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Town of Cheektowaga

3301 Broadway

Cheektowaga, NY 14227

Work Session

<http://www.town.cheektowaga.ny.us>

~ M



Alice Magierski

Tuesday, March, 27, 2012 6:00 PM Council Office

I. Call to Order

6:00 PM Meeting called to order on March 27, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
 Anthony Romano, Coordinator of Employee Relations
 David Zack, Chief of Police

II. Resolutions



RESOLUTION 2012-172

~~Sale of 24 Atwood Place to New Opportunities Community Housing Development Corporation~~

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property located at 24 Atwood Place in the Town of Cheektowaga was acquired for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, New Opportunities Community Housing Development Corp., a not-for-profit housing agency, has agreed to purchase property located at 24 Atwood Place 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 an agreement with New Opportunities Community Housing Development Corp., 1195 Main Street, Buffalo, New York 14209, and any other documents, including deeds to the premises and loan agreements, subject to approval by the Town Attorney, for the purpose of selling and conveying title to the property at 24 Atwood Place per legal description to be provided by the Town Attorney's Office and made part of this Resolution by reference for the sum of \$1 each, and Be It, and BE IT

FURTHER RESOLVED, that the sale of 24 Atwood Place is authorized 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, and BE IT

FURTHER RESOLVED, that the sale and conveyance be made subject to easements and rights-of-way of record, if any.

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on March 27, 2012, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 24 Atwood Place, Cheektowaga, New York to New Opportunities Community Housing Development Corp. 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: March 27, 2012

ALICE MAGIERSKI
Town Clerk

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

III. Motion To: Go Into Executive Session at 6:10 PM

COMMENTS - Current Meeting:

DISCUSSION ONLY RE: Hiring of Detective; and Contractual Agreements.

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

IV. Motion To: Exit Executive Session at 7:20 pm

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

V. Work Session Ended at 7:21 PM

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3301 Broadway

Cheektowaga, NY 14227

Work Session<http://www.town.cheektowaga.ny.us>**~ Minutes ~**

Alice Magierski

716-686-3400



Tuesday, August 28, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on August 28, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
 Jeneen McSkimming, Assessor

II. Motion To: Enter Into Executive Session at 6:00 PM

COMMENTS - Current Meeting:

To Discuss - pending litigation matters relating to assessment challenges.

RESULT: ADOPTED [UNANIMOUS]**MOVER:** Mary Holtz, Supervisor**SECONDER:** Gerald Kaminski, Councilmember**AYES:** Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak**ABSENT:** Patricia Jaworowicz**III. Motion To:** Exit Executive Session at 6:08 PM**RESULT:** ADOPTED [UNANIMOUS]**MOVER:** Mary Holtz, Supervisor**SECONDER:** James Rogowski, Councilmember**AYES:** Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak**ABSENT:** Patricia Jaworowicz**IV. Resolution at 6:09 PM**



1. RESOLUTION 2012-463

Settlement of Litigation - Garden Village Apartments, LP Vs. Town

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, Garden Village Apartments, LP commenced an Article 7 proceeding against the Town for Tax Years 2009-10, 2010-11, 2011-12 and 2012-13, seeking a reduction in the assessment of property owned by it located at French Road (S.B.L., No. 124.02-2-9) in Cheektowaga, New York; and

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Motion To: Enter Into Executive Session at 6:10 PM

COMMENTS - Current Meeting:

To Discuss matters relating to the hiring and termination of employees in the Sanitation, Sewer Maintenance and Police departments, and potential disciplinary matters relating to an employee in the Sanitation Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

VI. Motion To: Exit Executive Session at 6:28 PM

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

SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

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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

Tuesday, January 3, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on January 3, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Mark Wegner, Highway Superintendent
David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-1

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

General Fund

From:	100.1910.2680	Insurance Recoveries	\$ 9,499.00
To:	100.1640.4447	Collision Repairs	\$ 9,499.00

Highway Fund

From:	300.5140.4191	Miscellaneous	\$ 6,000.00
	300.5110.4177	Receiver & Pipe	1,200.00
	300.5110.4185	Barricades	974.69
	300.5130.2407	Highway Equipment	3,706.95
	300.5140.4001	Office Supplies	2,000.00
	300.5140.4071	Uniforms	1,500.00
	300.5140.4188	Rental of Copier	800.00
	300.5150.4173	Stone	1,276.74
	300.5140.4191	Miscellaneous	31,541.62
To:	300.5130.4462	Parts & Supplies	\$ 6,000.00
	300.5142.4029	Salt	43,000.00

HUD - NYS AHC Funding

From:	900.8600.4910	NYS AHC Revenues	\$100,000.00
To:	900.8668.4008	Loans From Program	\$100,000.00

Special Districts

From:	990.1910.2681	Light Standard Damages	\$ 1,665.00
To:	990.5182.4432	Repairs & Maintenance	\$ 1,665.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

ABSENT: Patricia Jaworowicz



2. RESOLUTION 2012-2

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 30, 2011 are hereby approved and made a part hereof;

General Fund	\$ 274,405.12
Risk Retention Fund	28,947.76
Debt Service Fund	279,072.00
HUD Rehabilitation Fund	5,388.00
Special Districts Fund	295,790.25
Highway Fund	51,746.58
Capital Fund	1,525,747.77
Trust & Agency Fund	2,601.85
HUD CDBG Fund	1,176.15
Part Town Fund	13,385.35
NYS Affordable Housing Fund	<u>19,790.00</u>
	\$2,498,050.83

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-3

Award of Bid: 2011 20' Scissor Lift

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) New and Unused 2011 20' Scissor Lift for the Building & Grounds Division, which bids were duly received and opened at a public bid opening called for that purpose, AND

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

WHEREAS, Allan B. Blachowski, Junior Civil Engineer, has submitted the same which is hereto attached and made part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) New and Unused 2011 20' Scissor Lift be awarded to R. B. U'Ren Equipment, 1120 Connecting Road, Niagara Falls. NY 14304 for their bid in the amount of \$12,672.00 for one (1) New and Unused 2011 20' Scissor Lift, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1625-2303 for this purpose.

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



4. RESOLUTION 2012-4

Call for Public Hearing - Amend Parks Ordinance

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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 Parks Ordinance which permitted the walking of dogs on leashes in the various town parks, excluding John C. Stiglmeier Park and Cheektowaga Town Park, subject to certain restrictions, expired on December 31, 2011, and

WHEREAS, the Director of the Facilities Department and the Parks, Facilities & Wildlife Management Committee have recommended that dogs on leashes should continue to be permitted in the various Town parks, excluding John C. Stiglmeier Parks and Cheektowaga Town Park, and

WHEREAS, this Town Board desires to amend the Parks Ordinance to permit same, 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 17th day of January, 2012 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 pubic hearing

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

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 3rd day of January, 2012, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 17th day of January, 2012 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 amended to permit dogs in town parks, excluding John C. Stiglmeier Park and Cheektowaga Town Park, subject to certain enumerated conditions.

A copy of the entire text of the proposed amendments to the Parks 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: January 3, 2012

Alice Magierski
Town Clerk

Attachments:

Amendment to Parks Ord (DOC)

RESULT: ADOPTED [5 TO 1]
MOVER: James Rogowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski
NAYS: Angela Wozniak
ABSENT: Patricia Jaworowicz



5. RESOLUTION 2012-5

Designation of Official Newspaper

Sponsored By: Councilmember Rogowski, 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 years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

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

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



6. RESOLUTION 2012-6

Designate Depositories for 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2012:

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-7

Readopt Investment Policy

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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.

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 or 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	MAXIMU M 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	80,000,000	Dir. Of Admin & Finance
Chase	Controlled Disbursement account (Zero balance Account)	615775888	-	Dir. Of Admin & Finance
Chase	First Niagara Risk Management	753873827	200,000	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

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Citizens	Money Market	400332-855-7	35,000,000	Dir. Of Admin & Finance
Citizens	Risk Retention Fund - Checking	400407-689-6	200,000	Dir. Of Admin & Finance
HSBC	HUD Rehab Loan Program	762-36975-2		Dir. Of Admin & Finance
HSBC	Money Market Account	762-62045-5		Dir. Of Admin & Finance
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	Finance

APPENDIX B

Schedule of Eligible Securities

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

APPENDIX B

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- (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”.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-8

Authorize Town Clerk to Invest Tax Moneys

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

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

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

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

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

RESOLVED, that Alice Magierski, Town Clerk/Receiver of Taxes and Assessments for the Town of Cheektowaga, be and hereby is authorized to invest real property tax moneys on a short-term basis in 2012, and BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-9

Direct Depositories to Accept Supervisor's Facsimile Signature

Sponsored By: Councilmember Kaznowski, Councilmember Markel

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-10

Tax Credit for Village of Depew

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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, 2012 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-11

Establish Salary for Deputy Town Clerk

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BE IT RESOLVED, that the annual salary for the position of Deputy Town Clerk be and hereby is established at \$42,000.00 effective January 1, 2012.

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



12. RESOLUTION 2012-12

Authorize Auction of Surplus Materials, Vehicles, and Equipment

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town wishes to dispose of the following surplus materials, vehicles and equipment no longer needed for Town use:

- Floor Tile (used) 430 pieces of 3/8" x 27" x 27" Rubber floor tile, approximately 2,150 square feet, Blue/Grey in color (PARKS);
- EX-MARK 36" walk behind mower, 5 speed transmission, 12.5 Kawasaki riding sulky (PARKS);
- PARKER Leaf/Litter vacuum, 6 HP Briggs & Stratton, self-propelled (PARKS);
- 1999 Chevrolet 1GBM7H1B9XJ100487, SEWER FLUSHER (sewer);

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 surplus materials, motor vehicles and equipment at an on-line auction in accordance with the terms of an agreement dated April 22, 2010, 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, in accordance with the attached agreement, to conduct a sale of the surplus Town materials, vehicles, and equipment identified above, 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 and any and all documents that may be required to effectuate the sale and/or transfer of said surplus materials, vehicles and equipment.

Attachments:

Auctions International Agreement 4.22.2010 (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-13

Approve Memberships in Various Organizations for Youth & Recreational Services Department

Sponsored By: Councilmember Rogowski, Councilmember Markel

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.

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



14. RESOLUTION 2012-14

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Recreation Aide - 7140.1611 & 7140.1614 - \$7.25 - Part-time

Derek Bull	14225
James Rogers	14206

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



15. RESOLUTION 2012-15

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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 Detention Officer \$16.10/hour effective 1/3/12
Leonard R. Janora, Cheektowaga, New York

FACILITIES DEPARTMENT Laborer \$8.00/hour effective 1/3/12
Mark Superczynski, Cheektowaga, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-16

Retain Liability Claims Administrator

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town's claims administration contract with First Niagara Risk Management, Inc. expired on December 31, 2011, and

WHEREAS, First Niagara Risk Management, Inc. has submitted a proposal to continue these services from January 1, 2012 - December 31, 2014, and

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

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

RESOLVED, that the Town Board authorizes and directs the Town Supervisor to sign the contract with First Niagara Risk Management, Inc. to provide the Town's claims administration services for the Years 2012 through 2014 at the per claim fee of: \$197.76 for property damage, \$503.84 for bodily injury and \$31.50 for incident reports.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-17

Retain Grant Consulting Firm

Sponsored By: Supervisor Holtz, Councilmember Markel

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 2012-2013 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 2012-2013, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-18

Retain the Services of Court Stenographers for 2012

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the Town of Cheektowaga in need of the services of stenographers for civil, criminal, and miscellaneous matters in the Justice Court and other Town departments in which transcripts and records of said proceedings are required; and

WHEREAS, the Town has, in the past, retained the services of various qualified and experienced court reporters who have provided such services when needed; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves the retention of qualified and experienced court stenographers for the calendar year 2012 when such services are required by the Town including, but not limited to, the following named persons and agency: Paula Bielat, Martha Emiliana, Deborah Delalys, Diana Proudman, and DePaolo Crosby Reporting Services, and BE IT FURTHER

RESOLVED, that the cost of these services shall be charged to the line items designated for said expenses for the respective department; and BE IT FURTHER

RESOLVED, that subject to approval of the Town Attorney, the Supervisor is authorized to execute Agreements for the above services for the calendar year 2012.

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



19. RESOLUTION 2012-19

Authorization to Retain Foreign Language Interpreters for Justice Court for 2012

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the New York State Unified Court System, Eighth Judicial District, requires the Cheektowaga Justice Court to provide qualified foreign language and sign language interpreters in all civil and criminal matters if a party does not speak or understand the English language; and

WHEREAS, the Unified Court System has provided the Justice Court with a list of the names of qualified interpreters in various languages, all of whom meet the necessary requirements and are qualified by education and experience to provide such services; and

WHEREAS, the Town is desirous of retaining such interpreters for use in civil and criminal matters on a *per diem* basis when the need arises; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the retention of foreign language and sign language interpreters for use in civil and criminal matters before the Justice Court, on a *per diem* basis, provided said interpreters meet the qualifications, requirements, and certification necessary to perform interpretation services in a legal and courtroom environment; and BE IT FURTHER

RESOLVED, that an interpreter shall be chosen first from an up-to-date list of qualified *per diem* foreign and sign language interpreters as such list is provided by the New York State Unified Court System, Eighth Judicial District, or, if said list does not contain the name of an interpreter for the particular language required, then from any other source that will provide an interpreter meeting the requirements of the Unified Court System; and BE IT FURTHER

RESOLVED, that the cost for said interpreters shall be appropriated from line item number 100-1110-4592; and BE IT FURTHER

RESOLVED, that subject to approval by the Town Attorney, the Supervisor is hereby authorized to execute agreements for the services of interpreters during calendar year 2012.

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



20. RESOLUTION 2012-20

Appointment of Marriage Officers

Sponsored By: Supervisor Holtz, Councilmember Markel

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

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

WHEREAS, the terms of such marriage officers expires on December 31, 2011, and this Town Board wishes to continue the availability of the services of marriage officers for the benefit of Town taxpayers, NOW, THEREFORE, BE IT

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

Alice Magierski
Vickie L. Dankowski

effective January 1, 2012 for a term expiring on December 31, 2015.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-21

Appointment of Registrar of Vital Statistics

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the term of office of Registrar of Vital Statistics for the Town of Cheektowaga expires on December 31, 2011, and

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

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

RESOLVED, that Town Clerk Alice Magierski be and hereby is appointed as the Registrar of Vital Statistics for the Town of Cheektowaga for a term expiring on December 31, 2015.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-22

Reappointment of Town Attorney

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

BE IT RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is reappointed as Town Attorney, effective January 1, 2012 to December 31, 2013.

RESULT:	ADOPTED [5 TO 1]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
NAYS:	Angela Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-23

Reappointment of Town Engineer

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

BE IT RESOLVED, that William R. Pugh, of Cheektowaga, New York be and hereby is reappointed as Town Engineer, effective January 1, 2012 to December 31, 2013.

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



24. RESOLUTION 2012-24

Appointments/Reappointment to Board of Assessment Review

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, there are three (3) vacancies on the Board of Assessment Review caused by the expiration of the term of Richard Owczarczak, the election of Gerald P. Kaminski, Sr. to the Town Board and the death of Andrew H. Schwenk, and

WHEREAS, Kenneth L. Young and Debra S. Liegl have requested appointment to said Board and are qualified for said position , and

WHEREAS, Richard Owczarczak has requested reappointment as a Member of said Board, NOW, THEREFORE, BE IT

RESOLVED, that Debra S. Liegl of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2013, and BE IT FURTHER

RESOLVED, that Kenneth L. Young of Cheektowaga, New York be and hereby is appointed to the position of member of the Board of Assessment Review, effective immediately and terminating on September 30, 2014, and BE IT FURTHER

RESOLVED, that Richard Owczarczak of Cheektowaga, New York be and hereby is reappointed as Member of the Board of Assessment Review, effective immediately and terminating on September 30, 2016.

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



25. RESOLUTION 2012-25

Reappointment of Bingo Inspectors

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2012 to December 31, 2012:

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, 2012 for a term of one year:

Thaddeus I. Marciniak, Cheektowaga, New York

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



26. RESOLUTION 2012-26

Reappointments to Traffic Safety Commission

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Executive Secretary Mark Nacke and Member David Przepiora expire on December 31, 2011, and

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

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

RESOLVED, that the following individuals be and hereby are re-appointed as to the Traffic Safety Commission, effective immediately and terminating on December 31, 2014:

Mark Nacke, Executive Secretary
David Przepiora, Member

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



27. RESOLUTION 2012-27

Reappointment of Planning Board Member

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the term of Joan Adams as Member of the Planning Board expires as of December 31, 2011, and

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

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

RESOLVED, that Joan Adams of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2012 and terminating on December 31, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



28. RESOLUTION 2012-28

Reappointment of Zoning Board Member

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the term of James Speyer as Member of the Zoning Board of Appeals expires on December 31, 2011, and

WHEREAS, James Speyer has expressed an interest in being reappointed to this position, and

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

RESOLVED, that James Speyer of Depew, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2012 and terminating on December 31, 2016.

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



29. RESOLUTION 2012-29

Reappointment of Library Board Member

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the term of Phyllis O'Donnell as Member of the Cheektowaga Public Library Board expires on December 31, 2011, and

WHEREAS, Phyllis O'Donnell has requested reappointment to the Cheektowaga Library Board, and

WHEREAS, the Cheektowaga Library Board has recommended that Phyllis O'Donnell be reappointed as member of the Cheektowaga Library Board, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell, of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2012 and terminating on December 31, 2016.

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



30. RESOLUTION 2012-30

Reappointments to Veterans Affairs Committee

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

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, 2011, 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, 2012 and expiring on December 31, 2012:

J. Donald Griffin, Cheektowaga, New York
 Joseph Porempski, Cheektowaga, New York
 Karen Porempski, Cheektowaga, New York
 Earle Rosenthal, Cheektowaga, New York
 Elaine Rosenthal, Cheektowaga, New York
 George Ross, Angola Lake, New York
 Raymond Wolniewicz, Cheektowaga, New York
 John D. Stiegler, Cheektowaga, New York
 Wayne Sorrentino, Cheektowaga, New York
 Thomas J. Mazur, Cheektowaga, New York
 Jeff Sundquist, Depew, New York
 Thomas M. Johnson, Jr., Youngstown, New York
 Kenneth Speaker, Cheektowaga, New York
 Stanley Blake, Lancaster, New York
 Nelson Oldfield, Cheektowaga, New York
 Richard Zydel, Cheektowaga, New York

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



31. RESOLUTION 2012-31

Travel Authorization Police Department

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the "Glock Armorer's Course" is being held February 28, 2012 at the Erie County Emergency Services Training & Operations Center; AND

WHEREAS, the following individuals have requested authorization to attend said school:

- Police Officer Michael Smith
- Police Officer James Rottger
- Police Officer Kurt Spieler
- Police Officer Dennis Kusak
- Police Officer Jacob Gawronski; AND

WHEREAS, Police Chief David Zack 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 \$1,212.53; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned individuals be and hereby are authorized to attend the "Glock Armorer's Course" being held February 28, 2012 at the Erie County Emergency Services Training & Operations Center.

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

IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Suspend the Rules to Include the Following Resolution 2012-32. Motion Carried.
--



1. RESOLUTION 2012-32

Appointment of Laborer (Labor/Permanent) Highway Department/James P. Hoerner

Sponsored By: Councilmember Kaznowski, 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, James P. Hoerner, applied for said vacancy and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that James P. Hoerner 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 17, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Communications

A. Departmental Communications

1. Building Permit List - December 2011
2. Minutes: Cheektowaga Conservation Advisory Council - December 1, 2011
3. Minutes: Cheektowaga Planning Board - December 8, 2011
4. Minutes: Town Environmental Advisory Committee - December 21, 2011

B. General Communications

1. Notice of Claim: Suzette Baginski Vs. Town of Cheektowaga
2. Notice of Claim: Kathleen McInnis Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:10 PM

Alice Magierski, Town Clerk

DRAFT
PROPOSED AMENDMENT TO PARKS ORDINANCE
TOWN OF CHEEKTOWAGA
(January 3, 2012)

174-8. Domestic animals prohibited from parks and park approaches, shall be amended to read as follows:

§ 174-8. Domestic animals in parks and park approaches.

- A. Dogs shall be permitted in town parks, except for John C. Stiglmeier Park and Cheektowaga Town Park, subject to the following conditions/limitations:
- (1) Dogs must be restrained/hand-controlled by leash (no longer than six feet in length);
 - (2) 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); and
 - (3) Dogs shall not be permitted on any park lands designated for sport fields and/or in areas immediately adjacent to playground structures.
- B. Dogs shall be permitted in the area designated as the Alexander Walking Path (described as follows: the park area/walking trail area on the east 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), subject to the conditions and limitations contained in subsections (A)(1), (A)(2), and (A)(3) of this section.

ONLINE AUCTION CONTRACT - AGREEMENT FOR SALE OF GOVERNMENT ASSETS BY ONLINE AUCTION

This Agreement made on 4/22/2010, between TOWN OF CHEEKTOWAGA, hereafter called "Seller", and Auctions International, Inc., 808 Borden Road, Cheektowaga, NY 14227, hereafter called "Auctioneer":

The Auctioneer hereby agrees to use professional skill, knowledge, and experience to the best advantage of both parties in preparing for and conducting the sale. All auction items will be sold "As-is, Where-is", subject to the Seller's terms.

The Seller agrees to provide Titles, Keys and all other Proof of Ownership to customers who present a paid invoice from Auctions International, and release the purchased items once the Auctioneer has received full payment for the goods listed below (and described in detail on provided condition reports, and/or provided by electronic means to Auctioneer).

GOVERNMENT VEHICLES, MACHINERY, EQUIPMENT AND ALL OTHER SURPLUS ASSETS

The Seller agrees to provide merchantable title (with no liens or encumbrances) for motor vehicles, and agrees to write-in the purchase information on the back of any titles issued to purchasers (as required by law). The Seller furthermore agrees not to sell listed merchandise before the term of the online auction is complete, under any circumstances.

The Auction is to be held online at www.AuctionsInternational.com, beginning and closing on mutually agreed dates and times. The terms and prices of this contract shall remain in effect for two (2) years after the agreement is executed, based on the needs of the Seller. Notwithstanding the foregoing, the Seller may terminate this contract at any time for convenience.

It is agreed that all listed merchandise be sold to the highest bidder, "as-is", "where-is", with no warranty expressed, implied or otherwise, and with the Government Seller retaining the right to reject any bids that are insufficient. Seller agrees to specify a minimum acceptable price on each rejected bid, which will be posted on the "Past Prices" page of the Auctioneer's website.

Purchaser(s) will be required to pay a 10% buyer premium, added to the successful high bid prices, which will constitute the Auctioneer's compensation for these services.

The Auctioneer will conduct auction(s) at no cost to the Seller, provided the Seller takes photos and descriptions of the merchandise, and provides this information to the Auctioneer's staff. The Auctioneer reserves the right to combine low-value merchandise into larger online auction lots as necessary, based on past experience with such items.

If requested by the Seller, the Auctioneer's staff will travel to the Seller's facilities to obtain photos and condition reports of the Seller's items, for the following listing fees: Thirty dollar (\$30) fee for each vehicle, and Five dollar (\$5) fee for each auction lot that is not a motor vehicle. These listing fees will be deducted from the sale proceeds, before final payment is made to Seller.

The Auctioneer will mail a check to the Seller for all proceeds collected within fifteen (15) business days after the Seller approves the bids for the sale items, along with an accounting summary and copies of receipts. In the event of a bidder's refusal or failure to pay for their invoiced items, the Auctioneer will offer the unsold merchandise to the backup bidder, and the reneging bidder will be banned from all future auctions. If the backup bidder does not take the merchandise for the backup bid price, then the merchandise will revert back to possession of the seller, after a reasonable time has been allowed for the backup bidder to get their payment to the Auctioneer. At the request of the Seller, any unsold merchandise can be re-listed in a future online auction.

INDEPENDENT STATUS. That during the existence of this agreement, the Auctioneer shall remain an individual, independent contractor, retaining its separate identity and shall in no way be considered a division, department or agent of the Seller's agency or organization.

WAIVER. No waiver of any breach of any condition of the agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way effect any other term or condition of this agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among the parties with respect to the subject matter of this Agreement, and supercedes any and all prior understandings and agreements, whether written or oral, and all prior dealings of the parties with respect to the subject matter of this Agreement.

(x) Mary F. Holtz Mary F. Holtz 686-3439
 Seller's Authorizing Signature Printed Name and Agency Title Telephone Number
Town of Cheektowaga Town Supervisor Bob Ciesielski

(x) Town of Cheektowaga Central Garage, 3301 Broadway, Cheektowaga, NY 14227
 Seller's Agency Payment Address (Check will be made out and mailed to Seller, from Auctioneer, for payments received)

(x) [Signature] Eric J. Abrams
 Auctioneer's Signature Auctioneer's Printed Name President

Attachment: Auctions International Agreement 4.22.2010 (RES-2012-12 : Authorize Auction of Surplus Veh and Equipment)



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, January 10, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on January 10, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
David Zack, Chief of Police

II. Resolutions



1. RESOLUTION 2012-33

Approve Purchase of Video Equipment for Police/Courts Building Under New York State Contract

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is interested in improving the monitoring of security surveillance systems by the police dispatch center and town buildings, school districts and businesses in order for them to be able to provide better and quicker service to Town residents and to otherwise enhance public safety, AND

WHEREAS, SimplexGrinnell, LP has the New York State Contract (Contract PT63104, Award 20191, Group 77201) for the video surveillance monitoring equipment, AND

WHEREAS, SimplexGrinnell, LP has submitted a proposal to the Town for said equipment at a total cost of \$69,530.00, and

WHEREAS, funds for these video surveillance cameras are available in the Police Department Asset Forfeiture budget (line item 600-0600-0881) and the budget line item 500-1440-2528-5025, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of six (6) workstations, twenty-one (21) video monitors with mounts, together with ancillary equipment, software and licensing fees as per the SimplexGrinnell Quotation dated 7/01/2011 for the total cost of \$69,530.00 from:

SimplexGrinnell, LP
6850 Main Street, Suite 3
Amherst, NY 14221

, and BE IT FURTHER

RESOLVED, that funding for said equipment, software and ancillary equipment shall be appropriated as follows from the following budget line items

\$31,394.00	line item #600-0600-0881
\$38,136.00	line item #500-1440-2528-5025

, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute agreements with SimplexGrinnell, LP and any and all other documents necessary to effectuate the purchase and installation of the aforementioned video surveillance equipment.

