Grievance Day") from the fourth Tuesday in May to the first Wednesday after the fourth Tuesday in May.

A copy of the entire text of Local Law Intro No. 2010-1 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: February 22, 2010

Alice Magierski  
Town Clerk

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



## 2. RESOLUTION 2010-119

### Emergency Repair of Highway Garage Door

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

WHEREAS, on January 27, 2010, damage was sustained to the wall on the east side of the Town Highway Garage adjacent to the overhead garage door leaving said door out of operation, AND

WHEREAS, previous damage sustained to the south facing overhead door has left the garage inaccessible from the east and south sides of the building, AND

WHEREAS, a public emergency situation exists which requires immediate action to repair the most current damage sustained to the east side of the building, AND

WHEREAS, drawings have been prepared indicating the necessary repairs to which Wilsandra Construction Co., has submitted a proposal, (said contractor which will be mobilized to repair the south side damage) to repair the damage to east side in accordance with contract documents in the amount of \$23,850.00, NOW THEREFORE, BE IT

RESOLVED, that the repair-proposal in the amount of \$23,850.00 as submitted by Wilsandra Construction Company, Inc., 300 Camden Ave., Buffalo, NY 14126 for the repair to the east wall of the Highway Garage be hereby approved and accepted, AND BE IT FURTHER

RESOLVED, that funding for said project is chargeable to account 300-5140-4191.

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

## V. Communications

### A. Departmental Communications

1. Building Permit List - January 2010
2. Minutes: Town Environmental Advisory Committee - February 10, 2010
3. Minutes: Cheektowaga Planning Board - January 14, 2010
4. Minutes: Cheektowaga Traffic Safety Commission - January 19, 2010

### B. General Communications

1. Notice of Claim: Mark Burkard Vs. Town of Cheektowaga

2. Notice of Claim: Lenore Even Vs. Town of Cheektowaga
3. Notice of Claim: John C. Honan Vs. Town of Cheektowaga
4. Notice of Claim: Robert A. LaMonte Vs. Town of Cheektowaga
5. Notice of Claim: Rose Mudd Vs. Town of Cheektowaga
6. Notice of Claim: Bonnie Stockmeyer Vs. Town of Cheektowaga
7. Notice of Claim: Frederick A. Williams Vs. Town of Cheektowaga
8. Notice of Claim: Linda Zeitz 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 Swiatek to adjourn the meeting at 7:10 PM.

Alice Magierski  
Town Clerk



# TOWN OF CHEEKTOWAGA

## ZONING BOARD OF APPEALS DECISION

Whereas, **Robert Crooks** has made application for a(n) **Area Variance**, under

**ARTICLE(S): IV SECTION(S): 260-36B(2)(a)**

of the zoning law for property located at:

### 500 Aero Drive

The applicant's proposed building addition will be (6) six feet from the westerly property line, whereas, the Zoning Law requires (10) ten feet.

Whereas, a public hearing was held on **10/21/2009** after proper notice,

Whereas, this Board, after reviewing the application, and conducting a public hearing and after due deliberation and vote of the Board,

Be it resolved, by virtue of the power vested in the Zoning Board of Appeals, this **Area Variance** is hereby **Granted**.

In reaching this decision the Board balanced the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood community. In conducting this balancing test the Board considered the following five factors: (a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (b) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; (c) whether the requested area variance is substantial; (d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not preclude the granting of the area variance.

According to the application, the proposed addition will be next to vacant land. According to the applicant, the neighbor has no plans for use of that vacant land. No one appeared at the public hearing in opposition to this application.

The Board finds that the granting this application will not create an undesirable change in the character of the neighborhood or this property in particular and instead will improve it. There has been an adequate showing that strict compliance with the zoning ordinance will result in practical difficulties to the applicant and that granting this variance will not create a substantial detriment to adjoining property owners.

Dated: November 5, 2009



<b>RESULT:</b>	<b>GRANTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Speyer, Board Member
<b>SECONDER:</b>	John M. Ptak, Board Member
<b>AYES:</b>	Kulyk, Brandon, Wiercioch, Speyer, Ptak

\*Note – Construction cannot begin until a building permit is applied for and approved. This decision will be automatically revoked unless a building permit is obtained within six (6) months of the date hereof and unless construction commences within one (1) year of the date hereof.

Attachment: 500 aero dr variance resolution (RES-2010-86 : Accept Site Plan - 500 Aero Drive)

**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*

JANUARY 4, 2010

CHEEKTOWAGA TOWN BOARD  
CHEEKTOWAGA TOWN HALL  
3301 BROADWAY  
CHEEKTOWAGA, NEW YORK 14227

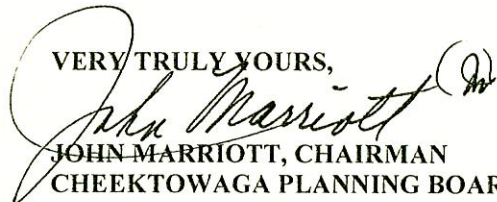
REGARDING: 1717 WALDEN AVE.  
QUATRO DEVELOPMENT

DEAR HONORABLE TOWN BOARD:

THE APPLICANT WAS IN ATTENDANCE WITH A SITE PLAN AND LANDSCAPE PLAN FOR REVIEW. THE REQUEST IS TO CONSTRUCT A 5600 SF RETAIL BLDG. ON THE NORTH SIDE OF THE SITE WHICH FORMERLY HOUSED PAUL BATT BUICK. THE APPLICANT WILL OBTAIN AN AGREEMENT FROM UPSTATE MILK ON SHARED DRIVEWAY USAGE.

A MOTION WAS MADE BY MR. LENNERT AND SECONDED BY MR. KUCEWICZ TO RECOMMEND APPROVAL OF THE SITE PLAN AND TO APPROVE THE REVISED LANDSCAPE PLAN. ALL IN FAVOR.

REVISED LANDSCAPE DRAWINGS ARE TO BE SUBMITTED BY THE APPLICANT TO THE SEQR INTAKE OFFICER IN A TIMELY MANNER.

VERY TRULY YOURS,  
  
JOHN MARRIOTT, CHAIRMAN  
CHEEKTOWAGA PLANNING BOARD

JCM

# The Town of Cheektowaga



- Office of Building and Plumbing Inspection  
3301 Broadway  
Cheektowaga, NY 14227  
(716) 686-3490
- Neighborhood Preservation Office  
275 Alexander Avenue  
Cheektowaga, NY 14211  
(716) 897-7281
- Fire Inspection Office  
275 Alexander Avenue  
Cheektowaga, NY 14211  
(716) 961-6501

## MEMORANDUM

TO: Supervisor Mary F. Holtz  
Honorable Town Board Members  
Alice Magierski, Town Clerk  
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak  
Supervising Code Enforcement Officer

DATE: February 11, 2010

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on February 10, 2010 in the Town Hall Council Office Conference Room. Absent: Highway and Police Department representatives.

**ITEM I Dingens Street East of 609 Dingens Proposed Rezoning from R to C for 12,000 Sq. Ft. Office Building**  
**Applicant: Robert Shackleton & Boy**

The parcel is located on the south side of Dingens to the east of 609 Dingens Street which is a complex of 2-office buildings. The applicant is still reviewing the proposed driveway access to Dingens Street. This is due to the fact that there is a significant grade change as this was previously an overpass for a railroad and the road dips at this point. The Traffic Safety Committee had looked at this and suggested that the driveway be lined up with Claude and that the easterly hotel drive be eliminated.

The Town Engineer had concerns with the sanitary lateral for the new building and if the new Town storm sewer, which will be constructed down Dingens, will impact the location/functioning of the lateral. He also indicated that he needs location of the existing hotel and office complex laterals. Since the hotel and offices had previously been owned by the same entity they may be tied into together.

It was also noted that pedestrian access must be provided. One possible way to accomplish that is to create a walkway tying in the front sidewalks with the existing and new office buildings. Access to Dingens could be provided by additional striping and walkways.

This item will remain tabled for further review and for the applicant's possible revisions.

EAC – February 10, 2010  
February 11, 2010  
Page: 2

**ITEM II 25 Anderson Road - Amendments to Previously Approved Site Plan for an Additional 6,225 Sq.Ft. Of Second Floor Space**

**Applicant: Upstate Niagara Cooperative**

The additional square footage would be for future growth of the company. The building presently approved would for additional office space and to provide space for people that are presently positioned at other Upstate facilities. Parking is provided on the site with additional parking at an applicant owned building on the west side of the street.

This committee would recommend that a Negative Declaration be issued for this project as no further impacts would be resulting from this change in the plan.

**ITEM III 1717 Walden Avenue - Proposed Construction of a 5,600 Sq. Ft. Building for Restaurant and Dental Office**

**Applicant: Quattro Development, Inc.**

The site is the former Paul Batt Buick location. This car dealership was purchased by Upstate Cooperatives. The rear portion is used by Upstate for trailer storage; the front half was put up for sale for some other use. The site plan shows a brand new building in the same general location as the present showroom. The driveway would be tied into the signalized drive leading from Upstate and McDonald's. The applicant has indicated that they would move the sidewalk to align it with the two adjacent parcels. The Planning Board Chairman indicated that the Board has approved the landscaping and is looking for some elevations of the restaurant.

This committee would recommend that a Negative Declaration be issued for this project.

**ITEM IV 2201 Walden Avenue - Special Use Permit for Drive Thru**

**Applicant: Mighty Taco**

The present Might Taco facility located near the Delta Sonic would move to the former Krispy Kreme location at 2201 Walden. As part of the project they would eliminate the thru access between the Borders Book Store and their building and create a new stacking area for the drive thru along the east side of the building. The stacking area could accommodate more than 16 vehicles. As part of the use of this building a dining patio would be created in front of the store and tie into the front of the Borders facility. It was recommended that they keep the pedestrian access from Borders to Might Taco and that a barrier of some sort be provided around the patio to prevent traffic from straying in to the dining area.

The public comment is set to expire on March 8<sup>th</sup> and the committee would recommend that a public hearing be scheduled for this special permit.

This item will remain tabled for further comment and review.

**ITEM V 4910-4940 Transit Road - Special Use Permit for Drive Thru**

**Applicant: Benderson Development / Panera Bread**

The applicant is looking to utilize a building pad in the front of the Target Store on Transit Road. Previous approval was for a bank with drive thru with the condition that no restaurant be established. The applicant would like to establish this Panera Bred with drive thru. They have indicated that they do not need stacking for 16 vehicles, that 6 may be sufficient. The applicant is providing documentation to that effect.

Attachment: EAC-February 10, 2010 minutes (RES-2010-87 : Negative SEQOR Declaration - 1717 Walden Avenue)

**EAC – February 10, 2010**

**February 11, 2010**

**Page: 3**

A patio area for 35 patrons would be established in front of the store and it was suggested that planters or some sort of landscape buffer be created around that patio area.

Public comment will expire on March 8<sup>th</sup> and the committee would recommend that the Town Board schedule a public hearing from this proposal.

This item will remain tabled for further comment and review.

**ITEM VI 3700 Harlem Road - Special Use Permit for a Building with Drive Thru for Site Plan 2,962 Sq. Ft. Bank and 3,266 Sq. Ft. Retail Building**

**Applicant: Benderson Development**

The site is located at the southwest corner of Cleveland and Harlem. The Harlem-Kensington-Cleveland Neighborhood Group had previously discussed this project and suggesting that the buildings be placed close to the road in a more traditional neighborhood setting. They are also looking for more imposing look, some sort of design that will provide a faux second story look. In addition some suggestions were made that the building be made into a wrap around look where the two occupancies would be under the same roof. The present site plan shows a driveway to Cleveland, a driveway to Harlem and driveway to the side street known at Woodcliffe. The applicant was told that the driveway to Woodcliffe would not be permitted.

Public comment will expire on this project on March 8<sup>th</sup> and this item will remain tabled for further review and comment. The applicant will take these suggestions back and see what revisions could be made.

**ITEM VII 3223 Union Road - Proposed 26,500 Sq. Ft Addition to the Town of Cheektowaga Police and Court Building**

**Applicant: Town of Cheektowaga Engineering**

This project has been under design for quite some time. The addition would be primarily for new court facilities and additional police facilities. This would include a new sally port for the movement of prisoners as well as larger expanded lockup facility. Security would also be improved in that prisoners would not have to be moved from the police section to the courts through public areas.

As part of the overall site plan, gated secured parking would be provided at the rear of the buildings for court and police personnel as well as police vehicles. The present police and court facility was constructed in 1968 when the police force was under 100 personnel and the courts had a moderate amount of work. At the present time the police force numbers almost 150 and courts are one of the busiest in Western New York.

The committee as well as the Traffic Safety Committee are reviewing this and have recommended that the driveway closest to the police station be eliminated. This would allow for more consolidation of traffic to Union Road and Broadway. The Engineering is further revising and refining the roadway system within the Town Hall complex for safer truck movement s of the highway and sanitation personnel.

The committee would recommend a Negative Declaration ion be issued for this project while acknowledging that the Traffic Safety Committee, although making some recommendations, is still further reviewing the project and may make further suggestions on vehicle movements on the Town Hall campus.

EAC – February 10, 2010  
February 11, 2010  
Page: 4

**THE NEXT MEETING OF THE  
ENVIRONMENTAL ADVISORY COMMITTEE  
MEETING WILL BE HELD WEDNESDAY,  
MARCH 10, 2010  
AT 10:00 A.M.  
IN THE COUNCIL OFFICE CONFERENCE  
ROOM**

Attachment: EAC-February 10, 2010 minutes (RES-2010-87 : Negative SEQR Declaration - 1717 Walden Avenue)



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, March 1, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on March 1, 2010 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  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
James Speyer, Captain, Cheektowaga Police Department

## II. Public Comment Period

## III. Resolutions





## 1. RESOLUTION 2010-121

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 26, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,053,243.44
RISK RETENTION FUND	80,319.19
DEBT SERVICE FUND	785,387.50
HUD HOUSING REHABILITATION FUND	16,967.00
SPECIAL DISTRICTS FUND	4,420,074.58
HIGHWAY FUND	776,242.42
CAPITAL FUND	1,835.98
HUD CDBG FUND	437,162.60
PART TOWN FUND	157,104.04
NYS AFFORDABLE HOUSING	6,150.00
	<u>\$ 9,734,486.75</u>

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





## 2. RESOLUTION 2010-122

### Transfer of Funds

**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:	700.1009.0752	Housing Rehab Delivery	
		Costs-Staff	\$ 29,614.00
	700.1009.0603	Environmental/Hazard	
		Testing	301.42
TO:	700.1009.0703	Administration	\$ 29,614.00
	700.1009.0795	Senior Citizen Outreach	301.42

#### 2010

##### GENERAL FUND

FROM:	100.1415.3500	State Aid-Archives Grant	\$ 31,328.00
TO:	100.1415.4003.1002	Minor Remodeling	\$ 31,328.00

##### HIGHWAY FUND

FROM:	300.5140.4291	Shade Trees	\$ 30,000.00
TO:	300.5140.4191	Miscellaneous	\$ 30,000.00

##### HUD CDBG FUND

FROM:	700.1003.2300	Temporary Relocation	\$ 373.36
	700.1006.5000	Removal of Architectural	
		Barriers	4,100.00
	700.1007.5000	Public Facilities	19,760.00
	700.1007.0800	Sidewalk Replacement	10,000.00
	700.1007.2420	Tree Replacement	7,000.00
	700.1007.2420	Tree Replacement	3,000.00
	700.1003.0705	Economic Development	1.00
	700.1004.0705	Economic Development	1.00
TO:	700.1003.0606	Disposition	\$ 373.36
	700.1006.2200	Acquisition	4,100.00
	700.1007.0600	Housing Rehab-Single Family	19,760.00
	700.1007.0600	Housing Rehab-Single Family	10,000.00
	700.1007.0600	Housing Rehab-Single Family	7,000.00
	700.1007.0606	Disposition	3,000.00
	700.1003.0606	Disposition	1.00
	700.1004.2300	Temporary Relocation	1.00

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



### 3. RESOLUTION 2010-123

## Award of Bid - Police Patrol Vehicles

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the purchase of six (6) new and unused 2010 Police Patrol Vehicles, 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 six new and unused 2010 Police Patrol Vehicles be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase price of \$129,282.00, 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.

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



## 4. RESOLUTION 2010-124

### Call for Public Hearing - 2021 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Zaxis Architectural, P.C. has made application and requested a special use permit for an accessory drive thru service window for a fast food restaurant ( Mighty Taco) at 2021 Walden Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 15, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

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#### Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 15th day of March, 2010 at 6:45 P.M., of said day for the purpose of considering the application of:

Zaxis Architectural, P.C./Mighty Taco

for a special use permit for an accessory drive thru service window for a fast food restaurant at 2021 Walden Avenue.

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 No. 16, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the southerly line of New Walden Avenue, 178.87 feet east from the point of intersection of the southerly line of New Walden Avenue with the west line of lands conveyed to John Zola and Valentine Zola, his wife, by deed recorded in the Erie County Clerk's Office in Liber 2688 of Deeds at Page 192; Running thence southerly on a line parallel to the westerly line of lands so conveyed to John Zola and his wife, 580.44 feet; Thence easterly at right angles, 125 feet; Thence northerly on a line parallel with the west line of lands conveyed to John Zola and his wife by deed recorded in Liber 2688 of Deeds at Page 192, 527.61 feet to the south line of New Walden Avenue; Thence northwesterly along said south line of New Walden Avenue, 135.96 feet to the point of beginning.

EXCEPTING that portion taken by Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4806 of Deeds at Page 25.

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



## 5. RESOLUTION 2010-125

### Call for Public Hearing - 4910-4940 Transit Road

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Benderson Development Co., LLC has made application and requested a special use permit for an accessory drive thru window for a proposed 4,000 square foot bakery/restaurant at 4910-4940 Transit Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 15, 2010 at 6:45P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

#### Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 15th day of March, 2010 at 6:45 P.M., of said day for the purpose of considering the application of:

Benderson Development Co., LLC

for a special use permit request for an accessory drive thru service window for a proposed 4,000 square foot bakery/restaurant at 4910-4940 Transit Road.

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY  
Alice Magierski, TOWN CLERK

#### 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 45, Township 10, Range 7 of the Buffalo Creek Reservation Survey, bounded and described as follows:

Beginning at the intersection of the westerly line of Transit Road as widened by New York State Appropriation Map 176, Parcel 209 and the southerly line of Losson Road as widened by said Appropriation; Thence southerly along the westerly line of said Transit Road at a bearing of S 47-53'-33" E, a distance of 20.64 feet to an angle point; Thence continuing southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 560.68 feet to the True Point and Place of Beginning; Thence continuing southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 116.05 feet to a point; Thence easterly along a line at a bearing of N 89-48'-27" E, a distance of 5.00 feet to a point in the westerly line of said Transit Road; thence southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 6.99 feet to a point;

Thence westerly along a line at a bearing of N 89-48'-56" W, a distance of 185.00 feet to a point;  
Thence northerly along a line at a bearing of N 00-11'-04" E, a distance of 19.00 feet to a point;  
Thence westerly along a line at a bearing of N 89-48'-56" W, a distance of 13.08 feet to a point;  
Thence northerly along a line at a bearing of N 00-11'-04" E, a distance of 106.00 feet to a point;  
Thence easterly along a line at a bearing of S 89-48'-56" E, a distance of 119.08 feet to a point;  
Thence easterly along a line at a bearing of S 86-00'-06" E, a distance of 30.07 feet to a point;  
Thence easterly along a line at a bearing of S 89-48'-56" E, a distance of 44.00 feet to the True Point and Place of Beginning;

This parcel of land containing 0.546 acres more or less.

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



## 6. RESOLUTION 2010-126

### **Bond Resolution - Addition to Police & Court Bldg**

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

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 1, 2010, AUTHORIZING THE CONSTRUCTION OF AN ADDITION AND IMPROVEMENTS TO THE POLICE/COURT BUILDING LOCATED AT 3223 UNION ROAD, INCLUDING RELATED SITEWORK AND HAZARDOUS MATERIALS ABATEMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$15,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$15,500,000 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 an addition and improvements to the Police/Court building located at 3223 Union Road, including related sitework and hazardous materials abatement. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$15,500,000 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 \$15,500,000 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(a), 12(a)(1) and 93 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 1, 2010, 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 1, 2010, authorizing the construction of an addition and improvements to the Police/Court building located at 3223 Union Road, including related sitework and hazardous materials abatement, stating the estimated maximum cost thereof is \$15,500,000, appropriating said amount therefor, and authorizing the issuance of \$15,500,000 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 an addition and improvements to the Police/Court building located at 3223 Union Road, including related sitework and hazardous materials abatement; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$15,500,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$15,500,000 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 \$15,500,000 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 \$15,500,000 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 1, 2010

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.

\* \* \*

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



## 7. RESOLUTION 2010-127

### Agreement 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 subject to approval by the Town Attorney 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, Retroactive to January 1, 2010 through December 31, 2010 with a total cost not to exceed \$149,613.30 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 \$15,996.30 leaving the actual cost to the Town at \$117,634.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

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



## 8. RESOLUTION 2010-128

### Agreement with Child and Family Services for a Domestic Violence Victim Advocacy Program

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

Whereas, Community Development Block Grant Funds have been budgeted for a Domestic Violence Prevention Program, and

Whereas, Child and Family Services of Erie County has submitted a proposal for the provision of domestic violence victim advocate program services for Town residents, and

Whereas, the Director of Community Development has recommended that the Town enter into an agreement with Child and Family Services of Erie County to provide funding in the amount of \$10,000 for said program for 2010, Now Therefore Be It

Resolved, that the Supervisor be and hereby is authorized and directed to execute an agreement with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York 14202, to fund Domestic Violence Victim Advocate Program services for Town residents during 2010 in the amount of \$10,000, and Be It

Further Resolved, that said program will be funded with Community Development Block Grant funds.

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





## 9. RESOLUTION 2010-129

### 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 subject to approval by the Town Attorney 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, Retroactive to January 1, 2010 through December 31, 2010 with a total cost not to exceed the sum of \$186,504.40 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 \$21,512.40 leaving the actual cost to the Town at \$118,516.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

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



## 10. RESOLUTION 2010-130

### Agreement to Sell 37 Willowlawn

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

Whereas, the Town owns a residential property at 37 Willowlawn Parkway which has been rehabilitated and which it now wishes to sell to an income eligible homebuyer, and

Whereas, Buffalo Niagara Realty, Inc. has submitted a proposal to sell said property for the Town for a commission of 5.5 percent (5.5%) and

Whereas, the Director of Community Development recommends that the Town engage the services of Buffalo Niagara Realty, Inc. for said purpose, Now Therefore Be It

Resolved, that the Supervisor is authorized and directed to execute an agreement with Buffalo Niagara Realty, Inc., 2846 William Street, Cheektowaga, New York, subject to review and approval by the Town Attorney, for the sale of the residential structure at 37 Willowlawn Parkway pursuant to the proposal submitted by Buffalo Niagara Realty, Inc. for a commission of 5.5 percent (5.5%), said expense to be paid with Community Development Block Grant Funds

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

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions 2010-131 and 2010-132. Motion Carried
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## 1. RESOLUTION 2010-131

### Approve Settlement Relating to Town Mortgages on 25 Siberling Drive

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

WHEREAS, the Town of Cheektowaga is the Mortgagor on four mortgages given by Virginia Deck, Mortgagee, constituting liens against property then-owned by her at 25 Siberling Drive in the Town of Cheektowaga, by mortgages dated August 1, 1986 in the amount of \$5,743.00; July 20, 1988 in the amount of \$3,380.00; October 20, 1988 in the amount of \$1,200.00; and November 26, 1988 in the amount of \$7,866.00, all duly recorded in the Erie County Clerk's Office; and

WHEREAS, said property was thereafter sold to Robert A. Nichter and Ian J. Swearingen; and

WHEREAS, prior to said sale, First American Title Insurance Company, examining title on behalf purchasers Nichter and Swearingen, failed to properly examine public records to determine if any outstanding encumbrances existed that would affect title,; and the mortgages held by the Town of Cheektowaga were not paid off at the time of transfer; and

WHEREAS, upon learning of the transfer of premises, the Town contacted the new owners, advising them that the transfer was a default in the terms and conditions of the mortgages held by the Town, and demanded payment of same; and

WHEREAS, First American Title Insurance Company, insuring a subordinate mortgagee, issued a policy of title insurance covering any defect which would have rendered title unmarketable had said defect been found prior to the closing of the sale of said premises; and

WHEREAS, the Town has negotiated a settlement with First American Title Insurance Company wherein they have agreed to pay off the remaining principal owed on said mortgages in full; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the offer by First American Title Insurance Company and agrees to accept the sum of \$12,884.70, in full satisfaction of the four mortgages held by the Town, said amount representing the principal due and owing the Town on said mortgages; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute any documents necessary to effect said settlement, together with the requisite discharges of mortgages, all subject to prior approval by the Town Attorney.

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



## 2. RESOLUTION 2010-132

### Designation of Electrical Inspection Service

**Sponsored By:** Councilmember Rogowski, 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, Niagara Frontier Inspection Agency LLC has made application to the Supervising Code Enforcement Officer to be designated as an approved electrical inspection service for the Town of Cheektowaga, and has submitted the necessary paperwork, documentation and payment, and

WHEREAS, the Supervising Code Enforcement Officer has reviewed the application 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 company be and hereby is designated as an approved electrical inspection service for the Town of Cheektowaga, effective immediately and terminating on November 1, 2014:

Niagara Frontier Inspection Agency, LLC  
445 66th Street, Post Office Box 812  
Niagara Falls, New York

, and BE IT FURTHER

RESOLVED, that local representative of this company who has the necessary certification is authorized to perform the necessary inspections in the Town of Cheektowaga on behalf of the above company.

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

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - December 2009

2. Building Permits - February 2010
3. Minutes: Cheektowaga Conservation Advisory Council - February 4, 2010
4. Minutes: Cheektowaga Planning Board - February 11, 2010

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

1. Notice of Claim: Virginia Zulakowski 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 Jaworowicz to adjourn the meeting at 6:56 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 9, 2010

6:00 PM

Council Office

### I. Call to Order

6:00 PM Meeting called to order on March 9, 2010 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	

### II. Enter Into Executive Session at 6 PM

Motion by Supervisor Holtz; Seconded by Councilmember Markel to discuss litigation matters. Motion Carried.

### III. Exit Executive Session at 6:22 PM

Motion by Supervisor Holtz; Seconded by Councilmember Markel to discuss litigation matters. Motion Carried.

### IV. Resolutions



## 1. RESOLUTION 2010-133

### Settlement of Litigation - Wiesmore V. Town

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

WHEREAS, on or about October 30, 2008, an action (Thomas Wiesmore vs Town of Cheektowaga, et al, Index No. I-2008-11864) was commenced against the Town; and

WHEREAS, the law firm of Cole, Sorrentino, Hurley, Hewner & Gambino, P.C. (Richard H. Cole, 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 with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or Cole, Sorrentino, Hurley, Hewner & Gambino, 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.

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

### V. Work Session Ended at 7:45 PM



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, March 15, 2010

6:45 PM

Council Chambers

### I. Call to Order

6:45 PM Meeting called to order on March 15, 2010 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

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

#### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
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 Hearings at 6:45 PM

#### 1. Special Use Permit - 4910-4940 Transit Road

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

#### 2. Special Use Permit - 2021 Walden Avenue

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



**ABSENT:** Charles Markel

3. Local Law Intro No. 2010-1 - a Local Law to Change the Grievance Day for Assessments

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

4. Amendments to Vehicle & Traffic Law - Stop At Various Town Streets

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

## IV. Resolutions



## 1. RESOLUTION 2010-134

### 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

##### GENERAL FUND

FROM:	100.1910.3088	Misc. State Aid	\$	21,017.63
	100.1110.4001	Office Supplies		418.00
	100.1420.4001	Office Supplies		931.00
	100.1420.4014	Misc. Filing Fees		699.00
	100.1420.2201	Equipment		539.00
	100.1625.4202	Town Wide Telephone		14,518.00
	100.3020.4022	Maintenance Contract		170.00
	100.9010.5995	Allocated Fringes		8,296.00
TO:	100.1220.4010	Disaster Preparedness	\$	5,906.13
	100.1220.4010.0002	Disaster Preparedness		15,111.50
	100.1110.4013	Law Books		418.00
	100.1420.4013	Law Books		2,169.00
	100.1625.4217	Utilities		14,518.00
	100.3020.4029	Supplies		170.00
	100.9499.1901	Regular Payroll		1,408.00
	100.9499.1902	Overtime Payroll		6,888.00

##### SPECIAL DISTRICTS FUND

FROM:	150.8160.4001	Office Supplies	\$	30.00
	150.8160.4469	Composting Costs		27,709.00
TO:	150.8160.4231	Water	\$	30.00
	150.8173.4444	Recycling		27,709.00

##### HIGHWAY FUND

FROM:	300.5141.1902	Overtime	\$	1,667.00
	300.5141.1731	General Repairs		71,063.27
	300.5130.1701	Labor-General		43,950.87
	300.5140.1701	Labor-General		162,438.71
	300.5142.1701	Labor-General		75,238.15
	300.5141.1736	Labor-Other Gov't		4,292.31
	300.5141.1737	Labor-Improvements		113,047.62
TO:	300.5141.1932	Sick Sellback	\$	861.00
	300.5141.1971	PT Regular		106.00
	300.5141.1990	Other Pay		700.00
	300.5110.1701	General Repairs		71,063.27
	300.5141.1733	Labor Allocations		43,950.87
	300.5140.1379	Clerical		222.69

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300.5141.1734	Labor Brush & Weed	162,216.02
300.5141.1735	Labor-Snow	75,238.15
300.5148.1701	Labor-General	4,292.31
300.5150.1701	Labor-General	113,047.62

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



## 2. RESOLUTION 2010-135

### Transfer of Funds - 2010

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

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

#### 2010

#### GENERAL FUND

FROM:	100.1110.4431	Maintenance	\$ 1,700.00
TO:	100.1110.4321	Data Processing	\$ 1,700.00

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



### 3. RESOLUTION 2010-136

## Warrant

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

**BE IT RESOLVED,** that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 12, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,198,945.07
RISK RETENTION FUND	3,035,749.73
DEBT SERVICE FUND	1,512.00
HUD HOUSING REHABILITATION FUND	29,991.00
SPECIAL DISTRICTS FUND	922,502.73
HIGHWAY FUND	215,551.32
CAPITAL FUND	83,103.69
TRUST & AGENCY FUND	9,991.53
HUD CDBG FUND	32,019.94
PART TOWN FUND	43,023.68
NYS AFFORDABLE HOUSING	14,250.00
	<u>\$ 5,586,640.69</u>

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



## 4. RESOLUTION 2010-137

### Adopt Amendments to Vehicles and Traffic Law

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

WHEREAS, this Town Board held a public hearing on March 15, 2010 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
Garnet Drive	West	Topaz Drive
Peridot Place	West	Topaz Drive
Peridot Place	East	Topaz Drive
Topaz Drive	North	Topaz Drive
Topaz Drive	East	Topaz 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:

WHITNEY PLACE (west of Towers Boulevard) - South side: from the west curb line of Towers Boulevard westerly to the circle at Topaz Drive.

TOPAZ DRIVE (West Leg) - West side: from the circle at Whitney Place northeasterly to the circle on Topaz Drive.

TOPAZ DRIVE (East Leg) - East side: from the north curb line of Whitney Place northerly to the circle on Topaz Drive.

GARNET DRIVE - South side: from the east curb line of Topaz Drive (West Leg) easterly to the west curb line of Topaz Drive (East Leg).

PERIDOT PLACE - South side: from the east curb line of Topaz Drive (West Leg) easterly to the west curb line of Topaz Drive (East Leg).

#### Section 2. Time to Take Effect

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

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

#### Section 3. Territorial Application

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

#### Section 4. Publication

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

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



## 5. RESOLUTION 2010-138

### Award of Bid - Cold Milling of Various Town Highways

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Cold Milling of Various Town Highways within the Town of Cheektowaga, which bids were duly received and opened on March 10, 2010, AND

WHEREAS, three (3) bids were received which were referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the year of 2010 be awarded to:

Swank Associated Companies, Inc.  
200 Hunt Valley Road  
New Kensington, PA 15068

for the bid price of \$109,125.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from Account No: 500-5141-9919-5526.

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





## 6. RESOLUTION 2010-139

### Negative SEQR Declaration - 4910-4940 Transit Road

**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, an application was submitted by Benderson Development Co., LLC. for a Town Board Special Use Permit for the construction of a 4,000 square foot bakery/restaurant with an accessory drive thru service window at 4910-4940 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 10, 2010 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 11, 2010, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that the project be approved as indicated in their minutes dated February 16, 2010, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the drainage /grading plan.

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



## 7. RESOLUTION 2010-140

### Negative SEQR Declaration - 2021 Walden Avenue

**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, an application was submitted by Zaxis Architectural, P.C. for a Town Board Special Use Permit to modify an existing accessory drive thru service window at 2021 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 10, 2010 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 11, 2010, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that the project be approved as indicated in their minutes dated February 16, 2010, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the drainage /grading plan.

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



8. RESOLUTION 2010-141

Approve Special Use Permit for 4910-4940 Transit Road

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, Benderson Development Co., LLC has applied for a Special Use Permit to establish an accessory drive through window for a proposed 4,000 square foot bakery/restaurant on property owned by it and located at 4910-4940 Transit Road, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, Benderson Development Co., LLC also requested a variance to reduce the vehicle queues from sixteen (16) to six (6) for the accessory drive through window, and

WHEREAS, previously, by resolutions dated September 19, 2005, the Town Board issued a Negative Declaration under SEQRA and approved a site plan and rezoning for this property subject to certain conditions, one of which prohibited the use of this outparcel for a restaurant; and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15<sup>th</sup> day of March, 2010 at 6:45 P.M. of said day for the purpose of considering said application for a Special Permit and variance from the Zoning Law, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Permit and variances; and

WHEREAS, Benderson Development Co., LLC has agreed to restrict the use of the proposed building to the Panera Bread operation, and

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

RESOLVED, that this Town Board hereby amends the aforementioned resolutions dated September 19, 2005 to eliminate the condition that this outparcel not be used for a restaurant, and BE IT FURTHER

RESOLVED, that the aforesaid Special Use Permit for a drive through window for a proposed 4,000 square foot bakery/restaurant be and hereby is granted, subject to the condition that the building and associated drive through window be used solely for the Panera Bread operation, and BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variance to reduce the vehicle queues from sixteen (16) to six (6) in order to obviate the unnecessary hardship to the applicant caused by the existing buildings on the lot, the size of the lot and the distance from residences.

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LEGAL DESCRIPTION FOR SPECIAL PERMIT

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 45, Township 10, Range 7 of the Buffalo Creek Reservation Survey, bounded and described as follows:

Beginning at the intersection of the westerly line of Transit Road as widened by New York State Appropriation Map 176, Parcel 209 and the southerly line of Losson Road as widened by said Appropriation; Thence southerly along the westerly line of said Transit Road at a bearing of S 47-53'-33" E, a distance of 20.64 feet to an angle point; Thence continuing southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 560.68 feet to the True Point and Place of Beginning; Thence continuing southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 116.05 feet to a point; Thence easterly along a line at a bearing of N 89-48'-27" E, a distance of 5.00 feet to a point in the westerly line of said Transit Road; thence southerly along the westerly line of said Transit Road at a bearing of S 00-11'-04" W, a distance of 6.99 feet to a point; Thence westerly along a line at a bearing of N 89-48'-56" W, a distance of 185.00 feet to a point; Thence northerly along a line at a bearing of N 00-11'-04" E, a distance of 19.00 feet to a point; Thence westerly along a line at a bearing of N 89-48'-56" W, a distance of 13.08 feet to a point; Thence northerly along a line at a bearing of N 00-11'-04" E, a distance of 106.00 feet to a point; Thence easterly along a line at a bearing of S 89-48'-56" E, a distance of 119.08 feet to a point; Thence easterly along a line at a bearing of S 86-00'-06" E, a distance of 30.07 feet to a point; Thence easterly along a line at a bearing of S 89-48'-56" E, a distance of 44.00 feet to the True Point and Place of Beginning;

This parcel of land containing 0.546 acres more or less.

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



### 9. RESOLUTION 2010-142

## Approve Special Use Permit for 2021 Walden Avenue

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

WHEREAS, Mighty Taco has applied for a Special Use Permit to establish an accessory drive through window for a proposed fast food restaurant on property owned by First Berkshire Business Trust, et al. and located at 2021 Walden Avenue, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15<sup>th</sup> day of March, 2010 at 6:45 P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Permit; and

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

RESOLVED, that the aforesaid Special Use Permit for a drive through window for a proposed fast food restaurant be and hereby is granted, and BE IT FURTHER

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#### LEGAL DESCRIPTION FOR SPECIAL USE PERMIT

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot No. 16, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the southerly line of New Walden Avenue, 178.87 feet east from the point of intersection of the southerly line of New Walden Avenue with the west line of lands conveyed to John Zola and Valentine Zola, his wife, by deed recorded in the Erie County Clerk's Office in Liber 2688 of Deeds at Page 192; Running thence southerly on a line parallel to the westerly line of lands so conveyed to John Zola and his wife, 580.44 feet; Thence easterly at right angles, 125 feet; Thence northerly on a line parallel with the west line of lands conveyed to John Zola and his wife by deed recorded in Liber 2688 of Deeds at Page 192, 527.61 feet to the south line of New Walden Avenue; Thence northwesterly along said south line of New Walden Avenue, 135.96 feet to the point of beginning.

EXCEPTING that portion taken by Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4806 of Deeds at Page 25.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember

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



## 10. RESOLUTION 2010-143

### Decision Not to Consider Rezoning of 850-870 Losson Road

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

WHEREAS, an application was submitted by Thomas H. Shelberg, Architect, with the permission of the property owner, 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, and

WHEREAS, this rezoning application was subject to review pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga ("EIRO") and the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the applicant also submitted an environmental assessment form ("EAF") under the EIRO and SEQRA for this project, and

WHEREAS, said rezoning application and EAF were referred to the Cheektowaga Planning Board and the Environmental Advisory Committee for review and recommendation, and

WHEREAS, thereafter, the applicant modified its proposal by reducing the number of patio homes proposed to nineteen (19) and by revising the layout of the development, and

WHEREAS, the Cheektowaga Planning Board reviewed such application and EAF and recommended that this Town Board issue a positive declaration under SEQRA for the project, and

WHEREAS, the EAC also reviewed said application and EAF and recommended that the applicant prepare and file with the Town a Draft Environmental Impact Statement, and

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee ("CCAC") has reviewed the subject project and has recommended that the Town Board issue a positive SEQRA declaration for this project, and

WHEREAS, this Board held a Public Hearing regarding this project 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, and

WHEREAS, since the Town Board is the Lead Agency and legislative body having the authority to make decisions, it may affirm, modify or reject any recommendations submitted to it by the Planning Board and EAC, 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 Council and the Traffic Safety Commission, and

WHEREAS, under SEQRA, the Town Law and the Town Zoning Law, this Town Board has the discretion, as a legislative body, to decide not to consider any petition to change the zoning classification of property (a/k/a amendment to the zoning law) since such action is a

purely legislative function, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby decides that it will not consider the applications of George Peppes to rezone 850-870 Losson Road or render any decision with respect to the environmental review under SEQRA or the EIRO for said project.

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





## 11. RESOLUTION 2010-144

### Call for Public Hearing - 3828 Broadway

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

WHEREAS, Penske Truck Leasing with the permission of the land owner Iskalo Properties, LLC has made application and requested the rezoning of 7.8 acres of vacant land at 3828 Broadway from M1- Light Manufacturing to MS- Motor Service to construct a 14,900 square foot truck leasing/service facility, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on April 5, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

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#### Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 5th day of April, 2010 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

#### Penske Truck Leasing

for the rezoning of 3828 Broadway from M1- Light Manufacturing to MS- Motor Service to construct a 14,900 square foot truck leasing/service 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

#### PARCEL 1:

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

BEGINNING at a point in the southerly line of Ellicott Road, 316.54 feet west of the intersection of the southerly line of Ellicott Road and the westerly line of Mill Road;

THENCE: Westerly along the southerly line of Ellicott Road 316.53 feet to an iron stake;

THENCE: southerly 675.11 feet more or less to an iron stake in the northerly line of Broadway, which point is 623.63 feet west of the westerly line of Mill Road measured along the northerly

line of Broadway (formerly Cayuga Creek Plank Road);

THENCE: Easterly along the northerly line of Broadway 250 feet to an iron pipe;

THENCE: Northerly forming an interior angle of 92 degrees 02 minutes 200 feet to an iron pipe;

THENCE: Easterly along a line parallel with the northerly line of Broadway 23.63 feet to a point;

THENCE: Northerly forming an interior angle of 92 degrees 02 minutes 200 feet to a point;

THENCE: Easterly along a line parallel with the northerly line of Broadway 38.19 feet to a stake;

THENCE: Northerly 318.25 feet to the POINT OR PLACE OF BEGINNING.

EXCEPTING from the above described parcel those lands appropriated for highway purposes by the People of the State of New York, being Map No. 72, Parcel No. 74 pursuant to Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 10943 of Deeds at Page 6136.

FURTHER EXCEPTING from the above described parcel those lands conveyed by Iskalo Properties I, LLC to Michael F. Sebastiano and Marie G. Sebastiano by deed dated as of 9/5/01 and recorded 9/5/01 in Liber 10988, Cp. 3704, which land is more particularly bounded and described as follows:

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

BEGINNING at a point in the southerly line of Ellicott Road, 316.54 feet west of the intersection of the southerly line of Ellicott Road and the westerly line of Mill Road, said point being the northeast corner of lands conveyed to 303 Central Avenue Corporation by deed recorded in the Erie County Clerk's Office in Liber 6994 of Deeds at Page 537;

THENCE: Southerly and along the east line of lands so conveyed to 303 Central Avenue Corporation 317.70 feet to a point in the north line of Subdivision Lot No. 7, in Block +IBw-B+IB0- as shown on a map filed in Erie County Clerk's Office under Cover No. 113;

THENCE: Westerly on a line parallel with Broadway, 80.05 feet to a point;

THENCE: Northerly on a line parallel with the first described course herein, 306.19 feet to a point in the southerly line of Ellicott Road;

THENCE: Easterly along the southerly line of Ellicott Road 81.28 feet to the POINT OF BEGINNING.

PARCEL 2:

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. 2, 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 Broadway, 429.62 feet easterly of the intersection of the northerly line of Broadway with the easterly line of lands conveyed to William Davis as recorded in the Erie County Clerk's Office in Liber 97 of Deeds at Page 99;

THENCE: Easterly along the northerly line of Broadway 179.16 feet;

THENCE: Northerly at an interior angle of 92 degrees 02 minutes 01 seconds, 672.87 feet to the southerly line of Ellicott Road, which is also the northerly line of Farm Lot No. 2;

THENCE: Westerly and along the southerly line of Ellicott Road and the northerly line of Farm Lot No. 2, 340.12 feet to the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344;

THENCE: Southerly at an interior angle of 97 degrees 20 minutes 35 seconds and along the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344, 380.36 feet to a point;

THENCE: Easterly and parallel with Broadway 125.00 feet;

THENCE: Southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344, 244.00 feet to the northerly line of Broadway and the POINT OR PLACE OF BEGINNING.

EXCEPTING therefrom that part taken by the State of New York by Notice of Appropriation recorded in Liber 10943 of Deeds at Page 6160 and designated as Map No. 71, Parcel No. 73.

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



## 12. RESOLUTION 2010-145

### Notice to Bidders - Athletic White Stripe 2010

**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 Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 24th day of March, 2010 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 24, 2010, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2010.

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

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

Alice Magierski, Town Clerk

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



## 13. RESOLUTION 2010-146

### Notice to Bidders -Pool Maintenance Chemicals 2010

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2010, 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 24th day of March, 2010 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 24, 2010, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2010.

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

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

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

Alice Magierski, Town Clerk

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



## 14. RESOLUTION 2010-147

### Notice to Bidders - Topsoil

**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 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 31, 2010 at 11:00AM, in the council Chambers of the Cheektowaga Town Hall.

#### NOTICE TO BIDDERS

#### TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on March 31, 2010 at a public bid opening at 11:00 AM, at the Town Hall located on Broadway and Union Roads, Cheektowaga, NY, for the purpose of furnishing TOPSOIL for use by various departments in the Town of Cheektowaga.

Specifications may be picked up at the office of the Town Clerk, Cheektowaga Town hall, Broadway and Union Road, Cheektowaga, NY, between the hours of 9:00 AM and 4:30 PM, Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

ALICE MAGIERSKI  
TOWN CLERK  
TOWN OF CHEEKTOWAGA

DATED: March 15, 2010

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



## 15. RESOLUTION 2010-148

### Special Event - Rosa Foundation/Kids Escaping Drugs 3Rd Annual 5K Road Race

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

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

WHEREAS, the Paul and Elaine Rosa Foundation has made application to hold its Run for the Rosa's 5K Race on Sunday, June 6th, 2010, 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, Facilities 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 6th, 2010 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 Ziembra.

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



## 16. RESOLUTION 2010-149

### Special Events - War of 1812 Commemoration Ceremonies

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

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

WHEREAS, the War of 1812 Cemetery Board of Trustees and Cheektowaga Patriotic Commission have made application to hold a War of 1812 Cemetery/Flag Day parade and commemoration ceremony on Sunday, June 13, 2010 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 13, 2010, and BE IT FURTHER

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

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





## 17. RESOLUTION 2010-150

### Application for NYS Affordable Housing Corporation Funding

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

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 and HOME Investment Partnership funds to accomplish needed rehabilitation for low-to-moderate income homeowners, and

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

RESOLVED, that the Supervisor be and hereby is authorized to sign said application, and any related documents, and submit same to the New York State Affordable Housing Corporation for a grant of up to \$500,000 for "home improvements" for low-to-moderate income Town homeowners under the Affordable Home Ownership Development Program, as authorized by Section 1113(1) of the Private Housing Finance Law, and Be It

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

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



## 18. RESOLUTION 2010-151

### Authorize Supervisor to Execute Agreement with USDA for Geese Management

**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 2010, 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 cost of the program proposed for the Town of Cheektowaga is approximately \$4,985.00, 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 2010, 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 \$4,985.00 for this program, shall be appropriated from budget line item number 100-7110-4106.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember

**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski  
**ABSENT:** Charles Markel



## 19. RESOLUTION 2010-152

### Authorization of Student Intern (Justice Court) Mark Amati

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

WHEREAS, Mark Amati, a student at Erie Community College has requested to participate in the student internship program at the Cheektowaga Justice Court; AND

WHEREAS, Mr. Amati has been interviewed by the Justice Court and the Court is willing to afford him the opportunity to intern in the Court; NOW, THEREFORE, BE IT

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

RESOLVED, that the Town 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.

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



## 20. RESOLUTION 2010-153

### Hiring/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 nineteen (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 \$8.00/hour effective 3/16/10  
Molly K. Platt, Cheektowaga, NY

JUSTICE COURT Court Officer \$15.59/hour effective 3/16/10  
Thomas G. Dryja, Cheektowaga, NY

TOWN CLERK'S OFFICE Clerk \$8.50/hour effective 3/12/10  
Margaret M. Sisti, Sloan, NY

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

TOWN CLERK'S OFFICE  
Rayanne Bakowski effective 2/22/10  
Margaret M. Sisti effective 3/10/10

JUSTICE COURT  
James Sala effective 3/16/10  
Christine DiGiacomo effective 8/12/09

FACILITIES DEPARTMENT (Buildings and Grounds Division)  
Michael R. Ivansitz effective 3/15/10

BE IT FURTHER RESOLVED, that the following be and hereby is effective 2/23/10:

FACILITIES DEPARTMENT (Buildings and Grounds Division) Laborer \$7.75/hour  
Gerald Scheib, Cheektowaga, NY  
Appointment of seasonal employee amended to part-time status

Motion by Councilmember Rogowski; seconded by Councilmember Zydel 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, Kaznowski

**ABSENT:** Charles Markel

**21. RESOLUTION 2010-154****Rescind Appointment of Clerk Typist  
(Competitive/Permanent) (Youth and Recreation) Carol  
Sczesniak**

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

WHEREAS, Carol Sczesniak was appointed by this Town Board to the title of Clerk Typist in the Youth and Recreation Department effective February 22, 2010; AND

WHEREAS, Ms. Sczesniak submitted a letter of declination for said title dated February 23, 2010; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rescind the appointment of Carol Sczesniak of Cheektowaga, New York, effective February 22, 2010.

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



## 22. RESOLUTION 2010-155

### Appoint Chairman and Member of Zoning Board

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

WHEREAS, Andrew A. Kulyk has resigned from his position as Chairman of the Zoning Board of Appeals, effective March 31, 2010, and

WHEREAS, Robert Brandon has been a member of the Zoning Board of Appeals since January of 1994 and has served as Secretary to such Board for a number of years, and merits appointment as Chairman of the Zoning Board of Appeals, and

WHEREAS, as a result of the resignation of Andrew A. Kulyk from the Zoning Board of Appeals and the appointment of Robert Brandon to Chairman of the Zoning Board of Appeals, there is a vacancy in the position of member of the Zoning Board of Appeals, and

WHEREAS, John Abraham of Depew, New York (in the Town of Cheektowaga) has applied for the position of member of the Zoning Board of Appeals, NOW, THEREFORE, BE IT

RESOLVED, that Robert Brandon of Cheektowaga, New York be and hereby is appointed Chairman of the Zoning Board of Appeals, effective immediately and expiring on December 31, 2010, and BE IT FURTHER

RESOLVED, that John Abraham of Depew, New York be and hereby is appointed to the position of member of the Zoning Board of Appeals, effective April 1, 2010 and expiring on December 31, 2010.

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



**23. RESOLUTION 2010-156****Appointment of Laborer (Labor/Permanent) (Highway Department) Michael R. Ivansitz**

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

WHEREAS, a vacancy exists in the title of Laborer in the Highway Department; AND

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

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Michael R. Ivansitz, currently employed as a seasonal Laborer in the Facilities Department (Buildings and Grounds Division), applied for said position and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael R. Ivansitz of Depew, 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 March 16, 2010.

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



## 24. RESOLUTION 2010-157

### Travel Authorization Town Clerk (Alice Magierski)

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

WHEREAS, the 28<sup>th</sup> Annual Conference of the New York State Town Clerks' Association is being held April 25-28, 2010 in Saratoga Springs, New York; AND

WHEREAS, Town Clerk Alice Magierski has requested authorization to attend said conference; AND

WHEREAS, 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 \$1,054.69; AND

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

RESOLVED, that Town Clerk Alice Magierski be and hereby is authorized to attend the 28<sup>th</sup> Annual Conference of the New York State Town Clerks' Association being held April 25-28, 2010 in Saratoga Springs, New York.

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



## 25. RESOLUTION 2010-158

### Travel Authorization Police Department (Detective Mark Jedd)

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

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Statewide Group will be meeting on April 6-7, 2010 in Albany, New York; AND

WHEREAS, Detective Mark Jedd has requested authorization to attend said meeting;  
AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, no cost shall be incurred by the Town; NOW, THEREFORE, BE IT

RESOLVED, that Detective Mark Jedd be and hereby is authorized to attend the Motor Vehicle Theft and Insurance Fraud Statewide Group that is meeting on April 6-7, 2010 in Albany, New York.

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



## 26. RESOLUTION 2010-159

### **Travel Authorization Police Department (Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Jonathan Ober and Police Officer Kurt Spieler)**

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

WHEREAS, the Canadian Centre for the Prevention of In-Custody Death Conference is being held April 19-20, 2010 in Niagara Falls, Ontario; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Jay Ober and Police Officer Kurt Spieler have requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,611; AND

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

RESOLVED, that Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Jonathan Ober and Police Officer Kurt Spieler be and hereby are authorized to attend the Canadian Centre for the Prevention of In-Custody Death Conference being held April 19-20, 2010 in Niagara Falls, Ontario.

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



## 27. RESOLUTION 2010-160

### Travel Authorization Police (Police Officer Michael McDonough, Police Officer Scott Scharlau)

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

WHEREAS, the New York State Truck Safety and Education Symposium and Safety Exhibition is being held March 30-31, 2010 in Albany, New York; AND

WHEREAS, Police Officers Michael McDonough and Scott Scharlau have requested authorization to attend said symposium and exhibition; 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 \$736; AND

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

RESOLVED, that Police Officers Michael McDonough and Scott Scharlau be and hereby are authorized to attend the New York State Truck Safety and Education Symposium and Safety Exhibition being held March 30-31, 2010 in Albany, New York.

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

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Two (2) Resolutions, 2010-161 and 2010-162. Motion Carried.
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**1. RESOLUTION 2010-161**

**Adopt Local Law No. 1 of the Year 2010 - a Local Law to Change the Grievance Day for Assessments**

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

WHEREAS, the Town of Cheektowaga employs as its Sole Assessor a person who is also employed as an Assessor in another jurisdiction, and

WHEREAS, pursuant to the Real Property Tax Law and the Erie County Tax Act, Grievance Day for the hearing of complaints relating to assessments is scheduled for the fourth Tuesday in May, and

WHEREAS, pursuant to Section 512(1-a), the Town of Cheektowaga can adopt a local law to establish Grievance Day as a date after the fourth Tuesday in May, and

WHEREAS, the Town Attorney has prepared a draft of "A Local to Change the Grievance Day for Assessments", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 15th day of March, 2010 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. 2010-1 of the Year 2010, entitled "A Local Law to Change the Grievance Day for Assessments" should be enacted, 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. 1 of the Year 2010 entitled "A Local Law to Change the Grievance Day for Assessments" 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, one (1) certified copy with the Secretary of State and one (1) certified copy wit the New York State Office of Real Property Services.

\*\*\*\*\*

**LOCAL LAW NO. 1 OF THE YEAR 2010**

**A LOCAL LAW TO CHANGE THE GRIEVANCE DAY FOR ASSESSMENTS**

**Section 1. Title**

This local law shall be known as "A Local Law to Change the Grievance Day for Assessments."

**Section 2. Authority**

This local law was adopted pursuant to authority contained in Section 512 of the Real Property Tax Law of the State of New York.

### **Section 3. Purpose**

The Town of Cheektowaga presently employs an Assessor who is at the same time employed by another assessing unit. The grievance days for both assessing units is established by Section 512(1) of the Real Property Tax Law as the fourth Tuesday of May in each year. Section 512(1-a) of the Real Property Tax Law permits a governing body of an assessing unit to adopt a local law establishing a date for the meetings of the board of assessment review (a/k/a "Grievance Day") other than that provided by Section 512(1) of the Real Property Tax Law.

### **Section 4. Grievance Day Established**

The Town of Cheektowaga hereby adopts as the date for the meetings of the board of assessment review (a/k/a "Grievance Day") as the first Wednesday after the fourth Tuesday of May and so many days thereafter as the Board of Assessment Review deems necessary to hear complaints in relation to assessments in the Town of Cheektowaga.

### **Section 5. Severability.**

If any article, paragraph or provision of this Local Law shall be deemed invalid by any authority of competent jurisdiction, such determination shall apply only to the article, paragraph or provision adjudged invalid, and the rest of this Local Law shall continue as valid, effective and in full force.

### **Section 6. Effective Date.**

This Local Law shall be effective immediately upon its filing with the Secretary of State and with the State Board of Equalization and Assessment.

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



## 2. RESOLUTION 2010-162

### Appointment of Acting Detective (Police Department) (Kevin M. Schmitt)

**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 Kevin M. Schmitt of Depew, 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 March 16, 2010.

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

## VI. Communications

### *A. Departmental Communications*

1. Minutes - Cheektowaga Traffic Safety Commission - February 16, 2010
2. Minutes - Cheektowaga Conservation Advisory Council - March 4, 2010
3. Minutes: Town Environmental Advisory Committee - March 10, 2010

### *B. General Communications*

1. Notice of Claim: Anne/Shawn Filion Vs. Town of Cheektowaga
2. Notice of Claim: John F. Lumadue Vs. Town of Cheektowaga



## **VII. Comments**

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

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

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

## **VIII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting in Memory of JT Conti, 24 year old, who played hockey in our town for over 9 years was employed as a rink guard for 3 years, a goalie coach for the squirt travel team this season, 2001 heart recipient and was a great-nephew of Ray Dusza.

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, April, 19, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on April 19, 2010 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

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

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Patrick Bowen, Assistant Town Engineer  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
Kevin Schenk, Town Attorney  
John Staniszewski, TCEA Union Representative  
Christine Ziembra, Chief of Police

## II. Public Comment Period

## III. Public Hearings

### 1. Proposed Amendments to Parks Ordinance

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

## IV. Resolutions



## 1. RESOLUTION 2010-197

### 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 2010-198

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 16, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,720,406.56
RISK RETENTION FUND	146,568.30
NYS HOME PROGRAM	1,120.00
DEBT SERVICE FUND	71,275.00
HUD HOUSING REHABILITATION FUND	9,616.00
SPECIAL DISTRICTS FUND	1,042,679.32
HIGHWAY FUND	1,102,447.42
CAPITAL FUND	208,158.23
TRUST & AGENCY FUND	8,320.56
HUD CDBG FUND	997.46
PART TOWN FUND	133,142.18
NYS AFFORDABLE HOUSING	22,181.00
	<u>\$ 6,466,912.03</u>

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



### 3. RESOLUTION 2010-199

## Amended Negative SEQR Declaration - 25 Anderson 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 amended application was submitted by Architecture Unlimited/ Niagara Upstate Cooperative, Inc. for the construction of a 19,825 square foot building addition at 25 Anderson Road , AND

WHEREAS, on December 29, 2009 this Town Board previously issued a negative SEQR declaration for a 13,600 square foot building addition for the applicant, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 10, 2010 recommended a determination of non-significance as shown on the attached memorandum dated February 11, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 11, 2010, 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 Negative SEQR Declaration adopted on December 29, 2009 is reaffirmed with the aforementioned change in building area.

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



## 4. RESOLUTION 2010-200

### Negative SEQR Declaration-3828 Broadway

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

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Penske Truck Leasing for a rezoning request of from M1 - Light Manufacturing to MS- Motor Service for the construction of a 14,900 square foot truck leasing facility at 3828 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 7, 2010 recommended a determination of non-significance as shown on the attached memorandum dated April 8, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of March 11, 2010 and April 8, 2010 respectively, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project at their meeting of March 16, 2010 and is recommending its approval, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council has reviewed the project and is recommending the preservation of as many trees as possible, with a priority of providing replacement trees on premises for those being displaced, rather than monies in lieu of replacement trees, AND

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

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

1. The Town Engineer reviewing and approving the grading and drainage plan.
2. The applicant obtaining the necessary area variances from the Zoning Board of Appeals.

3. Finalizing replacement trees pursuant to section 229-5 of the Town Tree Preservation Law and /or monies in lieu of such replacement trees which can not be located on premises.
4. Submission of an exterior lighting plan to be approved by the Office of Building Inspections.

**ATTACHMENTS:**

EAC-April 7, 2010 minutes (PDF)

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



5. RESOLUTION 2010-201

Approve Rezoning of Property at 3828 Broadway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Penske Truck Leasing petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for property owned by Iskalo Properties, LLC and located at 3828 Broadway, Cheektowaga, New York (S.B.L. Nos. 103.14-1-1.1 and 103.13-1-23.2), which property is described in the attached legal description, for the construction of a 14,900 square foot truck leasing/service facility, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of April, 2010 at 6:45 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 Penske Truck Leasing 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 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. Applicant must obtain the necessary area variances from the Zoning Board of Appeals.

, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above; however, as per the February 26, 2010 letter from the current owner of the property (Iskalo Properties LLC), in the event Penske Truck Leasing does not purchase this property, this rezoning shall be null and void.

\*\*\*\*\*

LEGAL DESCRIPTION

PARCEL 1:

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

BEGINNING at a point in the southerly line of Ellicott Road, 316.54 feet west of the intersection of the southerly line of Ellicott Road and the westerly line of Mill Road;

THENCE: Westerly along the southerly line of Ellicott Road 316.53 feet to an iron stake;

THENCE: southerly 675.11 feet more or less to an iron stake in the northerly line of Broadway, which point is 623.63 feet west of the westerly line of Mill Road measured along the northerly line of Broadway (formerly Cayuga Creek Plank Road);

THENCE: Easterly along the northerly line of Broadway 250 feet to an iron pipe;

THENCE: Northerly forming an interior angle of 92 degrees 02 minutes 200 feet to an iron pipe;

THENCE: Easterly along a line parallel with the northerly line of Broadway 23.63 feet to a point;

THENCE: Northerly forming an interior angle of 92 degrees 02 minutes 200 feet to a point;

THENCE: Easterly along a line parallel with the northerly line of Broadway 38.19 feet to a stake;

THENCE: Northerly 318.25 feet to the POINT OR PLACE OF BEGINNING.

EXCEPTING from the above described parcel those lands appropriated for highway purposes by the People of the State of New York, being Map No. 72, Parcel No. 74 pursuant to Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 10943 of Deeds at Page 6136.

FURTHER EXCEPTING from the above described parcel those lands conveyed by Iskalo Properties I, LLC to Michael F. Sebastiano and Marie G. Sebastiano by deed dated as of 9/5/01 and recorded 9/5/01 in Liber 10988, Cp. 3704, which land is more particularly bounded and described as follows:

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

BEGINNING at a point in the southerly line of Ellicott Road, 316.54 feet west of the intersection of the southerly line of Ellicott Road and the westerly line of Mill Road, said point being the northeast corner of lands conveyed to 303 Central Avenue Corporation by deed recorded in the Erie County Clerk's Office in Liber 6994 of Deeds at Page 537;

THENCE: Southerly and along the east line of lands so conveyed to 303 Central Avenue Corporation 317.70 feet to a point in the north line of Subdivision Lot No. 7, in Block +IBw-B+IB0- as shown on a map filed in Erie County Clerk's Office under Cover No. 113;

THENCE: Westerly on a line parallel with Broadway, 80.05 feet to a point;

THENCE: Northerly on a line parallel with the first described course herein, 306.19 feet to a point in the southerly line of Ellicott Road;

THENCE: Easterly along the southerly line of Ellicott Road 81.28 feet to the POINT OF BEGINNING.

## PARCEL 2:

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. 2, 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 Broadway, 429.62 feet easterly of the intersection of the northerly line of Broadway with the easterly line of lands conveyed to William Davis as recorded in the Erie County Clerk's Office in Liber 97 of Deeds at Page 99;

THENCE: Easterly along the northerly line of Broadway 179.16 feet;

THENCE: Northerly at an interior angle of 92 degrees 02 minutes 01 seconds, 672.87 feet to the southerly line of Ellicott Road, which is also the northerly line of Farm Lot No. 2;

THENCE: Westerly and along the southerly line of Ellicott Road and the northerly line of Farm Lot No. 2, 340.12 feet to the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344;

THENCE: Southerly at an interior angle of 97 degrees 20 minutes 35 seconds and along the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344, 380.36 feet to a point;

THENCE: Easterly and parallel with Broadway 125.00 feet;

THENCE: Southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344, 244.00 feet to the northerly line of Broadway and the POINT OR PLACE OF BEGINNING.

EXCEPTING therefrom that part taken by the State of New York by Notice of Appropriation recorded in Liber 10943 of Deeds at Page 6160 and designated as Map No. 71, Parcel No. 73.

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



## 6. RESOLUTION 2010-202

### Decision on Amendment to Parks Ordinance

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

WHEREAS, the Town of Cheektowaga 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 existing Parks Ordinance does not permit dogs in the parks or park approaches, and

WHEREAS, the Town of Cheektowaga would like to permit the walking of dogs on leashes in the park area on the south side of Scajaquada Creek to the west and north of the Alexander Community Center building, and

WHEREAS, this Town Board desires to amend the Parks Ordinance to permit said activities in this area of our park, 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 19<sup>th</sup> day of April, 2010 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") shall be amended as provided in the Notice of Hearing, 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:

**§174-8. Domestic animals prohibited from parks and park approaches**, shall be amended, effective May 1, 2010, to read as follows:

**§174-8. Domestic animals in parks and park approaches. [Effective May 1, 2010]**

No domestic animals shall be permitted in a park or park approach except as follows:

A. Dogs shall be permitted in the following areas only provided they are restrained/hand-controlled by leash (no longer than six feet in length) and further provided that no person walking or in charge of any dog in said area(s) shall cause, suffer or allow such dog to soil, defecate on or commit any nuisance in said area (unless said person picks up and properly disposes of the feces in an appropriate container):

Alexander Walking Path - described as follows: being the park area/walking trail area on the south side of Scajaquada Creek east and north of the Alexander Community Center, but not including any area east of the parking lot for the Cheektowaga Recreation Center/Ice Rink

building.

, 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 19<sup>th</sup> day of April, 2010; 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 May 1, 2010.

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



## 7. RESOLUTION 2010-203

### Award of Bid - Athletic White Stripe 2010

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

WHEREAS, bids for Athletic White Stripe were received on April 14, 2010 at a meeting held for said purpose, AND

WHEREAS, said bid has been reviewed for in compliance under the terms of the specifications, NOW THEREFORE BE IT

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

Reboy Supply, Inc.  
1280 Maple Road  
Elma, NY 14059

Athletic White Stripe at \$.112 per lb.

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



## 8. RESOLUTION 2010-204

### Purchase of a Bobcat Skid-Steer Loader for Highway

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

WHEREAS, the Highway Department had requested the purchase of a Bobcat Skid-Steer Loader for use on storm sewer installations and repairs, AND

WHEREAS, said Bobcat Skid-Steer Loader is available for purchase through State Contract pricing, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of a new Bobcat Skid-Steer Loader with 79" low profile bucket be purchased from:

Bobcat of Buffalo  
6511 Transit Road  
Lockport, New York 14094-6329

in the amount of \$27,226.00, AND BE IT FURTHER

RESOLVED, that the funds for said purchase be taken out of Account #4000-8140-4431.

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



## 9. RESOLUTION 2010-205

### Notice to Bidders - Two-Way Radios for Police Department

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

WHEREAS, the Police Department is in need of twenty-one (21) Motorola EX560 XLS Professional Submersible Two-Way Portable radios (or equivalent); and

WHEREAS, the Police Department (Dispatch) has been requested to prepare specifications for the aforesaid purchase; NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 5th day of May, 2010 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 bids will be received and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, May 5, 2010, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of twenty-one (21) Motorola Ex560 XLS Professional Submersible Two-Way Portable Radios (or equivalent) as further described in the bid specifications.

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

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 bid not prepared and submitted in accordance with the provisions of the specifications, and may waive any informality, make an award to other than the low bidder, should it be in the best interest of the Town or reject any or all bids.

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

Alice Magierski  
Town Clerk

Dated: April 19, 2010

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



## 10. RESOLUTION 2010-206

### Notice to Bidders - 8' X 32' Trailer for Police Department

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

WHEREAS, the Police Department SWAT Team is in need of one 8' by 32' Trailer; and

WHEREAS, the Police Department has been requested to prepare specifications for the aforesaid purchase; NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 5th day of May 2010, 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 bids will be received and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, May 5, 2010, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) 8" x 32' Trailer for the Cheektowaga Police Department as further described in the bid specifications.

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

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 bid not prepared and submitted in accordance with the provisions of the specifications, and may waive any informality, make an award to other than the low bidder, should it be in the best interest of the Town or reject any or all bids.

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

Alice Magierski  
Town Clerk

Dated: April 19, 2010

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





## 11. RESOLUTION 2010-207

### Notice to Bidders Walk-In Van for PD SWAT Team

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

WHEREAS, the Police Department SWAT Team is in need of one (1) New and Unused 2010 Walk-In Van; and

WHEREAS, the Police Department SWAT Team has been requested to prepare specifications for the aforesaid purchase; NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 5th day of May 2010, 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 opened by the Town Clerk of the Town of Cheektowaga on Wednesday, May 5, 2010, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) 2010 new and unused Walk-In Van for the Cheektowaga Police Department as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) 2010 new and unused Walk-In Van for the Cheektowaga Police Department as specified.

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

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

Alice Magierski  
Town Clerk

Dated: April 19, 2010

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



## 12. RESOLUTION 2010-208

### Refunding Bond Resolution

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

REFUNDING BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED APRIL 19, 2010, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$5,740,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,740,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

#### Recitals

WHEREAS on May 22, 1997, the Town of Cheektowaga, in the County of Erie, New York (herein called the "Town"), issued its \$5,045,000 Various Purposes Serial Bonds-1997, which are currently outstanding in the principal amount of \$900,000 (herein referred to as the "Outstanding 1997 Bonds"); and

WHEREAS, the Outstanding 1997 Bonds bear interest payable semiannually on May 15 and November 15 in each year to maturity and mature on May 15 in the years and in the principal amounts, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$ 300,000	5.20%
2011	300,000	5.20
2012	300,000	5.20

WHEREAS, the Outstanding 1997 Bonds maturing on or after the effective date of this resolution will be subject to redemption on any interest payment date, at the option of the Town, in whole or in part, in inverse order of maturity or in equal proportionate amounts

(selected by a lot within a maturity), at the redemption price of the par amount of bonds to be redeemed, plus accrued interest to the date of redemption.

WHEREAS on June 16, 1999, the Town issued its \$3,380,000 Public Improvement Serial Bonds-1999, which are currently outstanding in the principal amount of \$1,125,000 (herein referred to as the "Outstanding 1999 Bonds"); and

WHEREAS, the Outstanding 1999 Bonds bear interest payable semiannually on June 15 and December 15 in each year to maturity and mature on June 15 in the years and in the principal amounts, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$225,000	4.60 %
2011	225,000	4.60
2012	225,000	4.60
2013	225,000	4.60
2014	225,000	4.60

WHEREAS, the Outstanding 1999 Bonds maturing on or after the effective date of this resolution are subject to redemption prior to maturity, at the option of the Town, on any date, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by a lot within a maturity), at the following redemption prices, plus accrued interest to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Price as a Percentage of Par</u>
June 15, 2009 through June 14, 2010.....	101%
June 15, 2010 through June 14, 2011.....	100.5%
June 15, 2011 and thereafter.....	100

WHEREAS on September 5, 2001, the Town issued its \$7,850,000 Public Improvement Serial Bonds, which are currently outstanding in the principal amount of \$3,450,000 (herein referred to as the "Outstanding 2001 Bonds"); and

WHEREAS, the Outstanding 2001 Bonds bear interest payable semiannually on March 1 and September 1 in each year to maturity and mature on September 1 in the years and in the principal amounts, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$475,000	3.80%
2011	475,000	4.00
2012	500,000	4.00
2013	500,000	4.20
2014	500,000	4.30
2015	500,000	4.30
2016	500,000	4.30

<u>Redemption Dates</u>	<u>Redemption Price as a Percentage of Par</u>
September 1, 2010 through August 31, 2011.....	101%
September 1, 2011 through August 31, 2012.....	100.5
September 1, 2012 and thereafter .....	100

WHEREAS, the Outstanding 2001 Bonds maturing on or after September 1, 2011 are subject to redemption prior to maturity, at the option of the Town, on September 1, 2010 and thereafter on any date, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the following redemption prices, plus accrued interest to the date of redemption:

WHEREAS, the Outstanding 1997 Bonds, the Outstanding 1999 Bonds and the Outstanding 2001 Bonds are collectively referred to as the “Outstanding Bonds.”

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), permit the Town to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board of Town has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds;

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Town Board), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (e) "Redemption Date" means any interest payment date with respect to the Outstanding 1997 Bonds; any date with respect to the Outstanding 1999 Bonds; and September 1, 2010 and any date thereafter with respect to the Outstanding 2001 Bonds, as shall be determined by the Supervisor, as chief fiscal officer, pursuant to Section 8 hereof.
- (f) "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$5,740,000 Refunding Serial Bonds-2010 of the Town of Cheektowaga, authorized to be issued pursuant to Section 2 hereof.
- (g) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereto, plus costs and expenses

incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town of Cheektowaga (herein called the “Town Board”), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$5,740,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$5,740,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Town in the maximum principal amount of \$5,740,000 and designated substantially as “Refunding Serial Bonds-2010,” are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the “refunding financial plan”) prepared for the Town by Capital Markets Advisors, LLC, Orchard Park, New York, New York, and hereby accepted and approved, includes the deposit of all or part of the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds and the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balances of the Outstanding Bonds issued

pursuant to various bond resolutions duly adopted on their respective dates, authorizing the issuance of bonds of the Town for various purposes in and for the Town. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$5,740,000 shall mature in amounts and on dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum periods of probable usefulness (“PPU”) permitted by law at the time of original issuance of the Bonds to be Refunded, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds. The applicable periods of probable usefulness for each of the objects or purposes financed with the proceeds of the Bonds to be Refunded, are the periods designated in Exhibit B annexed hereto and hereby made a part hereof.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

Section 6. The Refunding Bonds may be sold at public or private sale and, if the

Refunding Bonds are sold at private sale, the Supervisor, as the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller. Prior to the issuance of the Refunding Bonds the Supervisor shall have filed with the Town Board a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published in full or in summary at least once in "*The Bond Buyer*," published in the City of New York and/or the official newspaper of the Town having general circulation within said Town, not less than five (5) nor more than thirty (30) days prior to the date of said sale, in conformity with the requirements of Section 57.00 of the Local Finance Law and related regulations of the State Comptroller. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding 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 Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution 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 10. Prior to the issuance of the Refunding Bonds, the Town shall contract with a bank or trust company located and authorized to do business in New York State, for the

purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the

Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for

redemption to be given in the name of the Town by mailing such notice not less than thirty (30) days nor more than sixty (60) days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Cheektowaga Bee*," a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

\* \* \*

**ATTACHMENTS:**

EXHIBIT B 2010 refunding (DOC)

Refunding Financial Plan 2010 (PDF)

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



## 13. RESOLUTION 2010-209

### Amend Use of HOME Program Funds

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

WHEREAS, the Town of Cheektowaga has received Home Investment Partnership funds through the Amherst HOME Consortium, of which the Town is a member, and

WHEREAS, the Town desires to amend its use of said HOME funds pursuant to the attached Community Development Block Grant Program and HOME Program Amendment Report, and

WHEREAS, citizens and interested parties were provided the opportunity to comment on the proposed amendment pursuant to the Citizen Participation Plan previously adopted by the Town Board, and

WHEREAS, the Director of Community Development recommends approval of the proposed amendment, Now Therefore Be It

RESOLVED, that the Town Board hereby amends its use of HOME Investment Partnership funds and requests the Town of Amherst, as Consortium Lead Community, to amend its Final Statement/Annual Plan on the Use of Community Development and HOME Investment Partnership Funds pursuant to the attached HOME Program Amendment Report.

Amherst HOME Consortium  
Town of Cheektowaga  
Home Investment Partnership Program  
Amended Annual Plan  
2010 - HOME #1

The Town of Cheektowaga has amended its use of HOME Investment Partnership Funds as follows:

The following activities budgeted for the Town of Cheektowaga will be canceled and the funds budgeted for each said activity will be reallocated for Housing Rehabilitation activities for low-to-moderate income homeowners in the Town of Cheektowaga. The funds for the activities proposed to be cancelled are not currently needed for said use, however, if a need for funding for said activities is identified in the future, HOME Program funds may be allocated for such activity.