Attachments:

TOCNY PD VIDEO WALL (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-34

Approve Purchase of Cellular Telephone Services

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, cellular telephones are assigned to various Town employees, and

WHEREAS, presently, the Town of Cheektowaga utilizes Sprint as its service provider for said cellular telephone service, and

WHEREAS, Verizon Wireless was awarded a New York State Contract (Group 77017, Award 20268, Contract PS63766) and Federal/Government Services Administration Contract for cellular telephones, iPhones, etc. and related services, and

WHEREAS, Verizon Wireless has submitted a proposal to the Town of Cheektowaga for the purchase of these cellular devices and services, and

WHEREAS, said proposal is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to purchase cellular telephones, iPhones and cellular service, etc. from Verizon Wireless, as per its proposal, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents in connection with this matter, and BE IT FURTHER

RESOLVED, that funding for said purchased and services shall be appropriated from budget line item number 100.3020.4203.

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



6850 MAIN ST
Ste 3
AMHERST, NY 14221
(716) 633 8465
FAX: (716) 635 9280
www.simplexgrinnell.com

SimplexGrinnell Quotation

TO:
Town of Cheektowaga
3301 Broadway
CHEEKTOWAGA, NY 14225-0000

Project: TOCNY PD VIDEO WALL
Customer Reference:
SimplexGrinnell Reference: 958504202
Date: 07/01/2011
Page 1 of 5

SimplexGrinnell is pleased to offer for your consideration this quotation for the above project.

QUANTITY	MODEL NUMBER	DESCRIPTION
TOCNY PD VIDEO WALL		
TOCNY PD VIDEO WALL		
6	142-825TQ-R720LPB	SUPERMICRO WS
21	40302	66FT DVI CABLE
21	SAM400UX-3	SAMSUNG 40"LCD MON
21	TILTWALLMT	MONITOR WALL MOUNT
1	OM-E-BAS	OMNICAST VIDEO SOFTWARE
1	OM-E-1U	VIDEOCLIENT VIDEO WALL
1	DPCCVE	OP CCVE NON STANDARD

Total net selling price, FOB shipping point, \$69,530.00

Comments

SIMPELXGRINNELL NYS CONTRACT INFORMATION:

CONTRACT: PT63104
AWARD: 20191
GROUP: 77201

RICK,

AS REQUESTED, ABOVE IS THE COST PROPOSAL FOR THE VIDEO WALL AS DESCRIBED VIA OUR EMAIL COMMUNICATIONS DATED 6/30/11 AND 7/1/11. SIMPLEXGRINNELL WILL SUPPLY THE ABOVE EQUIPMENT FOR YOUR INSTALLATION AND INCLUDED IS THE REQUIRED VIDEO WORKSTATIONS FOR THE VIDEO WALL CONTROL WITH THE ASSOCIATED GENETEC VIDEO SOFTWARE. SIMPLEXGRINNELL WILL PROGRAM THE WORKSTATIONS FOR SET-UP AND CONTROL. ALL OTHER INSTALLATIONS BY TOC.

IF YOU SHOULD HAVE ANY QUESTIONS OR WOULD LIKE TO HAVE THE ABOVE WORK SCHEDULED, PLEASE CONTACT ME AT (716) 633-8465 EXT.235, OR PLEASE SIGN LAST PAGE

THIS QUOTATION AND ANY RESULTING CONTRACT SHALL BE SUBJECT TO THE GENERAL TERMS AND CONDITIONS ATTACHED HERETO.

Fire, Security, Communications, Sales & Service
Offices & Representatives in Principal Cities throughout North America

Attachment: TOCNY PD VIDEO WALL (RES-2012-33 : Approve Purchase of Video Equipment)



Project: TOCNY PD VIDEO WALL
Customer Reference:
SimplexGrinnell Reference: 958504202
Date: 07/01/2011
Page 2 of 5

SimplexGrinnell Quotation

Comments (continued)

OF QUOTATION AND FAX ALONG WITH ANY PURCHASE ORDERS TO MY ATTENTION AT
(716) 635-9280.

SINCERELY,

JASON HOOK
BUILDING SYSTEMS ACCOUNT EXECUTIVE

*PLEASE NOTE THAT ABOVE PRICING DOES NOT INCLUDE ANY APPLICABLE SALES AND/OR
USE TAXES, PERMITS OR ANY APPLICABLE FEES UNLESS OTHERWISE STATED ABOVE
** PLEASE NOTE THAT ABOVE PART NUMBERS MAY BE SUBSTITUTED DUE TO AVAILABILITY
***PLEASE NOTE THAT SIMPLEXGRINNELL TERMS AND CONDITIONS SHALL SUPERCEDE
AND TAKE PRECEDENCE OVER ANY CUSTOMER TERMS AND CONDITIONS.
** SOME EQUIPMENT MAY NOT BE SPECIFICALLY LISTED ON NYS CONTRACT AND WILL BE
PURCHASED AS OPEN MARKET ITEMS UNDER THE NYS CONTRACT

Attachment: TOCNY PD VIDEO WALL (RES-2012-33 : Approve Purchase of Video Equipment)

SimplexGrinnell

BE SAFE.

Project: TOCNY PD VIDEO WALL
 Customer Reference:
 SimplexGrinnell Reference: 958504202
 Date: 07/01/2011
 Page 3 of 5

TERMS AND CONDITIONS

1. Payment. Payments shall be invoiced and due in accordance with the terms and conditions set forth above. Work performed on a time and material basis shall be at the then-prevailing Company rate for material, labor, and related items, in effect at the time supplied under this Agreement. Company shall invoice Customer for progress payments to one hundred (100%) percent based upon equipment delivered or stored, and services performed. Customers without established satisfactory credit shall make payments of cash in advance, upon delivery or as otherwise specified by Company. Where Customer establishes and maintains satisfactory credit, payments shall be due and payable thirty (30) days from date of invoice. Company reserves the right to revoke or modify Customer's credit at its sole discretion. The Customer's failure to make payment when due is a material breach of this Agreement.

If Customer fails to make any payment when due, in addition to any other rights and remedies available, Company shall have the right, at Company's sole discretion, to stop performing any Services and/or withhold further deliveries of materials, until the account is current. In the event payment is not received when due, Company may, at its discretion, assess late fees at the rate of 1.5% per month or the maximum rate allowed by law. Customer agrees to pay all costs of collection, including without limitation costs, fees, and attorneys' fees. Customer's failure to make payment when due is a material breach of this Agreement until the account is current.

2. Pricing. The pricing set forth in this Agreement is based on the number of devices to be installed and services to be performed as set forth in the Scope of Work ("Equipment" and "Services"). If the actual number of devices installed or services to be performed is greater than that set forth in the Scope of Work, the price will be increased accordingly. If this Agreement extends beyond one year, SimplexGrinnell may increase prices upon notice to the Customer. Customer agrees to pay all taxes, permits, and other charges, including but not limited to state and local sales and excise taxes, however designated, levied or based on the service charges pursuant to this Agreement.

3. Alarm Monitoring Services. Any reference to alarm monitoring services in this Agreement is included for pricing purposes only. Alarm monitoring services are performed pursuant to the terms and conditions of Company's standard alarm monitoring services agreement.

4. Code Compliance. Company does not undertake an obligation to inspect for compliance with laws or regulations unless specifically stated in the Scope of Work. Customer acknowledges that the Authority Having Jurisdiction (e.g. Fire Marshal) may establish additional requirements for compliance with local codes. Any additional services or equipment required will be provided at an additional cost to Customer.

5. Limitation of Liability; Limitations of Remedy. It is understood and agreed by the Customer that Company is not an insurer and that insurance coverage, if any, shall be obtained by the Customer and that amounts payable to company hereunder are based upon the value of the services and the scope of liability set forth in this Agreement and are unrelated to the value of the Customer's property and the property of others located on the premises. Customer agrees to look exclusively to the Customer's insurer to recover for injuries or damage in the event of any loss or injury and that Customer releases and waives all right of recovery against Company arising by way of subrogation. Company makes no guaranty or Warranty, including any implied warranty of merchantability or fitness for a particular purpose that equipment or services supplied by Company will detect or avert occurrences or the consequences therefrom that the equipment or service was designed to detect or avert. It is impractical and extremely difficult to fix the actual

damages, if any, which may proximately result from failure on the part of Company to perform any of its obligations under this Agreement. Accordingly, Customer agrees that, Company shall be exempt from liability for any loss, damage or injury arising directly or indirectly from occurrences, or the consequences therefrom, which the equipment or service was designed to detect or avert. Should Company be found liable for any loss, damage or injury arising from a failure of the equipment or service in any respect, Company's liability shall be limited to an amount equal to the Agreement price (as increased by the price for any additional work) or where the time and material payment term is selected, Customer's time and material payments to Company. Where this Agreement covers multiple sites, liability shall be limited to the amount of the payments allocable to the site where the incident occurred. Such sum shall be complete and exclusive. If Customer desires Company to assume greater liability, the parties shall amend this Agreement by attaching a rider setting forth the amount of additional liability and the additional amount payable by the Customer for the assumption by Company of such greater liability, provided however that such rider shall in no way be interpreted to hold Company as an insurer. IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY DAMAGE, LOSS, INJURY, OR ANY OTHER CLAIM ARISING FROM ANY SERVICING, ALTERATIONS, MODIFICATIONS, CHANGES, OR MOVEMENTS OF THE COVERED SYSTEM(S) OR ANY OF ITS COMPONENT PARTS BY THE CUSTOMER OR ANY THIRD PARTY. COMPANY SHALL NOT BE LIABLE FOR INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO DAMAGES ARISING FROM THE USE, LOSS OF THE USE, PERFORMANCE, OR FAILURE OF THE COVERED SYSTEM(S) TO PERFORM. The limitations of liability set forth in this Agreement shall inure to the benefit of all parents, subsidiaries and affiliates of company, whether direct or indirect, company's employees, agents, officers and directors.

6. Reciprocal Waiver of Claims (SAFETY Act). Certain of SimplexGrinnell's systems and services have received Certification and/or Designation as Qualified Anti-Terrorism Technologies ("QATT") under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002, 6 U.S.C. §§ 441-444 (the "SAFETY Act"). As required under 6 C.F.R. 25.5 (e), to the maximum extent permitted by law, SimplexGrinnell and Customer hereby agree to waive their right to make any claims against the other for any losses, including business interruption losses, sustained by either party or their respective employees, resulting from an activity resulting from an "Act of Terrorism" as defined in 6 C.F.R. 25.2, when QATT have been deployed in defense against, response to, or recovery from such Act of Terrorism.

7. General Provisions. Customer has selected the service level desired after considering and balancing various levels of protection afforded, and their related costs. Customer acknowledges and agrees that by this Agreement, Company, unless specifically stated, does not undertake any obligation to maintain or render Customer's system or equipment as Year 2000 compliant, which shall mean, capable of correctly handling the processing of calendar dates before or after December 31, 1999. All work to be performed by Company will be performed during normal working hours of normal working days (8:00 a.m. – 5:00 p.m., Monday through Friday, excluding Company holidays), as defined by Company, unless additional times are specifically described in this Agreement.

Company will perform the services described in the Scope of Work section ("Services") for one or more system(s) or

equipment as described in the Scope of Work section or the listed attachments ("Covered System(s)").

The Customer shall promptly notify Company of any malfunction in the Covered System(s) which comes to Customer's attention. This Agreement assumes the Covered System(s) are operational and maintainable condition as of the Agreement date. If, upon initial inspection, Company determines that repairs are recommended, repair charges will be submitted for approval prior to any work. Should such repair work be declined, Company shall be relieved from any and all liability arising therefrom. UNLESS OTHERWISE SPECIFIED IN THIS AGREEMENT, ANY INSPECTION (AND, IF SPECIFIED, TESTING) PROVIDED UNDER THIS AGREEMENT DOES NOT INCLUDE ANY MAINTENANCE, REPAIR ALTERATIONS, REPLACEMENT OF PARTS, OR ANY FIELD ADJUSTMENTS WHATSOEVER, NOR DOES IT INCLUDE THE CORRECTION OF ANY DEFICIENCIES IDENTIFIED BY COMPANY TO CUSTOMER. COMPANY SHALL NOT BE RESPONSIBLE FOR EQUIPMENT FAILURE OCCURRING WHILE COMPANY IS IN THE PROCESS OF FOLLOWING INSPECTION TECHNIQUES, WHERE THE FAILURE ALSO RESULTS FROM THE AGE OR OBSOLESCENCE OF THE ITEM OR DUE TO NORMAL WEAR AND TEAR. THIS AGREEMENT DOES NOT COVER SYSTEMS, EQUIPMENT COMPONENTS OR PARTS THAT ARE BELOW GRADE BEHIND WALLS OR OTHER OBSTRUCTIONS OR EXTERIOR TO THE BUILDING, ELECTRICAL WIRING, AND PIPING.

8. Customer Responsibilities. Customer shall furnish necessary facilities for performance of its work by Company, including adequate space for storage and handling of materials, light, water, heat, heat tracing, electrical service, local telephone watchman, and crane and elevator service and necessary permits. Where wet pipe system is installed, Customer shall supply and maintain sufficient heat to prevent freezing of the system. Customer shall promptly notify Company of a malfunction in the Covered System(s) which comes to Customer's attention. This Agreement assumes any existing system(s) are in operational and maintainable condition as of the Agreement date. If, upon initial inspection, Company determines that repairs are recommended, repair charges will be submitted for approval prior to any work. Should such repair work be declined, Company shall be relieved from any and all liability arising therefrom.

Customer shall further:

- supply required schematics and drawings unless they are to be supplied by Company in accordance with this Agreement
- Provide a safe work environment, in the event of an emergency or Covered System(s) failure, take reasonable safety precautions to protect against personal injury, death and property damage, continue such measures until the Covered System(s) are operational, and notify Company as soon as possible under the circumstances.
- Provide Company access to any system(s) to be serviced,
- Comply with all laws, codes, and regulations pertaining to the equipment and/or services provided under this agreement.

9. Excavation. In the event the Work includes excavation, Customer shall pay, as an extra to the contract price, the cost of any additional work performed by Company due to water, quicksand, rock or other unforeseen condition or obstruction encountered or shoring required.

10. Structure and Site Conditions. While employees of Company will exercise reasonable care in this respect, Company shall be under no responsibility for loss or damage due to the character, condition or use of foundations, walls, other structures not erected by it or resulting from its excavation in proximity thereto, or for damage resulting from concealed piping, wiring, fixtures, or other equipment in condition of water pressure. All shoring or protection

Attachment: TOCNY PD VIDEO WALL (RES-2012-33 : Approve Purchase of Video Equipment)

SimplexGrinnell

BE SAFE.

Project: TOCNY PD VIDEO WALL
 Customer Reference:
 SimplexGrinnell Reference: 958504202
 Date: 07/01/2011
 Page 4 of 5

SALE AND INSTALLATION AGREEMENT (continued)

foundation, walls or other structures subject to being disturbed by any excavation required hereunder shall be the responsibility of Customer. Customer shall have all things in readiness for installation including, without limitation, structure to support the sprinkler system and related equipment (including tanks), other materials, floor or suitable working base, connections and facilities for erection at the time the materials are delivered. In the event Customer fails to have all things in readiness at the time scheduled for receipt of materials, Customer shall reimburse Company for all expenses caused by such failure. Failure to make areas available to Company during performance in accordance with schedules that are the basis for Company's proposal shall be considered a failure to have things in readiness in accordance with the terms of this Agreement.

11. Confined Space. If access to confined space by Company is required for the performance of Services, Services shall be scheduled and performed in accordance with Company's then-current hourly rate.

12. Hazardous Materials. Customer represents that, except to the extent that Company has been given written notice of the following hazards prior to the execution of this Agreement, to the best of Customer's knowledge there is no:

- "permit confined space," as defined by OSHA,
- risk of infectious disease,
- need for air monitoring, respiratory protection, or other medical risk,
- asbestos, asbestos-containing material, formaldehyde or other potentially toxic or otherwise hazardous material contained in or on the surface of the floors, walls, ceilings, insulation or other structural components of the area of any building where work is required to be performed under this Agreement.

All of the above are hereinafter referred to as "Hazardous Conditions".

Company shall have the right to rely on the representations listed above. If hazardous conditions are encountered by Company during the course of Company's work, the discovery of such materials shall constitute an event beyond Company's control and Company shall have no obligation to further perform in the area where the hazardous conditions exist until the area has been made safe by Customer as certified in writing by an independent testing agency, and Customer shall pay disruption expenses and re-mobilization expenses as determined by Company.

This Agreement does not provide for the cost of capture, containment or disposal of any hazardous waste materials, or hazardous materials, encountered in any of the Covered System(s) and/or during performance of the Services. Said materials shall at all times remain the responsibility and property of Customer. Company shall not be responsible for the testing, removal or disposal of such hazardous materials.

13. OSHA Compliance. Customer shall indemnify and hold Company harmless from and against any and all claims, demands and/or damages arising in whole or in part from the enforcement of the Occupational Safety Health Act (and any amendments or changes thereto) unless said claims, demands or damages are a direct result of causes within the exclusive control of Company.

14. Interferences. Customer shall be responsible to coordinate the work of other trades (including but not limited to ducting, piping, and electrical) and for and additional costs incurred by Company arising out of interferences to Company's work caused by other trades.

15. Modifications and Substitutions. Company reserves the right to modify materials, including substituting materials of later design, providing that such modifications or substitutions will not materially affect the performance of the Covered System(s).

16. Changes, Alterations, Additions. Changes, alterations and additions to the Scope of Work, plans, specifications or construction schedule shall be invalid unless approved in writing by Company. Should changes be approved by Company, that increase or decrease the cost of the work to Company, the parties shall agree, in writing, to the change in price prior to

performance of any work. However, if no agreement is reached prior to the time for performance of said work, and Company elects to perform said work so as to avoid delays, then Company's estimate as to the value of said work shall be deemed accepted by Customer. In addition, Customer shall pay for all extra work requested by Customer or made necessary because of incompleteness or inaccuracy of plans or other information submitted by Customer with respect to the location, type of occupancy, or other details of the work to be performed. In the event the layout of Customer's facilities has been altered, or is altered by Customer prior to the completion of the Work, Customer shall advise Company, and prices, delivery and completion dates shall be changed by Company as may be required.

17. Commodities Availability. Company shall not be responsible for failure to provide services, deliver products, or otherwise perform work required by this Agreement due to lack of available steel products or products made from plastics or other commodities. 1) In the event Company is unable, after reasonable commercial efforts, to acquire and provide steel products, or products made from plastics or other commodities, if required to perform work required by this Agreement, Customer hereby agrees that Company may terminate the Agreement, or the relevant portion of the Agreement, at no additional cost and without penalty. Customer agrees to pay Company in full for all work performed up to the time of any such termination. 2) If Company is able to obtain the steel products or products made from plastics or other commodities, but the price of any of the products has risen by more than 10% from the date of the bid, proposal or date Company executed this Agreement, whichever occurred first, then Company may pass through that increase through a reasonable price increase to reflect increased cost of materials.

18. Project Claims. Any claim of failure to perform against Company arising hereunder shall be deemed waived unless received by Company, in writing specifically setting forth the basis for such claim, within ten (10) days after such claims arises.

19. Backcharges. No charges shall be levied against the Seller unless seventy-two (72) hours prior written notice is given to Company to correct any alleged deficiencies which are alleged to necessitate such charges and unless such alleged deficiencies are solely and directly caused by Company.

20. System Equipment. The purchase of equipment or peripheral devices (including but not limited to smoke detectors, passive infrared detectors, card readers, sprinkler system components, extinguishers and hoses) from Company shall be subject to the terms and conditions of this Agreement. If, in Company's sole judgment, any peripheral device or other system equipment, which is attached to the Covered System(s), whether provided by Company or a third party, interferes with the proper operation of the Covered System(s), Customer shall remove or replace such device or equipment promptly upon notice from Company. Failure of Customer to remove or replace the device shall constitute a material breach of this Agreement. If Customer adds any third party device or equipment to the Covered System(s), Company shall not be responsible for any damage to or failure of the Covered System(s) caused in whole or in part by such device or equipment.

21. Reports. Where inspection and/or test services are selected, such inspection and/or test shall be completed on Company's then current Report form, which shall be given to Customer, and, where applicable, Company may submit a copy thereof to the local authority having jurisdiction. The Report and recommendations by Company are only advisory in nature and are intended to assist Customer in reducing the risk of loss to property by indicating obvious defects or impairments noted to the system and equipment inspected and/or tested. They are not intended to imply that no other defects or hazards exist or that all aspects of the Covered System(s), equipment, and components are under control at the time of inspection. Final responsibility for the condition and operation of the Covered System(s) and equipment and components lies with Customer.

22. Limited Warranty. Subject to the limitations below, Company warrants any equipment (as distinguished from IT Software) installed pursuant to this Agreement to be free from defects in material and workmanship under normal use for period of one (1) year from the date of first beneficial use or all any part of the Covered System(s) or 18 months after Equipment shipments, whichever is earlier, provided however that Company's sole liability, and Customer's sole remedy under this limited warranty shall be limited to the repair or replacement of the Equipment or any part thereof, which Company determines is defective, at Company's sole option and subject to the availability of service personnel and parts, as determined by Company. Company warrants expendable items including, but not limited to, video and print heads, television camera tubes, video monitor displays tubes, batteries and certain other products in accordance with the applicable manufacturer's warranty. Company does not warrant devices designed to fail in protecting the System, such as, but not limited to, fuses and circuit breakers.

Company warrants that any Company software described in this Agreement, as well as software contained in or sold as part of any Equipment described in this Agreement, will reasonably conform to its published specifications in effect at the time of delivery and for ninety (90) days after delivery. However, Customer agrees and acknowledges that the software may have inherent defects because of its complexity. Company's sole obligation with respect to software, and Customer's sole remedy, shall be to make available published modification designed to correct inherent defects, which become available during the warranty period.

If Repair Services are included in this Agreement, Company warrants that its workmanship and material for repairs made pursuant to this Agreement will be free from defects for a period of ninety (90) days from the date of furnishing.

EXCEPT AS EXPRESSLY SET FORTH HEREIN, COMPANY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE WITH RESPECT TO THE SERVICES PERFORMED OR THE PRODUCTS, SYSTEM OR EQUIPMENT, IF ANY, SUPPORTED HEREUNDER. COMPANY MAKES NO WARRANTY OR REPRESENTATION AND UNDERTAKES NO OBLIGATION TO ENSURE BY THE SERVICES PERFORMED UNDER THIS AGREEMENT, THAT COMPANY'S PRODUCTS OR THE SYSTEMS OR EQUIPMENT OF THE CUSTOMER WILL CORRECTLY HANDLE THE PROCESSING OF CALENDAR DATE BEFORE OR AFTER DECEMBER 31, 1999.

Warranty service will be performed during Company's normal working hours. If Customer requests warranty service at other than normal working hours, service will be performed at Company's then current rates for after hours services. All repairs or adjustments that are or may become necessary shall be performed by and authorized representative of Company. All repairs, adjustments or interconnections performed by Customer or any third party shall void all warranties.

23. Indemnity. Customer agrees to indemnify, hold harmless and defend Company against any and all losses, damage costs, including expert fees and costs, and expenses including reasonable defense costs, arising from any and all third party claims for personal injury, death, property damage or economic loss, including specifically any damages resulting from the exposure of workers to Hazardous Conditions whether or not Customer pre-notifies Company of the existence of such hazardous conditions, arising in any way from any act or omission of Customer or Company relating in any way to this Agreement, including but not limited to the Services under this Agreement, whether such claims are based upon contract, warranty, tort (including but not limited to active or passive negligence), strict liability or otherwise. Company reserves the right to select counsel to represent it in any such action.

24. Insurance. Customer shall name Company, its officer, employees, agents, subcontractors, suppliers, a



Project: TOCNY PD VIDEO WALL
Customer Reference:
SimplexGrinnell Reference: 958504202
Date: 07/01/2011
Page 5 of 5

SALE AND INSTALLATION AGREEMENT
(continued)

representatives as additional insureds on Customer's general liability and auto liability policies.

25. Termination. Any termination under the terms of this Agreement shall be made in writing. In the event Customer terminates this Agreement prior to completion for any reason not arising solely from Company's performance or failure to perform, Customer understands and agrees that Company will incur costs of administration and preparation that are difficult to estimate or determine. Accordingly, should Customer terminate this Agreement as described above, Customer agrees to pay all charges incurred for products and equipment installed and services performed, and in addition pay an amount equal to twenty (20%) percent of the price of products and equipment not yet delivered and Services not yet performed, return all products and equipment delivered and pay a restocking fee of twenty (20%) percent the price of products or equipment returned.

Company may terminate this Agreement immediately at its sole discretion upon the occurrence of any Event of Default as hereinafter defined. Company may also terminate this Agreement at its sole discretion upon notice to Customer if Company's performance of its obligations under this Agreement becomes impracticable due to obsolescence of equipment at Customer's premises or unavailability of parts.

26. No Option to Solicit. Customer shall not, directly or indirectly, on its own behalf or on behalf of any other person, business, corporation or entity, solicit or employ any Company employee, or induce any Company employee to leave his or her employment with Company, for a period of two years after the termination of this Agreement.

27. Default. An Event of Default shall be 1) failure of the Customer to pay any amount within ten (10) days after the amount is due and payable, 2) abuse of the System or the Equipment, 3) dissolution, termination, discontinuance, insolvency or business failure of Customer. Upon the occurrence of an Event of Default, Company may pursue one or more of the following remedies, 1) discontinue furnishing Services, 2) by written notice to Customer declare the balance of unpaid amounts due and to become due under the this Agreement to be immediately due and payable, provided that all past due amounts shall bear interest at the rate of 1 1/2% per month (18% per year) or the highest amount permitted by law, 3) receive immediate possession of any equipment for which Customer has not paid, 4) proceed at law or equity to enforce performance by Customer or recover damages for breach of this Agreement, and 5) recover all costs and expenses, including without limitation reasonable attorneys' fees, in connection with enforcing or attempting to enforce this Agreement.

28. Exclusions. Unless expressly included in the Scope of Work, this Agreement expressly excludes, without limitation, testing inspection and repair of duct detectors, beam detectors, and UV/IR equipment; provision of fire watches; clearing of ice blockage; draining of improperly pitched piping; replacement of batteries; recharging of chemical suppression systems; reloading of, upgrading, and maintaining computer software; system upgrades and the replacement of obsolete systems, equipment, components or parts; making repairs or replacements necessitated by reason of negligence or misuse of components or equipment or changes to Customer's premises, vandalism, corrosion (including but not limited to micro bacterially induced corrosion ("MIC")), power failure, current fluctuation, failure due to non-Company installation, lightning, electrical storm, or other severe weather, water, accident, fire, acts of God or any other cause external to the Covered System(s). Repair Services provided pursuant to this Agreement do not cover and specifically excludes system upgrades and the replacement of obsolete systems, equipment, components or parts. All such services may be provided by Company at Company's sole discretion at an additional charge. If Emergency Services are expressly included in the scope of work section, the Agreement price does not include travel expenses.

29. Force Majeure; Delays. Company shall not be liable for any damage or penalty for delays or failure to perform work due to acts of God, acts or omissions of Customer, acts of civil or military authorities, Government regulations or priorities, fires, epidemics, quarantine, restrictions, war, riots, civil disobedience or unrest, strikes, delays in transportation, vehicle shortages, differences with workmen, inability to obtain necessary labor, material or manufacturing facilities, defaults of Company's subcontractors, failure or delay in furnishing complete information by Customer with respect to location or other details of work to be performed, impossibility or impracticability of performance or any other cause or causes beyond Company's control, whether or not similar to the foregoing. In the event of any delay caused as aforesaid, completion shall be extended for a period equal to any such delay, and this contract shall not be void or voidable as a result of the delay. In the event work is temporarily discontinued by any of the foregoing, all unpaid installments of the contract price, less an amount equal to the value of material and labor not furnished, shall be due and payable upon receipt of invoice by Customer.

30. One-Year Limitation on Actions; Choice of Law. It is agreed that no suit, or cause of action or other proceeding shall be brought against either party more than one (1) year after the accrual of the cause of action or one (1) year after the claim

arises, whichever is shorter, whether known or unknown when the claim arises or whether based on tort, contract, or any other legal theory. The laws of Massachusetts shall govern the validity, enforceability, and interpretation of this Agreement.

31. Assignment. Customer may not assign this Agreement without Company's prior written consent. Company may assign this Agreement to an affiliate without obtaining Customer consent.

32. Entire Agreement. The parties intend this Agreement together with any attachments or Riders (collectively the "Agreement") to be the final, complete and exclusive expression of their Agreement and the terms and conditions thereof. This Agreement supersedes all prior representations, understandings or agreements between the parties, written or oral, and shall constitute the sole terms and conditions of sale for all equipment and services. No waiver, change, or modification of any term or conditions of this Agreement shall be binding on Company unless made in writing and signed by an Authorized Representative of Company.

33. Severability. If any provision of this Agreement is held invalid by any court or other competent authority to be void, unenforceable in whole or in part, this Agreement will continue to be valid as to the other provisions and the remainder of the affected provision.

34. Legal Fees. Company shall be entitled to recover from the customer all reasonable legal fees incurred in connection with Company enforcing the terms and conditions of this Agreement.

35. License Information (Security System Customers): Alabama Electronic Security Board of Licensure 7956 Vaughn Road, Pmb 392, Montgomery, Alabama 36116 (334) 264-938 AR Regulated by: Arkansas Board of Private Investigators At Private Security Agencies, #1 State Police Plaza Drive, Little Rock 72209 (501)618-8600: CA Alarm company operators a licensed and regulated by the Bureau of Security and Investigative Services, Department of Consumer Affairs Sacramento, Ca, 95814. Upon completion of the installation the alarm system, the alarm company shall thoroughly instruct the purchaser in the proper use of the alarm system. Failure of the licensee, without legal excuse, to substantially commence work within 20 days from the approximate date specified in the agreement when the work will begin is a violation of the Alarm Company Act: NY Licensed by N.Y.S. Department of the State TX Texas Commission on Private Security, 5805 N. Lamar Blvd., Austin, 78752-4422, 512-424-7710. License number available at www.simplexgrinnell.com or contact your local SimplexGrinnell office.

(Rev. 10/08)

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IMPORTANT NOTICE TO CUSTOMER

In accepting this Proposal, Customer agrees to the terms and conditions contained herein including those on the following pages of this Agreement and any attachments or riders attached hereto. It is understood that these terms and conditions shall prevail over any variation in terms and conditions on any purchase order or other document that the Customer may issue. Any changes in the system requested by the Customer after the execution of this Agreement shall be paid for by the Customer and such changes shall be authorized in writing. ATTENTION IS DIRECTED TO THE LIMITATION OF LIABILITY, WARRANTY, INDEMNITY AND OTHER CONDITIONS ON THE FOLLOWING PAGES. This Proposal shall be void if not accepted in writing within thirty (30) days from the date of the Proposal.

Form with fields for Offered By (SimplexGrinnell LP), Company, Address, Signature, Title, P.O.#, Date, and Representative (Jay Hoock - Account Executive).

Attachment: TOCNY PD VIDEO WALL (RES-2012-33 : Approve Purchase of Video Equipment)



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, January 17, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on January 17, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
 John Jaroszewski, General Crew Chief, Parks Division
 Brian Krause, Director of Finance and Administration
 Frank Max, General Crew Chief, Sanitation
 William Pugh, Town Engineer
 Kevin Schenk, Town Attorney
 Kerry Switalski, Senior Services Director
 Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. 2012 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: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

2. Amend Parks Ordinance

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

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

RESULT: **CLOSED [UNANIMOUS]**
MOVER: James Rogowski, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2012-35

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

2011

HIGHWAY FUND

FROM:	300.5150.4162	Gasoline & Oil	\$ 8,863.89
	300.5142.4029	Salt	8,360.58
	300.5140.4071	Uniforms	400.00

TO:	300.5150.4178	Blacktop Special	\$17,624.47
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HUD CDBG FUND

FROM:	700.9011.0500	Sloan Sidewalk Replacement	\$ 980.00
	700.9011.0800	Sloan Sidewalk Replacement	15,000.00

TO:	700.9011.0662	Sloan Drainage & Sewer Imp	\$15,980.00
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-36

Transfer of Funds 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

2012

HUD CDBG FUND

FROM:	700.9006.0650	Sloan Sewer System	\$ 346.63
	700.9005.0662	Sloan Drainage & Sewer Imp.	3,153.92

TO:	700.9006.0810	Sloan Fire Hall Parking Lot	\$ 346.63
	700.9005.0810	Sloan Fire Hall Parking Lot	3,153.92

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



3. RESOLUTION 2012-37

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 13, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,234,487.85
RISK RETENTION FUND	76,392.93
DEBT SERVICE FUND	83,762.50
HUD HOUSING REHABILITATION FUND	3,494.69
SPECIAL DISTRICTS FUND	912,152.15
HIGHWAY FUND	500,346.53
CAPITAL FUND	143,200.43
TRUST AGENCY	17,643.43
HUD CDBG FUND	21,558.13
PART TOWN FUND	138,596.77
	<u>\$ 5,131,635.41</u>

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



4. RESOLUTION 2012-38

Award of Bid - One (1) New and Unused 2012 Model, Wheel Type Asphalt Paver with a Variable Width, Power Extending Screed

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on December 7, 2011, for One (1) New and Unused 2012 Model, Wheel Type Asphalt Paver with a Variable Width, Power Extending Screed for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bid was referred to the Superintendent of Highway for analysis, tabulation and reports, AND

WHEREAS, bids were analyzed and completed, NOW THEREFORE BE IT

RESOLVED, the responsible bidder meeting specs for One (1) New and Unused 2012 Model, Wheel Type Asphalt Paver with a Variable Width, Power Extending Screed be awarded to Milton Cat, 4610 E. Saile Drive, Batavia, NY 14020 at a total bid price of \$286,586.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

RESOLVED, that monies be charged to line item 300-5130-2407.

TABULATION FOR ONE (1) NEW AND UNUSED, 2012 MODEL, WHEEL TYPE ASPHALT PAVER WITH A VARIABLE WIDTH, POWER EXTENDING SCREED

Milton Cat		
4610 E. Saile Drive		\$257,664.00
Batavia, NY 14020	options	<u>28,922.00</u>
(585) 815-6215	Total	\$286,586.00

Gateway Equipment Corp.		
8033 Transit Road		\$268,525.00
East Amherst, NY 14051	options	<u>32,384.00</u>
(716) 689-1133	Total	\$300,909.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-39

Award of Bid - Equipment & Operators for Public Works Projects

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the contract was awarded for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga on February 22, 2010, AND

WHEREAS, the contract allows for an annual renewal and cost adjustment based on the Consumer Price Index (CPI) as of December 31, 2011, AND

WHEREAS, the contractor has submitted the required documentation which has been reviewed and approved, 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, 2012 to March 1, 2013 be extended for Nichols, Long and Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 for the unit prices of:

		<u>Per 8 Hour Day</u>
Item 1	Tandem Dump	\$ 731.87
Item 2	Hydraulic Backhoe, Rubber Tire	\$ 730.82
Item 3	Laborers	\$ 820.20
Item 4	Saw (Vermeer Track)	\$ 2.10
Item 5	Saw (Walk Behind)	\$ 1.06
Item 6	Equipment Truck - Type A	\$ 1.06
Item 7	Equipment Truck - Type B	\$ 1.06
Item 8	Shield - 8' X 10'	\$ 1.06
Item 9	Shield - 6' X 16'	\$ 1.06
Item 10	Transport Shield	\$ 1.06
Item 11	Roller, 3 Ton	\$ 1.06
Item 12	Hydraulic Backhoe - 1/3 yard	\$ 2.10
Item 13	Hydraulic Backhoe - 7/8 yard	\$1,041.02
Item 14	Hydraulic Backhoe - 1-1/3 yard	\$ 420.62
Item 15	Hydraulic Backhoe - 2-1/3 yard	\$ 525.77
Item 16	Dozer, D-3	\$ 2.10
Item 17	Dozer, D-4	\$ 578.35
Item 18	Dozer, D-6	\$ 2.10
Item 19	Front End Loader, 3 yard	\$ 525.77
Item 20	Landscape Tractor	\$ 1.06
Item 21	Hydraulic Backhoe w/min 4500 lb.	\$ 2.10
Item 22	Hydraulic Backhoe w/min 7500 lb.	\$ 2.10
Item 23	Hydraulic Backhoe w/min 8800 lb.	\$ 2.10
Item 24	Smooth Drum Dirt Roller, 4500 lb.	\$ 2.10

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-40

Change Order No. 3 - HVAC Work (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the contract for HVAC Work for the Police & Court Building Renovations and Addition was awarded by Town Board Resolution dated September 7, 2010 to MLP Plumbing & Mechanical, Inc., 3198 Union Road, Suite 300, Cheektowaga, New York 14227 in the amount of \$1,818,000.00, AND

WHEREAS, the project architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 3 (HVAC Work) which provides for an addition to the original contract amount as further outlined on the change order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 (HVAC Work) for the Police and Court Building Renovations and Addition, in the amount of \$10,910.54 as an addition to the contract of MLP Plumbing & 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 document on behalf of this Town Board, chargeable to Account #500-1440-2528-5025.

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



7. RESOLUTION 2012-41

Amend Agreement with Quality Inspection Services

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated September 20, 2010, this Town Board engaged the firm of Quality Inspection Services to perform special inspections during construction of the Police and Court Building Renovations and Addition Project, as dictated by the New York State Division of Code Enforcement and Administration Regulations, AND

WHEREAS, building construction inspections are required to be conducted beyond the estimated manhours provided for in the original professional services agreement, NOW, THEREFORE, BE IT

RESOLVED, that the professional services agreement with Quality Inspection Services, Inc., 37 Franklin Street, Suite 400, Buffalo, New York 14202 be and hereby is amended to allocate an increase in the agreement not to exceed \$30,000 for conducting remaining special inspections required to be conducted throughout the balance of the construction project, AND, BE IT FURTHER

RESOLVED, that funding for additional professional services shall be chargeable to Account #500-1910-9399-5025.

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



8. RESOLUTION 2012-42

Amendment to Site Plan - 3650 Broadway, AirGas East, 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 Air Gas, Inc./Bohler Engineering, LLC for and amendment to an existing site plan at 3650 Broadway to permit alterations to the existing parking areas, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of December 8, 2011 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 /approving the drainage /grading plan.

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



9. RESOLUTION 2012-43

Call for Public Hearing-Rezoning Request 1694 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Charles J. Basil has made application with the permission of the land owner, Walden Avenue Distributors and requested the rezoning of 1694 Walden Avenue from CM- General Commercial to MS- Motor Service for the conversion of an existing warehouse to an automotive detail garage and a parts/record storage facility ancillary to Basil Ford Automotive Dealership at 1540 Walden Avenue for a, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on February 6, 2012 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, 3301 Broadway corner of Union Road on the 6th day of February, 2012 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Charles J. Basil

for the rezoning of 1694 Walden Avenue from CM- General Commercial to MS- Motor Service for the conversion of an existing warehouse to an automotive detail garage and a parts/record storage facility ancillary to Basil Ford Automotive Dealership at 1540 Walden Avenue, NOW, THEREFORE BE IT

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY
Alice Magierski, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 24, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the east line of lands conveyed to the Polish National Catholic Cathedral of the Holy Mother of the Rosary by deed recorded in the Erie County Clerk's Office in Liber 5085 of Deeds at Page 368, which point is distance 344.67 feet from the intersection of

said east line of the lands so conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary and the north line of the Walden Avenue Extension: thence northerly and along said easterly line of lands so conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary, 287.63 feet to a point; said point being also the intersection of said east line of lands conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary and the southerly lines of lands conveyed to Abbott Laboratories by deed recorded in the Erie County Clerk's Office in Liber 6207 of Deeds at Page 482; thence westerly and along the said southerly line of lands so conveyed to the said Abbott Laboratories, 157.18 feet to a point on the east line of a private roadway; thence southerly and at an interior angle of 90°, 287.63 feet to a point on the east line of the said private roadway; thence easterly 159.10 feet to the point of beginning.

TOGETHER with an easement and right of access over a private roadway as set forth in an Easement Agreement recorded in Erie County Clerk's Office on August 31, 1981 in Liber 9057 of Deeds page 590, and subsequently modified by Agreement recorded in Erie County Clerk's Office on March 11, 1982 in Liber 9107 of Deeds page 373.

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



10. RESOLUTION 2012-44

Notice to Bidders - Two (2) Sets of Completely Installed and Operational, Front Snow Plows, Wing Plows, Plow Rigging, Hydraulics, Dump Bodies and Accessories

Sponsored By: Councilmember Kaminski, Supervisor Holtz

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of Two (2) Sets of Completely Installed and Operational, Front Snow Plows, Wing Plows, Plow Rigging, Hydraulics, Dump Bodies and Accessories for use by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on February 1, 2012 at 11:00 A.M.

Information for bidders specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hour of 9:00 AM and 4:30 PM, Monday through Friday, NOW THEREFORE BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening on Wednesday February 1, 2012, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of Two (2) sets of completely installed and operational, Front Snow Plows, Wing Plow, Plow Rigging, Hydraulics, dump bodies and Accessories for use by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on February 1, 2012 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magerski, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR TWO (2) SETS OF COMPLETELY INSTALLED AND OPERATIONAL, FRONT SNOW PLOWS, WING PLOWS, PLOW RIGGING, HYDRAULICS, DUMP BODIES AND ACCESSORIES. Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

ALICE MAGERSKI, TOWN CLERK

DATE: January 17, 2012
PUBLISHED: January 19, 2012

RESULT: ADOPTED [UNANIMOUS]

MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2012-45

Notice to Bidders for Demolition with Asbestos Abatement Of 3048 William Street, 74 Hoerner Avenue, and 15 Atwood Place In the Town of Cheektowaga

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the Demolition with Asbestos Abatement of the structures on the following referenced properties in the Town of Cheektowaga:

- 1. A one-family dwelling located at 3048 William Street;
2. A two-family residential structure at 74 Hoerner Avenue; and
3. A one-family residential structure at 15 Atwood Place;

and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office; NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Demolition with Asbestos Abatement for the structures on the following referenced properties in the Town of Cheektowaga: 3048 William Street, 74 Hoerner Avenue, and 15 Atwood Place, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall, 3301 Broadway, Cheektkowaga, New York, on Wednesday, February 1, 2012 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, February 1, 2012, at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the Demolition with Asbestos Abatement of 3048 William Street, 74 Hoerner Avenue, and 15 Atwood Place in the Town of Cheektowaga.

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

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

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

Dated: January 17, 2012

Alice Magierski

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



12. RESOLUTION 2012-46

Notice to Bidders - Grass Cutting & Landscape Work for 2012

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 2012, 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 February 1, 2012 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 February 1, 2012 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 2012, 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 2012” 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: January 17, 2012

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



13. RESOLUTION 2012-47

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 2012, 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 February 1, 2012 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 February 1, 2012 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 2012.

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 2012” 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: January 17, 2012

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



14. RESOLUTION 2012-48

Notice to Bidders - Clean Up, Etc. for Various Properties for 2012

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 2012, 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 February 1, 2012 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 February 1, 2012 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 2012, 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 2012” 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: January 17, 2012

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



15. RESOLUTION 2012-49

Authorize Supervisor to Execute Application for Grant from N.Y.S. for Records Management

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 improve management of the Town's electronic records; and

WHEREAS, the Town of Cheektowaga wishes to purchase software and provide user training to insure electronic records are maintained in accordance with the *MU-1 Records Retention and Disposition Schedule* which was adopted for use by the Cheektowaga Town Board in 1988; NOW, THEREFORE BE IT

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

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

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



16. RESOLUTION 2012-50

Authorize Attendance at 2012 Association of Towns Meeting

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Association of Towns of the State of New York 2012 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 19th - 22nd, 2012; 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 2012 Training School and Annual Meeting of the Association of Towns, and payments for expenses incurred by said individuals shall be appropriated from the following respective budget lines:

<u>Official/Employee Authorized to Attend</u>	<u>Budget Line Item No.</u>
Town Engineer William Pugh	100.1440.4088
Town Attorney Kevin G. Schenk	100.1420.4088
Director of Administration and Finance Brian M. Krause	100.1315.4088

and BE IT FURTHER

RESOLVED, that Town Attorney Kevin G. Schenk hereby is designated as the Official Voting Delegate (Brian M. Krause, Director of Administration and Finance designated as Alternate Voting Delegate) to represent the Town at the Association of Towns meeting, and BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individuals for the reasonable and necessary expenses incurred in attending such meeting out of above referenced budget line numbers.

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



17. RESOLUTION 2012-51

Purchase of Excess Workers Compensation Insurance

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town's excess workers compensation insurance has expired, and

WHEREAS, the Town's insurance consultant solicited quotations for said excess workers compensation insurance, and

WHEREAS, Safety National Casualty Corporation, through Gallagher Bassett, has submitted a quote for coverage with a \$550,000 retention for Police and a \$500,000 retention for other departments at a cost of \$69,025, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to purchase excess workers compensation insurance with a \$550,000 retention for Police and a \$500,000 retention for other departments from Safety National Casualty Corporation through Gallagher Bassett at a cost of \$69,025, and BE IT FURTHER

RESOLVED, that funds for said insurance shall be appropriated from budget line item 101.1722.4519.

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



18. RESOLUTION 2012-52

Unsafe-Unsecured/2354 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 2354 Genesee Street, Cheektowaga, New York SBL# 101.28-6-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Terrence Taylor, 232 Hagen Street, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2354 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



19. RESOLUTION 2012-53

Youth & Recreation Transfers

Sponsored By: Councilmember Wozniak, 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 - 7140.1630 - \$9.00 - Regular Part-time
Lisa Miller

Recreation Attendant - 7140.1648 - \$7.65 - Regular Part-time
Ryan Weber

Recreation Attendant - 7140.1614 - \$8.00 - Regular Part-time
Samantha Sieg

Recreation Attendant - 7140.1614 - \$7.90 - Regular Part-time
Matthew Koszuta
Aaron Tymorek

Recreation Aide - 7140.1630 - \$7.50 - Part-time
Gabrielle Padovani

Recreation Attendant - 7140.1630 - \$7.75 - Regular Part-time
Jada Love

Recreation Aide to Recreation Attendant - 7140.1630 - \$7.75 - Part-time
Jessica Arana

Recreation Attendant - 7140.1614 - \$7.40 - Regular Part-time
Andrew Stobnicki
Daniel Zimmer

Recreation Attendant - 7140.1614 - \$8.75 - Regular Part-time
Amanda Maconaghy

Recreation Attendant - 7140.1614 - \$8.50 - Regular Part-time
Lauren Miller

Recreation Attendant - 7140.1630 - \$7.60 - Regular Part-time
Melanie Mikolajczyk

Recreation Aide - 7140.1630 - \$7.35 - Part-time
Mikayla Bluff-Pierce
Aria Miceli

Recreation Attendant - 7140.1614 - \$8.15 - Regular Part-time
Jacqueline Tymorek

Recreation Attendant - 7310.1804 - \$8.00 - Regular Part-time
Christine Jedd

Recreation Attendant - 7310.1804 - \$9.00 - Regular Part-time
Amy Bowen
Deanna Szymkowiak

Recreation Attendant - 7310.1804 - \$8.40 - Regular Part-time
Elaine Hawrysiak

Recreation Instructor - 7140.1611 - \$11.00 - Regular Part-time
Glenn A. Au

BE IT FURTHER RESOLVED, the following employee information be amended as follows:

Recreation Aide - 7140.1611 - \$7.50 - Part-time (Retro to 1/3/12)
James Rogers

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2012-53 and 2012-54. Motion Carried

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



20. RESOLUTION 2012-54

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

POLICE DEPARTMENT Student Assistant \$7.25/hour effective 1/18/12
Jenna N. Hockwater, Cheektowaga, New York

POLICE DEPARTMENT School Crossing Guard \$8.50/hour effective 1/4/12
Mary E. Hood, Cheektowaga, New York

RECORDS CENTER Clerk \$8.25/hour effective 1/18/12
Ian D. Trapper, 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 12/31/11
Keith Piatek
Ryan S. Full

POLICE DEPARTMENT effective 1/14/12
Anthony M. Filipski, Jr.

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



21. RESOLUTION 2012-55

Authorization of Student Interns (Police Department)/Nicholas R. Wheeler, Alyssa D. Poniwas and Brandon J. Blodowski

Sponsored By: Councilmember Jaworowicz, Councilmember Kaznowski

WHEREAS, Nicholas R. Wheeler (a student at Medaille College), Alyssa D. Poniwas (a student at Medaille College), and Brandon J. Glodowski (a student at Erie Community College) have requested to participate in the student internship program at the Police Department; 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 Department; NOW, THEREFORE, BE IT

RESOLVED, that Nicholas R. Wheeler of Lancaster, New York, Alyssa D. Poniwas of Sloan, New York, and Brandon J. Glodowski of Cheektowaga, New York, be and hereby are authorized to participate as unpaid interns in the Police Department, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that Mr. Wheeler's, Ms. Poniwas' and Mr. Glodowski's internships be and hereby are effective January 18 through May 31, 2012; AND, BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



22. RESOLUTION 2012-56

Appointment of Clerk Typist (Competitive/Permanent)/Building & Plumbing Department/Tracy M. Bolognese

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Clerk Typist 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 employee bid on said vacancy; AND

WHEREAS, Tracy M. Bolognese, currently employed as a Clerk Typist with Erie County, has applied for said vacancy; AND

WHEREAS, Ms. Bolognese was interviewed and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Tracy M. Bolognese of Cheektowaga, New York, be and hereby is appointed to the 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 February 1, 2012.

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

**23. RESOLUTION 2012-57****Travel Authorization (Department of Youth & Recreational Services)/Program Coordinator Jillian Gorman-King**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Youth Leadership Conference is being held February 13 through February 14, 2012 in Albany, New York; AND

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

WHEREAS, Executive Director Ellen Fischer has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$560; AND

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

RESOLVED, that Program Coordinator Jillian Gorman-King be and hereby is authorized to attend the Youth Leadership Conference being held February 13 through February 14, 2012 in Albany, New York.

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



24. RESOLUTION 2012-58

Travel Authorization (Police Department)/Public Safety Dispatchers Gary Budzynski and David Maguda

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Navigator 2012 Conference is being held April 18 through April 20, 2012 in Baltimore, Maryland; AND

WHEREAS, Public Safety Dispatchers Gary Budzynski and David Maguda have requested authorization to attend said conference; AND

WHEREAS, Police Chief David Zack 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 \$2,130.39; AND

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

RESOLVED, that Public Safety Dispatchers Gary Budzynski and David Maguda be and hereby are authorized to attend the Navigator 2012 Conference being held April 18 through April 20, 2012 in Baltimore, Maryland.

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



25. RESOLUTION 2012-59

Travel Authorization (Police Department)/Lieutenant Scott Pilat, Sergeants Lawrence Bauer, Thomas Allen and Brian Coons

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the National Tactical Officers Association Training Management and Risk Mitigation for SWAT is being held March 19 through March 20, 2012 in Ashtabula, Ohio; AND

WHEREAS, Lieutenant Scott Pilat, Sergeants Lawrence Bauer, Thomas Allen and Brian Coons have requested authorization to attend said training; AND

WHEREAS, Police Chief David Zack 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 \$1,450; AND

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

RESOLVED, that Lieutenant Scott Pilat, Sergeants Lawrence Bauer, Thomas Allen and Brian Coons be and hereby are authorized to attend the National Tactical Officers Association Training Management and Risk Mitigation for SWAT being held March 19 through March 20, 2012 in Ashtabula, Ohio.

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



26. RESOLUTION 2012-60

Travel Authorization (Emergency Services)/National Disaster Coordinator Earl Loder

Sponsored By: Councilmember Jaworowicz, Councilmember Kaznowski

WHEREAS, the New York State Emergency Managers Winter Conference is being held February 7 through February 9, 2012 in Syracuse, New York; AND

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

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

WHEREAS, the total cost to the Town shall not exceed \$355; AND

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

RESOLVED, that Natural Disaster Coordinator Earl Loder be and hereby is authorized to attend the New York State Emergency Managers Winter Conference being held February 7 through February 9, 2012 in Syracuse, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Waive the Rules to Include the following resolution: 2012-60. Motion Carried.



1. RESOLUTION 2012-61

Amend Agreement with Belmont Housing

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 have been used to acquire foreclosed residential properties for rehabilitation and sale to income-eligible homebuyers, and

WHEREAS, the Town has previously executed an agreement with Belmont Shelter Corp., now known as Belmont Housing Resources for WNY, Inc., a not-for-profit agency, to act as developer for the rehabilitation and sale of foreclosed residential properties acquired by the Town with a grant from the New York State Housing Finance Agency, and

WHEREAS, certain insurance requirements stipulated in the agreement are not necessary for all projects under the Neighborhood Stabilization Program, and

WHEREAS, the Town's Risk Management Consultant, Holfoth Risk Management, has reviewed said requirements and has advised the Town that requirements pertaining to per project or per location aggregate coverage, explosion, collapse and underground hazards coverage, and additional coverage beyond the State mandated one-year general liability coverage are not necessary for the type of rehabilitation work being performed under the Neighborhood Stabilization Program and may be appropriately waived, NOW THEREFORE, BE IT

RESOLVED, that the agreement with Belmont Shelter Corp to act as developer for the Town's Neighborhood Stabilization Program, dated June 1, 2010, be amended to allow the above referenced insurance requirements to be waived when appropriate upon the advice of the Town's Risk Management Consultant, Holfoth Risk Management, and the Town Attorney.

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

VI. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - November 2011
2. Town of Cheektowaga Emergency Services Quarterly Report for October to December 2011
3. Minutes: Cheektowaga Public Library Board of Trustees - December 14, 2011

B. General Communications

1. Summons: Deutsche Bank NT Vs. Solon E. Harvey, Town of Cheektowaga
Premises: 17 Villa Morraine Drive
2. Notice of Claim: Michael Randle Vs. Town of Cheektowaga
3. Notice of Claim: Agnes Jones Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to adjourn the meeting at 7:40 PM.