Activities to be cancelled:     2007 Special Needs Housing-\$100,000;  
  2008 Special Needs Housing-\$75,000.

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



## 14. RESOLUTION 2010-210

### Agreement to Sell 64 Glidden Street

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

Whereas, the Town owns residential property at 64 Glidden Street which was acquired and demolished with Community Development Block Grant funds in order to eliminate a blighted structure at that location, and

Whereas, the Town wishes to dispose of the vacant lot, and

Whereas, Buffalo Niagara Realty, Inc. has submitted a proposal to sell said property for a flat fee, and

Whereas, the Director of Community Development recommends that the Town engage the services of Buffalo Niagara Realty, Inc. for said purpose, Now Therefore Be It

Resolved, that the Supervisor is authorized and directed to execute an agreement with Buffalo Niagara Realty, Inc., 2846 William Street, Cheektowaga, New York, subject to review and approval by the Town Attorney, for the sale of the residential parcel at 62 Glidden Street pursuant to the proposal submitted by Buffalo Niagara Realty, Inc. for a fee not to exceed \$2,500, said expense to be paid from the proceeds of said sale, with the net proceeds returned to the Community Development Block Grant program.

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



## 15. RESOLUTION 2010-211

### Authorize Supervisor to Execute Agreement with County of Erie Relating to Dingens Street Sewers

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

WHEREAS, the Town has initiated plans to undertake the installation of storm sewer pipes and related infrastructure along Dingens Street in the Town of Cheektowaga, County of Erie, including pipes, receivers, manholes and appurtenances, (hereinafter "Storm Sewer Project"), to facilitate future drainage improvements to Town highways intersecting with Dingens Street ; and

WHEREAS, Dingens Street is a County highway, and the Storm Sewer Project work will be performed in the Dingens Street right-of-way; and

WHEREAS, the Storm Sewer Project will provide a direct benefit and enhancement to the existing drainage within the County highway right-of-way, and

WHEREAS, the County has appropriated the sum of Three Hundred Thousand and No/100 Dollars (\$300,000.00) to assist the Town toward the cost of constructing the Storm Sewer Project; and

WHEREAS, an agreement has been drafted between the County and Town to coordinate and facilitate the Storm Sewer Project along Dingens Street for the benefit of Town and County residents; NOW, THEREFORE, BE IT

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

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



## 16. RESOLUTION 2010-212

### Authorize Supervisor to Execute Grant Application for Police and Courts Building

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

WHEREAS, through the efforts of State Senator William Stachowski, \$700,000 in grant monies may be available from the Dormitory Authority for the State of New York through the New York State Economic Development Assistance Program ("NYS EDAP") for renovation and expansion of the Police/Court facility; 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 for the acquisition of said funding.

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





## 17. RESOLUTION 2010-213

### Municipal Clerks Week

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

WHEREAS: the Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world, and

WHEREAS: the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS: the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS: Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS: the Municipal Clerk is the information center on functions of local government and the community, and

WHEREAS: Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state and county professional organizations, and

WHEREAS: it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk., NOW THEREFORE BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, does hereby recognize the week of April 19 through April 23, 2010 as Municipal Clerks Week and further extend appreciation to our Town Clerk, Alice Magierski, her knowledgeable and professional staff and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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



## 18. RESOLUTION 2010-214

### Designation of Motorcycle Safety and Awareness Month

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

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, 2010 as "Motorcycle Safety & Awareness Month."

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



## 19. RESOLUTION 2010-215

### Designate EMS Board

**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 2010 for a term of one year:

REPRESENTING	DESIGNATE	ALTERNATE
Bellevue	Jamie Casucci	Ed Kutas, Dell Reitz
Cleveland Hill	Robert Trautman	Mark Collett
Doyle	Richard Ralecki	None
Forks	Vincent Piasecki	Jeff PlaceEMS Officers
Hy-View	Robert Schmitt	Roman Gawronski
Pine Hill	David Reinhardt	Brian Kirst
Walden	Michael Divens	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 James Speyer	
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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor

**SECONDER:** Patricia Jaworowicz, Councilmember

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



## 20. RESOLUTION 2010-216

### Approve Auction of Town Surplus Vehicles and Equipment

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

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use: and

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

WHEREAS, Auctions International, Inc., will sell such motor vehicles and equipment at an on-line auction in accordance with the terms of a proposed contract, a copy of which is attached hereto; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the submitted contract, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at an on-line auction to be held on its website; and BE IT FURTHER

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

\*\*\*\*\*

Year	Make	Model	VIN #	Miles	Fleet #
1992	Giant Vac	Leaf Loader 6800-TR14	90-219172	NA	91
1993	Ford	Crew Cab F350XL	2FTJW35M2PCB28792	129917	61
1988	Bomag	Roller BW10AS	101560000170	NA	69
1992	Giant Vac	Leaf Loader 6800-TR14	90-219202	NA	96
1992	Giant Vac	Leaf Loader 6800-TR15	90-219274	NA	93
1992	Giant Vac	Leaf Loader 6800-TR16	90-219203	NA	97
1992	Giant Vac	Leaf Loader 6800-TR17	90-219201	NA	95
1986	Stow	Roller R2000HES	24677-601	NA	65
1988	Mack	Dump RD685P	1M2P129C8JA012117	91282	44
1985	Mack	Dump RD685P	1M2P129CXFA010926	100062	25
1993	Ford	Crew Cab F350XL	2FTJW35MOPCB28791	143028	62
1997	Ford	Van Aerostar	1FTDA1403VZB15244	84100	34
	NA	Assorted Mack Truck Parts	NA	NA	NA

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



## 21. RESOLUTION 2010-217

### 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 May 19, 2010 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 May 19, 2010, 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, 2010, 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 April 19, 2010,

**YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.**

Such work must be completed on or before **May 19, 2010**

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, 2010. 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: April 19, 2010

ALICE MAGIERSKI  
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT letter 4-19-10 (DOC)

Sidewalk List April 19 2010 (PDF)

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Jeff Swiatek, Councilmember

**SECONDER:** Mary Holtz, Supervisor

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



## 22. RESOLUTION 2010-218

### Creation of Two (2) Assistant Code Enforcement Officer Titles

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

BE IT RESOLVED, the Town Board hereby create two (2) Assistant Code Enforcement Officer positions pursuant to Civil Service Laws and Rules effective October 20, 2009.

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





## 23. RESOLUTION 2010-219

### 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 Instructor - 7140.1632 Camp Dartwood - \$9.00 - Seasonal

Jacquelyn Rieck 14225

Recreation Attendant - 7140.1646 - \$7.50 - Regular Part-time

Steven Gasiorek 14206

Recreation Attendant - 7140.1633 - \$7.25 - Regular Part-time

David Miesowicz 14043

Recreation Attendant - 7140.1646 - \$7.25 - Regular Part-time

Alexis Wayne 14227

BE IT FURTHER RESOLVED that the individuals listed below whose titles and/or salaries were incorrectly listed be corrected as follows:

Recreation Attendant - 7140.1611 - \$8.40 - Regular Part-time (Retro to 4/5/10)

Nathan Pyzikiewicz

Recreation Instructor - 7140.1611 - \$10.70 - Regular Part-time

Glenn A. Au

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of names of the following two (2) resolutions, 2010-219 and 2010-220. Motion Carried

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



## 24. RESOLUTION 2010-220

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

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

BE IT RESOLVED, that the following individual be and hereby is hired as a **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:

TOWN CLERK - Clerk \$8.00/hour effective 6/01/10  
Chelsea A. Dawe, Cheektowaga, New York

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed 19 hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

TOWN CLERK - Clerk \$8.00/hour effective 4/12/10  
Ashlee Guay, Depew, New York

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

POLICE DEPARTMENT  
Sara Berez effective 2/24/10

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

**25. RESOLUTION 2010-221****Authorization of Student Intern - Justice Court (Nicholas Ross)**

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

WHEREAS, Nicholas Ross, a student at Erie 1 Boces, has requested to participate in the student internship program at the Justice Court; AND

WHEREAS, Mr. Ross has been interviewed by the Justice Court and the Court is willing to afford him the opportunity to intern; NOW, THEREFORE, BE IT

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

RESOLVED, that the Town 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.

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



## 26. RESOLUTION 2010-222

### Appointment of Senior Clerk Typist (Competitive/Temporary) Police Department (Carol E. Driscoll)

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

WHEREAS, a temporary vacancy exists in the position of Senior Clerk Typist in the Police Department; AND

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

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

WHEREAS, Carol E. Driscoll, currently employed as a Clerk Typist in the Police Department, appears on the existing Civil Service promotional list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Carol E. Driscoll of Cheektowaga, New York, be and hereby is appointed to the temporary position of Senior Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 14, 2010.

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



## 27. RESOLUTION 2010-223

### Appointment of Payroll Clerk (Competitive/Permanent) Police Department (Michelle Gordon)

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

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

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, Michelle L. Gordon, currently employed as a Clerk Typist in the Sewer Maintenance Department, bid on said vacancy, appears on the current civil service list and meets all the necessary qualifications for appointment; AND

WHEREAS, this personnel transaction is predicated on the current incumbent, Joann D. Machnica, retiring and activating her New York State Retirement pension; AND

WHEREAS, failure of the incumbent to retire will void this transaction; NOW,  
THEREFORE, BE IT

RESOLVED, that Michelle L. Gordon of Cheektowaga, New York, be and hereby is appointed to the position of Payroll Clerk in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 2, 2010.

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

**28. RESOLUTION 2010-224****Appointment of Welder (Non-Competitive/Permanent)  
Highway Department (Jeffrey E. Kerl)**

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

WHEREAS, a vacancy exists in the position of Welder in the Highway Department;  
AND

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

WHEREAS, Jeffrey E. Kerl, currently employed as an Automotive Mechanic in the Highway Department, bid on said vacancy and meets all the necessary qualifications for appointment; AND

WHEREAS, this personnel transaction is predicated on the current incumbent, John J. Staniszewski, retiring and activating his New York State Retirement pension; AND

WHEREAS, failure of the incumbent to retire will void this transaction; NOW,  
THEREFORE, BE IT

RESOLVED, that Jeffrey E. Kerl of Cheektowaga, New York, be and hereby is appointed to the position of Welder 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 30, 2010.

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



## 29. RESOLUTION 2010-225

### Travel Authorization (Police Department)

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

WHEREAS, the 17<sup>th</sup> Annual CALEO (Canadian American Law Enforcement Organization) Training Symposium is being held May 26 - 28, 2010 in Niagara Falls, Ontario; AND

WHEREAS, Captain David Zack, Lieutenant Michael Isbrandt and Lieutenant Michael Sliwinski have requested authorization to attend said symposium; 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 \$1,278; AND

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

RESOLVED, that Captain David Zack, Lieutenant Michael Isbrandt and Lieutenant Michael Sliwinski be and hereby are authorized to attend the 17<sup>th</sup> Annual CALEO (Canadian American Law Enforcement Organization) Training Symposium being held May 26 - 28, 2010 in Niagara Falls, Ontario.

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



## 30. RESOLUTION 2010-226

### Travel Authorization (Police Department)

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

WHEREAS, the New York Association of Hostage Negotiators Seminar is being held May 19 - 21, 2010 in Rochester, New York; AND

WHEREAS, Sergeant Thomas Allen, Detective Robert Mullen, Detective Terence Griffin, Detective Joseph Bauman, Police Officer David Filipski, and Police Officer Kurt Spieler have requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$2,125; AND

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

RESOLVED, that Sergeant Thomas Allen, Detective Robert Mullen, Detective Terence Griffin, Detective Joseph Bauman, Police Officer David Filipski, and Police Officer Kurt Spieler be and hereby are authorized to attend the New York Association of Hostage Negotiators Seminar being held May 19 - 21, 2010 in Rochester, New York.

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

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - February 2010
2. Minutes: Town Environmental Advisory Committee - April 7, 2010
3. Minutes: Cheektowaga Public Library Board of Trustees - March 17, 2010
4. Minutes: Cheektowaga Traffic Safety Commission - March 16, 2010

### B. General Communications

1. Notice of Claim: Thomas Pawlak Vs. Town of Cheektowaga
2. Notice of Claim: Barbara Oven Vs. Town of Cheektowaga



- 3. Summons: Citimortgage Inc. Vs. David Allen, Town of Cheektowaga & Etal  
Premises Address: 20 E Glenwood Court

## **VI. Comments**

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

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

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

## **VII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to adjourn the meeting.  
Time meeting ended was 7:16 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: April 8, 2010

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on April 7, 2010 in the Town Hall Council Office Conference Room. Absent: Police Department representative.

**ITEM I      3828 Broadway      -      Proposed Rezoning from M-1 to MS for a  
14,900 Sq. Ft. Building & Truck Leasing  
Facility**

**Applicant:      Penske Truck Leasing**

The applicant's representative was present and was told that the landscaping plan that had been submitted needs to be revised to provide additional green area. It was suggested that the row of trailer parking on the west side of the property be moved further east to save trees that presently exist along that property line. It was also suggested to eliminate most of the river rock shown in some of the landscaping islands and along the southwest property line. The river rock located directly behind parking spots would remain as there is a tendency for salt laden waters to drip off the trailers and trucks and kill any grass or vegetation there.

A solid fence would be provided along the residences on both east and west side of the property or a variance must be obtained from the Zoning Board of Appeals. The fence shown at the rear of the property would require a variance from the Zoning Board of Appeals because it is too high for the required rear yard.

As part of the proposal the applicant would re-grade the Ellicott Road ditch and drain that section to Broadway. An easement to the Town would be provided for this drainage system through their property.

The location of the nearest public hydrant is critical to the project as the hydrant on Ellicott Road would be inaccessible. There is no driveway or other emergency connection to Ellicott Road. The applicant indicated that they would be reviewing this situation and may, if necessary, install a yard hydrant.

The committee would recommend a Negative Declaration for this project subject to final landscaping revision and approval by the Planning Board as well as any variance approval from the Zoning Board of Appeals

Attachment: EAC-April 7, 2010 minutes (RES-2010-200 : Negative SEQR Declaration-3828 Broadway)



This item will remain tabled for further review and comment.

**EAC – April 7, 2010**

**April 8, 2010**

**Page;3**

**ITEM VII 3901 Genesee Street - Proposed Rezoning from C to M1 for an Existing Office Bldg.**

**Applicant: 1025 Group LLC**

The building in question is the former Cordon Bleu / Dynamics Enterprise headquarter building on Genesee Street located on the south side between Dick Road and the expressway on/off ramp. The applicant wishes to establish a tenant which manufactures office equipment. The present zoning, C Retail Business, does not permit manufacturing processing of any sort; therefore, the applicant is requesting a M1 zoning to provide for this manufacturing.

Public comment is open until May 1<sup>st</sup>; therefore, this item will remain tabled for review and comment.

**THE NEXT MEETING OF THE  
ENVIRONMENTAL ADVISORY COMMITTEE  
MEETING WILL BE HELD WEDNESDAY,  
APRIL 28, 2010  
AT 10:00 A.M.  
IN THE COUNCIL OFFICE CONFERENCE  
ROOM**

Attachment: EAC-April 7, 2010 minutes (RES-2010-200 : Negative SEQR Declaration-3828 Broadway)

EXHIBIT B

Outstanding 1997 Bonds

<u>Purpose</u>	<u>Period of Probable Usefulness</u>
Disposal of Fuel Oil Tanks	10 years
Installation of Fuel Oil Tanks	15 years
Installation of Traffic Signals and Equipment	20 years
Plans and Specifications for Recreational Facilities	5 years
Equipment for Town Hall	5 years
Improvements to Town Park	15 years
Reconstruction of Various Town Streets	15 years
Reconstruction of Sidewalks	10 years
Acquisition of Highway Dept. Equipment	15 years
Construction of Drainage Improvements	40 years
Consolidated Refuse and Garbage District	5 years
Replacement and Upgrading of Fuel Facilities	5 years
Sewer District No. 7	40 years
Town-Wide Drainage District	15 years
Town-Wide Drainage District	15 years

Outstanding 1999 Bonds

<u>Purpose</u>	<u>Period of Probable Usefulness</u>
Town-wide Drainage District	40 years
Acquisition and Installation of Fuel Storage Tanks	15 years
Reconstruct and Resurface Various Town Highways	15 years
Constriction of Drainage Improvements	40 years
Reconstruct Various Sidewalks	10 years

Outstanding 2001 Bonds

<u>Purpose</u>	<u>Period of Probable Usefulness</u>
Improvements to Various Parks	15 years
Sanitary Sewer District No. 5	40 years
Purchase and Installation of Traffic Signals	20 years
Reconstruction and Resurfacing of Highways	15 years
Drainage Improvements	40 years
Reconstruction of Sidewalks	5 years
Demolition of Incinerator Building	10 years
Improvements to Various Town Buildings	15 years
Plans and Specifications- Future Capital Improvements	5 years

Attachment: EXHIBIT B 2010 refunding (RES-2010-208 : Refunding Bond Resolution)

## Town of Cheektowaga, New York

Refunding of 1997, 1999 and 2001 Issues

### Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
12/31/2010	1,114,783.84	1,114,783.84	1,156,850.00	42,066.16
12/31/2011	1,143,037.25	1,143,037.25	1,184,125.00	41,087.75
12/31/2012	1,121,579.00	1,121,579.00	1,164,175.00	42,596.00
12/31/2013	788,624.50	788,624.50	826,025.00	37,400.50
12/31/2014	759,776.00	759,776.00	794,675.00	34,899.00
12/31/2015	515,328.00	515,328.00	543,000.00	27,672.00
12/31/2016	495,439.00	495,439.00	521,500.00	26,061.00
<b>Total</b>	<b>\$5,938,567.59</b>	<b>\$5,938,567.59</b>	<b>\$6,190,350.00</b>	<b>\$251,782.41</b>

#### PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	214,993.47
Net PV Cashflow Savings @ 2.121%(AIC)	214,993.47
Contingency or Rounding Amount	8,232.55
Net Present Value Benefit	\$223,226.02
Net PV Benefit / \$5,475,000 Refunded Principal	4.077%
Net PV Benefit / \$5,740,000 Refunding Principal	3.889%

#### Refunding Bond Information

Refunding Dated Date	4/15/2010
Refunding Delivery Date	4/15/2010

## Town of Cheektowaga, New York

### Refunding of 1997, 1999 and 2001 Issues

## Refunding Summary

Dated 04/15/2010 | Delivered 04/15/2010

	1997	1999	2001	Issue Summary
<b>Sources Of Funds</b>				
Par Amount of Bonds	\$945,000.00	\$1,180,000.00	\$3,615,000.00	\$5,740,000.00
<b>Total Sources</b>	<b>\$945,000.00</b>	<b>\$1,180,000.00</b>	<b>\$3,615,000.00</b>	<b>\$5,740,000.00</b>
<b>Uses Of Funds</b>				
Total Underwriter's Discount (0.400%)	3,780.00	4,720.00	14,460.00	22,960.00
Costs of Issuance	13,170.73	16,445.99	50,383.28	80,000.00
Deposit to Net Cash Escrow Fund	923,392.42	1,155,336.39	3,550,078.64	5,628,807.45
Rounding Amount	4,656.85	3,497.62	78.08	8,232.55
<b>Total Uses</b>	<b>\$945,000.00</b>	<b>\$1,180,000.00</b>	<b>\$3,615,000.00</b>	<b>\$5,740,000.00</b>

### Flow of Funds Detail

State and Local Government Series (SLGS) rates for Date of OMP Candidates	1/25/2010	1/25/2010	1/25/2010	1/25/2010
Primary Purpose Fund Solution Method	Net Funded	Net Funded	Net Funded	Net Funded
Total Cost of Investments	\$923,392.42	\$1,155,336.39	\$3,550,078.64	\$5,628,807.45
Interest Earnings @ 0.062%	7.58	38.61	946.36	992.55
Total Draws	\$923,400.00	\$1,155,375.00	\$3,551,025.00	\$5,629,800.00

### PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 2.121%(AIC)	18,152.82	45,904.90	151,032.60	214,993.47
Contingency or Rounding Amount	4,656.85	3,497.62	78.08	8,232.55
Net Present Value Benefit	\$22,809.67	\$49,402.52	\$151,110.68	\$223,226.02
Net PV Benefit / \$5,475,000 Refunded Principal	2.534%	4.391%	4.380%	4.077%
Net PV Benefit / \$5,740,000 Refunding Principal	2.414%	4.187%	4.180%	3.889%

### Bond Statistics

Average Life	1.052 Years	2.007 Years	3.047 Years	2.505 Years
Average Coupon	0.6375477%	1.0238035%	1.5248826%	1.3810195%
Net Interest Cost (NIC)	1.0179250%	1.2230998%	1.6561432%	1.5407042%
Bond Yield for Arbitrage Purposes	1.3747901%	1.3747901%	1.3747901%	1.3747901%
True Interest Cost (TIC)	1.0218471%	1.2254652%	1.6545339%	1.5392115%
All Inclusive Cost (AIC)	2.3871547%	1.9451077%	2.1352790%	2.1214366%

Refunding 1997, 1999 and | Issue Summary | 1/29/2010 | 4:42 PM

## Town of Cheektowaga, New York

Refunding of 1997, 1999 and 2001 Issues

### Escrow Fund Cashflow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
04/15/2010	-	-	-	1.45	-	1.45
05/15/2010	923,392.00	0.010%	7.58	923,399.58	923,400.00	1.03
06/15/2010	1,155,336.00	0.020%	38.61	1,155,374.61	1,155,375.00	0.64
09/01/2010	3,550,078.00	0.070%	946.36	3,551,024.36	3,551,025.00	-
<b>Total</b>	<b>\$5,628,806.00</b>	-	<b>\$992.55</b>	<b>\$5,629,800.00</b>	<b>\$5,629,800.00</b>	-

#### Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Bond Yield
Cash Deposit	1.45
Cost of Investments Purchased with Bond Proceeds	5,628,806.00
Total Cost of Investments	\$5,628,807.45
Target Cost of Investments at bond yield	\$5,607,778.85
Actual positive or (negative) arbitrage	(21,028.60)
Yield to Receipt	0.0616263%
Yield for Arbitrage Purposes	1.3747901%
State and Local Government Series (SLGS) rates for	1/25/2010

Attachment: Refunding Financial Plan 2010 (RES-2010-208 : Refunding Bond Resolution)



## Town of Cheektowaga, New York

Refunding of 1997, 1999 and 2001 Issues

### Escrow Summary Cost

Maturity	Type	Coupon	Yield	Price	Par Amount	Principal Cost	+Accrued Interest	= Total Cost
<b>Escrow</b>								
05/15/2010	SLGS-CI	0.010%	0.010%	100-.000000	923,392	923,392.00	-	923,392.00
06/15/2010	SLGS-CI	0.020%	0.020%	100-.000000	1,155,336	1,155,336.00	-	1,155,336.00
09/01/2010	SLGS-CI	0.070%	0.070%	100-.000000	3,550,078	3,550,078.00	-	3,550,078.00
<b>Subtotal</b>		-	-	-	<b>\$5,628,806</b>	<b>\$5,628,806.00</b>	-	<b>\$5,628,806.00</b>
<b>Total</b>		-	-	-	<b>\$5,628,806</b>	<b>\$5,628,806.00</b>	-	<b>\$5,628,806.00</b>

#### Escrow

Cash Deposit	1.45
Cost of Investments Purchased with Bond Proceeds	5,628,806.00
Total Cost of Investments	\$5,628,807.45

Delivery Date 4/15/2010

Attachment: Refunding Financial Plan 2010 (RES-2010-208 : Refunding Bond Resolution)

1997

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Interest to Call	D/S To Call	Principal	Coupon	Interest	Refunded D/S
04/15/2010	-	-	-	-	-	-	-
05/15/2010	900,000.00	23,400.00	923,400.00	300,000.00	5.200%	23,400.00	323,400.00
11/15/2010	-	-	-	-	-	15,600.00	15,600.00
05/15/2011	-	-	-	300,000.00	5.200%	15,600.00	315,600.00
11/15/2011	-	-	-	-	-	7,800.00	7,800.00
05/15/2012	-	-	-	300,000.00	5.200%	7,800.00	307,800.00
<b>Total</b>	<b>\$900,000.00</b>	<b>\$23,400.00</b>	<b>\$923,400.00</b>	<b>\$900,000.00</b>	<b>-</b>	<b>\$70,200.00</b>	<b>\$970,200.00</b>

### Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	4/15/2010
Average Life	1.083 Years
Average Coupon	5.2000000%
Weighted Average Maturity (Par Basis)	1.083 Years

### Refunding Bond Information

Refunding Dated Date	4/15/2010
Refunding Delivery Date	4/15/2010

1997 - May 15, 2012 (5/15 | SINGLE PURPOSE | 1/29/2010 | 4:42 PM

1999

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Premium	Interest to Call	D/S To Call	Principal	Coupon	Interest	Refunded D/S
04/15/2010	-	-	-	-	-	-	-	-
06/15/2010	1,125,000.00	4,500.00	25,875.00	1,155,375.00	225,000.00	4.600%	25,875.00	250,875.00
12/15/2010	-	-	-	-	-	-	20,700.00	20,700.00
06/15/2011	-	-	-	-	225,000.00	4.600%	20,700.00	245,700.00
12/15/2011	-	-	-	-	-	-	15,525.00	15,525.00
06/15/2012	-	-	-	-	225,000.00	4.600%	15,525.00	240,525.00
12/15/2012	-	-	-	-	-	-	10,350.00	10,350.00
06/15/2013	-	-	-	-	225,000.00	4.600%	10,350.00	235,350.00
12/15/2013	-	-	-	-	-	-	5,175.00	5,175.00
06/15/2014	-	-	-	-	225,000.00	4.600%	5,175.00	230,175.00
<b>Total</b>	<b>\$1,125,000.00</b>	<b>\$4,500.00</b>	<b>\$25,875.00</b>	<b>\$1,155,375.00</b>	<b>\$1,125,000.00</b>	<b>-</b>	<b>\$129,375.00</b>	<b>\$1,254,375.00</b>

### Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	4/15/2010
Average Life	2.167 Years
Average Coupon	4.6000000%
Weighted Average Maturity (Par Basis)	2.167 Years

### Refunding Bond Information

Refunding Dated Date	4/15/2010
Refunding Delivery Date	4/15/2010

1999 - June 15, 2014 (6/1 | SINGLE PURPOSE | 1/29/2010 | 4:42 PM

2001

## Debt Service To Maturity And To Call

Date	Refunded Bonds	Premium	Interest to Call	D/S To Call	Principal	Coupon	Interest	Refunded D/S
09/01/2010	3,450,000.00	29,750.00	71,275.00	3,551,025.00	475,000.00	3.800%	71,275.00	546,275.00
03/01/2011	-	-	-	-	-	-	62,250.00	62,250.00
09/01/2011	-	-	-	-	475,000.00	4.000%	62,250.00	537,250.00
03/01/2012	-	-	-	-	-	-	52,750.00	52,750.00
09/01/2012	-	-	-	-	500,000.00	4.000%	52,750.00	552,750.00
03/01/2013	-	-	-	-	-	-	42,750.00	42,750.00
09/01/2013	-	-	-	-	500,000.00	4.200%	42,750.00	542,750.00
03/01/2014	-	-	-	-	-	-	32,250.00	32,250.00
09/01/2014	-	-	-	-	500,000.00	4.300%	32,250.00	532,250.00
03/01/2015	-	-	-	-	-	-	21,500.00	21,500.00
09/01/2015	-	-	-	-	500,000.00	4.300%	21,500.00	521,500.00
03/01/2016	-	-	-	-	-	-	10,750.00	10,750.00
09/01/2016	-	-	-	-	500,000.00	4.300%	10,750.00	510,750.00
<b>Total</b>	<b>\$3,450,000.00</b>	<b>\$29,750.00</b>	<b>\$71,275.00</b>	<b>\$3,551,025.00</b>	<b>\$3,450,000.00</b>	<b>-</b>	<b>\$515,775.00</b>	<b>\$3,965,775.00</b>

### Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	4/15/2010
Average Life	3.414 Years
Average Coupon	4.2310929%
Weighted Average Maturity (Par Basis)	3.414 Years

### Refunding Bond Information

Refunding Dated Date	4/15/2010
Refunding Delivery Date	4/15/2010

2001 Sept. 1, 2016 (9/1/1 | SINGLE PURPOSE | 1/29/2010 | 4:42 PM

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 April 19, 2010, 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 May 3, 2010 and complete the work on or before **May 19, 2010**;

**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, 2010; **OR**
  - b. Have the charges placed on your 2011-2015 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, Ext. 211.**

Very truly yours,

ALICE MAGIERSKI  
Town Clerk

Attachment: SIDEWALK REPLACEMENT letter 4-19-10 (RES-2010-217 : Order Replacement of Sidewalks)

**Sidewalk Markings 3-24-2010**

<u>SBL</u>	<u>Owner</u>	<u>Address</u>	<u>City</u>	<u>S/Zip</u>
	Kelly Park		Cheektowaga	NY 14227
125.07-10-1	Peter A Croce	107 Penwood Dr	Cheektowaga	NY 14227-3258
125.07-4-39.1	Don and Audrey Grochocki	202 Autumnwood Dr	Cheektowaga	NY 14227
125.07-10-2	Stephen N Hammann	181 Autumnwood Dr	Cheektowaga	NY 14227-2646
125.07-10-3	Stephen L Cwynar	177 Autumnwood Dr	Cheektowaga	NY 14227-2646
125.07-4-21	Ulmer Robert	130 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-22	Hejna Kevin & Sharon	134 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-23	Schneider Philip R & W	138 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-24	Thomas A Zawodzinski	142 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-25	Christine J Dorr	146 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-26	Bova Lorraine	150 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-27	Gaines Charles E & W	154 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-29	Szarzanowicz Vivian M	162 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-30	Tammy C Moran	166 Autumnwood Dr	Cheektowaga	NY 14227-2607
125.07-4-32	Bret J Norris	174 Autumnwood Dr	Cheektowaga	NY 14227-2645
125.07-4-35	Thomas C Baldo	186 Autumnwood Dr	Cheektowaga	NY 14227-2645
125.07-4-37	Kim M Page	194 Autumnwood Dr	Cheektowaga	NY 14227-2645
125.07-4-38	Druz bik Daniel M	198 Autumnwood Dr	Cheektowaga	NY 14227-2643
125.07-5-1	James Zygmunt	167 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-12	Nicholas W Kowalyk	123 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.07-5-13	Nicole Burgio	119 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.07-5-14	Bosworth Gregory B &	115 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.07-5-15	Huth Herbert G & Christel	111 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.07-5-16	Glovins Gregory A & W	109 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.07-5-2	Rybak Gary M & W	163 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-3	Kuc Philip C & W	159 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-4	Vannelli Thomas P & Krist	155 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-6	Wayne E Herman	147 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-7	Maslanka Gary E & W	143 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.07-5-9	Parzy Gary V	135 Autumnwood Dr	Cheektowaga	NY 14227-2606
125.08-12-1	Alan M Sliwinski	99 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-10	Brandon Charles E & W	63 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-11	Huftalen Teresa	59 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-12	Guarnieri John L	55 Autumnwood Dr	Cheektowaga	NY 14227
125.08-12-16	Patricia A Thomann	39 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-17	Barbara M Postek	35 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-18	Christine M Kozmycz	31 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-19	Martinez Lawrence & Pamel	27 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-2	Louis R Germann	95 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-20	Donna DiFrancesco	23 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-21	Donald C Schmitt	19 Autumnwood Dr	Cheektowaga	NY 14227-2602
125.08-12-22	Lori J Carver	15 Autumnwood Dr	Cheektowaga	NY 14227
125.08-12-3	Eric E Rodabaugh	91 Autumnwood Dr	Cheektowaga	NY 14227
125.08-12-4	Therault Stanley N	87 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-6	Janak Joanne	79 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-12-7	Robert W Shaul	75 Autumnwood Dr	Cheektowaga	NY 14227-2604
125.08-4-20	Elizabeth M Harzynski	44 Autumnwood Dr	Cheektowaga	NY 14227-2605
125.08-4-22	Jeras Walter A & Candace	52 Autumnwood Dr	Cheektowaga	NY 14227-2605
125.08-4-23	Nicholas E Guerico	56 Autumnwood Dr	Cheektowaga	NY 14227-2605

125.08-4-24	Jasinski Walter E &	60 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-25	Kelly J Garra	64 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-26	Anthony J Zuppa Jr	68 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-27	Stephen J Cryan	72 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-28	John A Franco	76 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-29	Shane P Kapsiak	80 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-30	Christopher Bilson	84 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-31	Jakubowicz Thomas E & W	88 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-32	Helwig William L & W	92 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-33	Joseph J Griffo	96 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-35	Hoffman Dale A & W	104 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-37	Klaffka Eric N	112 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-4-38	John J Burgio	116 Autumnwood Dr	Cheektowaga NY	14227-2605
125.08-5-10	Dolores D Statler	16 Autumnwood Dr	Cheektowaga NY	14227-2603
125.08-5-12	John J Harte	24 Autumnwood Dr	Cheektowaga NY	14227-2603
125.08-5-14	Isbrandt Alan R & W	32 Autumnwood Dr	Cheektowaga NY	14227-2603
125.08-5-8	Nancy A Marr	8 Autumnwood Dr	Cheektowaga NY	14227-2603
125.08-5-9	Bova Michael F	12 Autumnwood Dr	Cheektowaga NY	14227-2603

Attachment: Sidewalk List April 19 2010 (RES-2010-217 : Order Replacement of Sidewalks)



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, May 3, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on May 3, 2010 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 Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Resolutions





## 1. RESOLUTION 2010-227

### 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:	100.1415.3500	State Aid Archive Grant	\$ 25,063.00
TO:	100.1415.4003.1002	Minor Remodeling	\$ 25,063.00

HUD CDBG FUND

FROM:	700.1008.0601	Multi Family Rehab	\$ 20,000.00
	700.1008.0603	Environmental Testing	15,000.00
	700.1008.0602	Demolition	10,000.00
	700.1008.0706	Housing Counseling	5,000.00
TO:	700.1008.2200	Acquisition	\$ 50,000.00

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



## 2. RESOLUTION 2010-228

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 30, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 6,311,582.06
RISK RETENTION FUND	219,589.59
HUD HOUSING REHABILITATION FUND	24,762.50
SPECIAL DISTRICTS FUND	909,743.22
HIGHWAY FUND	635,945.37
CAPITAL FUND	164,166.87
TRUST & AGENCY FUND	2,063.76
HUD CDBG FUND	2,620.14
PART TOWN FUND	148,424.37
NYS AFFORDABLE HOUSING	20,617.80
	<u>\$ 8,439,515.68</u>

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



### 3. RESOLUTION 2010-229

## Award of Bid - 2010 Pool Maintenance Chemicals

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

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on April 14, 2010 at a meeting held for said purpose, AND

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

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

Amrex Chemical Co., Inc.  
391 Exchange Street  
Buffalo, NY 14204

Category I	-	Bromine	-	\$2.175 per lb.
Category II	-	Diatomaceous Earth	-	\$ .36 per lb.
		Sodium Bicarbonate	-	\$ .25 per lb.
		Soda Ash	-	\$ .25 per lb.

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



## 4. RESOLUTION 2010-230

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

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) truck with 32 cubic yard refuse packer body for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 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 \$169,200.00 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.

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



## 5. RESOLUTION 2010-231

### Change Order No. 1 (Final) HVAC Work at Building Maintenance Facility

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

WHEREAS, the contract for the HVAC work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, New York 14150 in the amount of \$114,000.00, AND

WHEREAS, the project architect, EI Team and the Town Engineer have recommended the approval of Change Order No. 1 (Final) for HVAC work which provides for various additions and credits to the original contract amount as further outlined on the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for HVAC work at the new Building Maintenance Facility in the amount of \$1,369.74 as an addition to the contract of Parise Mechanical, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order Documents with Parise Mechanical, Inc. on behalf of this Town Board, AND BE IT FURTHER

RESOLVED, that funds for said Change Order shall be chargeable to Account No. 500-1440-2522-5922.

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



## 6. RESOLUTION 2010-232

### Change Order No. 1 (Final) Plumbing Work at Building Maintenance Facility

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

WHEREAS, the contract for Plumbing Work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Kimil Construction, Inc., 485 Kennedy Road, Cheektowaga, New York 14227 in the amount of \$76,875.00, AND

WHEREAS, the project architect, EI Team and the Town Engineer have recommended the approval of Change Order No. 1 (Final) for Plumbing Work which provides for additions and credits to the original contract amount as further outlined on the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for Plumbing Work for the new Building Maintenance Facility in the amount of \$2,911.00 as an addition to the contract of Kimil Construction, Inc., be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order Documents with Kimil Construction, Inc. on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order No. 1 shall be chargeable to Account No. 500-1440-2522-5922.

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



## 7. RESOLUTION 2010-233

### Change Order No. 1 (Final) Town Highway Garage

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

WHEREAS, the contract for the repair to the south wall of the Town Highway Garage was awarded by Town Board Resolution dated December 7, 2009 to Wilsandra Construction Company, Inc., 300 Camden Avenue, Buffalo, New York 14216 in the amount of \$87,400.00, AND

WHEREAS, the Town Engineer has recommended the approval of Change Order No. 1 (Final) which provides for various additions to the original contract amount as further outlined on the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for the repair to the south wall of the Town Highway Garage in the amount of \$3,549.00 as an addition to the contract of Wilsandra 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 Documents with Wilsandra Construction Company, Inc. on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order shall be chargeable to Account No. 500-1440-4453-5925.

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



## 8. RESOLUTION 2010-234

### Change Order No. 2 (Final) General Construction Work at Building Maintenance Facility

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

WHEREAS, the contract for General Construction Work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Building Innovation Group, Inc., 107 Lincoln Parkway, East Rochester, New York 14445 in the amount of \$806,642.00, AND

WHEREAS, the project architect, EI Team and the Town Engineer have recommended the approval of Change Order No. 2 (Final) for General Construction Work which provides for various additions and credits to the original contract amount as further outlined on the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 (Final) for General Construction Work at the new Building Maintenance Facility in the amount of \$5,534.00 as an addition to the contract of Building Innovation Group, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order Documents with Building Innovation Group, Inc. on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order No. 2 shall be chargeable to Account No. 500-1440-2522-5922.

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





9. RESOLUTION 2010-235

Call for Public Hearing-123 Buell Avenue

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Roberst, Shackleton & Boy with permission of CWS Land, LLC has made application and requested the rezoning of 123 Buell Avenue from R- Residence to C- Retail Business to permit the relocation of an existing storm detention basin and enlargement of a parking area for an existing hotel at 131 Buell Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 17, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 17th day of May, 2010 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Roberts Shackleton & Boy

for the rezoning of rezoning of 123 Buell Avenue from R- Residence to C- Retail Business to permit the relocation of an existing storm detention basin and enlargement of a parking area for an existing hotel at 131 Buell Avenue.

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. 4, Township 11, Range 7 of the Holland Land Company's Survey and according to map of Kosciuszko Village filed in Erie County Clerk's Office under Cover No. 733 is known as the southerly portion of Subdivision Lot No. 14, described as follows:

BEGINNING at a point in the easterly line of Buell Avenue distant one Hundred fifty-five (155) feet north of the intersection of the east line of Buell Avenue with the north line of West Sienkiewicz Avenue; running thence northerly along the easterly line of Buell Avenue a distance

of seventy-seven and fifty-two hundredths (77.52) feet; thence easterly and parallel to the north line of West Sinkiewicz Avenue a distance of two hundred ten (210) feet to the easterly line of said Subdivision Lot No. 14; thence southerly and parallel to the east line of Buell Avenue a distance of seventy-seven and fifty-two hundredths (77.52) feet to the southeast corner of said Subdivision Lot No. 14; thence westerly and parallel to the north line of West Sinkiewicz Avenue a distance of two hundred ten (210) feet to the point of beginning.

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



## 10. RESOLUTION 2010-236

### Call for Public Hearing - 3901 Genesee Street

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, 1025 Group, LLC has made application and requested the rezoning of 3901 Genesee Street from C- Retail Business to M1- Light Manufacturing to permit a manufacturing company to establish within an existing office/warehouse building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 17, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

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Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 17th day of May, 2010 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

1025 Group, LLC

for the rezoning of rezoning of 3901 Genesee Street from C- Retail Business to M1- Light Manufacturing to permit a manufacturing company to establish within an existing office/warehouse building.

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY  
Alice Magierski, TOWN CLERK

#### LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 13, 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 centerline of Genesee Street ( as a 66 foot highway) measured east along said line, a distance of 414.10 feet by record and 419.80 feet by measurement from the centerline of Dick Road, said point of beginning at the northwesterly corner of lands conveyed to Cosentino Genesee Corp., by deed recorded in the Erie County Clerk's Office in Liber 5934 of Deeds at page 50;

THENCE southerly along the west line of said Liber 5934, Page 50 and making an angle to the left from said centerline of 82 27 20, 42.38 feet to the southwesterly corner of Parcel 1878, Map 1846-R1 as described in a Highway Appropriation for the Kensington Expressway

Extension recorded in the Erie County Clerk's Office in Liber 6880 of Deeds at page 258, said southwesterly corner being the principal point of beginning of the within described premises;

THENCE (1) continue southerly along the west line of said Liber 5934, Page 50, 180.85 feet to the easterly terminus of the 13th course of Parcel 1846, Map 1846-R1 as described in said Highway Appropriate;

THENCE (2) southeasterly along the 14th course of said Parcel 1846 and making an interior angle of 125 19 34 with the last mentioned course, 211.14 feet to the easterly terminus of said 14th course;

THENCE (3) easterly and northeasterly along a curve to the left with a radius of 365.00 feet, making an interior angle of 125 50 56 to the chord of said curve and the last mentioned course and running along the 15th course of said Parcel 1846, an arc distance of 418.27 feet to a point of tangency at the easterly terminus of said 15th course;

THENCE (4) northeasterly along the 16th course of said Parcel 1846, 249.32 feet to the northerly terminus of said 16th course;

THENCE (5) northwesterly along the 17th course of said Parcel 1846 and making an interior angle of 90 with the last mentioned course, 90.14 feet to the southeasterly corner of said Parcel 1878;

THENCE (6) westerly along a curve to the left with a radius of 10376.69 feet making an interior angle of 135 10 52 to the chord of said curve and the last mentioned course and running along the south line of said Parcel 1878 an arc distance of 388.23 feet to a point of tangency;

THENCE (7) continue westerly along the south line of said Parcel 1878 247.25 feet to the principal point of beginning.

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



## 11. RESOLUTION 2010-237

### Designation of Town Tower (First Choice Auto, Inc.)

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

WHEREAS, pursuant to Chapter 241 of the Code of the Town of Cheektowaga ("Vehicles, Removal and Storage"), towing companies may make application to the Town to become an authorized town tower, and

WHEREAS, presently, the Town of Cheektowaga has approved several towing companies as authorized town towers in the town, and

WHEREAS, Custom Towing submitted its letter resigning as an authorized town tower, resulting in a vacancy to be filled, and

WHEREAS, First Choice Auto, Inc, has submitted an application to the Police Department to become an authorized town tower, and

WHEREAS, the Police Department has reviewed the application of First Choice Auto, Inc., has determined that it meets the requirements of Chapter 241, and has recommended that it be approved as an authorized town tower, NOW, THEREFORE, BE IT

RESOLVED, that, upon remittance of the required annual license fee, First Choice Auto, Inc., 840 Cayuga Creek Road, Cheektowaga, New York 14225 be and hereby is approved and designated as an authorized town tower under Chapter 241 of the Town Code, and BE IT FURTHER

RESOLVED, that First Choice Auto, Inc. shall be assigned to the Midtown Tow Zone in the Town of Cheektowaga.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 12. RESOLUTION 2010-238

### Authorize Supervisor to Execute Agreement with Villa Maria College for Youth Fair

**Sponsored By:** Councilmember Kaznowski, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga and City of Buffalo, through the Steering Committee of the Buffalo-Cheektowaga Revitalization Task Force, have been working together to improve the quality of life for people who live and work in the areas in the vicinity of our mutual border, and

WHEREAS, the Town of Cheektowaga and City of Buffalo are desirous of holding a Youth Summit on Saturday, May 8, 2010 from 11:00 A.M. to 2:00 P.M. to ensure that our young people feel that they are a vital part of the community and to educate our youths as how they can get involved and improve their neighborhoods and lives, and

WHEREAS, Villa Maria College has offered to allow us to utilize the Student Center Social Hall to hold this event on Saturday, May 8, 2010, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a rental agreement with Villa Maria College and any and all other documents necessary to utilize the Student Center Social Hall for the aforementioned Youth Summit.

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



## 13. RESOLUTION 2010-239

### Authorize Community Development Director to Attend County Auctions

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

WHEREAS, periodically, the Erie Tax Certificate Corporation and/or the County of Erie or another entity on behalf of the County of Erie conducts auctions of real properties within the County of Erie which are in arrears on their property taxes, and

WHEREAS, there may be properties located in the Town of Cheektowaga on the auction list for these auctions, and

WHEREAS, some of these properties may be in various stages of disrepair or, for other reasons, the Town may be 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 attended these auctions in the past to bid on these properties, and

WHEREAS, moneys are appropriated in the Town budgets and/or Community Development budgets annually to enable the Town to acquire these properties, and this Board desires to authorize the Director of the Community Development and/or the Chairman of the Community Development Committee to bid on these properties, NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Office of Community Development Office and/or the Chairman of the Community Development Committee be and hereby are authorized to attend the aforementioned auctions and to submit bids up to a total amount not to exceed moneys appropriated in the Town budgets and/or Community Development budgets 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 these auctions so that the Town of Cheektowaga can acquire ownership of same.

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



**14. RESOLUTION 2010-240**

**Authorize Transfer of 80 Hedwig Avenue to Belmont Shelter Corp.**

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

WHEREAS, the property located at 80 Hedwig Avenue 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, Belmont Shelter Corp., a not-for-profit housing agency, has agreed to purchase property located at 80 Hedwig Avenue 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 transfer of 80 Hedwig Avenue to Belmont Shelter Corporation, and BE IT FURTHER

RESOLVED, that the sale of 80 Hedwig Avenue 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.

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**NOTICE OF ADOPTION OF RESOLUTION  
SUBJECT TO PERMISSIVE REFERENDUM**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Cheektowaga, on May 3, 2010 adopted a resolution authorizing the Town of Cheektowaga to sell property located at 80 Hedwig Avenue, Cheektowaga, New York to Belmont Shelter Corporation for \$1.00.

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: May 3, 2010

ALICE MAGIERSKI  
Town Clerk



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



## 15. RESOLUTION 2010-241

### SPECIAL EVENT - Cheektowaga Southside 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 Cheektowaga Southside Athletic Association has made application to hold its annual Baseball/Softball Parade on Saturday, June 5, 2010, beginning at 12:00 noon, 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, Highway Department 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 Athletic Association for the aforementioned Parade, to be held on Saturday, June 5, 2010 at 12:00 noon.; BE IT FURTHER

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

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



## 16. RESOLUTION 2010-242

### 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, South Line Little League has made application to hold its annual parade on Monday, May 31, 2010, 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 South Line 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, Facilities Department, Highway Department and 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 application of South Line Little League for the aforementioned parade, to be held on Monday, May 31, 2010; and BE IT FURTHER

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

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



## 17. RESOLUTION 2010-243

### SPECIAL EVENT - Relay for Life Charity Softball Game

**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, Relay for Life has made application to hold a Charity Softball Game in Stiglmeier Park on Saturday, June, 19, 2010, from 12:00 noon to 6:00 p.m; 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 Relay for Life to hold a Charity Softball Game in Stiglmeier Park on Saturday, June 19, 2010.

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



## 18. RESOLUTION 2010-244

### SPECIAL EVENT - National Center for Missing & Exploited Children Bike Ride

**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 its Ride for Missing Children through the Town of Cheektowaga on Friday, May 14th, 2010, at the anticipated times of 11:53 a.m. - 1:15 p.m.; said Ride to include the following streets: Genesee Street and Union Road; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, 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 14th, 2010; BE IT FURTHER

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

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



## 19. RESOLUTION 2010-245

### SPECIAL EVENT - South Cheektowaga Baseball End of Season Picnic

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

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

WHEREAS, South Cheektowaga Baseball Association has made application to hold its End of Season League Picnic in Stiglmeier Park on August 7, 2010, 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 7, 2010.

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



## 20. RESOLUTION 2010-246

### Appointment of Fire Inspector (Non-Competitive/Provisional) Building and Plumbing Department (Robert Jaroszewski)

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

WHEREAS, a provisional vacancy exists in the position of Fire Inspector in the Building and Plumbing Department; AND

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, a current civil service list does not exist; AND

WHEREAS, Robert Jaroszewski, currently employed as a Motor Equipment Operator - A in the Highway Department, bid on said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Robert Jaroszewski of Sloan, New York, be and hereby is appointed to the provisional position of Fire Inspector in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 3, 2010.

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



## 21. RESOLUTION 2010-247

### Termination of General Mechanic (David J. Grzybek)

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

BE IT RESOLVED, David J. Grzybek, a General Mechanic in the Facilities Department (Buildings and Grounds Division) be and hereby is terminated effective April 16, 2010.

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





## 22. RESOLUTION 2010-248

### 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 **SEASONAL EMPLOYEES**, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$7.75/hour effective 5/4/10  
Lawrence Chirico, Jr., Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour  
Jon Heisler, Cheektowaga, New York effective 5/18/10  
Matthew Rakowski, Depew, New York effective 5/9/10  
Daniel Morgan, Cheektowaga, New York effective 5/10/10  
Eric Tomczak, Cheektowaga, New York effective 5/15/10  
Brendan Hammer, Cheektowaga, New York effective 5/15/10  
Michael Boccio, Depew, New York effective 5/10/10  
Drew Pijacki, Cheektowaga, New York effective 5/10/10  
Bryan Michalski, Cheektowaga, New York effective 5/4/10  
Alex Kluck, Cheektowaga, New York effective 5/3/10  
Nicholas Kotarski, Cheektowaga, New York 5/15/10

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour  
Ryan Galuszka, Cheektowaga, New York effective 5/20/10  
Michael Lawicki, Cheektowaga, New York effective 5/4/10

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour  
Kyle Lackie, Cheektowaga, New York 14227 effective 6/21/10

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour  
Joseph Boccio, Depew, New York, effective 5/10/10  
David Cunningham, Cheektowaga, New York effective 5/10/10

SANITATION DEPARTMENT Laborer \$8.00/hour effective 4/19/10  
Christopher Lacorte, Sloan, New York  
Kyle Vanoverloop, Depew, New York

POLICE DEPARTMENT Clerk \$7.50/hour effective 5/3/10  
Katherine Edenhofer, 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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.75/hour effective 5/4/10  
Donald Larkman, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour effective 5/3/10  
Michael Collins, Cheektowaga, New York

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

POLICE DEPARTMENT (Traffic Maintenance Division)  
William Lauber effective 4/17/10

SENIOR SERVICES  
Robert Herlan effective 4/27/10

SANITATION DEPARTMENT  
Ryan Jaracz effective 4/19/10

BE IT RESOLVED, that the following **part-time employee's** title be amended in compliance with Erie County Civil Service rules as follows:

TOWN CLERK'S OFFICE Clerk to Student Assistant \$8.00/hour effective 4/12/10  
Ashlee Guay, Cheektowaga, New York

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Waive the Reading of Names for the Following Three (3) Resolutions. Motion Carried.

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



## 23. RESOLUTION 2010-249

### Youth & Recreation Hiring

**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 - 7140.1614 - \$7.25 - Seasonal

Harley Wiertel	14227
Kendal Wiertel	14227

Recreation Attendant - 7140.1646 - \$7.25 - Regular Part-time

Josh Strzelec	14211
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Recreation Aide - 7140.1640 - \$7.25 - Part-time

Josh Graser	14212
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Recreation Attendant - 7140.1645 - \$7.25 - Regular Part-time

Daniel Zimmer	14225
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Recreation Instructor - 7180.1902 - \$10.77 - Seasonal

Jonathan Miller	14227
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Recreation Instructor - 7180.1902 - \$9.24 - Seasonal

Andrew Chruscicki	14225
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Recreation Instructor - Special Events -7180.1902 - \$11.64 - Seasonal

Mark Przybysz	14206
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Lifeguard - Level II - 7180.1903 - \$8.42 - Seasonal

Drew Bielanin	14215
Kenneth Carlucci III	14227
Patrick Eck	14225
Madalyn Lewis	14225
Andrew Tatta	14225

Lifeguard - Level III - 7180.1903 - \$8.59 - Seasonal

Jacqueline Campbell	14043
Andrew Charvat	14225

Nicholas Coronado	14225
Melissa Farruggio	14227
Jonathan Gworek	14227
Austin Snyder	14225

Lifeguard - Level IV - 7180.1903 - \$8.76 - Seasonal

Adam Fuest	14225
Michael Kiripolsky	14215
Nicole Maciejewski	14227
Caitlin Rieck	14225
Caitlyn Rutski	14043
Naomi Snyder	14225
Katherine Tomaschko	14225
Amanda Moran	14206

Recreation Instructor - 7310.1810 - Camp Flamingo - \$8.00 - Seasonal

Bryan Haxton	14227
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 24. RESOLUTION 2010-250

### 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 Instructor - 7140.1639 - \$11.00 - Regular Part-time

Matt Bean

Recreation Instructor - 7140.1636 - \$12.15 - Regular Part-time

Tony Pierino

Recreation Attendant - 7140.1640 - \$10.70 - Regular Part-time

Eric Godzich

Recreation Specialist - 7310.1811 - \$18.20 - Regular Part-time

Roger Newhouse

Recreation Specialist - 7310.1811 - \$14.95 - Regular Part-time

Paul Parrinello

Recreation Aide to Recreation Attendant - \$7.40 - 7140.1648 - Regular Part-time

Ryan Weber

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



## 25. RESOLUTION 2010-251

### Travel Authorization (Senior Services)

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

WHEREAS, a conference entitled, "Redefining Aging: Aging Concerns Unite Us" is being held June 8 - 9, 2010 in Albany, New York; AND

WHEREAS, Director of Senior Services Kerry Switalski has requested authorization to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$430; AND

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

RESOLVED, that Director of Senior Services Kerry Switalski be and hereby is authorized to attend the conference "Redefining Aging: Aging Concerns Unite Us" being held June 8 - 9, 2010 in Albany, New York.

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



## 26. RESOLUTION 2010-252

### Travel Authorization (Police Department)

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

WHEREAS, a course entitled, "Powerphone: Protecting Law Enforcement Responders" is being held on May 7, 2010 in Cheektowaga, New York; AND

WHEREAS, Supervising Public Safety Dispatcher Paul Hockwater and the following Public Safety Dispatchers have requested authorization to attend said course:

- Gary Budzynski
- John Czapla
- Raymond Heron
- Daniel Kishbaugh
- David Maguda
- Jeffrey Place
- Nadine Majewski
- Jason Tolsma
- Keith Wesolek and
- Nicholas Mendez; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$4,106.60; 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 course, "Powerphone: Protecting Law Enforcement Responders" being held on May 7, 2010 in Cheektowaga, New York.

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

### IV. Suspension of Rules

Motion by Councilmember Kaznowski; Seconded by Councilmember Zydel to Suspend the Rules to Include the Following Resolutions. Motion Carried
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## 1. RESOLUTION 2010-253

### Negative SEQR Declaration- 5014 Transit 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 Silvestri Architects, P.C. for the construction of a two 7,400 square foot medical buildings on a 3.22 acre vacant parcel at 5014 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 28, 2010 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 11, 2010, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed and supports the subject project, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that pedestrian connectivity be provided between the two proposed buildings, AND

WHEREAS, the subject project has been referred to the US Army Corps of Engineers and the NYS Department of Environmental Conservation due to the proposed disturbance of 0.48 acres of federal jurisdictional wetlands, AND

WHEREAS, the applicant has proposed the creation of 1.011 acres of wetlands on the premises and, has agreed to protect 0.07 acres of existing wetlands on premises to mitigate for the unavoidable disturbance to the 0.48 acres of wetlands, AND

WHEREAS, The US Army Corps of Engineers has accepted the proposed mitigation plan and has provided a provisional Nationwide Permit as shown on the attached correspondence dated April 16, 2010, AND

WHEREAS, The NYS Department of Environmental Conservation has inspected the subject property for the presence of state regulated wetlands, and has determined that there are none present, AND



WHEREAS, the applicant has agreed to provide vehicular access easements along his/her north and south property lines to allow for future traffic access management opportunities, 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 and the NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer approving the drainage /grading plan.
2. The applicant meeting all requirements as stipulated by the US Army Corps of Engineers and the NYS Dept of Environmental Conservation.
3. The land owner providing evidence to the Cheektowaga Law Department that a deed restriction has been filed on the subject property as required in condition number 15. of the US Army Permit; and evidence that perpetual vehicular access will be permitted along the north and south property lines as shown on the site plan.

**ATTACHMENTS:**

5014 Transit Road - US Army Corp Provisional Permit (PDF)

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



## 2. RESOLUTION 2010-254

### Authorize Supervisor to Execute License Agreement with Leica, Inc. to Install Monitoring Wells on Rowan Road and Preston Road

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

WHEREAS, by resolution dated May 18, 2009 (Resolution 2009-282), this Town Board authorized Leica, Inc. to install four (4) groundwater monitoring wells in the right of way of Rowan Road south of the existing Leica, Inc. 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, Leica Inc. has been directed by the New York State Department of Environmental Conservation (NYSDEC) to install an additional five (5) groundwater monitoring wells on Rowan Road and Preston Road, AND

WHEREAS, the Town Engineer and Superintendent of Highways have reviewed the proposed location of the five (5) wells to be installed within the lawn areas of Rowan Road and Preston Road and find that said proposal will not interfere with the public use or maintenance of these Town highway rights-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 and Preston Road highway rights-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 Supervisor be and hereby is authorized and directed to execute a License Agreement with Leica, Inc. for this purpose, 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.

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

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - March 2010
2. Building Permits - April 2010
3. Quarterly Report for January to March 2010 - Town of Cheektowaga Emergency Services
4. Minutes: Cheektowaga Conservation Advisory Council - April 1, 2010
5. Minutes: Town Environmental Advisory Committee - April 28, 2010

### B. General Communications

1. Summons: Citimortgage, Inc. Vs. Cynthia M. Malkiewicz, Town of Cheektowaga & Etal
2. Notice of Claim: Encompass Insurance Co. of America as Subrogee of Edward F & J M Garwon Vs. Town of Cheektowaga
3. Notice of Claim: Edward F. & Joanne Gawron Vs. Town of Cheektowaga
4. Notice of Claim: Jacob C. Gerevics Vs. Town of Cheektowaga
5. Notice of Claim: Conrad Mikulec Vs. Town of Cheektowaga

## VI. Comments

### A. Supervisor's Comments

### B. Councilmember's Comments

### C. Public Comments

## VII. Executive Session at 7:20 PM

1. Motion To: Move Into Executive Session to discuss Personnel Matter

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

2. Motion To: Exit Executive Session and Return to the Meeting to act on the Following Resolution 2010.255

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

**VIII. Return to Meeting at 7:34 PM**



## 1. RESOLUTION 2010-255

### Accept Resignation of Town Employee

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

**BE IT RESOLVED**, that the Cheektowaga Town Board hereby accepts the resignation of John Krauze from his position as an employee of the Town of Cheektowaga; and **BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute any and all documents or agreements in connection with said resignation.

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

### IX. Adjournment

Motion by Councilmember Swiatek; Seconded by Councilmember Rogowski to adjourn the Meeting at 7:36 PM

Alice Magierski  
Town Clerk



REPLY TO

**DEPARTMENT OF THE ARMY**  
 BUFFALO DISTRICT, CORPS OF ENGINEERS  
 1776 NIAGARA STREET  
 BUFFALO, NEW YORK 14207-3199

April 16, 2010

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

Mr. David Kulback  
 Kulback's Construction, Inc  
 2 Wendling Court  
 Lancaster, New York 14086

Dear Mr. Kulback:

I am writing to you in regards to the permit application that was submitted on your behalf by Mr. Eric Krull of Wetlands Investigation, Co. to develop a 3.2 acre site at 5014 Transit Road for commercial use that will result in the permanent impacts to 0.485 acres of federally jurisdictional wetlands. The project is located at 5014 Transit Road, in the Town of Cheektowaga, Erie County, New York.

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit. However, your project may not conform with all conditions contained in the "generic" New York State Department of Environmental Conservation (DEC) Water Quality Certification (WQC) associated with this Nationwide Permit.

Please note, that you are also required, per Special Condition No. 7, to execute a Performance Bond in the amount of \$37,000.00, to provide financial assurance for the performance of all of the obligations, covenants, terms, conditions, and agreements required of the Permittee under this permit. The bond shall be executed and sent to this office prior to commencing with work authorized by this permit. The bond shall be posted before construction authorized by this permit. It is necessary that the bond be signed by this office prior to its execution.'

Before you can commence work under this Nationwide Permit you must obtain an activity specific WQC from the following DEC regional office:

Attachment: 5014 Transit Road - US Army Corp Provisional Permit (RES-2010-253 : Negative SEQR Declaration- 5014 Transit Road)

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army  
Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume  
72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental  
Conservation No. 9-1430-00335

**Regional Permit Administrator**  
**New York State Department of Environmental Conservation**  
**270 Michigan Avenue**  
**Buffalo, New York 14203**

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. The conditions of the project specific WQC will supersede the WQC conditions included with the NWP attached to this transmittal. If the project remains unchanged you may commence work under the attached Nationwide Permit without any further coordination with this office. However, if your project is modified during the DEC review you will need to contact this office to determine if the modified project is still authorized by the attached Nationwide Permit. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

Verification of the applicability of this Nationwide Permit (NWP) is valid until March 18, 2012 unless the NWP authorization is modified, suspended or revoked prior to this date. This verification will remain valid during this period if the NWP authorization is reissued without modification or your activity complies with any subsequent modification of the NWP authorization. Please note in accordance with 33 CFR 330.6(b) that if you commence or are under contract to commence this activity in reliance of your Permit prior to the date this NWP expires, or is suspended or revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the NWP, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of this NWP, unless this NWP has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

In addition to the general conditions attached to the Nationwide Permit, your attention is directed to the following Special Conditions which are also appended at the end of the Nationwide Permit General Conditions:

1. **The mitigation plan entitled “Wetland Mitigation Proposal for 5014 Transit Road, Cheektowaga, New York” and dated January 2010 and submitted to the Corps on February 16, 2010, is hereby incorporated into and made part of the permit as Appendix A. The permittee shall implement the mitigation in accordance with the plan and any following conditions.**
2. **As mitigation to compensate for the unavoidable and permanent impacts to 0.485 acres of federally jurisdictional, forested wetlands, the permittee shall create 1.011 acres of forested wetland and preserve 0.07 acres of isolated, forested wetlands. The habitat to be created will be forested habitat. The mitigation must be constructed in accordance with the attached drawings as well as any following conditions.**
3. **In accordance with the mitigation plan, the permittee is required to plant 29 Silver Maple (*Acer saccharinum*), 33 Red Maple (*Acer rubrum*) and 29 American Elder (*Sambucus Canadensis*) trees within the forested wetland mitigation area, as described on sheet 3 of 5, during wetland construction.**
4. **As performance criteria for the required forested wetland mitigation, as described in Special Condition 2 & 3, the permittee is required to maintain a survivability rate of 78 trees (which were planted during mitigation construction and referenced in special condition #2) throughout the 5-year monitoring period. If this criteria is not met during or at the end of 5 years of monitoring, corrective measures, such as, but not limited to, additional tree plantings and/or wetland water manipulation, shall be implemented. If corrective measures are required, additional yearly monitoring, beyond the 5-year monitoring period, may be required at the discretion of the Corps Project Manager. The permittee shall receive written approval from the Corps Project Manager prior to conducting any corrective measures.**
5. **By the third growing season following the completion of the mitigation construction the**



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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army  
Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

**mitigation area shall be vegetated with a minimum of 80% areal cover of hydrophytic vegetation, with no more than 50% of one species.**

6. **By the third growing season following the completion of the mitigation construction at least 50% of the dominant vegetation shall have a wetland indicator status of FACW or wetter, with at least one OBL species.**
7. **The Permittee shall execute a Performance Bond in the amount of \$37,000.00 and attach it to this permit and it will be made a part hereof, to provide financial assurance for the performance of all of the obligations, covenants, terms, conditions, and agreements required of the permittee under this permit. The bond shall be posted prior to commencement with the activities authorized by this permit.**
8. **A baseline report shall be forwarded to this office by December 31 in the year of completion of all mitigation construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:**
  - a. **Photographs from fixed locations with a photo location map.**
  - b. **A list of plants introduced through seeding and/or planting.**
  - c. **A list of any modifications that were made from the original mitigation plan.**
  - d. **Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.**
  - e. **An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals.**
9. **Annual monitoring and/or compliance reports for the entire mitigation project must be submitted to this office for the first 5 years following completion of the mitigation construction based upon data collected during each monitored year between June and October. The first annual report is due by December 31 in the year following completion of mitigation construction, or by an approved extension date. For example, if the mitigation construction is completed in the Summer of 2010, the first monitoring year would be the summer of 2011 with the first year monitoring report submitted by December 31, 2011. Subsequent reports must be submitted by December 31 of the**

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

**subsequent four years, or by an approved extension date. This requirement may be waived for years 3 and 4 if, after the first two growing seasons, the mitigation is shown to meet the requirements for successful mitigation with a final report submitted for year 5.**

**These reports must include:**

- a. **Photographs from fixed locations with a photo location map.**
  - b. **A plant species list which give USFWS Wetland Indicator Status and strata. Dominant plants should be highlighted and the percent cover is to be noted. Plants introduced through seeding or planting shall also be indicated. The date of field inspection is to be noted.**
  - c. **Wildlife observations on the mitigation site.**
  - d. **A summary statement regarding the perceived success of the mitigation project. Within the first growing season a 90% survivorship rate for plantings must be achieved with an overall long term goal of 85% survivorship. The report will evaluate the goals as set forth in the permit or mitigation and monitoring plan. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.**
10. **That at the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, you shall allow access to the project site and the mitigation parcel to determine compliance with the conditions of this permit.**
  11. **That the permittee shall provide a copy of the validated permit to the contractor(s) performing the work to ensure that the contractor(s) are familiar with the terms and conditions of the authorization.**
  12. **Your responsibility to complete the required compensatory mitigation as set forth in Special Condition No. 2 will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S Army Corps of Engineers.**
  13. **The permittee must begin construction of the mitigation area prior to or concurrent with the filling authorized by this permit, and all construction and planting of the**

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army

Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

**mitigation areas must be completed by November 15 of the year the mitigation construction begins, or by an approved extension date.**

14. **No more than 5% areal cover within the mitigation area shall be vegetated with the following species: *Lythrum salicaria*, *Phalaris arundinacea*, *Phragmites australis*, *Rhamnus* spp., *Typha angustifolia* and *Typha x glauca*. Corrective measures shall be implemented to preclude the growth of the above listed species throughout the 5 year monitoring period should they appear within the wetland mitigation areas.**
15. **Perpetual deed restrictions shall be placed on the mitigation site to guarantee its preservation for wetland and wildlife resources. The restrictions shall specifically state that the mitigation areas are not to be adversely impacted. An approved certified copy of the recorded deed restriction shall be provided to the U.S. Army Corps of Engineers no later than December 31 in the year that work authorized by this permit commenced, or by an approved extension. The deed restriction shall also include the following language:**
  - a. **There shall be no filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in the topography of the land in any manner excepting the maintenance of foot trails within the mitigation area without first obtaining Department of the Army authorization.**
  - b. **There shall be no removal, destruction, or cutting of vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the mitigation area without first obtaining Department of the Army authorization. Control of nuisance vegetation, or any other manipulation within the mitigation areas, shall only occur after receiving Corps of Engineers concurrence that such management practices are necessary to ensure the long-term success of the mitigation program.**
  - c. **There shall be no construction or placing of buildings, camping accommodations or mobile homes, fences, signs, billboards or other advertising material, or other structures within the limits of the designated mitigation area.**

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army

Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

16. **When issued, the Water Quality Certification for this project issued from the State of New York will be a part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.**
17. **That during construction erosion control devices such as straw bales or a filter fabric fence shall be used to prevent erosion of the dredged material or disturbed soil. The straw bales or filter fabric fence shall be installed in accordance with appropriate construction techniques, including placing the hay bales and filter fabric fence in a shallow trench, backfilling the toe of the filter fabric fence and securing the hay bales with stakes. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.**
18. **Along with erosion control features, orange safety fencing shall be placed around the development area to prevent any disturbance to the wetlands or their buffers by construction operations and equipment. The fencing shall be placed in uplands, be maintained throughout the duration of the project, and be removed immediately after construction has been completed.**
19. **That the mechanical equipment used to execute the work authorized herein shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.**
20. **That the disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited.**
21. **The fill material shall consist of clean, non-erodible stone obtained from an upland source and shall be free of fines, oil and grease, debris, wood, general refuse, plaster, broken asphalt, or other potential pollutants.**

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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army

Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental Conservation No. 9-1430-00335

22. **That permanent monuments or signage shall be installed around the mitigation areas and all remaining (avoided) wetlands on the project site to ensure that future property owners are aware of the location and restrictions associated with these areas. Plans for the monumentation shall be submitted to this office for approval prior to implementation. All required signage/monumentation shall be in place within 60 days of completion of final grading of the mitigation areas and prior to construction on any lots containing avoided/preserved wetlands.**
23. **The permittee shall assume responsibility for complying with all Special Conditions. If the reports and actions required under these conditions are not submitted by the specified date, the permittee shall pay stipulated penalties in the amount of \$75.00 per day for each day past the submittal date unless a written time extension is approved by the Corps of Engineers. Such funds shall be submitted by check and made payable to "The Finance and Accounting Officer," and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3199.**
24. **All reports and/or documents require under this permit shall be directed towards: Mr. Joseph Rowley, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199**

A copy of this letter has been sent to Mr. Eric Krull of Wetlands Investigation, Co. and Ms. Lynn Judd of the NYSDEC Region 9.

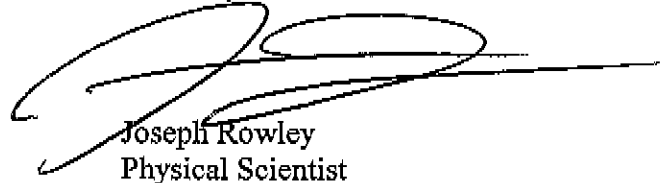
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Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army  
Permit No. 2009-01360, Nationwide Permit No. 39 as Published in the Federal Register, Volume  
72, No. 47, on Monday, March 12, 2007, New York State Department of Environmental  
Conservation No. 9-1430-00335

Questions pertaining to this matter should be directed to me at (716)879-4279, by writing  
to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New  
York 14207, or by e-mail at: joseph.m.rowley@usace.army.mil

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Rowley', is written over a horizontal line. The signature is stylized with loops and a long tail.

Joseph Rowley  
Physical Scientist

Enclosures



# Town of Cheektowaga

## Work Session

~ Minutes ~

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

Alice Magierski  
716-686-3400

Tuesday, May, 11, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on May 11, 2010 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	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  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent  
Mike Lumadue, Deputy Highway Superintendent  
Mark Christel, Engineering Department

## II. Resolutions



## 1. RESOLUTION 2010-256

### SPECIAL EVENT - Cleveland Hill Baseball Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

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

WHEREAS, Cleve Hill Baseball, Inc. has made application to hold a parade on Saturday, May 15, 2010, beginning at 10:00 A.M. as follows:

Parade will assemble at the Cleveland Hill School parking lot, exit onto Gilmore Road to Mapleview Road; and proceed to Gilmore, Mapleview Circle, Merrymont, Cleveland Drive, Birkdale, Mapleview and Commodore; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, the Facilities Department, and the Department of Youth and Recreation, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements: Submittal of plan for sanitary facilities;

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Cleve Hill Baseball, Inc. for the aforementioned parade to be held on Saturday, May 15, 2010, and BE IT FURTHER

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

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

III. Motion To: Motion to Enter Into Executive Session

COMMENTS - Current Meeting:



To Discuss personnel matters.

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

IV. Motion To: Motion to exit Executive Session

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

## V. Adjournment

Work Session ends at 7:45 PM



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, May 17, 2010

6:45 PM

Council Chambers

### I. Call to Order

6:45 PM Meeting called to order on May 17, 2010 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  
 Brian Krause, Director of Finance and Administration  
 Bob Latshaw, Sewer Department  
 John Marriott, Planning Board Chairman  
 William Pugh, Town Engineer  
 Anthony Romano, Coordinator of Employee Relations  
 Kevin Schenk, Town Attorney  
 Christine Ziembra, Chief of Police

### II. Public Comment Period

### III. Public Hearings

#### 1. Rezoning of 123 Buell Avenue from R-Residential District to C-Retail Business District

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

#### 2. Rezoning of 3901 Genesee Street from C-Retail Business District to M1-Light Manufacturing District

**RESULT:** CLOSED [UNANIMOUS]

**MOVER:** James Rogowski, Councilmember  
**SECONDER:** Richard Zydel, Councilmember  
**AYES:** Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:** Mary Holtz

## IV. Resolutions



## 1. RESOLUTION 2010-257

### 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:	100.3120.3820	State Aid Police	\$ 70,650.57
	100.3120.3820	State Aid Police	5,554.09
TO:	100.3120.2207	Jag Grant	\$ 70,650.57
	100.3120.2206	LEBG Grant	5,554.09

SPECIAL DISTRICTS FUND

FROM:	255.1910.2680	Insurance Recoveries	\$ 1,200.00
TO:	255.8135.2512	Building Improvements	\$ 1,200.00

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



## 2. RESOLUTION 2010-258

### Warrant

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

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 14, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$	891,111.69
RISK RETENTION FUND		67,015.10
HUD HOUSING REHABILITATION FUND		16,860.00
SPECIAL DISTRICTS FUND		2,023,131.02
HIGHWAY FUND		167,620.66
CAPITAL FUND		317,636.51
TRUST & AGENCY FUND		49,668.88
HUD CDBG FUND		2,621.67
PART TOWN FUND		28,050.97
NYS AFFORDABLE HOUSING		13,928.00
		<u>3,577,644.50</u>
	\$	3,577,644.50

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



### 3. RESOLUTION 2010-259

## Decision Not to Consider Rezoning of 2700 Union Rd

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

WHEREAS, an application was submitted by Carmina & Wood, P.C., on behalf of the land owner, Petr-All Corporation, for the rezoning of 2700 Union Road from CM-General Commercial District to MS-Motor Service District for the re-development of an existing petroleum sales store to a petroleum sales store with a drive through donut shop, and

WHEREAS, this rezoning application was subject to review pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga ("EIRO") and the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the applicant also submitted an environmental assessment form ("EAF") under the EIRO and SEQRA for this project, and

WHEREAS, said rezoning application and EAF were referred to the Cheektowaga Planning Board and the Environmental Advisory Committee ("EAC") for review and recommendation, and

WHEREAS, this Board held a Public Hearing regarding this proposed rezoning under the provisions of the Zoning Law on July 16, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road, and

WHEREAS, thereafter, the Town of Cheektowaga adopted Local Law No. 6 of the Year 2008 ("A Local Law to Amend the Zoning Law Relating to Drive Through Businesses") to require a special permit for drive through businesses, and established setbacks and stacking requirements for such a use, and

WHEREAS, the Cheektowaga Planning Board reviewed Local Law No. 6 of the Year 2008 and recommended its adoption as being very necessary, and

WHEREAS, the EAC also reviewed Local Law No. 6 of the Year 2008 and recommended its adoption as a means to protect neighboring properties, and as a means to avoid traffic concerns as a result of stacking on the public roads, and

WHEREAS, under the regulations found in Local Law No. 6 of the Year 2008, a Special Permit would be required for the drive through donut shop; in addition, the proposed property location would not comply with various other provisions of Local Law No. 6 of the Year 2008, and

WHEREAS, since the Town Board is the Lead Agency and legislative body having the authority to make decisions, it may affirm, modify or reject any recommendations submitted to it by the Planning Board and EAC, 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 Council and the Traffic Safety Commission, and

WHEREAS, under SEQRA, the Town Law and the Town Zoning Law, this Town Board has the discretion, as a legislative body, to decide not to consider any petition to change the zoning classification of property (a/k/a amendment to the zoning law) since such action is a purely legislative function, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby decides that it will not consider the application of Carmina & Wood, P.C. (on behalf of Petr-All Corporation) to rezone 2700 Union Road or render any decision with respect to the environmental review under SEQRA or the EIRO for said project.