Alice Magierski, Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, January 31, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on January 31, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Absent	
Angela Wozniak	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

II. Resolutions



1. RESOLUTION 2012-62

Appointment of Part-Time Clerk (Community Development) Diane M. Farugia

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Diane M. Farugia of Cheektowaga, New York be and hereby is hired as a Clerk (Part Time) at the hourly rate of \$17 in Community Development, 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 effective February 1, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, February 6, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 6, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Jeffrey Whiting, Deputy Town Attorney
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearing

1. Rezoning Request 1694 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.

RESULT: CLOSED [UNANIMOUS]

MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2012-63

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1680.4088	Travel, Training & Conferences	\$ 1,712.50
	100.1680.4146	Outsourcing Services	531.00
	100.1680.4147	Computer Recycling	1,000.00
	100.1680.4206	Internet Services	1,392.48
TO:	100.1680.4434	Software Maintenance	\$ 4,635.98

HUD CDBG FUND

FROM:	700.1011.0752	Activity Delivery Costs	\$ 30,000.00
	700.1011.0600	Housing Rehab-Single Family	11,944.34
	700.1011.0600	Housing Rehab-Single Family	3,005.47
TO:	700.1011.0703	Administration	\$ 30,000.00
	700.1011.0750	Activity Delivery Costs	11,944.34
	700.1011.0795	Senior Citizen Outreach Assist	3,005.47

PART TOWN FUND

FROM:	800.3620.1971	Part-Time Regular	\$ 226.00
	800.3620.4191	Misc. Expense	2,324.00
	800.3620.1901	Regular Payroll	6,846.00
TO:	800.3620.1932	Sick Sellback	\$ 226.00
	800.3620.4207	GPS Services	2,324.00
	800.3620.4561	Contracted Services	6,846.00

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



2. RESOLUTION 2012-64

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 3, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$	930,743.34
RISK RETENTION FUND		41,628.12
DEBT SERVICE FUND		198.46
HUD HOUSING REHABILITATION FUND		5,765.89
SPECIAL DISTRICTS FUND		530,981.26
HIGHWAY FUND		228,132.69
CAPITAL FUND		863,173.02
TRUST & AGENCY FUND		6,663,934.66
HUD CDBG FUND		489,312.53
PART TOWN FUND		50,321.41
NYS AFFORDABLE HOUSING		6,574.00
		<u>6,574.00</u>
	\$	9,810,765.38

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



3. RESOLUTION 2012-65

Award of Bid - Two (2) Sets of Completely Installed and Operational, Front Snow Plow, Wing Plows, Plow Rigging, Hydraulics, Dump Bodies and Accessories

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on February 1, 2012, for Two (2) sets of Completely Installed and Operational, Front Snow Plows, Wing Plows, Plow Rigging, Hydraulics, Dump Bodies and Accessories for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bid was referred to the Superintendent of Highway for Analysis, tabulation and reports, AND

WHEREAS, bids were analyzed and completed, NOW THEREFORE BE IT

RESOLVED, the responsible bidder meeting specs for Two (2) Sets of Completely Installed and Operational, Front Snow Plow, Wing Plows, Plow Rigging, Hydraulics, Dump Bodies and Accessories be awarded to Viking Cives, 14331 Mill Street, Harrisville, NY 13648 at a total bid price of \$160,300.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

RESOLVED, that monies be charged to line items 300-5130-2407.

TABULATION FOR
TWO (2) SETS OF COMPLETELY INSTALLED AND OPERATIONAL, FRONT SNOW
PLOW, WING PLOWS, PLOW RIGGING, HYDRAULICS, DUMP BODIES AND
ACCESSORIES

Viking Cives
14331 Mill Street
Harrisville, NY 13648

Plow Equipment: Viking
Dump Body: Heil Model #316
Sander: Smith
Hydraulic Controls: Force - American Hydraulics
Total \$160,300.00

Valley Fab & Equipment, Inc.
9776 Trevett Road
P.O. Box 380
Boston, NY 14025

Plow Equipment: Everest
Dump Body: Everest
Sander: Smith

Hydraulic Controls: Force - American Hydraulics
Total \$172,200.50

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2012-66

Award of Bid for Demolitions of 3048 William Street, 74 Hoerner Avenue, and 15 Atwood Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the demolition with asbestos abatement of structures located on the following referenced properties in the Town of Cheektowaga:

1. Single-family residential structure at 3048 William Street;
2. Two-family residential structure at 74 Hoerner Avenue; and
3. Single-family residential structure at 15 Atwood Place;

and

WHEREAS, bid proposals were received and opened on February 1, 2012 for said demolitions, and

WHEREAS, the proposals were reviewed by the Town's Consulting Engineer and the Town Attorney, and based on proposals submitted, the Town's Consulting Engineer has recommended that this Town Board award the bid for the demolitions of said properties to Geiter Done of WNY, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition with asbestos abatement of structures on properties located at 3038 William Street, 74 Hoerner Avenue, and 15 Atwood Place to

Geiter Done of WNY, Inc.
300 Greene Street
Buffalo, New York 14206

for the total combined price of \$71,319.00, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Geiter Done of WNY, Inc. for the aforesaid services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

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



5. RESOLUTION 2012-67

Decision to Amend Parks Ordinance

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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 Parks Ordinance which permitted the walking of dogs on leashes in the various town parks, excluding John C. Stiglmeier Park and Cheektowaga Town Park, subject to certain restrictions, expired on December 31, 2011, and

WHEREAS, the Director of the Facilities Department and the Parks, Facilities & Wildlife Management Committee have recommended that dogs on leashes should continue to be permitted in the various Town parks, excluding John C. Stiglmeier Parks and Cheektowaga Town Park, and

WHEREAS, this Town Board desires to amend the Parks Ordinance to permit same, 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 17th day of January, 2012 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 attached Notice of Hearing, and BE IT FURTHER

WHEREAS, it is in the public interest to adopt the aforesaid proposed amendment 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 as follows:

§174-8. Domestic animals prohibited from parks and park approaches, shall be amended to read as follows:

§ 174-8. Domestic animals in parks and park approaches.

A. Dogs shall be permitted in town parks, except for John C. Stiglmeier Park and Cheektowaga Town Park, subject to the following conditions/limitations:

- (1) Dogs must be restrained/hand-controlled by leash (no longer than six feet in length);
- (2) 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); and

- (3) Dogs shall not be permitted on any park lands designated for sport fields and/or in areas immediately adjacent to playground structures.
- B. Dogs shall be permitted in the area designated as the Alexander Walking Path (described as follows: the park area/walking trail area on the east side of Scajaquada Creek west 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), subject to the conditions and limitations contained in subsections (A)(1), (A)(2), and (A)(3) of this section.

, and BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 6th day of February, 2012, and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that this amendment shall become effective after publishing and posting as required by statute.

RESULT:	ADOPTED [6 TO 1]
MOVER:	James Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski
NAYS:	Angela Wozniak



6. RESOLUTION 2012-68

Approve Submission of FY2011 Annual CDBG Action Plan to HUD

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$882,341 in Community Development Block Grant Funds and approximately \$223,447 in HOME Investment Partnership funds for the 2012 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 7, 2011 and January 17, 2012, 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 adopts and approves the submission of the Town of Cheektowaga Community Development Block Grant Program Annual Action Plan for 2012 to the Department of Housing and Urban Development for the 2012 Program Year, 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
2012 Program Year

Administration	\$ 241,530
Housing Rehabilitation - Single Family Owner-Occupied Units	193,000
Housing Rehabilitation - Multi-Family Owner-Occupied Units	35,000
<u>Rehabilitation Activity Delivery Costs</u>	191,500
\$ 181,500 B Inspections	
10,000 - Staff & other program expenses.	
Environmental Hazard Testing (Lead Paint, Asbestos & Mold)	15,000
Disposition	5,000
Acquisition	5,000
Public Safety - Police Foot Patrols	33,000
Housing Counseling Services	4,500
Domestic Violence Program	9,000

Fair Housing	3,000
Weatherization	5,000
Senior Citizen Services Outreach Assistant	9,000
Summer Day Camp for Children.	21,000

Town of Cheektowaga
 Community Development Block Grant Program Budget
 2012 Program Year

<u>Village of Depew</u>	79,640
\$ 15,700 - Public Safety-Police Foot Patrols	
11,000 - Senior Citizen Van Driver	
11,000 - Senior Services Center Support Staff	
41,940 - Sidewalk Replacement	
<u>Village of Sloan - Replacement of HVAC Unit at Sloan Fire Department.</u>	28,170
Contingency B Un-programmed Funds.	4,001
Total 2012 CDBG Allocation \$ 882,341	

Projected Revolving Program Income - Housing Rehabilitation	250,000
Projected Revolving Program Income - Economic Development	300,000

HOME Investment Partnership Program Funds

<u>First-Time Homebuyers Program</u>	\$ 25,000
Loans of up to \$5,000 for closing cost/downpayment assistance for First-Time Homebuyers.	
<u>Housing Rehabilitation</u>	\$198,447
Funds will be used for rehabilitation of owner-occupied housing units in the Town of Cheektowaga.	
TOTAL B HOME Funds \$223,447	

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



7. RESOLUTION 2012-69

Notice of Hearing for Demolition of 1272 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 1272 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 November 29, 2011; 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 1272 Walden Avenue shall be held on the 22nd day of February, 2012 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

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

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



8. RESOLUTION 2012-70

Notice of Hearing for Demolition of 1280 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 1280 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 November 29, 2011; 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 1280 Walden Avenue shall be held on the 22nd day of February, 2012 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

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

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



9. RESOLUTION 2012-71

Notice of Hearing for Demolition of 166 Straley Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 166 Straley 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 September 22, 2011; 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 166 Straley Avenue shall be held on the 22nd day of February, 2012 at, 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

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

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



10. RESOLUTION 2012-72

Notice to Bidders Baseball & Softball Equipment

Sponsored By: Councilmember Wozniak, 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 22, 2012 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 22, 2012 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. One bid is to be submitted for the purchase of Baseball and Softball Equipment (or equivalents) 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 6, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2012-73

Notice to Bidders - Work Uniforms

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 2012 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 2012, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 22nd day of February, 2012 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 February 22, 2012 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of work uniforms for the 2012 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 6, 2012

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



12. RESOLUTION 2012-74

Notice to Bidders - Furnishing & Installation of Trees Along Town Highways

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, it is in order that bids be advertised for the furnishing and installation of various trees to be planted along Town highways within the Town of Cheektowaga, AND

WHEREAS, the 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 Furnishing and Installation of Trees along Town Highways, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 22nd day of February, 2012 at 11:00 a.m., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 22nd day of February, 2012 at 11:00 a.m. in the Town Hall in the Town of Cheektowaga, New York, for the furnishing and Installation of Trees along Town Highways within the Town of Cheektowaga.

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 and Installation of Trees along Town Highways" and submitted to the Town Clerk prior to bid opening.

Any bid not delivered in person shall be mailed to the Office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

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 order of the Town of Cheektowaga, New York, or 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 thirty (30) 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 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 of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

Alice Magierski
Town Clerk

DATED: February 6, 2012

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



13. RESOLUTION 2012-75

Notice to Bidders for Demolition with Asbestos Abatement Of 44A Windood Court and 29E Glenwood Court In the Town of Cheektowaga

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the Demolition with Asbestos Abatement of the structures on the following referenced properties in the Town of Cheektowaga:

1. A one-family dwelling located at 44A Windwood Court; and
2. A one-family residential structure at 29E Glenwood Court;

and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office;
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Demolition with Asbestos Abatement for the structures on the following referenced properties in the Town of Cheektowaga: 44A Windwood Court and 29E Glenwood Court, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall, 3301 Broadway, Cheektkowaga, New York, on Wednesday, February 22, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, February 22, 2012, at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the Demolition with Asbestos Abatement of 44A Windwood Court and 29E Glenwood Court, in the Town of Cheektowaga.

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

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

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

Dated: February 6, 2012

Alice Magierski
Town Clerk

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



14. RESOLUTION 2012-76

Adopt Fund Balance Policy

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement Number 54 entitled Fund Balance Reporting and Governmental Fund Type Definitions, and

WHEREAS, GASB Statement number 54 is effective for the Town of Cheektowaga reporting for the year ended December 31, 2011, and

WHEREAS, in order to be in compliance with GASB statement number 54, the Town needs to adopt a Fund Balance Policy, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the attached Fund Balance Policy of the Town of Cheektowaga, effective December 31, 2011.

Attachments:

Cheektowaga Fund Balance Policy 12-31-2011 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2012-77

Authorization for Purchase of One 2012 Ford Escape XLT

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town Engineering Department has requested authorization to purchase one (1) 2012 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 #255-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of the above described vehicle in accordance with the New York State OGS Contract in the amount of \$20,798.64 from:

Van Bortel Ford
71 Marsh Road
East Rochester, New York 14445

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



16. RESOLUTION 2012-78

Authorization for Purchase of Two (2) Pick-Up Trucks for the Sewer Maintenance Department

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase two (2) 2012 Ford F-150 4X4 pick-up trucks 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 No. 255-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of two (2) 2012 Ford F-150 4X4 pick-up trucks in the amount of \$22,305.02 each for the Sewer Maintenance Department from:

Van Bortel Ford, Inc.
71 Marsh Road
East Rochester, New York 14445

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



17. RESOLUTION 2012-79

Special Event - Infant of Prague Church 5K Race

Sponsored By: Councilmember Rogowski, 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 " 5K Run" on Saturday, April 21, 2012 beginning at 11:00 A.M. for approximately forty minutes along the following route: Foisset, Mapleview, Yeager, Union, Clearvale, Beach, Huth; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police 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 Infant of Prague Church for the said 5K Race on Saturday, April 21, 2012 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 Dave Zack.

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



18. RESOLUTION 2012-80

Unsafe-Unsecured/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 R. Steely, 3316 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 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 premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

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



19. RESOLUTION 2012-81

Acceptance of Easements Relating to 1180 French Rd

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, as part of the development of 1180 French Road, the Town of Cheektowaga has requested a creek maintenance easement, storm sewer easement and declaration of restrictions relating to the a stormwater pollution prevention plan from the owner, and

WHEREAS, the said documents have been signed and submitted to the Town for approval; and

WHEREAS, the Town Engineer and Town Attorney have reviewed these documents and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced documents; and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to arrange for the filing of such documents in the Erie County Clerk's Office.

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



20. RESOLUTION 2012-82

Authorize Supervisor to Execute Professional Services Proposal with Wendel Duchscherer for a GIS Asset Management & Mapping Program

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Town Board Resolution, this Town Board previously engaged the firm of Wendel Duchscherer to provide professional services to develop and support a web based GIS System including asset management and mapping tools for the Town's storm and sanitary sewer infrastructure for use by the Town Engineering, Sewer Maintenance and Highway Departments, AND

WHEREAS, due to advances in web based technology there is a need to upgrade web map software, to provide additional training to Town staff and to provide data updates for parcel information, aerial imagery and related data maintenance, AND

WHEREAS, Wendel Duchscherer has submitted a proposal to the Town Engineer dated January 11, 2012 for the continued development of the aforementioned Geographic Information System (GIS) Asset Management and Mapping Program, and the aforesaid GIS site upgrades and site hosting and maintenance tasks, NOW, THEREFORE, BE IT

RESOLVED, that Wendel Duchscherer be and hereby is retained to provide the above referenced professional services at a cost not to exceed \$5,000.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the professional services proposal with Wendel Duchscherer for the above services, AND, BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from the Town-Wide Drainage District Account No. 400-8140-4581 in the amount of \$2,500.00 and the Consolidated Sanitary Sewer District Account No. 255-8125-4581 in the amount of \$2,500.00.

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



21. RESOLUTION 2012-83

Agreements with Supportive Services Corporation of Western New York

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga receives funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, energy conservation and weatherization services for low-moderate income households 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 has been included in the 2011-2012 and 2012-2013 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 \$5,000 in each of the two program years to provide energy conservation and weatherization services for income-eligible Town residents for the 2011-2012 and 2012-2013 Program Years.

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



22. RESOLUTION 2012-84

Authorize Supervisor to Execute Agreement with Erie County Sheriff's Office

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Police Department ("CPD") is the primary police agency for the Town of Cheektowaga, and works with the Erie County Sheriff's Office ("Sheriff's Office") on various matters, and

WHEREAS, the CPD and other police agencies which respond to domestic violence incidents must complete a Domestic Violence Report and supporting paperwork for such incidents and file same with the NYS Department of Criminal Justice Services, and

WHEREAS, the Sheriff's Office has requested the CPD to work with it to develop a program to convert the domestic violence documentation into a user friendly electronic format, and to allow the Sheriff's Office to act as the lead agency with respect to acquisition of a grant to develop said software, and

WHEREAS, the Sheriff's Office has submitted a Memorandum of Agreement to the Town for said purposes, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Memorandum of Understanding with the Erie County Sheriff's Office.

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



23. RESOLUTION 2012-85

Authorize Supervisor to Execute Agreement with Villa Maria College

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has been working to improve the quality of life for people who live and work in the town, and

WHEREAS, the Town of Cheektowaga has participated in Operation Neighborhood Outreach to visit various neighborhoods in the town with representatives from Town departments to give advice to and assist town residents with quality of life issues, and

WHEREAS, the Town of Cheektowaga is proposing to hold another Operation Neighborhood Outreach in the Pine Hill neighborhood on April 26, 2012 (rain date of May 3, 2012), and

WHEREAS, as part of said Operation Neighborhood Outreach, the Town has requested the use of facilities at Villa Maria College for said day(s), and

WHEREAS, Villa Maria College has consented to the use of their facilities on said dates subject the Town executing a Facility Rental Agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Facility Rental Agreement with Villa Maria College and any and all other documents necessary to utilize the Villa Maria College facilities for the aforementioned Operation Neighborhood Outreach.

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



24. RESOLUTION 2012-86

Retention of Legal Counsel

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is in the process of negotiating contracts with various employee collective bargaining units and is involved with disputes relating to various municipal law matters, and

WHEREAS, Jeffrey F. Swiatek, Esq., of Hodgson, Russ LLP, was previously involved in all of the negotiations with these collective bargaining units, and he and his firm have the expertise and knowledge relating to the Town and its various contracts and past history to handle these matters in the most expeditious and cost-effective manner, and

WHEREAS, Jeffrey F. Swiatek, Esq., on behalf of Hodgson, Russ, LLP, has submitted a proposal to the Town to provide these legal services to the Town, NOW, THEREFORE, BE IT

RESOLVED, that Hodgson, Russ, LLP be and hereby is retained to negotiate the pending collective bargaining agreements with the various unions and other miscellaneous municipal law work for the Town of Cheektowaga as per the terms of its proposal, and BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item numbers 100.1430.4502 and 100.1420.4501.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Kaznowski, Kaminski
NAYS:	Angela Wozniak
ABSTAIN:	Charles Markel



25. RESOLUTION 2012-87

Creation of Junior Civil Engineer and Account Clerk Typist Positions

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that this Town Board hereby create the positions of Junior Civil Engineer and Account Clerk Typist pursuant to Civil Service Laws and Rules effective February 7, 2012.

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



26. RESOLUTION 2012-88

Youth & Rec Zero Tolerance/Sportsmanship Policy

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Youth & Recreational Services Department operates over 115 programs, services and events for the community and

WHEREAS, the Department is dedicated to providing a positive experience in which all people can participate and enjoy, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board has reviewed the Zero Tolerance/Sportsmanship Policy and adopts it for use by the Youth and Recreational Services Department, effective immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



27. RESOLUTION 2012-89

Youth & Recreation Transfer

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

BE IT FURTHER RESOLVED, the following employee information be amended as follows(Retro to 1/17/12):

Recreation Aide to Recreation Attendant - 7140.1630 - \$7.75 - Regular Part-time
Jessica Arana

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz; to waive the reading of names for the following three resolutions: 2012-89; 2012-90 and 2012-91. Motion Carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



28. RESOLUTION 2012-90

Youth & Recreation Termination

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Alex Ladowski

8/24/2011

14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



29. RESOLUTION 2012-91

Termination of Part-Time/Seasonal Employee

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

FACILITIES DEPARTMENT
James M. Eller effective 12/11/11

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



30. RESOLUTION 2012-92

Appointments to the Board of Assessment Review

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, there are three (3) vacancies on the Board of Assessment Review caused by the resignations of Robert Kaczmarek, Richard Owczarczak, and Patricia Krempholtz, and

WHEREAS, Frank Garcia, Jr., Steven Adamski and Thomas M. Ferrucci have requested appointment to said Board and are qualified for said position, NOW, THEREFORE, BE IT

RESOLVED, that Frank Garcia, Jr. of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2012, and BE IT FURTHER

RESOLVED, that Steven Adamski of Cheektowaga, New York be and hereby is appointed to the position of member of the Board of Assessment Review, effective immediately and terminating on September 30, 2015, and BE IT FURTHER

RESOLVED, that Thomas M. Ferrucci of Sloan, New York be and hereby is appointed as Member of the Board of Assessment Review, effective immediately and terminating on September 30, 2016, and BE IT FURTHER

RESOLVED, that Kenneth L. Young, Member of the Board of Assessment Review, is hereby appointed Chairman of the Board of Assessment Review, effective immediately and terminating on September 30, 2014.

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



31. RESOLUTION 2012-93

Appointment of Two (2) Junior Civil Engineers (Provisional) Engineering Department/Paul G. Piwowarski and Mark J. Christel

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Junior Civil Engineer in the Engineering 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 civil service list for said title currently exists; AND

WHEREAS, Paul G. Piwowarski and Mark J. Christel, both currently employed as Principal Engineering Assistants, bid on said vacancies and meet the qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Paul G. Piwowarski of Depew, New York, and Mark J. Christel of Depew, New York, be and hereby are appointed to the provisional positions of Junior Civil Engineer in the Engineering Department in compliance with the terms and conditions of the collective bargaining agreement between the Town and the Town of Cheektowaga Employees Association effective February 7, 2012.

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

**32. RESOLUTION 2012-94****Appointment of Account Clerk Typist
(Competitive/Permanent) Community Development/Rachel A.
Hupkowicz**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Account Clerk Typist in Community Development; 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, Rachel A. Hupkowicz, currently employed as a Junior Accountant in the Accounting Department, appears on the existing civil service list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Rachel A. Hupkowicz of Depew, New York, be and hereby is appointed to the position of Account Clerk Typist in Community Development in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 27, 2012.

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



33. RESOLUTION 2012-95

Travel Authorization (Police Department)/Lieutenant Brian Gould

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, the Federal Bureau of Investigation (FBI) National Academy is being held July 15 through September 21, 2012 in Quantico, Virginia; AND

WHEREAS, Lieutenant Brian Gould has requested authorization to attend said academy; AND

WHEREAS, Police Chief David Zack 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 \$872; AND

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

RESOLVED, that Lieutenant Brian Gould be and hereby is authorized to attend the FBI National Academy being held July 15 through September 21, 2012 in Quantico, Virginia.

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

V. Communications

A. Departmental Communications

1. Building Permits: January 2012
2. Minutes: Cheektowaga Public Library - Board of Trustees - January 18, 2012
3. Minutes: Cheektowaga Conservation Advisory Council - January 5, 2012
4. Minutes: Town Environmental Advisory Committee - January 11, 2012
5. Minutes: Cheektowaga Traffic Safety Commission - December 20, 2011
6. Minutes: Cheektowaga Traffic Safety Commission - January 20, 2012

B. General Communications

1. Notice of Claim: Adirondack Insurance A/S/O Mark Tiedemann Vs. Town of Cheektowaga
2. Notice of Claim: Donald M. Pecyne Vs. Town of Cheektowaga
3. Notice of Claim: William G. Penny Vs. Town of Cheektowaga
4. Notice of Claim: Marjorie Schallmo Vs. Town of Cheektowaga
5. Notice of Claim: Mark Tiedemann Vs. Town of Cheektowaga
6. Notice of Claim: Virginia Zulatowski Vs. Town of Cheektowaga
7. Notice of Claim: Kenneth Pitts Vs. Town of Cheektowaga

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

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to close the meeting. Time of adjournment. Time 7:44 PM

Alice Magierski, Town Clerk

Town of Cheektowaga, New York Fund Balance Policy

December 2011

Purpose

The Town of Cheektowaga (the “Town”) has enacted the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes.

Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the Town’s financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To this end the Town may establish and maintain reserve funds in accordance with New York State Laws. The Town will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Town may require.

The Town’s primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Town also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Town’s maintenance of a healthy fund balance.

Definitions

Fund Balance: Fund balance is the difference between the assets and liabilities reported in a governmental fund. Fund balance is not necessarily the cash balance of the Town, the fund balance consists of other assets as well such as money due from the state and federal government, and accounts receivable. Fund balances are classified into various components depending on the limitations placed on the use of the funds. The hierarchy indicates the extent to which a government is bound to observe spending constraints that govern how it can use amounts reported in the governmental funds balance sheet.

The Town shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. GASB Statement Number 54 established the following classifications depicting how specific amounts can be spent:

- **Nonspendable** fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.
- **Restricted** fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislation.
- **Committed** fund balance consists of amounts constrained to specific purposes by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.
- **Assigned** fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.
- **Unassigned** fund balance consists of amounts that are available for any purpose; these amounts are reported only in the General Fund.

Policy Statement

The fund balance of the Town's General Fund and Highway Fund has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The objective is to maintain an unrestricted fund balance of not less than 15% of annual appropriations for the fiscal year.

Town finances will be managed so as to maintain balances of the various funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, ensure stable tax rates and user fees, and protect the Town's creditworthiness. The decision to retain an unrestricted fund balance of not less than 15% of fund appropriations stems from the following:

- This amount provides adequate funding to cover approximately one and a half months of expenditures.
- This amount provides the liquidity necessary to accommodate the Town's uneven cash flow, which is inherent in its periodic tax collection schedule.
- The Government Finance Officers Association recommends the minimum General Fund unrestricted fund balance to be maintained should be between 5%-15% of current operating expenditures.

The Town Board will set aside certain amounts as committed fund balance. Amounts are to be determined by the Town Supervisor based the need for extraordinary operating or capital that could not be anticipated and cannot be funded with current budget resources.

The Town Supervisor will set aside committed fund balances equal to the amount of outstanding purchase orders or encumbrances.

The Town Board delegates to the Town Supervisor the authority to determine the proper amounts to be assigned for purposes as are deemed necessary. This would provide the liquidity to respond to contingent liabilities and provide for capital asset replacements.

Effective as of the year ending December 31, 2011, unassigned fund balance shall be any remaining amounts.

The Town will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

- a) Nonspendable (if funds become spendable)
- b) Restricted
- c) Committed
- d) Assigned
- e) Unassigned

The Town will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

This policy may be updated as deemed necessary per the Town Board.



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Wednesday, February, 22, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 22, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearings

1. Notice of Hearing for Demolition of 1272 Walden Avenue

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

2. Notice of Hearing for Demolition of 1280 Walden Avenue

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

3. Notice of Hearing for Demolition of 166 Straley Avenue

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2012-96

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

2011

GENERAL FUND

FROM:	100.5132.4211	Electric Highway	\$	3,855.00
	100.5132.4221	Gas Highway		45.00
	100.6510.4301	Room Rental Veterans		117.00
	100.7110.1914	Shift Differential		240.00
	100.7110.1931	Vacation Sellback		1,525.00
	100.7140.1971.1645	PT Regular		6,138.00
	100.7140.4540	IN-Line Skating		1,214.00
	100.9010.8141	Medical Insurance		12,734.00
	100.7310.1901	Regular Payroll		866.00
	100.7310.1971.1803	PT Regular		12,069.00
	100.1320.4145	Professional Services		4,186.00
	100.1355.1901	Regular Payroll		1,044.00
	100.1110.1971	PT Regular		1,200.00
	100.1420.1971	PT Regular		16.00
	100.1420.4012	Printed Briefs		195.00
	100.1430.1971	PT Regular		696.00
	100.1440.1901	Regular Payroll		992.00
	100.1625.1917	Clothing Allowance		33.00
	100.1625.4217	Utitilities		62,332.00
	100.1640.1901	Regular Payroll		1.00
	100.1640.4443	Equipment Repairs		941.00
	100.1680.1902	Overtime Payroll		1,463.00
	100.9010.8141	Medical Insurance		75,513.00
	100.1685.2000	Equipment		1,013.00
	100.1910.4352	Erie Co. Chargeback		1,172.00
	100.3020.4022	Maintenance Contract		1,649.00
	100.3120.4081	Membership Dues		200.00
	100.3510.1971	PT Regular		921.00
	100.3510.4030	Dog Kennel Supplies		58.00
	100.7550.2039	Polish Festival		13,877.00
	100.7550.2040	Crabapple Festival		4,335.00
	100.9010.8141	Hospitalization		10,891.00
	100.7620.1931	Vacation Sellback		101.00
TO:	100.5010.1931	Vacation Sellback	\$	3,855.00
	100.5132.4231	Water		45.00
	100.6510.4311	Veterans Affairs		117.00
	100.7110.1911	Longevity		240.00
	100.7110.1932	Sick Sellback		1,525.00
	100.7140.1971.1639	PT Regular		6,138.00

100.7140.4999	Credit Card Expense	1,214.00
100.7180.2055	Pool	12,734.00
100.7310.1932	Sick Sellback	866.00
100.7310.1971.1801	PT Regular	6,921.00
100.7310.1971.1802	PT Regular	2,154.00
100.7310.1971.1804	PT Regular	2,994.00
100.1220.4957	Grant Development	2,498.00
100.1220.4008	Disaster Coordinator	1,688.00
100.1355.1902	Overtime Payroll	279.00
100.1110.1990	Other Pay	1,200.00
100.1355.1951	Seasonal Regular	765.00
100.1420.1931	Vacation Sellback	16.00
100.1420.2201	Office Equipment	116.00
100.1420.4001	Office Supplies	79.00
100.1430.1931	Vacation Sellback	696.00
100.1440.1911	Longevity	450.00
100.1440.1931	Vacation Sellback	541.00
100.1440.1932	Sick Sellback	1.00
100.1625.1931	Vacation Sellback	16.00
100.1625.1932	Sick Sellback	17.00
100.1625.4202	Telephone Townwide	62,332.00
100.1640.1931	Vacation Sellback	1.00
100.1640.4441	Equipment Repairs	86.00
100.1640.4442	Equipment Repairs	683.00
100.1640.4445	Equipment Repairs	172.00
100.1640.4161	Gasoline	61,761.00
100.1680.1990	Other Pay	1,463.00
100.1680.2202	Network Hardware	1,551.00
100.1680.2204	Computer Hardware	417.00
100.1680.4207	GPS Services	10,459.00
100.1680.4321	Software Licensing	615.00
100.1680.4431	Harware Maintenance	710.00
100.1685.4001	Office Supplies	41.00
100.1685.4051	Records Management	972.00
100.1910.4261	Postage	1,172.00
100.3020.2513	Communication Equipment	1,649.00
100.3120.4433	Genesee Store Front	200.00
100.3510.1932	Sick Sellback	921.00
100.3510.4432	Repairs & Maintenance	58.00
100.7550.4372	July 4 th Celebrations	1,100.00
100.7550.4374	Polish Festival	19,534.00
100.7550.4375	Crabapple Festival	8,336.00
100.7550.4382	Fireman Recognition Day	133.00
100.7620.1932	Sick Sellback	101.00

SPECIAL DISTRICTS FUND

FROM: 255.8125.4431	Sewer Repairs	\$ 6,475.62
TO: 255.8125.4163	Gas, Oil & Grease	\$ 6,475.62

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-97

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 17, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,198,945.96
RISK RETENTION FUND	149,158.81
DEBT SERVICE FUND	818,325.00
HUD HOUSING REHABILITATION FUND	18,300.00
SPECIAL DISTRICTS FUND	4,873,371.41
HIGHWAY FUND	831,886.23
CAPITAL FUND	110,662.13
TRUST & AGENCY FUND	4,456.61
HUD CDBG FUND	1,468.05
PART TOWN FUND	159,337.96
	<u>\$ 10,165,912.16</u>

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



3. RESOLUTION 2012-98

Negative SEQR Declaration- 1694 Walden Avenue

Sponsored By: Councilmember Kaminski, 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 Charles J. Basil with the permission of the land owner, Walden Avenue Distributors, LLC for the rezoning of 1694 Walden Avenue, from CM- General Commercial to MS-Motor Services for the conversion of an existing warehouse to a motor vehicle detailing facility and for parts/records storage, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 8, 2012 recommended a determination of non-significance as shown on the attached memorandum dated February 9, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of December 8, 2011, 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 drainage and grading plan.

Attachments:

Feb 8 2012 (PDF)

Site Plan - 1694 Walden Avenue (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: James Rogowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2012-99

Approval of Rezoning of 1694 Walden Avenue (Local Law No. 1 of the Year 2012)

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Charles J. Basil petitioned for a rezoning from CM-General Commercial District to MS-Motor Services District for property owned by Walden Avenue Distributors LLC and located at 1694 Walden Avenue, Cheektowaga, New York (S.B.L. No. 102.03-2-11.22), which property is described in the attached legal description, for the conversion of an existing warehouse to an automotive detail shop and a parts/records storage facility ancillary to Basil Ford Automotive Dealership at 1540 Walden Avenue, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 6th day of February, 2012 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 Local Law No. 1 of the Year 2012 entitled " A Local law to Amend the Town Zoning Map to Rezone 1694 Walden Avenue", 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. 1 of the Year 2012 shall be effective upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State.

LOCAL LAW NO. 1 OF THE YEAR 2012
A LOCAL LAW TO AMEND THE TOWN
ZONING MAP TO REZONE 1694 WALDEN AVENUE

The Official Zoning Map of the Town of Cheektowaga, as referenced in Section 260-5 of the Zoning Law, is hereby amended to rezone the following described property known as 1694 Walden Avenue from CM-General Commercial to MS-Motor Services District, 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. Rezoning is for the use of the property solely for an automotive detail shop and

parts/records storage facility ancillary to the automotive facility located at 1540 Walden Avenue.

The Zoning Map and Law of the Town of Cheektowaga is hereby amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 24, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the east line of lands conveyed to the Polish National Catholic Cathedral of the Holy Mother of the Rosary by deed recorded in the Erie County Clerk's Office in Liber 5085 of Deeds at Page 368, which point is distance 344.67 feet from the intersection of said east line of the lands so conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary and the north line of the Walden Avenue Extension: thence northerly and along said easterly line of lands so conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary, 287.63 feet to a point; said point being also the intersection of said east line of lands conveyed to the said Polish National Catholic Cathedral of the Holy Mother of the Rosary and the southerly lines of lands conveyed to Abbott Laboratories by deed recorded in the Erie County Clerk's Office in Liber 6207 of Deeds at Page 482; thence westerly and along the said southerly line of lands so conveyed to the said Abbott Laboratories, 157.18 feet to a point on the east line of a private roadway; thence southerly and at an interior angle of 90°, 287.63 feet to a point on the east line of the said private roadway; thence easterly 159.10 feet to the point of beginning.

TOGETHER with an easement and right of access over a private roadway as set forth in an Easement Agreement recorded in Erie County Clerk's Office on August 31, 1981 in Liber 9057 of Deeds page 590, and subsequently modified by Agreement recorded in Erie County Clerk's Office on March 11, 1982 in Liber 9107 of Deeds page 373.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-100

Award Contract for Maintenance of Landscaping of Various Properties in the Town of Cheektowaga for the Year 2012

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Office of Building Inspection, Housing & Neighborhood Preservation Division, issued a Request for Proposals for Furnishing Equipment and Operators for the Maintenance of Landscaping of Various Properties in the Town of Cheektowaga for the Year 2012; and

WHEREAS, said proposals were referred to the Supervising Code Enforcement Officer and Town Attorney for analysis, tabulation and report; and

WHEREAS, based on proposals submitted, the Supervising Code Enforcement Officer and Town Attorney have recommended that this Town Board award the contract to Gardenville Landscape & Nursery LLC, for its submission of the lowest proposal to perform said services; NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Furnishing Equipment and Operators for Maintenance of Landscaping of Various Properties in the Town of Cheektowaga for the Year 2012 be awarded to Gardenville Landscape & Nursery, LLC, 3069 Clinton Street, West Seneca, New York, 14224, for the prices listed in its proposal, said amount being the lowest responsible bid meeting the requirements of the specifications for said services; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to execute the contract with Gardenville Landscape & Nursery LLC for the aforesaid services, subject to approval by the Town Attorney.

Attachments:

Tabulation Bids - Landscaping Various Town Properties (PDF)

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



6. RESOLUTION 2012-101

Award Contract for Clean-Up of Various Properties in the Town of Cheektowaga

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Office of Building Inspection, Housing & Neighborhood Preservation Division, issued a Request for Proposals for Furnishing Equipment and Operators for Clean-Up of Various Properties in the Town of Cheektowaga for the Year 2012; and

WHEREAS, said proposals were referred to the Supervising Code Enforcement Officer and Town Attorney for analysis, tabulation and report; and

WHEREAS, based on proposals submitted, the Supervising Code Enforcement Officer and Town Attorney have recommended that this Town Board award the contract to Emerald Services of WNY Inc., for its submission of the lowest proposal to perform said services; NOW, THEREFORE, BE IT

RESOLVED, that the contract for Furnishing Equipment and Operators for Clean-Up of Various Properties in the Town of Cheektowaga for the Year 2012 be awarded to Emerald Services of WNY Inc., 113 Cable Street, Buffalo, New York, 14206, for the prices listed in its proposal, said amount being the lowest responsible bid meeting the requirements of the specifications for said services; and BE IT FURTHER

RESOLVED, that the Supervisor be, and hereby is directed and authorized to execute a contract with Emerald Services of WNY Inc. for the aforesaid services, subject to approval by the Town Attorney.

Attachments:

Tabulation Bids - Clean-Up Various Properties in Town (PDF)

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



7. RESOLUTION 2012-102

Award Contract for Removal of Snow & Ice on Various Properties in the Town

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga Office of Building Inspection, Housing & Neighborhood Preservation Division, issued a Request for Proposals for Furnishing Equipment and Operators for the Removal of Snow & Ice on Various Properties in the Town of Cheektowaga for the Year 2012; and

WHEREAS, said proposal was referred to the Supervising Code Enforcement Officer and Town Attorney for analysis, tabulation and report; and

WHEREAS, based on the sole proposal submitted, the Supervising Code Enforcement Officer and Town Attorney have recommended that this Town Board award the contract to Emerald Services of WNY Inc., for its submission of a proposal to perform said services; NOW, THEREFORE, BE IT

RESOLVED, that the contract for Furnishing Equipment and Operators for the Removal of Snow & Ice on Various Properties in the Town of Cheektowaga for the Year 2012 be awarded to Emerald Services of WNY Inc., 113 Cable Street, Buffalo, New York, 14206, for the prices listed in its proposal, said amount being the sole responsible bid meeting the requirements of the specifications for said services; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to execute a contract with Emerald Services of WNY Inc. for the aforesaid services, subject to approval by the Town Attorney.

Attachments:

Tabulation Bid - Snow and Ice Removal in Town (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2012-103

Award Contract for Grass Cutting of Town Properties

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga owns 12± 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 six (6) firms, and

WHEREAS, the proposal having the lowest cost to the Town was submitted by Double Diamond Removal Services, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the contract for lawn cutting for the 12 Town properties shown on the list for the RFP be and hereby is awarded to Double Diamond Removal Services, Inc., 237 Cass Avenue, Cheektowaga, New York 14206 at a cost per lawn cutting for 12 properties of \$475.00, 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2012-104

Notice to Bidders - Topsoil

Sponsored By: Councilmember Kaminski, 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 7, 2012 at 11:00AM, in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Clerk on March 7, 2012 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: February 22, 2012

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Gerald Kaminski, Councilmember, Mary Holtz, Supervisor, Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak)



10. RESOLUTION 2012-105

Support of Erie County Land Bank

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Erie County Department of Real Property Tax Services has determined that there are in excess of 73,360 tax liens within Erie County worth more than \$53,529,325 in taxes owed to Erie County; and

WHEREAS, the Erie County Department of Real Property Tax Services has determined that the County of Erie owns 3,879 unpaid tax liens in the Town of Cheektowaga, worth \$7,041,906; and

WHEREAS, the Town of Cheektowaga, Erie County, and other municipalities have recognized the need to address the growing county-wide issue of tax delinquent, vacant, abandoned, and foreclosed properties; and

WHEREAS, the Erie County Executive, the Department of Environment and Planning, and the Department of Real Property Tax Services are working collaboratively with the Town of Cheektowaga and other county municipalities to address this issue; and

WHEREAS, in July 2011, in recognition of the growing vacant property problem, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any foreclosing governmental unit (FGU) to create a land bank to return tax delinquent, vacant, abandoned, and foreclosed properties to productive use; and

WHEREAS; the Land Bank Act allows FGUs and municipalities to enter into a partnership to create a land bank; and

WHEREAS, the newly adopted State law establishes a competitive application process to allow FGUs to create land banks but will only permit the formation of 10 land banks throughout New York State, with no more than five land banks being approved with the first round of applications due March 30, 2012; and

WHEREAS, it is likely that applications that combine the major municipalities with the largest amount of delinquent properties in a county into a single land bank will have a more competitive application; and

WHEREAS, the Town of Cheektowaga is interested in partnering with Erie County and other municipalities in submitting an application.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga seeks to adequately address the issue of tax delinquent, foreclosed, vacant, and abandoned properties by participating in an Erie County Land bank; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga goes on record as fully supportive of Erie County's application to Empire State Development to create a land bank; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga strongly urges Empire State Development to approve Erie County's application as Erie County is the FGU for the Town and the Town desperately needs creative, new strategies to address the crippling problem of vacant and abandoned properties; and BE IT FURTHER

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the Erie County Director of the Department of Real Property Tax Services; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; the Town Attorney for the Town of Cheektowaga; and the Town of Cheektowaga Assessor.

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



11. RESOLUTION 2012-106

Accept Site Plan - 60 Industrial 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 GPD Group/Sears for a modification to an existing site plan to permit the expansion of an existing parking area and a truck loading area at 60 Industrial Parkway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of February 9, 2012 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. Subject to the Town Engineer reviewing and approving the drainage/grading plan.
2. Subject to any recommendation made by the Town Traffic Safety Commission.

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



12. RESOLUTION 2012-107

Approve Cultural Group Funding for Cheektowaga Community Symphony Orchestra

Sponsored By: Councilmember Wozniak, Councilmember Markel

WHEREAS, the Town, in its 2012 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 2011 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

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 2012 Town budget, subject to audit and approval of a properly signed Town voucher.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



13. RESOLUTION 2012-108

Request EPA to Provide Funding for Sloan

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Village of Sloan owns property known as the former Norfolk Southern Yard (South) located at 1422-1470 Lovejoy Street, Sloan, New York 14212-2257 (hereinafter referred to as the "Property"), and

WHEREAS, the United State Environmental Protection Agency (hereinafter referred to as "EPA") has an EPA Targeted Brownfields Assessment Program wherein it can help municipalities redevelop contaminated parcels in their communities, and

WHEREAS, the Village of Sloan has applied for \$53,250 under this program to complete Phase I and Phase II Environmental Site Assessments on the Property, and

WHEREAS, the Town of Cheektowaga feels that the site assessment and eventual clean-up of this property would provide substantial economic benefits to the Town of Cheektowaga and Village of Sloan by redevelopment of this property, resulting in its return to the tax rolls and increased opportunities for employment and recreation, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the EPA to provide environmental site investigation assistance for the Property, and authorizes the Supervisor to contact the EPA to request said assistance, and BE IT FURTHER

RESOLVED, that, in making this request, the Town of Cheektowaga does not agree to assume any ownership or liability responsibility for the maintenance or clean up of this property.

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



14. RESOLUTION 2012-109

Authorize Purchase of Photocopier for Facilities Department

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Facilities Department is in need of a photocopy machine; and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number 01649); and

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

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Toshiba e-Studio 3540c Multi-Functional Copier through said State contract; and

WHEREAS, funds for said purchase have been budgeted and are available from Facilities Department account numbers 100-7110-2201 and 100-7110-4431; NOW, THEREFORE, BE IT

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

Group No. 22424 - Contract Award Number: 01649
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost of \$6,919.00; and BE IT FURTHER

RESOLVED, the annual cost of service and supplies for 27,000 pages per year will be \$400.00 commencing March 9, 2012 (said cost to include all service and supplies (toner, drums) (staples excluded); the cost of overages will be \$.0125 per page and the cost of color copies will be \$.0675 per page, based on usage; and BE IT FURTHER

RESOLVED, that money for said purchase shall be appropriated from Facilities Department line items 100-7110-2201 and 100-7110-4431; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Equipment Purchase Agreement and Annual Service & Supply Maintenance Agreement with Eagle Systems, Inc., and any other documents necessary to effectuate the purchase of said copy machine, subject to the review and approval of same by the Town Attorney.

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



15. RESOLUTION 2012-110

Open Burning Permit for 620 Borden

Sponsored By: Councilmember Rogowski, Councilmember Kaminski

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 Southline Fire Department to conduct an open fire on February 25, 2012, rain date of March 4, 2012 on the property located at 620 Borden Avenue, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain small fires within this structure for training purposes. The owner of the property, Christine M. Schuster, has provided a letter of permission and has obtained a building permit to remove the structure following the training evolutions., AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Southline 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
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16. RESOLUTION 2012-111

Unsafe-Unsecured/37 Ivanhoe Road

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 37 Ivanhoe Road, Cheektowaga, New York SBL# 90.76-3-39 that is a danger to the safety of others, and records kept by the Assessors Office identify Margaret M. Hilgers, 114 Noel Drive, Buffalo, New York 14221, as the owner AND

WHEREAS, an inspection of such premises was conducted at 37 Ivanhoe Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



17. RESOLUTION 2012-112

Unsafe-Unsecured/69 Bernice Drive

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 69 Bernice Drive, Cheektowaga, New York SBL# 103.05-8-13 that is a danger to the safety of others, and records kept by the Assessors Office identify Susan Lopez, 69 Bernice Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 69 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.

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



18. RESOLUTION 2012-113

Authorization of Student Intern (Police Department)/Nicholas D. Cofield

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, Nicholas D. Cofield, a student at Bryant and Stratton, has requested to participate in the student internship program at the Police Department; AND

WHEREAS, this individual has been interviewed by the Police Department and the Police Department is willing to afford him the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Mr. Cofield of Williamsville, New York, be and hereby is authorized to participate as an unpaid intern in the Police Department, subject to his execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that Mr. Cofield's internship be and hereby is effective January 1, 2012 through May 31, 2012; AND, BE IT FURTHER

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

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



19. RESOLUTION 2012-114

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

POLICE DEPARTMENT Court Officer \$15.59/hour effective 2/23/12
Gary Edenhofer, Depew, New York; AND, BE IT FURTHER

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

POLICE DEPARTMENT
Edmund Suwinski, Jr. effective 1/31/12

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to waive the reading of names for this resolution. Motion carried.

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



20. RESOLUTION 2012-115

Appointment of Engineer Assistant (Competitive/Permanent) Engineering Department/Nicholas Edsell

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Engineer Assistant in the Engineering 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 qualified full-time employee bid on said vacancy; AND

WHEREAS, Nicholas Edsell, currently employed as an Engineer Assistant with Erie County, has applied for said vacancy; AND

WHEREAS, Mr. Edsell was interviewed and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Nicholas Edsell of Cheektowaga, New York, be and hereby is appointed to the position of 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 27, 2012.

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



21. RESOLUTION 2012-116

Appointment of Junior Accountant (Provisional)/Accounting Department/ William E. Stradtman

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a provisional vacancy exists in the title of Junior Accountant in the Accounting 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 falls under the competitive class of Erie County Civil Service; AND

WHEREAS, a valid Erie County Civil Service list is not in existence for said title; AND

WHEREAS, William E. Stradtman has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that William E. Stradtman of Cheektowaga, New York, be and hereby is appointed to the provisional position of Junior Accountant in the Accounting Department, pending the results of the civil service examination, and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 27, 2012.

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



22. RESOLUTION 2012-117

Travel Authorization (Youth and Recreational Services Department)/Recreation Supervisor Lynn Koszuta

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the "New York State Recreation and Park Society Recreation Conference, Saratoga 2012" is being held March 25 through March 27, 2012 in Saratoga Springs, New York; AND

WHEREAS, Recreation Supervisor Lynn Koszuta has requested authorization to attend said conference; AND

WHEREAS, Executive Director Ellen Fischer has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$786; AND

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

RESOLVED, that Recreation Supervisor Lynn Koszuta be and hereby is authorized to attend the "New York State Recreation and Park Society Recreation Conference, Saratoga 2012" being held March 25 through March 27, 2012 in Saratoga Springs, New York.

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Supervisor Holtz; to Suspend the Rules to include this one resolution - 2012-118. Motion Carried



1. RESOLUTION 2012-118

Oppose Proposed Bus Service Reduction by the NFTA In the Town of Cheektowaga

Sponsored By: Holtz, Jaworowicz, Markel, Rogowski, Kaminski, Wozniak, Kaznowski

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) is facing a \$7.1 million budget deficit for 2012 and in order to address the shortfall and balance the budget, the NFTA Board of Commissioners has proposed an adjustment to Metro Bus and Rail Service to “resize” the system to meet their fiscal constraints, resulting in a reduction or elimination of service for many routes across Erie County, including service in the Town of Cheektowaga; and

WHEREAS, many Cheektowaga residents, employers and their employees attended the NFTA Public Hearing on the proposed reductions of February 2, 2012, and spoke in favor of retaining current services in the Town of Cheektowaga; NOW THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board acknowledges the importance of safe, reliable, frequent and timely transit service on both weekdays and weekends to preserve the economic viability and success of businesses, institutions and other centers of employment located in the Town of Cheektowaga and County of Erie; and BE IT FURTHER

RESOLVED, the Cheektowaga Town Board strongly supports the preservation and enhancement of transit services within the Town and throughout the County of Erie as means of providing effective and efficient transportation to all residents, including the disabled and disadvantaged, employees, students, and visitors to the Town; and BE IT FURTHER

RESOLVED that the Cheektowaga Town Board hereby expresses its opposition to the proposed service reduction and hereby authorizes the Supervisor to convey this position to the NFTA Board of Commissioners no later than February 24, 2012; and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board authorizes the Supervisor, no later than February 24, 2012, to convey this position to Governor Andrew Cuomo and State Senator Timothy Kennedy requesting their attention and assistance in retaining bus service across Erie County, including service in the Town of Cheektowaga.

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

VI. Communications

A. Departmental Communications

1. Supervisor’s Statement of Funds - December 2011
2. Minutes: Traffic Safety Commission Minutes - January 20, 2012

3. Minutes: Cheektowaga Planning Board - January 20, 2012
4. Minutes: Cheektowaga Conservation Advisory Council - February 2, 2012
5. Minutes: Town Environmental Advisory Committee - February 8, 2012

B. General Communications

1. Notice of Claim: Brenda Angelucci Vs. Town of Cheektowaga
2. Notice of Claim: Catherine A. Blewett Vs. Town of Cheektowaga
3. Notice of Claim: Lori Kohlbacher Vs. Town of Cheektowaga
4. Notice of Claim: Betty Sieber Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Enter Executive Session

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to enter Into Executive Session to discuss contract negotiations with Bargaining Unions. Motion Carried.

A. Exit Executive Session

Motion by Councilmember Markel and Councilmember Jaworowicz to exit Executive Session and close meeting. Time was 8:45 PM

The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490

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 9, 2012

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on February 8, 2012 in the Town Hall Council Office Conference Room. Police department was absent.

ITEM I 2343 Union Rd. – Rezoning from C to CM for exterior market and retail sales

Applicant: Benderson Development Co., LLC

The applicant has requested the project be tabled.

The site is the former Gardenvillage Plaza. The applicant is proposing to establish the Gardenvillage Marketplace. The existing building would be reconfigured for numerous concession stands. The exterior would have three long shelters, for additional vendors. The shelters would be heavy timber with standing seam metal roofs with cupolas. The concrete would be decorative. A new parking lot with landscaped islands would be constructed. These shelters would be used seasonally whereas the existing store building would be used year-round and possibly at night.

A draft tenant handbook was submitted for review. This will limit vendors in where their wares can be displayed and what modifications can be made to their space. This set of rules requires further review and revision.

It was noted that the property must be closely reviewed for landscaping. The east property line, bordering the Gardenvillage Apartments will require significant reworking as there is a retaining wall of railroad ties deteriorating and the owner only indicated the repairing of an existing fence.

It was requested of the owner that an aerial photo have the site plan superimposed so the interaction with adjacent properties can be seen. Additionally adequate pedestrian access must be shown.

This item will be tabled for further review and submission of requested information.

ITEM II 1694 Walden Avenue – Rezoning request from CM to MS to convert a warehouse into a parts storage and vehicle detailing shop

Applicant: Charles J. Basil

The building is located on a private road to the west of the Target Plaza on Walden Avenue. The building was previously used by Lone Star Construction as a warehouse and office. The yard was used for storage. There is a drainage ditch going through the north area that may be able to be piped which would allow more parking area.

The applicant is proposing to use the property for cleaning/detailing purchased cars as well as their storage. The building will also be used for records/parts storage. No mechanical repairs or collision work would performed there.

A public hearing before the Town Board had no public comment. The applicant reiterated the proposed uses. The closest residential property is over 300 feet away.