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



## 4. RESOLUTION 2010-260

### Award of Bid for Trailer for Police Department SWAT Team

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

WHEREAS, one bid was duly received by the Town Clerk at a bid opening on May 5, 2010 for the purchase of one (1) 8' x 32' Trailer for the Police Department, and said bid was referred to the Police Department for analysis, tabulation and report; and

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

RESOLVED, that said bid be awarded to Nadler Mobile Offices LLC, 11 Harmony Road, Suite F, Spring Valley, New York, 10977, for the purchase price of \$10,800.00, said sole bid meeting the required specifications; and BE IT FURTHER

RESOLVED, that funding for this item shall be appropriated from Police Department account number 500-3120-2311-5022.

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





## 5. RESOLUTION 2010-261

### Award of Bid for Walk-In Van for Police Department SWAT Team

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

WHEREAS, one bid was duly received by the Town Clerk at a bid opening on May 5, 2010 for the purchase of one (1) new and unused 2010 Walk-In Van for the Cheektowaga Police Department SWAT Team, and said bid was referred to the Police Department for analysis, tabulation and report; and

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

RESOLVED, that said bid be awarded to Fleet Maintenance, Inc., 67 Ransier Drive, West Seneca, New York, for a total purchase price of \$74,786.00, said sole bid meeting the required specifications; and BE IT FURTHER

RESOLVED, that funding for this item shall be appropriated from Police Department account number 500-3120-2311-5022.

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



## 6. RESOLUTION 2010-262

### Award of Bid for Police Radios

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

WHEREAS, one bid was duly received by the Town Clerk at a bid opening on May 5, 2010 for the purchase of twenty-one (21) Motorola Ex560 XLS Professional Submersible Two-way Portable Radios (or equivalent), and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that said bid be awarded to SAIA Communications Inc., 100 Stradtman Street, Cheektowaga, New York, 14206, for the purchase price of \$13,335.00, said sole bid meeting specifications; and BE IT FURTHER

RESOLVED, that funding for these items shall be appropriated from Police Department account number 100-3020-2513.

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



## 7. RESOLUTION 2010-263

### Negative SEQR Declaration - Part of 2875 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 Zaxis Architectural, P.C. for the construction of a one story 15,360 square foot pharmacy /medical goods building on portion of 2875 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 7, 2010 recommended a determination of non-significance as shown on the attached memorandum dated, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 11, 2010, AND

WHEREAS, the subject project requires an area variance for the proposed parcel subdivision, due to the location of the existing parking lot, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The applicant obtaining the necessary area variance.
2. The Town Engineer reviewing and approving the grading and drainage plan.

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



## 8. RESOLUTION 2010-264

### Accept Site Plan - 2460 Clinton St.

**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 Cheers 2U, LLC for the construction of an exterior dining area at 2460 Clinton Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meetings of April 8, 2010 and May 13, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to:

1. The applicant providing a refuse enclosure to screen his dumpster from public view.
2. The proposed deck being reduced in width so that a minimum side yard of 10 feet is provided along the east property line.
3. A vegetative screen being provided along the east property line (adjacent to the proposed deck), by removing a portion of the existing paved area; four feet wide by 20 foot long, and installing staked hetzi junipers (48) inches in height minimum and on three foot centers.
4. The applicant providing an exterior seating plan to the building department for the dining area, and provide protective guards (railings and ballisters) around the perimeter of the deck as required by the Zoning Law.
5. The use of the deck shall be limited between the hours of 7:00AM to 11:00PM.

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



9. RESOLUTION 2010-265

Call for Public Hearing- East of 609 Dingens St.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Roberts Shackleton & Boy with permission of the land owner, Town of Cheektowaga has made application and requested the rezoning of vacant land along the south side of Dingens Street, east of 609 Dingens Street, and further identified as SBL no. 123.28-7-2 from R- Residence to C- Retail Business for the construction of two story 12,000 square foot office building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 7th, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 7th day of June, 2010 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Roberts Shackleton & Boy

for the rezoning of of vacant land along the south side of Dingens Street, east of 609 Dingens Street, and further identified as SBL no. 123.28-7-2 from R- Residence to C- Retail Business for the construction of two story 12,000 square foot office building.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

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 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the centerline of Dingens Street, (width varies), being the south line of Lot No. 75 and the north line of Lot No. 76, where said centerline is intersected by the east line of Wagner Avenue, (50 feet wide), (an unimproved road); thence south 0° 00' 47" east, 384.22 feet to the north line of the lands conveyed to the New York State Thruway Authority by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 9287 of Deeds at

page 356; thence easterly along said northerly boundary 116.88 feet to the west line of lands of Niagara Mohawk Power Corporation and the east line of Lot No. 76; thence north 0°05'28" west and along the west line of Niagara Mohawk Power Corporation and the east line of Lot No. 76, 383.85 feet to the centerline of Dingens Street; thence north 89°49'04" along the centerline of Dingens Street 116.36 feet to the point of beginning.

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



## 10. RESOLUTION 2010-266

### Notice of Hearing - Unsafe Building at 89 Henry St

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

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 89 Henry Street 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 Gerald Sprada, Fire 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 Fire 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 89 Henry Street shall be held on the 7th day of June, 2010 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.

**ATTACHMENTS:**

Notice of Hearing- 89 Henry(DOC)

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



# 11. RESOLUTION 2010-267

## Notice to Bidders - Conversion of Van for Wheel Chair Accessibility

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

WHEREAS, the Senior Services Department is in need of the conversion of a Chevrolet 3500,15 passenger van to a wheel chair accessible van, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on June 2, 2010 at 11:00 A.M. at the Town Hall at which time they will be publicly opened and read.

\*\*\*\*\*

### NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on June 2, 2010 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads for the conversion of a Chevrolet 3500,15 passenger van into a wheel chair accessible van for the Senior Services 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: May 17, 2010

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





## 12. RESOLUTION 2010-268

### Authorize Supervisor to Execute Grant Application for Buckle Up New York 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 2010-2011 year to fund the Buckle Up New York Program ("BUNY") in the approximate amount of \$11,022.00 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 the Cheektowaga Police Department be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and BE IT FURTHER

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

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



### 13. RESOLUTION 2010-269

## Authorize Supervisor to Execute Grant Application for General Highway Safety 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 2010-2011 year to fund a General Highway Safety Grant program to conduct a multi-agency commercial vehicle enforcement surge for commercial motor vehicles that use the Town's roads and bridges, and

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding in the sum of \$17,285.00 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.

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



## 14. RESOLUTION 2010-270

### Authorize Supervisor to Execute Grant Application for Selective Traffic Enforcement Program ("STEP")

**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 2010-2011 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 \$16,690.00 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.

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



## 15. RESOLUTION 2010-271

### Authorize Supervisor to Execute Documents in Connection with Operation Clean Sweep

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

WHEREAS, periodically the Town of Cheektowaga and its employees visit various neighborhoods in the Town ("Operation Clean Sweep") to assist town residents with cleaning up their properties and educating residents as how to keep their properties maintained and to inform them as to what town services are available to them, and

WHEREAS, on occasion, permission is needed from property owners for town vehicles to park on or enter their property as part of this program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all agreements and other documents with private property owners, as approved by the Town Attorney, in connection with Operation Clean Sweep.

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



## 16. RESOLUTION 2010-272

### Authorize Supervisor to Execute License Agreement with True Vine Christian Center Church

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

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 13, 2010 from one 1:00 p.m. to 5:00 p.m. for their Children's Day Celebration; 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 13, 2010 and to clean up the property after the event; 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 with True Vine Christian Center Church on behalf of the Town of Cheektowaga.

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



## 17. RESOLUTION 2010-273

### SPECIAL EVENT - HSBC 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 Club has made application to hold its Softball Tournament in Stiglmeier Park on Saturday, August 14, 2010 from 8:00 a.m. to 6:00 p.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities Department and the Department of Youth & 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 HSBC Sports Club for the aforementioned Softball Tournament to be held in Stiglmeier Park on Saturday, August 14, 2010.

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



## 18. RESOLUTION 2010-274

### SPECIAL EVENT - Independence Day Celebration

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

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

WHEREAS, the Cheektowaga Patriotic Commission has made application to hold its Independence Celebration on July 3rd and 4th, 2010 at Town Park beginning at 5:00 p.m., and Parade on July 4th, 2010 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, 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, 2010; and BE IT FURTHER

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

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



## 19. RESOLUTION 2010-275

### NYSDEC Year 7 Annual Report

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

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 7 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, 2010, AND

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

RESOLVED, that public comment on the subject Annual Report shall be received until May 26, 2010 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 7 Annual Report.

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





## 20. RESOLUTION 2010-276

### Unsafe-Unsecured/4 Santinwood Drive

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

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4 Santinwood Drive, Cheektowaga, New York SBL# 92.14-6-18 that is a danger to the safety of others, and records kept by the Assessors Office identify William P. McCarthy, 4 Santinwood Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4 Santinwood Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



## 21. RESOLUTION 2010-277

### Minor Demolition/95 Century 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 Century Road, Cheektowaga, New York SBL# 79.20-2-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert Fera & Wife, 20 Fowler Avenue, Buffalo, New York 14217, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Century Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



## 22. RESOLUTION 2010-278

### Approve Health Insurance Plan

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

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, 2010, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the new health insurance contract with Blue Cross Blue Shield, and any and all other documents necessary to effectuate the insurance coverage called for under such contract.

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



## 23. RESOLUTION 2010-279

### Authorization for Purchase of Two Passenger Vans

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

WHEREAS, the Senior Services Department has requested authorization to purchase one (1) 2010 Chevrolet 2500, 12 passenger van and one (1) 2010 Chevrolet 3500, 15 passenger van as specified in the New York State OGS Contract No. PC 65026, AND

WHEREAS, based on availability for model year 2010, the pricing for the vehicles is:

2010 NYS Contract - 12 passenger van	\$22,284.00
2010 NYS Contract - 15 passenger van	\$21,866.50

NOW, THEREFORE, BE IT

RESOLVED, that funds have been budgeted and are available from Account #500-7620-2516-5022 for the 12 passenger van and Account #500-7620-2518-5022 for the 15 passenger van, AND, BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the purchase of two (2) 2010 passenger vans in an amount not to exceed \$44,150.50 for the Senior Services Department from:

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

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



## 24. RESOLUTION 2010-280

### Authorization for Purchase of One 3/4 Ton Pick-Up Truck

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

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2011 Ford 4X4 F250, 3/4 ton pick-up truck as specified in the New York State OGS Contract No. 65030, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 255-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2011 Ford 4X4 F250, 3/4 ton pick-up truck in the amount of \$21,302.68 for the Sewer Maintenance Department from:

Van Bortel Ford, Inc.  
71 Marsh Road  
East Rochester, New York 14445

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



**25. RESOLUTION 2010-281**

**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 June 17, 2010 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 17, 2010, 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, 2010, 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 17, 2010,

**YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.**

Such work must be completed on or before **June 17, 2010**

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, 2010. 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 17, 2010

ALICE MAGIERSKI  
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT letter 5-17-10 (DOC)

Sidewalk list 5-17-10 (PDF)

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Jeff Swiatek, Councilmember

**SECONDER:** Patricia Jaworowicz, Councilmember

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

**ABSENT:** Mary Holtz



## 26. RESOLUTION 2010-282

### Retain Financial Advisor

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

WHEREAS, the Town of Cheektowaga needs to utilize the services of a financial advisor periodically to assist us with various financial investment and bonding matters, and

WHEREAS, Capital Markets Advisors, LLC, a Western New York company, has approached the Town about performing these services for the Town, and

WHEREAS, Capital Markets Advisors, LLC currently provides financial advisory services to numerous municipalities, school districts and special authorities throughout New York State, including Western New York, and has extensive experience and expertise in this field, and

WHEREAS, representatives from the Town have met with representatives from Capital Markets Advisors, LLC, and feel that such company can provide the needed services to the Town and are easily accessible since they are located in this area, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains the services of Capital Markets Advisors, LLC for financial advisory services, effective immediately, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Financial Services Advisory Agreement with Capital Markets Advisors, LLC, and BE IT FURTHER

RESOLVED, that this resolution shall supersede and replace any prior Town Board resolutions relating to the retention of financial advisors.

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





## 27. RESOLUTION 2010-283

### 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 as indicated:

Regular Part-time - Effective 5/24/10

From Adapted Recreation Program 7310.1803 to Camp Flamingo - 7310.1810

Nathaniel Barnes

Mark Hannon

Greg McEvoy

Amy McMahan

DeYonca Porter

Kristen Stadelmeyer

Jessica Szyjka

Theresa Tripi

From Adapted Recreation Program 7310.1803 to Camp Flamingo - 7310.1810

Part-time - Effective 5/24/10

Martin Acevedo

From Adapted Recreation Program 7310.1801 to Camp JI-IK-DO-WAH-GAH - 7310.1801

Regular Part-time - Effective 5/24/10

Brock McDougald

Melissa Rogers

Maribeth Stadelmeyer

Lauren Syzdlowski

From Adapted Recreation Program 7310.1801 to Camp Crabapple - 7310.1802

Regular Part-time - Effective 5/24/10

Casey Hawley

Alex Ladowski

Barb Walters

Mary Zelasko

From Adapted Recreation Program 7310.1801 to Camp Dartwood - 7140.1632

Regular Part-time - Effective 5/24/10

Nicole Habermehl

Kristy Rzeszutek

From Adapted Recreation Program 7310.1801 to Teen Club - 7310.1814

Regular Part-time - Effective 5/24/10

Laura Munson

Jennifer Zelasko

Effective Immediately

Recreation Instructor - Aquatics Director - 7180.1902 - \$11.53 - Regular Part-time  
Sean Kunkel

Recreation Instructor - Supervisor Town Park Pool 1<sup>st</sup> Shift -7180.1902 - \$10.36 Regular Part-time

Jeffery Kunkel

Recreation Instructor - Head Lifeguard Town Park Pool 1<sup>st</sup> Shift -7180.1902 - \$9.91

Regular Part-time

Kevin Fischer

Recreation Instructor - Supervisor Dingens Pool - 7180.1902 - \$10.06

Regular Part-time

Hannah Welch

Recreation Instructor - Head Lifeguard Dingens Pool - 7180.1902 - \$9.24

Regular Part-time

Lauren Feust

Recreation Instructor - Supervisor Maryvale Pool - 7180.1902 - \$9.86

Seasonal

Andrew Chrusciki

Recreation Aide to Lifeguard Level I - 7180.1903 - \$8.25 - Regular - Part-time

Kari Orłowski

Lifeguard - Level II - 7180.1903 - \$8.42 - Regular Part-time

Margaret Drzewiecki

Elaine Montgomery

Nicole Scherrer

Chelsea Wartinger

Lifeguard - Level III - 7180.1903 - \$8.59 - Regular Part-time

Ashley Bajer

Raena Koeppel

Sarah Montgomery

Lifeguard - Level IV - 7180.1903 - \$8.76 - Regular Part-time

Matt Maciejewski

Erica Orłowski

Torrie Wydys

Tiffany Wheeler

Recreation Specialist - 7180.1902 - \$18.27 - Regular Part-time

Catherine Giles

Recreation Aide to Recreation Attendant - 7140.1614 - \$7.25 - Regular Part-time

Jamie Russell

Recreation Attendant - 7140.1633 - \$8.50 - Regular Part-time

Tim Isch

Recreation Attendant - 7140.1633 - \$8.40 - Regular Part-time

Gregory Craft

Motion by Councilmember Kaznowski; Seconded by Councilmember Swiatek to Waive the Reading of Names for the following Four (4) Resolutions, 2010-283 through 2010-286.  
Motion Carried.

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



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**28. RESOLUTION 2010-284**

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**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:

Alex Kluck	Never Worked	14227
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 29. RESOLUTION 2010-285

### Youth & Recreation Hiring

**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 - 7140.1648 - \$7.40 - Seasonal

Olivia Gmerek 14225

Recreation Attendant - 7140.1648 - \$7.65 - Seasonal

Nicole Odrobina 14043

Recreation Attendant - 7140.1648 - \$8.40 - Seasonal

Jeff Gmerek 14225

Recreation Attendant - 7140.1612 - \$7.50 - Part-time

Britney El-Amin 14225

Recreation Aide - 7140.1648 - \$7.25 - Part-time

Emily Bowen 14225  
Brian Grabiec

Recreation Attendant - 7140.1648 - \$7.25 - Regular Part-time

Valerie Herman 14225

Recreation Aide - 7140.1645 - \$7.25 - Part-time

Tyler Welsh 14225

Recreation Attendant - 7140.1648 - \$7.40 - Regular Part-time

Cassandra Langan 14225

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborer "Level I - Participants" - 7310.1816 - \$7.25

Bradley Vargo 14225  
Robert Bommer 14225  
Richard N. Coburn 14043  
Brendan Graham 14227  
Damon Fermo 14225  
Tyler Elis 14225  
Nicholas Ross 14227  
Thomas Hanzlian 14225  
Jeremy Ross 14227  
Daniel Zogaria 14206  
Kara Watson 14225  
Danielle Dauer 14227

Laborer - "Level I Participants" - 7310.1816 - \$7.25 - Alternates

David Chwojdak	14227
Thomas Cooke	14225
Chris Suchan	14227
Da'Vona Randle	14225
Caitlin Kerling	14225
Courtney Kerling	14225
Joshua Tedesco	14227

Laborer - "Level I Participants" - 7310.1816 - \$7.75 - Alternates

Brandon Chittenden	14043
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Laborer - "Level II Participants" - 7310.1816 - \$7.50 - Seasonal

Corey Patrzyk	14043
Joshua Galante	14206
Andrew Samer	14227
Jonathan Klein	14227
Jamie Nash	14206
Matthew Eckle	14225

Laborer - "Level III Participants" - 7310.1816 - \$7.75- Seasonal

Alissa Kowalski	14206
Christopher Balash	14215

Laborer "Supervisor Trainee" - 7310.1816 - SeasonalLaborer - "Level I" - 7310.1816 - \$9.15

Timothy Kish	14206
Patrick Albanesi	14043
Edward Pyszczynski	14227

Laborer - "Level I" - 7310.1816 - \$9.15 - Alternates

Eric Messenger	14043
Rueben Borowski	14225
Joshua Neureuther	14206

Laborer - "Level II" - 7310.1816 - \$9.45 - Seasonal

Justin DelBello	14227
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Laborer - "Youth Leader" - 7310.1811 - SeasonalLaborer - "Level I" - \$9.15

Kyle Polanski	14043
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Laborer - "Level II" - \$9.45 - 7310.1811 - Seasonal

Stephen Pfalzer	14043
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Laborer - "Level III" - \$9.75 - 7310.1811 - Seasonal

Brian Sheldon	14227
Michael Lewandowski	14043

Laborer - "Crew Supervisor" - 7310.1811 - Seasonal

Laborer - "Level I" - \$11.90 - 7310.1811

Nicholas Russell	14206
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Laborer - "Level II" - \$12.30 - 7310.1811

Brad Agen	14227
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Laborer - "Level III" - \$12.70 - 7310.1811

Jacob Bauer	14227
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Andrew Swiat	14227
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Recreation Aide - 7310.1810 - \$7.25 - Camp Flamingo - Part-time

Austin Lauer	14225
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Emily Leminger	14227
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Leah Polvinale	14227
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Nicole Putland	14225
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Steven Mazurkiewicz	14225
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Recreation Aide - 7310.1802 - \$7.25 - Camp Crabapple - Part-time

Lily Boyd-Gamel	14225
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Kelly Mayer	14225
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Jenna Soldaczewski	14225
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Recreation Attendant - Camp Dartwood - 7140.1632 - \$7.25 - Seasonal

Joseph Malicki	14043
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Kristen Schugardt	14043
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Recreation Aide - 7310.1801 - \$7.25 - Camp JI-IK-DO-WAH-GAH - Part-time

Cerene Usinski	14225
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Recreation Attendant - 7310.1810 - \$7.25 - Camp Flamingo - Seasonal

Jillian Adamczak	14211
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Alexis Blachowski	14225
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Lauren Boehm	14225
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Donald Diana	14043
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Kara Jeziorski	14227
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Shannon Kelly	14227
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Julie Laffrado	14225
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Sarah Litwin	14225
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Mark Maciejewski	14225
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Carolyn Reczek	14227
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Robyn Stanley	14225
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Evin Bernard	14215
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Josh Fruchtel	14211
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Laurel Hopkins	14215
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Nicole Wyzkowski	14206
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Recreation Attendant - 7310.1810 - \$7.30 - Camp Flamingo - Seasonal

Jennifer Laffrado	14225
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Recreation Attendant - 7310.1810 - \$7.40 - Camp Flamingo - Seasonal

Merissa Ciesielski	14225
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Recreation Attendant - 7310.1810 - \$7.50 - Camp Flamingo - Seasonal

Lauren Fial	14227
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Recreation Attendant - 7140.1632 - \$7.30 - Camp Dartwood - Seasonal

Amanda Ciesielski	14043
Tabitha Slachiak	14212

Recreation Attendant - 7140.1632 - \$7.65 - Camp Dartwood - Seasonal

Lori Majewski	14227
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Recreation Attendant - 7310.1801 - \$7.40 - Camp JI-IK-DO-WAH-GAH - Seasonal

Meggan Empric	14215
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Recreation Attendant - 7310.1801 - \$7.75 - Camp JI-IK-DO-WAH-GAH - Seasonal

Stacy Walker	14225
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Recreation Attendant - 7310.1802 - \$7.25 - Camp Crabapple - Seasonal

Stephen Kelly	14211
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Recreation Attendant - 7140.1611 & 7140.1645 - \$7.25 - Seasonal

Jacob Pyzikiewicz	14206
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Recreation Aide - 7310.1814 - \$7.25 - Part-time

Alexis Quintin	14206
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Lifeguard - Level I - 7180.1903 - \$8.25 - Regular Part-time

Tyler Bajer	14225
Dylan Bajer	14225
Tyler Casillo	14227
Catherine Chojnacki	14225
Matthew Hockwater	14227
Keileigh Pecyne	14227
Brad Bauman	14227
Miranda Smaczniak	14043

Lifeguard - Level I - 7180.1903 - \$8.25 - Seasonal

Robert Dybalski	14225
Elizabeth Monaco	14225
Lauren Tomaschko	14225
Jen Weber	14225

Lifeguard - Level II - 7180.1903 - \$8.42 - Seasonal

Kayla Doetterl	14227
Kayla Kuechle	14225
Joshua Scheller	14225

Lifeguard - Level II - WSI - 7180.1903 - \$8.59 - Seasonal

Anastasia Zarbo	14227
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Lifeguard - Level IV - WSI - 7180.1903 - \$8.94 - Seasonal

Josh Atzrott	14215
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Lifeguard - Level IV - 7180.1903 - \$8.76 - Seasonal

Corey Beszczyński	14212
Shawn Kaznica	14206
Danielle Malicki	14227



Recreation Instructor - Head Lifeguard Town Park Pool 2<sup>nd</sup> Shift - 7180.1902 - \$9.36 - Regular Part-time

Rebecca Gworek	14227
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Recreation Instructor - Head Lifeguard Maryvale Pool - 7180.1902 - \$9.06 - Regular Part-time

Jennifer Brock	14225
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Lifeguard - Level IV- 7180.1903 - \$8.76 - Part-time

Holly Podniesinski	14227
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Laborer - "Bath House Attendants" - 7180.1901 - \$7.40 - Seasonal

Gared Brock	14225
Jillian Golembiewski	14206
Jeffery Kapanek	14206
Sarah Kapanek	14206
Matthew Pazderski	14227
Allison Musial	14225
Kelsey Full	14227

Laborer - "Bath House Attendants" - 7180.1901 - \$7.25 - Seasonal

DaVonte' Hardy	14225
Levi Bourdette	14225
Michael Gandt	14043
Dakota Grantham	14225
Christine Jedd	14227
Nathan Meyers	14225
Emily Russillo	14227
James Rogers	14206
Eric Nash	14206
Ashley Sokol	14227
Scott Ferer	14215
Mindy Odrobina	14043

Laborer - "Bath House Attendants" - 7180.1901 - \$7.25 - SeasonalAlternates

Julianne Doetterl	14227
Brandon Kruse	14206
Christopher Kelley	14215
Kaitlin Dahn	14225
Heidi Maziarz	14043
Heather Joya	14043
Gabrielle Padovani	14225
Jared Bulinski	14206
Megan Pieszala	14206
Ashley Spring	14043
Alicia Howard	14215
Michael Prestia	14211
Javante' Vasquez	14215
Kelly Mayer	14225
Tyia Acoff	14215
Justin Glogan	14227

Dakota Herkey	14225
Melissa Insley	14206
Elicia MacTarnaghan	14225
Christopher Kiripolsky	14215
James Hanners	14225
Ashley Priester	14225
Amanda Langa	14043
Edward Schaefer Jr.	14211
Leah Skoczylas	14206
Miranda Gollwitzer	14225
Olivia Stahl	14225
Hali Franz	14225

Lifeguard - Level I - 7180.1903 Seasonal (Alternate) - \$8.25

Katelin Petranchuk	14227
Cory Johnson	14225
Brandon Wheeler	14225
Samantha Johnston	14206
Kelsey Rogers	14225
Bradley Berbach	14043
Kaitlin Dohn	14225
Kylie Reach	14225
John Zastempowski	14227
Matt Hawbaker	14225
Jacob Habermehl	14225
Catherine Huber	14225
Melissa Huber	14225

Recreation Attendant - 7310.1814 - \$8.40 - Regular Part-time

Joseph Cendrowski	14212
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Recreation Attendant - 7310.1814 - \$7.25 - Seasonal

Rita Nabozny	14227
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Recreation Attendant - 7310.1814 - \$8.40 - Seasonal

Matthew Refermat	14212
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 30. RESOLUTION 2010-286

### Hiring/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 (5) months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

SEWER MAINTENANCE Laborer \$7.75/hour  
Adam Bobeck, Cheektowaga effective 5/24/10  
Austin Bobeck, Cheektowaga effective 5/24/10  
Shane Latshaw, Cheektowaga effective 5/24/10  
Justin Nowak, Depew effective 5/24/10  
Jake Nowak, Depew effective 5/24/10  
William Olewniczak, Cheektowaga effective 5/24/10  
Sean Ross, Cheektowaga effective 6/21/10

SEWER MAINTENANCE Laborer \$7.50/hour  
Jacob Latshaw, Cheektowaga effective 6/21/10  
Nicholas Law, Depew effective 5/24/10  
Zachary Lewandowski, Cheektowaga effective 5/24/10

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$7.75/hour effective 5/18/10  
Bryan Nurmi, Cheektowaga

SANITATION DEPARTMENT Laborer \$8.00/hour  
Tyler Tangelder, Cheektowaga effective 5/17/10  
Nicholas Scaccia, Cheektowaga effective 5/31/10

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed nineteen (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 5/18/10  
Michael Lorkowski, Depew

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

POLICE DEPARTMENT  
Ronald Nolan effective 4/5/10

FACILITIES DEPARTMENT (Buildings and Grounds Division)  
Lawrence Chirico, Jr. effective 5/17/10

SANITATION DEPARTMENT  
Scott D. Jachimiak effective 5/8/10

TOWN CLERK'S OFFICE (Records Center)  
Lisa Sprada effective 5/17/10

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

FACILITIES DEPARTMENT (Parks Division) from Part-Time Laborer to Seasonal Laborer  
\$11.00/hour effective 5/17/10 - 10/1/10  
Thomas Somogye, Cheektowaga

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

**31. RESOLUTION 2010-287**

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**Appointment of Executive Director - Youth Board  
(Competitive/Permanent) (Youth and Recreation) Ellen M.  
Fischer**

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

WHEREAS, Ellen M. Fischer was appointed by this Town Board to the provisional position of Executive Director - Youth Board on July 21, 2008; AND

WHEREAS, an Erie County Civil Service list has been established for said title; AND

WHEREAS, Ms. Fischer is eligible for permanent appointment; NOW, THEREFORE, BE  
IT

RESOLVED, that Ellen M. Fischer of Cheektowaga, New York be and hereby is appointed to the position of Executive Director - Youth Board effective May 18, 2010.

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

**32. RESOLUTION 2010-288****Appointment of Assistant Natural Disaster Services Coordinator (Part Time) (Competitive/Permanent) (Office of the Town Supervisor) Michael A. Mazurowski**

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

WHEREAS, Michael A. Mazurowski was appointed by this Town Board to the provisional part-time position of Assistant Natural Disaster Services Coordinator on December 4, 2007; AND

WHEREAS, an Erie County Civil Service list has been established for said title; AND

WHEREAS, Mr. Mazurowski is eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael A. Mazurowski of Cheektowaga, New York be and hereby is appointed to the permanent part-time position of Assistant Natural Disaster Services Coordinator effective May 18, 2010.

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

**33. RESOLUTION 2010-289****Appointment of Assistant Code Enforcement Officer  
(Competitive/Temporary) Building and Plumbing Department  
(Peter F. Maurer)**

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

WHEREAS, a temporary vacancy exists in the position of Assistant Code Enforcement Officer in the Building and Plumbing Department; AND

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

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, the current civil service list for said title was canvassed and interviews conducted; AND

WHEREAS, Peter F. Maurer appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Peter F. Maurer of Cheektowaga, New York, be and hereby is appointed to the temporary position of Assistant Code Enforcement Officer in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 18, 2010.

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



## 34. RESOLUTION 2010-290

### Appointment of Clerk Typist (Competitive/Permanent) (Sewer Maintenance) Lisa M. Sprada

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

WHEREAS, a vacancy exists in the title of Clerk Typist in the Sewer Maintenance Department; AND

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

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

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

WHEREAS, a current civil service list exists for said title; AND

WHEREAS, said civil service list was canvassed and interviews conducted; AND

WHEREAS, Lisa M. Sprada appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Lisa M. Sprada 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 May 18, 2010.

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





## 35. RESOLUTION 2010-291

### Appointment of Automotive Mechanic (Non-Competitive/Permanent) (Highway Department) Jeffrey Oddo

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

WHEREAS, a vacancy exists in the title of Automotive Mechanic 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, no full-time employee bid on said vacancy; AND

WHEREAS, Jeffrey Oddo has applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey Oddo of Cheektowaga, New York, be and hereby is appointed to the position of Automotive Mechanic in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 18, 2010.

Motion by Councilmember Swiatek; Seconded by Councilmember Rogowski to correct the appointment date effective May 18, 2010.

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

**36. RESOLUTION 2010-292**

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**Appointment of Motor Equipment Operator-A (Non-Competitive/Temporary) (Highway Department) Douglas H. Konczal**

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

WHEREAS, a temporary vacancy exists in the title of Motor Equipment Operator - A in the Highway Department; AND

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said vacancy; AND

WHEREAS, Douglas H. Konczal, currently employed as an Automotive Mechanic in the Highway Department meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Douglas H. Konczal of Cheektowaga, New York, be and hereby is appointed to the temporary position of Motor Equipment Operator - A in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 10, 2010.

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

**37. RESOLUTION 2010-293****Appointment of General Mechanic (Non-Competitive/Temporary) (Facilities Department) Gary S. Czajka**

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

WHEREAS, a temporary vacancy exists in the position of General Mechanic in the Facilities Department (Building and Grounds Division); AND

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

WHEREAS, no bargaining unit member bid on said vacancy; AND

WHEREAS, Gary S. Czajka applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gary S. Czajka of Cheektowaga, New York, be and hereby is appointed to the temporary position of General Mechanic in the Facilities Department (Building and Grounds Division), pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective May 18, 2010.

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

**38. RESOLUTION 2010-294****Appointment of Maintenance Worker (Labor/Permanent)  
(Facilities Department) Michael V. Full**

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

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said vacancy; AND

WHEREAS, Michael V. Full, currently employed as a Park Maintenance Worker II in the Facilities Department (Buildings and Grounds Division), meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael V. Full 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 April 26, 2010.

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



## 39. RESOLUTION 2010-295

### Appointment of Laborer (Labor/Permanent) (Sanitation Department) James D. Eckel

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

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

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

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

WHEREAS, James D. Eckel applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that James D. Eckel 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 18, 2010.

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



## 40. RESOLUTION 2010-296

### Travel Authorization (Police Department)

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

WHEREAS, the New York Association of Hostage Negotiators Seminar is being held May 19 - 21, 2010 in Rochester, New York; AND

WHEREAS, Sergeant Thomas Allen, Detective Robert Mullen, Detective Terence Griffin, Detective Joseph Bauman, Police Officer David Filipski and Police Officer Kurt Spieler 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 \$2,125; AND

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

RESOLVED, that Sergeant Thomas Allen, Detective Robert Mullen, Detective Terence Griffin, Detective Joseph Bauman, Police Officer David Filipski and Police Officer Kurt Spieler be an hereby are authorized to attend the New York Association of Hostage Negotiators Seminar being held May 19 - 21, 2010 in Rochester, New York.

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



## 41. RESOLUTION 2010-297

### Travel Authorization Personnel Department

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

WHEREAS, the New York State Public Employer Labor Relations Association 36<sup>th</sup> Annual Training Conference is being held July 21 - July 23, 2010 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Anthony Romano has requested authorization to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$962; AND

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

RESOLVED, that Coordinator of Employee Relations Anthony Romano be and hereby is authorized to attend the New York State Public Employer Labor Relations Association 36<sup>th</sup> Annual Training Conference being held July 21 - July 23, 2010 in Saratoga Springs, New York.

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

**42. RESOLUTION 2010-298****Travel Authorization Justice Court**

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

WHEREAS, the National Association of Drug Court Professionals Conference is being held June 2 - 5, 2010 in Boston, Massachusetts; AND

WHEREAS, Town Justice Thomas Kolbert and Clerk to the Justice Court Stephanie Lewandowski have requested authorization to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$4,670.06; AND

WHEREAS, these expenses have been budgeted by the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that Town Justice Thomas Kolbert and Clerk to the Justice Court Stephanie Lewandowski be and hereby are authorized to attend the National Association of Drug Court Professionals Conference held June 2 - 5, 2010 in Boston, Massachusetts.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 43. RESOLUTION 2010-299

### Travel Authorization Police Department

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

WHEREAS, the Defense Technology Less Lethal Instructor Program is being held June 7-10, 2010 in Tonawanda, New York; AND

WHEREAS, Police Officers Jeffrey Schmidt and Michael Striejewski have requested authorization to attend said program; 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 \$2,055.04; AND

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

RESOLVED, that Police Officers Jeffrey Schmidt and Michael Striejewski be and hereby are authorized to attend the Defense Technology Less Lethal Instructor Program being held June 7-10, 2010 in Tonawanda, New York.

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

### V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Two (2) Resolutions, 2010-300 and 2010-301. Motion Carried.
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## 1. RESOLUTION 2010-300

### Appointment of Court Clerk (Competitive/Permanent) (Justice Court) Jeanne M. Ping

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

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 full-time employee bid on said vacancy; AND

WHEREAS, such job title is in the competitive class of civil service; AND

WHEREAS, the civil service list for said title was canvassed and interviews conducted;  
AND

WHEREAS, Jeanne M. Ping appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jeanne M. Ping 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 June 1, 2010.

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



## 2. RESOLUTION 2010-301

### Designation of Town Tower - First Choice Auto, Inc.

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

WHEREAS, pursuant to Chapter 241 of the Code of the Town of Cheektowaga ("Vehicles, Removal and Storage"), towing companies may make application to the Town to become an authorized town tower, and

WHEREAS, presently, the Town of Cheektowaga has approved several towing companies as authorized town towers in the town, and

WHEREAS, Custom Towing submitted its letter resigning as an authorized town tower, resulting in a vacancy to be filled, and

WHEREAS, First Choice Auto, Inc, has submitted an application to the Police Department to become an authorized town tower, and

WHEREAS, the Police Department has reviewed the application of First Choice Auto, Inc., has determined that it meets the requirements of Chapter 241, and has recommended that it be approved as an authorized town tower, NOW, THEREFORE, BE IT

RESOLVED, that, upon remittance of the required annual license fee, First Choice Auto, Inc., 840 Cayuga Creek Road, Cheektowaga, New York 14225 be and hereby is approved and designated as an authorized town tower under Chapter 241 of the Town Code, and BE IT FURTHER

RESOLVED, that First Choice Auto, Inc. shall be assigned to the Midtown Tow Zone in the Town of Cheektowaga.

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

## VI. Communications

### A. Departmental Communications

1. State of New York, Office of the State Comptroller, Annual Financial Report for the Fiscal Year Ended 12/31/2009
2. Minutes: Cheektowaga Public Library - April 21, 2010
3. Minutes: Cheektowaga Planning Board - April 8, 2010

***B. General Communications***

1. Notice of Claim: Antoinette Elkhoury Vs. Town of Cheektowaga
2. Notice of Claim: Cynthia E. Hess Vs. Town of Cheektowaga
3. Notice of Claim: Edith Pickens, Individually and as Parent and Natural Guardian of AMYAH WILSON Vs. Town of Cheektowaga & Etal
4. Notice of Claim: Melissa Woods Vs. Town of Cheektowaga
5. Notice of Claim: Kathryn Woods Vs. Town of Cheektowaga
6. Request to Speak: Mr. Machynski Regarding " No Parking Signs" on Como Park Blvd. at Union Rd.

**VII. Comments*****A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments***

STATE OF NEW YORK  
TOWN OF CHEEKTOWAGA : COUNTY OF ERIE

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In the Matter of the Proceedings Pursuant to the  
Unsafe Buildings Law of the Town of  
Cheektowaga to Have the Property Commonly  
Known as 89 Henry Street, Cheektowaga,  
New York, Demolished and Removed as an  
Unsafe Building

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**NOTICE OF HEARING**

**TO: Erie Tax Certificate Corporation, c/o Joseph Maciejewski, Director, Real Property Tax Services, County of Erie, 95 Franklin Street, Buffalo, NY 14202,  
Erie Tax Certificate Corporation, c/o/ Chris Collins, County Executive, County of Erie, 95 Franklin street, Buffalo, NY 14202**

***PLEASE TAKE NOTICE***, that the Town of Cheektowaga, by resolution dated May 17, 2010, has determined that the one family residential structure located on the property commonly known 89 Henry Street, Cheektowaga, New York (hereinafter referred to as the subject premises), and more specifically described hereinbelow, is an unsafe and dangerous building and has ordered its demolition and removal pursuant to Chapter 75 of Code of the Town of Cheektowaga; and

***YOU ARE FURTHER NOTIFIED*** that a hearing before the Town Board of the Town of Cheektowaga in relation to this dangerous and unsafe building will be held in the Council Chambers of the Town of Cheektowaga, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York on June 7, 2010 at 6:45 PM; and

***YOU ARE FURTHER NOTIFIED*** that attached hereto is a copy of the report dated May 12, 2010 prepared by Thomas J. Adamczak, Supervising Code Enforcement Officer, and Gerald Sprada, Fire Inspector for the Town of Cheektowaga, setting forth the particulars in which the subject premises is unsafe and dangerous; and

Attachment: Notice of Hearing- 89 Henry (RES-2010-266 : Notice of Hearing - Unsafe Building at 89 Henry St)

**YOU ARE FURTHER NOTIFIED** that, pursuant to the resolution of the Town of Cheektowaga dated May 17, 2010, the owner of the premises, Erie Tax Certificate Corporation, is ordered to demolish and remove the subject premises; and

**YOU ARE FURTHER NOTIFIED** that the demolition and removal of the subject premises shall commence within thirty (30) days of service of this notice on said owners of 89 Henry Street, and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended; and

**YOU ARE FURTHER NOTIFIED** that in the event of failure, neglect, or refusal to comply with the order to demolish and remove the subject premises, the Town Board for the Town of Cheektowaga is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition and removal, including legal expenses; and

**YOU ARE FURTHER NOTIFIED** that the legal description of the subject premises is as follows:

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. 69, Township 10, Range 7 of the Buffalo Creek Reservation, and according to Map filed in the Erie County Clerk's Office under Cover No. 430, is known as Subdivision Lot No. 130, more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of Henry Street, 135 feet from its intersection with the southerly line of William Street; running thence southerly along said easterly line of Henry Street, 30 feet to a point; thence easterly at right angles to Henry Street, 109 feet; thence northerly parallel with Henry Street, 30 feet; thence westerly at right angles, 109 feet to the easterly line of Henry Street, the point or place of beginning.

DATED: May 17, 2010

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

\_\_\_\_\_  
**ALICE MAGIERSKI**  
**Town Clerk**  
**Town of Cheektowaga**  
Office and Post Office Address  
Town Hall, 3301 Broadway  
Cheektowaga, New York 14227-3801  
(716) 686-3400

Attachment: Notice of Hearing- 89 Henry (RES-2010-266 : Notice of Hearing - Unsafe Building at 89 Henry St)

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 17, 2010, 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, 2010 and complete the work on or before **June 17, 2010**;

**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, 2010; **OR**
  - b. Have the charges placed on your 2011-2015 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, Ext. 211.**

Very truly yours,

ALICE MAGIERSKI  
Town Clerk

Attachment: SIDEWALK REPLACEMENT letter 5-17-10 (RES-2010-281 : Order Replacement of Sidewalks)

**Sidewalk Markings 3-16-2010**

<u>SBL</u>	<u>Owner</u>	<u>Property Address</u>	<u>City</u>	<u>S/Zip</u>
114.02-7-27	Patricia Ryan & S. Fatta-Jezewi	156 Croydon Dr	Depew	NY 14043-4449
114.02-6-42	Ziomek James & Karen	120 Cromwell Dr	Depew	NY 14043-4462
114.02-6-43	Veiders Ronald C & Cynthia	124 Cromwell Dr	Depew	NY 14043-4462
114.02-6-45	Kenneth F Padak	132 Cromwell Dr	Depew	NY 14043-4462
114.02-6-46	Adamczyk James J & W	136 Cromwell Dr	Depew	NY 14043-4462
114.02-6-47	Mark Radecki	140 Cromwell Dr	Depew	NY 14043-4462
114.02-6-48	Gawron Walter & Ann Marie	144 Cromwell Dr	Depew	NY 14043-4462
114.02-6-49	Grgincic Mijo & W	148 Cromwell Dr	Depew	NY 14043-4462
114.02-6-38	Martin Daniel S & Brigitt	104 Cromwell Dr	Depew	NY 14043-4462
114.02-6-39	Solecki Richard B & W	108 Cromwell Dr	Depew	NY 14043-4462
114.02-6-35	Kolis Maryjane	92 Cromwell Dr	Depew	NY 14043-4415
114.02-6-36	David M College	96 Cromwell Dr	Depew	NY 14043-4415
114.02-6-32	Joseph R Weiglein	80 Cromwell Dr	Depew	NY 14043
114.02-6-33	Keefe Dennis M & W	84 Cromwell Dr	Depew	NY 14043-4415
114.02-6-34	Catania John & Cheryl	88 Cromwell Dr	Depew	NY 14043-4415
114.02-6-27	Kopra Robert J & W	60 Cromwell Dr	Depew	NY 14043-4415
114.02-6-28	Brzezinski Norman A & W	64 Cromwell Dr	Depew	NY 14043-4415
114.02-6-29	Mark E Zotara	68 Cromwell Dr	Depew	NY 14043-4415
114.02-6-30	Jeanne I Cook	72 Cromwell Dr	Depew	NY 14043-4415
114.02-6-25	Koston David L & Geralyn	52 Cromwell Dr	Depew	NY 14043-4415
114.02-6-26	Willard Sean R & Candace	56 Cromwell Dr	Depew	NY 14043-4415
114.02-6-22	Boland Eileen A	40 Cromwell Dr	Depew	NY 14043-4415
114.02-6-23	Colette P Gawlowicz	44 Cromwell Dr	Depew	NY 14043-4415
114.02-6-19	Corey P Paradowski	28 Cromwell Dr	Depew	NY 14043-4415
114.02-6-20	Wojdyla Dale & W	32 Cromwell Dr	Depew	NY 14043-4415
114.02-6-21	Slawson Dennis C & W	36 Cromwell Dr	Depew	NY 14043-4415
114.02-6-15	Aurelia Nawotka	12 Cromwell Dr	Depew	NY 14043-4415
114.02-6-16	Codd Michael J & Suzanne	16 Cromwell Dr	Depew	NY 14043-4415
114.02-7-45	John L Maciejewski	63 Cromwell Dr	Depew	NY 14043-4414
114.02-7-46	Dilimone Donald C & Darle	59 Cromwell Dr	Depew	NY 14043-4414
114.02-7-41	Charles E Catlin	79 Cromwell Dr	Depew	NY 14043-4414
114.02-7-43	Melanie K Mayne	71 Cromwell Dr	Depew	NY 14043
114.02-7-39	James Latchford	87 Cromwell Dr	Depew	NY 14043-4414
114.02-7-40	Mulcahy Joseph P & Susan	83 Cromwell Dr	Depew	NY 14043-4414
114.02-7-35	Harold W Voss	103 Cromwell Dr	Depew	NY 14043-4461
114.02-7-36	Clifford N Schirching	99 Cromwell Dr	Depew	NY 14043-4414
114.02-7-37	Donald J Grimes	95 Cromwell Dr	Depew	NY 14043-4414
114.02-7-38	Jean A Reardon	91 Cromwell Dr	Depew	NY 14043
114.02-7-31	Timothy M Czechowicz	119 Cromwell Dr	Depew	NY 14043-4461
114.02-7-33	Crumlish William M &	111 Cromwell Dr	Depew	NY 14043-4461
114.02-7-29	Jankowski Thomas J & Cand	127 Cromwell Dr	Depew	NY 14043-4461
114.02-7-30	Frank Komorowski	123 Cromwell Drive	Depew	NY 14043





# Town of Cheektowaga

## Work Session

~ Minutes ~

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

Alice Magierski  
716-686-3400

Tuesday, June, 1, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on June 1, 2010 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

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Brian Krause, Director of Finance and Administration  
Kevin Schenk, Town Attorney

## II. Resolutions



## 1. RESOLUTION 2010-302

### Accept Proposal of Nussbaumer & Clarke, Inc. for Professional Services Associated with a Property Survey for the War of 1812 Cemetery

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

WHEREAS, the Town of Cheektowaga is the owner of the War of 1812 Cemetery located on Aero Drive in the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga entered into a Matching Grant Funded Project Agreement with the New York State Office of Parks, Recreation & Historic Preservation to restore the fencing and signage at the War of 1812 Cemetery, AND

WHEREAS, the property survey on file in the Town records dated May 22, 1985 does not include the existing split rail wood fence which is to be replaced under the Project Agreement, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 dated May 24, 2010 as submitted to the Assistant Town Engineer for professional services associated with updating the property survey and monument and missing property corners with iron pipes is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. and that the cost of said professional services in an amount not to exceed \$950.00 shall be chargeable to Account #500-7110-4379-5920.

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



## 2. RESOLUTION 2010-303

### Accept Proposal of Paradigm Environmental Services, Inc. for Asbestos Survey of the Roof on the Highway Department Building

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

WHEREAS, the Town is the recipient of a grant from the U.S. Department of Energy in the amount of \$718,800.00 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG) Program for the design and installation of photo voltaic (solar) panels proposed to be installed on five (5) municipally owned buildings which will reduce annual utility expenditures, AND

WHEREAS, the Highway Department Building has been chosen as one of the five Town owned buildings to be included in the Photo Voltaic (solar) Panel Project, AND

WHEREAS, the existing roof of the Highway Department Building is beyond its expected service life and needs to be replaced, AND

WHEREAS, prior to replacement of the roof an asbestos survey is required to determine if the existing roof system consists of asbestos containing materials, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Paradigm Environmental Services, Inc., 1815 Love Road, Grand Island, New York 14072 dated May 13, 2010 as submitted to the Assistant Town Engineer for the asbestos survey is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute an agreement with Paradigm Environmental Services, Inc. and that the cost for said asbestos survey in an amount not to exceed \$1,492.00 shall be chargeable to Account #500-1440-9509-5023.

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



### 3. RESOLUTION 2010-304

## Agreement with Belmont Shelter Corp. for Neighborhood Stabilization Program

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

WHEREAS, the Town has received federal Neighborhood Stabilization Program grant funds from the New York State Housing Finance Agency and matching grant funds from the New York State Affordable Housing Corporation, and

WHEREAS, said funds will be used to acquire foreclosed residential properties for rehabilitation and sale to income-eligible homebuyers, and

WHEREAS, Belmont Shelter Corp., a not-for-profit housing agency, has submitted a proposal to act as developer for the rehabilitation and sale of said properties to income-eligible homebuyers, and

WHEREAS, the Director of Community Development has recommended we contract with Belmont Shelter Corp. for the rehabilitation and sale of properties to be acquired with Neighborhood Stabilization Program funds, Now Therefore, Be It

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Belmont Shelter Corp., 1195 Main Street, Buffalo, New York 14209 to act as developer for properties that will be acquired for rehabilitation and sale to income-eligible homebuyers through the Neighborhood Stabilization Program.

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



## 4. RESOLUTION 2010-305

### Authorization to Attend Foreclosure Auction

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

WHEREAS, the goals of the Community Development Block Grant program include neighborhood stability, the creation of decent and affordable housing and the elimination of blighting influences on residential neighborhoods, AND

WHEREAS, Community Development Block Grant, HOME Investment Partnership And Neighborhood Stabilization Program funds have been granted to the Town and budgeted for the acquisition of residential properties for rehabilitation or demolition in support of said goals, AND

WHEREAS, on occasion, residential properties which are deteriorated, vacant or serve as a blighting influence on a neighborhood, and which are in need of major repair and restoration or demolition, become available for purchase through the foreclosure process, AND

WHEREAS, acquisition of such properties by the Town would, on occasion, serve to further the neighborhood preservation goals of the Town, AND

WHEREAS, the Director of Community Development has requested that he be authorized to attend such foreclosure auctions when they occur to bid on properties being sold under foreclosure that advance the Town's goals of neighborhood stability and preservation utilizing federal grant funds budgeted for said purpose and pursuant to federal program regulations, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes Jerome J. Gabryszak, Director of Community Development, to bid on properties at foreclosure auctions, and sign any necessary documents at said foreclosure related to the acquisition of said properties, in order to acquire them for rehabilitation and resale, or demolition, in order to advance the Town's goals of neighborhood stability and preservation, and BE IT

FURTHER RESOLVED, that the Town Supervisor be authorized to execute a contract and any and all other documents necessary to purchase such available residential properties.

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



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Alice Magierski  
716-686-3400

Monday, June, 7, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on June 7, 2010 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 Chairman  
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 Hearings

### 1. Rezoning - East of 609 Dingens St. from R-Residential District to C-Commercial District

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

### 2. Unsafe Building at 89 Henry St

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

## IV. Resolutions



## 1. RESOLUTION 2010-306

### 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: 100.1110.4592      Contracted Clerical      \$ 2,000.00

TO:    100.1110.1901      Regular Payroll      \$ 2,000.00

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

**MOVER:**      Mary Holtz, Supervisor

**SECONDER:**    Jeff Swiatek, Councilmember

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





## 2. RESOLUTION 2010-307

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 4, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,237,901.58
RISK RETENTION FUND	104,619.85
DEBT SERVICE FUND	257,000.00
HUD HOUSING REHABILITATION FUND	31,805.20
SPECIAL DISTRICTS FUND	811,036.49
HIGHWAY FUND	613,760.73
CAPITAL FUND	386,466.76
TRUST & AGENCY FUND	95,491.81
HUD CDBG FUND	270,487.79
PART TOWN FUND	131,263.97
NYS AFFORDABLE HOUSING	27,126.00
	<u>\$ 4,966,960.18</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-308

## Award Summer Camp Busing 2010

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, in accordance with the policies and procedures adopted by the Cheektowaga Town Board for the procurement of goods and services, the Department of Youth and Recreational Services solicited proposals for transportation for its 2010 summer camp programs, AND

WHEREAS, proposals were received for the provision of said bus transportation services, AND

WHEREAS, Carrier Coach, Inc. 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 \$9,030.00 for the Department of Youth & Recreational Services' day camp programs to:

--Carrier Coach, Inc.  
271 Buffalo Street  
Gowanda, New York 14070

Line Item Nos.: 7140.4517  
7140.4518  
7310.4691

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-309

### Award of Bid - Conversion of 15 Passenger Van for Wheel Chair Accessibility

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the conversion of one (1) Town owned Chevrolet 3500, 15 passenger van for wheel chair accessibility for the Senior Services 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 conversion of one (1) Town owned Chevrolet 3500, 15 passenger van for wheel chair accessibility be awarded to:

Main Mobility, Inc.  
9580 Main Street  
Clarence, NY 14031

for their total bid in the amount of \$16,369.79, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #7620-2518-5022 and #7620-4432-5022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-310

### Authorize Purchase of Van for Police Department

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Police Department is in need of a new and unused cut-away van; and

WHEREAS, the Erie County Division of Purchase allows local governments to make purchases for vehicles at the lowest possible price from bids received by Erie County under their bidding procedures; and

WHEREAS, it was determined that a 2010 new and unused Ford E-350 Cutaway vehicle could be purchased at the lowest possible price utilizing said bidding procedures; and

WHEREAS, through the efforts of Assemblyman Dennis H. Gabryszak, the Town was awarded a grant from the Dormitory Authority of the State of New York which allowed the sum of \$14,500.00 in grant monies toward the purchase of the vehicle, with the balance of funds being available in the Police Department asset forfeiture account; NOW, THEREFORE, BE IT

RESOLVED, that one 2010 Ford E-350 Cutaway vehicle, with the equipment required by the Police Department, shall be purchased from Basil Ford, 1540 Walden Avenue, Cheektowaga, New York, for a total cost of \$28,255.12; and BE IT FURTHER

RESOLVED, that monies for the purchase of this vehicle shall be appropriated from the following accounts: \$14,500.00 from D.A.S.N.Y. grant funds in account number 500-3120-5022, and \$13,755.12 from Police Department Asset Forfeiture account number 600-0600-0881.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-311

### Accept Site Plan - Part of 4039 Genesee Street- Baywood Hotels, Inc.

**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 Baywood Hotels, Inc. for the construction of a 4 story, 109 room hotel on a 3.38 acres portion of lands at 4039 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meetings of April 8, 2010 and May 13, 2010 is recommending the approval of the site plan and architectural character, AND

WHEREAS, the applicant has agreed to incorporate brick into the into the lower portion of the building as shown on the attached elevation drawings and will consider adding additional brick, along the front elevation, AND

WHEREAS, on November 3, 2008 this Town Board previously issued a negative SEQR Declaration and approved a site plan for a 127 room six story hotel on the subject site, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that the Negative SEQR Declaration issued by this Town Board on November 3, 2008 is reaffirmed, AND BE IT FURTHER,

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer reviewing and approving the grading and drainage plan.

**ATTACHMENTS:**

Elevation Drawings\_Hampton Inn (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-312

### Execute Final Contract Acceptance Documents with Kimil Construction, Inc.

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the contract for plumbing work at the new Building Maintenance Facility was awarded by Town Board Resolution to Kimil Construction, Inc. dated August 17, 2009, AND

WHEREAS, the project architect, E I Team, and the Town 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 accepts the completed project for plumbing work and directs the Supervisor to execute final contract acceptance documents with Kimil Construction, Inc., 485 Kennedy Road, Cheektowaga, New York 14227.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-313

### Approve Change Order No. 1 (Final) for Electrical Work at the Building Maintenance Facility

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the contract for Electrical Work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Goodwin Electric Corporation, 201 South Youngs Road, Williamsville, New York 14221 in the amount of \$135,300.00, AND

WHEREAS, the project architect, E I Team, and the Town Engineer have recommended the approval of Change Order No. 1 (final) for Electrical Work which provides for various additions and a credit to the original contract as further outlined on the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (final) for Electrical Work for the new Building Maintenance Facility in the amount of \$4,041.00 as an addition to the contract of Goodwin Electric Corporation be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order Documents with Goodwin Electric Corporation on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order No. 1 (final) for Electrical Work shall be chargeable to Account #500-1440-2522-5922.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2010-314

Approve Sale of 37 Willowlawn Parkway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of a two-family dwelling located at 37 Willowlawn Parkway in the Town, and

WHEREAS, said property is excess to the needs of the Town, and

WHEREAS, by resolution dated September 29, 2009 (Resolution 2009-514), this Town Board authorized the sale of such property at a minimum sales price of \$59,900.00, and

WHEREAS, the Town of Cheektowaga retained Buffalo Niagara Realty, Inc. to list said property by resolution dated March 1, 2010 (Resolution 29010-130), and

WHEREAS, the Town of Cheektowaga has received a contract offer to purchase said property for \$57,500.00, and

WHEREAS, the Director of Community Development has recommended that the Town accept this offer, 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 37 Willowlawn Parkway for \$57,500.00, 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 in the CHEEKTOWAGA BEE, the Town's official newspaper.

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NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on June 7, 2010, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 37 Willowlawn Parkway, Cheektowaga, New York for \$57,500.00.

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: June 7, 2010

ALICE MAGIERSKI  
Town Clerk

<p><b>RESULT:</b> ADOPTED [UNANIMOUS] <b>MOVER:</b> Charles Markel, Councilmember <b>SECONDER:</b> Stanley Kaznowski, Councilmember <b>AYES:</b> Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski</p>
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## 10. RESOLUTION 2010-315

### Agreement for Lead Hazard Testing Services

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, testing and analysis of painted surfaces for lead hazards for housing rehabilitation projects is required by federal regulations, AND

WHEREAS, the Town Office of Community Development has solicited proposals from companies possessing the necessary certifications issued by the Environmental Protection Agency to provide necessary lead-based paint hazard testing and consulting services, AND

WHEREAS, the Director of Community Development has recommended that the Town engage the services of Upper New York State Environmental to perform the necessary lead hazard testing and consulting services, NOW THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$ 25,000 with Upper New York State Environmental, 346 Austin Street, Buffalo, New York 14207 to perform necessary lead hazard testing and consulting services for the Town of Cheektowaga pursuant to said company's proposal dated May 6, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-316

### Authorize Supervisor to Execute Application for Grant from United States Department of Justice

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Buffalo/Cheektowaga Revitalization Task Force consists of elected officials and community leaders dedicated to finding solutions to mutual problems including: crime, vacant housing, absentee landlords, economic decline, and population losses; and

WHEREAS, Congressman Brian Higgins has secured \$200,000 in federal funding for the Town of Cheektowaga from the United States Department of Justice, Office of Community Oriented Policing Services, COPS in Technology program; and

WHEREAS, monies secured through the COPS in Technology program will further the Buffalo/Cheektowaga Revitalization Task Force's mission to reduce crime by placing cameras in police vehicles and to standardize data exchanges between the Police Department and Town Judicial Court for improved case processing; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs Grantmakers Advantage, Inc., the Town's grant consultant, to complete the necessary application forms and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

RESOLVED, that the Supervisor be, and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-317

### Authorize Supervisor to Execute Right of Entry Agreement with Erie County

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is the owner of vacant land located on the southwest corner of Dick Road and North Creek Drive (S.B.,L. # 103.10-7-23), and

WHEREAS, the Erie County Department of Public Works has requested permission to enter this Town property so that it can complete repairs to the Dick Road bridge over Scajaquada Creek at this location, and

WHEREAS, the County has committed to insuring and indemnifying the Town from liability relating to its contractor's work on Town property and will repair any damage done to said property, and

WHEREAS, the Town Engineer and Town Attorney have reviewed this request and have no objection to same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the request of the Erie County Department of Public Works to utilize the aforementioned Town property for its bridge repair work, and BE IT FURTHER

RESOLVED, that the Supervisor be and herby is authorized and directed to execute a Right of Entry documents for this mater.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-318

### Authorize Supervisor to Execute Application for Grant from U. S. D.O.T. for Claude Drive and Zurbrick Road

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, through the efforts of State Senator William Stachowski, \$235,000 in grant monies are available from the New York State Department of Transportation, Multi-Modal #4 Program; and

WHEREAS, \$115,000 is to be allocated toward the installation of new curbing and replacement aprons on Claude Drive and \$120,000 is to be allocated to resurface Zurbrick Road; 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 Transportation for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-319

### Authorize Supervisor to Execute Application for Save Our Schools (SOS) Grant

**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, estimated to be \$20,000, shall be appropriated from drug forfeiture funds (Account No. 600-0600-0881-0000), and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents pertaining to the application for and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-320

### Authorize Supervisor to Execute Application for Bureau of Justice Assistance (JAG) Grant

**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, three communities in Erie County, including Erie County, the City of Buffalo, and the Town of Cheektowaga are eligible to receive monies through submission of a joint application; 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 \$27,918 in funding through the program; and

WHEREAS, funding will be used to begin replacing the Police Department's radio system; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-321

### Special Event - Polish Festival

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from July 16<sup>th</sup> to July 18<sup>th</sup>, 2010; 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, Highway 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 16<sup>th</sup> to July 18<sup>th</sup>, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 17. RESOLUTION 2010-322

### 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 12, 2010 to Sunday, June 13, 2010 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 12 - 13, 2010, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Chief of Police and to the Director of the Facilities Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-323

### Unsafe-Unsecured/20E Glenwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 20E Glenwood Court, Cheektowaga, New York SBL# 91.15-1-13 that is a danger to the safety of others, and records kept by the Assessors Office identify David Allen, 20E Glenwood Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 20E Glenwood Court, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-324

### Unsafe-Unsecured/24E Glenwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 24E Glenwood Court, Cheektowaga, New York SBL# 91.15-1-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Jerald Godfrey & Wife, Attn: James A. Mis, 747 Lasalle, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 24E Glenwood Court, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2010-325

### Unsafe-Unsecured/81 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 81 Huth Road, Cheektowaga, New York SBL# 91.06-20-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Maureen F. Hyla, 4159 N. Buffalo, Road, Apartment 40-6, Orchard Park, New York 14127, as the owner AND

WHEREAS, an inspection of such premises was conducted at 81 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-326

### Unsafe-Unsecured/18 Markus 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 18 Markus Drive, Cheektowaga, New York SBL# 101.36-5-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Tammy L. Chmielowiec, 18 Markus Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 18 Markus Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-327

### Safeguard In-Ground Swimming Pool/944 Cleveland Dr

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 944 Cleveland Drive, Cheektowaga, New York SBL# 80.19-3-29 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael J. Sulce Jr., PO Box 661 Buffalo, New York 14201, as the owner AND

WHEREAS, an inspection of such premises was conducted at 944 Cleveland Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2010-328

### Dumpster and Debris Removal/944 Cleveland Dr

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 944 Cleveland Drive, Cheektowaga, New York SBL# 80.19-3-29 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael J. Sulce Jr., PO Box 661, Buffalo, New York 14201, as the owner AND

WHEREAS, an inspection of such premises was conducted at 944 Cleveland Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 24. RESOLUTION 2010-329

### Direct Property at 51 Goering Avenue to be Cleaned Up

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the 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 property owners maintain their properties in a clean, safe, secure, and sanitary condition so as not to cause a neighborhood blighting problem or adversely affect the public health or safety, AND

WHEREAS, the Town of Cheektowaga received notification that property located at 51 Goering, Cheektowaga, New York SBL# 102.12-7-7.1 was and is currently maintained in a manner not in compliance with the 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; and, according to the records kept by the Assessor's Office, Louis Baran, 51 Goering Avenue, Cheektowaga, New York 14225, is the owner, AND

WHEREAS, an inspection of such premises was conducted at 51 Goering Avenue by a representative of the Neighborhood Preservation Office, and a violation order and subsequent Criminal Summons were issued to said property owner stating the unsanitary conditions, and requesting said owner to remedy the aforesaid violations, AND

WHEREAS, the property owner neglected to take the appropriate remedial actions to remedy the violation and this matter was transferred to the Town of Tonawanda Justice Court for disposition, AND

WHEREAS, the Honorable John J. Flynn, Tonawanda Town Justice, approved a conditional discharge of this matter and, on July 29, 2009, ordered the owner to comply with the 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 by November 18, 2009, AND

WHEREAS, the property owner failed to abide by the Conditional Discharge as ordered by the Court, and, by Order dated March 3, 2010 (Tonawanda Court Case No. 08080840), the Honorable John J. Flynn, Tonawanda Town Justice, directed that the Town bring the premises into compliance with the codes within 90 days after service of the Order on the property owner and the Town Board, AND

WHEREAS, records kept by Neighborhood Preservation Office state that the said property owner and Town Board were properly notified pursuant to the Court Order and Section 70-7A.(2.) of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and

WHEREAS, the property violations have not been remedied by the owner, NOW, THEREFORE BE IT

RESOLVED, that, in the event the owner does not perform the required remediation work on the property by **July 9, 2010**, the Managing Housing Inspector and /or his designee are directed to enter the premises at 51 Goering Avenue, Cheektowaga, New York 14225 with the contractor selected by him, and bring the premises at 51 Goering Avenue, Cheektowaga,



New York 14225 into compliance with the 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 as per the Court Order; and BE IT FURTHER

RESOLVED, that all costs incurred by the Town in bringing this property into compliance shall be assessed against the property hereinbefore described, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward Louis Baran a certified copy of this resolution.

<b>RESULT:</b> <b>WITHDRAWN</b>
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## 25. RESOLUTION 2010-330

### Request for Extension (Compliance of Residency Law) Daniel C. Schuler

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Daniel C. Schuler was appointed to the provisional position of Traffic Signal Technician by Town Board Resolution effective December 21, 2009; AND

WHEREAS, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Mr. Schuler was ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of his appointment; AND

WHEREAS, current real estate market conditions have made it difficult for Mr. Schuler to sell his current domicile and establish residency within the Town; NOW, THEREFORE, BE IT

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Daniel C. Schuler of West Seneca, New York, is hereby granted an additional six (6) months from the expiration of the prior resolution until December 21, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2010-331

### Youth & Recreation Hiring

**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:

Laborer - "Bath House Attendants" - 7180.1901 - \$7.25 - Seasonal

Jacob Radlich	14225
Cody Sutton	14225
Korry Williams	14227

Lifeguard - Level II - 7180.1903 - \$8.42 - Seasonal - (Alternate)

Alison Pieroni	14225
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Recreation Attendant - 7140.1642 - \$7.25 - Seasonal

Anthony Filipski	14227
Maria Lesinski	14211
Sarah Kojm	14215

Recreation Attendant - 7140.1642 - \$7.35 - Seasonal

Megan Lewis	14225
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Recreation Attendant - 7140.1642 - \$7.50 - Seasonal

Jennifer Grzebinski	14227
Julia Harvey	14225

Recreation Attendant - 7140.1614 - \$7.25 - Regular Part-time

Adam Miller	14043
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Recreation Instructor - 7140.1613 - \$8.40 - Regular Part-time

Mark Marek	14227
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Recreation Attendant - 7140.1804 - \$8.50 - Regular Part-time

Amy Bowen	14225
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Laborer - "Level I Participant" - 7310.1816 - \$7.25 - Seasonal

Adam Skowron	14227
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Laborer - "Supervisor Trainee - Level I" - 7310.1816 - \$9.05 - Seasonal

Alternate  

Scott Patrzyk	14211
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Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the Reading of Names for the Following Two (2) Resolutions, 2010-331 and 2010-332. Motion Carried.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2010-332

### 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 (5) 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 5/24/10  
 Anthony DiRienzo, 54 Fairelm, Cheektowaga, New York  
 Brandon Kmiotek, 16 Parwood, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 5/17/10  
 Matthew Szeluga, 51 Cannas Ct., Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 6/7/10  
 Mathew R. Bilz, Cheektowaga, New York  
 Cory M. Herr, Depew, New York  
 Jesse P. Herr, Depew, New York  
 Steven Krystywiak, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

JUSTICE COURT (Temporary Court Officer)  
 James G. Sala effective 6/22/10

SANITATION DEPARTMENT  
 Kyle Tangeleder effective 5/25/10  
 Brandon Kmiotek effective 5/29/10

SEWER MAINTENANCE  
 Nicholas Law effective 5/24/10

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2010-333

### Authorization of Student Internship (Police Department Crime Resistance Unit) Jason Wahl

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Jason Wahl, a student at Hilbert College has requested to participate in the student internship program at the Cheektowaga Police Department Crime Resistance Unit; AND

WHEREAS, Mr. Wahl 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 Jason Wahl 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 29. RESOLUTION 2010-334

### Authorization of Student Internship (Town Clerk/Records Center) Ashley Houston

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Ashley Houston, a student at Erie 1 BOCES, has requested to participate in the student internship program at the Office of the Town Clerk (Records Center); AND

WHEREAS, Ms. Houston has been interviewed by the Town Clerk and the Town Clerk is willing to afford her the opportunity to intern; NOW, THEREFORE, BE IT

RESOLVED, that Ashley Houston of Cheektowaga, New York, be and hereby is authorized to participate as an unpaid intern in the Office of the Town Clerk, subject to her execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that the Town 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 Office of the Town Clerk.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**30. RESOLUTION 2010-335****Transfer of Clerk Typist (Competitive/Temporary) to Court Officer (Part Time) (Competitive/Permanent) Justice Court/Kimberly Kent-Chojnicki**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a temporary vacancy existed in the title of Clerk Typist in the Justice Court;  
AND

WHEREAS, part-time Court Officer Kimberly Kent-Chojnicki was appointed to the temporary Clerk Typist position by this Town Board effective April 1, 2010; AND

WHEREAS, this temporary position is no longer necessitated; NOW, THEREFORE, BE  
IT

RESOLVED, that Kimberly Kent-Chojnicki of Cheektowaga, New York be and hereby is transferred to her former part-time position as Court Officer 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 June 22, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 31. RESOLUTION 2010-336

### Appointment of Clerk Typist (Competitive/Temporary) Police Department/Samantha Stroud

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a temporary vacancy exists in the position of Clerk Typist in the Police Department; AND

WHEREAS, notice of said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, a current civil service list exists for said title; AND

WHEREAS, there is an immediate need to fill said vacancy while canvassing the civil service list and interviewing candidates; AND

WHEREAS, Samantha Stroud, currently a part-time Student Assistant in the Police Department, meets the necessary qualifications for appointment of no more than thirty (30) days; NOW, THEREFORE, BE IT

RESOLVED, that Samantha Stroud of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 19, 2010 through June 7, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 32. RESOLUTION 2010-337

### Appointment of Clerk Typist (Competitive/Temporary) Police Department/Melissa A. Galeza

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a temporary vacancy exists in the title of Clerk Typist in the Police Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, the existing civil service list was canvassed and interviews conducted; AND

WHEREAS, Melissa A. Galeza appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Melissa A. Galeza of Sloan, New York, be and hereby is appointed to the temporary position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 8, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 33. RESOLUTION 2010-338

## Appointment of Clerk Typist (Competitive/Temporary) Facilities Department/Joan C. Meyers

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the position of Clerk Typist in the Facilities Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, said vacancy is for no more than thirty (30) days; AND

WHEREAS, there is an immediate need to fill said vacancy; AND

WHEREAS, Joan C. Meyers, currently a part-time Clerk in the Facilities Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joan C. Meyers of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk Typist in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 17, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 34. RESOLUTION 2010-339

### Appointment of Clerk Typist (Competitive/Temporary) Building and Plumbing Department/Melinda S. Londos

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the position of Building and Zoning Clerk in the Building and Plumbing Department; AND

WHEREAS, notice of said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, a current civil service list does not exist for said title; AND

WHEREAS, there is an immediate need to fill said vacancy; AND

WHEREAS, the Town chooses to temporarily fill the vacancy for no more than sixty (60) days with the title of Clerk Typist; AND

WHEREAS, Melinda S. Londos, currently employed as a part-time Clerk in the Building and Plumbing Department, meets the qualifications necessary for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Melinda S. Londos of Depew, New York, be and hereby is appointed to the temporary position of Clerk Typist in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 1, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**35. RESOLUTION 2010-340****Appointment of Park Maintenance Worker II  
(Labor/Permanent) Facilities Department (Parks  
Division)/Justin Henzler**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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, Justin Henzler, currently employed as a Park Maintenance Worker I in the Facilities Department, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Justin Henzler of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker 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 June 8, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**36. RESOLUTION 2010-341****Appointment of Park Maintenance Worker I  
(Labor/Permanent) Facilities Department (Parks  
Division)/Mark M. Blachowicz**

**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 said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Mark M. Blachowicz, 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 Mark M. Blachowicz 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, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**37. RESOLUTION 2010-342****Appointment of Motor Equipment Operator - B (Non-Competitive/Temporary) Highway Department/Matthew Burdzy**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Motor Equipment Operator - A in the Highway Department; AND

WHEREAS, the Department is in immediate need of a Motor Equipment Operator - B; AND

WHEREAS, the Town of Cheektowaga Employees Association has agreed to a temporary change of title for said vacancy; AND

WHEREAS, the Department was canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Matthew Burdzy is currently employed as a temporary Motor Equipment Operator - B in the Highway Department; AND

WHEREAS, Mr. Burdzy's current temporary position is set to expire; AND

WHEREAS, Mr. Burdzy bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Matthew Burdzy of Cheektowaga, New York, be and hereby is appointed to the temporary 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 May 24, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**38. RESOLUTION 2010-343**

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**Appointment of Automotive Mechanic (Non-Competitive/Temporary) Highway Department/Mitchell A. Polanski**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Automotive Mechanic 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, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Mitchell A. Polanski has applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Mitchell A. Polanski of Depew, New York, be and hereby is appointed to the temporary position of Automotive Mechanic 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 June 8, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 39. RESOLUTION 2010-344

### Appointment of Laborer (Labor/Permanent) Highway Department/David M. Slowinski

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Laborer in the Highway Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, David M. Slowinski applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David M. Slowinski 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 June 1, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolution. Motion Carried.
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## 1. RESOLUTION 2010-345

### 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 2010-2011 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 2010-2011 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 BE IT

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute any required documents for renewal of said Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Communications

### *A. Departmental Communications*

1. Supervisor's Statement of Funds - April 2010
2. Building Permit List - May 2010
3. Minutes: Cheektowaga Traffic Safety Commission - April 20, 2010
4. Minutes: Cheektowaga Planning Board - May 13, 2010
5. Minutes: Cheektowaga Conservation Advisory Council - May 6, 2010
6. Minutes: Town Environmental Advisory Committee - May 26, 2010
7. Town of Cheektowaga 2010 Comprehensive Emergency Plan
8. Communication from Stiglmeier Park Steering Committee RE: Dog Walking in Town Parks

**B. General Communications**

1. Summons: US Bank National Association as Trustee Vs. Paula J. Mills,, Town of Cheektowaga & Etal Premises: 2583 William Street
2. Notice of Claim: Sohaila N. Ansari as Administratrix of the Estate of Mohammad Naimi Ansari Vs. Town of Cheektowaga
3. Notice of Claim: Zia Ansari as Administrator of the Estates of Faaiza Ansari and Saaiba Ansari Vs. Town of Cheektowaga
4. Notice of Claim: Scott Julius Vs. Town of Cheektowaga
5. Notice of Claim: Jacqueline Rusinek Vs. Town of Cheektowaga

**VII. Comments****A. Supervisor's Comments****B. Councilmember's Comments****C. Public Comments****VIII. Adjournment**

Motion by Councilmember Markel; Seconded by Supervisor Holtz; to adjourn the meeting.  
Meeting ended at 8:07 PM

Alice Magierski  
Town Clerk





NORTH ELEVATION

# HAMPTON INN & SUITES

BUELL AVENUE, CHEEKTOWAGA, NEW YORK

#29071  
04/20/10



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SOUTH ELEVATION

# HAMPTON INN & SUITES

BUELL AVENUE, CHEEKTOWAGA, NEW YORK

#29071  
04/20/10



30 NORTH FOREST RD.  
WILLIAMSVILLE, NEW YORK 14221  
www.MussachioArchitects.com  
(716) 631-9949 FAX: 631-0521

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EAST ELEVATION

# HAMPTON INN & SUITES

BUELL AVENUE, CHEEKTOWAGA, NEW YORK

#29071  
04/20/10

**M** MUSSACHIO  
ARCHITECTS  
30 NORTH FOREST RD.  
WILLIAMSVILLE, NEW YORK 14221  
www.MussachioArchitects.com  
(716) 631-9949 FAX: 631-0521

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WEST ELEVATION

# HAMPTON INN & SUITES

BUELL AVENUE, CHEEKTOWAGA, NEW YORK

#29071  
04/20/10



30 NORTH FOREST RD.  
WILLIAMSVILLE, NEW YORK 14221  
www.MussachioArchitects.com  
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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, June, 15, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on June 15, 2010 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	6:15 PM
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  
Christine Ziemba, Chief of Police

## II. Resolutions

### 1. Motion To: ENTER EXECUTIVE SESSION AT 6:04 PM

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:** Patricia Jaworowicz

### 2. Motion To: EXIT EXECUTIVE SESSION AT 6:07 PM

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:** Patricia Jaworowicz





### 3. RESOLUTION 2010-346

## Settlement of Litigation - Target #104 Vs. Town

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, Target #104 (tenant of property owned by DDR MDT Walden Commerce), commenced an Article 7 proceeding against the Town for Tax Year 2009-2010, seeking a reduction in the assessment of property leased by it located at 1750 Walden Avenue (S.B.L. #102.02-1-33) in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town 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 Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz

4. WORK SESSION CONTINUES AT 6:15 PM  
COUNCILMEMBER PATRICIA JAWORIWICZ ENTERS WORK SESSION.  
  
7:50 PM WORK SESSION ENDS



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, June, 21, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on June 21, 2010 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

Mark Wegner, Highway Superintendent

Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-347

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED,** that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 18, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,265,461.92
RISK RETENTION FUND	163,253.87
DEBT SERVICE FUND	323,400.00
HUD HOUSING REHABILITATION FUND	2,000.00
SPECIAL DISTRICT FUND	3,415,988.68
HIGHWAY FUND	567,826.86
CAPITAL FUND	187,687.06
TRUST & AGENCY FUND	24,585.70
HUD CDBG FUND	15,078.04
PART TOWN FUND	92,829.70
NYS AFFORDABLE HOUSING	16,761.00
	<u>\$ 7,074,872.83</u>

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-348

### Accept Site Plan - 1250 French 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 Kenneth A. Kozminski for the construction of a 1,773 square foot building addition to an existing restaurant at 1250 French Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 13, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer approving the drainage/grading plan.
2. The applicant obtaining an area variance for the parking setback along the east property line.

**ATTACHMENTS:**

1250 French Road\_French Pub C-1 Site Plan (PDF)

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Charles Markel, Councilmember

**SECONDER:** James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-349

## Negative SEQR Declaration - 3901 Genesee Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by 1025 Group, LLC for the rezoning of 3901 Genesee Street from C- Retail Business to M1- Light Manufacturing for the conversion of an existing office building to a light manufacturing facility with office uses, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 26, 2010 recommended a determination of non-significance as shown on the attached memorandum dated June 1, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at their meetings of April 8, 2010 and June 10, 2010 respectively, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable :

1. Proper demarcation of all handicap accessible parking spaces pursuant to section 302.3.1 of the Property Maintenance Code of NYS.

**ATTACHMENTS:**

EAC May 26, 2010 minutes (PDF)

3901 Genesee Final Site plan (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 4. RESOLUTION 2010-350

## Approve Rezoning of 3901 Genesee Street

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, 1025 Group, LLC petitioned for a rezoning from C-Retail Business District to M1-Light Manufacturing District for property owned by it and located at 3901 Genesee Street, Cheektowaga, New York which property is described in the attached legal description, for the conversion of an existing office building to a light manufacturing facility with office uses, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 17th day of May, 2010 at 6:45 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 1025 Group, LLC for the rezoning from C-Retail Business District to M1 - Light Manufacturing District for the property described in the attached legal description be and the same is hereby approved subject to the following condition:

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;

, 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 CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 13, 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 centerline of Genesee Street ( as a 66 foot highway) measured east along said line, a distance of 414.10 feet by record and 419.80 feet by measurement from the centerline of Dick Road, said point of beginning at the northwesterly corner of lands conveyed to Cosentino Genesee Corp., by deed recorded in the Erie County Clerk's Office in Liber 5934 of Deeds at page 50;

THENCE southerly along the west line of said Liber 5934, Page 50 and making an angle to the left from said centerline of 82 27 20, 42.38 feet to the southwesterly corner of Parcel

1878, Map 1846-R1 as described in a Highway Appropriation for the Kensington Expressway Extension recorded in the Erie County Clerk's Office in Liber 6880 of Deeds at page 258, said southwesterly corner being the principal point of beginning of the within described premises;

THENCE (1) continue southerly along the west line of said Liber 5934, Page 50, 180.85 feet to the easterly terminus of the 13th course of Parcel 1846, Map 1846-R1 as described in said Highway Appropriate;

THENCE (2) southeasterly along the 14th course of said Parcel 1846 and making an interior angle of 125 19 34 with the last mentioned course, 211.14 feet to the easterly terminus of said 14th course;

THENCE (3) easterly and northeasterly along a curve to the left with a radius of 365.00 feet, making an interior angle of 125 50 56 to the chord of said curve and the last mentioned course and running along the 15th course of said Parcel 1846, an arc distance of 418.27 feet to a point of tangency at the easterly terminus of said 15th course;

THENCE (4) northeasterly along the 16th course of said Parcel 1846, 249.32 feet to the northerly terminus of said 16th course;

THENCE (5) northwesterly along the 17th course of said Parcel 1846 and making an interior angle of 90 with the last mentioned course, 90.14 feet to the southeasterly corner of said Parcel 1878;

THENCE (6) westerly along a curve to the left with a radius of 10376.69 feet making an interior angle of 135 10 52 to the chord of said curve and the last mentioned course and running along the south line of said Parcel 1878 an arc distance of 388.23 feet to a point of tangency;

THENCE (7) continue westerly along the south line of said Parcel 1878 247.25 feet to the principal point of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 5. RESOLUTION 2010-351

### Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Zydel

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	Ambulance Drivers/Attendants New/ Renewal License	
	Name	Expiration Date
	Adams, Maxwell H.	1/31/2013
	Brown, Jessica A.	4/30/2013
	Cary, Cheryl L.	2/28/2013
	Chanthavong, Nancy J	2/28/2013
	Davidson, Nicholas P.	4/30/2013
	Gates, Joshua R	2/28/2013
	Goldsmith, William	1/31/2013
	Hagen, Steven D.	9/30/2012
	Hall, Christina L.	2/28/2013
	Harwood, Douglas D	3/31/2013
	Kasper, Benjamin R	1/31/2013
	Krawczyk, Alex D	10/31/2012
	Krebs, George R.	4/30/2013
	Lama, Richard J	11/30/2013
	Larson, Donald J.	4/30/2013
	Lazzaro, Anthony M	2/28/2013
	Magnuson, Ryan A.	7/31/2012
	Manges, Craig A.	4/30/2013
	Marinelli, Colton J.	1/31/2013
	Marshall, Timothy P	4/30/2013
	Nelson, Ryan M.	4/30/2013
	Neuman, Matthew J	2/28/2013
	Pangallo, David J	3/31/2013
	Pangallo, John C	2/28/2013
	Potter, Sarah E.	4/30/2013
	Sanchez, Cassandra E.	4/30/2013
	Smith, Eric D	9/30/2012

Smith, Melissa A	3/31/2013
Snios, Stephanie A	1/31/2013
Swan, Colten K.	1/31/2013
Thompson, Alexis M.	4/30/2013
Thompson, Ian E.	2/28/2013
Williamson, Jasmine C.	4/30/2013
Zaller, Joseph M	10/31/2013

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-352

### Authorize Town Clerk to Issue New/Renewal Ambulance Vehicle Licenses

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth below, providing such ambulance(s) so listed meet(s) the insurance requirements set forth in the Ambulance Ordinance.

<u>VEHICLE MAKE &amp; YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1994 Ford	10669-ET	598
1996 Ford	10647-ET	597
1994 Ford	10648-ET	595
1998 Ford	10603-ET	590
2001 Ford	10601-ET	589
2001 Ford	10602-ET	588
2000 Ford	10600-ET	587
1998 Ford	16750-ET	586
1997 Ford	16748-ET	583
2006 Ford	10641-ET	576
2006 Ford	10613-ET	575
2006 Ford	10614-ET	574
2005 Ford	10627-ET	573
2005 Ford	10639-ET	572
2005 Ford	10628-ET	571
2005 Ford	10629-ET	570
1997 Ford	16738-ET	568
1999 Ford	16753-ET	567
1996 Ford	10632-ET	566
1997 Ford	12505-ET	565
1999 Ford	16755-ET	564
1997 Ford	10654-ET	562
1994 Ford	10657-ET	560
1995 Ford	12785-ET	558
1997 Ford	16744-ET	557
1996 Ford	10659-ET	555

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1997 Ford	16756-ET	554
2001 Ford	10604-ET	552
1999 Ford	10626-ET	550
1999 Ford	10625-ET	549
2003 Ford	10653-ET	548
2003 Ford	10608-ET	547
2003 Ford	10607-ET	546
1996 Ford	10609-ET	544
1999 Ford	12786-ET	542
1997 Ford	12501-ET	541
1997 Ford	16723-ET	537
1999 Ford	10663-ET	536
1996 Ford	10650-ET	535
1999 Ford	12509-ET	531
1999 Ford	12508-ET	530
2008 Chevrolet	12790-ET	528
2008 Chevrolet	12791-ET	527
1999 Ford	16776-ET	526
1998 Ford	16778-ET	524
1996 Ford	10656-ET	523
1999 Ford	10658-ET	521
1995 Ford	10661-ET	520
1998 Ford	12507-ET	519
1997 Ford	12515-ET	518
1999 Ford	16733-ET	517
2007 Chevrolet	10618-ET	516
2007 Chevrolet	10649-ET	515
2007 Chevrolet	10615-ET	514
1999 Ford	10662-ET	513
2007 Chevrolet	10617-ET	512
1998 Ford	10637-ET	511
2000 Ford	10630-ET	510
2008 Chevrolet	12500-ET	508
2008 Chevrolet	10619-ET	507
2008 Chevrolet	10664-ET	506
1995 Ford	10666-ET	505
1995 Ford	10665-ET	504
1997 Ford	10668-ET	502
2005 Ford	59009-JT	501
1999 Ford	16761-ET	351
2010 Chevrolet	12793-ET	262
2010 Chevrolet	12517-ET	261
2010 Chevrolet	12519-ET	260
2010 Chevrolet	12518-ET	259
1995 Ford	16763-ET	258
1997 Ford	16764-ET	256
1997 Ford	12789-ET	253
1997 Ford	12788-ET	252
2001 Chevrolet	DRM-8075	Medic 17
2001 Chevrolet	DRM-8076	Medic 16
2003 GMC	DNJ-1293	Medic 15

2005 Chevrolet	DDG-8521	Medic 14
2005 Chevrolet	DDG-8518	Medic 13
2005 Chevrolet	DDG-8520	Medic 12
2005 Chevrolet	DDG-8519	Medic 10
2000 Ford	CGX-1659	Medic 9
1995 GMC	CWD-2770	Medic 8
2002 Ford	CZD-1824	Medic 1

**RESULT:**       **ADOPTED [UNANIMOUS]**

**MOVER:**        Mary Holtz, Supervisor

**SECONDER:**   Patricia Jaworowicz, Councilmember

**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-353

### Authorize Supervisor to Execute Agreement with Nussbaumer & Clarke, Inc. for Services Relating to Demolition of Unsafe Buildings

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is pursuing the demolition of unsafe and abandoned homes in the Town, and

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Supervising Code Enforcement Officer, his designees or other person appointed by the Town Board is required to make an inspection of any suspected unsafe building in the Town and report, in writing, to this Town Board, findings and recommendations concerning the necessity to demolish said building, and'

WHEREAS, there is a need to retain the services of a consultant to perform these services, and

WHEREAS, a Request for Proposals for such services was issued, and the proposals received were reviewed, and

WHEREAS, this Town Board wishes to accept the proposal of Nussbaumer & Clarke, Inc. to perform these services for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the proposal of Nussbaumer & Clarke, Inc. to perform the aforementioned services, and hereby appoints Nussbaumer & Clarke, Inc. to perform these services under the Town's Unsafe Buildings Law, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement and any and all other documents necessary to effectuate an agreement with Nussbaumer & Clarke, Inc. for these services, and BE IT FURTHER

RESOLVED, that moneys necessary to remit payment to Nussbaumer & Clarke, Inc. for these services shall be appropriated from budget line item number 800-0800-0440.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-354

### Authorize Supervisor to Execute Agreement with TIP Systems

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, presently the Town of Cheektowaga has an agreement with Michigan Paytel, Inc. for the installation and operation of telephones in the Cheektowaga Police Department building prisoner's cells for use by the inmates, and

WHEREAS, said agreement will expire on July 3, 2010, and

WHEREAS, proposals were received by various companies to perform this service, and these proposals were reviewed, and

WHEREAS, the Police Department has recommended that this Town Board award a contract to TIP Systems LLC to install and operate these phones for a three (3) year term, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards a contract to TIP Systems LLC to install and operate telephones in the inmate cells at the Cheektowaga Police Department, effective as of July 4, 2010 and terminating on July 3, 2013, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract with TIP Systems LLC for these services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2010-355

Authorize Transfer of 1005 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property located at 1005 Walden Avenue 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, Belmont Shelter Corp., a not-for-profit housing agency, has agreed to purchase property located at 1005 Walden Avenue 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 transfer of 1005 Walden Avenue to Belmont Shelter Corporation, and BE IT FURTHER

RESOLVED, that the sale of 1005 Walden Avenue 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.

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NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on June 21, 2010 adopted a resolution authorizing the Town of Cheektowaga to sell property located at 1005 Walden Avenue, Cheektowaga, New York to Belmont Shelter Corporation for \$1.00.

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: June 21, 2010

ALICE MAGIERSKI
Town Clerk

RESULT: ADOPTED [UNANIMOUS]



**MOVER:** Charles Markel, Councilmember  
**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-356

### Approve 2010 Funding for Art Guild, Community Chorus, Cultural Society, Garden Club, Patriotic Commission and Historical Association

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2010 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town; and

WHEREAS, agreements between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups; and

WHEREAS, the organizations listed below have completed and returned signed agreements and their accounting reports from the 2009 funding to the Town; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreements with the cultural and not-for-profit organizations listed below for the amounts listed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute agreements with the following referenced cultural and not-for-profit organizations for the following respective amounts:

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Art Guild	\$ 1,200.00
Cheektowaga Community Chorus	\$12,000.00
Cheektowaga Cultural Society	\$ 3,150.00
Cheektowaga Garden Club	\$ 625.00
Cheektowaga Patriotic Commission, Inc.	\$16,000.00
Cheektowaga Historical Association	\$ 1,350.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organizations out of the respective cultural group budget line items in the 2010 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-357

### Opposition to Proposed State Legislation Relating to Dog Licensing

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Markel, Zydel, Rogowski, Kaznowski

WHEREAS, the New York State Department of Agriculture & Markets has proposed, in the Governor's Budget, removing the licensing of dogs from State control and turning it over to all local municipalities in New York State; and

WHEREAS, under Senate Bill S.2211 and Assembly Bill A.10330 the legislatures have proposed a requirement that all dogs must be micro-chipped and a registry of dogs be created, which the Town of Cheektowaga believes creates an undue burden on dog owners which may result in fewer licensed dogs, and creates an undue burden on local municipalities to regulate and enforce compliance with these provisions; and

WHEREAS, the Senate has also introduced under Bill S.2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Cheektowaga also believes creates an undue burden on dog owners which may result in fewer licensed dogs, and creates an undue burden on local municipalities to regulate and enforce compliance with these provisions; NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby expresses its strong opposition to Senate Bill S.2211 requiring all dogs in New York State to be micro-chipped and a registry of dogs to be created, and Bill S.2219 requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, may result in fewer licensed dogs, and creates an undue burden on local municipalities to regulate and enforce compliance with these provisions; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby expresses its strong opposition to Assembly Bill A.10330 requiring all dogs in New York State to be micro-chipped and a registry of dogs to be created, which will create an undue burden on dog owners, may result in fewer licensed dogs, and create an undue burden on local municipalities to regulate and enforce compliance of these provisions; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby expresses its strong opposition, in general, to the proposal to shift the cost burden of licensing dogs to local municipalities; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward certified copies of this resolution to Assemblyman Dennis H. Gabryszak, Senator William Stachowski, and The Hon. David Paterson.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor

**SECONDER:** Patricia Jaworowicz, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2010-358

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 July 21, 2010 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 21, 2010, 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, 2010, 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 21, 2010,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before July 21, 2010

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 (Note: Total cost to replace one block is \$100-\$110); 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, 2010**. 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 21, 2010

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT letter 6-21-10 (DOC)  
sidewalk list 6-21-2010 (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-359

### Unsafe-Unsecured/1280 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1280 Walden Avenue, Cheektowaga, New York SBL# 102.53-4-14 that is a danger to the safety of others, and records kept by the Assessors Office identify JB Ventures, LLC, 18685 Main Street, Suite 101, Huntington Beach, CA 92648, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1280 Walden Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-360

### Unsafe-Unsecured/30 Toelsin 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 30 Toelsin Road, Cheektowaga, New York SBL# 91.18-14-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Donald R. Krupka, Kathleen Krupka, 20 Williamstowne Court, Apartment 5, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 30 Toelsin Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 15. RESOLUTION 2010-361

### Unsafe-Unsecured/9 Bigelow 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 9 Bigelow Road, Cheektowaga, New York SBL# 91.06-21-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Richard T. Militello, 9 Bigelow Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 9 Bigelow Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-362

### Unsafe-Unsecured/27 Alpine Place

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 27 Alpine Place, Cheektowaga, New York SBL# 101.28-13-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Paul E. Lalanne, Anthony L. Charles Jr., 423 Slater Blvd., Staten Island, New York 10305, as the owner AND

WHEREAS, an inspection of such premises was conducted at 27 Alpine Place, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**17. RESOLUTION 2010-363****Authorization of Student Intern/Police Department Crime Resistance Unit (Ashely Maciejewski)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Ashely Maciejewski, a student at Hilbert College has requested to participate in the student internship program at the Cheektowaga Police Department; AND

WHEREAS, Ms. Maciejewski 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 Ashely Maciejewski of Blasdell, New York be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department Crime Resistance Unit, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-364

### Authorization of Student Intern/Police Department Crime Resistance Unit (Carole Jones)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Carole Jones, a student at Hilbert College has requested to participate in the student internship program at the Cheektowaga Police Department; AND

WHEREAS, Ms. Jones 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 Carole Jones of Bliss, New York be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department Crime Resistance Unit, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-365

### Creation of School Crossing Guard Titles (Regular Part Time)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

BE IT RESOLVED, that this Town Board hereby create fifteen (15) School Crossing Guard RPT (Regular Part Time) positions pursuant to Civil Service Laws and Rules effective June 21, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2010-366

### Return from Leave of Absence (John G. Strong)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, John G. Strong, a Laborer in the Highway Department, was granted a Leave of Absence from his position with the Town of Cheektowaga by this Town Board from August 25, 2009 through August 24, 2010; AND

WHEREAS, Mr. Strong has informed the Town of his ability to return to work on June 2, 2010; NOW, THEREFORE, BE IT

RESOLVED, that John G. Strong be and hereby is authorized to return to his position as a Laborer in the Highway Department effective June 2, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-367

### Extension of Residency Exception for Deputy Highway Superintendent

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Michael Lumadue was appointed by the Town Superintendent of Highways to the position of Deputy Town Superintendent of Highways, effective January 25, 2010; AND

WHEREAS, in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Mr. Lumadue was ordered by the Town Superintendent of Highways to obtain residency within the Town of Cheektowaga within six (6) months from the date of his appointment; AND

WHEREAS, current real estate market conditions have made it difficult for Mr. Lumadue to sell his current domicile and establish residency within the Town; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board ratifies and reaffirms the initial six (6) month waiver of compliance with the Town's Residency Law for Michael Lumadue, and BE IT FURTHER

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Michael Lumadue of Lancaster, New York, is hereby granted an additional six (6) months (until January 25, 2011) to obtain residency within the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-368

### 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:

Robert Dybalski	Never worked	14225
Brock McDougald	3/18/10	14211
Mark Przybysz	Never worked	14206
Kristy Rzeszutek	5/22/10	14227
Miranda Smaczniak	Never worked	14043
Javante Vasquez	Never worked	14215
Stacy Walker	Never worked	14225

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski 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







## 24. RESOLUTION 2010-370

### 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 (5) 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  
Austin Champagne, Depew, New York effective 6/16/10  
Andrew Balash, Cheektowaga, New York effective 6/16/10  
Andrew DiRienzo, Cheektowaga, New York effective 6/15/10

AND, BE IT FURTHER

RESOLVED, that the name of a seasonal employee in the Sanitation Department listed for termination on the June 7, 2010 Town Board Meeting be and hereby is corrected from Kyle Tangeleder to Tyler Tangeleder effective May 25, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2010-371

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 23<sup>rd</sup> Annual Colonel Henry F. Williams International Homicide Seminar is being held from September 25 - 30, 2010 in Albany, New York; AND

WHEREAS, Lieutenant Michael Sliwinski has requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,354.22; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Michael Sliwinski be and hereby is authorized to attend the 23<sup>rd</sup> Annual Colonel Henry F. Williams International Homicide Seminar being held from September 25 - 30, 2010 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2010-372

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Canine Legal Update and Opinions Course is being held on June 30, 2010 in Olean, New York; AND

WHEREAS, Sergeant Brian Coons and Police Officer John Duskocz 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 \$570.78; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Brian Coons and Police Officer John Duskocz be and hereby are authorized to attend the Canine Legal Update and Opinions Course being held on June 30, 2010 in Olean, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following (2) Resolutions. Motion Carried.
---



## 1. RESOLUTION 2010-373

### Appoint Secretary to Traffic Safety Commission

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, there is a vacancy in the position of Executive Secretary to the Cheektowaga Traffic Safety Commission due to the death of Anthony Osswald, and

WHEREAS, Mark E. Nacke, Member of the Cheektowaga Traffic Safety Commission has requested appointment to this vacancy, NOW, THEREFORE, BE IT

RESOLVED, that Mark E. Nacke, of Cheektowaga, New York be and hereby is appointed to the position of Executive Secretary to the Cheektowaga Traffic Safety Commission, effective immediately and terminating on December 31, 2011, and BE IT FURTHER

RESOLVED, that Mark E. Nacke shall be paid \$4,418.00, pro-rated for the remainder of the year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-374

### Release Restriction Lot 4- 870 Losson Road Subdivision

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated May 16, 2005 (Item #26a), 870 Losson Road Subdivision was approved, subject to certain conditions, and

WHEREAS, Lot No. 4 of this subdivision is in the process of being sold for the construction of a single family home, and

WHEREAS, the prospective purchaser has requested the release of the condition that no accessory structures or swimming pool be established in the northerly yard area of this subdivision lot, and

WHEREAS, this Board has reviewed plans for the development of this subdivision lot and has no objection to amending the May 16, 2005 resolution as it relates to this subdivision lot, NOW, THEREFORE, BE IT

RESOLVED, that the last RESOLVED paragraph of the aforementioned resolution is modified to state that, with respect to the development of a single family home on Subdivision Lot number 4 of the 870 Losson Road Subdivision, the establishment/construction of an accessory structure in the northerly yard area shall be permitted provided that said accessory structure is located a minimum of fifteen (15) feet from the rear lot line.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - May 2010
2. Minutes: Cheektowaga Traffic Safety Commission - May 18, 2010
3. Minutes: Cheektowaga Public Library - Board of Trustees - May 19, 2010

### B. General Communications

1. Notice of Claim: Robert Williams Vs. Town of Cheektowaga
2. Notice of Claim: James J. Madden Vs. Town of Cheektowaga
3. Request to Speak: James J. Majewowicz

## **VI. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

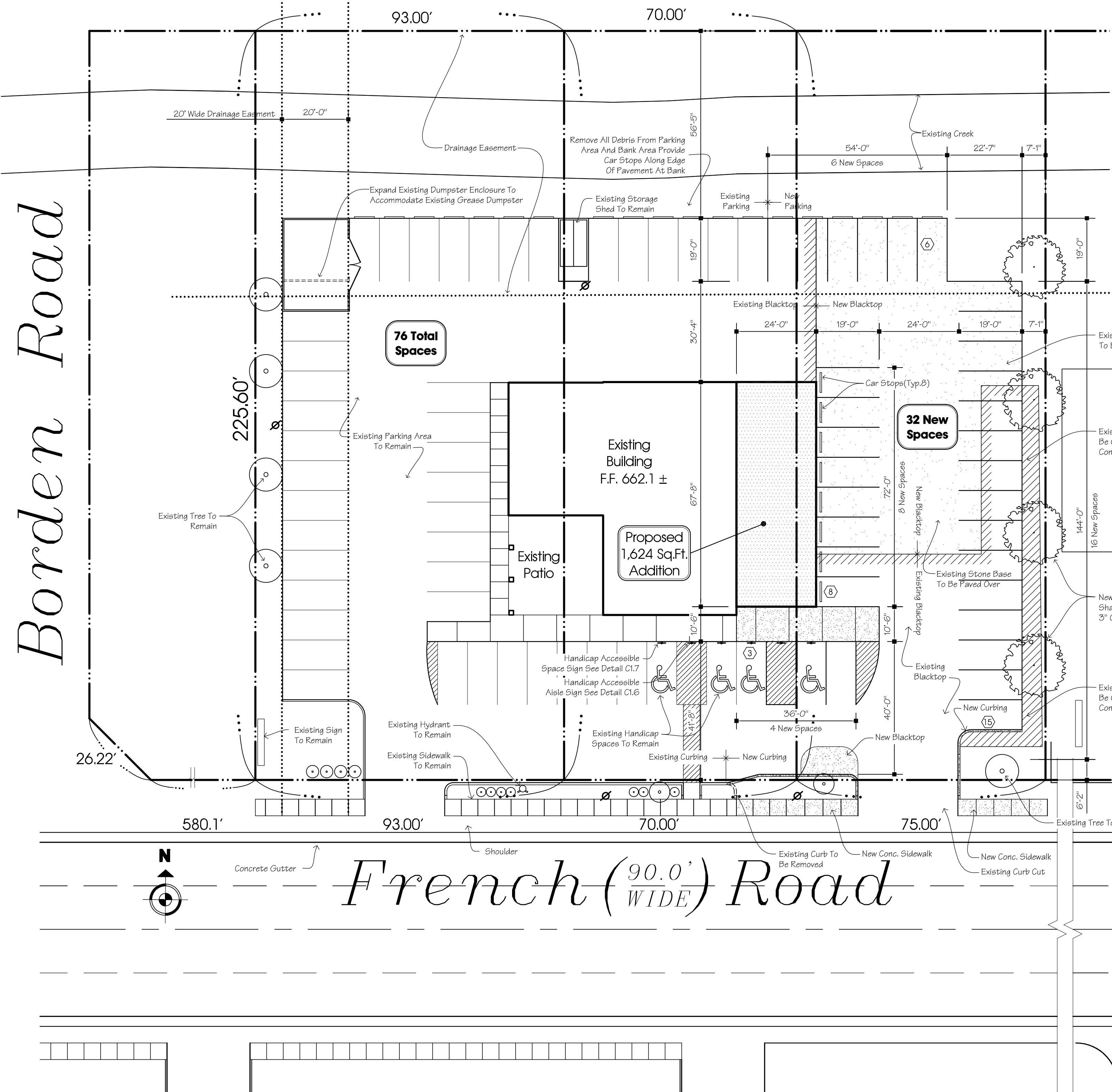
## **VII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting in memory of: Anthony Osswald, Secretary of Traffic Safety Commission (June 8) and Former Town Attorney Robert Miller (June 17).

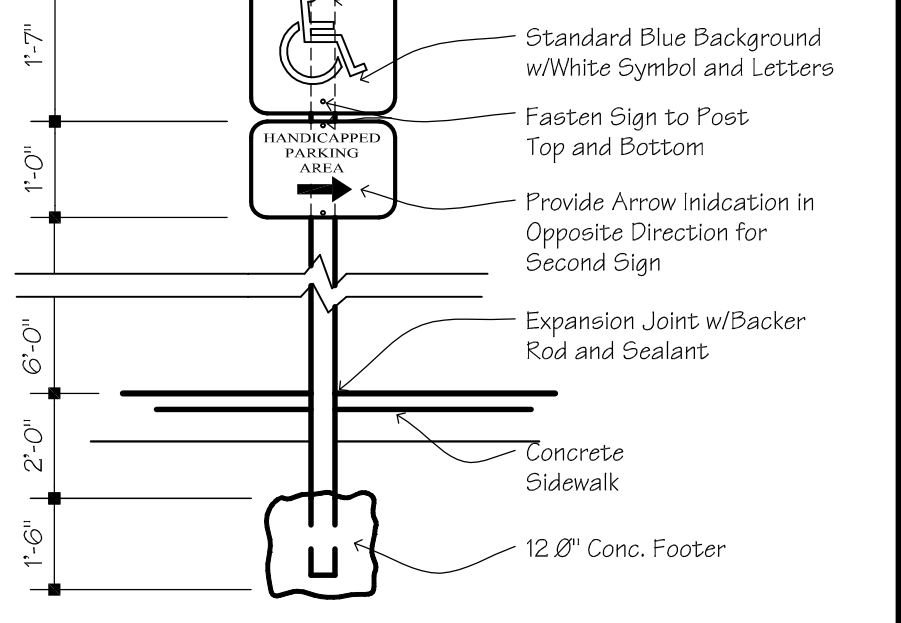
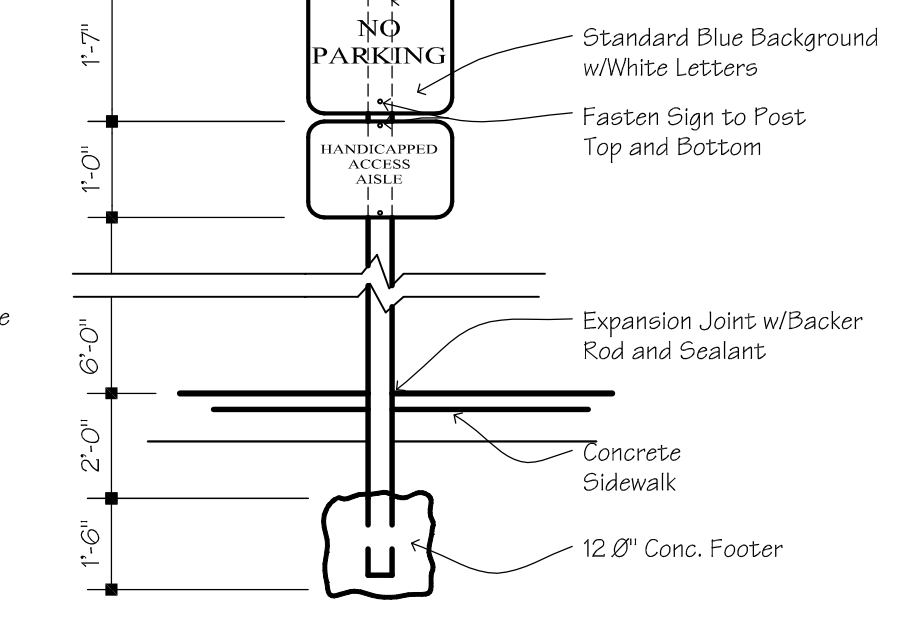
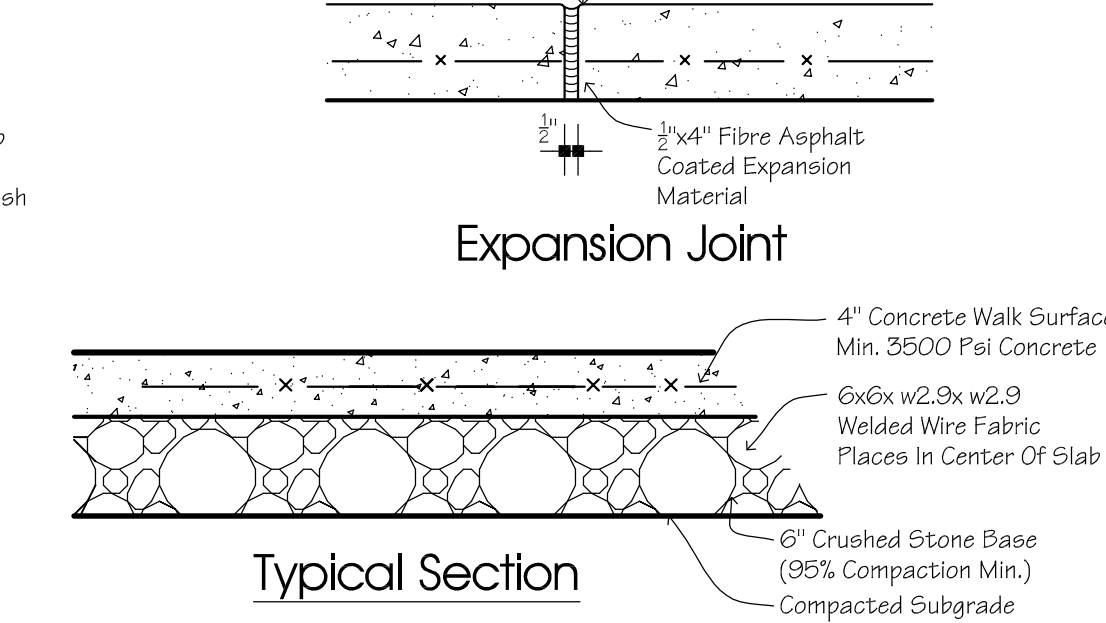
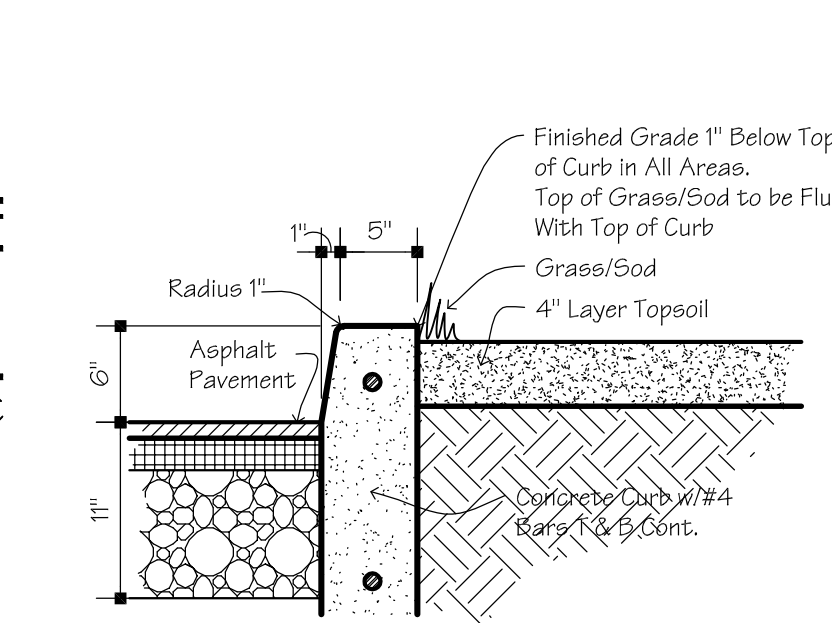
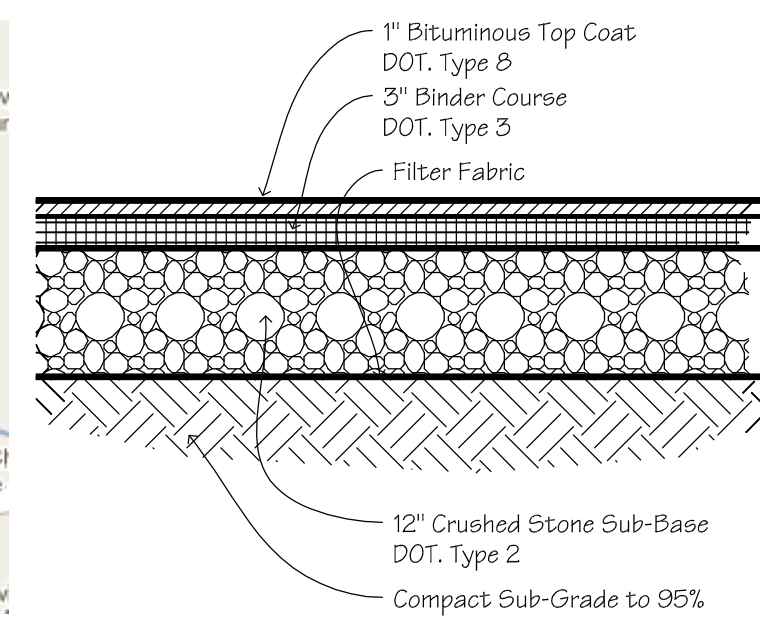
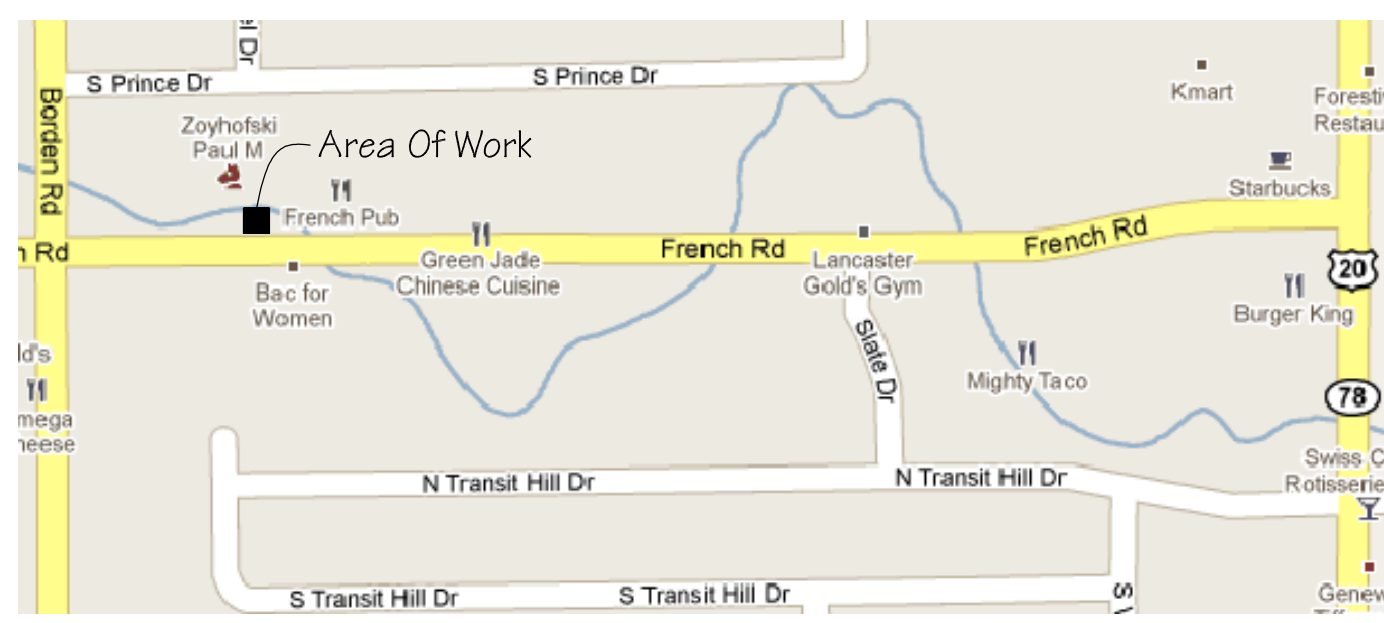
Vickie Dankowski  
Deputy Town Clerk



Borden Road



C1.1 Site Plan 1" = 30'-0"

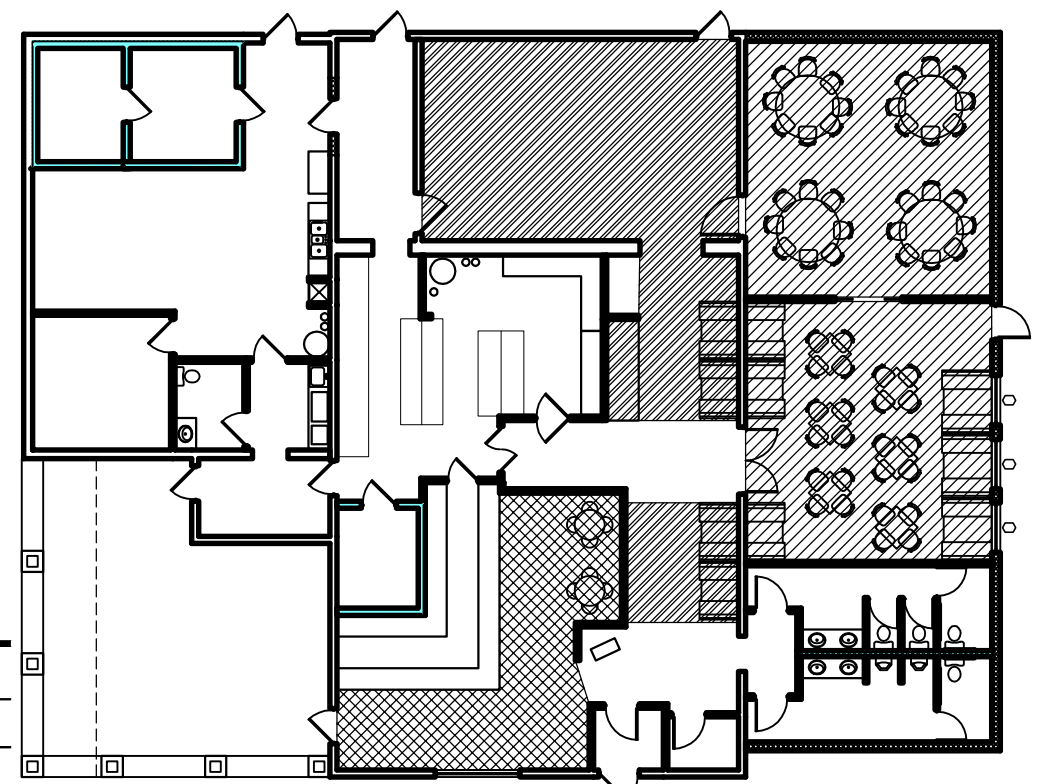


**Building Design Data**

<b>Occupancy Classification</b> Business-Group B	<b>Structural Loads</b> Floor Live Load = 100 psf Roof Live Load = 55 psf Ground Snow Load = 20 psf Dead Load = 14 psf Basic Wind Speed = 90 mph Wind Importance Factor = 1.0 Wind Exposure = Exposure B Soil Bearing Capacity = 3,000 psf
<b>Construction Types</b> Type IIB Construction - Unprotected - Unsprinklered	
<b>General Building Limitations</b> Maximum number of stories- 2 Actual-1 Allowable building area- 9,500 Actual- 1,624	
<b>Occupancy Loads</b> Existing Building = 107 Existing Patio = 60 Total Existing = 167 Proposed Assembly = 15 Sq. Ft. Per Occupant = 76 Proposed Toilet = 100 Sq. Ft. Per Occupant = 5 Total Proposed = 81 Total Building = 248	
<b>Roof Construction</b> Bar Joist / Fully Adhered EPDM	

Site Plan Notes

- The Contractor shall coordinate with utility companies prior to beginning work.
- Underground utilities are shown according to the best information made available to us and in approximate location only. Location is subject to verification prior to construction.
- CAUTION:** Underground utilities including, but not limited to electric, telephone, gas water sanitary sewer and storm sewer are reportedly in the vicinity of this project. Every precaution should be taken during excavation. New York state law requires notification of each utility companies two full working days prior to commencement of work.
- Coordinate the location of all utilities with foundations, subsurface utilities locations, locations of existing utility valves and authorities having jurisdiction over each utility.
- Contractor shall use extreme caution to protect all existing trees and vegetation, and all areas outside the project limits.
- Any damage to the existing utilities, buildings, paving, curb, walks and vegetation (not so designated for removal on these plans) shall be repaired to the previous condition or replaced in kind by the contractor at his own expense.
- Blend all new grades to existing grades. Slope finished grade for positive drainage away from the building.
- Notify and obtain all required permits from each utility service required. Coordinate required inspections, testing and certifications by authority having jurisdiction over each utility service. The contractor is responsible for all filing, testing, inspections and associated fees with each utility.
- The Contractor shall comply with the Town Of Cheektowaga standard drawings and specifications.
- The Contractor shall immediately notify the project engineer and the Town Of Cheektowaga Engineering Department of any hazardous substance encountered during the construction of the work. He shall at his expense, conform to all laws, rules, regulations and directions, as promulgated by the United States Department of Labor, Occupational Safety and Health Administration, the New York State Department of Health and any such local rules, ordinances and laws when encountering or working with any such hazards.
- Notify the Erie County Water Authority at least 48 hours in advance of the start of construction. All existing valves are to be operated by the Erie County Water Authority.
- The contractor shall expose existing utilities ahead of the pipe-laying operation, so that, if minor adjustments must be made in elevation and/or alignment due to the interference from these utilities, said changes can be made in advance of the work.
- Unsuitable materials such as frozen organic and/or vegetable material, debris, trees, lumber, large stones or clods (6.0" or larger), muck, peat, organic silt will not be acceptable fill and certain man-made deposits of industrial waste, sludge or landfill are also to be determined as unsuitable hazardous material.
- Should a fluid condition be encountered at the trench bottom, the Contractor is to install additional stone grade as ordered by the Engineer.
- All pipe crossing under paved areas are to be backfilled to subgrade with compacted select material to five (5) feet outside the pavement edges.
- The Contractor shall retain the services of a qualified tree expert to remove where necessary, branches which interfere with the construction operation, or repair trees having suffered damage by construction activities. The cost involved in the above is to be included in the various items of the contract.
- Cast in place concrete shall conform to the requirements of N.Y.S.D.O.T. standard-specification section 501 for portland cement concrete.
- All new storm sewer piping to be high density polyethylene pipe (HDPE) with annular corrugations smooth bore N= 0.012 (Or Less) storm sewer or equal.
- Receivers shall be constructed in accordance with N.Y.S.D.O.T. standard specification 604.
- Construction is in accordance with Town Of Cheektowaga Construction Specifications where applicable and/or subject to the latest decisions by the Town Of Cheektowaga.



**Minimum Yard Requirements**

Yard	Parking		Structure	
	Allowable	Actual	Allowable	Actual
Front	0'-0"	5'-0" Existing	50'-0"	53'-4"
Side	0'-0"	7'-2" Existing	30'-0"	70'-0"
Rear	0'-0"	55'-9" Existing	10'-0"	99'-9"

**Max Structure Height:** 30'-0"

**Parking Areas**  
Existing Bar Area = 366 Sq.Ft.  
Existing Dining Area = 61 Seats  
Proposed Dining Area = 76 Seats  
Total Bar Area = 366 Sq.Ft. @ 5 Spaces  
Per 100 Sq.Ft. = 19 Spaces  
Total Dining Area = 137 Seats @ 2 Space(s)  
Per 5 Seats = 55 Spaces  
Total Spaces Required = 74  
Total Spaces Provided = 76

**Required Accessible Parking Spaces** Total Spaces 76, requires 4 spaces

Pedestrian walks have been provided from parking areas to the building to ensure pedestrian safety

33.5% of the total ground area is or will be landscaped with deciduous and conifer trees, deciduous and conifer shrubs, ground cover and grass.

**Land Use**

Category	Area (sq. ft.)	Percentage
<b>Total Area</b>	53,691 s.f.	100%
<b>Buildings - Existing</b>	3,956 s.f.	7.4%
- Proposed	1,624 s.f.	3.3%
<b>Sidewalk - Existing</b>	1,092 s.f.	2.0%
- Proposed	452 s.f.	0.8%
<b>Paved Area - Existing</b>	23,715 s.f.	44.0%
Proposed	4,848 s.f.	9.0%
<b>Green Space</b>	18,004 s.f.	33.5%

33.5% of the proposed total ground area is or will be landscaped with deciduous and conifer trees, deciduous and conifer shrubs, ground cover and grass.

5.0% of the proposed interior parking area have been devoted to landscaping



3284 Walden Avenue  
Depew, New York 14043  
(716) 651-0381 Fax 651-0382

Job Number:  
**09-178**

Proposed Restaurant Addition For:

**French Pub**

1250 French Rd  
Depew NY 14043

Copyright DeanSutton Architects © 2009

No.	Description	Date	By

**WARNING:**  
It is a violation of Article 147, Section 7503 of the New York State Education Law for any person to alter an item, in any way, on this document, unless under the direction of a licensed Architect.

Site Plan

Drawn By: J. Mieczowicz  
Date: 3/30/10  
Checked: M. Dean  
Scale: As Noted

Sheet No.: **C-1**



# 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

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: June 1, 2010

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 26, 2010 in the Town Hall Council Office Conference Room. Absent: Highway representative.

**ITEM 1     Dingens Street (East of 609 Dingens)     Proposed rezoning from R to C  
for 12,000 s.f. office building**

**Applicant: Robert Shackleton & Boy**

The developer insists he must have a driveway to Dingens as he is unable to reach any agreement with the adjacent owner on moving and consolidating driveways. His proposed driveway was moved further west on the lot to utilize a less steep area for access. The Traffic Safety Commission has not reviewed this proposal and will review it as well as other options. We have recommended to the applicant that a traffic consultant review the situation.

The public hearing will be held June 7<sup>th</sup> and the public will have an opportunity to speak.

This item will remain tabled for further review and comment.

**EAC- May 26, 2010**  
**June 1, 2010**  
**Page 2**

**ITEM II 123 Buell Proposed rezoning from R to C for parking lot expansion  
 At an existing hotel**

**Applicant: Robert Shackleton & Boy**

The public hearing was held on May 17<sup>th</sup> and the most important concern of neighbors was screening from headlights and for privacy. Along the south line a solid fence, a minimum of 5', will be erected. Along Buell, a low berm, with staggered pines and other planting enhancements will be established in a 25' wide area.

The committee would recommend a negative declaration be issued for this project subject to final approval of the landscaping by the Planning Board and drainage plan by the Town Engineer.

**ITEM III 3901 Genesee Proposed rezoning from C to M1 of an existing  
 office building**

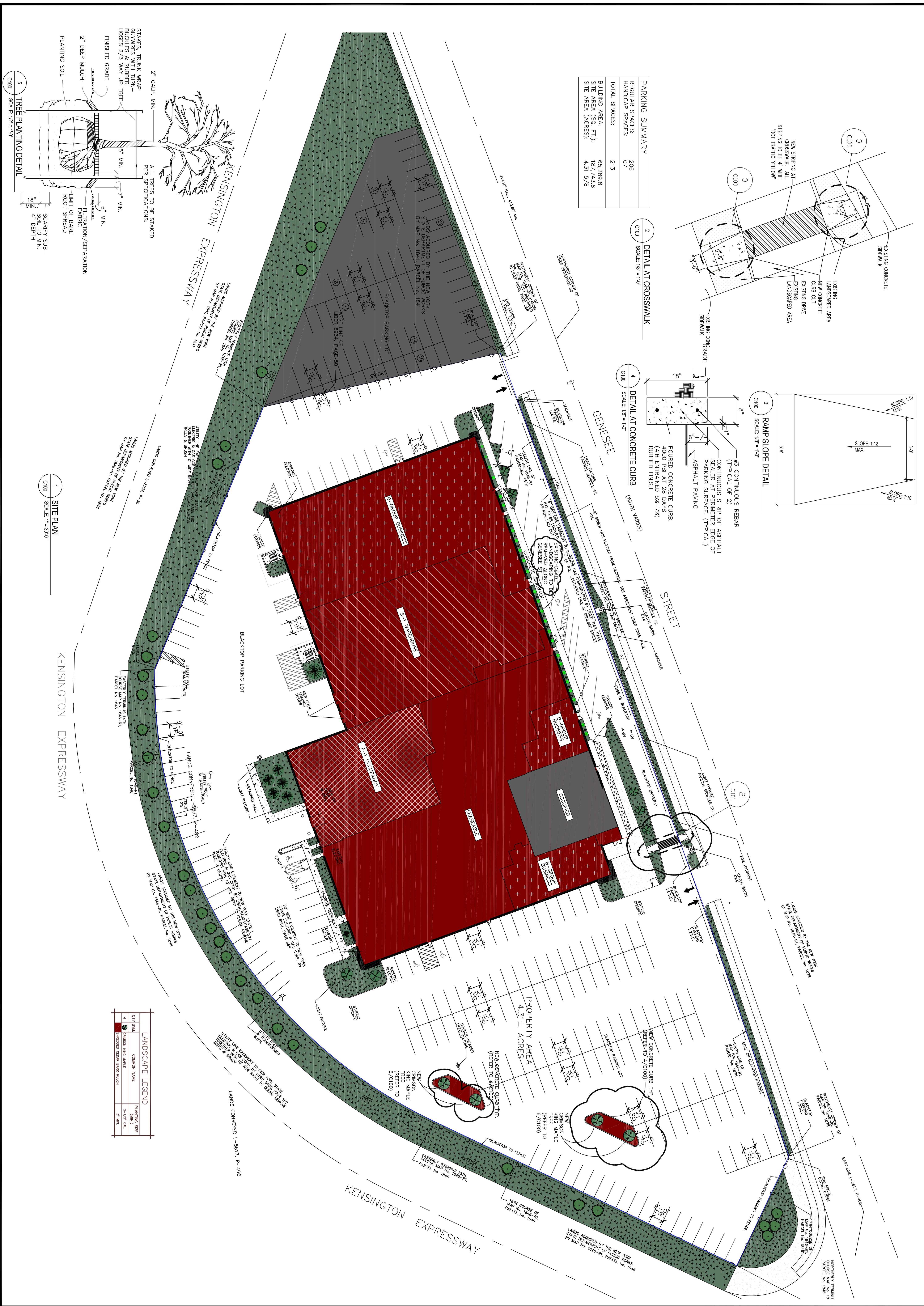
**Applicant: 1025 Group, LLC**

The entire property is surrounded by state highways (Genesee St. and the expressway) and therefore is not impacting any neighbor, residential or commercial. The business intending to move in will occupy 11,000 s.f. and stocks, finishes and repairs office furniture. A public hearing was held on May 17<sup>th</sup> with no comment made.

The committee would recommend a negative declaration be issued for the proposal subject to the final approval of enhanced landscaping by the Planning Board.

**THE NEXT MEETING OF THE  
 ENVIRONMENTAL ADVISORY COMMITTEE  
 WILL BE HELD WEDNESDAY,  
 JUNE 16, 2010  
 AT 10:00 A.M.  
 IN THE COUNCIL OFFICE CONFERENCE  
 ROOM**





PARKING SUMMARY	
REGULAR SPACES:	206
HANDICAP SPACES:	07
TOTAL SPACES:	213
BUILDING AREA:	65,289.8
SITE AREA (SQ. FT.):	187,743.6
SITE AREA (ACRES):	4.31 5/8

2 DETAIL AT CROSSWALK  
SCALE: 1/8" = 1'-0"

4 DETAIL AT CONCRETE CURB  
SCALE: 1/8" = 1'-0"

3 RAMP SLOPE DETAIL  
SCALE: 1/8" = 1'-0"

1 SITE PLAN  
SCALE: 1" = 30'-0"

LANDSCAPE LEGEND		
DTY SWM	COMMON NAME	PLANTING SIZE
1	SHRUB	3'-7" DIA.
2	SHRUB	3" DIA.

<b>PROJECT</b> <b>MILLINGTON LOCKWOOD</b> <b>3901 GENESEE ST.</b> <b>CHEEKTOWAGA, NEW YORK</b>	<b>PROJECT ARCHITECT</b> AP Architects 285 main street Buffalo, NY, 14203 TEL: 716-854-0562 WWW.APARCHITECTS.COM	<b>PROJECT MANAGER</b> DSA <b>PRELIMINARY</b>	<b>DATE DRAWN</b> 3-29-10 <b>DATE ISSUED</b> 3-11-10	<b>BY</b> [ ] [ ] [ ] [ ] [ ] [ ]	<b>REVISIONS</b> 1 2 3 4 5 6 7	<b>DATE</b> [ ] [ ] [ ] [ ] [ ] [ ]	<b>NOTICE</b> THE SEALS AND SIGNATURES OF THE ARCHITECT AND ENGINEER ARE AFFIXED TO THIS DRAWING AS EVIDENCE OF THEIR APPROVAL AND CERTIFICATION OF THE ACCURACY OF THE INFORMATION AND DATA SUBMITTED TO THEM BY THE CLIENT AND THE ADEQUACY OF THE DESIGN. THE ARCHITECT AND ENGINEER ARE NOT RESPONSIBLE FOR THE OMISSION OF ANY INFORMATION OR DATA FROM THIS DRAWING. THE ARCHITECT AND ENGINEER ARE NOT RESPONSIBLE FOR THE OMISSION OF ANY INFORMATION OR DATA FROM THIS DRAWING.



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 June 21, 2010, 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 July 7, 2010 and complete the work on or before July 21, 2010;
- OR**
2. You can allow the Town (or its contractor) to perform the work. If the Town performs the work, the total cost per 5-foot linear block will be \$100-\$110. The Town will pay \$40 per 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, 2010; **OR**
    - b. Have the charges placed on your 2011-2015 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

**Barbara Place**

SBL	NAME	PROPERTY ADDRESS	CITY	STATE/ZIP
90.84-1-12	Dorer Albert G & Virginia	64 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-1-9	Mcduffie Gradie T & Estel	74 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-1-8	Giczkowski Edward M	82 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-1-13	Lawrence C. Chaplin III	56 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-1-2	Jamie M. Becht	38 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-1-3	Eric J. Stevens	36 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-1-7.11	Bernadine M. Balenti	18 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-2-12	John Farruggio	19 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-2-9.2	William & Nancy Chester	27 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-2-14	Robert J. Clerc	37 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-2-16	Richard Lasker	45 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-2-38	David Friedrich	53 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-2-40	Jean L. Lenk	57 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-2-42	August C. Roberholt, Jr.	69 Barbara Pl	Cheektowaga	NY 14225-2829
90.84-2-44	Donald Maciejewski & Wife	79 Barbara Pl	Cheektowaga	NY 14225-2829
101.28-1-8	Kevin Korst	2300 Genesee St	Depew	NY 14043
101.28-2-11	Susan Wozniak	2308 Genesee St	Cheektowaga	NY 14225

**WING COURT**

SBL	Owner	Address	City	STATE/ZIP
91.08-1-8	Hartfield Pam M	14 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-9	Bruno Balko	18 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-10	Michael D Jozwiak	22 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-16	Paschis John W & W	41 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-18	Sygnatur Frank J & W	33 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-20	Andrew S Hammond	21 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-21	Redenbach Robert & W	17 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-11	Phlip & Antonia D'Arcangelo	26 Wing Ct	Cheektowaga	NY 14225-1723
91.08-1-23	Brandon Faunce	28 Burdette Dr	Cheektowaga	NY 14225-1723

**IRONDALE DR**

SBL	NAME	ADDRESS	CITY	STATE/ZIP
114.02-7-2	Margaret S Kensinger	4 Irondale Dr	Depew	NY 14043-4428
114.02-7-3	Edwin J Eckert	8 Irondale Dr	Depew	NY 14043-4428
114.02-7-4	Metros Joseph R & W	12 Irondale Dr	Depew	NY 14043-4428
114.02-7-5	Dziekian Edward J & Felici	16 Irondale Dr	Depew	NY 14043-4428
114.02-7-6	Pietrzak Stephanie D &	20 Irondale Dr	Depew	NY 14043-4428
114.02-7-7	Kozell Richard J & Debora	24 Irondale Dr	Depew	NY 14043-4428
114.02-7-12	Kevin M Griffin	44 Irondale Dr	Depew	NY 14043-4428
114.02-7-14	Nowakowski David L & W	52 Irondale Dr	Depew	NY 14043-4428
114.02-7-16	Perry Linda L	60 Irondale Dr	Depew	NY 14043-4428
114.02-7-17	Sallaj Rafiq	64 Irondale Dr	Depew	NY 14043-4428
114.02-7-18	Krawiec Mark & W	68 Irondale Dr	Depew	NY 14043-4428
114.02-7-20	Kasprzyk Thomas J & W	76 Irondale Dr	Depew	NY 14043-4428
114.02-7-21	Gregory V Zon	80 Irondale Dr	Depew	NY 14043-4428
114.02-7-23	Koons Frederick C & W	88 Irondale Dr	Depew	NY 14043-4428
114.02-8-23	Casali Marco A & Joanne E	95 Irondale Dr	Depew	NY 14043-4427
114.02-8-25	Neal D Matter	87 Irondale Dr	Depew	NY 14043-4427
114.02-8-27	Grzybek Raymond J & 1	79 Irondale Dr	Depew	NY 14043-4427

Attachment: sidewalk list 6-21-2010 (RES-2010-358 : Order Replacement of Sidewalks)

114.02-8-33	Thomas S Glinski	51 Irondale Dr	Depew	NY	14043-4427
114.02-8-34	Knowles Michael V & W	47 Irondale Dr	Depew	NY	14043-4427
114.02-8-35	Harhigh Robert P & Claudi	43 Irondale Dr	Depew	NY	14043-4427
114.02-8-38	Drews Paul C & Rina M	31 Irondale Dr	Depew	NY	14043-4427
114.02-8-39	James P Lipinczyk	27 Irondale Dr	Depew	NY	14043-4427
114.02-8-40	Nowak Roger J & W	21 Irondale Dr	Depew	NY	14043-4427
114.02-8-41	Banks Richard D & W	15 Irondale Dr	Depew	NY	14043-4427
114.02-8-42	Poch Kenneth F & W	9 Irondale Dr	Depew	NY	14043-4427
114.02-8-1	Tonsoline Peter	3 Irondale Dr	Depew	NY	1404344-27

**Cathedral Ln**

SBL	NAME	ADDRESS	CITY	STATE/ZIP
102.39-4-4	Wojtkiw Michael & W	10 Cathedral Ln	Cheektowaga	NY 14225-4610
102.39-3-10	Daniel Clouse	11 Cathedral Ln	Cheektowaga	NY 14225-4610
102.39-4-5	Kathleen M Crowe	14 Cathedral Ln	Cheektowaga	NY 14225-4610
102.39-4-6	Wojciechowski Josephine	18 Cathedral Ln	Cheektowaga	NY 14225-4610
102.47-5-2	Michelle J Maggio	26 Cathedral Ln	Cheektowaga	NY 14225-4612
102.47-5-4	Czaplicki Mark R	34 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-60	Koeppel Carl J & W	42 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-39	Susan Drzazgowski	126 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-39	Alice Janusz	122 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-40	John Kubacki	118 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-41	John Lynch & W, Jr.	114 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-42	Shirley Hilburger	110 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-43	Richard Kazmierczak	106 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-44	Rhonda Mingle	102 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-45	Margaret C. Phillips	98 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-46	Daniel Przybylski	94 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-47	Brad Schwertfeger & W	90 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-48	Eugene Hejza	86 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-49	Michelle Bojak	82 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-50	Patricia Burkard	78 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-51	Eric Weigand	74 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-52	Dale Seider	70 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-53	Patricia Fryzowski	66 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-54	Thomas Prygon	62 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-57	Herbert Levy	54 Cathedral Ln	Cheektowaga	NY 14225-4612
102.47-5-6	Theresa Smietana	29 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-62	Dennis Glenn	43 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-63	Helen Sacha	55 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-64	Alice Bonczkiewicz	67 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-65	Kent Langerman	71 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-66	Robert Olejniczak	77 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-67	Dolores Borowski	81 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-68	Dorothy Kladke	85 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-69	Karen Purdy	89 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-77	John Drobits, Jr & W	109 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-80	Michael Luksch	123 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-82	Veronica Kaye	139 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-33	Michael Sacilowski	146 Cathedral Ln	Cheektowaga	NY 14225-4612
102.10-1-70	Nguyen Ngoc Kim	35 Ruth	Cheektowaga	NY 14225-4612
102.10-1-83	Stephen Pequigno	215 McNaughton Ave	Cheektowaga	NY 14225-4612

Attachment: sidewalk list 6-21-2010 (RES-2010-358 : Order Replacement of Sidewalks)

102.39-2-7	Eugene& Mary Alice Nalezynski	154 McNaughton Ave	Cheektowaga	NY	14225-4614
102.39-3-1	Janice Gennocro	151 McNaughton Ave	Cheektowaga	NY	14225-4614
102.39-4-3	Michael Janusz	143 McNaughton Ave	Cheektowaga	NY	14225-4614

Attachment: sidewalk list 6-21-2010 (RES-2010-358 : 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, June, 29, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on June 29, 2010 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Krause, Director of Finance and Administration  
Paul Piwowarski, Engineering Department  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Jeffrey Whiting, Deputy Town Attorney

## II. Resolutions





## 1. RESOLUTION 2010-375

### Refund of Building Permit Fee

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, by resolution dated November 5, 2007, building and plumbing permit fees were established for the Town of Cheektowaga, and

WHEREAS, said fee schedule provided that, in the event a building permit expires or is deemed abandoned, the applicant would only be entitled to a refund of 50%, and

WHEREAS, in 2009, Ciminelli Development Company, Inc. applied for a building permit to construct a hotel at 4039 Genesee Street, and

WHEREAS, due to the financial market at the time, construction was not commenced, and

WHEREAS, Ciminelli Construction Company, Inc. has requested a full refund (minus a \$15.00 administrative fee) since the Town Building Inspections Department did not perform any review, and

WHEREAS, another developer has already made application for a building permit to construct a hotel at 4039 Genesee Street, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the refund to Ciminelli of the full building permit fee, less the \$15.00 administrative fee.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Jeff Swiatek



## 2. RESOLUTION 2010-376

### Settlement of Litigation - Rossler Associates Vs Town

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, Rossler Associates commenced an Article 7 proceeding against the Town for Tax Years 2008-09 and 2009-2010, seeking a reduction in the assessment of property leased by it located at 21 -97 S. Rossler Avenue (S.B.L. #123.36-7-5) in Cheektowaga, New York; and

WHEREAS, the Town's Attorney 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 Attorney and Town Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Jeff Swiatek



### 3. RESOLUTION 2010-377

## Award Contract for Grass Cutting of Town Properties

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga owns 16± residential properties on which the grass needs to be regularly cut, and

WHEREAS, a Request for Proposals ("RFP") was issued to have private contractors perform these services, and

WHEREAS, proposals were received from three (3) firms, and

WHEREAS, the proposal having the lowest cost to the Town was submitted by K A P Landscaping, LLC, NOW, THEREFORE, BE IT

RESOLVED, that the contract for lawn cutting for the 16 Town properties shown on the list for the RFP be and hereby is awarded to K A P Landscaping, LLC at a cost per lawn cutting of \$25.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and any and all other documents to effectuate terms of a contract for these services, and BE IT FURTHER

RESOLVED, that the fees for said services shall be appropriated from the following Town budget line items:

Account #800-3620-4561  
Account #700-1007-0606

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Jeff Swiatek



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, July 6, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on July 6, 2010 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  
Earl Loder, Disaster Coordinator  
William Pugh, Town Engineer  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-378

### 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: 100.1110.2770 Unclassified Misc. Revenues \$ 5,000.00

TO: 100.1110.4590 Drug Court Grant Expenditures \$ 5,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-379

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 2, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,328,914.79
RISK RETENTION FUND	22,165.96
HUD HOUSING REHABILITATION FUND	23,282.00
SPECIAL DISTRICTS FUND	476,257.94
HIGHWAY FUND	289,563.36
CAPITAL FUND	606,124.24
TRUST & AGENCY FUND	25,864.68
HUD CDBG FUND	2,617.10
PART TOWN FUND	58,402.72
NYS AFFORDABLE HOUSING	7,235.00
	<u>\$ 2,840,427.79</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-380

## Notice to Bidders - Police & Court Building Renovations and Addition

**Sponsored By:** Holtz, Markel, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski

WHEREAS, Trautman Associates, Architects and Engineers, have completed Construction Documents (plans and specifications) for Building Renovations and an Addition to the Police and Court Building located at 3223 Union Road, Cheektowaga, New York, AND

WHEREAS, the completion of said Construction Documents enables the solicitation of competitive bids in the fields of General Construction Work, Electrical Work, HVAC Work and Plumbing Work, AND,

WHEREAS, said construction documents will be available for distribution on Thursday, July 8, 2010 at 9:00 AM, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Police and Court Building Renovations and Addition located at 3223 Union Road, Cheektowaga, New York 14227, said notice to be published in the CHEEKTOWAGA BEE and THE BUFFALO NEWS, AND, BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 18th day of August, 2010 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227.

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### 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 **18th day of August, 2010 at 11:00 A.M.** in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for furnishing all labor, materials, tools, equipment and incidentals required for **General Construction Work, Electrical Work, HVAC Work and Plumbing Work** for the New Building Construction and Renovations to the Town of Cheektowaga Police and Court Building located at 3223 Union Road, Cheektowaga, New York, 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 and may be examined at the following locations:

Cheektowaga Engineering Department  
275 Alexander Avenue (2nd Floor)  
Cheektowaga, New York 14211

Trautman Associates, Architects & Engineers

470 Franklin Street  
Buffalo, New York 14202

Construction Exchange of Buffalo & WNY, Inc.  
2660 William Street  
Cheektowaga, New York 14227

McGraw Hill Construction Dodge  
www.network.construction.com

Copies of the Contract Documents (Plans, Specifications and Instructions to Bidders) may be obtained at the **Office of the Town Clerk, 3301 Broadway, Cheektowaga, New York 14227 beginning on Thursday, July 8th at 9:00 AM** upon payment in the amount of **\$200.00 for each set**. Payment 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 refundable. Bidding documents will be delivered by UPS upon request and upon payment of an additional non-refundable delivery and handling **charge of \$50.00/set by check made payable to the Town of Cheektowaga**.

**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 "Police and Court Building Renovation and Addition"**.

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, NY or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, NY 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 18 months, 548 consecutive calendar days; to begin five (5) days after the "Order to Commence Work" has been issued.

**A pre-bid site visit for the project will be held at 9:30 AM on Tuesday, August 3, 2010 at the Police and Court Building (south parking lot) at 3223 Union Road, Cheektowaga, NY 14227.**

**All bidders are advised to review Town Apprenticeship Program requirements for construction contracts valued between \$1,000,000 and \$3,000,000 as detailed in the Contract Documents.**

**BY ORDER OF:  
THE TOWN OF CHEEKTOWAGA**

**Alice Magierski  
Town Clerk**

**DATED: July 6, 2010**

**PUBLISHED: July 8, 2010**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2010-381

Approve Sale of Portion of Old Union Road and Bridge

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is the owner of an abandoned right of way and bridge known as Old Union Road/Old Union Road bridge, which is approximately 70± feet wide by 1,100 feet long and runs between Union Road and Old Union Road/Old French Road, and

WHEREAS, located in such right-of-way is the former Old Union Road bridge, and

WHEREAS, this road and bridge have been closed to traffic since 1969, and

WHEREAS, the bridge is an eyesore and a hazard, and

WHEREAS, 1234 Acquisition, LLC has submitted a contract offer to purchase such right-of-way and bridge "AS IS" for \$8,000.00 and has agreed to demolish the bridge within one (1) year from the date of purchase, and

WHEREAS, the Town's outside appraisal consultant has reviewed the value of the property in question, and the contract offer is within the range of value for such property, NOW, THEREFORE BE IT

RESOLVED, that Old Union Road be and hereby is abandoned as a Town highway, and BE IT FURTHER

RESOLVED, that this Town Board hereby approves the sale of said property to 1234 Acquisition, LLC, for \$8,000.00, and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract, deed and all other documents necessary to transfer said Town property to 1243 Acquisition, LLC, 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 July 6, 2010, adopted a resolution authorizing the Town of Cheektowaga to convey Town-owned property known as Old Union Road/Old Union Road bridge located between Old Union Road/Old French Road and Union Road to 1243 Acquisition, LLC for \$8,000.00.