The EAC would recommend that a negative declaration be issued for this project and the rezoning granted.

ITEM III 4989 Genesee Street – Proposed rezoning from CM/R to RA for an 88 unit apartment complex

Applicant: Bella Vista Group

The applicant submitted a revised plan showing the buildings moved away from the houses to the west. This, along with a landscaped (pine trees) berm will reduce the impact on the houses to the west.

In discussing the aesthetics of the buildings, the developer indicated they are identical to the buildings constructed next to Wal Mart on Transit Road and William Street in Lancaster.

The applicant indicated he is awaiting word from the owners of the housing park as to the possibility of connecting the roadways. Such connection with the addition of the hotels across the street may show the NYSDOT that a traffic signal is warranted.

The applicant met with homeowners and they were apparently receptive to the project. The president of the homeowners group indicated that, unfortunately, not all roads are connected to Calla Pointe and would not directly benefit from the traffic signal. She was told that any Traffic Impact Study (TIS) would look at the Tadio Pkwy. and plaza entrances to Genesee Street.

The Town Engineer indicated that a drainage corridor running from west to east is no longer needed and the land may be used to further improve the plan. (He met with the developer after the meeting to discuss the project).

This item will remain tabled for further review and revision.

**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY MARCH 7, 2012 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

Attachment: Feb 8 2012 (RES-2012-98 : Negative SEQR Declaration- 1694 Walden Avenue)

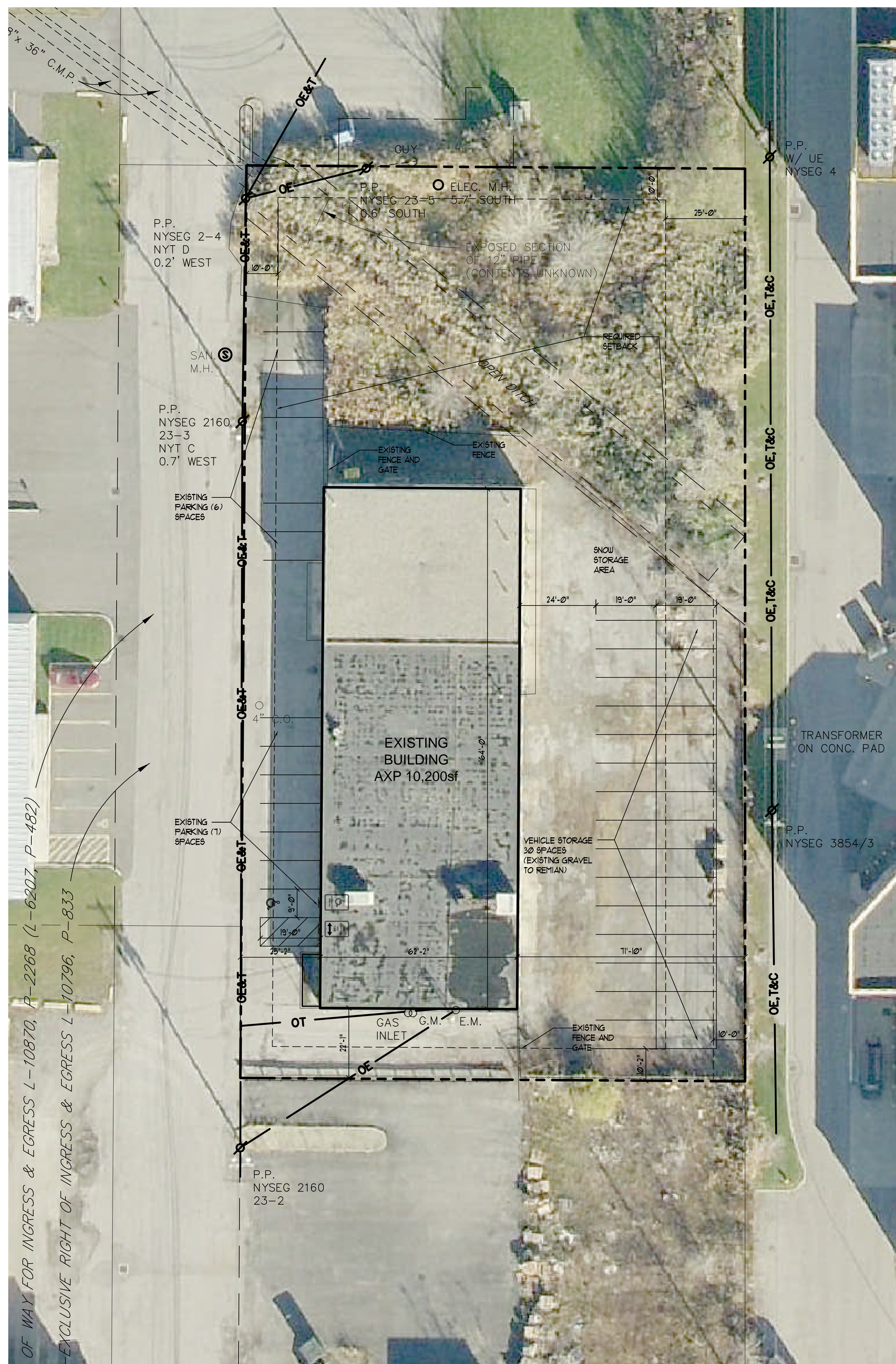


PHOTO FRONT
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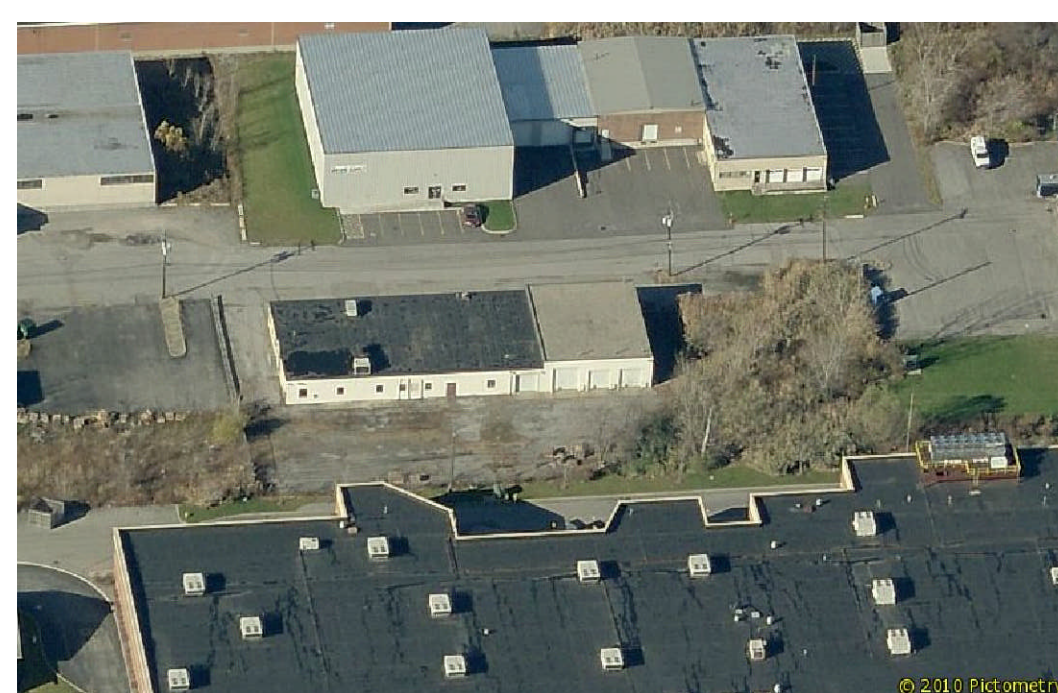


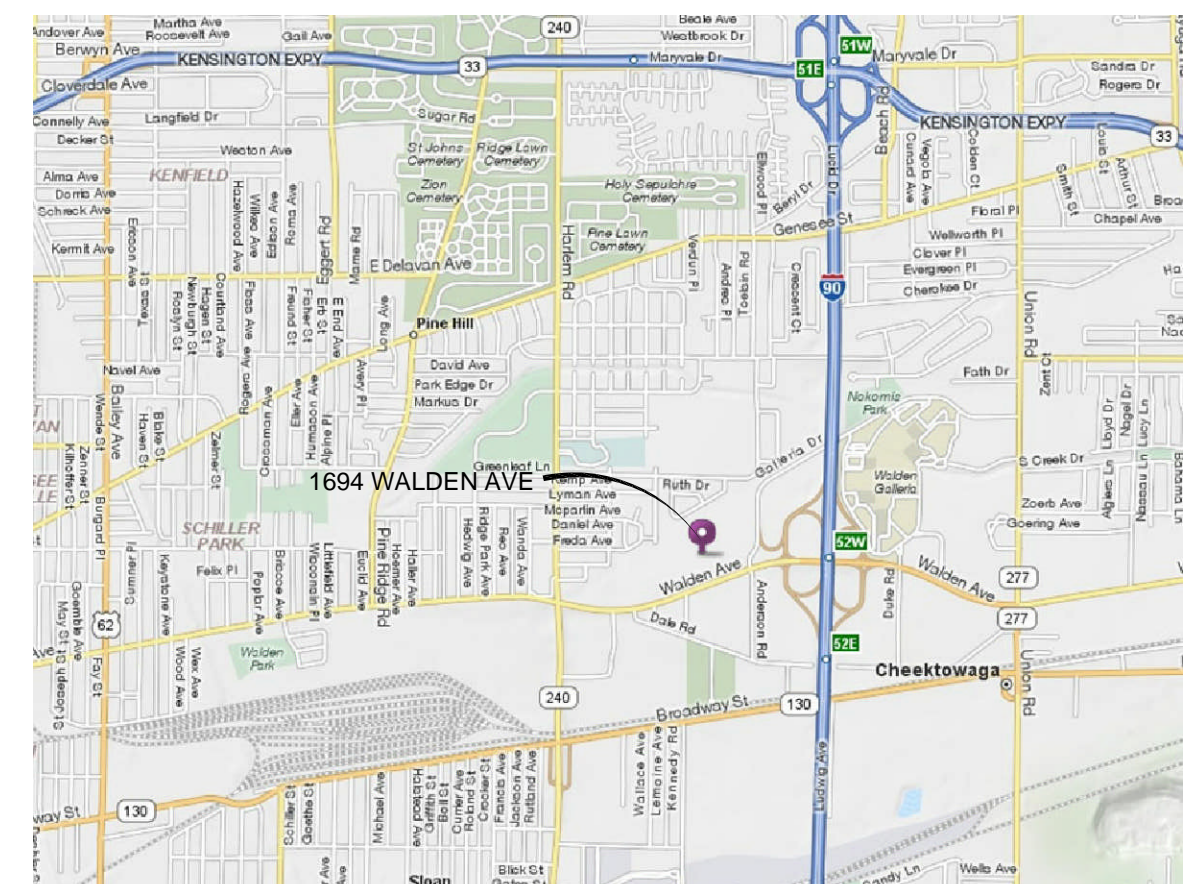
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PHOTO SOUTH
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LOCATION MAP
 SCALE:NTS
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SITE DATA

SITE AREA	1.044 A	(CM) General Commercial District
ZONED		
EXISTING BUILDING AREA	10,200 SF (APX)	
YARD REQUIREMENTS:	REQUIRED	EXISTING
FRONT	50'-0"	25'-2"
REAR	25'-0"	71'-10"
SIDE	10'-0"	22'-1"
LOT REQUIREMENTS:	EXISTING	REQUIRED
GREEN SPACE	0.33A (32%)	0.16 A (15%)
PARKING	0.48 A	
INT. GREEN SPACE	0.0 A	.02 A (5%)
BUILDING (ROOF AREA)	0.23 A	
PARKING REQUIREMENTS:		
3 SPACES / BAY =		
4 BAYS*(3) = 12		
13 SPACES PROVIDED		
VEHICLE STORAGE		
30 SPACES PROVIDED		
HC PARKING (BCNY'S 11106.1)		
1 per 25		
15 SPACES = 1		
1 SPACE PROVIDED		

REV	ISSUE DATE	DESCRIPTION	BY

Following is an excerpt from the New York State Education Law, Article 145, Section 7209 & applies to this drawing. It is a violation of this law for any person unless he is acting under the direct supervision of a licensed Architect or a licensed professional engineer to alter an item in any way. If an item bearing the seal of an architect or engineer is altered, the altering architect or engineer shall affix his seal and the notation, "ALTERED BY" followed by his signature and date of such alteration and a specific description of the alteration. This drawing is copyrighted under the United States Copy Right Law and is the property of Scheid Architectural, the use of this drawing in any form without written permission is strictly prohibited.

Basil Ford
 1540 Walden Ave
 Cheektowaga, NY 14225

 111 Elmwood Avenue Buffalo, NY 14204 Voice: 716.884.0059 Fax: 716.884.6414 E-Mail: mail@scheidata.com	ANY DRAWING / DETAILS SECTIONS / ELEVATIONS	PROJECT # 2011-041 DATE 11-28-11	SHEET C 1 BOOK AS NOTED
	PROJECT 1694 Walden Ave Vehicle Detailing	© 2011 SCHEID ARCHITECTURAL, PLLC	SHEET

SOURCE FILE: P:\Drawings\2011\2011-041\Construction Docs\1\Collapsplan.dwg
 PLOT DATE: Nov 30, 2011 - 9:00am

SITE PLAN (PROPOSED)
 SCALE: 1" = 20'-0"

SITE PLAN BASED ON 2011 SURVEY BY MCINTOSH & MCINTOSH, PC - SCHEID ARCHITECTURAL ASSUMES NO RESPONSIBILITY FOR IT'S ACCURACY OR CONTENT OF THE SURVEY

Landscaping Maintenance 2012

Bidder	Emerald	Dreamscapes	Gardenville	Double Diamond
Item				
Lawn mowing (x 1,350,000) (per square foot)	\$.0315 (\$42,525)	\$.04 (\$54,000)	\$.025 (\$33,750)	\$.032 (\$43,200)
Remove brush (x 1,350,000) (per square foot)	\$.0487 (\$65,745)	\$.04 (\$4,000)	\$.015 (\$20,250)	\$.032 (\$43,200)
Tree/bush (x300) Trimming per hour	\$30.38 (\$9,114)	\$35.00 (\$10,500)	\$23.00 (\$6,900)	\$32.00 (\$9,600)
Flower bed (x 300)	<u>\$25.77 (\$7,731)</u>	<u>\$23.10 (\$6,930)</u>	<u>\$30.00 (\$9,000)</u>	<u>\$20.00 (\$6,000)</u>
TOTALS	\$56.2302 (\$125,115)	\$58.18 (\$125,430)	\$53.04 (\$69,900)	\$52.064 (\$102,000)

Clean-up various properties 2012

<u>Item</u>	<u>Bidder</u>	<u>Emerald Services</u>	<u>National Vacuum</u>	<u>Superior Contracting</u>	<u>Dreamscapes</u>
Padlock/latch (x25)	\$68.37 (\$1,709.25)		\$195.00 (\$4,875.00)	\$80.00 (\$2,000.00)	\$43.00 (\$1,075.00)
Plywood<32 sf...(x125)	\$78.12 (\$9,765)		\$295.00 (\$36,875)	\$110.00 (\$13,750)	\$96.00 (\$12,000)
Plywood 33-70 sf (x125).....	\$126.94 (\$15,867.50)		\$312.25 (\$39,031.25)	\$150.00 (\$18,750)	\$96.00 (12,000)
Remove structures (x300)..... (per hour)	\$43.88 (\$13,164)		\$245.00 (\$73,500)	\$55.00 (\$16,500)	\$99.00 (\$29,700)
Remove debris (x300)..... (per hour)	\$30.38 (\$9,114)		\$245.00 (\$73,500)	\$55.00 (\$16,500)	\$49.00 (\$14,700)
TOTALS	\$347.69 (\$49,619.75)		\$1,292.25 (\$227,781.25)	\$450.00 (\$67,500)	\$383.00 (\$69,475)

Removal of Snow & Ice Various Properties 2012

Only one bidder submitted: Emerald Services of WNY, Inc.
113 Cable Street
Buffalo, NY 14206

Remove snow from sidewalks, 4' wide path.....\$2.25/lineal foot
Total \$27,000

Spreading ice melting agent, 4' wide path.....\$0.50/lineal foot
Total \$6,000

Attachment: Tabulation Bid - Snow and Ice Removal in Town (RES-2012-102 : Award Contract Removal Snow & Ice Town Prop)



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, March 5, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 5, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector

Ellen Fischer, Executive Director - Youth Board

Jerry Gabryszak, Director of Community Development

Brian Krause, Director of Finance and Administration

William Pugh, Town Engineer

Anthony Romano, Coordinator of Employee Relations

Kevin Schenk, Town Attorney

Jeffrey Whiting, Deputy Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-119

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

HUD CDBG FUND

FROM:	700.5010.0674	Narcotics & Traffic Enforcement	\$ 7,773.85
	700.5010.0780	S/C Van Driver	4,953.78
	700.5011.0780	S/C Van Driver	5,046.72
	700.5009.0674	Narcotics & Traffic Enforcement	12,194.81
	700.5009.0780	S/C Van Driver	7,343.10
TO:	700.5010.0800	Sidewalk Improvements	\$ 7,773.85
	700.5010.0800	Sidewalk Improvements	4,953.78
	700.5011.0800	Sidewalk Improvements	5,046.72
	700.5009.0600	Housing Rehab-Single Units	12,194.81
	700.5009.0600	Housing Rehab-Single Units	7,343.10

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



2. RESOLUTION 2012-120

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

2012

HIGHWAY FUND

FROM: 300.1910.2665 Sale of Equipment \$ 26,000.00

TO: 300.5130.2407 Misc. Highway Equipment \$ 26,000.00

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



3. RESOLUTION 2012-121

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 2, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,325,108.90
RISK RETENTION FUND	129,235.36
DEBT SERVICE FUND	38,000.00
SPECIAL DISTRICT FUND	802,363.17
HIGHWAY FUND	577,684.46
CAPITAL FUND	382,186.99
TRUST & AGENCY FUND	7,063.08
HUD CDBG FUND	44,148.50
PART TOWN FUND	126,789.62
NYS AFFORDABLE HOUSING	6,126.00
	<u>\$ 5,438,706.08</u>

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



4. RESOLUTION 2012-122

Award of Bid - Baseball & Softball Bid 2012

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on February 22, 2012 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 calendar year February 2012-February 2013:

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

-- 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-123

Award of Bid - Trees

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, a Notice to Bidders was published for the receipt of bids for the furnishing and installation of trees along Town highways within the Town of Cheektowaga, which bids were duly received and opened on February 22, 2012, AND

WHEREAS, said bids were referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and installation of trees along Town highways be awarded to J & C Landscaping, 8519 Ertman Road, Lockport, New York 14094 for the bid price of \$83,836.00, 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 a contract with J & C Landscaping, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from Account No. 500-8560-0700-5005.

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



6. RESOLUTION 2012-124

Award of Bid - Work Uniforms

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, bids were received and publicly opened on February 22, 2012 for the furnishing of work uniforms to Town of Cheektowaga employees. Said bids were referred to the Town Engineer for analysis and tabulation, 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)	\$16.49
Item 1B	Work Pants (sizes 46-50)	\$18.09
Item 1C	Work Pants (sizes 52-60)	\$18.09
Item 2A	Shirts (long sleeve, sizes up to 17-1/2)	\$14.54
Item 2B	Shirts (long sleeve, sizes 18 and up)	\$15.92
Item 3A	Chambray Shirts (long sleeve, sizes up to 17-1/2)	\$13.63
Item 3B	Chambray Shirts (long sleeve, sizes 18 and up)	\$14.77
Item 4A	Shirts (short sleeve, sizes up to 17-1/2)	\$13.63
Item 4B	Shirts (short sleeve, sizes 18 and up)	\$14.77
Item 5A	Chambray Shirts (short sleeve, sizes up to 17-1/2)	\$12.02
Item 5B	Chambray Shirts (short sleeve, sizes 18 and up)	\$13.17
Item 6A	Coveralls (long sleeve, sizes 36-46, short - X long)	\$26.22
Item 6B	Coveralls (long sleeve, sizes 48-50, short - X long)	\$26.22
Item 6C	Coveralls (long sleeve, sizes 52-60, short - X long)	\$29.80
Item 7A	Denim Jeans (sizes 28-42)	\$12.19

Item 7B	Denim Jeans (sizes 44-50)	\$13.63
Item 7C	Denim Jeans (sizes 52-56)	\$14.77
Item 8A	Bib Overalls (sizes to 44)	\$21.12
Item 8B	Bib Overalls (sizes 46-50)	\$22.79
Item 8C	Bib Overalls (52-60)	\$24.84
Item 9A	Women's Work Pants (sizes 4-20)	\$13.17
Item 9B	Women's Work Pants (sizes 22-28)	\$14.83

BID ITEM II

Item 1A	High Visibility Jacket (sizes S-XL)	\$44.75
Item 1B	High Visibility Jacket (size 2XL)	\$44.75
Item 1C	High Visibility Jacket (size 3XL)	\$44.75
Item 1D	High Visibility Jacket (size 4XL)	\$44.75
Item 1E	High Visibility Jacket (size 5XL)	\$44.75
Item 1F	High Visibility Jacket (size 6XL)	\$44.75

BID ITEM III

Item 1A	Hooded Pullover Sweatshirt (sizes S-XL)	\$13.23
Item 1B	Hooded Pullover Sweatshirt (size 2XL)	\$15.33
Item 1C	Hooded Pullover Sweatshirt (size 3XL)	\$15.33
Item 1D	Hooded Pullover Sweatshirt (size 4XL)	\$17.43
Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$18.11
Item 2B	Hooded Zipper Sweatshirt (size 2XL)	\$20.21
Item 2C	Hooded Zipper Sweatshirt (size 3XL)	\$20.21
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 8.98
Item 3B	Heavy Duty Sweatshirt (size 2XL)	\$10.45

Item 3C	Heavy Duty Sweatshirt (size 3XL)	\$10.45
Item 3D	Heavy Duty Sweatshirt (size 4XL)	\$12.02
Item 6A	Tee Shirt (sizes M-XL)	\$ 3.54
	Pocket Tee Shirt (size M-XL)	\$ 5.09
Item 6B	Tee Shirt (size 2XL)	\$ 4.69
	Pocket Tee Shirt (size 2XL)	\$ 6.14
Item 6C	Tee Shirt (size 3XL)	\$ 4.69
	Pocket Tee Shirt (size 3XL)	\$ 6.14

BID ITEM IV

Carhartt Bib Overall (sizes 34-48)	\$73.20
Carhartt Bib Overall (size 50)	\$73.20

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



7. RESOLUTION 2012-125

Approve Amended Agreement with SimplexGrinnell for Fire and Security Alarm Services

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, by resolution dated December 27, 2011 (Resolution 2011-672), this Town Board retained SimplexGrinnell for fire/security alarm systems testing for 14 Town-owned buildings, plus 24-hour security monitoring for 7 Town-owned buildings and the Police Substation for three (3) years under New York State Contract (Contract #PT63104, Group #772901, Award #20191) for a total annual fee of \$7,675.00, and

WHEREAS, SimplexGrinnell has submitted a revised quotation to the Director of the Facilities Department to provide key pads and security panels for the alarm systems for Town buildings and to extend the Town's existing contract with SimplexGrinnell for five (5) years for:

- Annual Fire Alarm and Security Alarm Systems Testing and Inspections, together with Standard Emergency Services to 14 Town-owned buildings - \$6,025.00 per year
- 24-Hour Security Monitoring for 7 buildings, plus Fire & Security Monitoring at the Police Substation, together with preparation of monthly reports for 2 buildings - \$1,700.00 per year

for a total annual fee of \$7,725.00 for Calendar Years 2012-2016, and

WHEREAS, funding is available in the Facilities Department budget for these services, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby amends Resolution 2011-672 to revise and extend our agreement with SimplexGrinnell as per its proposals, to perform fire alarm and security alarm services and indicated above from January 1, 2012 to December 31, 2016, and BE IT FURTHER

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

RESOLVED, that fees for said services shall be appropriated from budget line item number 100-7110-4451.

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



8. RESOLUTION 2012-126

Notice to Bidders - Mowing the Galleria Detention Basins and Pfohl Brothers Landfill

Sponsored By: Councilmember Kaminski, Councilmember Markel

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of equipment and operators for mowing the Galleria Detention Basins and the Pfohl Brothers Landfill for a three (3) year contract covering 2012, 2013 and 2014, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 21st day of March, 2012 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 21, 2012 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment and operators for mowing the Galleria Detention Basins and the Pfohl Brothers Landfill in the Town of Cheektowaga for a three (3) year contract covering 2012, 2013 and 2014.

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

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

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

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

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

The successful bidder will be required to furnish a Performance Bond acceptable to the

Owner in an amount equal to the contract award.

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

Alice Magierski, Town Clerk

DATED: March 5, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2012-127

Bond Resolution - Highway Repaving

Sponsored By: Supervisor Holtz, Councilmember Kaminski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 5, 2012, AUTHORIZING THE PARTIAL RECONSTRUCTION AND RESURFACING OF VARIOUS TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,275,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,275,000 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 partially reconstruct and resurface various Town highways. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,275,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,275,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,275,000 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. 20 (c) of the Law, is fifteen (15) 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. 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. 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 5, 2012, 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 5, 2012, authorizing the partial reconstruction and resurfacing of various Town highways, stating the estimated maximum cost thereof is \$1,275,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,275,000 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 partially reconstruct and resurface various Town highways; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,275,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,275,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,275,000 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 fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,275,000 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 5, 2012

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



10. RESOLUTION 2012-128

Bond Resolution - Highway Drainage

Sponsored By: Supervisor Holtz, Councilmember Kaminski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 5, 2012, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$875,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$875,000 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 drainage improvements on Town highways. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$875,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$875,000 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 \$875,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to

finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. 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. 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 5, 2012, 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 5, 2012, authorizing the construction of drainage improvements on Town highways, stating the estimated maximum cost thereof is \$875,000, appropriating said amount for such purpose, and authorizing the issuance of \$875,000 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 drainage improvements on Town highways; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$875,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$875,000 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 \$875,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$875,000 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 5, 2012

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2012-129

Bond Resolution - Sidewalks

Sponsored By: Supervisor Holtz, Councilmember Kaminski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 5, 2012, AUTHORIZING THE RECONSTRUCTION OF VARIOUS SIDEWALKS IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$200,000 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 reconstruct various sidewalks in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$200,000 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 \$200,000 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. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. 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. 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 5, 2012, 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 5, 2012, authorizing the reconstruction of various sidewalks in the Town, stating the estimated maximum cost thereof is \$200,000, appropriating said amount for such purpose, and authorizing the issuance of \$200,000 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 reconstruct various sidewalks in the Town; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$200,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$200,000 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 \$200,000 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 ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$200,000 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 5, 2012

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2012-130

Residential Rehabilitation Accounting Modification

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has been operating a Residential Rehabilitation Program through our Community Development Office since the early 1980's, and

WHEREAS, there are a few accounts in which the borrower has either overpaid or underpaid by nominal amounts, and

WHEREAS, these accounts are well over 15 years old, and

WHEREAS, there has been attempts to contact the borrowers to either refund or collect these nominal amounts but have been unsuccessful, NOW, THEREFORE, BE IT

RESOLVED, that the attached listing of old residential rehabilitation loan balances be adjusted to zero and written off as of December 31, 2011.