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: July 6, 2010

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-382

### Authorize Supervisor to Execute Agreement for Preparation of Newsletter for Senior Services Department

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town Senior Services Department operates numerous programs for senior citizens who live in this Town, and

WHEREAS, in order to keep the senior citizens apprised of the various programs scheduled for each month, the Senior Services Department issues a monthly newsletter, and

WHEREAS, for the past 5± years Liturgical Publications, Inc. has produced said newsletter at no cost to the Town; it obtains its revenues from ads placed in said newsletter, and

WHEREAS, the Senior Services Department has been extremely pleased with the services provided by Liturgical Publications, Inc., and

WHEREAS, the existing agreement with Liturgical Publications, Inc. is scheduled to expire next year, and Liturgical Publications, Inc. has submitted a renewal agreement to the Town to continue to prepare the monthly newsletter for five (5) more years, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Liturgical Publications for continuing publication of a monthly newsletter for the Cheektowaga Senior Services Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-383

### Accept Conservation Easement for Property at 5014 Transit Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, as part of the approval for Theodore Kulbacki to construct two 7,400 square foot medical buildings on property located at 5104 Transit Road, the developer was required to convey to the Town of Cheektowaga and/or Army Corps of Engineers a conservation easement for the wetlands in the rear of the property, and

WHEREAS, the developer has submitted the requested easement, and

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed this easement and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced conservation easement, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such conservation easement on behalf of the Town of Cheektowaga, and

RESOLVED, that the Town Attorney's Office be and hereby is directed to arrange to have such easement filed in the Erie County Clerk's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-384

### Establish Accounts for Consolidated Local Streets and Highway Improvement Program (CHIPS)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, in 1991, the state Legislature Restructured the Consolidated Local Street and Highway Improvement Program (CHIPS), creating a new payment mechanism for the capital project portion of the program, AND

WHEREAS, before the Town can avail itself of the Chips funding for capital project portion the Town must first spend the money and then seek reimbursement 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, and that the following accounts be and hereby are established:

CHIPS State Aid (Expense) #5714-5132-0002 - \$332,059.06

CHIPS State Aid (Revenue) #5714-5132-3089 - \$332,059.06

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-385

### Standard Work Day and Reporting Resolution

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Comptroller of New York State has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System (NYSLRS). Regulation 315.4 more clearly defines the reporting process and adds requirements for both employers and elected and appointed officials. Among the changes are an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed. This regulation applies to new terms of office or appointments beginning on or after August 12, 2009, NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard work day (hrs/day)	Term begins/ends	Participates in Employer's Time keeping	Days per month*
Elected Officials					
Councilman	James Rogowski	8	1/1/2010-12/31/2013	No	20
Councilman	Stanley Kaznowski	8	1/1/2010-12/31/2013	No	20

\* Based on record of activities

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-386

### 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 4 & 5, 2010; 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 4 & 5, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 10. RESOLUTION 2010-387

### 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 25, 2010, 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 25, 2010 in Cheektowaga Town Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-388

### Special Event - General Pulaski Day

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the General Pulaski Association has made application to hold a parade honoring General Pulaski on Sunday, July 18, 2010 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 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 18, 2010, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-389

### Direct Clean Up of Property at 51 Goering Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

**WHEREAS**, the 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 property owners maintain their properties in a clean, safe, secure, and sanitary condition so as not to cause a neighborhood blighting problem or adversely affect the public health or safety, AND

**WHEREAS**, the Town of Cheektowaga received notification that property located at 51 Goering, Cheektowaga, New York SBL# 102.12-7-7.1 was and is currently maintained in a manner not in compliance with the 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; and, according to the records kept by the Assessor's Office, Louis Baran, 51 Goering Avenue, Cheektowaga, New York 14225, is the owner, AND

**WHEREAS**, an inspection of such premises was conducted at 51 Goering Avenue by a representative of the Neighborhood Preservation Office, and a violation order and subsequent Criminal Summons were issued to said property owner stating the unsanitary conditions, and requesting said owner to remedy the aforesaid violations, AND

**WHEREAS**, the property owner neglected to take the appropriate remedial actions to remedy the violation and this matter was transferred to the Town of Tonawanda Justice Court for disposition, AND

**WHEREAS**, the Honorable John J. Flynn, Tonawanda Town Justice, approved a conditional discharge of this matter and, on July 29, 2009, ordered the owner to comply with the 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 by November 18, 2009, AND

**WHEREAS**, the property owner failed to abide by the Conditional Discharge as ordered by the Court, and, by Order dated March 3, 2010, the Honorable John J. Flynn, Tonawanda Town Justice, directed that the Town bring the premises into compliance with the codes within 90 days after service of the Order on the property owner and the Town Board, AND

**WHEREAS**, records kept by Neighborhood Preservation Office state that the said property owner and Town Board were properly notified pursuant to the Court Order and Section 70-7A.(2.) of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and

**WHEREAS**, the property violations have not been remedied by the owner, **NOW, THEREFORE BE IT**

**RESOLVED**, that, in the event the owner does not perform the required remediation work on the property by **August 5, 2010**, the Managing Housing Inspector and /or his designee are directed to enter the premises at 51 Goering Avenue, Cheektowaga, New York 14225 with the contractor selected by him, and bring the premises at 51 Goering Avenue, Cheektowaga, New York 14225 into compliance with the 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 as per the Court Order; and **BE IT FURTHER**

**RESOLVED**, that all costs incurred by the Town in bringing this property into compliance shall be assessed against the property hereinbefore described, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk shall forward Louis Baran a certified copy of this resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-390

### Unsafe-Unsecured/390 Pine Ridge 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 390 Pine Ridge Road, Cheektowaga, New York SBL# 101.28-7-6 that is a danger to the safety of others, and records kept by the Assessors Office identify William C. Burg, P.O. Box 601, Lewiston, New York 14092, as the owner AND

WHEREAS, an inspection of such premises was conducted at 390 Pine Ridge Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-391

### Unsafe-Unsecured/78 Heather 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 78 Heather Road, Cheektowaga, New York SBL# 91.06-11-27 that is a danger to the safety of others, and records kept by the Assessors Office identify Grace Burgoyne, 78 Heather Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 78 Heather Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-392

### Unsafe-Unsecured/166 Straley 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 166 Straley Avenue, Cheektowaga, New York SBL# 102.37-2-13 that is a danger to the safety of others, and records kept by the Assessors Office identify Kathryn A. Barajas, 166 Straley Avenue, Cheektowaga, New York 14211, as the owner AND

WHEREAS, an inspection of such premises was conducted at 166 Straley Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-393

### Authorization of Student Intern (Office of the Town Supervisor/Stephanie McGrath)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Stephanie McGrath has requested to work as a student intern in the Office of the Town Supervisor; AND

WHEREAS, Ms. McGrath has been interviewed by the Office of the Town Supervisor and the Department is willing to afford her the opportunity to intern in the Supervisor's Office; NOW, THEREFORE, BE IT

RESOLVED, that Stephanie McGrath of East Amherst, New York be and hereby is authorized to participate as an unpaid intern in the Office of the Town Supervisor 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 17. RESOLUTION 2010-394

### 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:

Tyler Elis	Never worked	14225
Tiffany Gasiiecki	12/19/09	14225
Laurel Hopkins	Never worked	14215

Motion by Supervisor Holtz; Seconded by Councilmember Markel to waive the Reading of Names for the following three (3) resolutions. 2010-394; 2010-395 and 2010-396. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-395

### 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 to Recreation Attendant - 7140.1640 - \$7.40

Adam Barrett

Laborer - "Bathhouse Attendant" - Alternate - 7180.1901 - \$7.25  
Seasonal

Spencer Calos 14227

Laborer - "Level I - Participants" - 7310.1816 - \$7.25 - Alternate - Seasonal

Brandon Glodowski 14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



19. RESOLUTION 2010-396

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following seasonal and/or part-time employee be and hereby is terminated as listed:

FACILITIES DEPARTMENT  
Jason Helmbrecht effective 6/23/10;

AND, BE IT FURTHER

RESOLVED, that the following employee's termination date be amended as follows:

FACILITIES DEPARTMENT  
Lawrence Chirico, Jr. from 5/17/10 to 5/4/10

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**20. RESOLUTION 2010-397****Return Clerk Typist (Competitive/Temporary) to Clerk (Part Time) Facilities Department/Joan C. Meyers**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Joan C. Meyers was appointed to the temporary position of Clerk Typist in the Facilities Department effective May 17, 2010; AND

WHEREAS, said appointment was necessitated due to the leave of absence of Account Clerk Typist Maureen MacDonald; AND

WHEREAS, Ms. MacDonald has returned to full duty as Account Clerk Typist; AND

WHEREAS, the temporary Clerk Typist position held by Ms. Meyers is no longer necessary; NOW, THEREFORE, BE IT

RESOLVED, that Joan C. Meyers of Cheektowaga, New York be and hereby is returned to her previously held position as Clerk (Part Time) in the Facilities Department effective June 17, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-398

### Appointment of Clerk Typist (Competitive/Temporary) Police Department/Samantha L. Stroud

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Clerk Typist in the Police Department;  
AND

WHEREAS, notice of said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, a current civil service list exists for said title; AND

WHEREAS, there is an immediate need to fill said vacancy while canvassing the civil service list and interviewing candidates; AND

WHEREAS, Samantha L. Stroud, currently a part-time Student Assistant in the Police Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Samantha L. Stroud of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 28, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-399

### Appointment of Laborer (Labor/Temporary) Highway Department/Adam Berezcz

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Laborer in the Highway Department; AND

WHEREAS, the Department was canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Adam Berezcz, currently employed as a seasonal Laborer in the Highway Department, applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Adam Berezcz of Cheektowaga, New York, be and hereby is appointed to the temporary position of Laborer in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 22, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

#### IV. Suspension of Rules

<p>Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to include the following four (4) Resolutions. 2010-400; 2010-401; 2010-402; and 2010-403. Motion Carried.</p>
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## 1. RESOLUTION 2010-400

### Retain Trautman Associates for Additional Services at the Police & Court Building

**Sponsored By:** Holtz, Markel, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski

WHEREAS, by Town Board Resolution dated December 21, 2009, this Town Board engaged the firm of Trautman Associates to prepare Construction Documents (plans and specifications) for the Police & Court Building Renovation and Addition Project, AND

WHEREAS, said Construction Documents are complete enabling solicitation of competitive bids, AND

WHEREAS, Architectural and Engineering Services during the bidding and negotiating phase are required to assist in clarification of the Construction Documents to various potential bidders, issuance of addendums, conducting pre-bid site meetings, preparation of bid tabulations and in reviewing bid submissions and researching and recommending bid award, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 be retained for the provision of professional services associated with project bidding and negotiation for the sum not to exceed \$14,000.00 in accordance with the proposal dated July 2, 2010, 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 the bidding and negotiation phase for this project in an amount not to exceed \$14,000.00, subject to review and approval of the Town Attorney, which shall be chargeable to Account #500-1910-9399-5025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-401

### Accept Sidewalk Easement Along Schlenker Avenue from Benderson Properties, Inc.

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, Benderson Properties, Inc. (formerly known as Benderson Development Co, Inc.) is the owner of property located at 3385 Union Road near Schlenker Avenue, the site of the former Brand Names store; and

WHEREAS, as part of the approval process for the renovations of the former site, Benderson Properties, Inc., has agreed to the installation of sidewalks along Schlenker Avenue; and

WHEREAS, Benderson Properties, Inc., has agreed to convey an easement to the Town of Cheektowaga along this portion of Schlenker Avenue for the sidewalk installation, and has submitted such easement to the Town for acceptance, NOW, THEREFORE, BE IT

RESOLVED, that, subject to final approval of said sidewalk easement by the Town Engineer and Town Attorney, this Town Board hereby agrees to accept same, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to record said easement in the Erie County Clerk's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2010-402

## Adoption of Revised Procurement Policies and Procedures

**Sponsored By:** Holtz, Swiatek, Jaworowicz, Rogowski, Markel, Zydel, Kaznowski

WHEREAS, Article 9 of the General Municipal Law of the State of New York directs when purchases of materials and public works projects must be competitively bid, and

WHEREAS, for the past several years, under Section 103 of the General Municipal Law, political subdivisions in New York State were required to competitively bid all purchase contracts involving an expenditure of more than \$10,000 and all contracts for public works projects involving an expenditure of more than \$20,000, and

WHEREAS, Section 104-b of the General Municipal Law also requires every political subdivision to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of Section 103 of the General Municipal Law, and

WHEREAS, in compliance with Section 104-b of the GML, the Cheektowaga Town Board approved a resolution on March 2, 1992 adopting procurement policies and procedures for the Town of Cheektowaga, and

WHEREAS, by Section 1 of Part D of Chapter 494 of the Laws of 2009, the competitive threshold limits for competitively bidding public works projects was increased from \$20,000.00 to \$35,000.00, and

WHEREAS, this Board needs to update our procurement policies and guidelines for public works contracts, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the procurement policies and procedures of the Town of Cheektowaga shall be as follows:

**Guideline 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of Section 103 of the General Municipal Law. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other departments and past history to determine the likely yearly value of the commodity to be acquired by the Town for all purposes. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**Guideline 2.** All purchases of (a) supplies or equipment which will cumulatively exceed \$10,000.00 in the fiscal year; or (b) public works projects over \$35,000.00 shall be formally bid pursuant to Section 103 of the General Municipal Law.

**Guideline 3.**

All estimated purchases of:

- Less than \$10,000.00 but greater than \$3,000.00 require a written request for proposals ("RFP) and written/fax quotes from three (3) vendors

- Less than \$3,000.00 but greater than \$1,000.00 require an oral request for the goods and oral/fax quotes from two (2) vendors
- Less than \$1,000.00 are left to the discretion of the Purchaser

All estimated public works contracts of:

- Less than \$35,000.00 but greater than \$20,000.00 require a written RFP and fax/written proposals from three (3) contractors
- Less than or equal to \$20,000.00 but greater than \$10,000.00 require a written RFP and fax/written proposals from two (2) contractors
- Less than or equal to \$10,000.00 but greater than \$3,000.00 require an oral request and oral/fax quotes from two (2) contractors
- Less than or equal to \$3,000.00 are left to the discretion of the Purchaser

Any written RFP shall describe the desired goods and/or services, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors/contractors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. The Purchaser/Department Head shall contact the vendors/contractors that are likely to provide the best possible goods/services at the lowest responsible price and may, for this purpose, take into account vendors who have satisfactorily performed work for the Town in the past.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works project.

**Guideline 4.** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 5.** A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals, and shall obtain the prior approval from the Town Director of Administration and Finance before undertaking such procurement. In no event shall the inability to obtain the proposal or quotations be a bar to the procurement, provided approval by the Director of Administration and Finance is obtained.

**Guideline 6.** Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) acquisition of professional services
- (b) Emergencies
- (c) Sole source situations
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from New York State or counties within New York State;
- (g) Goods purchased at auction.

A Purchaser/Department Head must receive the prior approval of the Town Attorney in order to procure goods and services under this Guideline.

**Guideline 7.** Requests from proposals for items under the competitive bidding

thresholds may be issued by the department head of the respective Town departments.

**Guideline 8.** The following referenced individuals are authorized to make purchases and award public works contracts, subject to the Guidelines set forth above and the following additional approval requirements:

**Purchases:**

- Between \$3,000 and \$9,999.99                      Approval from Town Board required
- Between \$1,000 and \$2,999.99                      Approval from Town Board required
- Between \$0.01 and \$999.99                              Approval from Department Head

**Public Works Contracts:**

- Between \$20,000.01 to \$34,999.99                      Approval from Town Board required
- Between \$10,000.01 and \$20,000.00                      Approval from Town Board required
- Between \$3,000.00 and \$10,000.00                      Approval from Town Board required
- Between \$0.01 and \$2,999.99                              Approval from Department Head

“Department Head” shall include individuals holding the following job titles:

- Supervisor
- Councilmembers
- Director of Administration and Finance
- Town Attorney
- Town Clerk
- Coordinator of Employee Relations
- Town Assessor
- Supervising Code Enforcement Officer
- Chief of Police
- Town Justice
- Superintendent of Highways
- Town Engineer
- General Crew Chief - Central Garage
- General Crew Chief - Sanitation Department
- Director of Senior Services
- Executive Director - Youth & Recreational Services Department
- General Crew Chief - Facilities Department
- Director of Community Development Department
- Disaster Coordinator

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-403

### Contract for Asbestos Services for 20 Randolph Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town has acquired the vacant, deteriorated property located at 20 Randolph Avenue with Community Development Block Grant funds, and

WHEREAS, the Town wishes to demolish said property which presents a safety and health hazard to the general public, and

WHEREAS, said property has been found to contain asbestos materials that must be abated prior to demolition, and

WHEREAS, Sienna Environmental Technologies has submitted a proposal to the Community Development Office for the preparation of specifications and abatement drawings and related services necessary to obtain bids for the demolition of 20 Randolph Avenue, and

WHEREAS, the Community Development Director has recommended engaging the services of Sierra Environmental Technologies, LLC for said services, Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$2,850 with Sienna Environmental Technologies, LLC, 350 Elmwood Avenue, Buffalo, New York 14222 for asbestos abatement services for 20 Randolph Avenue pursuant to their proposal, said amount to be paid from Community Development Block Grant funds.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - June 2010
2. Minutes: Cheektowaga Conservation Advisory Council - June 3, 2010
3. Minutes: Cheektowaga Planning Board - June 10, 2010
4. Minutes: Cheektowaga Traffic Safety Commission - June 15, 2010
5. Minutes: Town Environmental Advisory Committee - June 16, 2010

***B. General Communications***

1. Notice of Claim: National Grid Vs. Town of Cheektowaga

**VI. Comments**

***A. Supervisor's Comments***

***B. Councilmember's Comments***

***C. Public Comments***

**VII. Executive Session at 7:15 PM**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Enter Into Executive Session to discuss law enforcement matter. Motion Carried.

**VIII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Markel to adjourn the Meeting at 7:30 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

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Monday, July 19, 2010

6:45 PM

Council Chambers

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### I. Call to Order

6:45 PM Meeting called to order on July 19, 2010 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  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent  
Christine Ziemba, Chief of Police

### II. Public Comment Period

### III. Resolutions



## 1. RESOLUTION 2010-404

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

NYS AFFORDABLE HOUSING

FROM: 900.8600.4910      AHC Revenues                      \$100,000.00

TO:      900.8668.4007      Loans from Program              \$100,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2010-405

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 16, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$266,984.21
RISK RETENTION FUND	50,549.11
HUD HOUSING REHABILITATION FUND	29,843.66
SPECIAL DISTRICTS FUND	338,188.30
HIGHWAY FUND	479,606.63
CAPITAL FUND	288,592.70
TRUST & AGENCY FUND	3,535.00
HUD CDBG FUND	7,539.26
PART TOWN FUND	74,366.01
NYS AFFORDABLE HOUSING	<u>17,290.00</u>
	<b>\$1,556,494.88</b>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





### 3. RESOLUTION 2010-406

## Negative SEQR Declaration - 123 Buell 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 Roberts Shackelton and Boy A.& E. with the permission of the land owner, CWS Land, LLC for rezoning of 123 Buell Avenue from R-Residence to C- Retail Business for the demolition of an existing dwelling and the expansion of an existing parking area accessory to the Holiday Inn Express hotel at 131 Buell Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 26, 2010 recommended a determination of non-significance as shown on the attached memorandum dated June 1, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and the site plan at their meetings of April 8, 2010 and July 8, 2010, respectively, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer approving the grading/drainage plan.

**ATTACHMENTS:**

EAC May 26, 2010 minutes (PDF)

123 Buell Avenue\_final landscape plan (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember

<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



### 4. RESOLUTION 2010-407

## Approval of Rezoning - 123 Buell Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Roberts, Shakleton & Boy, Architects and Engineers, petitioned for a rezoning from R-Residence District to C-Retail Business District for property owned by CWS Land LLC and located at 123 Buell Avenue, which property is described in the attached legal description, to permit the relocation of an existing storm detention basin and enlargement of a parking area for an existing hotel at 131 Buell Avenue, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 17th day of May, 2010 at 6:45 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 Roberts, Shakleton & Boy, Architects and Engineers, for the rezoning from R-Residence District to C-Retail Business District for 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 and State of New York, being part of Lot No. 4, Township 11, Range 7 of the Holland Land Company's Survey and according to map of Kosciuszko Village filed in Erie County Clerk's Office under Cover No. 733 is known as the southerly portion of Subdivision Lot No. 14, described as follows:

BEGINNING at a point in the easterly line of Buell Avenue distant one Hundred fifty-five (155) feet north of the intersection of the east line of Buell Avenue with the north line of West Sienkiewicz Avenue; running thence northerly along the easterly line of Buell Avenue a distance of seventy-seven and fifty-two hundredths (77.52) feet; thence easterly and parallel to the north line of West Sinkiewicz Avenue a distance of two hundred ten (210) feet to the easterly line of said Subdivision Lot No. 14; thence southerly and parallel to the east line of Buell Avenue a distance of seventy-seven and fifty-two hundredths (77.52) feet to the southeast corner of said

Subdivision Lot No. 14; thence westerly and parallel to the north line of West Sinkiewicz Avenue  
A distance of two hundred ten (210) feet to the point of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 5. RESOLUTION 2010-408

### Accept Proposal for Masonry Work at the Sign Maintenance Building

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the former Sign Maintenance Department Building is to be improved and modified for office use by the Town of Cheektowaga Employees Association Union, AND

WHEREAS, three (3) proposals were solicited and received from contractors in the field of masonry for Phase I of the reconstruction, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of West Seneca Masonry, P.O. Box 1154, West Seneca, New York 14224 as submitted to the Engineering Department for the installation of five (5) courses of 8" block and precast limestone sill is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the proposal in the amount of \$4,275.00 for Phase I of the TCEA Union Office renovation shall be chargeable to Account #500-1440-2520-5026.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



6. RESOLUTION 2010-409

Notice to Bidders - Purchase of Electricity

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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 Integry Energy Services of NY, Inc. expires on December 31, 2010, 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 2011 and 2012, 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 August, 2010 at 11:00 a.m. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 2, 2010 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 2011 and 2012.

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: July 19, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 7. RESOLUTION 2010-410

### Special Event - HSBC 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 HSBC Technology Services has made application to hold its company picnic in Cheektowaga Town Park at the Lion's Pavilion on August 6, 2010, from 12:00 PM to 6:30 PM, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Building Department, Facilities Department, Highway Department, and the Youth and Recreation Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of 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 Technology Services for the aforementioned picnic to be held in Cheektowaga Town Park on August 6, 2010, from 12 p.m. to 6:30 p.m.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 8. RESOLUTION 2010-411

### Cleveland Hill Usage of Town Park

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 23, 2010 to November 15, 2010 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 23, 2010 to November 15, 2010 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 October 5, 2010 and October 19, 2010 for its home track meets, and BE IT FURTHER

RESOLVED, that the Director of Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 9. RESOLUTION 2010-412

### Authorize Supervisor to Execute Agreement with Erie County for Transportation Services for the Elderly

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga, in concert with the County of Erie, has for years been operating a transportation program for the elderly utilizing vans, and

WHEREAS, the County of Erie has prepared and submitted to the Town an agreement between the Town of Cheektowaga and the County of Erie relative to the operation of said transportation program for the Year 2010, and

WHEREAS, the Town of Cheektowaga wishes to continue to offer this service to our Town residents, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreement on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 10. RESOLUTION 2010-413

### Authorize Supervisor to Execute Agreement with Cheektowaga Library Board for Window Replacements at Anna Reinstein Library

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

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 Anna M. Reinstein Memorial Library building is in need of new windows, and

WHEREAS, these windows are eligible for funding under the aforementioned State Grant, and

WHEREAS, the Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Anna M. Reinstein Memorial Library, and, as per the guidelines for the State Grant and County Grant, must be the applicant for such grants, and

WHEREAS, the Town of Cheektowaga would be benefiting from the aforementioned grant since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the local match for this grant, NOW, THEREFORE, BE IT

RESOLVED, that, as owner of the Anna M. Reinstein Memorial Library, the Town of Cheektowaga recognizes its responsibility to maintain the building and, in accordance with its responsibility, hereby commits to pay an amount constituting at least 50% of the cost of the project (not to exceed \$125,000.00) to be used as local matching funds towards the State Grant, said funds to be appropriated from a budget line items 500.1440.2520.5838 and 600.0600.0896, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute an agreement between the Town and the Cheektowaga Public Library relating to the aforementioned project and application for grant funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 11. RESOLUTION 2010-414

### Direct Grantmakers Advantage to Apply for Grant for Anna Reinstein Library

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

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 Anna M. Reinstein Memorial Library building is in need of new windows, and

WHEREAS, these windows are eligible for funding under the aforementioned State Grant, and

WHEREAS, the Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Anna M. Reinstein Memorial Library, and, as per the guidelines for the State Grant, 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 grant since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the local match for this 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, 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 for the purpose of securing the aforementioned grant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 12. RESOLUTION 2010-415

### Execute Final Contract Acceptance Documents with Goodwin Electric Corporation

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the contract for electrical work at the new Building Maintenance Facility was awarded by Town Board Resolution to Goodwin Electric Corporation dated August 17, 2009, AND

WHEREAS, the project architect, E I Team, and the Town 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 accepts the completed project for electrical work and directs the Supervisor to execute final contract acceptance documents with Goodwin Electric Corporation, 201 South Youngs Road, Williamsville, New York 14221.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 13. RESOLUTION 2010-416

### Accept Easements for Property Located at Aero Drive and Rein Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, as part of the development of 777 Aero Drive, the Town of Cheektowaga has requested easements from the owner of said property as follows:

- A permanent right-of-way and easement in, across, and under a portion of real property of the owner located at 777 Aero Drive and Rein Road, for the purpose of constructing, operating, and maintaining, at the sole cost and expense of the owner, a storm sewer pipeline and appurtenances thereto; and

- A permanent right-of-way and easement in, across, and under a portion of real property of the owner located at 777 Aero Drive and Rein Road, for the purpose of maintaining the bed and banks of Ellicott Creek; and

WHEREAS, the said easements have been signed and submitted to the Town for approval; and

WHEREAS, the Town Engineer and Town Attorney have reviewed these easements and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced easements; and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to arrange for the filing of such easements in the Erie County Clerk's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



14. RESOLUTION 2010-417

Transfer of Property at 115 Pine Ridge Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property located at 115 Pine Ridge Road in the Town of Cheektowaga was acquired from the United States Department of Housing and Urban Development under the Neighborhood Stabilization Program grant for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, Belmont Shelter Corp., a not-for-profit housing agency, has agreed to purchase property located at 115 Pine Ridge 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 transfer of 115 Pine Ridge Road to Belmont Shelter Corporation, and BE IT FURTHER

RESOLVED, that the sale of 115 Pine Ridge 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 19, 2010 adopted a resolution authorizing the Town of Cheektowaga to sell property located at 115 Pine Ridge Road, Cheektowaga, New York to Belmont Shelter Corporation for \$1.00 for the purpose of rehabilitating such home for sale to an income-eligible homebuyer.

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: July 19, 2010

ALICE MAGIERSKI
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 15. RESOLUTION 2010-418

### Unsafe-Unsecured/95 Century 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 Century Road, Cheektowaga, New York SBL# 79.20-2-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert Fera & Wife, 20 Fowler Avenue, Cheektowaga, New York 14217, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Century Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

**16. RESOLUTION 2010-419****Termination of Laborer (Sanitation Department/Justin J. Tricoli)**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

BE IT RESOLVED, that Justin J. Tricoli, a Laborer in the Sanitation Department, be and hereby is terminated effective at the close of business July 8, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 17. RESOLUTION 2010-420

### Rescind Resolution Retaining Drug Court Case Coordinator

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, by resolution dated February 22, 2010 (Resolution 2010-110), this Town Board agreed to retain the services of Irene Kmiotek as Drug Court Case Coordinator for the Town of Cheektowaga Drug Court for the calendar year 2010, and

WHEREAS, this resolution was adopted in error since grant moneys were not yet available for said services for 2010, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2010-110 be and hereby is rescinded in its entirety.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 18. RESOLUTION 2010-421

### Retain Drug Court Case Coordinator

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga, through the Cheektowaga Justice Court, has operated a Drug Court since 2005, and

WHEREAS, grant moneys have been appropriated through a Legislative Initiative from Senator William P. Stachowski's office for the period of April 1, 2009 to December 31, 2010 to enable the Town of Cheektowaga to retain a Drug Court Case Coordinator for the Cheektowaga Drug Court, and

WHEREAS, this Town Board, by prior resolutions, has engaged the services of Irene Kmiotek as a Drug Court Case Coordinator; and

WHEREAS, Irene Kmiotek has satisfactorily performed the required Drug Court Case Coordinator duties; and

WHEREAS, this Town Board hereby desires to continue to retain the services of Irene Kmiotek as Drug Court Case Coordinator for the aforementioned Legislative Initiative Grant period; NOW THEREFORE BE IT

RESOLVED, that this Town hereby ratifies the retention of Irene Kmiotek of Depew, New York, as Consultant to perform the duties of Drug Court Case Coordinator from April 1, 2009 to December 31, 2010; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute all Agreement(s) with Irene Kmiotek for the above services that may be required under the said grant, all subject to approval of same by the Town Attorney's Office.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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**20. RESOLUTION 2010-423****Appointment of Police Officers (Competitive/Permanent)  
Police Department/ Michael F. Menth, Jeffrey W. Scaglione,  
Keith A. Wesolek, Sean M. Trapper, Nicholas Jakubowski and  
Jessica L. Mack**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Markel

WHEREAS, six (6) vacancies exist in the position of Police Officer in the Town of Cheektowaga; AND

WHEREAS, the civil service list for said title has been canvassed and candidates have been interviewed; NOW, THEREFORE, BE IT

RESOLVED, that the following be and hereby are appointed to the position of Police Officer at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club:

- Michael F. Menth of Cheektowaga, New York
- Jeffrey W. Scaglione of Cheektowaga, New York
- Keith A. Wesolek of Depew, New York
- Sean M. Trapper of Cheektowaga, New York
- Nicholas Jakubowski of Depew, New York
- Jessica L. Mack of Depew, New York

AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective July 29, 2010, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 21. RESOLUTION 2010-424

### Appointment of Laborer (Labor/Permanent) Sewer Maintenance Department/Richard D. Wdowik

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

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, Richard D. Wdowik, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Richard D. Wdowik 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 20, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 22. RESOLUTION 2010-425

### Appointment of Clerk Typist (Competitive/Permanent) Police Department/Melissa A. Galeza

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, a vacancy exists in the title of Clerk Typist in the Police Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, the existing civil service list was canvassed and interviews conducted; AND

WHEREAS, Melissa A. Galeza, currently employed as a temporary Clerk Typist in the Police Department, appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Melissa A. Galeza of Sloan, New York, be and hereby is appointed to the position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 20, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



**23. RESOLUTION 2010-426****Return Clerk Typist (Temporary) to Clerk (Part Time) Building & Plumbing Department/Melinda S. Londos**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Melinda S. Londos was appointed to the temporary position of Clerk Typist in the Building and Plumbing Department effective June 1, 2010; AND

WHEREAS, there was an immediate staffing need in the department while canvassing the civil service list and interviewing candidates for a Building and Zoning Clerk; AND

WHEREAS, the temporary Clerk Typist position held by Ms. Londos is no longer necessary due to the appointment of a permanent Building and Zoning Clerk; NOW, THEREFORE, BE IT

RESOLVED, that Melinda S. Londos of Depew, New York be and hereby is returned to her previous position as Clerk (Part Time) in the Building and Zoning Department effective July 19, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 24. RESOLUTION 2010-427

### Appointment of Building & Zoning Clerk (Competitive/Permanent) Building & Plumbing Department/Jennifer E. Lynch

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Building and Zoning Clerk in the Building and Plumbing Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time employee bid on said vacancy; AND

WHEREAS, such job title is in the competitive class of civil service; AND

WHEREAS, the civil service list for said title was canvassed and interviews conducted; AND

WHEREAS, Jennifer Lynch appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jennifer Lynch of Alden, New York be and hereby is appointed to the position of Building and Zoning Clerk in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 20, 2010; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Jennifer Lynch be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 25. RESOLUTION 2010-428

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, an Investigating Sex Crimes Training Course is being held September 21 - September 22, 2010 in Albany, New York; AND

WHEREAS, Captain David Zack, Lieutenant Michael Isbrandt, Detective David Mossman and Detective Terence Griffin 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 \$1,068; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Captain David Zack, Lieutenant Michael Isbrandt, Detective David Mossman and Detective Terence Griffin be and hereby are authorized to attend the Investigating Sex Crimes Training Course being held September 21 - September 22, 2010 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 26. RESOLUTION 2010-429

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Safe Streets Violent Crime Initiative is being held July 26 - July 30, 2010 in Austin, Texas; AND

WHEREAS, Police Officer John Skonecki and Detective Russell Paul have requested authorization to attend said event; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there shall be no cost to the Town for said employees to attend this event; NOW, THEREFORE, BE IT

RESOLVED, that Police Officer John Skonecki and Detective Russell Paul be and hereby are authorized to attend the Safe Streets Violent Crime Initiative being held July 26 - July 30, 2010 in Austin, Texas.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 27. RESOLUTION 2010-430

### Travel Authorization (Building & Plumbing Department)

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the New York State Fire Marshall Inspectors' 2010 Educational Conference is being held September 28 - September 30, 2010 in Skaneateles, New York; AND

WHEREAS, Fire Inspector Robert Jaroszewski 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 \$320; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspector Robert Jaroszewski be and hereby is authorized to attend the New York State Fire Marshall Inspectors' 2010 Educational Conference being held September 28 - September 30, 2010 in Skaneateles, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Waive the Rules to Include the Following Resolution. Motion Carried.
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## 1. RESOLUTION 2010-431

### Authorize the Supervisor to Execute the Initial Project Proposal for Funding for Rehabilitation of the Rein Road Bridge

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, federal funding under the Highway Bridge Rehabilitation and Replacement Program (HBRRP) is available to replace and rehabilitate public highway bridges providing 80% federal share and requiring a 20% local share match, which program is administered locally by the New York State Department of Transportation, AND

WHEREAS, the Rein Road Bridge over Ellicott Creek, BIN 2212970, owned and maintained by the Town, is in need of structural rehabilitation and qualifies for funding under the HBRRP Program, AND

WHEREAS, the Town desires to pursue HBRRP Program funding for the rehabilitation of the Rein Road Bridge, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute and submit the Initial Project Proposal (IPP) to the New York State Department of Transportation for HBRRP funding consideration.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

## V. Communications

### A. Departmental Communications

1. 2010 Town of Cheektowaga Board of Assessment Review Hearings
2. Quarterly Report Town of Cheektowaga Emergency Services Report - April to June, 2010
3. Minutes: Cheektowaga Conservation Advisory Council - July 1, 2010
4. Minutes: Cheektowaga Planning Board - July 8, 2010

## ***B. General Communications***

1. Summons: HSBC Mortgage Corporation (USA) F/K/A Marine Midland Mortgage Corporation, Premises 13 Donlen Road Vs. Donald A. Stoklosa, Kathy A. Stoklosa, Household Finance Realty Corporation of New York, the Town of Cheektowaga
2. Notice of Claim: Joshua Atzrott Vs. the Town of Cheektowaga
3. Notice of Claim: Irene Schmigiell Vs. the Town of Cheektowaga
4. Notice of Petition: DDR MDT Union Consumer Square, LLC Vs. Assessor of the Town of Cheektowaga and the Town of Cheektowaga, County of Erie, New York
5. Notice of Petition: Aldi Inc. Vs. Assessor of the Town of Cheektowaga and the Town of Cheektowaga, County of Erie
6. Petition: J. Beard/Neighbors of Pine Ridge Road, Doat Street and Hoerner Avenue Regarding Loud Noise

## **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.  
Meeting ended at 7:15 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

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: June 1, 2010

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 26, 2010 in the Town Hall Council Office Conference Room. Absent: Highway representative.

**ITEM 1     Dingens Street (East of 609 Dingens)     Proposed rezoning from R to C  
for 12,000 s.f. office building**

**Applicant: Robert Shackleton & Boy**

The developer insists he must have a driveway to Dingens as he is unable to reach any agreement with the adjacent owner on moving and consolidating driveways. His proposed driveway was moved further west on the lot to utilize a less steep area for access. The Traffic Safety Commission has not reviewed this proposal and will review it as well as other options. We have recommended to the applicant that a traffic consultant review the situation.

The public hearing will be held June 7<sup>th</sup> and the public will have an opportunity to speak.

This item will remain tabled for further review and comment.



**EAC- May 26, 2010  
June 1, 2010  
Page 2**

**ITEM II    123 Buell    Proposed rezoning from R to C for parking lot expansion  
At an existing hotel  
Applicant: Robert Shackleton & Boy**

The public hearing was held on May 17<sup>th</sup> and the most important concern of neighbors was screening from headlights and for privacy. Along the south line a solid fence, a minimum of 5', will be erected. Along Buell, a low berm, with staggered pines and other planting enhancements will be established in a 25' wide area.

The committee would recommend a negative declaration be issued for this project subject to final approval of the landscaping by the Planning Board and drainage plan by the Town Engineer.

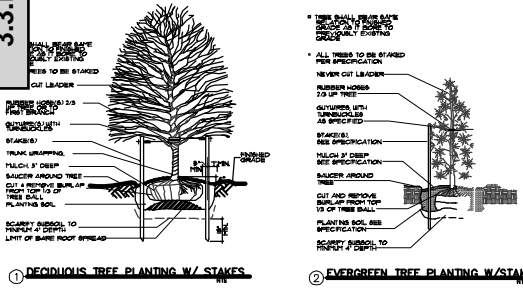
**ITEM III    3901 Genesee    Proposed rezoning from C to M1 of an existing  
office building  
Applicant: 1025 Group, LLC**

The entire property is surrounded by state highways (Genesee St. and the expressway) and therefore is not impacting any neighbor, residential or commercial. The business intending to move in will occupy 11,000 s.f. and stocks, finishes and repairs office furniture. A public hearing was held on May 17<sup>th</sup> with no comment made.

The committee would recommend a negative declaration be issued for the proposal subject to the final approval of enhanced landscaping by the Planning Board.

**THE NEXT MEETING OF THE  
ENVIRONMENTAL ADVISORY COMMITTEE  
WILL BE HELD WEDNESDAY,  
JUNE 16, 2010  
AT 10:00 A.M.  
IN THE COUNCIL OFFICE CONFERENCE  
ROOM**

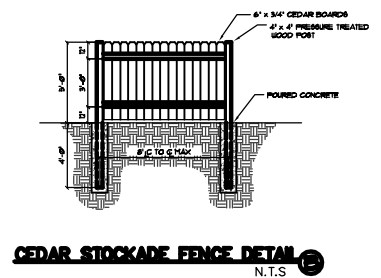
3.3.b



**NEW PARKING LOT & DRIVEWAY PLANTING**  
(TO MATCH EXISTING)

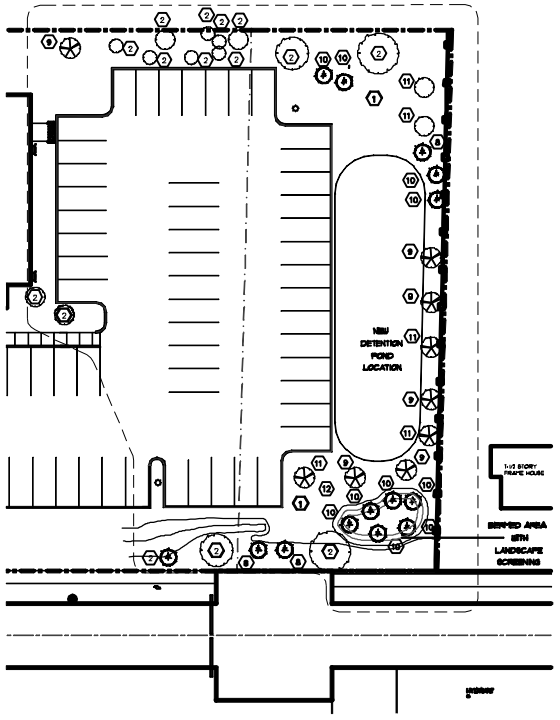
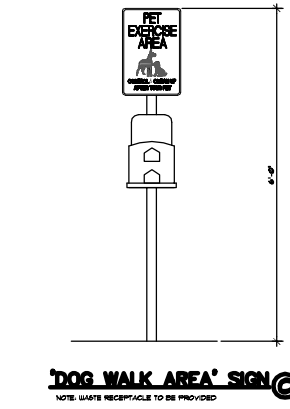
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
	Acer rubrum	RED MAPLE	2 1/2" CALIPER	4
	Prunus virginiana 'Obovata'	COLORED BLUE SPRUCE	8'-10" HT.	10

**GRASS SEED MIX FOR ALL LAWN AREAS**  
ALL UNGRAFFED AREAS ARE TO RECEIVE SIX INCHES OF TOPSOIL, SEED, MULCH AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.  
--60% NASSAU KENTUCKY BLUEGRASS (MIN. PURITY = 95%, MIN. GERM = 90%)  
--15% GERMINE KENTUCKY BLUEGRASS (MIN. PURITY = 90%, MIN. GERM = 90%)  
--15% DAN I KENTUCKY BLUEGRASS (MIN. PURITY = 90%, MIN. GERM = 90%)  
--10% PATRIOT II PERENNIAL RYEGRASS (MIN. PURITY = 90%, MIN. GERM = 90%)  
SOW SEED AT 4 LB. PER 1000 SF.

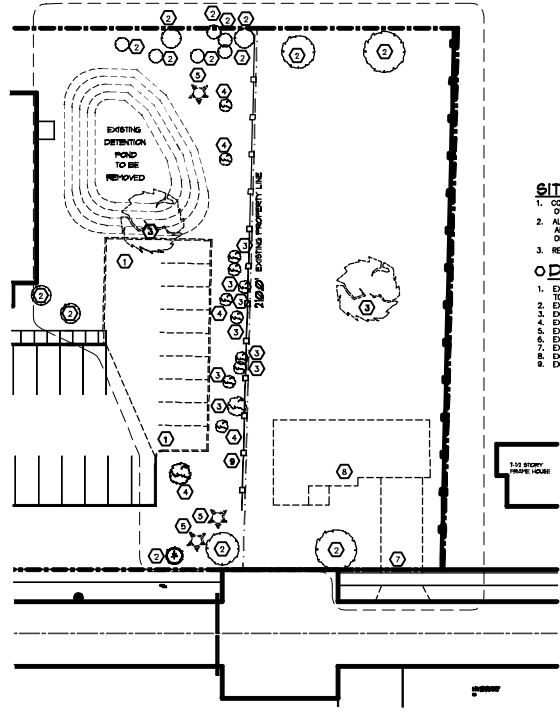


**LANDSCAPE DETAILS**

- LANDSCAPE NOTES**
- CLEAN AND GRUB ALL TREES SHOWN TO BE REMOVED. ALL MATERIALS SHALL BE COMPOSED OF OFF OF THE SITE.
  - NEW PLANT MATERIAL SHALL CONFORM TO THE CURRENT RULES OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
  - ALL DAMAGED AND/OR DISBURSED AREAS REMAINING AFTER CONSTRUCTION IS COMPLETED SHALL RECEIVE 2\"/>



**LANDSCAPE PLAN**  
SCALE: 1" = 20'-0"



**LANDSCAPE DEMO. PLAN**  
SCALE: 1" = 20'-0"

- SITE DEMOLITION NOTES**
- CONTRACTOR SHALL COORDINATE START-UP AND DEMOLITION ACTIVITIES WITH OWNER.
  - ALL EXISTING UTILITIES SERVING THIS SITE THAT ARE NOTED TO BE TERMINATED/ REMOVED, SHALL BE DONE SO IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE UTILITY COMPANY HAVING JURISDICTION.
  - REFER TO SITE DRAWINGS BY APEX FOR COMPLETE DEMOLITION NOTES.
- DEMOLITION KEY**
- EXISTING ASPHALT PARKING AND CONCRETE CURBS TO BE REMOVED IN ITS ENTIRETY
  - EXISTING TREE TO REMAIN
  - EXISTING DECIDUOUS TREE TO BE REMOVED
  - EXISTING DECIDUOUS TREE TO BE RELOCATED
  - EXISTING EVERGREEN TREE TO BE RELOCATED
  - EXISTING DECIDUOUS TREE TO BE RELOCATED
  - EXISTING DRIVEWAY TO BE REMOVED IN ITS ENTIRETY.
  - EXISTING FRAME HOUSE TO BE REMOVED IN ITS ENTIRETY
  - EXISTING FENCE TO BE REMOVED IN ITS ENTIRETY

- LANDSCAPE KEY**
- LANDSCAPED AREA
  - EXISTING TREE TO REMAIN
  - EXISTING DECIDUOUS TREE TO BE REMOVED
  - EXISTING DECIDUOUS TREE TO BE RELOCATED
  - EXISTING EVERGREEN TREE TO BE RELOCATED
  - EXISTING DECIDUOUS TREE TO BE RELOCATED
  - EXISTING DRIVEWAY TO BE REMOVED IN ITS ENTIRETY.
  - RELOCATED EVERGREEN
  - NEW DECIDUOUS TREE
  - NEW EVERGREEN
  - RELOCATED DECIDUOUS TREE
  - SIGN FOR DESIGNATED DOG WALK AREA
  - BERMED AREA SHALL HAVE A 3:1 SLOPE MAX. (OFT. HEIGHT)

**APEX CONSULTING**  
SURVEYING - ENGINEERING - LANDSCAPE ARCHITECTURE

**ROBERT'S SHACKLETON BOY**  
ARCHITECTS AND ENGINEERS  
131 BUELL AVENUE, SUITE 100  
CHEEKTOWAGA, NY 14225  
TEL: 716.835.1111  
WWW.RSBOY.COM

**HOLIDAY INN EXPRESS PARKING LOT EXPANSION**  
131 BUELL AVENUE  
CHEEKTOWAGA, NEW YORK 14225

Project No: 102  
Drawing No: LS-1

DATE: JULY 12, 2010

PROJECT NO: 102  
CHECKED BY: JLB  
DATE: 7/12/10  
PROJECT: 102  
DRAWN BY: JLB  
DATE: 7/12/10

Scale: 1" = 20'-0"



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, August 2, 2010

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on August 2, 2010 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  
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 2010-432

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 30, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$3,431,082.57
RISK RETENTION FUND	80,001.59
NYS HOME PROGRAM	666.18
DEBT SERVICE FUND	440,462.98
HUD HOUSING REHABILITATION FUND	5,934.00
SPECIAL DISTRICTS FUND	1,223,278.86
HIGHWAY FUND	652,811.09
CAPITAL FUND	1,026,011.42
TRUST & AGENCY FUND	42,326.30
HUD CDBG FUND	25,322.63
PART TOWN FUND	196,040.85
NYS AFFORDABLE HOUSING	7,334.00
	<u>\$7,131,272.47</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2010-433

Call for Public Hearing - Repeal Air Pollution Law

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga, on July 7, 1958, adopted an Air Pollution Ordinance, f/k/a Ordinance No. 26 - Air Pollution Rules and Regulations and Fee Schedule (Chapter 48 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the Town of Cheektowaga no longer has a Health Officer, and many of the other provisions of this law are either handled by the Erie County Health Department or are covered by the Codes of the State of New York, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Air Pollution 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 16th day of August, 2010 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 48 of the Code of the Town of Cheektowaga ("Air Pollution Ordinance") shall be repealed in its entirety, 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

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NOTICE OF HEARING
ON PROPOSAL TO REPEAL
CHAPTER 48 OF THE CODE OF THE TOWN OF CHEEKTOWAGA
("AIR POLLUTION 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 2nd day of August, 2010, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 16th day of August, 2010 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 48 of the Code of the Town of Cheektowaga ("Air Pollution Ordinance") should be repealed in its entirety.

A copy of the entire text of the existing Chapter 48 of the Code of the Town of Cheektowaga ("Air Pollution Ordinance") 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: August 2, 2010

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Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**3. RESOLUTION 2010-434**

**Call for Public Hearing - Repeal Excavations Law**

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga, on June 28, 1948 and June 18, 1934, adopted an Excavations Ordinance, f/k/a Ordinance No. 16- Regulating Sand Bank and Gravel Pits, Topsoil Removal and Other Excavations; and Ordinance No. 5 - Quarry, Pits and Excavations (Chapter 111 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the provisions of this law are either covered by State Law, the Codes of the State of New York or other Town laws, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Excavations 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 16<sup>th</sup> day of August, 2010 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 111 of the Code of the Town of Cheektowaga ("Excavations Ordinance") shall be repealed in its entirety, 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

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**NOTICE OF HEARING  
ON PROPOSAL TO REPEAL  
CHAPTER 111 OF THE CODE OF THE TOWN OF CHEEKTOWAGA  
("EXCAVATIONS 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 2nd day of August, 2010, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 16<sup>th</sup> day of August, 2010 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 111 of the Code of the Town of Cheektowaga ("Excavations Ordinance") should be repealed in its entirety.

A copy of the entire text of the existing Chapter 111 of the Code of the Town of Cheektowaga ("Excavations Ordinance") 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: August 2, 2010

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Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





**4. RESOLUTION 2010-435**

**Call for Public Hearing - Repeal of Gasoline and Other Flammable Liquids Law**

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga, on August 6, 1962, adopted a Gasoline and Other Flammable Liquids Ordinance, f/k/a Ordinance No. 33 - Underground Storage of Gasoline and Other Flammable Liquids (Chapter 135 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the provisions of this law are either covered by the Codes of the State of New York or other Town laws, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Gasoline and Other Flammable Liquids 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 16<sup>th</sup> day of August, 2010 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 135 of the Code of the Town of Cheektowaga ("Gasoline and Other Flammable Liquids Ordinance") shall be repealed in its entirety, 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

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**NOTICE OF HEARING  
ON PROPOSAL TO REPEAL  
CHAPTER 135 OF THE CODE OF THE TOWN OF CHEEKTOWAGA  
("GASOLINE AND OTHER FLAMMABLE LIQUIDS 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 2nd day of August, 2010, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 16<sup>th</sup> day of August, 2010 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 135 of the Code of the Town of Cheektowaga ("Gasoline and Other Flammable Liquids Ordinance") should be repealed in its entirety.

A copy of the entire text of the existing Chapter 135 of the Code of the Town of Cheektowaga ("Gasoline and Other Flammable Liquids Ordinance") 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: August 2, 2010

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Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2010-436

Call for Public Hearing - Repeal Vending Machine Law

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga, on March 16, 1964, adopted a Vending Machines, Milk and Ice Ordinance, f/k/a Ordinance No. 36- Coin Operated Milk and Ice Vending Machines (Chapter 245 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, this law is no longer needed, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Vending Machines, Milk and Ice 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 16th day of August, 2010 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 245 of the Code of the Town of Cheektowaga ("Vending Machines, Milk and Ice Ordinance") shall be repealed in its entirety, 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

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NOTICE OF HEARING
ON PROPOSAL TO REPEAL
CHAPTER 245 OF THE CODE OF THE TOWN OF CHEEKTOWAGA
("VENDING MACHINES, MILK AND ICE 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 2nd day of August, 2010, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 16th day of August, 2010 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 245 of the Code of the Town of Cheektowaga ("Vending Machines, Milk and Ice Ordinance") should be repealed in its entirety.

A copy of the entire text of the existing Chapter 245 of the Code of the Town of Cheektowaga ("Vending Machines, Milk and Ice Ordinance") 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: August 2, 2010

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Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-437

### Call for Public Hearing - a Local Law Relating to Alarm Systems

**Sponsored By:** Zydel, Holtz, Jaworowicz

WHEREAS, many businesses and residents in the Town of Cheektowaga utilize burglar and fire alarms to protect their property, and

WHEREAS, on a number of occasions, these alarms go off due to negligence on behalf of the property owner or a defective alarm, and

WHEREAS, each time the alarms are activated, the Town of Cheektowaga Police Department and/or volunteer fire company respond to the alarm, only to find out it is a false alarm, and

WHEREAS, there are a number of repeat offenders and something needs to be done to give the property owner or lessee an incentive to correct the problem, and

WHEREAS, the Petitions Committee, Police Department, Building Inspector and Town Attorney have met to draft a local alarm to address this issue, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law Relating to Alarm Systems", NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 16th day of August, 2010 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. 2010-2 of the Year 2010, entitled "A Local Law Relating to Alarm Systems" 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 16th day of August, 2010 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2010-2 of the Year 2010, entitled "A Local Law Relating to Alarm Systems". A summary of such Local Law is as follows:

#### LOCAL LAW INTRO NO. 2010-2 OF THE YEAR 2010

**A LOCAL LAW RELATING TO ALARM SYSTEMS**

The purpose of this law is to reduce the number of avoidable alarms requiring a response from a fire department or Town of Cheektowaga Police Department to lessen the burden on such governmental agencies. Owners and lessees of properties will be held accountable for avoidable alarms, as defined in said law.

Fines shall be paid for more than three (3) avoidable alarms in a calendar year.

An administrative review process will be available to contest whether an alarm was an avoidable alarm.

Violations of this law may also result in fines up to \$1,000.00.

A copy of the entire text of Local Law Intro No. 2010-2 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: August 2, 2010

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**7. RESOLUTION 2010-438**

**Notice to Bidders - Asbestos Survey for 89 Henry Street**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Fire Inspector and Managing Housing Inspector and Nussbaumer & Clarke, Inc. issued written reports stating that the single-family residence located at 89 Henry Street 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 7th day of June, 2010 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, Nussbaumer & Clarke, Inc. 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 89 Henry Street, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Request for Proposals in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Asbestos Survey, Specifications and Air Monitoring Services for 89 Henry Street shall be due no later than August 11, 2010 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 August 11, 2010 at 11:00 a.m.

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**REQUEST FOR PROPOSALS  
FOR  
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES  
FOR PROPERTY LOCATED AT 89 HENRY STREET, 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 89 Henry Street, 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 August 11, 2010 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: August 2, 2010

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 8. RESOLUTION 2010-439

### Accept Site Plan - 1449 French 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 Tully's Goodtimes for the establishment of an exterior dining area at 1449 French Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 8, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-440

### Accept Site Plan - 1849 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 Reimann & Georger Corp. for the construction of a 2,757 square foot building addition at 1849 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 8, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer approving a grading/storm drainage plan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-441

### Minor Demolition/35 Gary Lane

**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 35 Gary Lane, Cheektowaga, New York SBL# 125.12-1-35 that is a danger to the safety of others, and records kept by the Assessors Office identify Dennis R. Hodur & Wife, 200 Arthur Musarra Parkway, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 35 Gary 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-442

### Unsafe-Unsecured/101 Bernice 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 101 Bernice Drive, Cheektowaga, New York SBL# 103.05-8-21 that is a danger to the safety of others, and records kept by the Assessors Office identify Secretary of Veterans Affairs, 111 W. Huron Street, Buffalo, New York 14202, as the owner AND

WHEREAS, an inspection of such premises was conducted at 101 Bernice Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-443

### Authorize Purchase of Blacktop for Repaving Tennis and Roller Hockey Courts at Stiglmeier Park Under New York State Contract

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Facilities Department has requested authorization to purchase blacktop required by Northeast Paving, Inc., for repaving of the tennis and roller hockey courts at Stiglmeier Park; and

WHEREAS, it is estimated that approximately 240 tons of said material will be needed for the work at a cost of \$63.00 per ton, for a total of approximately \$15,120.00; and

WHEREAS, under New York State OGS Contract No. 290225-00440401, Buffalo Crushed Stone, Inc., is an authorized/local vendor from whom said blacktop can be purchased; and

WHEREAS, funds for said purchase are available from grant monies from the Dormitory Authority of the State of New York; NOW, THEREFORE, BE IT

RESOLVED, that the purchase of approximately 240 tons (more or less) of blacktop from Buffalo Crushed Stone, Inc., 500 Como Park Boulevard, Cheektowaga, New York, the approximate total cost of \$15,120.00 (more or less depending upon actual amount needed and escalation and de-escalation changes as per State contract), is hereby authorized, subject to further approval of the Town Attorney and Director of Finance; and BE IT FURTHER

RESOLVED, that available grant funds received for this project shall be appropriated from Account Numbers 500-7110-2525-5022 and 500-7110-2527-5022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 13. RESOLUTION 2010-444

## Authorize Purchase of Blacktop for Repaving Tennis and Basketball Courts at Dartwood Park Under New York State Contract

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Facilities Department has requested authorization to purchase blacktop required by Northeast Paving, Inc., for repaving of the tennis and basketball courts at Dartwood Park; and

WHEREAS, it is estimated that approximately 310 tons of said material will be needed for the work at a cost of \$63.00 per ton, for a total of approximately \$19,530.00; and

WHEREAS, under New York State OGS Contract No. 290225-00440401, Buffalo Crushed Stone, Inc., is an authorized/local vendor from whom said blacktop can be purchased; and

WHEREAS, funding is available for said purchase from account number 100-7110-4451; NOW, THEREFORE, BE IT

RESOLVED, that the purchase of approximately 310 tons (more or less) of blacktop from Buffalo Crushed Stone, Inc., 500 Como Park Boulevard, Cheektowaga, New York, for the approximate total cost of \$19,530.00 (more or less depending upon actual amount needed and escalation and de-escalation changes as per State contract), is hereby authorized, subject to further approval of the Town Attorney and Director of Finance; and BE IT FURTHER

RESOLVED, that funds shall be appropriated from Account Number 100-7110-4451.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-445

### Accept Proposal to Resurface Stiglmeier Park Tennis and Roller Hockey Courts

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, through the efforts of Assemblyman Dennis H. Gabryszak, the Town was awarded a grant from the Dormitory Authority of the State of New York for the repaving of the tennis and roller hockey courts at Stiglmeier Park; and

WHEREAS, the Parks Division of the Facilities Department issued a Request for Proposals to Repave Two Tennis Courts/One Roller Hockey Court at Stiglmeier Park, and three proposals were received, reviewed, and tabulated by the General Crew Chief; and

WHEREAS, after said review, analysis and tabulation, the it has been determined that the proposal of Northeast Paving, in the amount of \$30,940.00 is the lowest proposal received which meets all the requirements set forth in the Request for Proposals, and the General Crew Chief of the Facilities Department has recommended that said proposal be accepted; NOW THEREFORE, BE IT

RESOLVED, that the proposal of Northeast Paving, Division of Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York, 14086, dated July 19, 2010 for labor and materials specified in their proposal for the repaving of the tennis and roller hockey courts at Stiglmeier Park, for the sum of \$30,940.00, is hereby approved and accepted; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that grant funds received for this project shall be appropriated from Account Numbers 500-7110-2525-5022 and 500-7110-2527-5022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-446

### Accept Proposal to Resurface Dartwood Park Tennis and Basketball Courts

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Parks Division of the Facilities Department issued a Request for Proposals to Repave Three Tennis Courts/One Basketball Court at Dartwood Park, and three proposals were received, reviewed, and tabulated by the General Crew Chief; and

WHEREAS, after said review, analysis and tabulation, it has been determined that the proposal of Northeast Paving, in the amount of \$31,880.00 is the lowest proposal received which meets all the requirements set forth in the Request for Proposals, and the General Crew Chief of the Facilities Department has recommended that said proposal be accepted; and

WHEREAS, funding is available in Account 100-7110-4451 for said repaving work; NOW THEREFORE, BE IT

RESOLVED, that the proposal of Northeast Paving, Division of Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York, 14086, dated July 19, 2010 for labor and materials specified in their proposal for the repaving of the tennis courts and basketball courts at Dartwood Park, for the sum of \$31,880.00, is hereby approved and accepted; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that monies for this expense shall be appropriated from Account Number 100-7110-4451.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 16. RESOLUTION 2010-447

### Accept Proposal for Stiglmeier Park Tennis and Roller Hockey Court Fencing

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, through the efforts of Assemblyman Dennis H. Gabryszak, the Town was awarded a grant from the Dormitory Authority of the State of New York for fencing of the tennis and roller hockey courts at 810 Losson Road; and

WHEREAS, the Parks Division of the Facilities Department issued a Request for Proposals for Tennis Courts/Roller Hockey Court Fencing at 810 Losson Road (Stiglmeier Park), and three proposals were received, reviewed, and tabulated by the General Crew Chief; and

WHEREAS, after said review, analysis and tabulation, the it has been determined that the proposal of Excel Fence, Inc. in the amount of \$13,809.00 is the lowest proposal received which meets all the requirements set forth in the Request for Proposals, and the General Crew Chief of the Facilities Department has recommended that said proposal be accepted; NOW THEREFORE, BE IT

RESOLVED, that the proposal of Excel Fence, Inc., 433 Geise Road, Darien Center, New York, 14040, dated May 19, 2010 for labor and materials specified in their proposal for the fencing of the tennis and roller hockey courts at 800 Losson Road (Stiglmeier Park), for the sum of \$13,809.00, is hereby approved and accepted; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that grant funds received for this project shall be appropriated from Account Numbers 500-7110-2525-5022 and 500-7110-2527-5022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-448

### Authorize Online Auction of Surplus Vehicles

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 agreement, a copy of which is attached hereto; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the submitted agreement, to conduct a sale of the surplus Town vehicles and equipment identified as follows 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 agreement and any and all documents that may be required to effectuate the sale and transfer of said vehicles and equipment.

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#### AUCTION 2010 - VEHICLES

#	YEAR - MAKE - MODEL	VIN	MILEAGE	DEPT.
1	1998 MERC SABLE	1MEFM50U2WA620929	87,487	POLICE 66
2	1998 FORD TAUR	1FAFP52UXWA176243	79,773	POLICE 46
3	1995 FORD VAN	1FBHE31H7SCH17760	170,797	SENIOR 93
4	2000 FORD C/V	2FAFP71W8YX173754	98,899	POLICE 60
5	2000 FORD C/V	2FAFP71W6YX173753	66,648	POOL 83
6	2004 FORD C/V	2FAHP71W94X157615	153,950	POLICE 49
7	1998 FORD TAUR	1FAFP52U0WA130016	85,572	POLICE 53
8	1997 FORD AEROSTAR	1FTDA14UXVZB32493	63,744	POOL 564
9	2001 CHEV EXPRESS VAN -	1GAGG25R011216738	214,938	SENIOR 334
10	1998 CHEV P/U	1GCGK24R4WZ214099	96,568	PARKS 131
11	1996 CHEV CAPRICE	1G1BL52P2TR137697	<u>103,000</u>	POLICE 88
12	1996 OLDS CIERA	1G3AJ55M6T6409485	<u>42,000</u>	POOL 550

13	1998 FORD TAURUS	1FAFP52U4WA117947	<u>97,000</u>	POLICE 59
14	2005 FORD C/V	2FAHP71W05X149940	<u>145,000</u>	POLICE 13
15	2003 FORD	C/V 2FAHP71W43X221607	<u>103,000</u>	POLICE 45
16	2007 FORD C/V	2FAFP71W77X145497	<u>112,325</u>	POLICE 42
17	1995 FORD VAN	1FBHE31H6SHB66218	<u>164,617</u>	SENIOR 91
18	1997 DODGE VAN	2B5WB35Z6VK530553	25,061	Y&R 153
19	1994 FORD STAKE	2FDKF37H6RCA37334	56,820	PARKS 123
20	1989 PETE PACKER	1XPZL50XXKD703964	<u>295,380</u>	SAN 33
21	UNK	UNK OFFICE TRAILER	NONE FOUND	POLICE

**EQUIPMENT**

22	1990 kreonite promate color paper processor TTF 215-47 MOD# CP26PM RA4	obsolete (POLICE))
23	Energy Logic Black Gold Sun2 waste oil heater 160,000 BTU 115 VAC	(SANITATION)

\*Underlined mileages are approximate.

**ATTACHMENTS:**

ONLINE AUCTION AGREEMENT (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-449

### 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 as immediately:

Recreation Aide to Recreation Attendant - 7140.1630 - \$7.25 - Regular Part-time

Jada Love  
Melanie Mikolajczyk

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for the Following Three (3) Resolutions: 2010-449; 2010-450; and 2010-451. Motion Carried

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



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**19. RESOLUTION 2010-450**

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**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:

Jeremy Ross	6/8/10	14227
Kara Watson	6/25/10	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2010-451

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT Clerk \$7.75/hour effective 8/2/10  
Jennifer L. Kubala, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

POLICE DEPARTMENT  
Ashley Kornecki effective 6/11/10  
Mary Ellen Lewis effective 3/24/05  
Debra Smith effective 7/27/07  
Deborah Kraus effective 5/5/10

SENIOR SERVICES  
Patricia E. Somogye effective 6/16/10

MAIN PUMP STATION  
Ronald Strong effective 7/23/10

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-452

### Termination of Probationary Police Officer

**Sponsored By:** Jaworowicz, Rogowski, Holtz, Swiatek, Zydel, Markel, Kaznowski

WHEREAS, by resolution dated January 4, 2010, Julianne Astyk was appointed on a probationary basis to the position of police officer, effective January 14, 2010, and

WHEREAS, Ms. Astyk has been unsuccessful in completing her probationary term, thus cannot continue to be a police officer for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Julianne Astyk be and hereby is terminated from her position as police officer for the Town of Cheektowaga, effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-453

### Appointment of Clerk (Competitive/Temporary) Sanitation Department/Sharon A. Kotrys

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the Sanitation Department; AND

WHEREAS, Sharon A. Kotrys, currently a part-time Clerk in the Sanitation Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Sharon A. Kotrys of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk 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 July 19, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 23. RESOLUTION 2010-454

### Appointment of Three (3) Laborers (Labor/Permanent) Sanitation Department/Todd Stucke, Andrew Wastchak and Jeffrey Lempko

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, three (3) vacancies exist in the title of Laborer in the Sanitation Department;  
AND

WHEREAS, notice of said vacancies have been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Todd Stucke, currently employed as a General Mechanic in the Facilities Department, bid on said vacancies and meets the necessary qualifications for appointment; AND

WHEREAS, no other bargaining unit member bid on said vacancies; AND

WHEREAS, the following individuals applied for said vacancies and meet the necessary qualifications for appointment:

- Andrew Wastchak of Cheektowaga, New York
- Jeffrey Lempko of Cheektowaga, New York

NOW, THEREFORE BE IT

RESOLVED, that the aforementioned individuals be and hereby are 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 August 3, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**24. RESOLUTION 2010-455****Appointment of Two (2) Motor Equipment Operator-B's (Non Competitive/Permanent) Sanitation Department/Greg McManus and James Eckel**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Motor Equipment Operator - B in the Sanitation Department; AND

WHEREAS, notice of such vacancies have been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Greg McManus, currently employed as a Laborer in the Sanitation Department and James Eckel, currently employed as a Laborer in the Sanitation Department, bid on said vacancies and meet the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Greg McManus of Cheektowaga, New York, and James Eckel of Cheektowaga, New York be and hereby are 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 August 3, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**25. RESOLUTION 2010-456****Appointment of Laborer (Labor/Permanent) Highway  
Department/Adam Berez**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Laborer in the Highway Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Adam Berez, currently employed as a temporary Laborer in the Highway Department, applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Adam Berez 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 August 3, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2010-457

### Travel Authorization (Office of Community Development)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, an IDIS Financial Management System training is being held August 25-27, 2010 in Columbus, Ohio; AND

WHEREAS, Diane Farugia, Community Development Aide, has requested authorization to attend said training; AND

WHEREAS, Jerome Gabryszak, Director of Community Development, 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 \$625.80; AND

WHEREAS, these expenses have been budgeted by the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that Diane Farugia, Community Development Aide, be and hereby is authorized to attend the IDIS Financial Management System training being held August 25-27, 2010 in Columbus, Ohio.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Waive the Rules to Include the Following Four (4) Resolutions: 2010-458; 2010-459; 2010-460; and 2010-461. Motion Carried.
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## 1. RESOLUTION 2010-458

### Hire Actuary for GASB 45 Calculation

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement #45 requiring governments to account for other post employment benefits, and

WHEREAS, this statement requires an actuarial valuation be performed of the Town's post retirement health care benefits by fiscal year 2010, and

WHEREAS, the Town has received a professional services proposal from BPA-Harbridge Consulting Group to perform the necessary actuarial services to be in compliance with this GASB statement #45 and,

WHEREAS, this calculation requires accumulation of information which may require a significant amount of time in order for the actuary to perform the calculation, therefore be it

RESOLVED, that the Town engage BPA-Harbridge Consulting Group to perform the necessary actuarial services relating to the Town's post retirement health care benefits per their July 21, 2010 service agreement in the amount of \$10,200.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-459

### Acceptance by Town Board of Town of Cheektowaga Supervisory Unit Collective Bargaining Agreement

**Sponsored By:** Holtz, Markel, Jaworowicz, Zydel, Kaznowski, Swiatek, Rogowski

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit expired on December 31, 2008; AND

WHEREAS, negotiators for the Town and the Supervisory Unit have reached tentative agreement on a successor collective bargaining agreement; AND

WHEREAS, the Town has received notice from the Supervisory Unit that its unit members have ratified the tentative agreement; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the tentative agreement, as presented, for a successor collective bargaining agreement with the Town of Cheektowaga Supervisory Unit for the period January 1, 2009 through December 31, 2012; AND, BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the successor collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit for the period January 1, 2009 through December 31, 2012.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-460

## Award of Bid - Purchase of Electricity

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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, 2010, and

WHEREAS, by resolution dated July 19, 2010, this Town Board issued a Notice to Bidders for the purchase of electricity for the Years 2011 and/or 2012, and

WHEREAS, only one bid was received and opened on the 2nd day of August, 2010 at 11:00 a.m. at a public bid opening, and

WHEREAS, after review and analysis of said bid, the Director of Administration and Finance and Town Attorney have determined that said bid should be awarded to Integrys Energy Services of NY, Inc., the lowest responsible bidder meeting specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of electricity for the 2011 and 2012 be and hereby is awarded to Integrys Energy Services of NY, Inc. at a blended average rate per kilowatt hour as per its proposal or other similar rate(s) when refreshed as of August 3, 2010 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-461

### Clarification of Apprenticeship Policy

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, by resolutions dated February 23, 2004 and December 23, 2008, this Town Board adopted an apprenticeship requirement for certain public works projects proposed by the Town, and

WHEREAS, said resolutions need some clarification with respect to subcontractors,  
NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga apprenticeship requirement shall apply to subcontractors only when the value of the portion of the work being performed by such subcontractor is between \$1,000,000.00 and \$3,000,000.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - June 2010
2. Building Permits - July 2010
3. Minutes: Town Environmental Advisory Committee - July 21, 2010

### B. General Communications

1. Notice of Claim: Jessica M. Carney Vs. Town of Cheektowaga
2. Notice of Claim: Joseph A. Schroeder Vs. Town of Cheektowaga
3. Notice of Claim: Second Look Inc. Vs. Town of Cheektowaga
4. Notice of Petition: WP Walden Associates, LP Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
5. Notice of Petition: Target #1014 Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
6. Notice of Petition: Carl Hasselback, Philip Hasselback, White Arrow Service Stations, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga



7. Notice of Petition: Upstate Niagara Cooperative, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
8. Notice of Petition: Buffalo RHM Operating, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
9. Notice of Petition: BD Assurance Co., Ltd, Sperian Protective Gloves USA, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
10. Notice of Petition: DDR MDT Union Consumer Square, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
11. Notice of Petition: DDR MDT Union Road Plaza LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
12. Notice of Petition: DDR MDT Cheektowaga Walden Place LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
13. Notice of Petition: Gibraltar Steel Corporation Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
14. Notice of Petition: Harlequin Sales Corporation Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
15. Notice of Petition: International Paper Company Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
16. Notice of Petition: ITT Standard Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
17. Notice of Petition: Rite Aid of New York #1500 Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
18. Notice of Petition: C & S Wholesale Grocers Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
19. Notice of Petition: Jetro Holdings (Restaurant Depot) Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
20. Notice of Petition: Rite Aid of New York #1674 Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
21. Notice of Petition: Commercial Net Lease Realty #515 Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
22. Notice of Petition: US Foodservice Corporation Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
23. Notice of Petition: HAR-WAL Associates & BG Thruway, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
24. Notice of Petition: MM BELL TOWERS OF ERIE LLC AND KQ BELL TOWERS OF ERIE LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
25. Notice of Petition: Niagara Mohawk Power Corporation DbA National Grid Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga

26. Notice of Petition: Benderson Harlem Associates, LP; Ronald Benderson and David H. Baldauf as Trustees Under a Trust Agreement Dated April 4, 1968 (Aka the Benderson Family Trust), Ronald Benderson, Randall Benderson and David H. Baldaufas Trustees Under a Trust Agreement Dated October 14, 1985 Known as the Benderson 85-1 Trust, Delta-Sonic Car Wash Systems, Inc, W & D Management Associates, LP (Aka Walden - Dick Associates, Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
27. Notice of Petition: Marygold Manor, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
28. Notice of Petition: Murray Roofing Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
29. Notice of Petition: Keller Chevrolet, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
30. Notice of Petition: Lorenz & Sons, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
31. Notice of Petition: Garden Village Apartments, LP. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
32. Notice of Petition: Gold Seal Equity Partnership Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
33. Notice of Petition: American Tower, Inc Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
34. Notice of Petition: Walden Princeton, LLC. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
35. Notice of Petition: Public Storage, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
36. Notice of Petition: Noco Energy Corp. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
37. Notice of Petition: Barrett T.B., Inc. Aka 3730 Union Road Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
38. Notice of Petition: Noco Energy Corp. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
39. Notice of Petition: McDonald's Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
40. Notice of Petition: Barrett T.B. Inc. Aka 4940 Transit Road Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
41. Notice of Petition: Terry, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
42. Notice of Petition: Joseph A. Bueme Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga

43. Notice of Petition: Costanzo's Realty, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
44. Notice of Petition: Acquest Village Plaza, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
45. Notice of Petition: Williamstowne Apartments, LP Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
46. Notice of Petition: Key Bank Aka 1219 French Road Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
47. Notice of Petition: Key Bank Aka 2066 George Urban Blvd. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
48. Notice of Petition: Lancer Court Apartments Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
49. Notice of Petition: Custom Topsoil, Inc. Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
50. Notice of Petition: Boden, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
51. Notice of Petition: Michael Fronckowiak, Julie Fronckowiak Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
52. Notice of Petition: BFS Retail and Commercial Operations, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
53. Notice of Petition: Holland Motor Express Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
54. Notice of Petition: 124 Taylor Drive Co., LLC Vs. Assessor, the Board of Assessment Review and the 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 Jaworowicz to adjourn the meeting. Time of Adjournment is 7:18 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

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Tuesday, August, 10, 2010

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on August 10, 2010 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	

## II. Resolutions



## 1. RESOLUTION 2010-462

### Asbestos Services

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town is acquiring various vacant, deteriorated properties with Community Development Block Grant funds which the Town wishes to demolish with funding from the federal Neighborhood Stabilization Program, and

WHEREAS, an asbestos survey is required prior to demolition, in addition to asbestos related services, including preparation of specifications for asbestos removal prior to demolition if asbestos is found, and air quality monitoring services, and

WHEREAS, Sienna Environmental Technologies has submitted a proposal to the Community Development Office for said services, and

WHEREAS, the Community Development Director has recommended engaging the services of Sienna Environmental Technologies for said services, Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$8,818 with Sienna Environmental Technologies, LLC, 350 Elmwood Avenue, Buffalo, New York 14222 for asbestos related services pursuant to their proposals dated July 20, 2010, said amount to be paid from Community Development Block Grant funds.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2010-463

### Notice to Bidders - Demolition of 20 Randolph Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town has been awarded funds for the demolition of 20 Randolph Avenue which was acquired by the Town, and

WHEREAS, plans and specifications have been prepared for the demolition of said property, 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 20 Randolph Avenue, said notice to be published in the CHEEKTOWAGA BEE, the BUFFALO NEWS and the BUFFALO CRITERION, 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 September 1, 2010 at 11:00 A.M.

#### 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 September, 2010 at 11:00 A.M. local time, in the Town of Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, for the furnishing of labor, tools, equipment, materials and incidentals required for the Demolition of 20 Randolph Avenue, Cheektowaga, New York 14211.

Contract specifications may be examined and secured at the Town Clerk's Office at Cheektowaga Town Hall as of 10:00 A.M. on August 19, 2010.

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 (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.

The successful bidder will be required to furnish a performance bond acceptable to the Town, in an amount equal to the contract award.

Bidders of this work will be required to comply with federal requirements, including the President's Executive Order number 11246. The requirements for bidders and contractors under this order which concerns non-discrimination in employed are explained in the



specifications.

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, Cheektowaga, New York 14227, and marked as "Proposal for Demolition of 20 Randolph Avenue, Cheektowaga, New York."

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 law, are herewith reserved.

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 45 consecutive calendar days after start, to begin within forty-five (45) days after the "Order to Commence Work" has been issued.

By Order of the Town Board of the Town  
of Cheektowaga, Erie County, New York

Alice Magierski, Town Clerk

Dated: June 19, 2010

Published:

**ATTACHMENTS:**

NOTICE TO BIDDERS (DOC)

**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, August, 16, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on August 16, 2010 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  
Jerry Gabryszak, Director of Community Development  
Jeneen Lomando-McSkimming, Assessor  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Hearings

### 1. Repeal Air Pollution 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:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:** Stanley Kaznowski

### 2. Repeal Excavations 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:** Richard Zydel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:** Stanley Kaznowski

### 3. Repeal of Gasoline and Other Flammable Liquids 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:** Patricia Jaworowicz, Councilmember  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:** Stanley Kaznowski

### 4. Repeal Vending Machine 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:** James Rogowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:** Stanley Kaznowski

### 5. A Local Law Intro 2010-2 Relating to Alarm Systems

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed, decision was reserved.

**RESULT:**           **CLOSED [UNANIMOUS]**  
**MOVER:**           Patricia Jaworowicz, Councilmember  
**SECONDER:**       Charles Markel, Councilmember  
**AYES:**             Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:**          Stanley Kaznowski

### III. Resolutions



## 1. RESOLUTION 2010-464

### 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: 100.9501.9211 Bond Interest \$ 23,445.00

TO: 100.3120.2303 Police Vehicles \$ 23,445.00

HIGHWAY FUND

FROM: 300.1910.2665 Sale of Equipment \$ 20,958.04

TO: 300.5130.2407 Misc. Highway Equipment \$ 20,958.04

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 2. RESOLUTION 2010-465

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 13, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 529,085.74
RISK RETENTION FUND	13,169.57
HUD HOUSING REHABILITATION FUND	45,107.00
SPECIAL DISTRICTS FUND	358,128.77
HIGHWAY FUND	208,221.43
CAPITAL FUND	227,899.62
TRUST & AGENCY FUND	743.50
HUD CDBG FUND	19,004.21
PART TOWN FUND	108.87
NYS AFFORDABLE HOUSING	16,485.00
	<u>\$1,417,953.71</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



### 3. RESOLUTION 2010-466

## Decision - Repeal of Air Pollution Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga, on July 7, 1958, adopted an Air Pollution Ordinance, f/k/a Ordinance No. 26 - Air Pollution Rules and Regulations and Fee Schedule (Chapter 48 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the Town of Cheektowaga no longer has a Health Officer, and many of the other provisions of this law are either handled by the Erie County Health Department or are covered by the Codes of the State of New York, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Air Pollution 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 16<sup>th</sup> day of August, 2010 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 48 of the Code of the Town of Cheektowaga ("Air Pollution Ordinance") shall be repealed in its entirety, and BE IT FURTHER

WHEREAS, it is in the public interest to repeal the aforesaid Air Pollution Ordinance in its entirety, NOW, THEREFORE, BE IT

RESOLVED, that the Air Pollution Ordinance (Chapter 48 of the Code of the Town of Cheektowaga) be and hereby is repealed in its entirety, 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 16<sup>th</sup> day of August, 2010; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned repeal of the Air Pollution Ordinance shall take effect ten (10) days after such publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 4. RESOLUTION 2010-467

### Decision - Repeal Excavations Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga, on June 28, 1948 and June 18, 1934, adopted an Excavations Ordinance, f/k/a Ordinance No. 16- Regulating Sand Bank and Gravel Pits, Topsoil Removal and Other Excavations; and Ordinance No. 5 - Quarry, Pits and Excavations (Chapter 111 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the provisions of this law are either covered by the Codes of the State of New York or other Town laws, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Excavations 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 16<sup>th</sup> day of August, 2010 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 111 of the Code of the Town of Cheektowaga ("Excavations Ordinance") shall be repealed in its entirety, and

WHEREAS, it is in the public interest to repeal the aforesaid Excavations Ordinance in its entirety, NOW, THEREFORE, BE IT

RESOLVED, that the Excavations Ordinance (Chapter 111 of the Code of the Town of Cheektowaga) be and hereby is repealed in its entirety, 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 16<sup>th</sup> day of August, 2010; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned repeal of the Excavations Ordinance shall take effect ten (10) days after such publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski





## 5. RESOLUTION 2010-468

### Decision - Repeal Gasoline and Other Flammable Liquids Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga, on August 6, 1962, adopted a Gasoline and Other Flammable Liquids Ordinance, f/k/a Ordinance No. 33 - Underground Storage of Gasoline and Other Flammable Liquids (Chapter 135 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, the provisions of this law are either covered by the Codes of the State of New York or other Town laws, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Gasoline and Other Flammable Liquids 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 16<sup>th</sup> day of August, 2010 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 135 of the Code of the Town of Cheektowaga ("Gasoline and Other Flammable Liquids Ordinance") shall be repealed in its entirety, and

WHEREAS, it is in the public interest to repeal the aforesaid Gasoline and Other Flammable Liquids Ordinance in its entirety, NOW, THEREFORE, BE IT

RESOLVED, that the Gasoline and Other Flammable Liquids Ordinance (Chapter 135 of the Code of the Town of Cheektowaga) be and hereby is repealed in its entirety, 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 16<sup>th</sup> day of August, 2010; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned repeal of the Gasoline and Other Flammable Liquids Ordinance shall take effect ten (10) days after such publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 6. RESOLUTION 2010-469

### Decision - Repeal Vending Machines, Milk and Ice Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga, on March 16, 1964, adopted a Vending Machines, Milk and Ice Ordinance, f/k/a Ordinance No. 36- Coin Operated Milk and Ice Vending Machines (Chapter 245 of the Code of the Town of Cheektowaga) with amendments thereto, and

WHEREAS, this law is no longer needed, and

WHEREAS, Code Publishers and the Town of Cheektowaga Petitions Committee have recommended that this ordinance be repealed, and

WHEREAS, this Town Board desires to repeal the Vending Machines, Milk and Ice 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 16<sup>th</sup> day of August, 2010 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 245 of the Code of the Town of Cheektowaga ("Vending Machines, Milk and Ice Ordinance") shall be repealed in its entirety, and

WHEREAS, it is in the public interest to repeal the aforesaid Vending Machines, Milk and Ice Ordinance in its entirety, NOW, THEREFORE, BE IT

RESOLVED, that the Vending Machines, Milk and Ice Ordinance (Chapter 245 of the Code of the Town of Cheektowaga) be and hereby is repealed in its entirety, 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 16<sup>th</sup> day of August, 2010; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned repeal of the Vending Machines, Milk and Ice Ordinance shall take effect ten (10) days after such publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 7. RESOLUTION 2010-470

### Award of Bid - Asbestos Survey for 89 Henry Street

**Sponsored By:** Councilmember Markel, Supervisor Holtz

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 89 Henry Street has experienced extensive deterioration and damage, and the Fire Inspector and Nussbaumer & Clarke, Inc. determined that said building is unsafe and recommended that such building be demolished and removed, and

WHEREAS, by resolution dated May 17, 2010 (#2010-266), this Town Board ordered that the building located at 89 Henry Street 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 89 Henry Street, 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 89 Henry Street, 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 Town Attorney has recommended that this Town Board retain Sienna Environmental Technologies, LLC at the total flat fee of \$2,450.00 to perform said asbestos survey, specifications and project monitoring work with respect to 89 Henry Street, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Sienna Environmental Technologies, LLC, 350 Elmwood Avenue, Buffalo, New York 14222 to perform the necessary asbestos survey and abatement work (if necessary) for 89 Henry Street at the cost listed above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Sienna Environmental Technologies, LLC for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 0800-800-0440.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel

**ABSENT:** Stanley Kaznowski



## 8. RESOLUTION 2010-471

### Award Contract for Professional Services for Real Property Assessment Project

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the Town Assessor issued a Request for Proposals for professional services for a Real Property Reassessment Project for the Town of Cheektowaga, and

WHEREAS, three (3) proposals were submitted, and

WHEREAS, the Town Assessor and Town Attorney reviewed the proposals, and

WHEREAS, this Town Board interviewed the firms which submitted the proposals, and

WHEREAS, the Town Assessor has recommended that this Town Board retain the firm of Emminger Newton Pigeon & Magyar, Inc. based on its proposal and the credentials of its principals and employees, and'

WHEREAS, the proposal submitted by Emminger Newton Pigeon & Magyar, Inc. also stated that it would be partnering with Arrow Appraisal, Inc. and its owner, John Zukowski, MAI, SRA, IAO, for this project, NOW THEREFORE, BE IT

RESOLVED, that the proposal of Emminger Newton Pigeon & Magyar, Inc., 950A Union Road, Buffalo, New York 14224 for professional appraisal services for the Town of Cheektowaga Real Property Reassessment Project for three (3) years is hereby approved and accepted; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney and the Town Assessor; and BE IT FURTHER

RESOLVED, that the retention of Emminger Newton Pigeon & Magyar, Inc. for the Real Property Assessment Project for the Town of Cheektowaga shall commence on August 23, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 9. RESOLUTION 2010-472

### Accept Proposal for Stonework Cleaning at the Main Pump Station

**Sponsored By:** Councilmember Zydel, Councilmember Swiatek

WHEREAS, there is a need for stonework cleaning at the Main Pump Station, AND

WHEREAS, two (2) proposals were solicited and received from local building restoration contractors, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Ajax-Smith, Inc., 4000 River Road, Tonawanda, New York 14150, as submitted to the Main Pump Station for stonework cleaning, is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the proposal in the amount of \$4,230.00 for stonework cleaning at the Main Pump Station shall be chargeable to Account #255-8135-2512.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 10. RESOLUTION 2010-473

### Accept Proposal for Windows for the TCEA Union Office

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the former Sign Maintenance Department Building is to be improved and modified for office use by the Town of Cheektowaga Employees Association Union, AND

WHEREAS, three (3) proposals were solicited and received from window suppliers, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Classic Window and Door, 4540 Clinton Street, West Seneca, New York 14224 as submitted to the Engineering Department for the purchase of ten (10) window units is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the proposal in the amount of \$2,068.97 for windows for the TCEA Union Office renovation shall be chargeable to Account #500-1440-2520-5026.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 11. RESOLUTION 2010-474

### Accept Proposal for Wheelchair Lift Replacement at the Alexander Community Center

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, there is a need to replace the existing wheelchair lift at the main entrance of the Alexander Community Center with a unit having a capacity of 750 lbs, AND

WHEREAS, three (3) proposals were solicited and received from local suppliers of wheelchair lifts, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Belco Elevator & Lift, Inc., 2318 Stony Point Road, Grand Island, New York 14072, being the lowest cost proposal submitted to the Engineering Department to include the removal of the old chair lift and furnishing and installation of a new "Savaria, the Multilift, Acme Screw Drive Vertical Platform Lift" is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the proposal in the amount of \$6,400.00 shall be chargeable to Account #700-1010-0690.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski





## 12. RESOLUTION 2010-475

### Notice to Bidders - One (1) New and Unused Police Patrol Vehicle

**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 one (1) New and Unused 2010 Police Patrol Vehicle 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 by the Town Clerk on the 1st day of September, 2010 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.

\*\*\*\*\*

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, September 1st, 2010 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused police patrol vehicle as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) new police vehicle as listed in the bid specifications.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town or reject any or all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

Dated: August 16th, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 13. RESOLUTION 2010-476

### Notice to Bidders for Demolition of Dilapidated Properties

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, the Town has been awarded funds from the New York State Housing Finance Agency through the Neighborhood Stabilization Program for asbestos abatement and demolition of 20 Randolph Avenue, 23 Hoerner Avenue, 36 Euclid Avenue and 16 Randolph Avenue, and

WHEREAS, plans and specifications have been prepared for asbestos abatement and demolition of said properties, 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 asbestos abatement and demolition of 20 Randolph Avenue, 23 Hoerner Avenue, 36 Euclid Avenue and 16 Randolph Avenue, said notice to be published in the CHEEKTOWAGA BEE, the BUFFALO NEWS and the BUFFALO CRITERION, 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 September 1, 2010 at 11:00 A.M.

#### 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 September, 2010 at 11:00 A.M. local time, in the Town of Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, for the furnishing of labor, tools, equipment, materials and incidentals required for asbestos removal and Demolition of 20 Randolph Avenue, 23 Hoerner Avenue, 36 Euclid Avenue and 16 Randolph Avenue, Cheektowaga, New York 14211.

Contract specifications may be examined and secured at the Town Clerk's Office at Cheektowaga Town Hall as of 10:00 A.M. on August 19, 2010.

Information for bidders and specifications may be obtained from the Town Clerk at Cheektowaga Town Hall. Bidders of this work will be required to comply with federal requirements, including the President's Executive Order number 11246. The requirements for bidders and contractors under this order which concerns non-discrimination in employed are explained in the specifications.

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 law, are herewith reserved. 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.

By Order of the Town Board of the Town

of Cheektowaga, Erie County, New York

Alice Magierski, Town Clerk

Dated: August 16, 2010

**ATTACHMENTS:**

NOTICE TO BIDDERS-Asbestos Abatement & Demolition of 20 Randolph, 23 Hoerner, 36 Euclid & 16 Randolph (DOC)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Charles Markel, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:** Stanley Kaznowski



## 14. RESOLUTION 2010-477

### Accept Revised Site Plan - 1747 Dale 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 LBM Constructon, Inc. for the construction of a 25,259 square foot manufacturing/warehouse building at 1747 Dale Road, AND

WHEREAS, the applicant had previously submitted a site plan for the construction of a 36,000 square foot building at 1747 Dale Road, AND

WHEREAS, this Board on March 17, 2008 issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for said previous site plan, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 8, 2010 is recommending the approval of the revised site plan, AND

WHEREAS, this Board re-affirms the Negative SEQR Declaration previously issued on March 17, 2008, 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 and approving the grading/drainage plan.
2. The installation of a public walk along the Dale Road frontage as recommended by the Town Traffic Safety Commission.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 15. RESOLUTION 2010-478

### Special Event - Cheektowaga Oldtimers League 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, Cheektowaga Oldtimers League has made application to hold its Championship Games and Picnic at Stiglmeier Park on Sunday, August 22, 2010, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, Police Department and Youth and Recreation Department and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

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 Sunday, August 22, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 16. RESOLUTION 2010-479

### Approve Auction of Town Surplus Vehicles and Equipment

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the submitted contract, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at an on-line auction to be held on its website: and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute the aforementioned contract and any and all documents that may be required to effectuate the sale and transfer of all said vehicles and equipment.

\*\*\*\*\*

Year	Make	Model	VIN #	Miles	Fleet #
1993	Ford	F250	2FTHF25Y9PCA45002	59582	32
1989	Holder	C500 Slope Mower	41400632	NA	79
1994	TA Hauler	NA	1T9VF0816RW233039	NA	101
NA	Harder	Salt Spreader - 8' conveyor	NA	NA	19
NA	Harder	Salt Spreader - 11' conveyor	NA	NA	45

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Jeff Swiatek, Councilmember  
**SECONDER:**       Mary Holtz, Supervisor  
**AYES:**             Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel  
**ABSENT:**          Stanley Kaznowski



## 17. RESOLUTION 2010-480

### **Authorize Grantmakers Advantage, Inc. to Submit Necessary Application Forms to Amend Grant**

**Sponsored By:** Markel, Rogowski, Swiatek, Holtz, Jaworowicz, Zydel

WHEREAS, by resolution dated November 2, 2009 this Town Board authorized Grantmakers Advantage, Inc., the Town's grant consultant, to submit an amended grant application in the amount of \$718,000.00 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG) Program to reflect the utilization of said grant award for the furnishing and installation of photovoltaic panels (solar) to be installed on five (5) Town owned buildings, AND

WHEREAS, following the structural assessment of the roof systems of the various Town owned buildings proposed for photovoltaic panel installation and the determination that all of the originally proposed structures are not suitable, there is a need to make and submit further amendments to the Energy Efficiency and Conservation Block Grant Activities Worksheet and supporting documents for resubmission to the U.S. Department of Energy, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc. 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 furnishing and installation of photovoltaic panels now being proposed to be installed on four (4) Town owned buildings, and to include the replacement of the deteriorated Highway Department Office and garage roof in advance of photovoltaic panel installation, and to include project engineering consulting fees associated with the implementation and administration of this grant funded project, 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.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 18. RESOLUTION 2010-481

### Return Clerk (Temporary) to Clerk (Part Time) Sanitation Department/Sharon Kotrys

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Sharon Kotrys was appointed to the temporary position of Clerk in the Sanitation Department effective July 19, 2010; AND

WHEREAS, there was an immediate staffing need in the department while canvassing the civil service list and interviewing candidates for an Administrative Clerk; AND

WHEREAS, the temporary Clerk position held by Ms. Kotrys is no longer necessary due to the appointment of a permanent Administrative Clerk; NOW, THEREFORE, BE IT

RESOLVED, that Sharon Kotrys of Cheektowaga, New York be and hereby is returned to her previous position as Clerk (Part Time) in the Sanitation Department effective August 16, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski





## 19. RESOLUTION 2010-482

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (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:

YOUTH AND RECREATION Recreation Specialist RPT \$18.37/hour effective 8/17/10  
Catherine D. Giles, Depew, New York

POLICE DEPARTMENT (Sign Maintenance) Laborer \$7.25/hour effective 8/17/10  
Salvatore Fasciana, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$13.50/hour effective 8/17/10  
Bonny K. Mahoney, Cheektowaga, New York  
Dawn M. Bulinski, Cheektowaga, New York

POLICE DEPARTMENT Clerk \$7.25/hour effective 7/20/10  
Madeline Pignatora, Cheektowaga, New York

POLICE DEPARTMENT Detention Officer \$15.25/hour effective 8/17/10  
Edward G. Hulton, Jr., Cheektowaga, New York  
Nicholas P. McFarland, Cheektowaga, New York  
Garrett Wynn, Cheektowaga, New York  
Thomas K. Kepfer, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 8/16/10  
Michael McGill, Cheektowaga, New York  
Dean Mertowski, Cheektowaga, New York  
Scott Daboin, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

YOUTH AND RECREATION  
Catherine D. Giles effective 8/14/10

SANITATION DEPARTMENT  
Andrew DiRenzo effective 8/11/10  
Andrew Balash effective 8/10/10

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  
**ABSENT:** Stanley Kaznowski



## 20. RESOLUTION 2010-483

### Appointment of Administrative Clerk (Competitive/Permanent) Sanitation Department/Jill M. Benninger

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Administrative Clerk in the Sanitation Department; AND

WHEREAS, notice of said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time employee bid on said vacancy; AND

WHEREAS, said title falls under the competitive class of Erie County Civil Service; AND

WHEREAS, a current civil service list exists for said title; AND

WHEREAS, said civil service list was canvassed and interviews conducted; AND

WHEREAS, Jill M. Benninger appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Jill M. Benninger of Cheektowaga, New York, be and hereby is appointed to the position of Administrative Clerk 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 August 9, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 21. RESOLUTION 2010-484

### Appointment of Two (2) Motor Equipment Operator-B (Non-Competitive/Permanent) Sanitation Department/ Joseph J. Farris and Saturnino J. Arvelo

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Motor Equipment Operator - B in the Sanitation Department; AND

WHEREAS, notice of said vacancies have been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Joseph J. Farris, currently employed as a Park Maintenance Worker I in the Facilities Department, bid on said vacancies and meets the necessary qualifications for appointment; AND

WHEREAS, no other bargaining unit member bid on said vacancies; AND

WHEREAS, Saturnino J. Arvelo applied for said vacancies and meets the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Joseph J. Farris of Sloan, 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 September 8, 2010; AND, BE IT FURTHER

RESOLVED, that Saturnino J. Arvelo 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 August 17, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 22. RESOLUTION 2010-485

### Travel Authorization Community Development

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the 2010 Community Development Management Conference is scheduled to be held on September 21 through September 22, 2010; AND

WHEREAS, Community Development Aide Diane M. Farugia and Assistant Code Enforcement Officer Dale Marie Parks have requested authorization to attend said conference; AND

WHEREAS, Director of Community Development Jerome Gabryszak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$3,010; AND

WHEREAS, these expenses have been budgeted by the Community Development Department; NOW, THEREFORE, BE IT

RESOLVED, that Community Development Aide Diane M. Farugia and Assistant Code Enforcement Officer Dale Marie Parks be and hereby are authorized to attend the 2010 Community Development Management Conference scheduled to be held September 21 through September 22, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski

### IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Suspend the Rules to Include the Following Three (3) Resolutions, 2010-486; 2010-487 and 2010-488. Motion Carried.



## 1. RESOLUTION 2010-486

### Rescind Resolution Retaining Drug Court Case Coordinator

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, by resolution dated February 22, 2010 (Resolution 2010-110), this Town Board agreed to retain the services of Irene Kmiotek as Drug Court Case Coordinator for the Town of Cheektowaga Drug Court for the calendar year 2010, and

WHEREAS, this resolution was adopted in error since grant moneys were not yet available for said services for 2010, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2010-110 be and hereby is rescinded in its entirety.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 2. RESOLUTION 2010-487

### Retain Drug Court Case Coordinator

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga, through the Cheektowaga Justice Court, has operated an Adult Drug Court since 1998, and

WHEREAS, grant moneys have been appropriated through a New York State Division of Criminal Justice Services Legislative Initiative from Senator William P. Stachowski for the period of [April 1st, 2009 to December 31, 2010] to enable the Town of Cheektowaga to retain a Drug Court Case Coordinator for the Cheektowaga Adult Drug Court, and

WHEREAS, this Town Board, by prior resolutions, has engaged the services of Irene Kmiolek as a Drug Court Case Coordinator; and

WHEREAS, Irene Kmiolek has satisfactorily performed the required Drug Court Case Coordinator duties; and

WHEREAS, per compliance with New York State Division of Criminal Justice Services Grant Contract terms, a sole source justification has been submitted to DCJS for approval to retain the services of Irene Kmiolek as a Drug Court Case Coordinator for the grant period; and

WHEREAS, the Town of Cheektowaga has received said approval from DCJS; and

WHEREAS, this Town Board hereby desires to retain the services of Irene Kmiolek as Drug Court Case Coordinator for the aforementioned Legislative Initiative Grant period;  
NOW THEREFORE BE IT

RESOLVED, that the Supervisor is authorized and directed to execute all Agreement(s) with Irene Kmiolek for the above services that may be required under the said grant, all subject to approval of same by the Town Attorney's Office

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



### 3. RESOLUTION 2010-488

## Retain Irene Kmiotek as Drug Court Case Coordinator

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga, through the Cheektowaga Justice Court, has operated an Adult Drug Court since 2005, and

WHEREAS, this Town Board, by prior resolutions, has engaged the services of Irene Kmiotek as a Drug Court Case Coordinator; and

WHEREAS, Irene Kmiotek has satisfactorily performed the required Drug Court Case Coordinator duties; and

WHEREAS, this Town Board hereby desires to continue to retain the services of Irene Kmiotek as Drug Court Case Coordinator; NOW THEREFORE BE IT

RESOLVED, that this Town hereby ratifies the retention of Irene Kmiotek of Depew, New York, as Consultant, to perform the duties of Drug Court Case Coordinator from July 1, 2010 to December 31, 2010, at an hourly rate of \$20.00 per hour, not to exceed nineteen (19) hours per week; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute all Agreement(s) with Irene Kmiotek for the above services that may be required, subject to approval of same by the Town Attorney's Office; and BE IT FURTHER

RESOLVED, that said monies shall be appropriated from budget line item number 0100-1110-4592.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski

## V. Communications

### A. Departmental Communications

1. Communication Letter to Town Board Dated 4/27/10 from Drescher & Malecki, LLP
2. Management Letter to Town Board Dated 4/27/10 from Drescher & Malecki, LLC
3. Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2009



4. Supplement to the Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2009
5. Town of Cheektowaga, NY State of Changed in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes and Assessments, the Town Clerk and Town Justices for the Year Ended December 31, 2009 and Independent Auditors' Report
6. Town of Cheektowaga, NY Basic Financial Statements, Required Supplementary Information, Supplemental and Federal Financial Assistance Schedules for the Year Ended December 31, 2009 and Independent Auditors' Reports
7. Town of Cheektowaga, NY New York State Department of Transportation Financial Assistance Schedules for the Year Ended December 31, 2009 and Independent Auditors' Report

### ***B. General Communications***

1. Notice of Claim: Thomas Callahan Aka LTC Freight Inc. Vs. Town of Cheektowaga
2. Notice of Claim: David Czaplinski Vs. Town of Cheektowaga
3. Notice of Claim: Joseph A. Galletta Vs. Town of Cheektowaga
4. Notice of Claim: Edward W. Gawron Vs. Town of Cheektowaga
5. Notice of Claim: Latera Hodges Vs. Town of Cheektowaga
6. Notice of Claim: Andrew Pulkownik as Parent of Minor Child, Dominick Pulkownik Vs. Town of Cheektowaga
7. Notice of Claim: Second Look Inc. as Subrogee for Jessica Canfield Vs. Town of Cheektowaga
8. Notice of Petition: Eckerd Corporation/Rite Aid Corporation Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
9. Notice of Petition: the Estate of Eugene Jason Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
10. Notice of Petition: MVP Airport, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
11. Notice of Petition: Buffalo Distribution Inc. % Crown Atlantic Company, LLC Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
12. Notice of Petition: Dino J. Fudoli as Trustee of the Ralph M.Fudoli Revocable Trust Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
13. Notice of Petition: Dino J. Fudoli and Nicole M. Fudoli Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga
14. Notice of Petition: Idylwood, LLC and Morgan Management Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga (11 Petitions)

- 15. Notice of Petition: Re Fund Sky Harbor Property, LLC & Etal Vs. Assessor, the Board of Assessment Review and the Town of Cheektowaga (204 Petitions)
- 16. Request to Speak: Cristin B. Passmore

## **VI. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:15 PM.

Alice Magierski, Town Clerk



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, August, 31, 2010

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on August 31, 2010 at Council Office, Conference Room, 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	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  
Stephanie Lewandowski, Justice Court  
Paul Piwowarski, Engineering Department  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney

## II. Resolutions



## 1. RESOLUTION 2010-489

### Open Burning Permit/69 Center Avenue

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Bellevue Fire Department to conduct an open burn on August 28, 2010, rain date of September 4, 2010 at the property located at 69 Center Avenue, Cheektowaga, New York AND

WHEREAS, the applicant intends to burn small fires within this structure for training purposes. The owner of the property, Buffalo Crushed Stone, Inc., has provided a letter of permission and has obtained a building permit to remove the structure following the training evolutions., AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in compliance with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. Request the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Bellevue Fire Department and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

This resolution was withdrawn by Councilmember Zydel.

**RESULT: WITHDRAWN**



## 2. RESOLUTION 2010-490

### Settlement of Claim - Verizon Vs. Town

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, on or about September 21, 2009, utility lines owned by Verizon were damaged when the Town of Cheektowaga Highway Department was performing highway reconstruction work at 5 Highview Road near Southgate Road, and

WHEREAS, on September 29, 2009, Verizon filed a Notice of Claim with the Town Clerk's Office, and

WHEREAS, the Town's liability claims administrator, First Niagara Risk Management, investigated this claim, and negotiated a settlement with the attorney for Verizon, 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 with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or First Niagara Risk Management 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz, Jeff Swiatek



### 3. RESOLUTION 2010-491

## Settlement of Workers Compensation Lien

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, John Schaefer, a Town employee, was injured in an automobile accident on April 2, 2008 while on-duty, and

WHEREAS, said Town employee was covered under the Town's workers' compensation plan, and

WHEREAS, Mr. Schaefer commenced a third party action against the person responsible for the accident, and has received a settlement offer, and

WHEREAS, the Town of Cheektowaga has a potential lien against any moneys resulting from the third-party action, and

WHEREAS, the settlement offer involves a Medicaid set aside for his future medical costs, and

WHEREAS, the attorney for Mr. Schaefer has requested the Town of Cheektowaga to consent to his third party action and have a credit against the net proceeds, and

WHEREAS, First Niagara Risk Management, the Town's administrator for workers' compensation has recommended that we accept this offer, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby agrees to accept the above offer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz, Jeff Swiatek



## 4. RESOLUTION 2010-492

### Authorize Supervisor to Execute Amended Agreement with PBIRx

**Sponsored By:** Councilmember Jaworowicz, Councilmember Kaznowski

WHEREAS, in order to comply with the requirements of the Retiree Drug Subsidy Program for the purposes of obtaining federal funds, the Centers of Medicare Services requires governmental entities to have an agreement with health insurance carriers responsible for submitting claim information to the Centers for Medicare Services, and

WHEREAS, the Town of Cheektowaga has an existing HIPAA Business Associate Agreement with Sirowich & Associates, Inc., d/b/a PBIRx to perform this services for the Town, and

WHEREAS, Congress recently approved additional requirements for safeguarding protected health information under HIPAA, and

WHEREAS, there is a need to amend our agreement with PBIRx, and

WHEREAS, PBIRx has submitted an Amendment to HIPAA Business Associate Agreement, which amendment has been reviewed by the Coordinator of Employee Relations and the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned agreement amendment with PBIRx.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz, Jeff Swiatek



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, September, 7, 2010

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on September 7, 2010 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  
Jerry Gabryszak, Director of Community Development  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
James Speyer, Captain, Police Department  
Mark Wegner, Highway Superintendent

## II. Public Comment Period

## III. Resolutions





## 1. RESOLUTION 2010-493

### 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:	100.7140.1971.1613	Part Time Regular	\$ 4,000.00
	100.7140.4527	Soccer Expense	2,000.00
	100.7140.1971.1614	Part Time Regular	6,000.00
	100.7310.1902	Overtime Payroll	1,000.00
	100.1110.4431	Equipment Maintenance	1,600.00
	100.1110.4082	Training & Travel	5,000.00
	100.1440.4042	Maps	1,000.00

TO:	100.7310.1971.1814	Part Time Teen Center	\$ 4,000.00
	100.7140.4540	In-Line Skating	2,000.00
	100.7140.1971.1640	Part Time Regular	6,000.00
	100.7140.1902	Overtime Payroll	1,000.00
	100.1110.4001	Office Supplies	6,600.00
	100.1440.4191	Miscellaneous	1,000.00

#### SPECIAL DISTRICTS FUND

FROM:	400.8140.4581	Consulting	\$ 1,500.00
	400.8140.4432	Maintenance & Repairs	70,000.00

TO:	400.8140.4002	Engineering Supplies	\$ 1,500.00
	400.8140.4543	Ditch & Creek Maint.	70,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-494

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 3, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 457,806.61
RISK RETENTION FUND	22,100.03
HUD HOUSING REHABILITATION FUND	34,402.19
SPECIAL DISTRICTS FUND	296,675.49
HIGHWAY FUND	44,583.12
CAPITAL FUND	738,108.24
TRUST & AGENCY FUND	5,171.73
HUD CDBG FUND	48,190.65
PART TOWN FUND	3,973.25
NYS AFFORDABLE HOUSING	43,317.00
	<u>\$1,694,328.31</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-495

## Correction of Standard Work Day for Retirement

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, this Board adopted a standard work day and reporting resolution to report time for elected officials to the New York State and Local Retirement System on July 6, 2010, and

WHEREAS, there was an error on the resolution stating that the standard work day is 8 hours when it should have been 6 hours to be consistent with past resolutions in 2005, NOW, THEREFORE BE IT

RESOLVED, that resolution 2010-385 be corrected to have the standard work day as 6 hours per day.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2010-496

Adopt Local Law No. 2 of the Year 2010 - a Local Law Relating to Alarm Systems

Sponsored By: Zydel, Holtz, Jaworowicz

WHEREAS, many businesses and residents in the Town of Cheektowaga utilize burglar and fire alarms to protect their property, and

WHEREAS, on a number of occasions, these alarms go off due to negligence on behalf of the property owner or a defective alarm, and

WHEREAS, each time the alarms are activated, the Town of Cheektowaga Police Department and/or volunteer fire company respond to the alarm, only to find out it is a false alarm, and

WHEREAS, there are a number of repeat offenders and something needs to be done to give the property owner or lessee an incentive to correct the problem, and

WHEREAS, the Petitions Committee, Police Department, Building Inspector and Town Attorney have met to draft a local alarm to address this issue, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law Relating to Alarm Systems", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 16th day of August, 2010 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. 2010-2 of the Year 2010, entitled "A Local Law Relating to Alarm Systems" 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. 2 of the Year 2010 entitled "A Local Law Relating to Alarm Systems" 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. 2 of the Year 2010 shall be effective as of January 1, 2011, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office, one (1) certified copy with the Secretary of State and one (1) certified copy with the New York State Office of Real Property Services.

\*\*\*\*\*

LOCAL LAW NO. 2 OF THE YEAR 2010
A LOCAL LAW RELATING TO ALARM SYSTEMS

## § 1. Purpose

The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Town of Cheektowaga by reducing the number of avoidable alarms of fire, intrusion, holdup or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community.

## § 2. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectfully ascribed to them by this section:

**ALARM SYSTEM** -A device or an assembly of equipment designed to detect smoke, abnormal rise in temperature, fire, medical emergency or an entry into or exit from a building, structure or facility and by reason thereof emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency, either directly or through a private answering point

**AUTOMATIC DIALER** - A device that automatically dials and relays a pre-recorded message to an emergency agency.

**EMERGENCY AGENCY** - The Police Department or Fire District, or the Town of Cheektowaga Emergency Dispatch Center.

**AVOIDABLE ALARM** - The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence or carelessness of the owner, user, custodian, operator or lessee of an alarm system or that person's employee(s), guest(s) or agents requiring an emergency response from an emergency agency when in fact an emergency requiring such response does not exist. An avoidable alarm is also the intentional activation of an alarm system when the person activating it knows an emergency does not exist as well as all alarm system activations in which an investigation by a police officer and/or fire district officer of the town reveals no evidence of the existence of an emergency. An avoidable alarm is not deemed to include the activation of an alarm system by violent conditions of nature, acts of God or similar causes beyond the control of the owner, user, custodian, operator or lessee of an alarm system or that person's employee(s), guest(s), or agent(s) nor is an avoidable alarm deemed to be the activation of an alarm system under any circumstances in which the person activating the alarm system reasonably believes that an emergency situation exists.

## § 3. Compliance required

Exempt from this chapter will be town buildings, i.e., buildings owned or operated by the Town of Cheektowaga, and fire stations within the Town of Cheektowaga.

## § 4. Automatic cutoff system required.

- A. No person shall install or maintain an external audible alarm device which does not contain an operational automatic cutoff system which turns off the external audible alarm after a period not to exceed 10 minutes.
- B. An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission

time of all messages shall not exceed five minutes.

**§ 5. Connection to 911 and emergency agencies restricted.**

- A. No alarm system shall have an automatic dialer feature or other type of alarm alert which connects automatically to the enhanced 911 emergency telephone system.
- B. There shall be no automatic alarm system with direct communication of any type to an emergency agency without prior written authorization from the emergency agency where the alarms terminate.

**§ 6. Avoidable alarms.**

- A. General provisions:
  1. It shall be a violation of this chapter to cause or permit an avoidable alarm. The owner, user, custodian, operator or lessee of an alarm system shall be held accountable for all avoidable alarms emanating from that alarm system and shall be fully liable for all fines arising there from.
  2. The Police Department of the town shall keep a record of all avoidable alarms relayed by all alarm systems installed within the town.
- B. Charges. An owner or lessee of real property to which an emergency agency responds as a result of an avoidable alarm shall pay a fine for each such response in each calendar year as follows:
  1. Police Department avoidable alarm response:
    - (a.) First through third avoidable alarm response: no charge
    - (b.) Fourth and fifth avoidable alarm responses: \$50 for each.
    - (c.) Sixth and over avoidable alarm responses: \$100 for each.
  2. Fire District avoidable alarm response:
    - (a) First through third avoidable alarm response: no charge
    - (b) Fourth and fifth avoidable alarm responses: \$50 for each
    - (c) Sixth and over avoidable alarm responses: \$100 for each.
- C. Notice of avoidable alarm. The owner or lessee of real property which receives an emergency response by reason of an avoidable alarm shall be notified, in writing by the Police Department, by means of first class mail of all avoidable alarms. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and shall contain with it a copy of this Alarm Systems Law.
- D. Administrative review. The Chief of Police shall establish a policy and procedure whereby an owner of real property or lessee thereof on which an alarm system has been installed and who has been notified of an avoidable alarm may present evidence as to why any such alarm should not be classified as an avoidable alarm. An Avoidable Alarm Review Board consisting of designated representatives from the Police Department, affected Fire Department and the Cheektowaga Chamber of Commerce, not to exceed five in total, shall conduct a hearing to receive such evidence and make recommendations and findings of fact concerning such avoidable alarm classification. The Avoidable Alarm Review Committee shall make the final determination concerning a classification, which determination shall be reviewed only pursuant to procedures under Article 78 of the Civil Practice Law and Rules. To challenge the classification of an alarm

as an avoidable alarm, the real property owner or lessee thereof shall, in writing, notify the Chief of Police within 20 days after receipt of notice of the avoidable alarm. The failure to give timely notice shall be deemed a waiver of the right to review the determination.

- E. Payment of fines. Avoidable alarm fines shall be paid to the Police Department of the Town of Cheektowaga at 3223 Union Road, Cheektowaga, New York 14227.
- F. Failure to remit fine. In the event of failure by a real property owner or lessee of property on which an alarm system is installed to either request administrative review of a proposed fine or pay the avoidable alarm fine within 30 days from the date of notice of the amount due, the Town of Cheektowaga shall add the amount of the fine onto the property owner's next County/Town tax bill.

### **§ 7. Enforcement**

The Chief of Police of the town shall enforce this chapter for avoidable alarms emanating from alarm systems. For that purpose, all sworn police officers are authorized to issue and serve appearance tickets or summonses.

### **§ 8. Penalties for offenses**

Any person, business, firm, corporation, partnership, association or other entity that violates any provisions of this code (other than fines for avoidable alarms) shall be subject to a civil penalty, not to exceed \$1,000 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs, continues or is permitted.

### **§ 9. Applicability.**

The provisions of this law shall be applicable within the boundaries of the Town of Cheektowaga, excluding the villages of Sloan and Depew.

### **§ 10. Severability**

If any section, clause or provision of this chapter or the application thereof to any person is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

### **§ 11. When effective**

The chapter shall become effective January 1, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



5. RESOLUTION 2010-497

Adoption of Revised Policies and Procedures for Procurement of Goods and Services

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution dated July 6, 2010 (Resolution 2010-402), adopted updated internal policies and procedures governing all procurements of goods and services which are not subject to competitive bidding under State law, and

WHEREAS, changes need to be made to said procurement policies and guidelines, NOW, THEREFORE, BE IT

RESOLVED, that the "Town of Cheektowaga Policies and Procedures for Procurement of Goods and Services", as detailed below, be and hereby is adopted by this Town Board, effective immediately, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Town Department Heads.

\*\*\*\*\*

TOWN OF CHEEKTOWAGA
POLICIES AND PROCEDURES FOR PROCUREMENT OF GOODS AND SERVICES
(Revised September 7, 2010)

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of Section 103 of the General Municipal Law (a/k/a competitive bidding law). Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser" or "Department Head") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other departments and past history to determine the likely yearly value of the commodity to be acquired by the Town for all purposes. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of (a) supplies or equipment which will cumulatively exceed \$10,000.00 in the fiscal year; or (b) public works projects over \$35,000.00 shall be formally bid pursuant to Section 103 of the General Municipal Law.

Guideline 3. All estimated purchases of:
- Less than \$10,000.00 but greater than \$4,000.00 require a written request for proposals ("RFP") and written/fax quotes from three (3) vendors



- Less than or equal to \$4,000.00 but greater than \$2,000.00 require an oral request for the goods and oral/fax quotes from two (2) vendors.
- Less than or equal to \$2,000.00 are left to the discretion of the Purchaser

All estimated public works contracts of:

- Less than \$35,000.00 but greater than \$20,000.00 require a written RFP and fax/written proposals from three (3) contractors
- Less than or equal to \$20,000.00 but greater than \$10,000.00 require a written RFP and fax/written proposals from two (2) contractors
- Less than or equal to \$10,000.00 but greater than \$3,000.00 require an oral request and oral/fax quotes from two (2) contractors
- Less than or equal to \$3,000.00 are left to the discretion of the Purchaser

Any written RFP shall describe the desired goods and/or services, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors/contractors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. The Purchaser shall contact the vendors/contractors that are likely to provide the best possible goods/services at the lowest possible price, and may for this purpose take into account vendors who have satisfactorily performed work for the Town in past. Department Heads shall require NYS or Federal prevailing wage rates, when appropriate, for public works projects. Department Heads shall require adequate liability insurance from all vendors and contractors.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works project. Said documentation shall be submitted with any purchase order or voucher to the Town Accounting Department.

**Guideline 4.** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 5.** A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals, and shall obtain the prior approval from the Town Director of Administration and Finance before undertaking such procurement. In no event shall the inability to obtain the proposal or quotations be a bar to the procurement provided approval by the Director of Administration and Finance is obtained.

**Guideline 6.** Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) acquisition of professional services
- (b) Emergencies
- (c) Sole source situations
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from New York State or counties within New York State;

**Guideline 7.** Requests from proposals for items under the competitive bidding thresholds may be issued by the department head of the respective Town departments.

**Guideline 8.** The following referenced individuals are authorized to make purchases and award public works contracts, subject to the Guidelines above and the following further approval requirements:

Purchases:

- Between \$0.01 and \$9,999.99                      Department Head

Public Works Contracts:

- Between \$0.01 and \$34,999.99                      Department Head

“Department Head” and “Purchaser” shall include individuals holding the following job titles:

- Supervisor
- Councilmembers
- Director of Administration and Finance
- Town Attorney
- Town Clerk
- Town Engineer
- Coordinator of Employee Relations
- Town Assessor
- Supervising Code Enforcement Officer
- Chief of Police
- Town Justice
- Superintendent of Highways
- General Crew Chief - Central Garage
- General Crew Chief - Sanitation Department
- Director of Senior Services
- Executive Director - Youth & Recreational Services Department
- General Crew Chief - Facilities Department
- Director of Community Development Department
- Disaster Coordinator
- General Crew Chief - Sewer Department
- Superintendent - Wastewater Pump Station

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-498

### Award of Bid - Police & Court Building Renovation & Addition

**Sponsored By:** Holtz, Markel, Rogowski, Swiatek, Jaworowicz, Kaznowski, Zydel

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Police & Court Building Renovation and Addition, which bids were duly received and opened on August 18, 2010, AND

WHEREAS, said bids were referred to the Town Engineer and to Trautman Associates, Project Architect, for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from Trautman Associates dated August 27, 2010, AND

WHEREAS, said report recommends that the contract for General Construction Work be awarded to Burgio & Campofelice, Inc., the contract for Plumbing Work be awarded to MKS Plumbing Corporation, the contract for Heating, Ventilating and Air Conditioning Work be awarded to MLP Plumbing & Mechanical, Inc., and the contract for Electrical Work be awarded to Industrial Power & Lighting Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for General Construction Work be and hereby is awarded to:

Burgio & Campofelice, Inc.  
2570 Walden Avenue  
Cheektowaga, NY 14225

at the bid price of \$9,033,643.00, 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:

MKS Plumbing Corporation  
19 Ransier Drive  
West Seneca, NY 14224

at the bid price of \$990,000.00, 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:

MLP Plumbing & Mechanical, Inc.  
3198 Union Road, Suite 300  
Cheektowaga, NY 14227

at the bid price of \$1,818,000.00, 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 :

Industrial Power & Lighting Corporation  
701 Seneca Street  
Buffalo, NY 14210

at the bid price of \$1,889,000.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute contracts with said firms and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said projects shall be appropriated from budget line item #500-1440-2528-5025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-499

### Award of Bid for Police Patrol Vehicle

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on September 1, 2010, for the purchase of One (1) New and Unused 2010 Police Patrol Vehicle by the Town of Cheektowaga Police Department, and said bids were referred to the Cheektowaga Police Department for analysis, tabulation and report; and

WHEREAS, such analysis, tabulation and report has been completed; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase the said vehicle be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase price of \$21,524.00, said bid being the lowest responsible bid meeting all specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of this vehicle shall be appropriated from line item number 100-3120-2303.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-500

### Installation of Snow Bars to the Roof of the Sanitation & Central Garage

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, by Town Board Resolution dated March 16, 2009, the Town Board authorized the Renovations to the Central Garage & Sanitation Building which included new metal siding and roofing, AND

WHEREAS, the introduction of new galvanized roofing in conjunction with snow and ice build-up brought the potential hazard of heavy snow and ice sliding off of the new roof to the surrounding grounds without notice, AND

WHEREAS, the Engineering and Building Departments strongly recommend the introduction of snow bars placed along each side of the building to prevent any potential hazard as described above, AND

WHEREAS, three (3) contractors submitted formal estimates for the purchase and installation of said snow bars to each side of the building, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase and installation of 600 L.F. of snow bars to the roof of the Central Garage & Sanitation Building be awarded to

The Building Innovation Group  
107 Lincoln Parkway  
East Rochester, New York 14445

for the bid price of \$8,267.00, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account No: 500-1440-2061-5835.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-501

### Change Order No. 1 (Final) General Construction Work at the Records Center

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the contract for General Construction Work at the Town Records Center was awarded by Town Board Resolution dated February 22, 2010 to Concept Construction Corporation in the amount of \$33,050.00, 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) which provides for a credit to the contract as further outlined in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with Concept Construction Corporation, 2555 Transit Road, Elma, New York 14059, including Change Order No. 1 (final) which provides for a credit to the aforesaid contract in the amount of \$1,000.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-502

### Execute Final Contract Acceptance Documents with Parise Mechanical, Inc.

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the contract for HVAC Work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Parise Mechanical, Inc. AND

WHEREAS, the Project Architect, E I Team, and the Town 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 accepts the completed project for HVAC Work and directs the Supervisor to execute final contract acceptance documents with Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, New York 14150.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 11. RESOLUTION 2010-503

### Execute Final Contract Acceptance Documents with Building Innovation Group, Inc.

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the contract for General Construction Work at the new Building Maintenance Facility was awarded by Town Board Resolution dated August 17, 2009 to Building Innovation Group, Inc., AND

WHEREAS, the project architect, E I Team, and the Town 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 accepts the completed project for General Construction Work and directs the Supervisor to execute final contract acceptance documents with Building Innovation Group, Inc., 107 Lincoln Parkway, East Rochester, New York 14445.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-504

### Negative SEQR Declaration - 1131 Harlem Road

**Sponsored By:** Kaznowski, Markel, Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Mark Aquino/Thunder Road Holdings, LLC for the construction of a two story 6,900 square foot mixed use retail/apartment building at 1131 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on July 21st 2010 recommended a determination of non-significance as shown on the attached memorandum dated July 21, 2010, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of July 8th, 2010, AND

WHEREAS, the project requires area variances for building setbacks and parking quantity, AND

WHEREAS, the Cheektowaga Zoning board of Appeals granted the required area variances on August 11, 2010, 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 an acceptable drainage/grading plan.
2. The applicant providing a detailed landscaping plan, including an area for refuse containment, and required solid screening adjacent to parking areas.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-505

### Notice of Hearing for Demolition of 1112 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 1112 Walden 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 Nussbaumer & Clarke, Inc., duly authorized agent of the Town of Cheektowaga, setting forth its 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 Nussbaumer & Clarke, Inc., dated August 19, 2010; 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 1112 Walden Avenue shall be held on the 20th day of September, 2010, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-506

### Notice of Hearing for Demolition of 2371 Genesee Street

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 2371 Genesee Street 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 Nussbaumer & Clarke, Inc., duly authorized agent of the Town of Cheektowaga, setting forth its 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 Nussbaumer & Clarke, Inc., dated August 19, 2010; 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 2371 Genesee Street shall be held on the 20th day of September, 2010, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-507

### Notice of Hearing for 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 Nussbaumer & Clarke, Inc., duly authorized agent of the Town of Cheektowaga, setting forth its 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 Nussbaumer & Clarke, Inc., dated July 22, 2010; 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 20th day of September, 2010, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-508

### 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 2010-2011 season.

FUNDING SOURCE: 0100.7140.4521

REVENUE SOURCE 0100.7140.2128  
0100.0882

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-509

### Authorize Supervisor to Execute Agreement with Villa Maria College

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga and City of Buffalo, through the Steering Committee of the Buffalo-Cheektowaga Revitalization Task Force, have been working together to improve the quality of life for people who live and work in the areas in the vicinity of our mutual border, and

WHEREAS, the Town of Cheektowaga and City of Buffalo are desirous of holding a roundtable discussion on gang violence on Wednesday, September 22, 2010 to educate parents and others concerning gang activity and youth in our neighborhoods, and

WHEREAS, Villa Maria College has offered to allow us to utilize the Student Center Social Hall to hold this event on Wednesday, September 22, 2010, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a rental agreement with Villa Maria College and any and all other documents necessary to utilize the Student Center Social Hall for the aforementioned roundtable discussion on gang violence.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2010-510

### Authorization to Execute Subrecipient Agreements

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant funds from the Department of Housing and Community Development, and

WHEREAS, federal regulations require the Town to execute subrecipient agreements with those entities receiving Community Development Block Grant funds through the Town, and

WHEREAS, Community Development Block Grant funds have been allocated in the 2010 program year budgets for the Villages of Depew and Sloan, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute Subrecipient Agreements for Community Development Block Grant funding with the Villages of Depew and Sloan for the 2010 Community Development Block Grant program year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-511

### Authorize Grantmakers Advantage, Inc. to Submit Necessary Application Forms to Amend Grant

**Sponsored By:** Markel, Rogowski, Swiatek, Holtz, Jaworowicz, Zydel, Kaznowski

WHEREAS, by resolution dated November 2, 2009 this Town Board authorized Grantmakers Advantage, Inc., the Town's grant consultant, to submit an amended grant application in the amount of \$718,000.00 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG) Program to reflect the utilization of said grant award for the furnishing and installation of photovoltaic panels (solar) to be installed on five (5) Town owned buildings, AND

WHEREAS, following the structural assessment of the roof systems of the various Town owned buildings proposed for photovoltaic panel installation and the determination that all of the originally proposed structures are not suitable, there is a need to make and submit a further amendment to the Energy Efficiency and Conservation Block Grant Activities Worksheet and supporting documents for resubmission to the U.S. Department of Energy, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc. 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 furnishing and installation of photovoltaic panels now proposed to be installed on four (4) Town owned buildings, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



20. RESOLUTION 2010-512

Approve Sale of 64 Glidden Street

Sponsored By: Councilmember Markel, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is the owner of vacant lot located at 64 Glidden Street in the Town, and

WHEREAS, said property is excess to the needs of the Town, and

WHEREAS, by resolution dated June 25, 2010 (Resolution 2010-210), this Town Board retained a realtor to list said property for sale, and

WHEREAS, no offers came in while the listing agreement was in effect, and

WHEREAS, recently, the Town of Cheektowaga received an offer of \$2,000.00 for said vacant lot, and

WHEREAS, the Director of Community Development has recommended that the Town accept this offer, 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 64 Glidden Street for \$2,000.00, and BE IT FURTHER

RESOLVED, that the sale of 64 Glidden 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 September 7, 2010, adopted a resolution authorizing the Town of Cheektowaga to sell vacant property located at 64 Glidden Street, Cheektowaga, New York for \$2,000.00.

A copy of such resolution and offer 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 7, 2010

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-513

### Approve Disposal of Obsolete Computer Equipment

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, the Town wishes to dispose of a number of various computers, monitors, printers, drives, and fax machines which are obsolete, unusable, and have no market value, all of which contain hazardous materials (i.e., lead, mercury, etc.) and must be disposed of in an environmentally sound manner; and

WHEREAS, the destruction of such property is authorized by Section 64 of the Town Law of the State of New York; and

WHEREAS, Regional Computer Recycling & Recovery of Victor, New York will pick-up said equipment and dispose of same in full compliance with all government regulations applicable to the disposal of hazardous waste, at a cost of \$5.00 per monitor and a per-pallet charge at an approximate total cost to the Town of \$250.00; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby authorizes Regional Computer Recycling and Recovery to take possession of the equipment set forth below and dispose of same in full compliance with all applicable federal and state regulations governing the disposal of hazardous waste; BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any document necessary effect the proper disposal of said equipment; and BE IT FURTHER

RESOLVED, that the cost associated with the disposal of said equipment shall be appropriated from account number 100-1680-4147.

\*\*\*\*\*

#### OBSOLETE COMPUTER EQUIPMENT FOR DESTRUCTION

MAKE-MODEL	SERIAL NUMBER
DELL MONITOR	CN0F035-64180-4BN-3J55
DELL MONITOR	CN0CC38871618AAP2
PANASONIC FAX MACHINE UF755	02940100955
DELL 270 COMPUTER	5HZ4W11
DELL 270 COMPUTER	JGZ4W11
DELL 270 COMPUTER	2N51Q31
DELL 270 COMPUTER	9NQ5R31
DELL 270 COMPUTER	HP8Q221
DELL 270 COMPUTER	4NQ5R31
DELL 270 COMPUTER	3NQ5R31
DELL 270 COMPUTER	3N51Q31
DELL 270 COMPUTER	CS6Y721
DELL 270 COMPUTER	2SP5P31

DELL 170 COMPUTER	9JMTC61
DELL 8100 COMPUTER	9QCQV01
DELL P922 MONITOR	MX08D46647722P417B
DELL 1700 PRINTER	CN0N4386487304BI4LT1
DELL 1700 PRINTER	CN0N4386487304BG4HCI
DELL 1700 PRINTER	CN0N43864873057NB89W
DELL 1700 PRINTER	CN0N43864873056FA7NU
DELL 1700 PRINTER	CN0N4386487304BG4HIM
LEXMARK OPTRA 51855 PRINTER	11FMA16
HP COLOR LASER PRINTER	USMB345951
DELL GX270 COMPUTER	4SP5P31
DELL DIMENSION 8200	J876X01
DELL DIMENSION 4400	CGN9911
DELL OPTICPLEX 280	B9MLF61
COMPAC EVO	USU3160FQF
DELL 270 COMPUTER	34Y5R31
DELL DIMENSION XPS D266	DM1Q3
COMPAQ	6003CJN4K243
SAMSUNG LAPTOP	91BG900671
DELL OPTIPLEX GX 100	9XGQD01
COMPAQ DESKPRO	6749BPL4P239
COMPAQ DESKPRO	6749BPL4P031
MICRO CLIENT PRO	
DELL INSPIRON 2200	1CG4X81
DELL 3100 PRINTER	CN0P4843719714BNA013
HP PROLIANT ML370	D317MFG51154
DATA SHARE	
COMPAQ PROLIANT SCSI DRIVE	D649HWA10435
COMPAQ PROLIANT SCSI DRIVE	D725BPT10185
OVERHEAD STORAGE TAPE DRIVE	2B30431176
COMPAQ 4000 PROLIANT	D649HWA10435
COMPAQ 4000 PROLIANT	D725BPT10185
HP ML370 PROLIANT	D317MFG51154
DATA SHARE	
US ROBOTICS MODEM	328CB659IBNP
US ROBOTICS MODEM	328CB4K9DD04
US ROBOTICS MODEM	328CB1A9QUJC
US ROBOTICS MODEM	328CB4K9DD1U
CISCO 1600	24617659A
3 COM SWITCH	01007RFF047437
SEAGATE TAPE DRIVE	HB29TKJ
BELKIN OMNI VIEW PRO 4-PORT	5994523571
HP SCANJET 11CX	3337A19243
SONY VIDEO CASSETTE RECORDER SL-5000	835657
MIRON CLIENT PRO	27410300001
DELL OPTI PLEX 170	WMTC61
NETPLEX AXIS	PXHA00303
DELL GX 400	9NKSB11
DELL GX 400	5YT8C11

COMPAQ EVO	USW32105LD
DELL LATITUDE	FM78Q01
IBM	23BG313
DELL INSPIRON	1JDLR41
DELL PRECISION	5FZLL91
COMPAQ ARMADA	J748BRX2T599
CISCO 2950	CNM9700CRA
CISCO 2950	00097CBC8100
CISCO 2950	FHK0617X0H3
CISCO FASTHUB 400	ACT031200FV
CISCO 2900	00D058CB0900
CISCO 2900	FAA0321H093
DELL LATITUDE	J650GT
DELL POWER EDGE 4300	4HG3A
COMPAQ PROLIANT	D246MFG50069
QUANTUM TAPE DRIVE	JD0054E
DIGITAL VIDEO RECORDER	4293900024
CISCO ROUTER	JMX0519E0W4
CISCO ROUTER	JMX0519E0VS
CISCO SWITCH	66033538
HP TAPE DRIVE	USO313C495
DELL 270 COMPUTER	49Y5R31
DELL 270 COMPUTER	8RJNJ11
DELL 240 COMPUTER	HQ5DF11
DELL 270 COMPUTER	74Y5R31

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Charles Markel, Councilmember

**SECONDER:** Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-514

### Accept Proposal from Arric Corporation to Remove Asbestos from the Former Incinerator Building

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, a recently completed asbestos survey of the former incinerator building found the presence of asbestos in various locations throughout the facility, AND

WHEREAS, in order to proceed with the proposed demolition of the facility, the asbestos needs to be abated, AND

WHEREAS, three (3) asbestos abatement contractors were petitioned to provide services relevant to the removal of said asbestos to which two (2) contractors responded with proposals, NOW, THEREFORE, BE IT

RESOLVED, that the contract to remove all asbestos in the former incinerator building be awarded to Arric Corporation, 5033 Transit Road, Depew, New York 14043 in the amount of \$12,900.00, said being the lowest proposal of the two (2) contractors that responded, AND, BE IT FURTHER

RESOLVED, that funding for said contract shall be chargeable to Account #500-1440-4225-5121.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 23. RESOLUTION 2010-515

### Removal of Tree Stumps/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 Erie Tax Certificate Corp., Joseph Maciejewski, Esq. 95 Franklin Street, Buffalo, New York 14202, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2010-516

### Open Burning / 105 Mapleview Road 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 an open fire on September 19, 2010 on the property located at 105 Mapleview 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. 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2010-517

### Open Burning Permit/69 Center Avenue

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Bellevue Fire Department to conduct an open burn on August 28, 2010, rain date of September 4, 2010 at the property located at 69 Center Avenue, Cheektowaga, New York AND

WHEREAS, the applicant intends to burn small fires within this structure for training purposes. The owner of the property, Buffalo Crushed Stone, Inc., has provided a letter of permission and has obtained a building permit to remove the structure following the training evolutions., AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in compliance with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. Request the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Bellevue Fire Department and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

**RESULT: WITHDRAWN**



## 26. RESOLUTION 2010-518

### Remove Stagnant Pond/3 Old Farm 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 3 Old Farm Road, Cheektowaga, New York SBL# 114.07-2-13 that is a danger to the safety of others, and records kept by the Assessors Office identify Mark A. Busalachi, 3 Old Farm Road, Cheektowaga, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3 Old Farm Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2010-519

### Unsafe Structure/546 Beach 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 546 Beach Road, Cheektowaga, New York SBL# 91.11-9-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert Kulaszewski, 546 Beach Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 546 Beach 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 at said premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2010-520

### Unsafe Structure/22 Ellwood Place

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 22 Ellwood Place, Cheektowaga, New York SBL# 91.18-3-26 that is a danger to the safety of others, and records kept by the Assessors Office identify James E. and Theresa Rainer, 22 Ellwood Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 22 Ellwood Place, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure at said premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 29. RESOLUTION 2010-521

### Unsafe Structure /3316 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 3316 Genesee Street, Cheektowaga, New York SBL# 91.19-2-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Eric Steely, 3316 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 3316 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 at said premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 30. RESOLUTION 2010-522

### Unsafe Structure/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 on 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 at said premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 31. RESOLUTION 2010-523

### Unsafe-Unsecured/74 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 74 Hoerner Avenue, Cheektowaga, New York SBL# 101.60-4-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Sarah L. Stephan, 51 Maple Drive, Bowmansville, New York 14026, as the owner AND

WHEREAS, an inspection of such premises was conducted at 74 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 32. RESOLUTION 2010-524

### Unsafe-Unsecured/4-6 Redwood Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4-6 Redwood Drive, Cheektowaga, New York SBL# 91.14-10-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Joan M. Garrett, 4 Redwood Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4-6 Redwood Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**33. RESOLUTION 2010-525**

**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 **October 7, 2010** 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 **October 7, 2010**, 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 **November 8, 2010**, 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 September 7, 2010,

**YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.**

Such work must be completed on or before **October 7, 2010**

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 (Note: Total cost to replace one block is \$100-\$110); 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 **November 8, 2010**. 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: September 7, 2010

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT letter 9-7-10(DOC)

Sidewalk List 9-7-2010 (PDF)

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Jeff Swiatek, Councilmember

**SECONDER:** Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 34. RESOLUTION 2010-526

### Retain Trautman Associates for Additional Services

**Sponsored By:** Holtz, Markel, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski

WHEREAS, at a Town Board Meeting held on September 7, 2010, the contract for Building Renovations and an Addition to the Police & Court Building is scheduled to be awarded to four (4) separate prime contractors, AND

WHEREAS, Trautman Associates, Project Architect, has submitted a proposal for Construction Administration, full time project site representation and an option for NYSERDA applications relating to rebate incentives, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 be retained for the provision of professional services throughout the duration of the project construction for the sum of \$393,475.00 (including the option of \$7,500.00 for NYSERDA applications) in accordance with the proposal dated August 25, 2010, 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 administration, full time project site representation and NYSERDA applications (optional) for the duration of this project for the sum of \$393,475.00, subject to review and approval of the Town Attorney, which shall be chargeable to Account #500-1910-9399-5025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 35. RESOLUTION 2010-527

### 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 (5) 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 9/08/10  
Brian S. Kulesz, Sloan, NY  
Thomas M. Buil, Depew, NY

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT Detention Officer \$15.25/hour effective 9/07/10  
Richard A. Pilarski, Cheektowaga, NY

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

POLICE DEPARTMENT  
Gerald A. Sobolewski effective 5/20/10  
Susan Romasko effective 8/31/10  
Thomas Kepfer effective 8/25/10  
Michelle Bliss effective 8/22/10

SANITATION DEPARTMENT  
Cory Herr effective 8/18/10  
Austin Champagne effective 8/28/10  
Anthony DiRienzo effective 8/26/10  
Matthew Bliz effective 8/28/10

TOWN CLERK'S OFFICE  
Chelsea A. Dawe effective 8/18/10

SEWER MAINTENANCE  
Jacob Nowak effective 8/07/10  
Shane Latshaw effective 8/14/10  
Zachary Lewandowski effective 8/14/10  
Justin Nowak effective 9/04/10  
Sean Ross effective 9/04/10

BE IT RESOLVED, that the following items are amended as follows:

YOUTH AND RECREATIONAL SERVICES Recreation Specialist (Regular Part Time)  
\$18.37/hour amended to \$18.27/hour effective 8/17/10  
Catherine D. Giles, Depew, New York

POLICE DEPARTMENT Police Attendant (Part Time) \$13.50/hour amended to \$13.25/hour  
effective 8/17/10  
Bonny K. Mahoney, Cheektowaga, New York  
Dawn M. Bulinski, Cheektowaga, New York

POLICE DEPARTMENT Clerk (Part Time) Clerk \$7.25/hour effective 7/20/10 amended to  
8/20/10  
Madeline Pignatora, Cheektowaga, New York

SANITATION DEPARTMENT (Termination)  
Andrew DiRenzo amended to Andrew DiRienzo effective 8/11/10

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



## 36. RESOLUTION 2010-528

### Termination/Reappointment of Deputy Town Attorney (Paul S. Piotrowski)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Deputy Town Attorney Paul S. Piotrowski retired under the New York State Retirement System effective September 5, 2010; AND

WHEREAS, under New York State Retirement rules and regulations, in order for an individual to be eligible for retirement benefits to commence, he must be terminated from current civil service employment and is then eligible for reappointment to their current civil service title; NOW, THEREFORE, BE IT

RESOLVED, that Paul S. Piotrowski be and hereby is terminated from his position of Deputy Town Attorney effective September 5, 2010; AND, BE IT FURTHER

RESOLVED, that Paul S. Piotrowski of Cheektowaga, New York, be and hereby is appointed to the part-time position of Deputy Town Attorney effective September 7, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 37. RESOLUTION 2010-529

### Appointment of Police Detectives (Permanent) Police Department/Kevin M. Schmitt/Michael H. Pilat

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Michael H. Pilat was assigned to the rank of Acting Detective in the Detective Bureau on October 20, 2009; AND

WHEREAS, Kevin M. Schmitt was assigned to the rank of Acting Detective in the Detective Bureau on March 16, 2010; AND

WHEREAS, the aforementioned employees have completed the Intern Program and satisfactorily served the six (6) month probationary period; NOW, THEREFORE, BE IT

RESOLVED, that Michael H. Pilat of Lancaster, New York, be and hereby is assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective April 20, 2010; AND, BE IT FURTHER

RESOLVED, that Kevin M. Schmitt of Depew, New York, be and hereby is assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective September 16, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 38. RESOLUTION 2010-530

### Travel Authorization Building & Plumbing Department/Zoning Inspector Daniel Ulatowski

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the American Planning Association Conference "Transforming Communities" is being held September 22-24, 2010 in Niagara Falls, 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 \$250; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Zoning Inspector Daniel Ulatowski be and hereby is authorized to attend the American Planning Association Conference "Transforming Communities" being held September 22-24, 2010 in Niagara Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 39. RESOLUTION 2010-531

## Travel Authorization Police Department/Captain James Speyer and Lieutenant Scott Prell

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Law Enforcement Training Directors Association of New York State (LETDANYS) Seminar and Meeting is being held September 22-24, 2010 in Saratoga Springs, New York; AND

WHEREAS, Captain James Speyer and Lieutenant Scott Prell have requested authorization to attend said seminar and meeting; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$514; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Captain James Speyer and Lieutenant Scott Prell be and hereby are authorized to attend the Law Enforcement Training Directors Association of New York State (LETDANYS) Seminar and Meeting being held September 22-24, 2010 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**40. RESOLUTION 2010-532****Travel Authorization Police Department/Detectives Michael Hockwater and Robert Laskowski**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Electrical Fire Cause Determination I and II Courses are being held October 4-6, 2010 and October 6-8, 2010 in Montour Falls, New York; AND

WHEREAS, Detectives Michael Hockwater and Robert Laskowski have requested authorization to attend said courses; 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 \$481; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Detectives Michael Hockwater and Robert Laskowski be and hereby are authorized to attend the Electrical Fire Cause Determination I and II Courses being held October 4-6, 2010 and October 6-8, 2010 in Montour Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 41. RESOLUTION 2010-533

### Travel Authorization Police Department/Police Officer Donald Szumigala

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Social Networking Training Seminar is being held October 13-14, 2010 in Albany, New York; AND

WHEREAS, Police Officer Donald Szumigala 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 \$335; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Police Officer Donald Szumigala be and hereby is authorized to attend the Social Networking Training Seminar being held October 13-14, 2010 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following (5) Resolutions: 2010-534 thru 2010-538. Motion Carried.
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## 1. RESOLUTION 2010-534

### Proclaim Child Passenger Safety Week

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, children are our country's most precious resource and our future, and

WHEREAS, motor vehicle accidents are the leading cause of death for children 3 to 14 years old, and

WHEREAS, child safety seats and booster seats are shown to save the lives of hundreds of children each year, and

WHEREAS, all 50 States and the District of Columbia have laws requiring the use of child safety seats and seat belts for children traveling in motor vehicles, and

WHEREAS, the National Highway Traffic Safety Administration has designated the week of September 19 - 25, 2010 as Child Passenger Safety Week, and

WHEREAS, Child Passenger Safety Week is an annual campaign to bring attention to the importance of properly securing all children in appropriate child safety seats, booster seats or seat belts, and

WHEREAS, this Town Board and the Cheektowaga Police Department are committed to working to help reduce the number of young lives lost on our roadways, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby proclaims September 19 through 25, 2010 as Child Passenger Safety Week, and

RESOLVED, that this Town Board hereby urges everyone to help reduce injuries and the tragic loss of life by buckling up themselves and every child on every trip, every time.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-535

### National Preparedness Month-September, 2010

**Sponsored By:** Councilmember Zydel, Supervisor Holtz

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of the Town of Cheektowaga to prepare their homes, businesses and community for any type of emergency from natural disasters to potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses and community can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency's "Ready" Campaign, Citizen Corps and other federal, state, local, private and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of the Town of Cheektowaga and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of the Town of Cheektowaga are encouraged to participate in citizen preparedness activities and asked to review the "Ready" Campaign's Website at [ready.gov](http://ready.gov) and become more prepared; THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Council hereby proclaims September, 2010 as "National Preparedness Month" and encourages all citizens and businesses to develop their own emergency preparedness plan and work together toward creating a more prepared society.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-536

## Special Event - Cleveland Hill PTSA Homecoming 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, Cleveland Hill PTSA has made application to hold a parade on Saturday, September 18, 2010, beginning at 12:00 p.m. (parade route to be provided to the Police Department); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements: 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 Cleveland Hill PTSA for the aforementioned parade to be held on Saturday, September 18, 2010, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 4. RESOLUTION 2010-537

### Award of Demolition Contracts

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town is the owner of properties located at 16 Randolph, 20 Randolph, 23 Hoerner and 36 Euclid Avenues, and

WHEREAS, federal Neighborhood Stabilization Program funds, acquired from the New York State Housing Finance Agency, were awarded to the Town to assist with the acquisition and demolition of dilapidated, foreclosed properties, and

WHEREAS, a Notice to Bidders was published for the asbestos abatement and demolition of the above said properties, and

WHEREAS, as a result of said Notice to Bidders, bids were received and duly opened on September 1, 2010 for the furnishing of equipment, operators and laborers for asbestos abatement and demolition of said properties, and

WHEREAS, said bids were reviewed by the Director of Community Development and the Town Attorney, and it has been recommended that contracts be awarded to the lowest responsible bidders indicated below, NOW, THEREFORE, BE IT

RESOLVED, that Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14206, be and hereby is awarded a contract for asbestos abatement and demolition of the following properties for the following amounts:

20 Randolph Avenue - \$24,313.00  
23 Hoerner Avenue - \$14,673.00, and  
36 Euclid Avenue - \$21,345.00,

and, BE IT

FURTHER RESOLVED, that Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, New York 14301. be and hereby is awarded a contract for asbestos abatement and demolition of the following property for the following amount:

16 Randolph Avenue - \$32,400.00

and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute any and all documents in connection with same, and, BE IT FURTHER

RESOLVED, that said asbestos abatement and demolition costs shall be chargeable to Account Number 700-1009-0602.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-538

### Authorize Supervisor to Execute Polling Lease Agreement

**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 14, 2010 and Election Day, November 2, 2010 for polling locations, and

WHEREAS, the Director of Department of Parks, Recreation & Youth Services and the Director of the Senior Services Department have no objection to the use of such buildings, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute leases with the Board of Elections for use of the above referenced Town buildings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - August 2010
2. Minutes - Cheektowaga Traffic Safety Commission - July 20, 2010
3. Minutes: Cheektowaga Conservation Advisory Council August 5, 2010
4. Minutes: Cheektowaga Planning Board - August 12, 2010
5. Minutes: Town Environmental Advisory Committee - August 25, 2010

### B. General Communications

1. Notice of Claim: Allstate Insurance Co. as Subrogee of Elizabeth K. Czajkowski Vs. Town of Cheektowaga

2. Notice of Claim: Maria Alzghoul as Guardian of Landon M Mychajluk Vs. Town of Cheektowaga
3. Notice of Claim: Keith Betz Vs. Town of Cheektowaga
4. Notice of Claim: Kristin Keller Vs. Town of Cheektowaga
5. Notice of Claim: Dave J. Skowronski 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 Jaworowicz to adjourn the meeting. Meeting closed at 7:52 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, 20, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on September 20, 2010 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  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Public Hearings

### *A. Demolition of 1112 Walden 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.

### *B. Demolition of 2371 Genesee Street*

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.

### ***C. Demolition of 17 Fath 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.

## **IV. Resolutions**



## 1. RESOLUTION 2010-540

### 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:	100.1355.2005	Office Equipment	\$ 1,500.00
TO:	100.1355.4001	Office Supplies	\$ 1,500.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-541

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 17, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,901,740.54
RISK RETENTION FUND	108,868.55
DEBT SERVICE FUND	401,781.25
HUD HOUSING REHABILITATION FUND	9,819.00
SPECIAL DISTRICT FUND	982,432.78
HIGHWAY FUND	473,972.78
CAPITAL FUND	262,442.39
TRUST & AGENCY FUND	16,659.04
HUD CDBG FUND	63,245.66
PART TOWN FUND	130,218.98
NYS AFFORDABLE HOUSING	6,391.00
	<u>6,391.00</u>
	\$ 5,357,571.97

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2010-542

## Accept Proposal for Special Inspection Services at the Police & Court Building

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, by Town Board Resolution dated September 7, 2010 contract(s) for the Police & Court Building Renovation and Addition Project were awarded to four (4) separate prime contractors, AND

WHEREAS, the New York State Department of State, Division of Code Enforcement and Administration, requires Special Inspections during the duration of construction to be provided by an independent firm engaged by the owner, said testing is to include, but not be limited to, excavation and backfilling, reinforced and pre stressed concrete, high strength bolting, welding, steel frame inspection and masonry, AND

WHEREAS, the Engineering Department solicited and received proposals from four (4) professional testing agencies in order to meet the aforesaid Special Inspection Program requirements, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Quality Inspection Services, Inc., 37 Franklin Street, Suite 400, Buffalo, New York 14202 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 Quality Inspection Services, Inc. for the provision of professional services in the field of Special Inspections in an amount not to exceed \$38,386.00 which shall be chargeable to Account #500-1910-9399-5025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-543

### Accept Tree Replacement Monies for 3828 Broadway

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, as part of the development of property located at 3828 Broadway, the developer needs to remove a number of trees on the site; and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation; and

WHEREAS, with respect to the aforementioned property, physical limitations prevent the replacement of trees on a one-for-one basis; and

WHEREAS, this Board has met with the developer of the aforementioned property and has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site; NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept the sum of \$5,390.00 from Penske Truck Leasing; and BE IT FURTHER

RESOLVED, that said amount shall be used as soon as possible for the planting of shade trees in the neighborhoods of the Town in furtherance of the Town's reforestation efforts

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-544

### Accept Site Plan - 125 Gardenville Parkway

**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 David Thomas Kazmierczak, R.A. for US Food Service for the construction of a parking area extension at 125 Gardenville Parkway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 8, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.