Attachments:

write off listing of Rehab loans 12-31-2011 (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Charles Markel, Councilmember

SECONDER: Stanley Kaznowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



13. RESOLUTION 2012-131

Direct the Supervisor to Sign the Public Utility Work Agreement HC-140

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the New York State Department of Transportation proposes the June 2012 project letting for the milling and asphalt overlay of Harlem Road from a point south of the Broadway access connection roads northward to the Genesee Street intersection identified as PIN 5811.99, AND

WHEREAS, as part of said highway rehabilitation project there is a need to perform adjustments and modifications to Town sanitary sewer district facilities located within the State highway right-of-way, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, in its capacity as the Board of Managers for the Town Consolidated Sanitary Sewer District, hereby grants permission to the NYSDOT to perform the necessary modifications to sanitary sewer district manhole frames and covers located within the pavement providing that such modifications meet the approval of the Town Engineer, AND, BE IT FURTHER

RESOLVED, that all costs associated with the adjustment and modification to sewer district facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation, which provides for sanitary sewer district facilities modification and adjustment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2012-132

Purchase 6 Chevrolet Tahoe Vehicles for Police Department

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Police Department needs to purchase six (6) 2012 Chevrolet Tahoe CC10706 Two-Wheel Drive 1500 Police Patrol Vehicles for use by its department, and

WHEREAS, Article 5-A of the General Municipal Law of the State of New York permits a municipality to utilize County bid pricing for purchases in lieu of advertising for bids on its own, and

WHEREAS, the County of Erie has awarded a bid for the purchase of such vehicles (Bid Number 211322-004) and has, as part of said bid process, allowed various municipalities, including the Town of Cheektowaga, to utilize its bid prices for the purchase of such vehicles, and

WHEREAS, the Cheektowaga Police Department has reviewed the County bid pricing for the vehicles it wishes to purchase, and has determined that the Town of Cheektowaga can save money by utilizing Erie County's bid to purchase these vehicles, and

WHEREAS, the successful bidder for the County bid, Joe Basil Chevrolet, has submitted a proposal to the Town of Cheektowaga for the purchase of six (6) 2012 Chevrolet Tahoe CC10706 Two-Wheel Drive Police Patrol Vehicles at a total cost of \$172,282.00, which price includes VSP Graphics and Keys, Fleet Code 6E2, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby agrees to utilize Erie County Bid Number 2113422-004 for the purchase of six (6) 2012 Chevrolet Tahoe CC10706 Two-Wheel Drive 1500 Police Patrol Vehicles from Joe Basil Chevrolet at a total cost of \$172,282.00 as per the proposal submitted by Joe Basil Chevrolet dated 02/24/2012, and BE IT FURTHER

RESOLVED, that funding for the purchase of these vehicles shall be appropriated from the Police Department budget line item number 3120.2303, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documentation to effectuate the purchase of these vehicles.

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



15. RESOLUTION 2012-133

Purchase of Chevy Truck - Facilities Department/Parks Division

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Facilities Department, Parks Division, have requested authorization to purchase one (1) 2012 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, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2012 Chevy Silverado 2500HD 4x4 pick-up truck, in the amount of \$23,256.42 from:

Hoselton Automall
909 Fairport Road
East Rochester, NY 14416

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



16. RESOLUTION 2012-134

Over the Edge Program 2012

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Department of Youth and Recreational Services is desirous of holding its Summer Youth Theater Program June 25th through August 9th at Villa Maria College, and

WHEREAS, the College has offered use of its recital hall and auditorium for the above mentioned program, NOW, THEREFORE BE IT

RESOLVED, that upon approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute a no cost rental agreement with Villa Maria College for the Youth & Recreational Services Department "Over the Edge" Summer Theater Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



17. RESOLUTION 2012-135

Approve Auction of Town Surplus Vehicles and Equipment

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use and 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 effectuated the sale and transfer of all said vehicles and equipment.

Make	Model	VIN #	Miles	Fleet #	YEAR
Chevrolet	CC31403	1GBHC34K1NE172012	126079	26	1992
Ford	L9000	1FDYK9019SVA38095	54677	28	1995
Chevrolet	3500	1GBJC34R2WF015213	118529	30	1998
Ford	L9000	1FDYK9010SVA38096	67197	39	1995
Ford	F350	1FDWF37S2XEC52228	114125	52	1999
White	WG64	4V2JCBBE4PR819158	119535	57	1993
White	WG64	4V2JCBEGPR819159	130910	58	1993
Ford	F350	1FDWF37S0XEC52227	118107	60	1999
Ford	F450	1FDXF47P14EB66197	79860	110	2004
Various snow plows and wings - old and/or don't fit any newer trucks					

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2012-136

Approve Usage of Town Hall by DefTone Pictures Studios

Sponsored By: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

WHEREAS, Adam R. Steigert, a/k/a DefTone Pictures Studios, has approached the Town of Cheektowaga to request permission to utilize a portion of the Cheektowaga Town Hall on Saturday, April 7, 2012 for filming a portion of a movie entitled "Ombis", and

WHEREAS, the proposed use of Town Hall on said date does not interfere with any Town activities on said date, and

WHEREAS, a Location Agreement was submitted to the Town, and has been reviewed and approved by the Town Attorney, for the use of Town Hall for this purpose, and

WHEREAS, the Town of Cheektowaga will receive an acknowledgement in the credits of the film thanking the Town of Cheektowaga for the use of the Town Hall, and

WHEREAS, this Town Board feels that this is a be an exciting opportunity for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the use of Town Hall on Saturday, April 7, 2012 for the filming of the movie, Ombis, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Location Agreement on behalf of the Town.

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



19. RESOLUTION 2012-137

Memorialize New York State to Enact Legislation for CPR Education in High Schools

Sponsored By: Markel, Rogowski, Kaminski, Jaworowicz, Holtz, Wozniak, Kaznowski

WHEREAS, in the United States, emergency medical responders treat nearly 300,000 people who experience cardiac arrest each year; and less than 8% of these people survive because help was not provided quickly enough, and

WHEREAS, effective bystander cardiopulmonary resuscitation ("CPR"), provided immediately after cardiac arrest, can double or triple a victim's chance of survival, and

WHEREAS, currently, CPR "may" be offered as a voluntary addition to the health curriculum in high schools in New York State, and

WHEREAS, the American Heart Association recommends that hands-on CPR training be taught to all students prior to graduation from high school, and

WHEREAS, studies have shown that trainees, including school children, can achieve acceptable levels of skills proficiency in adult CPR in 30 minutes or less, and

WHEREAS, legislation has been proposed in the State Legislature (Assembly Bill No. A3980-A/Senate Bill No. S2491-A) that would require schools to offer instruction in cardiopulmonary resuscitation as part of the high school health curriculum, and

WHEREAS, this legislation does not require all students to be "certified" in CPR; it only requires that they learn the basic skills, and

WHEREAS, this type of CPR training is easy and affordable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports Assembly Bill No. A3980-A/Senate Bill No. S2491-A as a cost-effective means to increase the awareness of important life saving techniques that could ultimately save lives, and BE IT FURTHER

RESOLVED, that this Town Board hereby strongly memorializes the State Legislature and Governor to approve Assembly Bill No. A3980-A/Senate Bill No. S2491-A into law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to New York State Assemblyman Dennis H. Gabryszak, Senator Timothy M. Kennedy and Governor Andrew M. Cuomo.

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



20. RESOLUTION 2012-138

Unsafe Premises / 99 Danbury 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 99 Danbury Drive, Cheektowaga, New York SBL# 91.09-3-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael Neuberger, 15089 Heritage Drive, Clayton, New York 14324, as the owner AND

WHEREAS, an inspection of such premises was conducted at 99 Danbury Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



21. RESOLUTION 2012-139

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Glenn M Au	4/4/11	14225
Donald McEvoy	5/7/11	14225
Jim Neyerlin	8/15/10	14225

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two resolutions: 2012-139 and 2012-140. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



22. RESOLUTION 2012-140

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 \$8/hour effective 3/6/12
Craig R. Maconaghy, Jr., Cheektowaga, New York

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

FACILITIES DEPARTMENT
Michael S. Maziarz effective 1/28/12
Aaron C. Gorski effective 3/4/12

CENTRAL GARAGE
Edward F. Gawron effective 3/30/10

SEWER MAINTENANCE
Kevin T. Fischer effective 2/7/12
Austin Bobeck effective 2/7/12

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

**23. RESOLUTION 2012-141**

**Transfer of Employee from Automotive Mechanic to
Automotive Mechanic Helper (Central Garage)/(Michael J.
Maue)**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Michael J. Maue, currently employed as a Automotive Mechanic in the Central Garage be and hereby is transferred to the title of Automotive Mechanic Helper in the Central Garage 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 effective February 22, 2012.

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



24. RESOLUTION 2012-142

Travel Authorization Police Department/Basic Shooting Reconstruction

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, Basic Shooting Reconstruction is being held March 5 through March 9, 2012 in Huntersville, North Carolina; AND

WHEREAS, Lieutenants Thomas Wentland and Detective Timothy Szymanski have requested authorization to attend said training; AND

WHEREAS, Police Chief David Zack 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 \$2,007; AND

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

RESOLVED, that Lieutenants Thomas Wentland and Detective Timothy Szymanski be and hereby authorized to attend Basic Shooting Reconstruction being held March 5 through March 9, 2012 in Huntersville, North Carolina.

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



25. RESOLUTION 2012-143

Travel Authorization Police Department/New York State Truck Safety and Education Symposium and Safety Exhibition

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the New York State Truck Safety and Education Symposium and Safety Exhibition is being held March 27 through March 28, 2012 in Albany, New York; AND

WHEREAS, Police Officer Michael McDonough has requested authorization to attend said symposium and exhibition; AND

WHEREAS, Police Chief David Zack 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 \$580; AND

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

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend the New York State Truck Safety and Education Symposium and Safety Exhibition being held March 27 through March 28, 2012 in Albany, New York.

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

**26. RESOLUTION 2012-144****Travel Authorization Police Department/Twelfth Annual Empire State Law Enforcement Traffic Safety Conference**

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 12th Annual Empire State Law Enforcement Traffic Safety Conference is being held April 19 through April 20, 2012 in Albany, New York; AND

WHEREAS, Police Officers Scott Scharlau and Michael McDonough have requested authorization to attend said conference; AND

WHEREAS, Police Chief David Zack 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 \$420; AND

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

RESOLVED, that Police Officers Scott Scharlau and Michael McDonough be and hereby are authorized to attend the 12th Annual Empire State Law Enforcement Traffic Safety Conference being held April 19 through April 20, 2012 in Albany, New York.

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



27. RESOLUTION 2012-145

Travel Authorization Police Department/New York Tactical Officers Association Exposition and Conference

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the New York Tactical Officers Association Exposition and Conference is being held May 1 through May 3, 2012 in Verona, New York; AND

WHEREAS, Detective Joseph Crean, Sergeant Thomas Allen, Police Officers John Skonecki, Michael McDonough, Keith Wanderlich and Public Safety Dispatcher Jason Tolsma have requested authorization to attend said exposition and conference; AND

WHEREAS, Police Chief David Zack 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 \$2,639.94; AND

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

RESOLVED, that Detective Joseph Crean, Sergeant Thomas Allen, Police Officers John Skonecki, Michael McDonough, Keith Wanderlich and Public Safety Dispatcher Jason Tolsma be and hereby are authorized to attend the New York Tactical Officers Association Exposition and Conference being held May 1 through May 3, 2012 in Verona, New York.

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

IV. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - January 2012
2. Building Permits - February 2012
3. Minutes: Cheektowaga Public Library - Board of Trustees - February 15, 2012

B. General Communications

1. Notice of Claim: Kevin Holler Vs. Town of Cheektowaga
2. Notice of Claim: Dorothy Korczak Vs. Town of Cheektowaga

3. Notice of Claim: Progressive Northwestern Ins. Co A/S/O Darcy Malczewski Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to adjourn the meeting. Time: 7:58 PM.

Alice Magierski, Town Clerk

Case #	Balance Owed	Amount Overpaid
006B	\$40.48	
007B		(\$62.09)
008A		(\$7.26)
016A	\$10.10	
023A		(\$9.76)
024A	\$1.63	
031A		(\$7.70)
036A		(\$5.40)
037A		(\$21.09)
038A		(\$18.15)
041A		(\$0.45)
050A	\$3.94	
050B		(\$17.25)
054A		(\$6.93)
059A		(\$1.50)
066A		(\$3.74)
072A		(\$0.29)
141A		(\$2.67)
145A		(\$6.12)
154A	\$27.52	
155A	\$11.34	
157A	\$32.84	
163A		(\$35.72)
167A	\$28.97	
169A	\$0.02	
169B	\$0.10	
170A		(\$44.29)
174A	\$44.17	
178A	\$0.51	
186A		(\$1.40)
188A	\$15.30	
191A		(\$0.01)
193A	\$15.09	
195A		(\$0.51)
196A	\$7.79	
201A		(\$0.40)
208A	\$0.40	
209A	\$4.34	
213A		(\$96.52)
215A		(\$2.24)
261A		(\$16.00)
219A		(\$15.57)
228A		(\$49.82)
232A		(\$55.32)
236A	\$0.03	
237A		(\$50.39)
240A		(\$45.97)
249A		(\$89.00)
249B		(\$16.00)
254A		(\$0.74)

Attachment: write off listing of Rehab loans 12-31-2011 (RES-2012-130 : Residential Rehabilitation Accounting Modification)

255A				(\$6.24)
270A				(\$18.96)
274A				(\$2.04)
276A				(\$32.00)
280A		\$0.26		
282A		\$12.48		
284A				(\$5.76)
293A				(\$7.38)
295A				(\$23.52)
299A		\$0.91		
300A				(\$2.11)
322A				(\$7.57)
323A		\$14.00		
341A				(\$16.00)
344A				(\$16.00)
358A				(\$16.00)
362A				(\$16.00)
381A				(\$16.00)
397A				(\$3.35)
399A				(\$37.27)
404A				(\$34.19)
411A				(\$42.90)
416A				(\$44.75)
421A				(\$4.54)
490A				(\$18.40)
528A				(\$1.18)
511A		\$79.55		
505A		\$2.22		
555A				(\$2.98)
		\$353.99		(\$1,065.44)

Attachment: write off listing of Rehab loans 12-31-2011 (RES-2012-130 : Residential Rehabilitation Accounting Modification)



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, March, 19, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 19, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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

Jeffrey Whiting, Deputy Town Attorney

David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-146

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

General Fund

From: 100.1110.2770	Other Unclassified Revenue	\$4,932.45
100.9010.8141	Medical Insurance	1,200.00
To: 100.1110.2105	Equipment	\$4,932.45
100.1010.1990	Other Pay	1,200.00

Special Districts

From: 255.8125.8141	Medical Insurance	\$1,200.00
To: 255.8125.1990	Other Pay	\$1,200.00

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



2. RESOLUTION 2012-147

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 16, 2012 are hereby approved and made a part hereof;

General Fund	\$	925,226.93
Risk Retention Fund		34,634.92
HUD Housing Rehabilitation		2,950.00
Special Districts Fund		683,005.55
Highway Fund		131,203.32
Capital Fund		439,659.85
Trust & Agency		45,717.66
HUD CDBG Fund		5,747.59
Part Town Fund		<u>32,346.43</u>
	\$	2,300,492.25

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



3. RESOLUTION 2012-148

Order Calling for a Public Hearing to Install Curbing Along North Willowlawn Parkway

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a written petition dated March 12, 2012 was heretofore presented and filed with the Town Board of the Town of Cheektowaga pursuant to Section 200 of the Town Law of the State of New York, praying for the improvement of the following portion of North Willowlawn Parkway (the area benefited by said improvement):

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. 147, Township 10, Range 7 of the Buffalo Creek Reservation, generally described as follows:
North Willowlawn Parkway, both sides, from the north side of Dingens Street to the north side of Bismarck Street.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on both sides of the portion of North Willowlawn Parkway described above, AND

WHEREAS, said petition has been signed by the owners of real estate fronting or abutting upon either side of the portion of North Willowlawn Parkway to be improved, to the extent of at least one-half of the entire frontage or bounds on both sides of the portion of said street to be improved, and the resident owners owing not less than one-half of the frontage owned by resident owners residing in or along the portion of said street covered or represented by said petition, AND

WHEREAS, said petition was duly acknowledged or proved by all signers thereof in the same manner as a deed to be recorded, AND

WHEREAS, the maximum amount proposed to be expended for the improvement of the portion of said street as stated in the petition is \$49,000.00, AND

WHEREAS, the petition provided that the expense of the construction of said improvement shall be borne by local assessment upon the several parcels of land especially benefited thereby all as stated in said petition and as more fully provided by applicable law, NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town of Cheektowaga be held at the Cheektowaga Town Hall, 3301 Broadway, in said Town on the 2nd day of April, 2012 at 6:45 p.m. to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to the Petition as maybe required by law, and BE IT FURTHER

ORDERED, that a copy of this Order, certified by the Town Clerk, be published as least once in the CHEEKTOWAGA BEE, the official Town newspaper, and posted on the signboard maintained pursuant to subdivision 6 of Section 30 of the Town Law, and conspicuously in five (5) public places along the portion of North Willowlawn Parkway, the first publication thereof and posting to be not less than ten (10) nor more than twenty (20) days before the date of such

public hearing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2012-149

Order Calling for Public Hearing to Install Curbing Along Claude Drive

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a written petition dated March 13, 2012 was heretofore presented and filed with the Town Board of the Town of Cheektowaga pursuant to Section 200 of the Town Law of the State of New York, praying for the improvement of the following portion of Claude Drive (the area benefited by said improvement):

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. 147, Township 10, Range 7 of the Buffalo Creek Reservation, generally described as follows:
Claude Drive, both sides, from the north side of Dingens Street to the east-west portion of Claude Drive.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on both sides of the portion of Claude Drive described above, AND

WHEREAS, said petition has been signed by the owners of real estate fronting or abutting upon either side of the portion of Claude Drive to be improved, to the extent of at least one-half of the entire frontage or bounds on both sides of the portion of said street to be improved, and the resident owners owing not less than one-half of the frontage owned by resident owners residing in or along the portion of said street covered or represented by said petition, AND

WHEREAS, said petition was duly acknowledged or proved by all signers thereof in the same manner as a deed to be recorded, AND

WHEREAS, the maximum amount proposed to be expended for the improvement of the portion of said street as stated in the petition is \$63,400.00, AND

WHEREAS, the petition provided that the expense of the construction of said improvement shall be borne by local assessment upon the several parcels of land especially benefited thereby all as stated in said petition and as more fully provided by applicable law, NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town of Cheektowaga be held at the Cheektowaga Town Hall, 3301 Broadway, in said Town on the 2nd day of April, 2012 at 6:45 P.M. to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to the Petition as maybe required by law, and BE IT FURTHER

ORDERED, that a copy of this Order, certified by the Town Clerk, be published as least once in the CHEEKTOWAGA BEE, the official Town newspaper, and posted on the signboard maintained pursuant to subdivision 6 of Section 30 of the Town Law, and conspicuously in (5) five public places along the portion of Claude Drive, the first publication thereof and posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Gerald Kaminski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-150

Call for Public Hearing: 440 Pine Ridge Heritage Boulevard

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, THD Group, with the permission of the land owner, Pine Ridge Land, LLC, has made application and requested a special permit and setback relief for the establishment of an accessory drive through window for a new restaurant/cafe at 440 Pine Ridge Heritage Boulevard, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on April 2, 2012 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 2nd day of April, 2012 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

THD Group

for a special permit and setback relief for the establishment of an accessory drive through window for a new restaurant/cafe at 440 Pine Ridge Heritage.

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. 34, TOWNSHIP 11, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF GENESEE (66' WIDE) STREET WITH THE WEST LINE OF PINE RIDGE (66 FEET WIDE) ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF GENESEE STREET A DISTANCE OF 93.37 FEET TO A POINT; THENCE NORTHERLY AT A MEASURED INTERIOR ANGLE OF

71•12'41" (71•20'00" RECORD) A MEASURED DISTANCE OF 94.07 FEET (93.88 RECORD) TO A POINT; THENCE WESTERLY AT AN INTERIOR ANGLE OF 270•00'00" A DISTANCE OF 9.46 FEET TO A POINT; THENCE NORTHERLY AT AN INTERIOR ANGLE OF 90•00'00" A DISTANCE OF 7.00 FEET TO A POINT; THENCE WESTERLY AT AN INTERIOR ANGLE OF 270•00'00" FEET A DISTANCE OF 47.28 FEET TO A POINT; THENCE NORTHERLY AT AN INTERIOR ANGLE OF 90•00'00" A MEASURED DISTANCE OF 181.52 FEET (182.19 FEET RECORD) TO A POINT; THENCE EASTERLY AT A MEASURED INTERIOR ANGLE OF 88•47'19"(88•53'07" RECORD) A MEASURED DISTANCE OF 226.70 FEET (226.64 FEET RECORD) TO A POINT ON THE WESTERLY LINE OF PINE RIDGE ROAD; THENCE SOUTHERLY AT A MEASURED INTERIOR ANGLE OF 72•59'51" (RECORD) A MEASURED DISTANCE OF 260.79 FEET (261.76 FEET RECORD) TO THE POINT OR PLACE OF BEGINNING, CONTAINING 1.01 ACRES MORE OR LESS.

EXCEPTION THEREFROM LANDS APPROPRIATED IN LIBER 10932 OF DEEDS AT PAGE 5181.

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



6. RESOLUTION 2012-151

Notice of Hearing for Demolition of 1122 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 1122 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 July 26, 2011; 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 1122 Walden Avenue shall be held on the 2nd day of April, 2012, 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

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

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



7. RESOLUTION 2012-152

Award of Bid - Topsoil

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 7, 2012 for TOPSOIL for use by various departments in 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 Custom Topsoil, Inc., 320 Crabapple Lane, Cheektowaga, N.Y. 14227, for regular, screened, or shredded as per bid specifications and to be delivered to the Town of Cheektowaga, AND

BE IT FURTHER RESOLVED, that payment of topsoil for Highway Department is charged to the line item #300-5110-4186.

**TABULATION FOR TOPSOIL
2012**

Custom Topsoil, Inc. 320 Crabapple Lane Cheektowaga, NY 14227 (716) 668-4444	Regular - \$12.50 Deliv. Screened-\$17.00 Delv. Shredded-\$17.00 Delv.	\$12.50 pick/up \$15.00 pick/up \$15.00 pick/up
Bengert Greenhouses 230 French Road West Seneca, NY 14224 (716) 823-6114	Regular - \$13.69 Deliv. Screened-\$17.69 Deliv. Shredded-\$17.69 Deliv.	\$13.00 pick/up \$16.30 pick/up \$16.30 pick/up
Leo Brenon Topsoil 5530 Killian Road North Tonawanda, NY 14120 (716) 695-1000	Regular - \$16.55 Deliv. Screened-\$17.85 Deliv. Shredded-\$17.85 Deliv.	\$14.55 pick/up \$16.85 pick/up \$16.85 pick/up

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2012-153

Award of Bid for Demolitions of 44A Windwood Court and 29E Glenwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the demolition with asbestos abatement of structures located on the following referenced properties in the Town of Cheektowaga:

1. Single-family residential structure at 44A Windwood Court; AND
2. Single-family residential structure at 29E Glenwood Court; AND

WHEREAS, bid proposals were received and opened on February 22, 2012, for said demolitions, AND

WHEREAS, the proposals were reviewed by the Town's Consulting Engineer and the Town Attorney, and based on proposals submitted, the Town's Consulting Engineer has recommended that this Town Board award the bid for the demolitions of said properties to Fibertech Environmental Services, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition with asbestos abatement of structures on properties located at 44A Windwood Court and 29E Glenwood Court to

Fibertech Environmental Services, Inc.
140 North Street, Suite 140
Buffalo, New York 14206

for the total combined price of \$25,650.00, said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that this Town Board hereby approves the use by Fibertech Environmental Services, Inc. of a subcontractor, Advanced Demolition Services, to assist Fibertech Environmental Services, Inc. with the demolition of the structures, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Fibertech Environmental Services, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

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



9. RESOLUTION 2012-154

Authorization for Purchase - Ammunition

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Cheektowaga Police Department, in an effort to best prepare our police officers to serve the public while insulating the Town from liability, AND

WHEREAS, police officers are required to train and qualify yearly with the three (3) weapons systems that they use in the performance of their duties, AND

WHEREAS, the Police Department is in need of replenishing their ammunition supply for the SWAT and Patrol Divisions, AND

WHEREAS, Eagle Point Gun/TJ Morris & Son offers ammunition under New York State Contract #PC63287, AND

WHEREAS, money has been appropriated for this purchase out of budget line #100-3120-4091, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of ammunition at a total cost of \$23,315.32 from:

Eagle Point Gun/TJ Morris & Son
1707 Third Street
Thorofare, New Jersey 08086

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



10. RESOLUTION 2012-155

Amendment to Investment Agreement

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is currently a participant of the NYCLASS investment program; AND

WHEREAS, the Town of Cheektowaga has been notified of an amendment to the Cooperation Agreement governing NYCLASS which reflects that the Village of Potsdam will become the new Lead Participant and provides for changes to the Investment Advisor from time to time as determined by the Governing Board of NYCLASS (the form of such Amendment which is attached hereto); AND

WHEREAS, the Town Supervisor recommends that the Town Board approve an Amendment to the Cooperative Liquid Assets Securities System Municipal Cooperation Agreement, in which certain terms are modified to reflect the change in the Lead Participant and Investment Advisor for the program; NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga does hereby authorize the Town Supervisor to execute the amendment.

Attachments:

NY CLASS AMENDMENT DATED AS OF MARCH 19 (PDF)

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



11. RESOLUTION 2012-156

Suspension of Town Winter Parking Ban

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Section 235-33 of the Town Vehicle and Traffic Law prohibits the parking of vehicles on Town and County roads within the Town between 1:00 A.M. and 6:00 A.M. from November 1 to April 1 of each year in order to keep the roads clear for snowplows during the winter months, AND

WHEREAS, the Winter of 2011-12 has been exceptionally mild and the weather is expected to continue to be much warmer than usual for this time of year for at least the next couple of weeks, AND

WHEREAS, it appears that Cheektowaga and Western New York have truly become the "Miami of the North" in terms of weather for the Winter of 2011-12, AND

WHEREAS, it is extremely unlikely that there will be any cold weather or accumulation of snow necessitating the plowing of roads prior to April 1, 2012, AND

WHEREAS, for various reasons, many residents of the Town of Cheektowaga need to be able to park their vehicles on the roads from now until April 1, 2012, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby directs that the all-night parking ban in Section 235-33 of the Town Vehicle and Traffic Law shall be suspended for the period beginning immediately and continuing until April 1, 2012, and BE IT FURTHER

RESOLVED, that the Town Police Department be and hereby is directed to discontinue enforcement of the all-night parking ban, effective immediately until April 1, 2012.