**ATTACHMENTS:**

125 gardenville parkway (JPG)  
 125 gardenville parkway (JPG)  
 125 gardenville parkway site plan (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Charles Markel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-545

### Authorization for Purchase of Nine Tactical Vests

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Cheektowaga Police Department has requested authorization to purchase nine (9) new Point Blank Dragon Fire Hi-Lite Ballistics IIIA-SEO12 Tactical Vests with enhanced protective equipment as specified in the New York State OGS Contract No. 21800-PF, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 100-3120-2501, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of nine (9) new Point Blank Dragon Fire Hi-Lite Ballistics IIIA-SEO12 Tactical Vests with enhanced protective equipment in the amount of \$26,365.50 for the Police Department from:

Sewing Technology & Uniforms  
691 Seneca Street  
Buffalo, NY 14210

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-546

### Open Burning/3600 Union Road/Cheektowaga Central

**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 October 5, 2010, rain date of October 6, 2010 or October 7, 2010 on the property located at 3600 Union Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Forks Fire Department in conjunction with summer youth activities, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. They request the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Cheektowaga Central High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-547

### 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 John F. Kennedy High School to conduct a open fire on October 1, 2010 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 District 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. They request 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-548

### Unsafe-Unsecured/169 Garland 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 169 Garland Avenue, Cheektowaga, New York SBL# 113.63-2-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Norman Kazmierczak & Wife, 169 Garland Avenue, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 169 Garland Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-549

### Unsafe-Unsecured/54 Royal Palm 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 54 Royal Palm Drive, Cheektowaga, New York SBL# 92.14-6-5 that is a danger to the safety of others, and records kept by the Assessors Office identify David K. Jones & Sandra Jones, 54 Royal Palm Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 54 Royal Palm Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 11. RESOLUTION 2010-550

### 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:

Jillian Adamczak	8/31/10	14211
Brad Agen	8/27/10	14227
Patrick Albanesi	8/20/10	14043
Josh Atzrott	8/21/10	14215
Dylan Bajer	8/22/10	14225
Adam Barrett	8/19/10	14225
Christopher Balash	8/19/10	14215
Jacob Bauer	8/26/10	14227
Brad Bauman	8/13/10	14227
Evin Bernard	8/31/10	14215
Corey Beszczyński	8/28/10	14212
Drew Bielanin	8/20/10	14215
Alexis Blachowski	8/31/10	14225
Lauren Boehm	8/31/10	14225
Christian Boettcher	8/23/10	14206
Robert Bommer	8/26/10	14225
Reuben Borowski	Never worked	14225
Levi Bourdette	8/20/10	14225
Lily Boyd-Gamel	8/31/10	14225
Gared Brock	8/18/10	14225
Jennifer Brock	8/21/10	14225
Richard Burton	8/20/10	14225
Spencer Calos	8/23/10	14227
Jackie Campbell	8/20/10	14043
Kenneth Carlucci III	8/17/10	14206
Tyler Casillo	8/19/10	14227
Andrew Charvat	8/23/10	14225
Brandon Chittenden	Never worked	14043
Catherine Chojnacki	8/20/10	14225
Andrew Chruscicki	8/22/10	14225
David Chwojdak	8/26/10	14227
Amanda Ciesielski	8/31/10	14043
Merissa Ciesielski	8/31/10	14225
Richard Coburn	8/13/10	14043
Thomas Cooke	Never worked	14225
Nicholas Coronado	8/19/10	14225
Danielle Dauer	8/13/10	14227
Andy Deeds	4/19/10	14211
Katie Defilippo	6/29/10	14225
Justin DelBello	8/20/10	14227
Jon Deveny	8/19/10	14225
Don Diana	8/31/10	14043

Patrick Eck	8/23/10	14225
Britney El-Amin	8/12/10	14225
Matthew Eckle	8/23/10	14225
Melissa Farruggio	8/24/10	14227
Scott Ferer	8/24/10	14215
Damon Fermo	8/25/10	14225
Lauren Fial	8/31/10	14227
Josh Fruchtel	8/31/10	14211
Adam Fuest	8/27/10	14225
Kelsey Full	8/20/10	14227
Anthony Filipski	9/13/10	14227
Joshua Galante	8/24/10	14206
Michael Gandt	8/19/10	14043
Jeff Gmerek	8/19/10	14225
Olivia Gmerek	8/19/10	14225
Jillian Golembiewski	8/25/10	14206
Brian Grabiec	8/20/10	14225
Brendon Graham	8/25/10	14227
Dakota Grantham	8/20/10	14225
Brandon Glodowski	Never worked	14227
Jennifer Grzebinski	8/21/10	14227
Jonathan Gworek	8/24/10	14043
Rebecca Gworek	8/24/10	14043
Nicole Habermehl	8/31/10	14225
Thomas Hanzlian	8/20/10	14225
DeVante' Hardy	8/19/10	14225
Julia Harvey	8/21/10	14225
Valerie Herman	8/20/10	14225
Paul Hockwater	8/19/10	14227
Matthew Hockwater	8/22/10	14227
Kara Jeziorski	8/31/10	14227
Jeffery Kapanek	8/15/10	14206
Katie Kapanek	7/30/10	14206
Sarah Kapanek	8/13/10	14206
Shawn Kaznica	8/28/10	14206
Shannon Kelly	8/31/10	14227
Stephen Kelly	8/31/10	14211
Caitlin Kerling	Never worked	14225
Courtney Kerling	Never worked	14225
Michael Kiripolsky	8/23/10	14215
Tim Kish	8/27/10	14206
Jonathan Klein	8/16/10	14227
Sarah Kojm	9/13/10	14215
Crystal Kosmider	8/20/10	14206
Jenelle Kostran	8/16/09	14043
Alissa Kowalski	8/25/10	14206
Kayla Kuechle	8/24/10	14225
Julie Laffrado	8/31/10	14225
Cassandra Langan	8/20/10	14225
Austin Lauer	8/31/10	14225
Emily Leminger	8/31/10	14227
Maria Lesinski	9/13/10	14211
Michael Lewandowski	8/27/10	14043
Madalyn Lewis	8/20/10	14225

Megan Lewis	8/11/10	14225
Mark Maciejewski	8/31/10	14225
Nicole Maciejewski	8/20/10	14227
Elicia Mactarnaghan	8/23/10	14225
Lori Majewski	8/31/10	14227
Danielle Malicki	8/20/10	14227
Joe Malicki	8/31/10	14043
Doug Martin	8/19/10	14225
Steven Mazurkiewicz	8/31/10	14225
Eric Messenger	Never worked	14043
Nathan Meyers	8/19/10	14225
Jon Miller	8/21/10	14227
Liz Monaco	8/21/10	14225
Elaine Montgomery	8/13/10	14225
Sarah Montgomery	8/13/10	14225
Amanda Moran	8/28/10	14206
Allison Musial	8/21/10	14225
Rita Nabozny	8/13/10	14227
Eric Nash	8/25/10	14206
Jamie Nash	8/20/10	14206
Joshua Neureuther	Never worked	14206
Nicole Neyerlin	3/20/10	14225
Mindy Odrobina	8/18/10	14043
Nicole Odrobina	8/20/10	14043
Corey Patrzyk	8/20/10	14211
Scott Patrzyk	8/25/10	14211
Matt Pazderski	8/21/10	14227
Keileigh Pecyne	8/19/10	14227
Christie Petre	8/19/10	14211
Alison Pieroni	8/20/10	14225
Holly Podniesinski	8/24/10	14227
Kyle Polanski	8/25/10	14043
Leah Polvinale	8/31/10	14227
Edward Pyszczynski	8/18/10	14227
Alexis Quintin	8/13/10	14206
Jacob Radlich	8/11/10	14225
Da'Vona Randle	Never worked	14225
Carolyn Reczek	8/31/10	14227
Caitlin Rieck	8/20/10	14225
Jacquelyn Rieck	8/31/10	14225
Matthew Refermat	8/13/10	14212
James Rogers	8/27/10	14206
Nicholas Ross	8/25/10	14227
Evan Ruh	8/13/10	14225
Nicholas Russell	8/19/10	14206
Emily Russillo	8/20/10	14227
Caitlyn Rutski	8/21/10	14043
Andrew Samer	8/25/10	14227
Joshua Scheller	8/21/10	14225
Kristen Schugardt	8/31/10	14043
Adam Skowron	8/13/10	14227
Tabitha Slachiak	8/31/10	14212
Courtney Smith	9/13/10	14206
Austin Snyder	8/21/10	14225

Regular Meeting	Minutes	September 20, 2010
Naomi Snyder	8/21/10	14225
Robyn Stanley	8/31/10	14225
Gary Steltermann	9/13/10	14225
Chris Suchan	Never worked	14227
Cody Sutton	8/20/10	14225
Kristie Swiatkowski	12/12/09	14227
Andrew Tatta	8/20/10	14225
Joshua Tedesco	Never worked	14227
Katie Tomaschko	8/20/10	14225
Lauren Tomaschko	8/20/10	14225
Bradley Vargo	8/25/10	14225
Aaron Wanat	8/19/10	14043
Alexis Wayne	8/23/10	14227
Dan Wasilewski	8/19/10	14225
Jennifer Weber	8/22/10	14225
Brandon Wheeler	8/14/10	14225
Harley Wiertel	8/12/10	14227
Kendal Wiertel	8/12/10	14227
Tyler Welsh	8/10/10	14225
Korry Williams	8/15/10	14227
Amanda Wyzykowski	8/20/10	14212
Nicole Wyzykowski	8/31/10	14206
Anastasia Zarbo	8/20/10	14227
John Zastempowski	8/20/10	14227
Daniel Zogaria	8/25/10	14206

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Waive the Reading of Names for the Following three (3) Resolutions: 2010-550; 2010-551; 2010-552. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-551

### 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:

Laborer - "Bathhouse Attendant" - to Recreation Aide - 7310.1804 - \$7.25 - Part-time  
Christine Jedd

Laborer - "Bathhouse Attendant" - to Recreation Aide - 7140.1611 - \$7.25 - Part-time  
Dakota Herkey

Recreation Attendant - 7310.1804 - \$7.90 - Regular Part time  
Deanna Szymkowiak

Recreation Attendant - \$7.75 - 7140.1614 - Regular Part time  
Aaron Tymorek

Recreation Attendant - \$8.00 - 7140.1614 - Regular Part time  
Jacqueline Tymorek

Recreation Attendant - \$8.75 - 7140.1664 - Regular Part-time  
Kathy Carnall

Recreation Attendant - \$13.05 - 7140.1664 - Regular Part time  
Laila Desjardins

Recreation Attendant - \$11.30 - 7140.1664 - Regular Part time  
Nancy Fumerelle

Recreation Attendant - \$9.55 - 7140.1664 - Regular Part time  
Marybeth Lunghino

Recreation Attendant - \$10.80 - 7140.1664 - Regular Part time  
Michele Radlich  
Ann Sheldon

Recreation Attendant - \$10.55 - 7140.1664 & 7310.1804- Regular Part time  
Sandra Suwalski

Recreation Attendant - \$8.90 - 7140.1614 - Regular Part time  
Hilary Peacock

Regular Part time - Effective immediately  
From Camp Flamingo - 7310.1810 to Adapted Recreation Program- 7310.1803  
Amy McMahan  
Mark Hannon

Greg McEvoy  
DeYonca Porter  
Kristen Stadelmeyer  
Jessica Szyjka

From Camp Flamingo - 7310.1810 to Adapted Recreation Program- 7310.1803

Part time- Effective immediately

Nicole Putland

Regular Part time - Effective immediately

From Teen Club 7310.1814 to Adapted Recreation Program - 7310.1803

Jennifer Zelasko

Laura Munson

Regular Part time - Effective immediately

From Camp JI-IK-DO-WAH-GAH 7310.1801 to Adapted Recreation Program-7310.1803

Casey Hawley

Melissa Rogers

Maribeth Stadelmeyer

Lauren Szydowski

From Camp JI-IK-DO-WAH-GAH 7310.1801 to Adapted Recreation Program-7310.1803

Part time- Effective immediately

Cerene Usinski

Regular Part time - Effective immediately

From Camp Crabapple 7310.1802 to Adapted Recreation Program-7310.1803

Alex Ladowski

Barb Walters

Mary Zelasko

From Camp Crabapple 7310.1802 to Adapted Recreation Program-7310.1803

Part time- Effective immediately

Martin Acevedo

Kelly Mayer

Jenna Soldaczewski

#### **FROM SEASONAL TO REGULAR PART TIME**

From Camp Flamingo - 7310.1810 to Adapted Recreation Program- 7310.1803

Effective immediately

Bryan Haxton

Jennifer Laffrado

Amanda Langa

Sarah Litwin

From Camp JI-IK-DO-WAH-GAH 7310.1801 to Adapted Recreation Program-7310.1803

Effective immediately

Meggan Empric

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-552

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (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 9/7/10  
Jean M. Szary, Depew, New York

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 9/7/10  
Donna G. Chrzanowski, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour effective 9/20/10  
Robert Fetter, Sloan, New York  
Brian Rogowski, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

JUSTICE COURT  
Thomas Dryja effective 9/24/10

SANITATION DEPARTMENT  
Brian S. Kulesz effective 9/8/10

POLICE DEPARTMENT  
Donald S. McCurdy effective 7/19/08  
Sean Trapper effective 7/28/10

FACILITIES DEPARTMENT  
Joseph Galleta effective 7/11/10

AND BE IT FURTHER RESOLVED, the following be and hereby are amended as follows:

SANITATION DEPARTMENT  
Termination of Mathew Bliz (Laborer) effective 8/28/10 to Mathew Bilz

POLICE DEPARTMENT  
Termination of Susan Romasko (Matron) effective 8/31/10 to Susan Romaszko

**RESULT: ADOPTED [UNANIMOUS]**



**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-553

### Appointment of Public Safety Dispatcher (Competitive/Permanent) Police Department/Jennifer Lynn Kubala

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Public Safety Dispatcher in the Police Department; AND

WHEREAS, said vacancy is in the competitive class of civil service; AND

WHEREAS, Jennifer Lynn Kubala appears on said civil service list and meets all the qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jennifer Lynn Kubala of Cheektowaga, New York, be and hereby is appointed to the permanent position of Public Safety Dispatcher in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Public Safety Dispatchers Association effective September 21, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-554

### **Appointment of Two (2) Park Maintenance Workers I (Labor/Permanent) Facilities Department (Building and Grounds Division)/Gary S. Czajka and Paul J. Lorefice**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

WHEREAS, notice of said vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Gary S. Czajka, currently employed as a temporary General Mechanic in the Facilities Department (Building Maintenance Division), applied for said position and meets the necessary qualifications for appointment; AND

WHEREAS, Paul J. Lorefice applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gary S. Czajka of Cheektowaga, New York, and Paul J. Lorefice of Cheektowaga, New York be and hereby are 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 September 21, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-555

### **Travel Authorization (Justice Court/Police Department) Town Justice Thomas Kolbert, Drug Court Case Coordinator Irene Kmiotek and Lieutenant Scott Pilat**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the National Center for DWI Courts One-Day Enhancement Training Program is being held October 8, 2010 in Washington, DC; AND

WHEREAS, Town Justice Thomas Kolbert, Drug Court Case Coordinator Irene Kmiotek, and Police Lieutenant Scott Pilat have requested authorization to attend said program; AND

WHEREAS, Town Justice Thomas Kolbert and Police Chief Christine Ziembra have submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$26.50; AND

WHEREAS, these expenses have been budgeted by the Justice Court and the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Town Justice Thomas Kolbert, Drug Court Case Coordinator Irene Kmiotek, and Police Lieutenant Scott Pilat be and hereby are authorized to attend the National Center for DWI Courts One-Day Enhancement Training Program being held October 8, 2010 in Washington, DC.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-556

### Travel Authorization (Police Department) Detective Michael Hockwater

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a Fire Arson Investigation Seminar is being held November 3 through November 5, 2010 in Montour Falls, New York; AND

WHEREAS, Detective Michael Hockwater 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 \$370; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Detective Michael Hockwater be and hereby is authorized to attend the Fire Arson Investigation Seminar being held November 3 through November 5, 2010 in Montour Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-557

### Travel Authorization (Police Department) Captain James Speyer and Lieutenant Scott Prell

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a course entitled, "Fundamentals of Employment Law" is being held October 26, 2010 in Buffalo, New York; AND

WHEREAS, Police Captain James Speyer and Lieutenant Scott Prell 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 \$578; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Police Captain James Speyer and Lieutenant Scott Prell be and hereby are authorized to attend the course, "Fundamentals of Employment Law" being held October 26, 2010 in Buffalo, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Waive the Rules to Include the Following Four (4) Resolutions, 2010-558; 2010-559; 2010-560 and 2010-561. Motion Carried.
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## 1. RESOLUTION 2010-558

### Approve Purchase of Three (3) Trucks

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Facilities Department, Parks and Building and Ground Divisions, have requested authorization to purchase three (3) 2010 Chevy Silverado 2500HD 4x4 pick-up truck, as specified in New York State OGS Contracts PC65026, AND

WHEREAS, funds for said purchase have been budgeted and are available under account numbers 100-7110-2303 and 100-1625-2303, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of three (3) 2010 Chevy Silverado 2500HD 4x4 pick-up truck, in the amount of \$72,247.30 from:

Hoselton Automall  
909 Fairport Road  
East Rochester, NY 14416

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-559

### Approve Purchase of Three (3) Toro Zero Turns

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Facilities Department, Parks Division, has requested authorization to purchase three (3) 2010 Toro Z Master Zero Turns as specified in New York State OGS Contract PC 64358, AND

WHEREAS, funds for said purchase have been budgeted and are available from account number 100-7110-2304, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of three (3) 2010 Toro Z Master Zero Turns in the amount of \$18,631.00 from:

Grassland Equipment  
892-898 Troy-Schenectady Road  
Latham, NY 12110

(This amount corresponds with the trade in of John Deere Serial: TCC0757B060080, John Deere Serial: TCC0757B060127, and Jacobsen Turf Cat Serial: 66136-2430)

Bison Turf Equipment, Inc.  
280 Kenmore Avenue  
Buffalo, NY 14150

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2010-560

## Notice to Bidders -Demolition of 56 Petan Drive

**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 56 Petan Drive in the Town of Cheektowaga, and

WHEREAS, specifications for same have been prepared by Nussbaumer & Clarke, Inc., 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 56 Petan Drive, 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 October 6, 2010 at 11:00 A.M.

\*\*\*\*\*

### NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 6, 2010 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of 56 Petan Drive 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: September 20, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2010-561

Notice to Bidders - Demolition of 89 Henry Street

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 89 Henry Street in the Town of Cheektowaga, and

WHEREAS, specifications for same have been prepared by Nussbaumer & Clarke, Inc., 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 89 Henry Street, 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 October 6, 2010 at 11:00 A.M.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 6, 2010 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of 89 Henry Street 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: September 20, 2010

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Charles Markel, Stanley Kaznowski, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)

## **VI. Communications**

### ***A. Departmental Communications***

1. Town of Cheektowaga 2011 Tentative Benefit Basis Budget

### ***B. General Communications***

1. Notice of Claim: Allstate as Subrogee for Elizabeth Czajkowski Vs. Town of Cheektowaga
2. Notice of Claim: Sandra Christ Vs. Town of Cheektowaga
3. Notice of Claim: Gina Lees Vs. Town of Cheektowaga
4. Notice of Claim: Ellen Lods Vs. Town of Cheektowaga
5. Petition from Residents of Strasmer Road

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Adjournment**

Motion by Councilmember Swiatek; Seconded by Supervisor Holtz to adjourn the meeting at 7:13 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, 28, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on September 28, 2010 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 2010-562

### SPECIAL EVENT - Homecoming Parade John F. Kennedy Junior/Senior High School

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Student Council of John F. Kennedy Junior/Senior High School has made application to hold its Homecoming Parade on Saturday, October 2, 2010, beginning at 1:00 p.m. (parade route to start at Doyle 1 on William & Alaska to Parker to Helen to Veterans to Henry Street to the school grounds on Cayuga Creek Road); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements: 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 the Student Council of John F. Kennedy Junior/Senior High School for the aforementioned parade to be held on Saturday, October 2, 2010, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2010-563

### Settlement of Claim - Accident on September 14, 2010

**Sponsored By:** Councilmember Zydel, Supervisor Holtz

WHEREAS, on or about September 14, 2010, 2007 Toyota Tundra Pickup Truck owned by David Robida was damaged when the Town of Cheektowaga Sanitation truck accidentally struck his vehicle while it was parked on Hitchcock Drive in the Town of Cheektowaga, and

WHEREAS, the Town's liability claims administrator, First Niagara Risk Management, investigated this claim, and negotiated a settlement with the claimant, 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 with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the claimant; and the Supervisor, Town Attorney and/or First Niagara Risk Management be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

### III. Adjournment

Alice Magierski Town Clerk
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# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, October, 4, 2010

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on October 4, 2010 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 Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
James Speyer, Captain, Cheektowaga Police Department

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-564

### 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:	100.1910.2680	Insurance Recoveries	\$ 5,031.00
	100.7140.1971.1612	Part Time Rec. Attendants	4,000.00
	100.7140.1971.1664	Part Time Pre-K	4,100.00
	100.7140.1971.1636	Part Time Soccer	2,000.00
	100.7180.1971.1901	Part Time Bath House	2,000.00
	100.1355.2005	Office Equipment	1,200.00
	100.7550.2039	Polish Festival Revenues	8,984.25
	100.7550.2040	Crabapple Festival Revenues	3,946.50
TO:	100.1640.4447	Collision Repairs	\$ 5,031.00
	100.7140.1971.1611	Part Time Rink	8,000.00
	100.7140.1971.1624	Part Time Polish Fest.	100.00
	100.7140.1971.1640	Part Time In-Line	2,000.00
	100.7180.1971.1902	Part Time Supervisors	2,000.00
	100.1355.4431	Maintenance Agreements	1,200.00
	100.7550.4374	Polish Festival	4,275.22
	100.7550.4375	Crabapple Festival	8,655.53

#### SPECIAL DISTRICTS FUND

FROM:	255.8135.2500	Pump Station Equipment	\$ 1,600.00
TO:	255.8135.4164	Gas, Oil & Grease	\$ 1,600.00

#### HIGHWAY FUND

FROM:	300.5110.4331	Machinery Rental	\$ 6,500.00
	300.5110.4469	Disposal Cost	5,000.00
	300.5148.4029	Supplies	1,500.00
TO:	300.5140.4191	Misc. Expense	\$ 13,000.00

#### HUD CDBG FUND

FROM:	700.1009.0601	Hud Rehab Multi Family	\$ 1,374.68
	700.1008.0601	Hud Rehab Multi Family	362.20
	700.1010.0704	Contingency	4,927.24
	900.8600.4910	NYS AHC Revenues	100,000.00
TO:	700.1009.0703	Administration	\$ 1,374.68
	700.1008.0603	Lead Paint Testing	362.20
	700.1010.0679	Summer Day Camp	4,927.24
	900.8668.4007	Loans From Program	100,000.00



<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-565

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 1, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,659,639.88
RISK RETENTION FUND	95,550.02
DEBT SERVICE FUND	546,275.00
HUD HOUSING REHABILITATION FUND	5,503.07
SPECIAL DISTRICT FUND	874,997.42
HIGHWAY FUND	627,353.97
CAPITAL FUND	559,348.14
TRUST & AGENCY FUND	15,090.63
HUD CDBG FUND	21,333.03
PART TOWN FUND	156,029.64
NYS AFFORDABLE HOUSING	7,028.00
	<u>\$ 6,568,148.80</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-566

## Call for Public Hearing: Ad Valorem Budget for 2011

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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, 2011, the itemized statement of estimated revenues and expenditures, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District, 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 5, 2010, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 26<sup>th</sup> day of October, 2010, 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 7, 2010, and post same on the signboard maintained by the Town Clerk.

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**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, 2011, 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 5, 2010.

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 26<sup>th</sup> day of October,2010 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	\$82,150
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 4, 2010  
Published: October 7, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 4. RESOLUTION 2010-567

## Call for Public Hearing: Benefit Basis Budget 2011

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2011 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 26th day of October, 2010 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 7, 2010.

\*\*\*\*\*

### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, New York has completed its 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 26, 2010 at 6:00 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 4, 2010  
Published: October 7, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-568

### Notice to Bidders: Rental of Equipment & Operator for Emergency Snow Removal 2010-11 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 20, 2010 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 2010-11 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 20, 2010, at 11:00 AM in the Town Hall Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words "BIDS FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN AN EMERGENCY".

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-Collusion forms must be signed and submitted with bids.

\_\_\_\_\_  
Alice Magierski, Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 6. RESOLUTION 2010-569

### Purchase of Rake Carriage Assembly

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Main Pump Station has requested authorization to purchase one (1) Rake Carriage Assembly and related parts, AND

WHEREAS, this equipment is manufactured by WSG & Solutions, being the sole source supplier, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of one (1) Rake Carriage Assembly and related parts be awarded to:

WSG & Solutions  
160 Commerce Drive  
Suite 100  
Montgomeryville, PA 18936

in the amount of \$15,635.50, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted from Account No. 255-8135-4431 for said purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-570

### Town Board Approves the Sale of Flow Meter

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a Polysonics SX40 Doppler Flow Meter, Serial Number 97300, originally installed at the Main Pump Station in 2004 has been removed from service and replaced with a more suitable metering device and said equipment has been deemed to be surplus by the Main Pump Station Superintendent, AND

WHEREAS, an opportunity to sell this used piece of surplus flow monitoring equipment has presented itself and a suitable proposal to purchase this flow meter device has been submitted to the Town in the amount of \$2,000, AND

WHEREAS, the sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the sale of said Polysonics SX40 Transit Time Flow Meter in the amount of \$2,000 to:

Systemation  
1387 Fairport Road  
Suite 880  
Fairport, New York 14450

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-571

### Special Event - Cheektowaga Central School Homecoming Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Cheektowaga Central School District has made application to hold its Homecoming Parade on Friday, October 8, 2010, beginning at 5:30 p.m. (parade route to start at Benbro Drive, to Nantucket, Zoerb, Jamaica, South Creek and cross over Union Road to the Cheektowaga Central School); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements: 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 the Cheektowaga Central School District for the aforementioned Homecoming Parade to be held on Friday, October 8, 2010, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-572

### Open Burning/1050 Maryvale-Maryvale 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 Cheektowaga-Maryvale Union Free School District to conduct a open fire on October 5, 2010 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 met, and that this application is in compliance with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. It is requested that the Town Board approve the issuance of this permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Maryvale 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



# 10. RESOLUTION 2010-573

## 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 Sunday, October 31, 2010 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 Sunday, October 31, 2010 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-574

### Unsafe-Unsecured/4-6 Redwood Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4-6 Redwood Drive, Cheektowaga, New York SBL# 91.14-10-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Joan M. Garrett, 4 Redwood Drive, Cheektowaga, New York 14225, as the owner, AND

WHEREAS, an inspection of such premises was conducted at 4-6 Redwood Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-575

### Unsafe-Unsecured/20 Mafalda Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 20 Mafalda Drive, Cheektowaga, New York SBL# 91.05-1-46 that is a danger to the safety of others, and records kept by the Assessors Office identify Mary L. Packer Living Trust, Attn: Mary L. Packer Trustee, 20 Mafalda Drive, Cheektowaga, New York 14215, as the owner, AND

WHEREAS, an inspection of such premises was conducted at 20 Mafalda Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-576

### Authorize Application for License Event Notification Service

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town of Cheektowaga employs various individuals who drive vehicles on behalf of the Town, and

WHEREAS, a Town employee who drives vehicles for the Town could be issued traffic tickets or lose his/her license as a result of a motor vehicle infraction, etc., and

WHEREAS, the New York State Department of Motor Vehicles offers a License Event Notification Service ("LENS") to permit government agencies access to motor vehicle records for carrying out Town functions so that traffic infractions and loss of drivers' licenses can be monitored, and

WHEREAS, the Town of Cheektowaga feels strongly that its Personnel Director should have access to LENS so that we can know when a driver of one of our vehicles loses his license or may be in danger of losing same, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor and/or the Coordinator of Employee Relations be and hereby are authorized to execute an application for LENS to permit the Coordinator of Employee Relations to be notified if a Town employee who drives a vehicle for the Town loses his/her license or is issued traffic tickets or summonses for other traffic or criminal violations involving a motor vehicle.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 14. RESOLUTION 2010-577

### Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants 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 driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, NOW, THEREFORE BE IT

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the list below be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

#### TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

<u>Name</u>	<u>Expiration Date</u>
Ahrens, Adam J	1/31/2013
Barbero, Carlina J	2/28/2013
Barthel, Kyle A	12/31/2012
Berst, Collin J	2/28/2013
Bosley, Christopher M	3/31/2013
Bull, Susan K	9/30/2013
Conte, Emma-Lee M	4/30/2013
Covert, Patrick M	5/31/2013
Dunbar, Jonathan I	1/31/2012
Fisher, Adam D	1/31/2013
Frazzini, Brittany H	1/31/2013
Funk, Craig A	2/28/2013
Gillebaard, Joshua P	2/28/2013
Hendershott, Matthew M	4/30/2013
Incardona, Kirsten J.	7/31/2013
Lee, Sean G	9/30/2011

Lubkowski, Nicholas D	2/28/2013
Luke, Jeffrey K	7/31/2013
Maciejewski, Daniel A	8/31/2013
Malinowski, Keith R	2/28/2013
Marini, Joseph P	7/31/2012
Moleski, Richard M	4/30/2011
Nielsen , Jeffrey A	9/30/2013
Peters, Jodi L	7/31/2013
Pruitt, Jaime L	9/30/2012
Quinn, Ryan A	1/31/2013
Rhodes, Jr., Michael R	2/28/2013
Tone, Ian C	7/31/2012
Walter, Derrick J	1/31/2012
Weber, William R	2/28/2013
Williams, Alan E	6/30/2013
Wisniewski, Michael E	9/30/2013

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-578

### Authorize Town Clerk to Issue 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 following list of vehicles and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth below, providing such ambulance(s) so listed meet(s) the insurance requirements set forth in the Ambulance Ordinance.

<u>VEHICLE MAKE &amp; YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
2010 Chevrolet	FAF 1831	Medic 18
2010 Chevrolet	FAF 1832	Medic 19
2010 Chevrolet	FAF 1833	Medic 20
2010 Chevrolet	FAF 1834	Medic 21
2010 Chevrolet	12777 ET	263
2010 Chevrolet	12776 ET	264
2010 Chevrolet	12775 ET	265

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-579

### Authorize Supervisor to Execute Agreements for Rehabilitation of Rein Road Bridge

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the project for the Rehabilitation of the Rein Road Bridge Over Ellicott Creek, BIN 2212970, in the Town of Cheektowaga, Erie County, PIN 5758.38 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Town of Cheektowaga desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design-I-VI) phase of the project PIN 5758.38; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the above subject project; and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the Town to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it BE IT FURTHER

RESOLVED, that the sum of \$200,000.00 is hereby appropriated from budget line item 300-9950-8000 to cover the cost of participation in the above phase of the Project; and BE IT FURTHER

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (DESIGN I-IV) phase exceeds the amount appropriated above, the Town shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town's first instance funding of Project costs and permanent funding of the local share of Federal Aid-eligible Project costs, and all Project costs within appropriations therefore that are not so eligible, subject to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and BE IT FURTHER

RESOLVED, that this Resolution shall take effect immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-580

### Authorize Supervisor to Execute Grant Documents for Domestic Violence Home Visit Initiative Program

**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, the Town of Cheektowaga has been selected to receive a grant award in the amount of \$25,000 to implement the Domestic Violence Home Visit Initiative; and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of funding under this program to enhance various police operations; 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 securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents pertaining to the application for and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-581

### Authorize Supervisor to Execute Grant Documents for Motor Vehicle Theft and Insurance Fraud Program

**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 detect and apprehend individuals who commit vehicle larcenies; NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**19. RESOLUTION 2010-582****Return Clerk Typist (Temporary) to Student Assistant (Part Time) Police Department/Samantha L. Stroud**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Samantha L. Stroud was appointed to the temporary position of Clerk Typist in the Police Department by this Town Board effective June 28, 2010; AND

WHEREAS, the temporary Clerk Typist position held by Ms. Stroud is no longer needed in the Department; NOW, THEREFORE, BE IT

RESOLVED, that Samantha L. Stroud of Cheektowaga, New York be and hereby is returned to her position as Student Assistant (Part-Time) in the Police Department effective September 13, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2010-583

### Youth & Recreation Transfer

**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:

Laborer - "Bathhouse Attendant" to Recreation Aide - 7140.1611 - \$7.25 - Part time

Ashley Sokol

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for the following two (2) Resolutions: 2010-583 and 2010-584. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 21. RESOLUTION 2010-584

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following individual be and hereby is hired as a PART-TIME EMPLOYEE in the department listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations 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 9/21/10  
Brian M. Rogowski, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT  
Kyle Van Overloop effective 9/18/10  
Michael Fischer effective 9/18/10  
Christopher LaCorte effective 9/18/10  
Keith Piatek effective 9/18/10  
Walter Szafraniec effective 9/18/10  
Thomas Madsen effective 9/11/10

POLICE DEPARTMENT  
Dawn Bulinski effective 9/3/10

FACILITIES DEPARTMENT  
Joseph Galletta effective 7/12/10

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2010-585

### Travel Authorization (Police Department) Lieutenant Gerald Jankowski

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "Great Lakes Leadership Seminar - FBI - LEEDS" is being held October 18 through October 22, 2010 at the Niagara Falls Air Force Base; AND

WHEREAS, Lieutenant Gerald Jankowski 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 \$828.22; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Gerald Jankowski be and hereby is authorized to attend the "Great Lakes Leadership Seminar - FBI - LEEDS" being held October 18 through October 22, 2010 at the Niagara Falls Air Force Base.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2010-586

### Travel Authorization (Youth & Recreational Services) Program Coordinator/Jillian Gorman-King

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureaus' Annual Conference is being held November 15 through November 17, 2010 in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has requested authorization to attend said conference; AND

WHEREAS, Ellen Fischer, Executive Director - Youth Board, 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 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' Annual Conference being held November 15 through November 17, 2010 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Rules to Include the Following two (2) Resolutions: 2010-587 and 2010-588. Motion Carried.
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## 1. RESOLUTION 2010-587

### Approve Installation of Beverage Machine at Senior Citizens Center

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga owns property located at 3349 Broadway known as the Town of Cheektowaga Senior Citizens Center, and

WHEREAS, the Director of the Senior Services Department has requested permission to install a beverage machine with Pepsi, water and other beverages in the Senior Citizens Center for the use by senior citizens, and

WHEREAS, Pepsi-Cola General Bottlers, Inc. has agreed to provide said machine free-of-charge for the Senior Citizens Center provided that the Town purchases beverages for said machine through it, and

WHEREAS, this arrangement will be a benefit to the Town and the senior citizens who frequent the Senior Citizens Center, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the placement of a Pepsi-Cola General Bottlers, Inc. beverage machine at the Senior Citizens Center in accordance with the above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute and all documents in connection with this arrangement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-588

### Accept Storm Sewer Easement at 3443 Genesee Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, there is a drainage issue in the Wellworth Place/Floral Place area of the Town, and

WHEREAS, in order to alleviate the situation, the Town Engineer has requested the owner of 3443 Genesee Street to grant the Town a storm sewer easement through his property, and

WHEREAS, Ralph Wyssing, the owner of said property, agreed to provide said storm sewer easement to the Town, and

WHEREAS, a storm sewer easement was prepared by the Town Attorney and the Town Engineer, and signed by Mr. Wyssing, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts said storm sewer easement, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file said easement in the Erie County Clerk's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - September 2010
2. Supervisor's Statement of Funds - July 2010
3. Supervisor's Statement of Funds - August 2010

### B. General Communications

1. Notice of Claim: Virginia Adamczak Vs. Town of Cheektowaga
2. Summons: Sharon Walker Vs. Town of Cheektowaga and Loomis Armored US, LLC
3. Notice of Highway Closure: Portion of Wehrle Drive from Aero Drive to Garrison Road

- 4. Public Notice: 30 Day Period for Inclusion of Lands into an Agricultural District for 2010

**C. Comments**

**i. Supervisor's Comments**

**ii. Councilmember's Comments**

**iii. Public Comments**

**VI. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Jaworowicz to adjourn the meeting at 8:07 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

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Tuesday, October, 12, 2010

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on October 12, 2010 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 2010-589

### Award of Bids - Demolition of 89 Henry Street and 56 Petan Drive

**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 one-family dwelling located at 89 Henry Street;
2. a one-family dwelling located at 56 Petan Drive

, and

WHEREAS, bid proposals were received and opened on October 6, 2010 for said demolitions, and

WHEREAS, the proposals were reviewed by the Town Attorney and, based on proposals submitted, the Town Attorney has recommended that this Town Board award the bid for the demolition of properties located at 89 Henry Street and 56 Petan Drive to Empire Dismantlement Corp., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition (controlled) of 89 Henry Street to:

Empire Dismantlement Corp.  
2680 Grand Island Boulevard  
Grand Island, NY 14072

for the bid price of \$23,000.00, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that this Town Board hereby awards the bid for the demolition (controlled) of 56 Petan Drive to:

Empire Dismantlement Corp.  
2680 Grand Island Boulevard  
Grand Island, NY 14072

For the bid price of \$24,000.00, being the lowest responsible bidder meeting the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute agreements with Empire Dismantlement Corp. for the aforesaid services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 0800-800-0440.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Charles Markel, Councilmember  
**SECONDER:**   Stanley Kaznowski, Councilmember  
**AYES:**        Holtz, Jaworowicz, Swiatek, Rogowski, Markel, Kaznowski  
**ABSENT:**      Richard Zydel



## 2. RESOLUTION 2010-590

### Settlement of Litigation - Urbaniak V Town

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, on or about August 31, 2005, an action (Joanna L. Urbaniak and Stephen M. Urbaniak vs Town of Cheektowaga, et al, Index No. I-2005-8093) was commenced against the Town; and

WHEREAS, the law firm of Cole, Sorrentino, Hurley, Hewner & Gambino, P.C. (Richard H. Cole, 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 with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or Cole, Sorrentino, Hurley, Hewner & Gambino, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Markel, Kaznowski
<b>ABSENT:</b>	Richard Zydel



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, October, 18, 2010

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on October 18, 2010 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  
Brian Krause, Director of Finance and Administration  
William Pugh, Town Engineer  
Kevin Schenk, Town Attorney  
Kerry Switalski, Director of Senior Services  
Christine Ziembra, Chief of Police

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-591

### Transfer of Funds

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

HUD CDBG FUND

FROM:	700.5008.2430	Depew Accessibility Improvements	\$ 2,755.25
	700.5008.0780	Depew Senior Center Van Driver	4,044.22
	700.5008.0793	Depew Senior Center Staff	1,313.94
	700.5009.0793	Depew Senior Center Staff	3,375.93
	700.5009.0793	Depew Senior Center Staff	14,582.00
TO:	700.5008.0301	Depew Sidewalk Improvements	\$ 8,113.41
	700.5009.0301	Depew Sidewalk Improvements	3,375.93
	700.5009.0665	Depew Senior Citizen Van	14,582.00

HIGHWAY FUND

FROM:	300.1910.2665	Sale of Equipment	\$ 7,994.00
TO:	300.5130.2407	Highway Equipment	\$ 7,994.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 2. RESOLUTION 2010-592

### Warrant

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 15, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 218,797.29
RISK RETENTION FUND	157,395.22
HUD HOUSING REHABILITATION FUND	8,953.75
SPECIAL DISTRICTS FUND	228,177.27
HIGHWAY FUND	33,781.46
CAPITAL FUND	539,511.58
TRUST & AGENCY FUND	16,851.47
HUD CDBG FUND	79,595.58
PART TOWN FUND	3,396.00
NYS AFFORDABLE HOUSING	8,927.00
	<u>\$1,295,386.62</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



### 3. RESOLUTION 2010-593

## Call for Public Hearing for 2011 CDBG Program

**Sponsored By:** Councilmember Kaznowski, Councilmember Swiatek

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 2011 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 1, 2010 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Bee on Thursday, October 21, 2010.

Notice of Public Hearing  
Town of Cheektowaga FY 2011 Annual Plan  
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 1, 2010 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2011 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 2010, the Town received \$ 1,150,127 in CDBG funds and \$382,478 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. Although not likely, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz





### 4. RESOLUTION 2010-594

## Notice to Bidders - 2 New Police Motorcycles (Or Equivalent)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Two (2) New and Unused 2011 Harley Davidson FLHTP Electra Glide Motorcycles (or Equivalent) with a trade-in of Four (4) used motorcycles to be taken in trade by the winning bidder, and those motorcycles being: One (1) 1980 Honda CX500D with approximately 5,500 miles in good condition, One (1) 1980 Honda CS500D with approximately 6,100 miles in good condition, One (1) 1993 Harley Davidson FHP with approximately 20,000 miles in good condition and One (1) 1995 Harley Davidson FLHTP with approximately 15,000 miles in good condition, AND

BE IT RESOLVED, that the four (4) used motorcycles are available for inspection by contacting Capt. James Speyer of the Cheektowaga Police Department at (716) 686-3993, AND

BE IT FURTHER RESOLVED, that sealed bids will be received by the Town Clerk on the 27th day of October, 2010 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 Clerk of the Town of Cheektowaga on Wednesday, October 27th, 2010 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the Purchase of Two (2) New and Unused 2011 Harley Davidson FLHTP Electra Glide Motorcycles (or Equivalent) with trade-in for four (4) used Motorcycles 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 the order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magiersk, Town Clerki

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



### 5. RESOLUTION 2010-595

## Notice to Bidders - Two (2) New Police Vehicles (Or Equivalent)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Two (2) New and Unused 2010 Ford Fusion Vehicles (or Equivalent) 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 by the Town Clerk on the 27th day of October, 2010 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.

\*\*\*\*\*

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, October 27th, 2010 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the Purchase of Two (2) New and Unused 2010 Ford Fusion Vehicles (or Equivalent) as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the Purchase of Two (2) New and Unused 2010 Ford Fusion Vehicles (or Equivalent) as listed in the bid specifications.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town or reject any or all bids.

By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



6. RESOLUTION 2010-596

Notice to Bidders - Custodial Supplies for 2011, 2012, 2013

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 2011, 2012 and 2013, NOW THEREFORE BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the furnishing of Custodial Supplies, AND BE IT FURTHER

RESOLVED, that specifications for said Custodial Supplies may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 3rd day of November, 2010 at 11:00 AM Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

Notice to Bidders

Sealed proposals will be received by the Town Clerk on November 3, 2010 at 11:00 AM Eastern Standard Time at Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2011, 2012, and 2013.

Information for bidders and specifications may be obtained from the Town Clerk at her office in Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.

By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski
Town Clerk

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES, ABSENT) and Content (ADOPTED [UNANIMOUS], James Rogowski, Stanley Kaznowski, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski, Mary Holtz)



## 7. RESOLUTION 2010-597

### Special Event - South Line Volunteer Fire Dept. Halloween Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, South Line Volunteer Fire Company has made application to hold their Annual Halloween Parade on Saturday, October 30, 2010 at 1:00 p.m., beginning from their firehall to Violet Senior Housing, around the building, and 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 30, 2010 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.

1. Submittal of Security Plan;
2. 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 30, 2010 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 8. RESOLUTION 2010-598

### Approve Snow and Ice Removal Agreement with Erie County for 2010-2013

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Town's current agreement with the County of Erie for the removal of snow and ice on certain County roads expired on August 31, 2010, and

WHEREAS, the County of Erie has submitted to the Town Of Cheektowaga a snow and ice removal contract for a three (3) year period, from September 1, 2010 to August 31, 2013, and

WHEREAS, said agreement is acceptable to the Town Superintendent of Highways,  
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement with the County of Erie for snow and ice removal on behalf of the Town Of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 9. RESOLUTION 2010-599

### Settlement of Dispute with GTP Towers IV, LLC

**Sponsored By:** Councilmember Swiatek, Councilmember Markel

WHEREAS, the Town of Cheektowaga entered into a lease arrangement with AT & T Wireless Services in 2000 to authorize the erection of a cellular communications tower on Town-owned property behind the Police & Court building at 3223 Union Road, and

WHEREAS, as part of said lease, the Town of Cheektowaga was permitted to install some antennas on said tower, and

WHEREAS, in 2007, AT & T Wireless Services assigned said lease to GTP Towers IV, LLC, and

WHEREAS, an issue has arisen as to the number of antennas the Town is permitted to install on the tower and annual rental fees, and

WHEREAS, representatives of the Town have negotiated a settlement with representatives of GTP Towers IV, LLC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Supervisor to execute a First Amendment to Lease Agreement with GTP Towers IV, LLC and any and all other documents necessary to finalize said settlement, subject to final approval of the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 10. RESOLUTION 2010-600

### Authorize Supervisor to Execute Application For Justice Court Assistance Program Grant

**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 purchase and installation of an X-Ray machine; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor and Justice Court Judges be and hereby are authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 11. RESOLUTION 2010-601

### Authorize Supervisor to Execute Agreement With Linstar Security, Inc.

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, Linstar, Inc. provides security and identification systems, software, printers, ID card printers and other equipment to several Town Departments; and

WHEREAS, on-site service, maintenance, upgrades, etc., is required for the software and equipment; and

WHEREAS, Linstar, Inc., is an approved vendor under New York State Purchasing Contract (No. PT63106) and has submitted a one-year Service Agreement to the Town which will provide on-site service and maintenance of said software and related equipment; and

WHEREAS, the Town is desirous of entering into said Service Agreement with Linstar, Inc.; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Service Agreement presented to the Town by Linstar, Inc., for the total cost of \$15,567.55; and BE IT FURTHER

RESOLVED, that the cost of said Service Agreement shall be apportioned among the following departments and shall be appropriated from budget line item numbers as follows:

- Town Hall, Police Department, and Records Management (Line Item No. 100-3020-4022)	\$ 12,889.15
- Youth & Recreation (Line Item No. 100-7140-4191)	\$ 1,339.20
- Facilities (Parks Division) (Line Item No. 100-7110-4451)	\$ 1,339.20

and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute said Service Agreement and any other documents that may be necessary to effectuate same, subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz





## 12. RESOLUTION 2010-602

### Hiring/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 PART-TIME EMPLOYEES in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations 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 \$7.25/hour effective 10/04/10  
Michael J. Hockwater, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$13.25/hour effective 10/20/10  
Belinda A. Rogers, Cheektowaga, New York  
Emelia N. Schmitt, Cheektowaga, New York  
Kathleen A. Kuwik, Depew, New York  
Laura A. Sobczak, Cheektowaga, New York  
Antonia Tucker, Cheektowaga, New York  
Lindsay R. Kowalewski, Cheektowaga, New York

BE IT FURTHER RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

FACILITIES DEPARTMENT  
Michael Collins effective 8/25/10  
Brendan Hammer effective 8/20/10  
Jonathan Heisler effective 8/13/10  
Nicholas Kotarski effective 8/27/10  
Michael Lorkowski effective 8/27/10  
Daniel Morgan effective 8/19/10  
Drew Pijacki effective 8/27/10  
Matthew Rakowski effective 8/28/10  
Eric Tomczak effective 8/20/10  
David DeFields effective 5/06/10

BE IT FURTHER RESOLVED, that clarification of the effective appointment date for the following part-time employee be and hereby is made as follows:

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour *effective 9/21/10*  
Brian M. Rogowski, Cheektowaga, New York

BE IT FURTHER RESOLVED, that clarification of the effective termination date for the following part-time employee be and hereby is made as follows:

FACILITIES DEPARTMENT  
Joseph Galletta *effective 7/12/10*

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following two (2) resolutions (2010-602 and 2010-603). Motion Carried.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Jeff Swiatek, Councilmember  
**SECONDER:**       Charles Markel, Councilmember  
**AYES:**            Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:**          Mary Holtz



## 13. RESOLUTION 2010-603

### 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:

Tyia Acoff	8/18/10	14227
Kayla Doetterl	10/15/10	14227
Dakota Herkey	10/17/10	14225
Christine Jedd	10/14/10	14227
Stephen Pfalzer	8/27/10	14043
Brian Sheldon	10/8/10	14227
Ashley Sokol	10/10/10	14227
Josh Strzelec	8/13/10	14211
Andrew Swiat	10/8/10	14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 14. RESOLUTION 2010-604

### **Appointment of General Mechanic (Non-Competitive/Temporary) Facilities Department (Building Maintenance Division)/Scott R. Fullington**

**Sponsored By:** Councilmember Swiatek, Councilmember Markel

WHEREAS, a temporary vacancy exists in the position of General Mechanic in the Facilities Department (Building Maintenance Division); AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no bargaining unit member bid on said vacancy; AND

WHEREAS, Scott R. Fullington applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Scott R. Fullington of Cheektowaga, New York, be and hereby is appointed to the temporary position of General Mechanic in the Facilities Department (Building Maintenance Division), pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective October 19, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz

**15. RESOLUTION 2010-605****Travel Authorization (Police Department) Police Captain David Zack and Detective David Mossman**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a course entitled, "Digital Law Enforcement Photography" is being held January 24 through January 27, 2011 in New Haven, Connecticut; AND

WHEREAS, Police Captain David Zack and Detective David Mossman 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 \$1,906.25; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Police Captain David Zack and Detective David Mossman be and hereby are authorized to attend the course entitled, "Digital Law Enforcement Photography" being held January 24 through January 27, 2011 in New Haven, Connecticut.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz



## 16. RESOLUTION 2010-606

### Travel Authorization (Police Department) Police Captain David Zack and Detective David Mossman

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 2010 University of Tennessee National Forensic Academy Best Practices Symposium is being held December 9 through December 10, 2010 in Nashville, Tennessee; AND

WHEREAS, Police Captain David Zack and Detective David Mossman have requested authorization to attend said symposium; 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 \$1,568.94; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Police Captain David Zack and Detective David Mossman be and hereby are authorized to attend the 2010 University of Tennessee National Forensic Academy Best Practices Symposium being held December 9 through December 10, 2010 in Nashville, Tennessee.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz

## IV. Communications

### A. Departmental Communications

1. Quarterly Report for July to September 2010 Town of Cheektowaga Emergency Services
2. Town of Cheektowaga 2011 Tentative Budget Dated September 30, 2010

### B. General Communications

1. Notice of Claim: Steven and Michelle Chiarmonte, Parents and Natural Guardian of Anthony F. Chiarmonte Vs. Town of Cheektowaga
2. Notice of Claim: Mark Craft Vs. Town of Cheektowaga

3. Notice of Claim: Donna Marie Karczewski Vs. Town of Cheektowaga
4. Notice of Claim: Joan Krakowiak Vs. Town of Cheektowaga
5. Notice of Claim: Lisa and Paul Malikowski as Parents of Samantha Vs. Town of Cheektowaga
6. Summons: Peter Seiwert Vs. Town of Cheektowaga & Etal Mortgaged Premises - 3497 - 3501 Harlem Road
7. Summons: HSBC Mortgage Corporation Vs. Town of Cheektowaga & Etal Mortgaged Premises - 216 Commodore Terrace
8. Public Notice: 2010 30-Day Period for Inclusion of Lands into an Agricultural District
9. Notice of Highway Closure: that Portion of Holtz Drive and Aero Drive Intersection. the Restrictions Will be in Effect from 10/7/10 -12/17/10. the Existing Intersection Will be Replaced with a Roundabout.

## **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 adjourn the meeting. There was a moment of Silence for Chester Kasprzyk, Past President of Town Park Homeowner Association, and Retired Town Employee.

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, October, 26, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on October 26, 2010 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

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Ellen Fischer, Executive Director - Youth Board  
John Glascott, Captain, Police Department  
Brian Krause, Director of Finance and Administration  
Stephanie Lewandowski, Justice Court  
Jon Nichy, Superintendent of Wastewater Pump Station  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Jim Speyer, Captain - Police Department  
Kerry Switalski, Senior Services Director  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Public Hearings

### 1. Ad Valorem Budget for 2011

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed, decision was reserved.

**RESULT: CLOSED [UNANIMOUS]**



**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Benefit Basis Budget 2011

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed, decision was reserved.

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Comments

### A. Supervisor's Comments

### B. Councilmember's Comments

### C. Public Comments

## V. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting.  
Time 6:35 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, November 1, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on November 1, 2010 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  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Public Hearing

### 1. 2011 Community Development Block Grant Program

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 2010-607

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM:	100.1410.1901	Regular Payroll	\$	400.00
	100.7140.2123	Ice Rentals		414.00
	100.1415.3500	State Aid-Archive		6,266.00
	100.1910.2680	Insurance Recoveries		10,665.17
	100.1410.4111	Publishing		700.00
TO:	100.1410.1902	Overtime Payroll	\$	400.00
	100.7110.1902	Overtime Payroll		414.00
	100.1415.4003.1002	Minor Remodeling		6,266.00
	100.1640.4447	Collision Repairs		10,665.17
	100.1410.4431	Equipment Maintenance		700.00

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-608

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 29, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,059,468.11
RISK RETENTION FUND	138,752.62
HUD HOUSING REHABILITATION FUND	16,155.88
SPECIAL DISTRICTS FUND	575,952.05
HIGHWAY FUND	348,102.59
CAPITAL FUND	493,933.85
TRUST & AGENCY FUND	9,312.13
HUD CDBG FUND	6,553.73
PART TOWN FUND	96,214.50
NYS AFFORDABLE HOUSING	20,243.00
	<u>\$ 4,764,688.46</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2010-609

Award of Bid - Rental of Equipment & Operators for Emergency Snow Removal 2010-11 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 20, 2010 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 CTS Contracting, Inc., 320 Crabapple Lane, Cheektowaga, NY 14227. AND BE IT FURTHER

RESOLVED, that line item to be used for emergency is 300-5142-4029.

\*\*\*\*\*

CTS Contracting, Inc.

SUPERVISOR WITH PICK UP TRUCK - \$35.00/hr., straight, \$55.00/hr. Premium

	BASE HOURLY <u>RATE</u>	PREMIUM <u>RATE</u>
3 C.Y. Loaders	140.00	160.00
4 C.Y. Loaders	155.00	175.00
5 C.Y. Loaders	175.00	195.00
Road Graders	150.00	170.00
Tandem Axle Dump Trucks	115.00	135.00

Michael Serafini, Inc.

SUPERVISOR WITH PICK UP TRUCK - \$75.00/hr. straight, \$95.00/hr. Premium

	BASE HOURLY <u>RATE</u>	PREMIUM <u>RATE</u>
3 C.Y. Loaders	165.00	195.00

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4 C.Y. Loaders	180.00	210.00
5 C.Y. Loaders	190.00	220.00
Road Graders	180.00	210.00
Tandem Axle Dump Trucks	85.00	105.00

Scott Lawn Yard Inc.

Pay Loader/Front End Loader \$225.00/hr. each

Truck tandem \$95.00/hr. each

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-610

### Change Order No. 2 (Final) - 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, AND

WHEREAS, the Town Engineer and project consulting engineer, Nussbaumer & Clarke, Inc., have recommended the approval of Change Order No. 2 (Final) for the aforesaid project for additional work items performed which are described in the Change Order Document, and have further 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 authorizes and directs the Supervisor to sign the final contract acceptance documents with Ferguson Electric Construction Company, Inc., including Change Order No. 2 (Final), which provides for an increase to this contract in the amount of \$8,429.66, resulting in a total contract completion total in the amount of \$456,329.66.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





5. RESOLUTION 2010-611

Notice to Bidders - Two (2) 2011 Cabs & Chassis with Refuse Packer Bodies

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Sanitation Department is in need of two (2) new and unused 2011 (or newer) Conventional Cabs & Chassis with Refuse Packer Bodies, 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 vehicles 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 10th day of November, 2010 at 11:00 am, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on November 10, 2010 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) new and unused 2011 (or newer) Conventional Cabs & Chassis with Refuse Packer Bodies 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: November 1, 2010

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Content (ADOPTED [UNANIMOUS], Jeff Swiatek, Councilmember, Richard Zydel, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



## 6. RESOLUTION 2010-612

### Award Contracts for Workers' Compensation Claims Administration and Loss Control Services

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is self-insured for purposes of Workers' Compensation insurance, and

WHEREAS, the Town of Cheektowaga retains outside consultants to administer the Town's self-insured Workers' Compensation program, and also to provide loss control services to the Town, and

WHEREAS, the Town's existing contract for Workers' Compensation Administration and Loss Control Services has expired, and

WHEREAS, the Town's Insurance Consultant issued a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services, and

WHEREAS, proposals were received and evaluated by Holfoth Risk Management, the Town's insurance consultant, and

WHEREAS, this Board also reviewed and discussed the proposals submitted, NOW, THEREFORE, BE IT

RESOLVED, that the Contract for Workers' Compensation Self-Insured Claims Administration be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2010 and terminating on October 31, 2013 for the following fees:

11/1/10 - 10/31/11	\$41,700
11/1/11 - 10/31/12	\$42,600
11/1/12 - 10/31/13	\$43,665

, with miscellaneous services and fees as stated in the proposal from First Niagara Risk Management, Inc., and BE IT FURTHER

RESOLVED, that the Contract for Loss Control Services be and hereby is awarded to Gerster Safety, effective November 1, 2010 and terminating on October 31, 2013 (unless terminated earlier by the Town as per the contract) for the following fees:

11/1/10 - 10/31/13	\$21,600
Industrial Hygiene Services	\$125/hour + lab fees (if and when needed)
Special Engineering Projects	\$125/hour (if and when needed)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-613

### Youth & Recreational Services Program Fees 2011

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following program fees be and hereby are established in the Department of Youth & Recreational Services:

FEEES IN (\$0.00) DENOTE 2010 FEEES

#### RESIDENT DISCOUNT CARDS

CHILDREN	(7 - 15 YEARS OF AGE)	\$5.00	(\$5)
ADULT	(16 - 59 YEARS OF AGE)	\$7.00	(\$7)
SENIORS	(60 YEARS OF AGE AND OLDER)	FREE	(FREE)

#### CAMP DARTWOOD

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 607 (\$589)	\$ 728 (\$707)
PER CHILD WEEKLY	\$ 109 (\$106)	\$ 134 (\$130)
SECOND CHILD ALL 6 WEEKS	\$ 590 (\$573)	\$ 708 (\$687)
SECOND CHILD WEEKLY	\$ 104 (\$101)	\$ 129 (\$125)
THREE (3) DAYS PER WEEK	\$ 98 (\$ 95)	\$118 (\$115)

#### CAMP FLAMINGO

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 607 (\$589)	\$ 728 (\$707)
PER CHILD WEEKLY	\$ 109 (\$106)	\$ 134 (\$130)
SECOND CHILD ALL 6 WEEKS	\$ 590 (\$573)	\$ 708 (\$687)
SECOND CHILD WEEKLY	\$ 104 (\$101)	\$ 129 (\$125)
THREE (3) DAYS PER WEEK	\$ 98 (\$95)	\$118 (\$115)

#### YOUTH IN TRAINING

RESIDENT	NON-RESIDENT
\$175 (\$170)	\$207 (\$201)

#### CAMP JI-IK-DO-WAH-GAH

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 590 (\$573)	\$ 728 (\$707)
PER CHILD WEEKLY	\$ 109 (\$106)	\$ 134 (\$130)
SECOND CHILD ALL 6 WEEKS	\$ 567 (\$551)	\$ 708 (\$687)
SECOND CHILD WEEKLY	\$ 104 (\$101)	\$ 129 (\$125)
THREE (3) DAYS PER WEEK	\$ 98 (\$ 95)	\$118 (\$115)

**CAMP CRABAPPLE**

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD ALL 6 WEEKS	\$ 590 (\$573)	\$ 728 (\$707)
PER CHILD WEEKLY	\$ 109 (\$106)	\$ 134 (\$130)
SECOND CHILD ALL 6 WEEKS	\$ 567 (\$551)	\$ 708 (\$687)
SECOND CHILD WEEKLY	\$ 104 (\$101)	\$ 129 (\$125)
THREE (3) DAYS PER WEEK	\$ 98 (\$ 95)	\$118 (\$115)

**ADAPTED RECREATION PROGRAM**

	RESIDENT	NON-RESIDENT
OCTOBER - APRIL	\$ 211 (\$205)	\$ 244 (\$237)

**SPECIAL OLYMPICS**

	\$ 30 (\$30)	\$30 (\$30)
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**TINY TOTS**

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD	\$56 (\$55)	\$63 (\$62)
SECOND CHILD	\$51 (\$50)	\$58 (\$57)

**THREE TO GET READY**

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD	\$51 (\$50)	\$58 (\$57)
SECOND CHILD	\$46 (\$45)	\$53 (\$52)

**GYMNASTICS (Beginners) Fall/Winter/Spring**

	RESIDENT	NON-RESIDENT
2 DAY		
PER CHILD	\$65 (\$65)	\$75 (\$75)
SECOND CHILD	\$59 (\$59)	\$69 (\$69)
SUMMER 1 DAY		
PER CHILD	\$39 (\$29)	\$49 (\$35)
SECOND CHILD	\$35 (\$25)	\$45 (\$30)

**TINY TUMBLERS**

	RESIDENT	NON-RESIDENT
SUMMER 3&4YR OLD 1 DAY		
PER CHILD	\$39 (\$39)	\$49 (\$49)
SECOND CHILD	\$35 (\$35)	\$45 (\$45)

**TINY TUMBLERS**

	RESIDENT	NON-RESIDENT
FALL/WINTER/SPRING		
PER CHILD	\$45 (\$45)	\$55 (\$55)
SECOND CHILD	\$40 (\$40)	\$50 (\$50)

**ADVANCED I & II GYMNASTICS**

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD	\$70 (\$70)	\$80 (\$80)
SECOND CHILD	\$65 (\$65)	\$75 (\$75)

**INTRO TO ADVANCED GYMNASTICS**

PER CHILD	\$65 (\$65)	\$75 (\$75)
SECOND CHILD	\$59 (\$59)	\$69 (\$69)

**ADVANCED GYMNASTICS**

<b>PRACTICES</b> (per class)	\$ 5	(\$ 5)	\$ 5	(\$ 5)
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**ACROBATIC GYMNASTICS**

	RESIDENT	NON-RESIDENT
PER CHILD	\$45 (\$45)	\$55 (\$55)
2 <sup>ND</sup> CHILD	\$39 (\$39)	\$49 (\$49)

**JUST A BACK HANDSPRING & FUN WITH FLOOR EXERCISE**

	RESIDENT	NON-RESIDENT
PER CHILD	\$45 (\$45)	\$55 (\$55)
2 <sup>ND</sup> CHILD	\$39 (\$39)	\$49 (\$49)

**PILATES & FLEXIBILITY**

	RESIDENT	NON-RESIDENT
	\$20 --	\$30 --
	\$2 PER CLASS	\$3 PER CLASS

**ADULT EXERCISE (CLEVELAND HILL)**

	RESIDENT	NON - RESIDENT
	\$125 - \$100	EARLY BIRD FEE - \$3 PER DAY

**SWIMMING**

	SUMMER	RESIDENT	NON-RESIDENT
	YOUTH	\$37 (\$36)	\$47 (\$46)
CHILD	\$34 (\$33)	\$44 (\$43)	SECOND
	PARENT/INFANT	\$27 (\$26)	\$37 (\$36)
	SECOND CHILD	\$24 (\$23)	\$34 (\$33)
	TODDLER	\$27 (\$26)	\$37 (\$36)
	SECOND CHILD	\$24 (\$23)	\$34 (\$33)
	WATER AEROBICS	\$34 (\$33)	\$44 (\$43)
	ADULT	\$34 (\$33)	\$44 (\$43)
	GUARD START	\$37 (\$36)	\$47 (\$46)
	WATER SLIDE/ ANIMALS	\$ 1 (\$1)	\$ 1 (\$1)
	DAILY USER FEE (Maryvale/Dingens)	\$ 7 (\$7)	\$ 7 (\$7)
	DAILY USER FEE (Town Pool)	\$ 7 (\$7)	\$ 7 (\$7)

## FALL 2011/ WINTER 2012

	YOUTH	\$37 (\$36)	\$47 (\$46)
	SECOND CHILD	\$34 (\$33)	\$43 (\$43)
	OPEN/ FAMILY (LESS DAYS)	\$36 (\$35)	\$46 (\$45)

**LIFEGUARD TRAINING**

	\$144 (\$143)	\$184 (\$183)
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Pool utilization for instructional groups will be charged \$30 per hour for 10 or less patrons. Five dollars more will be charged for every person above 10 in number. Rental availability subject to approval by the Pool Director.

**INSTRUCTIONAL TENNIS**

	SUMMER	RESIDENT	NON-RESIDENT
	YOUTH	\$32 (\$31)	\$42 (\$41)
	ADULT TWO DAY	\$36 (\$31)	\$46 (\$41)
	ADULT ONE DAY	\$20 (\$15.50)	\$25 (\$20.50)

**WEE THREE-TWICE THE FUN 2011-12**

FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT
PER CHILD	\$435 (\$425)	\$460 (\$450)
SECOND CHILD	\$410 (\$400)	\$435 (\$425)

**TEA TIME FOR TWO 2011**

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER CHILD	\$78 (\$71)	\$88 (\$81)
SECOND CHILD	\$68 (\$66)	\$78 (\$76)

**PRE K**

2011-2012 SEPT-MAY THREE DAYS	RESIDENT	NON-RESIDENT
PAID IN FULL AT REGISTRATION	\$549 (\$549)	\$599 (\$599)
MONTHLY INSTALLMENTS	\$574 (\$574)	\$624 (\$624)
2 <sup>ND</sup> CHILD	\$549 (\$549)	\$599 (\$599)

**PUBLIC SKATE**

FALL/WINTER GENERAL ADMISSION	\$5	(\$4)
<b>W/ RESIDENT DISCOUNT CARD</b>		
CHILDREN 3 AND UNDER	FREE	(FREE)
CHILDREN 4 TO 15	\$2	(\$2)
ADULTS 16 AND UP	\$3	(\$3)
BIRTHDAY PARTIES	\$8.00 PER PERSON	(\$7.50)
SCHOOL TIME SKATES	\$4.00 PER PERSON	(\$3)
SENIOR CITIZENS	\$2	(\$2)

**LEARN TO SKATE**

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER INDIVIDUAL	\$50 (\$48)	\$70 (\$68)

**ICE HOCKEY**

FALL/ WINTER	RESIDENT	NON-RESIDENT
	HOUSE TRAVEL	HOUSE TRAVEL
NOVICE	\$410 (\$390) N/A	\$610(\$570) N/A
MITE	\$410 (\$430) \$575 (\$550)	\$610(\$550) \$755 (\$730)
SQUIRT	\$505 (\$490) \$635 (\$610)	\$685(\$670) \$815(\$790)
PEE WEE	\$555 (\$540) \$685 (\$660)	\$735(\$720) \$865 (\$840)
BANTAM	\$605 (\$590) \$735 (\$770)	\$735(\$710) \$915 (\$890)
MIDGET	\$675 (\$660) \$545 (\$520)	\$855(\$840) \$725 (\$700)

- \$100 DISCOUNT FOR BALANCE(S) PAID IN FULL BY OCTOBER 16, 2011
- ALL COACHES WILL RECEIVE A \$100.00 REDUCTION FOR ONE CHILD
- SECOND CHILD ENROLLED FROM A FAMILY \$40.00 REDUCTION
- THIRD CHILD ENROLLED FROM A FAMILY \$90.00 REDUCTION
- FOURTH CHILD ENROLLED FROM A FAMILY \$150.00
- 2011- 2012 TRAVEL TRY-OUT FEE \$7.00 EACH TRY OUT
- THERE WILL BE A \$50.00 LATE FEE FOR ANYONE NOT PAID IN FULL BY NOVEMBER 30TH OF EACH SEASON

**ICE RENTALS**

FALL/ WINTER PER HOUR	PRIME TIME	\$180 (\$175)	5:00pm-11:00pm M-F All day Sat and Sun and Holidays
	NON-PRIME	\$155 (\$150)	8:00am- 5:00pm M-F - Except holidays

**SPORT COURT RENTALS**

PER HOUR	\$75	(\$65)
PER HOUR AND HALF	\$95	(\$85)
PER 2 HOURS	\$130	(\$120)

**INLINE HOCKEY**

SUMMER	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$75 (\$89)	\$105 (\$119)
NOVICE	\$20 (\$20)	\$30 (\$30)
ADULT TEAM	\$835 (\$815)	\$895 (\$875)

\*\* ADULT INLINE TEAMS ARE RESPONSIBLE FOR PAYMENT OF REFEREES  
PRIOR TO THE START OF EACH GAME\*\*

\*\*\$150 for Jerseys (Optional)

HIGH SCHOOL IN LINE	\$815 (\$740)	\$875 (\$800)
***REFEREE FEES INCLUDED		

**FLOOR HOCKEY**

	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$ 55	\$ 70
ADULT/ MIDGET TEAM	\$ 550	\$595

\*\* ADULT/MIDGET FLOOR HOCKEY TEAMS ARE RESPONSIBLE FOR PAYMENT  
OF REFEREES PRIOR TO THE START OF EACH GAME\*\*

**YOUTH SOCCER**

SUMMER CHILD	RESIDENT	NON-RESIDENT
	\$58 (\$58)	\$74 (\$74)

**ADULT INDOOR SOCCER 2011**

ADULT, JUNIORS, MIDGET	\$560 (\$450)	\$625 -
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\*\*\*\$50 DISCOUNT FOR TEAMS NOT IN NEED OF JERSEYS  
(ADULT, JUNIORS AND MIDGET TEAMS PAY THE REFREE FEES PRIOR TO THE  
START OF THE GAME)

<b>ALL STAR-ALL SPORTS</b>	\$65 (\$55)	\$75 (\$65)
<b>START SMART SOCCER</b>	\$45 (\$45)	\$60 (\$60)
<b>START SMART BASEBALL</b>	\$55 (\$55)	\$65 (\$59)
<b>START SMART BASKETBALL</b>	\$55 (\$55)	\$65 (\$59)

**YOUTH BASKETBALL**

FALL/ WINTER	RESIDENT	NON-RESIDENT
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PER PARTICIPANT	\$40 (\$35)	\$50 (\$45)
<b>ADULT BASKETBALL</b>		
PER TEAM	\$100 (\$100)	\$125 (\$125)

\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

**VOLLEYBALL (teams pay referee fees each week)**

INDOOR FALL/ WINTER SESSIONS I & II (Monday, Thursday & Friday)

\$200 per team (resident rate) \$250 per team (non resident rate)

SATURDAY League \$250 per team (resident rate) \$280 per team (non resident rate)

**SUMMER**

OUTDOOR LEAGUE \$100 per team (resident rate) \$125 per team (non-resident rate)

\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

**DIAMOND PERMITS**

SUMMER (per 2 hour time block)	RESIDENT	NON-RESIDENT
NO LIGHTS	\$50 (\$50)	\$70 (\$70)
LIGHTS	\$80 (\$80)	\$95 (\$95)

**13 WEEK SERIES**

NO LIGHTS	\$450 (\$450)	\$675 (\$675)
LIGHTS	\$750 (\$750)	\$925 (\$925)

Additional games added to 13-week series are charged at the regular 2-hour block rate

**SOCCER / FOOTBALL FIELD RENTAL**

	RESIDENT	NON-RESIDENT
PER TWO HOUR TIME BLOCK	\$70 (\$60)	\$85 (\$75)

**VOLLEYBALL COURT RENTAL**

	RESIDENT	NON-RESIDENT
1 COURT PER TWO HOUR BLOCK	\$50 (\$50)	\$70 (\$70)

**GYM RENTAL**

	RESIDENT	NON-RESIDENT
2 HOUR BLOCK	\$30 (-)	\$50 (-)

**TENNIS COURT RENTAL**

	RESIDENT	NON-RESIDENT
1 HOUR BLOCK	\$15 (-)	\$30 (-)

**ADULT SOFTBALL LEAGUES**

SUMMER	LEAGUE	LEAGUE
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		RESIDENT	NON-RESIDENT	
	CO-ED	\$345 (\$345)	\$425 (\$425)	
	WOMEN'S	\$345 (\$345)	\$425 (\$425)	
	MEN'S LEISURE	\$345 (\$345)	\$425 (\$425)	MEN'S
OVER 40		\$345 (\$345)	\$425 (\$425)	
	OPEN MEN'S	\$345 (\$345)	\$425 (\$425)	
FALL - ALL LEAGUES - RESIDENT-		\$180 (\$180)	\$180 (\$180)	

\*\*ALL TEAMS ARE RESPONSIBLE FOR PAYING THE UMPIRE FEES EACH WEEK  
 \*\*THE \$20 ASA FEE WILL BE INCLUDED WITH THE REGISTRATION FEE  
 \*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

**SUMMER TEEN PROGRAM**

WEEKLY	RESIDENTS	NON-RESIDENTS
ONE CHILD	\$101 (\$95)	\$120 (\$109)
SECOND CHILD	\$96 (\$90)	\$116 (\$100)
6 WEEKS		
RESIDENTS	NON-RESIDENTS	
ONE CHILD	\$601 (\$570)	\$715 (\$630)
SECOND CHILD	\$571 (\$540)	\$691 (\$600)
*FIRST WEEK ONLY - one child	\$94	\$113
	89	109

\*3 day week

**CULTURAL CENTER (BAND SHELL) LOCATED IN TOWN PARK**

THE RENTAL FEE IS FOR FOUR HOURS ANY TIME PRIOR TO OR AFTER THE SPECIFIED RENTAL TIME THE RENTER IS RESPONSIBLE FOR THE COSTS OF KEEPING STAFF ON.

RESIDENTS

\$400 for a four hour period Additional hours before or after the specified rental time will be billed at \$125 per hour.

NON-RESIDENTS

\$800 for a four hour period Additional hours before or after the specified rental time will be billed at \$195 per hour.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 8. RESOLUTION 2010-614

### Approve License Agreement for Use of Schiller Parkway

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is the owner of a certain right-of-way known as Schiller Parkway in the Town of Cheektowaga, and adjacent land located on the north side of Scajaquada Creek, and

WHEREAS, FBBT/US Properties, LLC owns and operates a business at 2750-2752 Harlem Road, Cheektowaga, New York, which property is located on the southwest corner of Harlem Road and George Urban Boulevard; and

WHEREAS, FBBT/US Properties, LLC desires to utilize the paved portion of the Schiller Parkway right-of-way and land north of Scajaquada Creek for access, ingress and egress for motor vehicles and pedestrians and parking of vehicles motor vehicles for its employees, tenants and customers, which is to the west and south of the paved portion of 2750-2752 Harlem Road, and

WHEREAS, this property is not needed for Town highway or other purposes, and

WHEREAS, a license agreement has been prepared between the Town of Cheektowaga and FBBT/US Properties, LLC for the use of this property, which agreement has been reviewed by the Town Attorney and Town Engineer, and

WHEREAS, this Board is in agreement with the terms of said License Agreement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the License Agreement between the Town of Cheektowaga and FBBT/US Properties, LLC for the use of Schiller Parkway and lands north of Scajaquada Creek, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said License Agreement on behalf of the Town, subject to the final approval of same by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-615

### Authorize Supervisor to Execute Agreement for Pick-Up of Brush, Grindings, and Other Debris

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-616

### Tree and Stump Removal/10 Marlene 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 10 Marlene Drive, Cheektowaga, New York SBL# 103.05-4-29 that is a danger to the safety of others, and records kept by the Assessors Office identify Victoria A. Chojnacki, 110 Eiseman Avenue, Upper, Kenmore, New York 14217, as the owner AND

WHEREAS, an inspection of such premises was conducted at 10 Marlene Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-617

### Memorialize Erie County to Restore Funding for Libraries

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

WHEREAS, there are two (2) public libraries located in the Town of Cheektowaga, the Anna M. Reinstein Memorial Library at 2600 Harlem Road and the Julia B. Reinstein Memorial Library located at 1030 Losson Road, and

WHEREAS, the buildings housing these libraries are owned by the Town of Cheektowaga, and

WHEREAS, these libraries are operated by the Buffalo & Erie County Public Library System with funding from the County of Erie, and

WHEREAS, in the proposed 2011 Erie County budget, County Executive Chris Collins has cut funding for the library system by \$4 million, and

WHEREAS, these budget cuts would severely affect the hours of operation of the two libraries located in the Town of Cheektowaga - hours at the Anna M. Reinstein Library would be reduced to 3 days/16 hours per week; and hours at the Julia B. Reinstein Library would be reduced to 6-7 days/55-60 hours per week, and

WHEREAS, these cuts would result in reduced access to books, computers and after-school programs, and

WHEREAS, figures from the Cheektowaga Library Board show that both libraries in the Town of Cheektowaga are heavily used, and that use of these libraries is higher in 2010 than ever, especially computer usage at the Anna M. Reinstein Library, and

WHEREAS, many low-income elderly and youth utilize these libraries on a frequent basis to enrich their lives and for educational purposes; many of these individuals do not have the money to purchase books or computers; those who need the libraries most will suffer most, and

WHEREAS, many Town residents have come to rely on these libraries, and

WHEREAS, this Town Board is opposed to the proposed reduction in funding and hours of operation at the Cheektowaga branch libraries, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the Erie County Executive and Erie County Legislature to restore funding in the proposed 2011 County budget to fund the public library system, and to continue the existing hours of operation of the Cheektowaga branch libraries, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Erie County Executive Chris Collins, County Erie Legislator Thomas J. Mazur, Erie County Legislator Timothy M. Kennedy, Erie County Legislator Thomas A. Loughran, Erie County Legislator Christina Wieklinski-Bove, County Legislator Raymond W. Walter, the Clerk of the Erie County Legislature, and Salvatore Bordanaro, Director of the Cheektowaga Public Libraries.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-618

### Youth & Recreation Transfer

**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 - \$8.75 - 7140.1630 - Regular Part-time

Lisa Miller

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for the following Three (3) Resolutions: 2010-618, 2010-619 and 2010-620. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-619

### 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:

Glenn M. Au	5/31/09	14225
Jamael Hunte	10/24/09	14225
Christopher Luthart	5/8/10	14227
Jacob Pyzikiewicz	8/18/10	14206
Nathan Pyzikiewicz	8/8/10	14206
Carly Rehac	5/22/10	14225
Theresa Tripi	2/13/10	14227
Brian Wartinger	5/22/10	14225

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Richard Zydel, Councilmember

**SECONDER:** James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 14. RESOLUTION 2010-620

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following individual be and hereby is hired as a **SEASONAL EMPLOYEE**, not to exceed five (5) months in a calendar year, in the department listed and in compliance with Civil Service Laws and Regulations 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) \$7.75/hour effective 11/02/10  
Justin Borowski, 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 nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations 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 11/03/10  
Paul F. Hockwater III, Cheektowaga, New York

TOWN CLERK Clerk (Temporary) \$9.50/hour effective 11/02-12/31/10  
Lindsay M. Kaznowski, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT  
Matthew Szeluga effective 10/19/10

FACILITIES DEPARTMENT  
Ryan Galuszka effective 10/21/10  
Donald Larkman effective 10/21/10  
Bryan Michalski effective 10/05/10  
Kyle Lackie effective 10/11/10  
Michael Lawicki effective 10/03/10  
Alex Kluck effective 10/04/10  
David Cunningham effective 10/09/10  
Michael Boccio effective 10/11/10  
Joseph Boccio effective 10/11/10  
Bryan Nurmi effective 10/19/10

SEWER MAINTENANCE  
Austin Bobeck effective 10/25/10  
Adam Bobeck effective 10/25/10  
William Olewniczak effective 10/25/10

BE IT FURTHER RESOLVED, that the following individual's job title be and hereby is amended as follows:

POLICE DEPARTMENT from Part-Time Clerk to Part-Time Student Assistant \$7.25/hour effective 10/04/10  
Michael J. Hockwater, Cheektowaga, New York

BE IT FURTHER RESOLVED, that the following individual be and hereby is transferred as follows:

FACILITIES DEPARTMENT (Parks Division) Seasonal to Part-Time Laborer \$11.00/hour effective 10/04/10  
Thomas Somogye, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-621

### Authorization of Student Intern (Police Department/Marlin T. Swain, Jr.)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Marlin T. Swain, Jr., a student at Bryant & Stratton College has requested to participate in the student internship program at the Cheektowaga Police Department; AND

WHEREAS, Mr. Swain 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 Marlin T. Swain, Jr. of Cheektowaga, New York be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department Crime Resistance Unit, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**16. RESOLUTION 2010-622****Return Senior Clerk Typist to Clerk Typist (Police Department/Carol E. Driscoll)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Carol E. Driscoll was appointed to the temporary position of Senior Clerk Typist in the Police Department effective April 14, 2010; AND

WHEREAS, said appointment was necessitated due to the leave of absence of Cheryl J. Witt; AND

WHEREAS, Ms. Witt has returned to full duty as Senior Clerk Typist; NOW, THEREFORE, BE IT

RESOLVED, that Carol E. Driscoll of Cheektowaga, New York be and hereby is returned to her previously held position as Clerk Typist in the Police Department effective October 11, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-623

### Appointment of Clerk Typist (Temporary) Justice Court/Martha DiGiacomo

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a temporary vacancy exists in the Justice Court; AND

WHEREAS, Martha DiGiacomo, currently employed as a part-time Clerk in the Justice Court, meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Martha DiGiacomo of Depew, New York, be and hereby is appointed to the temporary position of Clerk Typist 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 28 through December 31, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**18. RESOLUTION 2010-624****Appointment of Police Sergeant (Competitive/Permanent)  
Detective Robert J Mullen**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a permanent vacancy exists in the position of Police Sergeant in the Police Department; AND

WHEREAS, candidates from the existing Erie County Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Detective Robert J. Mullen be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Detective Robert J. Mullen of Cheektowaga, New York be and hereby is appointed to the position of Police Sergeant in the Police Department effective November 2, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-625

### Appointment of Police Lieutenant (Competitive/Permanent) Frederick D Roll

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a permanent vacancy exists in the position of Police Lieutenant in the Police Department; AND

WHEREAS, candidates from the existing Erie County Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Police Sergeant Frederick D. Roll be promoted to the position of Police Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Police Sergeant Frederick D. Roll, of Cheektowaga, New York be and hereby is appointed to the position of Police Lieutenant in the Police Department effective November 2, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2010-626

### Travel Authorization (Engineering Department) Town Engineer William Pugh

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Niagara Frontier Building Officials Association 27<sup>th</sup> Annual Education Conference is taking place January 24 through January 26, 2011 at the Millennium Hotel; AND

WHEREAS, Town Engineer William Pugh has requested authorization to attend said conference; AND

WHEREAS, Mr. Pugh has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$250; AND

WHEREAS, these expenses have been budgeted by the Engineering Department;  
NOW, THEREFORE, BE IT

RESOLVED, that Town Engineer William Pugh be and hereby is authorized to attend the Niagara Frontier Building Officials Association 27<sup>th</sup> Annual Education Conference taking place January 24 through January 26, 2011 at the Millennium Hotel.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Suspension of Rules





## 1. RESOLUTION 2010-627

### Authorization for Walden Fire District No. 2 to Conduct Fire Training Drills at 16 Randolph Avenue

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, the Town of Cheektowaga is owner of a single-family dwelling located at 16 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 Notice to Bidders for the demolition of such dwelling, which demolition is expected to take place in 2011, and

WHEREAS, Walden Fire District No. 2 in the Town of Cheektowaga has requested permission to conduct a firematic drill at 16 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 16 Randolph Avenue, NOW, THEREFORE, BE IT

RESOLVED, that Walden Fire District No. 2 be and hereby is authorized to conduct its firematic drill at 16 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - September 2010
2. Building Permit List - October 2010
3. Minutes: Cheektowaga Public Library - Board of Trustees - September 15, 2010

4. Minutes: Cheektowaga Conversation Advisory Council - October 7, 2010

### ***B. General Communications***

1. Notice of Claim: Shirley A. Dulniak Vs. Town of Cheektowaga
2. Notice of Claim: Robert J. Krywalski Vs. Town of Cheektowaga
3. Notice of Claim: Paul Meller Vs. Town of Cheektowaga
4. Notice of Claim: New York Central Mutual Fire Insurance Company as Subrogee for Jessica Carey Vs. Town of Cheektowaga
5. Notice of Claim: Niagara Mohawk Power Corp DbA National Grid Vs. Town of Cheektowaga
6. Notice of Claim: Richard a Preischel, Sr. Vs. Town of Cheektowaga
7. Notice of Claim: Jack Schneider Vs. Town of Cheektowaga
8. Notice of Claim: Robert Summers Vs. Town of Cheektowaga
9. Notice of Claim: Nadiyah Whitaker, Individually as Parent and NG of Takio, Loman Infant Vs. Town of Cheektowaga
10. Public Notice - 30 Day Period for Inclusion of Lands into an Agricultural District

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting in Memory of Ray Pugh, Cheektowaga Planning Board Member.

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, November, 9, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on November 9, 2010 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  
Jeneen Lomando-McSkimming, Assessor  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Resolutions

### 1. Motion To: Enter into Executive Session at 6:05 PM

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:** Jeff Swiatek



## 2. RESOLUTION 2010-628

### Approve Settlement of Article 7 Proceeding for 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 Year 2008-2009, 2009-2010 and 2010-2011 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 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 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 proceedings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

3. Motion To: Exit Executive Session at 6:11 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydell, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

### III. Work Session Continues



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, November, 15, 2010

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on November 15, 2010 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	Late	6:48 PM
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
David Zack, Captain, Cheektowaga Police Department

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-629

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM: 100.1420.4501      Contracted Legal                      \$ 4,000.00

TO:     100.1420.4013      Law Books                                      \$ 4,000.00

HUD CDBG FUND

FROM: 700.1009.0601      Rehab Multi Family                      \$14,070.90

TO:     700.1009.0602      Clearance/Demolition                      \$14,070.90

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2010-630

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Markel

**BE IT RESOLVED,** that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 12, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$	867,370.00
RISK RETENTION FUND		20,376.21
HUD HOUSING REHABILITATION FUND		45,001.00
SPECIAL DISTRICTS FUND		506,501.18
HIGHWAY FUND		132,074.33
CAPITAL FUND		355,802.50
TRUST & AGENCY FUND		17,403.54
HUD CDBG FUND		35,346.40
PART TOWN FUND		34,662.58
NYS AFFORDABLE HOUSING		35,778.00
		<u>35,778.00</u>
	\$	2,050,315.74

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



### 3. RESOLUTION 2010-631

## Adopt Ad Valorem Budget for 2011

**Sponsored By:** Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimate of revenues and expenditures for the 2011 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, 2011, and a public hearing was conducted there on October 26, 2010 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, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 4. RESOLUTION 2010-632

### Adopt Benefit Basis Budget for 2011

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Markel, Zydel, Kaznowski

WHEREAS, Mary F. Holtz, Supervisor of the Town of Cheektowaga, New York, presented a Budget and Assessment Roll showing the various sums of money that were and will be required to defray the expenses of the Special Districts respectively and does determine same to be necessary and required as set forth, namely:

Town of Cheektowaga Final Benefit Basis Budget, AND

WHEREAS, a Public Hearing was duly held on the 26th day of October, 2010 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 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-633

### Award of Bid - Unmarked Police Vehicles

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on October 27, 2010, for the purchase of Two (2) New and Unused 2011 Ford Fusions by the Town of Cheektowaga Police Department, and said bids were referred to the Cheektowaga Police Department for analysis, tabulation and report; AND

WHEREAS, such analysis, tabulation and report has been completed, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of the said vehicles be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, NY 14225, for the purchase price of \$31,378.00, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-634

### Award of Bid - Two (2) Police Motorcycles

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on October 27, 2010, for the purchase of Two (2) New and Unused 2011 Harley Davidson FLHTP Electra Glide Police Motorcycles by the Town of Cheektowaga Police Department, and said bids were referred to the Cheektowaga Police Department for analysis, tabulation and report; AND

WHEREAS, such analysis, tabulation and report has been completed, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of the said motorcycles be awarded to Southtown's Buffalo Harley Davidson, 140 Mid County Drive, Orchard Park, NY 14127, for the purchase price of \$22,482.00, said bid being the lowest responsible bid meeting all specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of these motorcycles shall be appropriated from line item numbers #100-3120-2303 - \$13,000, #100-3120-4046 - \$1,628.76 and #100-3120-2501 - \$7,853.24.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**7. RESOLUTION 2010-635**

**Notice of Public Hearing - Amendments to Dog Ordinance**

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York Legislature amended the Agriculture & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) of the Town of Cheektowaga must be amended to reflect these changes in State law, and

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase the changes in State law, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 6<sup>th</sup> day of December, 2010 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 parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") will be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Bee not less than ten (10) nor more than twenty (20) days prior to the date of such hearing.

\*\*\*\*\*

**NOTICE OF HEARING  
ON PROPOSAL TO  
AMEND DOG ORDINANCE**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15<sup>th</sup> day of November, 2010, a public hearing will be held on December 6, 2010 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it may be determined by the Cheektowaga Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. §58-1 shall be amended to read as follows:

§58-1. Purpose and Applicability

- A. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the residents of the Town of Cheektowaga by providing for:
  1. the licensing and identification of dogs;
  2. the control and protection of the dog population;
  3. the protection of the persons, property, domestic animals and deer from dog attacks and damage; and
  4. the control of noise by dogs.
- B. Applicability. This chapter shall apply to the entire Town of Cheektowaga outside the limits of the Villages of Depew and Sloan.

2. A new Section, §58-2 shall be added, to read as follows:

§58-2. Definitions.

- A. The definitions of terms as set forth in Chapter 59, Part T, of the Laws of 2010, as further contained in Article 7 of the Agriculture and Markets Law of the State of New York, effective January 1, 2011, shall be applicable to such terms contained in this chapter.
- B. Town Clerk's Office - shall mean the Office of the Town Clerk of the Town of Cheektowaga.
- C. Town - shall mean Town of Cheektowaga outside of the Villages of Depew and Sloan.

3. §58-2, Seizure of unleashed dogs off owner's premises, shall be renumbered to §58-3. ]
4. §58-3, Maximum number of dogs permitted on premises, shall be renumbered to §58-4.
5. §58-4, Muzzling or fastening of dogs on owner's premises, shall be renumbered to §58-5.
6. §58-5, Noise by dogs, shall be renumbered to §58-6.
7. §58-6, Nuisances, shall be renumbered to §58-7.
8. §58-7, Penalties for offenses, shall be renumbered §58-8.
9. ARTICLE II, entitled "Dog License Fees" shall be renamed "Dog Licensing, Identification, Fees and Surcharges".
10. A new §58-9, to read as follows, shall be added:

§58-9. Licensing and Identification of dogs.

- A. Licensing of Dogs.

All dogs within the Town of Cheektowaga being four (4) months of age or older shall be licensed by the Town Clerk's Office. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk's Office a dog license application, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town Board of the Town of Cheektowaga. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license shall be valid for a period of one

year and shall not be transferable.

B. License Fees and Surcharges.

1. License Fees and Surcharges under this chapter shall be prescribed, from time to time, by the Town Board of the Town of Cheektowaga by resolution.
2. In the event that an owner of a dog which is licensed by another municipality in New York State moves into the Town of Cheektowaga, he/she must obtain an identification tag from the Town Clerk's Office. In such instance, there will be no additional fee owing to the Town of Cheektowaga until such time as the license from the other municipality expires.

C. Identification of Dogs.

1. Each dog licensed by the Town shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The Town may exempt dogs participating in a dog show during such participation from this requirement;
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned;

D. Impoundment Fees.

The owner of any dog impounded by the Town of Cheektowaga shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays the fees as prescribed by the Town Board from time to time by resolution.

11. The existing §58-9 shall be deleted and shall be replaced with a new Section, §58-10, entitled "Severability" to read as follows:

§58-10. Severability

If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof or the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

12. The above changes shall be effective as of January 1, 2011.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: November 15, 2010

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b> <b>ADOPTED [UNANIMOUS]</b>
---

**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



8. RESOLUTION 2010-636

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 for the year 2011, with an option to renew for three (3) additional one (1) year periods, 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 December, 2010 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 December 1, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for Sidewalk Replacement in the Town of Cheektowaga for the year 2011, with an option to renew for three (3) additional one (1) year periods.

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 Sidewalk Replacement" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski
Town Clerk

DATED: November 15, 2010



<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2010-637

### Notice to Bidders - Portable Chemical Toilets 2011

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, The Town of Cheektowaga, Facilities Department, Parks Division, utilizes Portable Chemical Toilets at various locations to service their recreational activities and Special Events, NOW BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the Leasing and Servicing of Portable Chemical Toilets, AND BE IT FURTHER

RESOLVED, that specifications for said Leasing and Servicing of Portable Chemical Toilets be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 1st day of December, 2010 at 11:00 AM Eastern Standard Time at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

-----  
-- Notice to Bidders

Sealed proposals will be received by the Town Clerk on December 1, 2010 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2011.

Information for bidders and specifications may be obtained from the Town Clerk at her office in Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.

By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

Date: November 15, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 10. RESOLUTION 2010-638

## Notice to Bidders - 6200 Square Feet Rubber Floor Tile

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Facilities Department requests that bids be advertised for the purchase of 6200 Square Feet Rubber Floor Tile, for the Town Park Recreation Center, NOW THEREFORE BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the purchase of 6200 Square Feet Rubber Floor Tile, for the Town Park Recreation Center, AND BE IT FURTHER

RESOLVED, that specifications for said 6200 Square Feet Rubber Floor Tile 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 1st day of December, 2010 at 11:00 AM Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

#### Notice to Bidders

Sealed proposals will be received by the Town Clerk on December 1, 2010 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for 6200 Square Feet Rubber Floor Tile, 24" x 24" x 3/8" Interlocking Rubber Tile, 20% Color for the Town Park Recreation Center.

Information for bidders and specifications may be obtained from the Town Clerk at her office in Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.

By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

Date: November 15, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-639

### Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Zydel

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, NOW, THEREFORE BE IT

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the list below be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ('EMT') card and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

### TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

<u>Name</u>	<u>Expiration Date</u>
Accurso, Mark Anthony , ,	9/30/2013
Armbruster, Brent J. , ,	7/31/2013
Atkinson, Andrew J , ,	9/30/2013
Banas, Marjanna E , ,	9/30/2013
Bluhm, Garry F , ,	10/31/2013
Bluhm, Sara A , ,	7/31/2013
Brong, Doug D , ,	9/30/2013
Brown, Sabrina M. , ,	7/31/2013
Burkley, Kevin D , ,	8/31/2013
Butts, Joseph C , ,	9/30/2013
Caldwell, Derek J , ,	12/31/2012
Casper, Joseph J , ,	8/31/2013
Castro-Santos, Cheyenne , ,	1/13/1931
Catlin, Amanda R , ,	1/31/2013
Clay, Edmund B , ,	7/31/2013
Collins, Jordan E , ,	7/31/2013
Dalton, Kevin R , ,	9/30/2013

Regular Meeting	Minutes	November 15, 2010
Davies, Richard K		10/31/2013
DeRose, Matthew J		10/31/12
Fisher, Malachi , ,		9/30/2013
Gastle, David J , ,		11/30/2013
Geist, Andrew F , ,		9/30/2013
Gill, Jonathan A , ,		9/30/2013
Hall, Christina L. , ,		7/31/2013
Happ, Douglas J , ,		7/31/2013
Hodge, Benjamin R , ,		5/31/2013
Hughey, John A , ,		10/31/2012
Hunter, Rebecca A , ,		9/30/2013
Jablonski, Allen J. , ,		7/31/2013
Kayani, Fraz M , ,		7/31/2013
Kerr, William R. , ,		7/31/2013
Kornowicz, Allen J Jr , ,		9/30/2013
Krytus, Karyn A , ,		9/30/2013
Lazarz, Kristen L. , ,		7/31/2013
Lucarelli, Robert A , ,		7/31/2013
Martinez, David , ,		9/30/2013
McKimmie, Christopher J. , ,		7/31/2013
Meier, James F Jr , ,		10/31/2013
Melonson, Kathryn J , ,		9/30/2013
Nati, Frank A , ,		8/31/2013
O'Malley, John J , ,		6/30/2013
Page, Scott D , ,		7/31/2013
Picart, Youzi I , ,		10/31/2013
Popiela, Sarah N , ,		9/30/2013
Powers, Brian M , ,		7/31/2013
Rewinski, Lisa R. , ,		7/31/2013
Roessler, John R. , ,		2/28/2013
Rook, Thomas A , ,		11/30/2013
Rosenberg, Michael A , ,		6/30/2013
Rusinski, John M , ,		9/30/2013
Sala, Brent A , ,		11/30/2013
Schneggenburger, , ,		7/31/2013
Smith, Clifford D , ,		7/31/2013
Solem, Nicholas D. , ,		7/31/2013

Stadler, Sara L.	, ,	7/31/2013
Turner III, Donald R	, ,	10/31/2013
Vanderheite, Adam D.	, ,	7/31/2012
Wyant, Sarah L.	, ,	7/31/2013

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Patricia Jaworowicz, Councilmember  
**SECONDER:** Richard Zydel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-640

### Contracts for Senior Services/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 2011.

FUNDING SOURCE: 0100-7140-4503  
0100-7140-4491  
0100-7620-4491  
0100-7620-4685  
0100-7550-4374

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2010-641

### Authorize NYSEG to Add a Street Light to the Town's General Lighting District Inventory

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the New York State Electric and Gas Corporation (NYSEG) has determined that a 100W HPS luminaire on Line 494, Pole No. 12, located at the intersection of Clinton Street and South Rossler has not previously been billed to the Town's General Lighting District, NOW, THEREFORE, BE IT

RESOLVED, that the Town wishes to retain the aforesaid street light installation and hereby authorizes NYSEG to add the subject installation to the Town's Service Classification No. 3 (ERO) inventory at an annual increase to the Town's 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. Roger L. Williams  
Marketing Representative  
NYSEG  
152 Border City Road  
Geneva, New York 14456-4135

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 14. RESOLUTION 2010-642

### Authorize Supervisor to Execute Agreement with National Grid To Attach Holiday Decorations to Electrical Poles

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, during the holiday season, the Town of Cheektowaga usually attaches decorations to electrical poles throughout the town; and

WHEREAS, National Grid is the owner of electrical poles in a portion of the Town of Cheektowaga; and

WHEREAS, National Grid has notified the Town of Cheektowaga that, if we decide to attach decorations to National Grid's poles, the Town needs to execute an agreement with National Grid; and

WHEREAS, the Youth & Recreational Services Department is interested in attaching holiday decorations to National Grid's electrical poles; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with National Grid and any other documents necessary to permit the Town to attach holiday decorations to the electrical poles of National Grid.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-643

### Authorize the Supervisor to Enter into a Memorandum of Agreement with the Western New York Stormwater Coalition

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, by resolution dated December 28, 2005 this Town Board authorized the execution of a Memorandum of Agreement between the Town and the Western New York Stormwater Coalition made up of approximately forty (40) member communities in Erie and Niagara Counties whose members have worked collectively to meet the goals and regulatory requirements of the USEPA Phase II stormwater regulations and the NYSDEC SPDES General Permit for Stormwater Discharges including the development of stormwater management programs, ordinance development, outfall mapping and public outreach and education, AND

WHEREAS, the Town's participation in the Western New York Stormwater Coalition has enabled the Town to benefit from the Coalition's grant funded programs resulting in significant savings in time and resources necessary to achieve Phase II regulatory compliance requirements, AND

WHEREAS, the term of the current Memorandum of Agreement expires on December 31, 2010 and the Town Engineer has recommended that the Town continue to be an active participant in the Coalition and has recommended the renewal of the Memorandum of Agreement having a five (5) year term, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board supports the recommendation of the Town Engineer and elects to continue to be a member of the Western New York Stormwater Coalition and supports the Coalition Work Plan, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to enter into the renewal Memorandum of Agreement for the term beginning on December 31, 2010 and ending on December 31, 2015, following review and approval of said agreement by the Town Attorney, AND, BE IT FURTHER

RESOLVED, that the Town's annual membership fee of \$1,250.00 shall be appropriated from budget line item number 4000-8140-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-644

### Approve Purchase of One (1) Kubota BX 1860 Tractor

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Main Pump Station has requested the authorization to purchase one (1) Kubota BX1860 Tractor as specified in the New York State OGS Contract No. PC 62723, Group Number 40601, AND

WHEREAS, funds for said purchase have been budgeted and are available from account number 255-8135-2512, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) Kubota BX1860 Tractor in the amount of \$8,957.00 from:

Buffalo Tractor and Implement Company, Inc.  
3045 Seneca Street  
Buffalo, New York 14224

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-645

### Agreement with Supportive Services Corporation

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has received funding for the 2009-2011 program years from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, energy conservation and weatherization services for low-moderate income persons is an eligible activity under the Community Development Block Grant Program, and

WHEREAS, Supportive Services Corporation of Western New York provides energy conservation and weatherization services for low-moderate income Town residents, and

WHEREAS, funding for such services is available in the 2009-2011 Community Development Block Grant program year budgets, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute agreements with Supportive Services Corporation of Western New York for an amount not to exceed \$6,000 from each program year budget to provide energy conservation and weatherization services for income-eligible Town residents for the 2009-2010 and 2010-2011 Program Years.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-646

### Unsafe-Unsecured/257 Chapel 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 257 Chapel Avenue, Cheektowaga, New York SBL# 92.17-2-17 that is a danger to the safety of others, and records kept by the Assessors Office identify James J. Gauthier & Gail K. James, 257 Chapel Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 257 Chapel Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-647

### Youth & Recreation Transfer

**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 Camp Flamingo 7310.1810 - to - Adapted Recreation Program - 7310.1803 - Regular Part-time

Nathaniel Barnes

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for the Following Resolutions 2010-647; and 2010-648. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2010-648

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

OFFICE OF THE TOWN ASSESSOR Clerk (Temporary) \$8.00/hour effective 11/15/10  
Allison E. McKay, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT effective 11/06/10  
Jesse Herr  
Steven Krystyniak

BE IT FURTHER RESOLVED, that the following employees be and hereby are transferred from part time to seasonal status effective 8/16/10:

SANITATION DEPARTMENT Laborer \$8.00/hour effective 8/16/10  
Scott Daboin, Cheektowaga, New York  
Michael McGill, Cheektowaga, New York  
Dean Mertowski, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-649

### Appointment of Acting Detective (Police Department/James J. Genson)

**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 James J. Genson of Cheektowaga, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective November 8, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 22. RESOLUTION 2010-650

### Appointment of Clerk Typist (Competitive/Permanent) Police Department/ Karen E. Swiatek

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Clerk Typist in the Police Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, the existing civil service list was canvassed and interviews conducted; AND

WHEREAS, Karen E. Swiatek, currently employed as Deputy Town Clerk in the Office of the Town Clerk, appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Karen E. Swiatek of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 1, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2010-651

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 2011 International Law Enforcement Educators and Trainers Association Conference and Expo is being held April 11 through April 16, 2011 in Wheeling, Illinois; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Thomas Rogers, Police Officer James Rottger, Police Officer Kurt Spieler, Police Officer Jonathan Ober, Police Officer Nathan Frank and Police Officer David Filipski have requested authorization to attend said conference and exposition; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$3,256; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Thomas Rogers, Police Officer James Rottger, Police Officer Kurt Spieler, Police Officer Jonathan Ober, Police Officer Nathan Frank and Police Officer David Filipski be and hereby are authorized to attend the 2011 International Law Enforcement Educators and Trainers Association Conference and Expo being held April 11 through April 16, 2011 in Wheeling, Illinois.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2010-652

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the “Law Enforcement Active Shooter Emergency Response Train the Trainer” seminar is being held November 30 through December 2, 2010 in Oriskany, New York; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Brian Coons, Police Officer Kurt Spieler and Police Officer Jonathan Ober 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 \$342; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Lawrence Bauer, Sergeant Brian Coons, Police Officer Kurt Spieler and Police Officer Jonathan Ober be and hereby are authorized to attend the “Law Enforcement Active Shooter Emergency Response Train the Trainer” seminar being held November 30 through December 2, 2010 in Oriskany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

<p>Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Suspend the Rules to Include the Following Four (4) Resolutions: 2010-653; 2010-654; 2010-655 and 2010-656. Motion Carried.</p>
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## 1. RESOLUTION 2010-653

### Award of Bid - One (1) 2011 Cab & Chassis with Refuse Packer Body

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) conventional cabs and chassis with refuse packer bodies for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 2011 conventional cab and chassis with refuse packer body be awarded to:

Fleet Maintenance, Inc.  
67 Ransier Drive  
West Seneca, New York 14224

for the total bid in the amount of \$185,994.00 for one (1) 2011 Freightliner conventional cab/chassis 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 #150-8160-2306.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-654

### Award of Bid - One (1) 2011 Cab & Chassis with Refuse Packer Body, Including Winch

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) conventional cabs and chassis with refuse packer bodies for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 2011 conventional cab and chassis with refuse packer body, including rear winch be awarded to:

Fleet Maintenance, Inc.  
67 Ransier Drive  
West Seneca, New York 14224

for the total bid in the amount of \$190,194.00 for one (1) 2011 Freightliner conventional cab/chassis with Heil refuse packer body with rear winch, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #150-8160-2306.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-655

## Authorize Supervisor to Execute Agreement with NFTA

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Niagara Frontier Transportation Authority Police Department ("NFTA PD") is responsible for patrolling NFTA-owned properties and maintaining peace in and about the Buffalo Niagara International Airport located within the Town of Cheektowaga; and

WHEREAS, the NFTA PD provides aid and assistance to the Town's Police Department when requested and/or when deemed necessary for the enforcement of law; and

WHEREAS, inasmuch as the NFTA does not maintain its own lock-up facilities, in 2007, it requested permission to transport individuals who are arrested on NFTA-owned properties within the Town's boundaries to the Cheektowaga Police Department for detention pending initial court appearances as required, and the Town Board approved an agreement with the NFTA for this purpose; and

WHEREAS, the aforesaid agreement with the NFTA expired October 31, 2010, and the BNFTA has expressed interest in renewing said agreement for another three (3) years, and

WHEREAS, the Chief of Police has recommended that we continue this agreement, and

WHEREAS, in recognition of this mutual aid and cooperation, this Town Board is willing to enter into an Agreement with the NFTA governing the NFTA PD's use of the Cheektowaga Police Department facilities; NOW THEREFORE, BE IT

RESOLVED, that the Agreement between the Town of Cheektowaga and the Niagara Frontier Transportation Authority, a copy of which is attached, is hereby approved, effective as of the 1<sup>st</sup> day of November, 2010 until October 31, 2013; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement, subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-656

### Travel Authorization (Justice Court/Town Justice-Elect Dennis Delano)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a three- (3) session certification course entitled, "Taking the Bench" is being held:

- November 19 through November 20, 2010,
- December 2 through December 4, 2010, and
- December 10 through December 11, 2010

in East Syracuse, New York; AND

WHEREAS, Town Justice-Elect Dennis Delano is required to attend the first available certification course after his election to the position as Town Justice; AND

WHEREAS, Town Justice Thomas Kolbert has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the total cost to the Town shall not exceed \$1,375; AND

WHEREAS, these expenses have been budgeted by the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that Town Justice-Elect Dennis Delano be and hereby is authorized to attend the certification course entitled, "Taking the Bench" being held:

- November 19 through November 20, 2010,
- December 2 through December 4, 2010, and
- December 10 through December 11, 2010

in East Syracuse, New York; AND, BE IT FURTHER

RESOLVED, that in order to keep related expenses to a minimum this Town Board hereby authorizes the use of a Town vehicle for transportation to and from said course.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Traffic Safety Commission - September 21, 2010

2. Minutes: Cheektowaga Planning Board - October 14, 2010
3. Minutes: Cheektowaga Public Library - Board of Trustees - October 20, 2010

### ***B. General Communications***

1. Notice of Claim: Jennifer Alessio Vs. Town of Cheektowaga
2. Notice of Claim: Jeanette Horst Vs. Town of Cheektowaga
3. Notice of Claim: Nancy Neubauer Vs. Town of Cheektowaga
4. Notice of Claim: Paul M. Wiepert 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





# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, November, 30, 2010

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on November 30, 2010 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas J. Adamczak, Supervising Code Enforcement Officer  
Brian Krause, Director of Finance and Administration  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney

## II. Resolutions



## 1. RESOLUTION 2010-657

### Settlement of Litigation - 3010 Walden Avenue

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Harlequin Sales Corporation commenced Article 7 proceedings against the Town for Tax Year 2008-2009, 2009-2010 and 2010-2011 seeking a reduction in the assessment of property owned by it located at 3010 Walden Avenue in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor 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 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 proceedings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, December 6, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on December 6, 2010 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Patrick Bowen, Deputy Town Engineer  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Chairman  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent  
Christine Ziemba, Chief of Police

## II. Public Hearing

### 1. Amendments to Dog 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:** Mary Holtz, Supervisor  
**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### **III. Public Comment Period**

### **IV. Resolutions**



## 1. RESOLUTION 2010-658

### 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:	100.9501.9211	Bond Interest	\$ 14,454.00
	100.1110.4431	Equipment Maint.	2,600.00
	100.1415.3500	State Aid Archive	14,647.00
	100.1910.2701	Refund of P/Y Expense	552.69
	100.5132.4431	Radio Repair	1,700.00
	100.1625.2303	Over The Road Vehicles	250.00
	100.7110.2201	Office Equipment	3,000.00
	100.7110.4141	Chemicals	1,800.00
	100.7310.1971.1801	Camp Ji-ik-do-wah-gah	11,000.00
	100.7310.1971.1802	Camp Crabapple	6,000.00
To:	100.1625.2303	Vehicles	12,000.00
	100.1410.4001	Office Supplies	2,454.00
	100.1110.4082	Training	2,600.00
	100.1415.4001	Contractual Services	14,647.00
	100.1625.4021	Maintenance Supplies	552.69
	100.5132.4432	Building Maintenance	1,700.00
	100.1625.4432	Repairs & Maintenance	250.00
	100.7110.4451	Building Maintenance	4,800.00
	100.7140.1971.1611	PT Reg. Rink Personnel	6,000.00
	100.7140.1971.1639	PT Reg. Hockey Salaries	7,000.00
	100.7310.1971.1804	Administrative Interns	3,000.00
	100.7140.1971.1614	PT Reg. Plygrnd Attndnt	1,000.00

#### Special Districts Fund

From:	150.8160.4469	Landfill Costs	\$ 5,600.00
	150.1910.2799	Appr. Fund Balance	163,516.00
	255.8125.9201	Bond Interest	20,000.00
To:	150.8160.4468	Composting Costs	\$ 5,600.00
	150.8160.2306	Packers	163,516.00
	255.8125.4543	Contracted Sewer Rprs.	20,000.00

#### Capital Fund

From:	500.1910.4820.5029	Federal Aid	\$ 200,000.00
	500.1440.2528.5025	Police & Court Bldg	10,431.16
	500.1440.2060.5835	New Bldg. Maint. Facil.	11,299.82
	500.5141.9910.5024	Highway Storm Drainage	21,404.81

To:	500.1110.2205.5029	Court Grant	\$ 50,000.00
	500.3120.2205.5029	Police Grant	150,000.00
	500.9950.9901.5025	Transfer Out	10,431.16
	500.9950.9901.5835	Transfer Out	11,299.82
	500.9950.9901.5024	Transfer Out	21,404.81

Highway Fund

From:	300.1910.5031	Interfund Transfer	\$ 43,135.79
	300.5110.4173	Stone	146.00
	300.5110.4177	Receiver & Pipe	520.00
	300.5110.4178	Blacktop General	200.00
	300.5140.4087	Safety & Training	400.00
	300.5110.4186	Topsoil	11,900.00
	300.5150.4162	Gas & Oil	42,000.00
	300.5140.4297	Tree Maintenance	1,000.00
	300.5142.4433	Stake, Blades & Steel	14,000.00
	300.5140.4190	Barricade Rental	275.00
	300.5130.4087	Conference & Seminars	77.00

To:	300.5141.1902	Overtime Payroll	\$ 43,135.79
	300.5140.4191	Miscellaneous	1,266.00
	300.5130.4191	Highway Equipment	54,900.00
	300.5142.4029	Salt	14,000.00
	300.5140.4191	Miscellaneous	352.00

NYS Affordable Housing

From:	900.8600.4910	NYS AHC Revenues	\$100,000.00
To:	900.8668.4007	Loans From Program	\$100,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-659

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 2, 2010 are hereby approved and made a part hereof;

General Fund	\$ 7,352,887.78
Risk Retention Fund	354,240.96
NYS Home Program	21,907.00
HUD Housing Rehabilitation Fund	60,978.75
Special Districts Fund	1,782,754.72
Highway Fund	1,243,063.72
Capital Fund	1,485,550.22
Trust & Agency Fund	58,803.34
HUD CDBG Fund	567.96
Part Town Fund	275,133.40
NYS Affordable Housing	17,428.00
	<u>\$12,653,315.85</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-660

## Adoption of Amendments to Dog Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York Legislature amended the Agriculture & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) of the Town of Cheektowaga must be amended to reflect these changes in State law, and

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase the changes in State law, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 6<sup>th</sup> day of December, 2010 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 parties in interest and citizens had an opportunity to be heard as to whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") should be amended as provided in the Notice of Hearing, and

WHEREAS, it is in the public interest to adopt the aforesaid proposed amendments to the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) be and hereby is amended as follows:

1. §58-1 shall be amended to read as follows:

§58-1. Purpose and Applicability

A. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the residents of the Town of Cheektowaga by providing for:

1. the licensing and identification of dogs;
2. the control and protection of the dog population;
3. the protection of the persons, property, domestic animals and deer from dog attacks and damage; and
4. the control of noise by dogs.

B. Applicability. This chapter shall apply to the entire Town of Cheektowaga outside the limits of the Villages of Depew and Sloan.

2. A new Section, §58-2 shall be added, to read as follows:

§58-2. Definitions.

A. The definitions of terms as set forth in Chapter 59, Part T, of the Laws of 2010, as further contained in Article 7 of the Agriculture and Markets Law of the State of New York, effective January 1, 2011, shall be applicable to such terms contained in this chapter.

B. Town Clerk's Office - shall mean the Office of the Town Clerk of the Town of



Cheektowaga.

- C. Town - shall mean Town of Cheektowaga outside of the Villages of Depew and Sloan.
3. §58-2, Seizure of unleashed dogs off owner's premises, shall be renumbered to §58-3.
  4. §58-3, Maximum number of dogs permitted on premises, shall be renumbered to §58-4.
  5. §58-4, Muzzling or fastening of dogs on owner's premises, shall be renumbered to §58-5.
  6. §58-5, Noise by dogs, shall be renumbered to §58-6.
  7. §58-6, Nuisances, shall be renumbered to §58-7.
  8. §58-7, Penalties for offenses, shall be renumbered §58-8.
  9. ARTICLE II, entitled "Dog License Fees" shall be renamed "Dog Licensing, Identification, Fees and Surcharges".
  10. A new §58-9, to read as follows, shall be added:

§58-9. Licensing and Identification of dogs.

A. Licensing of Dogs.

All dogs within the Town of Cheektowaga being four (4) months of age or older shall be licensed by the Town Clerk's Office. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk's Office a dog license application, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town Board of the Town of Cheektowaga. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license shall be valid for a period of one year and shall not be transferable.

B. License Fees and Surcharges.

1. License Fees and Surcharges under this chapter shall be prescribed, from time to time, by the Town Board of the Town of Cheektowaga by resolution.
2. In the event that an owner of a dog which is licensed by another municipality in New York State moves into the Town of Cheektowaga, he/she must obtain an identification tag from the Town Clerk's Office. In such instance, there will be no additional fee owing to the Town of Cheektowaga until such time as the license from the other municipality expires.

C. Identification of Dogs.

1. Each dog licensed by the Town shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The Town may exempt dogs participating in a dog show during such participation from this requirement;
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned;

D. Impoundment Fees.

The owner of any dog impounded by the Town of Cheektowaga shall be entitled

to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays the fees as prescribed by the Town Board from time to time by resolution.

11. The existing §58-9 shall be deleted and shall be replaced with a new Section, §58-10, entitled "Severability" to read as follows:

**§58-10. Severability**

If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof or the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

12. The above changes shall be effective as of January 1, 2011.

, 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 6<sup>th</sup> day of December, 2010; 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 Dog Ordinance shall take effect January 1, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-661

### Adopt Fee and Fine Schedule Under Dog Ordinance

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York Legislature amended the Agriculture & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, amendments were made to the Dog Ordinance of the Town of Cheektowaga (Chapter 58 of the Code of the Town of Cheektowaga), effective January 1, 2011, and

WHEREAS, pursuant to subsections B and D of Section 58-9 of the Code of the Town of Cheektowaga (effective January 1, 2011), license fees, surcharges and impoundment fees shall be made by this Town Board, by resolution, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes the following license fees and surcharges and impoundment fees for dogs under the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga), effective January 1, 2011:

1. For Neutered and Spayed Dogs. An annual license fee of Twelve and 50/100 Dollars (\$12.50), and a State surcharge of One Dollar (\$1.00) shall be remitted to the Town Clerk for each license issued or renewed by the Town Clerk for spayed or neutered dogs.
2. For Unspayed or unneutered dogs. An annual license fee of Seventeen and 50/100 Dollars (\$17.50) and a State surcharge of Three Dollars (\$3.00) shall be remitted to the Town Clerk for unspayed or unneutered dogs.
3. No license fee shall be due or collected for applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police or therapy dog.
4. Senior Citizen Fee Discount - Dogs owned by one or more persons, each of who is 65 years of age or over, shall receive a discount of Five and No/100 Dollars (\$5.00) off of the annual license fee.

, and BE IT FURTHER

RESOLVED, that this Town Board hereby establishes the following Impoundment Fees for dogs under the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga), effective January 1, 2011:

First Impoundment	\$25 + \$10/additional day
Second Impoundment (within 1 year of 1 <sup>st</sup> impoundment)	\$50 + \$10/additional day
Third Impoundment (within 1 year of 1 <sup>st</sup> impoundment)	\$100 + \$10/additional day

If Veterinary Care Required

Cost of Care

**RESULT:**        **ADOPTED [UNANIMOUS]**  
**MOVER:**        Mary Holtz, Supervisor  
**SECONDER:**    Stanley Kaznowski, Councilmember  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-662

### Cancellation of Town Board Meeting and Work Session

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Resolution 2009-661, this Town Board established Town Board meeting dates for 2010, and

WHEREAS, by Resolution 2009-662, this Town Board established Work Session dates for 2010, and

WHEREAS, there is a need to cancel the Town Board year-end meeting scheduled for December 27, 2010 and the Work Session scheduled for December 21, 2010, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board years-end meeting scheduled for December 27, 2010 and the Work Session scheduled for December 21, 2010 be and hereby are cancelled, and BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice to the Buffalo News, Cheektowaga Bee and Metro Source of these meeting cancellations, and BE IT FURTHER

RESOLVED, that the Town Clerk shall arrange to conspicuously post the notification of the cancellation of these meetings on the Town's website.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-663

### Amend Resolution 2006-553 Regarding Dog Disposal Agreement with Town of Lancaster

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, by resolution dated November 6, 2006, this Town Board adopted Resolution 2006-553 authorizing the Supervisor to execute a dog disposal agreement with the Town of Lancaster; and

WHEREAS, said resolution which stated that the agreement between the Town of Lancaster and Town of Cheektowaga covers a three (3) year period, when in fact the agreement entered into between the Towns covers a five (5) year period; NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2006-553 be and hereby is amended to read as follows:

WHEREAS, the Town of Lancaster has requested that the Town of Cheektowaga renew its agreement with it for the proper disposal of dead dogs for the Town of Lancaster; and

WHEREAS, the Dog Control Officer has recommended that the Dog Disposal Agreement with Lancaster be renewed for another five (5) years at a cost of \$16.00 per dead dog; and

WHEREAS, a new agreement between the Town of Lancaster and the Town of Cheektowaga, for the period beginning September 1, 2006 for a period of five (5) years (ending August 31, 2011) has been prepared and is acceptable as to form by the Town Attorney's Office; and

WHEREAS, this Town Board, in an expression of inter-municipal cooperation, is willing to enter into this new agreement with the Town of Lancaster, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Dog Disposal Agreement on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-664

### Award of Bid: Portable Chemical Toilets 2011

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 1, 2010, 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:

Ball Toilet & Septic Services  
P. O. Box 2072  
Blasdell, New York 14219

Category A	-	Single Units	\$2.76 per day per unit Items I through X
Category B	-	Handicapped Units	\$4.25 per day per unit Items I and II
Category C	-	Special Events	\$59.85 per day per unit Items I through VIII

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-665

### Award of Bid - Custodial Supplies for 2011, 2012, 2013

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, bids were received on November 3, 2010 for the Supplying of Custodial Supplies for 2011, 2012 and 2013, AND

WHEREAS, said bids were referred to the Town of Cheektowaga Facilities Department, Parks Division for analysis, tabulation and report, AND

RESOLVED, that the contract for the Supplying of Custodial Supplies for the fiscal years 2011, 2012, and 2013 be awarded to the following at the total bid price listed below:

		<u>TOTAL BID PRICE</u>	<u>VENDOR</u>
<b>CATEGORY I</b>	Paper Products	\$60.40 Inc./Del.	<b>Corr Distributors</b>
<b>CATEGORY II</b>	Polyethylene Liners	\$47.60 Inc./Del.	<b>Central Poly</b>
<b>CATEGORY III</b>	Cleaner/Disinfectant	\$207.33 Inc./Del.	<b>Corr Distributors</b>
<b>CATEGORY IV</b>	Cleaner/Polishers	\$58.27 Inc./Del.	<b>Corr Distributors</b>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





9. RESOLUTION 2010-666

Notice to Bidders - Clean Up, Etc. for Various Properties for 2011

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, maintenance of these properties sometimes includes boarding up/securing structures and minor demolition of structures and other related work, and

WHEREAS, when violations are noted, property owners are notified to maintain and secure their properties, and

WHEREAS, in the event property owners do not comply with these orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2011, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Clean Up, Etc. for Various Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 22, 2010 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 22, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Clean Up, Etc. of Various Properties in the Town of Cheektowaga for 2011, said services to include installation of padlocks and latches; boarding up of openings and minor demolitions.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town Hall.

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for

Furnishing of Equipment and Operators for the Clean Up, Etc. of Various Properties for 2011” and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

DATED: December 6, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2010-667

Notice to Bidders - Grass Cutting & Landscape Work for 2011

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, the cleaning up of these properties includes grass cutting and other landscape-related work, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by cutting their grass, etc., and

WHEREAS, in the event property owners do not comply with clean up orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary clean-up work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2011, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 22, 2010 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 22, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2011, said services to include mowing of grass, removal of brush, tree/bush/shrub trimming, cleaning flower beds and removal of garbage/debris.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town Hall.

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for

Furnishing of Equipment and Operators for Grass Cutting, Etc. of Properties for 2011” and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

DATED: December 6, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



11. RESOLUTION 2010-668

Notice to Bidders - Removal of Snow & Ice from Public Sidewalks

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, maintenance of these properties sometimes includes the removal of snow and ice from the public sidewalks adjoining properties, and

WHEREAS, when violations are noted, property owners are notified to keep the sidewalks free and clear of snow and ice, and

WHEREAS, in the event property owners do not comply with these orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2011, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 22, 2010 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 22, 2010 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 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 Snow and Ice Removal from Public Sidewalks for 2011” and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski  
Town Clerk

DATED: December 6, 2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2010-669

Notice to Bidders - Asbestos Survey for 2371 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, Nussbaumer & Clarke, Inc. issued a written report stating that the detached row retail and warehouse building located at 2371 Genesee Street 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 20th day of September, 2010 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, Nussbaumer & Clarke, Inc. 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 2371 Genesee Street, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Request for Proposals in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Asbestos Survey, Specifications and Air Monitoring Services for 2371 Genesee Street shall be due no later than December 22, 2010 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 December 22, 2010 at 11:00 a.m.

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REQUEST FOR PROPOSALS
FOR
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES
FOR PROPERTY LOCATED AT 2371 GENESEE STREET, 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 2371 Genesee Street, 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 December 22, 2010 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for said services.

Information to Bidders and Specifications may be obtained from the Town Clerk at her office in said Town Hall.

The Town Board reserves the right to consider informal any proposal not prepared and submitted in accordance with the specifications, and may waive informalities and make an award to the vendor who, in its opinion, offers the best deal for the Town.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: December 6, 2010

Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





**13. RESOLUTION 2010-670**

**Notice to Bidders- Asbestos Survey for 1112 Walden Avenue**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town’s Unsafe Buildings Law, Nussbaumer & Clarke, Inc. issued a written report stating that the detached row retail and apartment building located at 1112 Walden 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 20th day of September, 2010 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, Nussbaumer & Clarke, Inc. 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 1112 Walden Avenue, and BE IT FURTHER

RESOLVED, that the Town Clerk’s Office be and hereby is directed to publish the attached Request for Proposals in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Asbestos Survey, Specifications and Air Monitoring Services for 1112 Walden Avenue shall be due no later than December 22, 2010 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 December 22, 2010 at 11:00 a.m.

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**REQUEST FOR PROPOSALS  
FOR  
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES  
FOR PROPERTY LOCATED AT 1112 WALDEN AVENUE, CHEEKTOWAGA**

NOTICE IS HEREBY GIVEN that the Town of Cheektowaga is seeking proposals from qualified contractors to prepare an asbestos survey for property located at 1112 Walden Avenue, Cheektowaga, New York. The contractor shall also submit quotes for Asbestos specifications for the demolition and air monitoring services during demolition if asbestos is found in this dwelling.

Sealed proposals will be received and considered by the Town Board of the Town of

Cheektowaga on December 22, 2010 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for said services.

Information to Bidders and Specifications may be obtained from the Town Clerk at her office in said Town Hall.

The Town Board reserves the right to consider informal any proposal not prepared and submitted in accordance with the specifications, and may waive informalities and make an award to the vendor who, in its opinion, offers the best deal for the Town.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: December 6, 2010

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



# 14. RESOLUTION 2010-671

## Notice to Bidders: Clothing for Parks/Recreation Programs

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

WHEREAS it is in order that bids be advertised for the purchase of clothing and uniforms for the Town of Cheektowaga Department of Youth and Recreational Services, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders, to be published in the CHEEKTOWAGA BEE, for the furnishing of said clothing and uniforms. 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 December 22, 2010 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.

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### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 22, 2010 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing for use in various Parks, Recreation & Youth Services programs.

Information for bidders and specifications may be obtained from the Town Clerk at her office in Town Hall.

Bid prices will be in effect for the calendar years 2011, 2012, and 2013.

The Town of Cheektowaga reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and may waive any informalities, make an award to other than the lower bidder, should it be in the best interest of the Town, or reject any or all bids.

By order of the Town of Cheektowaga, Erie County. New York.

Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 15. RESOLUTION 2010-672

### Authorization for Purchase of One 2011 Ford Escape XLT

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town Engineering Department has requested authorization to purchase one (1) 2011 Ford Escape XLT as specified in the New York State OGS Contract, No. 21910-PF, Group Number 40450, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account #100-1625-2303 in the amount of \$12,000.00 and Account #255-8125-2550 in the amount of \$7,498.61, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of the above described vehicle in the amount of \$19,498.61 from:

Van Bortel Ford, Inc.  
7325 Route 96  
Victor, New York 14564

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2010-673

### Accept Site Plan - 1449 French 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 Tully's Restaurant for the construction of a 5,500 square foot parking area expansion to the south of their existing parking area at 1449 French Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 10, 2010 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.

**ATTACHMENTS:**

1449 french road \_tullys parking expansion C1 (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-674

### Accept Site Plan - 4099 Genesee Street- the Parking Spot

**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 The Parking Spot/ AECOM for the construction of a 1,700 square foot canopy structure at 4099 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 10, 2010 is recommending the approval of the site plan, AND

WHEREAS, the applicant's proposed canopy requires an area variance from the height requirements due to its proximity to the Buffalo Niagara International Airport, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals issued the required area variance at its meeting of November 17, 2010, 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. To the Town Engineer reviewing / approving the drainage /grading plan.
2. The applicant notifying the F.A.A. prior to construction, pursuant to Title 14, Part 77 of the Federal Regulations.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-675

### Authorize Attendance at 2011 Association of Towns Meeting

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Association of Towns of the State of New York 2011 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 20th - 23rd, 2011; 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 2011 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>
Councilmember Stanley J. Kaznowski III	100.1010-4088
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
Clerk to Justice Court Stephanie Lewandowski	100.1110.4088

and BE IT FURTHER

RESOLVED, that Deputy Supervisor/Councilmember Jeff Swiatek, at no cost to the Town, will be attending the Association of Towns meeting, and he hereby is designated as the Official Voting Delegate to represent the Town at the Association of Towns meeting, and BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individuals for the reasonable and necessary expenses incurred in attending such meeting out of above referenced budget line numbers.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2010-676

### Retain Nussbaumer & Clarke, Inc. for Preparation of Final Design of North Creek Interceptor Sewer Project

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, by resolution dated December 7, 2009 the firm of Nussbaumer & Clarke, Inc. was engaged to perform a detailed topographic survey and to prepare a preliminary design for a proposed sanitary relief sewer intended to abate a current sanitary sewer wet weather overflow as required under a NYSDEC Order on Consent, AND

WHEREAS, the Town's preliminary project proposal has been reviewed and has received preliminary approval from the Region 9 Office of the New York State Department of Environmental Conservation and it is now necessary to complete the preparation of final plan and profile drawings, Engineer's Report, and to prepare legal documents for the acquisition of permanent easements, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 dated November 26, 2010 for professional services associated with the preparation of final design plans, project details, including the boring of Dick Road, Final Engineer's Report and preparation of surveys and legal descriptions for the required easements for this project as detailed in the aforesaid proposal is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with Nussbaumer & Clarke, Inc. for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services to be billed on an hourly basis not to exceed \$38,400.00 shall be chargeable to Account No: 255-8125-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2010-677

### **Retain Nussbaumer & Clarke, Inc. to Prepare Plans, Specifications and Bid Documents for Solar Panel Installation**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town is the recipient of a grant from the U.S. Department of Energy in the amount of \$718,800.00 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG) Program for the installation of photo voltaic (solar) panels proposed to be installed on four (4) Town owned buildings which requires the preparation of detailed engineering plans, specifications and bid documents to advance this project to the competitive bidding stage, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 dated November 24, 2010 as submitted to the Town Supervisor for professional services associated with the preparation of plans, specifications and construction bid documents for the installation of a solar energy system on four (4) Town buildings is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. and that the cost of said professional services in an amount not to exceed \$23,600.00 shall be chargeable to Account #500-1440-9701-5021.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2010-678

### 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:

Frank Bosa	Never Worked	14212
Amanda Fischer	Never Worked	14227
Kevin Fischer	11/5/10	14043

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**22. RESOLUTION 2010-679**

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**Authorization of Student Interns (Police Department/Crime Resistance Unit) Brandi Mack, Matthew Stanley, Frank Simmeth and Alyssa Szwartz**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Brandi Mack, Matthew Stanley, Frank Simmeth, and Alyssa Szwartz, all whom are students at Hilbert College, have requested to participate in the student internship program in the Police Department Crime Resistance Unit; AND

WHEREAS, these individuals have been interviewed by the Police Department and the Police Department is willing to afford them the opportunity to intern in the Police Department Crime Resistance Unit; NOW, THEREFORE, BE IT

RESOLVED, that Brandi Mack of Gasport, New York, Matthew Stanley of Cheektowaga, New York, Frank Simmeth of Cheektowaga, New York, and Alyssa Szwartz of Alden, New York, be and hereby are authorized to participate as unpaid interns in the Police Department from January 18 through May 2, 2011, 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 Crime Resistance Unit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2010-680

### 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 **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations 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 DEPARTMENT Clerk \$10/hour effective 12/7/10  
Linda S. Stiegler, Cheektowaga, New York

POLICE DEPARTMENT Clerk \$7.35/hour effective 12/7/10  
Joshua J. Burgett, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SENIOR SERVICES DEPARTMENT  
Barbara Kornecki effective 7/2/10  
Janice Zdybowicz effective 7/2/10

SANITATION DEPARTMENT  
Nicholas Scaccia effective 11/13/10

POLICE DEPARTMENT  
Jacqueline Lewandowski effective 11/29/10

POLICE DEPARTMENT  
Bonny K. Mahoney effective 11/13/10

RECORDS MANAGEMENT  
Ian Trapper effective 8/13/10

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the reading of names for this resolutions. Motion Carried.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Jeff Swiatek, Councilmember  
**SECONDER:**       Mary Holtz, Supervisor  
**AYES:**             Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - November 2010
2. Minutes: Cheektowaga Planning Board - November 10, 2010
3. Minutes: Cheektowaga Conservation Advisory Council - October 4, 2010
4. Minutes: Cheektowaga Public Library - Board of Trustees - November 17, 2010

### B. General Communications

1. County of Erie - Road Opening - Wehrle Drive from Aero Drive to Garrison Road
2. Summons & Complaint: Edward & Joanne Gawron Vs. Town of Cheektowaga
3. Summons & Complaint: James J. Madden Vs. Town of Cheektowaga
4. Notice of Claim: Anthony LaGambina Vs. Town of Cheektowaga
5. Notice of Claim: Donald C. Bielefeld Vs. Town of Cheektowaga
6. Notice of Claim: Albina C. Boncal Vs. Town of Cheektowaga
7. Notice of Claim: Mark R. Cross Vs. Town of Cheektowaga
8. Notice of Claim: Brian Slisz, as Parent and NG of Brittany Slisz Vs. Town of Cheektowaga
9. Notice of Claim: Sally Sneft, as Administratrix of Estate of Thomas J. Sneft Vs. Town of Cheektowaga
10. Notice of Claim: Danica N. Urban 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 Swiatek to adjourn the meeting at 7:00 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, December, 20, 2010

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on December 20, 2010 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
John Marriott, Planning Board Chairman  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2010-681

### 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:	100.7510.4052	Printing Historical Material	\$	1,100.00
	100.7510.4088	Travel Training & Conferences		300.00
	100.7510.4375	Historical Observance		969.00
	100.7510.4043	Maps, Records, Supplies		750.00
	100.1685.4051	Records Management		6,850.00
TO:	100.1685.2000	Equipment	\$	9,969.00

#### SPECIAL DISTRICT FUND

FROM:	150.8160.4211	Electric	\$	1,200.00
TO:	150.8160.4071	Uniform Replacements	\$	100.00
	150.8160.4231	Water		100.00
	150.8160.4186	Tolls		1,000.00

#### HIGHWAY FUND

FROM:	300.5110.4162	Gas & Oil	\$	20,000.00
	300.5110.4162	Gas & Oil		5,000.00
	300.5110.4185	Barricades & Blocks		2,300.00
	300.5140.4297	Tree Maintenance		6,000.00
	300.5130.4462	Parts & Supplies		5,000.00
	300.5110.4186	Topsoil		1,600.00
TO:	300.5142.4029	Salt	\$	20,000.00
	300.5142.4029	Salt		19,900.00

#### CAPITAL FUND

FROM:	500.1440.2061.5835	Site Revisions	\$	15,311.98
	500.5141.9910.5024	Highway Storm Drainage		265,384.67
TO:	500.1440.2060.5835	Site Revisions	\$	15,311.98
	500.5141.9910.5921	Highway Storm Drainage		265,384.67

#### HUD CDBG FUND

FROM:	700.1009.0601	Rehab Multi Family	\$	24,413.93
	700.1009.0753	Code Enforcement		2,341.07
TO:	700.1009.0602	Clearance-Demolition	\$	26,755.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
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**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2010-682

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 17, 2010 are hereby approved and made a part hereof;

GENERAL FUND	\$ 302,055.59
RISK RETENTION FUND	26,895.63
HUD HOUSING REHABILITATION FUND	33,056.00
SPECIAL DISTRICTS FUND	329,073.97
HIGHWAY FUND	17,774.43
CAPITAL FUND	779,525.87
TRUST & AGENCY FUND	6,514.81
HUD CDBG FUND	76,437.35
PART TOWN FUND	656.97
NYS AFFORDABLE HOUSING	10,086.00
	<u>\$1,582,076.62</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2010-683

## Approve Purchase of One (1) Truck

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Facilities Department, Parks Division has requested authorization to purchase one (1) 2010 Chevy Silverado 2500HD 4x4 pick-up truck, as specified in New York State OGS Contracts PC65026, AND

WHEREAS, funds for said purchase have been budgeted are available under account number 100-7110-2303, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2010 Chevy Silverado 2500HD 4x4 pick up truck, in the amount of \$24,749.10 from:

Hoselton Automall  
909 Fairport Road  
East Rochester, NY 14416

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2010-684

### Award of Bid - Sidewalks

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, as a result of advertisement, bids were received on December 1, 2010 for the replacement of sidewalks at various locations within the Town of Cheektowaga for the 2011 calendar year, with the option to renew for three (3) additional one (1) year periods, AND

WHEREAS, said bids were referred to the Engineering Department and the Highway Superintendent for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, 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, AND, BE IT FURTHER

RESOLVED, that the bid for the replacement of sidewalks be and hereby is awarded to:

Valeri Concrete Construction, Inc.  
6297 Wendt Drive  
Niagara Falls, New York 14304

for the total bid price of \$213,860.00 for Bid Items 1 thru 6 for the year 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2010-685

### Establish Town Board Meeting Dates for 2011

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2011 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 3<sup>rd</sup> & 18<sup>th</sup>
- February 7<sup>th</sup> & 23<sup>rd</sup>
- March 7<sup>th</sup> & 21<sup>st</sup>
- April 4<sup>th</sup> & 18<sup>th</sup>
- May 2<sup>nd</sup> & 16<sup>th</sup>
- June 6<sup>th</sup> & 20<sup>th</sup>
- July 5<sup>th</sup> & 18<sup>th</sup>
- August 1<sup>st</sup> & 15<sup>th</sup>
- September 6<sup>th</sup> & 19<sup>th</sup>
- October 3<sup>rd</sup> & 17<sup>th</sup>
- November 7<sup>th</sup> & 21<sup>st</sup>
- December 5<sup>th</sup> & 19<sup>th</sup>

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2010-686

### Establish Work Session Dates for 2011

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2011 at 6:00 P.M. on the following dates:

- January 11<sup>th</sup>
- February 1<sup>st</sup> & 15<sup>th</sup>
- March 1<sup>st</sup>, 15<sup>th</sup> & 29<sup>th</sup>
- April 12<sup>th</sup> & 26<sup>th</sup>
- May 10<sup>th</sup> & 31<sup>st</sup>
- June 14<sup>th</sup> & 28<sup>th</sup>
- July 12<sup>th</sup> & 26<sup>th</sup>
- August 9<sup>th</sup> & 30<sup>th</sup>
- September 14<sup>th</sup> & 27<sup>th</sup>
- October 11<sup>th</sup>
- November 1<sup>st</sup>, 15<sup>th</sup> & 29<sup>th</sup>
- December 13<sup>th</sup> & 27<sup>th</sup>

, and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2010-687

### Establish Holidays for 2011

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2011:

New Year's Day	December 31, 2010	Friday
Martin Luther King, Jr. Day	January 17, 2011	Monday
President's Day	February 21, 2011	Monday
Good Friday	April 22, 2011	Friday
Memorial Day	May 30, 2011	Monday
Independence Day	July 4, 2011	Monday
Labor Day	September 5, 2011	Monday
Columbus Day	October 10, 2011	Monday
Election Day	November 8, 2011	Tuesday
Veterans Day	November 11, 2011	Friday
Thanksgiving Day	November 24, 2011	Thursday
Day after Thanksgiving	November 25, 2011	Friday
Christmas Eve	December 23, 2011	Friday
Christmas Day	December 26, 2011	Monday
New Year's Day	January 2, 2012	Monday

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2010-688

### Establish Salaries of Town Officials and Employees

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2011:

Town Engineer	\$89,646
Assistant Town Engineer	70,169
Director of Administration & Finance	85,792
Accountant	61,992
Supervising Code Enforcement Officer	77,178
Executive Director Youth & Recreation	70,000
Town Attorney	84,319
Deputy Town Attorney (1)	44,370
Deputy Town Attorney - Prosecutors (2)	19,757
Clerk of Justice Court	52,395
Clerk to Town Justice	40,502
Director of Community Development	77,455
Council Office Clerk Stenographer	47,301
Administrative Assistant (Town Board)	47,301
Municipal Administrative Assistant Legal	49,610
Deputy Receiver of Taxes	54,633
Deputy Superintendent of Highways	77,081
Director of Senior Services	70,000
Coordinator of Employee Relations	84,230
Employee Relations Administrative Clerk	50,767
Assistant to Supervisor	30,000
Principal Personnel Clerk	45,696
Police Chief	101,279

**RESULT:**           **ADOPTED [UNANIMOUS]**

**MOVER:**           Mary Holtz, Supervisor

**SECONDER:**      Jeff Swiatek, Councilmember

**AYES:**            Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 9. RESOLUTION 2010-689

### Establish Salaries of Officials and Employees Who Are Not Covered by Any Bargaining Unit

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2011:

Disaster Coordinator	\$18,766
Bingo Chairman (1)	6,402
Bingo Inspectors (3)	6,114
Planning Board Chairman (1)	5,158
Planning Board Members (3)	3,491
Planning Board Secretary (1)	4,419
Zoning Board Chairman (1)	5,574
Zoning Board Members (4)	4,115
Assessment Review Board Chairman (1)	2,106
Assessment Review Board Members (4)	1,695
Town Historian	2,000
Secretary to Traffic Safety Commission	4,420
Police Matron	\$14.00/hr
Cell Block Attendants	\$15.60/hr
School Crossing Guard Supervisor	\$10.75/hr
School Crossing Guards	\$ 8.50/hr

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2010-690

### Establish Salaries for Elected Officials

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 2011:

Supervisor	\$79,140
Councilmember (6)	20,680
Town Clerk	80,960
Highway Superintendent	82,150
Town Justice (2)	74,960
Budget Director	7,000
Registrar of Vital Statistics	5,000

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2010-691

### Establish Fee for Passport Photographs

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga Town Clerk's Office has been approved by the United States government as a Passport Acceptance Agency to issue U.S. passports, and

WHEREAS, as part of the passport issuance process, applicants must submit two (2) recent photographs with their application, and

WHEREAS, the Town Clerk's Office also takes the photographs for passports, and

WHEREAS, this Town Board needs to establish a fee for said photography service, NOW, THEREFORE, BE IT

RESOLVED, that, effective January 1, 2011, the fee for taking photographs for passports be and hereby is established at \$7.00 per applicant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2010-692

### Authorize Supervisor to Sign Agreement with Nussbaumer & Clarke, Inc. for Professional Services

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, as part of the operation and maintenance responsibilities associated with the Main Pump Station, sanitary sewer pump station facilities, Town buildings and various Town-wide infrastructure, the Town has relied on engineering consultant technical assistance to resolve problems as they may occur, and by conducting preventative maintenance inspections to insure efficient facilities operation, AND

WHEREAS, there is need to continue to obtain specialized technical assistance in order to assure continuous uninterrupted efficient operation of sanitary sewer system facilities, Town facilities and infrastructure components, AND

WHEREAS, occasionally throughout the year there is a need to obtain technical engineering services not included within the scope of any on-going project, AND

WHEREAS, said services are essential in assisting the Town with long term stormwater and drainage system improvement initiatives, management and regulatory compliance associated with the operation and maintenance of Town sanitary sewer districts, and in securing grant monies available through various State and Federal programs, AND

WHEREAS, the engineering consulting firm of Nussbaumer & Clarke, Inc. has been found qualified to perform such services and has vast knowledge and experience in the management of the Town's infrastructure, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for general technical services for calendar years 2011 through 2013, as submitted by the consulting firm of Nussbaumer & Clarke, Inc. and as recommended by the Town Engineer and reviewed by the Town Attorney, is approved and accepted, AND, BE IT FURTHER

RESOLVED, that the professional fees shall be based on the hourly rates established in the agreement and shall be chargeable to the Consolidated Sanitary Sewer District, Town-Wide Drainage District or other appropriate departmental account as budgeted and when authorized by the Town Engineer or Departmental Supervisor, AND, BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219-1494.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



13. RESOLUTION 2010-693

Approve Conveyance of Easement to NYSEG

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

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 renovating and constructing an addition to the Police & 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 renovated Police & Court Building and addition; 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 the easement, subject to approval by the Town Attorney; 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 December 20, 2010, 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: December 20, 2010

ALICE MAGIERSKI

Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2010-694

### Request for Extension (Compliance of Residency Law) Jennifer E. Lynch

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Jennifer E. Lynch was appointed to the position of Building and Zoning Clerk by Town Board Resolution effective July 20, 2010; AND

WHEREAS, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Ms. Lynch was ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of her appointment; AND

WHEREAS, current real estate market conditions have made it difficult for Ms. Lynch to sell her current domicile and establish residency within the Town; NOW, THEREFORE, BE IT

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Jennifer E. Lynch of Alden, New York, is hereby granted an additional six (6) months from the expiration of the prior resolution until July 20, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2010-695

### Extension of Appointment of Clerk Typist (Temporary) Justice Court/Martha DiGiacomo

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Martha DiGiacomo was appointed by this Town Board to the temporary position of Clerk Typist in the Justice Court effective October 28 through December 31, 2010;  
AND

WHEREAS, the temporary Clerk Typist position appointment dates must be amended;  
NOW, THEREFORE, BE IT

RESOLVED, that Martha DiGiacomo of Depew, New York, be and hereby is appointed to the temporary position of Clerk Typist 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 October 28, 2010 through January 24, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 16. RESOLUTION 2010-696

### 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 January 1, 2011:

Recreation Aide - 7140.1630 - Part-time - \$7.25

Aria Miceli 14225

Recreation Attendant - 7310.1804 - Regular Part-time - \$7.50

Christine Jedd 14227

Recreation Attendant - 7140.1614 - Regular Part-time - \$8.25

Courtney Smith 14206

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the reading of names for the following three (3) resolutions: 2010-696; 2010-697 and 2010-698. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2010-697

### 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:

Joshua Burgett

12/6/10

14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2010-698

### 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**

Katherine Edenhofer effective 11/20/10

**SEWER MAINTENANCE**

Jacob Latshaw effective 11/22/10

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Suspend the Rules to Include the following Resolution 2010-699. Motion Carried
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## 1. RESOLUTION 2010-699

### Travel Authorization - Taking the Bench Training

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, by resolution dated November 15, 2010 (Resolution 2010-656), this Town Board authorized Town Justice-elect Dennis Delano to take a three- (3) session certification course entitled, "Taking the Bench", and

WHEREAS, Dennis Delano was not able to attend the first session held on November 19-20, 2010, and

WHEREAS, the Office of Court Administration has arranged to hold another training session in Albany, New York and/or the Erie/Niagara County region the week of December 27, 2010 covering the topics which were discussed at the November 19-20, 2010 session, and

WHEREAS, this Board wishes to authorize Dennis Delano to attend this training session, and

WHEREAS, moneys for this training session are in the Town Justice Court budget; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated November 15, 2010 be and hereby is amended to authorize Town Justice-Elect Dennis Delano to attend the certification course entitled, "Taking the Bench" being held the week of December 27, 2010 in Albany, New York and/or the Erie/Niagara County region, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the use of a Town vehicle for transportation to and from said course.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - October 2010
2. Minutes: Cheektowaga Traffic Safety Commission - October 19, 2010

### B. General Communications

1. 2010 Annual Report of the Department of Real Property Tax Services of Erie County

2. Summons & Complaint: Anne/Shawn Fillion Vs. Town of Cheektowaga
3. Notice of Claim: Christopher D. Bukowski Vs. Town of Cheektowaga
4. Notice of Claim: Matthew Heath Vs. Town of Cheektowaga
5. Notice of Claim: Mark Kmiotek Vs. Town of Cheektowaga
6. Notice of Claim: Karen Myszka Vs. Town of Cheektowaga
7. Notice of Claim: Kathleen S. Wylegals-Bartoszek 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 Swiatek to have a Moment of Silence in Memory of Former Cheektowaga Highway Superintendent and Erie County Legislator Alfred (Freddy) Wnek, and longtime former Town Employees: Barbara Kornacki, Recreation Department and Senior Services and Hank Borkowski, Engineering, also Wife of Deputy Town Attorney Jeff Whiting (Marianne Whiting) and Mother of Cheektowaga Chamber of Commerce President Debbie Liegl (Wilma Radt).

Meeting adjourned at 6:55 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, December 28, 2010

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on December 28, 2010 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

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Brian Krause, Director of Finance and Administration  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Captain James Speyer, Police Department  
Captain Richard Chamberlin, Police Department

## II. Resolutions

### 1. Motion To: Enter Into Executive Session to discuss personnel and li

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski

### 2. Motion To: Exit Executive Session

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



### 3. RESOLUTION 2010-700

## Appeal State Supreme Court Decision Relating to Buffalo Crushed Stone & Retain Outside Counsel

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel

WHEREAS, in 1998, Buffalo Crushed Stone, Inc. commenced a lawsuit against the Town of Cheektowaga relating to the use of land it owns on Como Park Boulevard and in adjacent areas for mining, and

WHEREAS, by decision dated June 30, 2009, the Court of Appeals held that there were factual issues relating to some of the parcels involved in this litigation and directed that these issues be referred back to the State Supreme Court for decision, and

WHEREAS, by Order dated November 30, 2010, the State Supreme Court Justice Joseph Glowonia ruled that Buffalo Crushed Stone, Inc. had non-conforming use rights to mine these parcels, and

WHEREAS, this Town Board desires to retain independent outside counsel to assist us in evaluating the merits of appeal of the Order of the Hon. Joseph Glowonia, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines and directs that a Notice of Appeal be filed relating to the above referenced Order of the Hon. Joseph Glowonia in order to preserve our rights to appeal this matter, and BE IT FURTHER

RESOLVED, that Arthur J. Giacolone, Esq. be and hereby is retained as counsel to the Town of Cheektowaga to evaluate the merits of said appeal on behalf of the Town; Mr. Giacolone shall be paid at the rate of \$150.00 per hour for a total amount not to exceed \$2,000.00 without further Town Board authorization, and BE IT FURTHER

RESOLVED, that funds for said legal services shall be appropriated from budget line item number 100.1420.4501.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski

4. Motion To: Enter Into Executive Session to discuss personnel matters

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel

**ABSENT:** Stanley Kaznowski

5. Motion To: Exit Executive Session

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel

**ABSENT:** Stanley Kaznowski