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



12. RESOLUTION 2012-157

Memorialize State Legislature to Enact Laws Relating to Prescription Drug Abuse

Sponsored By: Holtz, Kaznowski, Markel, Jaworowicz, Kaminski

WHEREAS, prescription drug abuse is a large problem in the United States, and

WHEREAS, nationally, deaths from prescription opiates have tripled since 1999, and overdoses from prescription opiates now hospitalize more people each year than cocaine or heroin, and

WHEREAS, the rates at which doctors are prescribing opiates is alarming; in New York State, 37 prescriptions are written for hydrocodone, fentanyl and oxycodone for every 100 New Yorkers, and

WHEREAS, abusers of prescription drugs oftentimes utilize "Doctor Shopping" (method in which a person might obtain several prescriptions from several different doctors for the same ailment and then have all prescriptions filled at various pharmacy locations), and

WHEREAS, State Senator Timothy M. Kennedy is sponsoring or co-sponsoring the following referenced legislation to address this prescription drug crisis:

- Ø Bill No. S05720A - Enacts the Internet System for Tracking Over-Prescribing (I-STOP) Act to establish an on-line controlled substance reporting system that requires practitioners and pharmacists to search for and report certain information at the time a prescription is issued and at the time such covered drug is dispensed
- Ø Bill No. 6181 - Directs the Department of Health to promulgate guidelines for transitioning patients from high risk of addiction pain management solutions to low risk of addiction pain management solutions.
- Ø Bill No. S6180 - Requires that doctors, nurses and pharmacists complete at least three (3) hours of continuing education on opiate analgesics and psychotropic drugs, the risks of additions to such drugs, and the treatment and mitigation of drug addiction each year
- Ø Bill No. S5409A - Requires practitioners to check the controlled substance registry before prescribing pain killers
- Ø Bill No. S6179 - Requires physicians and pharmacists to make patients aware of the risk of addiction and local resources to treat addictions to prescription drugs prior to prescribing or dispensing such drugs.

, and

WHEREAS, this Board is very concerned about prescription drug abuse, and feels that the above legislation is a positive step in dealing with the problem, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Senate, Assembly and Governor to enact the above referenced bills into law as soon as possible, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Senator Timothy M. Kennedy, New York State Assemblyman Dennis H. Gabryszak and Governor Andrew Cuomo.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



13. RESOLUTION 2012-158

2012 Family Support Service Contract

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

BE IT RESOLVED, that subject to approval by the Town Attorney, the Supervisor be and hereby is authorized to execute the 2012 Family Support Service Contract (C 023360 #3) in the amount of \$28,886.00, on behalf of the Department of Youth & Recreational Services and the New York State Office for People with Developmental Disabilities.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2012-159

Execute Agreement with Big Brothers, Big Sisters

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Department of Youth & Recreational Services is desirous of entering into a partnership agreement with Big Brothers Big Sisters of Erie County for their Community Based Mentoring Program, AND

WHEREAS, said program will provide mentoring services for children living in the Town of Cheektowaga, AND

WHEREAS, said program will be provided at no additional cost to the Town of Cheektowaga, NOW, THEREFORE BE IT

RESOLVED, that subject to approval by the Town Attorney, the Supervisor is hereby directed to execute a partnership agreement between the Town of Cheektowaga and Big Brothers, Big Sisters of Erie County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2012-160

Authorize Supervisor to Execute Right of Entry Agreement with Erie County

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga is the owner of vacant land located on the north side of Losson Road, east of Borden Road (SBL #114.04-5-29.5), AND

WHEREAS, the Erie County Division of Sewerage Management, in order to complete final design plans for the Aurora North Pump Station Elimination Project, has requested permission to enter Town property and to excavate a test pit to verify underground utility location and depth, 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 Division of Sewerage Management to utilize the aforementioned Town property to conduct its subsurface test pit excavation, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Right of Entry document for this matter, subject to approval by the Town Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-161

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 34th Annual Polish American Arts Festival, to be held on July 19, 20, 21 and 22, 2012.

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



17. RESOLUTION 2012-162

Authorize Supervisor to Execute Agreement with USDA for Geese Control

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is experiencing a problem with Canadian Geese in Stiglmeier Park and other areas in the Town, AND

WHEREAS, the U.S. Department of Agriculture, Wildlife Services Division ("USDA"), administers a Canada Goose Management Program in certain areas of the United States; in the State of New York, the USDA works in coordination with the New York State Department of Environmental Conservation, AND

WHEREAS, prior to implementation of this program, the USDA, pursuant to the National Environmental Policy Act ("NEPA"), prepared an environmental assessment and issued a Decision of Finding of No Significant Impact, AND

WHEREAS, the Town of Cheektowaga Facilities Department submitted an application for funding and authorization of a Canada Goose Management Program administered by the USDA on lands owned and/or controlled by the Town of Cheektowaga, and on private lands with landowner permission for 2012, 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 2012, 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.

RESULT: ADOPTED [UNANIMOUS]

MOVER: James Rogowski, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2012-163

Youth & Recreation Termination

Sponsored By: Councilmember Wozniak, 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:

Mary Beth Lunghino

12/19/11

14206

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2012-164

Transfer of Two (2) Motor Equipment Operator-B's to Motor Equipment Operator-A's (Non-Competitive/Permanent) Sanitation Department/Jeffrey L. Bolis and Robert Malicki

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town Board wishes to transfer two (2) Motor Equipment Operator - B's to the title of Motor Equipment Operator - A's in the Sanitation Department; AND

WHEREAS, Jeffrey L. Bolis and Robert Malicki, both currently employed as Motor Equipment Operator - B's in the Sanitation Department, meet the qualification for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey L. Bolis of Cheektowaga, New York, and Robert Malicki of Cheektowaga, New York, be and hereby are appointed to the position of Motor Equipment Operator - A 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 1, 2011.

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



20. RESOLUTION 2012-165

Hiring of Part-Time Employee

Sponsored By: Councilmember Kaznowski, 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 \$8/hour effective 3/20/12
Alex W. Kluck, Cheektowaga, New York

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



21. RESOLUTION 2012-166

Appointment of Police Captain (Competitive/Permanent)/Scott E. Pilat

Sponsored By: Kaznowski, Jaworowicz, Holtz, Rogowski, Kaminski, Markel, Wozniak

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

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

WHEREAS, a civil service list exists for said title; AND

WHEREAS, interviews were conducted and work performance reviews studied; AND

WHEREAS, Scott E. Pilat, currently employed as a Police Lieutenant in the Police Department, appears on the existing civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Police Lieutenant Scott E. Pilat of Cheektowaga, New York, be and hereby is appointed to the position of Police Captain in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Captains and Lieutenants Association effective March 20, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



22. RESOLUTION 2012-167

Appointment of Fire Inspector (Competitive/Permanent) Neighborhood Preservation/Gerald E. Sprada

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town Board appointed Gerald E. Sprada to the provisional title of Fire Inspector in the Building and Plumbing Department (Neighborhood Preservation) on April 6, 2010; AND

WHEREAS, the Town has been notified that Erie County Civil Service has established a competitive list for said title; AND

WHEREAS, Mr. Sprada is reachable on said list and eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gerald E. Sprada of Cheektowaga, New York, be and hereby is appointed to the title of Fire Inspector in the Building and Plumbing Department (Neighborhood Preservation) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 20, 2012.

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

**23. RESOLUTION 2012-168****Appointment of Assistant Code Enforcement Officer
(Competitive/Permanent) Building and Plumbing Department
(Neighborhood Preservation)/Peter F. Maurer**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town Board appointed Peter F. Maurer to the temporary title of Assistant Code Enforcement Officer effective May 18, 2010; AND

WHEREAS, this title is now available for permanent appointment; AND

WHEREAS, the Town of Cheektowaga Employees Association agreed to waive the posting for said title; AND

WHEREAS, said title falls under the competitive class of civil service and a list is in existence; AND

WHEREAS, Mr. Maurer is reachable on said list and eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Peter F. Maurer be and hereby is appointed to the title of Assistant Code Enforcement Officer in the Building and Plumbing Department (Neighborhood Preservation) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 20, 2012.

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



24. RESOLUTION 2012-169

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Recreation Attendant - 7310.1814 - \$7.90 - Regular Part-time

Eric Monte 14225

Recreation Aide - 7310.1814 - \$7.25 - Part-time

Slade Miller 14225

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



25. RESOLUTION 2012-170

Travel Authorization Police Department/International Association of Auto Theft Investigators Fortieth Annual Training Seminar

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the International Association of Auto Theft Investigators 40th Annual Training Seminar is being held May 15 thorough May 17, 2012 in Lancaster, Pennsylvania; AND

WHEREAS, Detective Mark Jedd has requested authorization to attend said training seminar; AND

WHEREAS, Police Chief David Zack 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 \$984.48, all of which shall be reimbursed to the Town by the Motor Vehicle Theft and Insurance Fraud Prevention Grant; NOW, THEREFORE, BE IT

RESOLVED, that Detective Mark Jedd be and hereby is authorized to attend the International Association of Auto Theft Investigators 40th Annual Training Seminar being held May 15 through May 17, 2012 in Lancaster, Pennsylvania.

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



26. RESOLUTION 2012-171

Travel Authorization Police Department/Police Officers John Duskocz and John Jones

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 2012 Annual K-9 Seminar is being held April 29 through May 3, 2012 in Penn Yan, New York; AND

WHEREAS, Police Officers John Duskocz and John Jones have requested authorization to attend said seminar; AND

WHEREAS, Police Chief David Zack 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 \$1,225; AND

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

RESOLVED, that Police Officers John Duskocz and John Jones be and hereby are authorized to attend the 2012 Annual K-9 Seminar being held April 29 through May 3, 2012 in Penn Yan, New York.

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

IV. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Traffic Safety Commission - February 21, 2012
2. Minutes: Town Environmental Advisory Committee - March 7, 2012
3. Minutes: Cheektowaga Planning Board - February 9, 2012

B. General Communications

1. Summons & Complaint: Justin Barends Vs. Town of Cheektowaga
2. Notice of Claim: Francis Sinicki Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:25 PM.

Alice Magierski, Town Clerk

AMENDMENT DATED AS OF MARCH 19, 2012 TO THE COOPERATIVE LIQUID ASSET SECURITIES SYSTEM MUNICIPAL COOPERATION AGREEMENT AS AMENDED AND RESTATED AS OF OCTOBER 20, 1999.

The Municipal Cooperation Agreement referenced above is hereby amended so that it shall now be by and between the Village of Potsdam and the Participants thereto. In addition, the following definitional changes are made:

Section 1. The definition of "Investment Advisor" means the investment advisor with which the Governing Board has contracted to serve in such capacity under the Agreement.

The definition of "Lead Participant" means the Village of Potsdam, but solely in its capacity as Lead Participant hereunder and not individually.

The definition of "Services Agreement" means the agreement between the Governing Board and the Investment Advisor, as the same may be amended from time to time, providing for administrative and investment advisory services to the Governing Board.

March 19, 2012

Agreed to and accepted by Town of Cheektowaga

By _____

Name: Mary F. Holtz
Title: Supervisor

I hereby certify that the necessary actions required in order to approve this amendment have been taken by the Town of Cheektowaga and attached hereto is a copy of the resolution and/or minutes of the meeting at which such action was taken.

Name: Alice Magierski
Title: Town Clerk

Attachment: NY CLASS AMENDMENT DATED AS OF MARCH 19 (RES-2012-155 : Amendment to Investment Agreement)



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, April, 2, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 2, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
 Kerry Switalski, Senior Services Director
 David Zack, Chief of Police

II. Public Comment Period

Prior to the Public Comment - Youth and Recreation Department presented Awards.

III. Public Hearings

1. Install Curbing Along North Willowlawn Parkway

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

2. Install Curbing Along Claude Drive

RESULT: CLOSED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

3. Demolition of 1122 Walden Avenue

RESULT: **CLOSED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

4. Special Use Permit - 440 Pine Ridge Heritage Boulevard

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

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

RESULT: **CLOSED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2012-173

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

Part Town Fund

From:	800.3620.1971	PT Regular	\$ 4,750.00
	800.9010.8975	Retirement Buyouts	14,161.00
To:	800.3620.1901	Regular Payroll	\$15,856.00
	800.3620.1911	Longevity	2,800.00
	800.3620.1932	Sick Sellback	255.00

Special Districts Fund

From:	150.8173.4444	Recycling Contractor	\$ 6,603.00
	150.8160.4221	Gas	17,001.00
	150.8160.4469	Landfill Costs	19,894.00
	150.8160.1902	Overtime	10,608.00
	150.8160.1951	Seasonal regular	38,241.00
	255.8125.1951	Seasonal regular	14,598.00
	255.8125.1902	Overtime	448.00
	255.8125.4543	Contr. sewer repairs	9,113.00
	255.8135.1902	Overtime	11,464.00
	255.8135.8141	Medical benefits	16,512.00
To:	150.8173.4194	Recycling advertising	\$ 6,603.00
	150.8160.4207	GPS services	3,874.00
	150.8160.4160	Diesel fuel	13,127.00
	150.8160.2306	Garbage packers	19,894.00
	150.8160.1901	Regular payroll	28,758.00
	150.8160.1911	Longevity	4,420.00
	150.8160.1932	Sick sellback	1,389.00
	150.8160.1971	Part-time regular	14,282.00
	255.8125.1901	Regular payroll	11,428.00
	255.8125.1911	Longevity	3,260.00
	255.8125.1931	Vacation sellback	26.00
	255.8125.1932	Sick sellback	332.00
	255.8125.4001	Office supplies	79.00
	255.8125.4163	Gas, Oil & Grease	51.00
	255.8125.4207	GPS services	2,712.00
	255.8125.4353	Erie Co.Sewer charges	5,913.00
	255.8125.4506	Audit & Accounting fees	300.00
	255.8125.4702	Buffalo Sewer Charges	58.00
	255.8135.1901	Regular payroll	26,367.00
	255.8135.1911	Longevity	1,500.00
	255.8135.1932	Sick Sellback	109.00

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-174

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

General Fund

From:	100.3120.1520	Police Misc. Revenue	\$27,000.00
To:	100.3120.2205	Grant Expenditures	\$27,000.00

Highway Fund

From:	300.1910.2665	Sale of Equipment	\$ 4,136.00
To:	300.5130.2407	Misc. Highway Equipment	\$ 4,136.00

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



3. RESOLUTION 2012-175

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 30, 2012 are hereby approved and made a part hereof;

General Fund	\$ 185,199.08
Risk Retention Fund	47,242.90
Debt Service Fund	1,387.00
HUD Housing Rehabilitation Fund	23,115.00
Special Districts Fund	86,495.74
Highway Fund	34,048.11
Capital Fund	683,088.52
Trust & Agency	10.00
HUD CDBG Fund	16,630.20
Part Town Fund	1,848.38
NYS Affordable Housing	<u>33,843.00</u>
	\$1,112,907.93

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



4. RESOLUTION 2012-176

Amend Award of Bid Resolution for Topsoil

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by Resolution adopted March 19, 2012 (2012-152), this Town Board awarded a contract for furnishing of topsoil for the Town of Cheektowaga; and

WHEREAS, the name of the entity to whom the contract was awarded was inadvertently stated as "Custom Topsoil, Inc."; and

WHEREAS, the correct corporate name of the entity to whom the contract was awarded is "CTS Contracting, Inc." as shown on the bid form submitted by it; NOW THEREFORE, BE IT

RESOLVED, that the first "RESOLVED" paragraph of Resolution 2012-152 shall be amended to read as follows:

"RESOLVED, that the bid for TOPSOIL be awarded to CTS CONTRACTING, INC., 320 Crabapple Lane, Cheektowaga, New York, 14227, for regular, screened, or shredded as per bid specifications and to be delivered to the Town of Cheektowaga."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-177

Change Order 2 - O'Connell Electric Company

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by Town Board Resolution dated May 2, 2011 this Town Board awarded the contract for the Installation of Solar Power Systems on the Roofs of Various Town Buildings to O'Connell Electric Company, Inc., 830 Phillips Road, Victor, New York 14564 in the amount of \$937,496.00, AND

WHEREAS, the Town Engineer and Nussbaumer & Clarke, Inc., the Town's Project Engineering Consultant, have recommended approval of Change Order No. 2 for the installation of Solar Power Systems on Various Town Buildings Project, which provides for the furnishing and installation of a web based monitoring system including communication components, conduit and network cabling and environmental sensors for the Photovoltaic (PV) Systems currently operating at the Town Hall, Highway Garage, Losson Road Parks Maintenance Facility and the Main Pump Station as detailed in the Change Order Document dated March 26, 2012, AND

WHEREAS, the PV monitoring system will enable remote systems monitoring, remote system diagnosis, data storage and graphical presentation of systems data greatly enhancing the Town's ability to maximize system efficiency and performance, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 for the aforementioned project in the amount of \$25,420.00 as an addition to the contract of O'Connell Electric be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute Change Order No. 2 on behalf of this Town Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-178

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

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, as a result of advertisement, bids were received and publicly opened on March 21, 2012 for the furnishing of equipment and operators for mowing the three (3) Galleria Detention Basins and the Pfohl Brothers Landfill Site in the Town of Cheektowaga for calendar years 2012, 2013 and 2014, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis tabulation and report are contained in a letter to the Town Board dated March 26, 2012, NOW, THEREFORE, BE IT

RESOLVED, that Contract "A" for the furnishing of equipment and operators for mowing three (3) Galleria Detention Basins be awarded to: Niagara Grass, 2637 Niagara Falls Blvd, Niagara Falls, New York 14304 for submission of the lowest bid meeting the requirements of the specifications in the amount of \$5,596.00, AND, BE IT FURTHER

RESOLVED, that Contract "B" for the furnishing of equipment and operators for mowing the Pfohl Brothers Landfill Site be awarded to: Mowcon Enterprises LLC, 1650 Union Road, West Seneca, New York 14224 for submission of the lowest bid meeting the requirements of the specifications in the amount of \$2,848.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for maintenance of the Galleria Detention Basins in Account No. 600-0600-0831 and 600-0600-0834 and for the Pfohl Brothers Site in Account No. 150-1910-5901.

Attachments:

Mowing (DOC)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2012-179

Call for Public Hearing to Amend Traffic Ordinance

Sponsored By: Councilmember Markel, Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 16, 2012 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, said amendments being set forth in said Notice of Hearing.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on April 16, 2012 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 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by *deleting* therefrom the following:

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

DUKE ROAD (east/west leg) - North side: from the west curblineline of Union Road to the terminus of Duke Road. **[10-15-1979]**

ARTICLE V. Schedules, Section 235-51, Schedule XII: Stopping Prohibited in Designated Locations, shall be amended by *deleting* therefrom 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:

DUKE ROAD - East and west sides (north, south leg): from the south curblineline of Walden Avenue to the north curblineline of Duke Road (east, west leg). **[6-17-1991]**

ARTICLE V. Schedules, Section 235-51, Schedule XII: Stopping Prohibited in Designated Locations, shall be amended by *adding* thereto the following:

DUKE ROAD - North and east sides, from the west curblineline of Union Road to the south curblineline of Walden Avenue.

DUKE ROAD - West side (north, south leg): from the south curblineline of Walden Avenue to the north curblineline of Duke Road (east, west leg).

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

TOLSMA PLACE - All sides of entire length including the cul de sac.

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

Dated: April 2, 2012

ALICE MAGIERSKI
Town Clerk

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



8. RESOLUTION 2012-180

Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants Licenses

Sponsored By: Councilmember Rogowski, 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>
Austin, Katie B , ,	2/28/2014
Bertino II, Thomas M , ,	9/30/2013
Blake, Scott G , ,	11/30/2014
Chowaniec, Matthew T , ,	9/30/2013
Cleveland, Robert E , ,	12/31/2014
Cruce, Elise R , ,	2/28/2015
DePeters, Jacob A , ,	9/30/2014
DeVinney, Jessica L , ,	7/31/2013
Dudek, Josh S , ,	9/30/2013
Edwards, Brian D , ,	2/28/2014
Gambino, Ashley L , ,	7/31/2014
Greenwell, David A , ,	1/31/2015
Grisanti, Michael J , ,	9/30/2014
Gustafson-Bartel, Debbie , ,	10/31/2014
Hamilton, Aaron S , ,	7/31/2014
Hankey, Daniel J. , ,	9/30/2014
Hickey, Carolton C. , ,	7/31/2012

Hodges, Debra L	, ,	9/30/2014
Hollenbeck, Wendy R.	, ,	2/28/2013
Hughes, Joseph D	, ,	7/31/2014
Kapulka, Jacob P.	, ,	1/31/2015
Keefe, Rebecca A.	, ,	9/30/2012
Korniczky, Jr, Joseph Z	, ,	9/30/2014
Krieger, Chelsea R	, ,	9/30/2014
Kroe, Scott A	, ,	7/31/2014
Kromphardt, CindyAnn	, ,	6/30/2014
Lengen, Joshua K	, ,	9/30/2012
Lewis, Joseph R	, ,	1/31/2015
Lindquist, Allen L	, ,	12/31/2014
Martin, Adam J.	, ,	9/30/2014
Masullo, Laura A	, ,	11/30/2014
Matheis, Scott C	, ,	6/30/2014
McKernan, Cortland J	, ,	6/30/2014
Melski, Julia R	, ,	10/31/2014
Miller, Justin P	, ,	4/30/2013
Rhodes, Rachel M	, ,	7/31/2014
Rowles, Emily A	, ,	11/30/2014
Schieber, Lawrence S	, ,	11/30/2014
Schrimmel, John R	, ,	9/30/2014
Skinner, Jr., Kenneth C.	, ,	1/31/2013
Steinbach, Joseph J	, ,	7/31/2012
Tone, Ian C	, ,	9/30/2014
Waggoner, Candace B	, ,	9/30/2014
Weishaupt, Lucas W	, ,	6/30/2014
Werner, Harry E	, ,	9/30/2014
Williams, Alicia M	, ,	9/30/2014
Zimmerman, Sarah E	, ,	8/31/2014

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



9. RESOLUTION 2012-181

Approve Purchase of Rotary Mower for the Facilities Department

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Director of the Facilities Department is in need of a rotary mower for use in maintaining Town Parks, and

WHEREAS, the purchase of such equipment is available through S.V. Moffett Turf Equipment as per New York State Contract #PC64364, and

WHEREAS, moneys have been appropriated in the Facilities Department budget for the purchase said line 100-7110-2304, and

WHEREAS, Section 103-b of the General Municipal Law authorizes the Town to enter into a purchase agreement for machinery, equipment or apparatus, and

WHEREAS, the proposed Purchase Agreement with S.V. Moffett Turf Equipment contains the language required by Section 103-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the purchase of one (1) Jacobsen Mower HR-9016 Turbo Wide-Area Rotary Mower for use by the Facilities Department as per the terms of it Municipal Agreement at the cost of \$74,945.09, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the purchase agreement and all other documents necessary for the purchase of the above referenced equipment, subject, however, to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that funds for payments shall be appropriated from the Facilities Department budget line 100-7110-2304. Reference Purchase Order 13511.

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



10. RESOLUTION 2012-182

Aurora North Pump Station Elimination Project - SEQR Lead Agency Request

Sponsored By: Supervisor Holtz, 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, The Erie County Division of Sewerage Management has solicited the Town of Cheektowaga pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) , and requested that Erie County act as lead agency to conduct the SEQR review for it's Sewer District No. 4 Aurora Pump Station Elimination Project, AND

WHEREAS, the subject project was previously proposed in 2009 by Erie County along a different route which would have required the taking of easements and the use residential rear yards of private properties along Strasmer Road, AND

WHEREAS, the current sewer extension project will now avoid such previous route and utilize the existing road right of way of Losson Road, a highway owned and controlled by the County of Erie, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 28, 2012 is recommending that the Town of Cheektowaga concur with the County's request to be SEQR Lead Agency, AND

WHEREAS, this Town Board has reviewed the County's SEQR Lead Agency Solicitation request dated March 1, 2012 NOW, THEREFORE, BE IT

RESOLVED, that this Town Board concurs with the Erie County Division of Sewerage Management's request to be SEQR Lead Agency.

Attachments:

Erie County SEQR Lead Agency Solicitation (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: James Rogowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2012-183

Reassess Closing of U.S. Postal Facility - William Street

Sponsored By: Rogowski, Holtz, Jaworowicz, Kaminski, Kaznowski, Markel, Wozniak

WHEREAS, the United States Postal Service has targeted the William Street Post Office Facility, which is a regional asset with a wide ranging impact on businesses, government and families, for closure, AND

WHEREAS, the Erie County Association of Town Clerks and Tax Receivers acknowledge that closing this facility will impact their day-to-day operations and have a deleterious effect on town, county and school tax bills, AND

WHEREAS, the United States Postal Service nets profits every year, AND

WHEREAS, the financial problems it now faces is a result of a 2006 Congressional mandate which requires the United States Postal Service to pre-pay into a fund that covers health care costs for the future at a cost of \$55 billion over 10 years, through 2016; AND

WHEREAS, closing the William Street Postal Facility will layoff over 700 employees, some of whom reside within the Town of Cheektowaga, AND

WHEREAS, closing the William Street Postal Facility will have a negative impact on the economic recovery of Buffalo and Western New York, AND

WHEREAS, there are many other ways to save money in a system as large as the United States Postal Service, and that closing this facility in an already economically-challenged area, is a hardship, NOW, THEREFORE BE IT

RESOLVED, the Town Board of the Town of Cheektowaga requests that the decision to close the William Street Postal Facility be reassessed in light of the negative impact on local governments and public and private businesses, as well as the loss of jobs, and further requests that the postal facility on William Street be permanently kept open, AND, BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Cheektowaga is hereby directed to forward copies of this resolution to Postmaster General Patrick R. Donahoe, Senators Charles Schumer and Kirsten Gillibrand; Congressman Brian Higgins and Congresswoman Kathy Hochul.

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



12. RESOLUTION 2012-184

Special Event - Cleveland Hill Little League Baseball Parade

Sponsored By: Councilmember Markel, 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, Cleveland Hill Baseball, Inc. has made application to hold a parade on Saturday, May 12, 2012, beginning at 10:00 A.M. as follows:

Parade will assemble at the Cleveland Hill School parking lot, exit onto Gilmore Road to Maplevue Road; and proceed to Rost, Harlem, Huth, Woodridge, Maplevue and Commodore; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police 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: 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 Baseball, Inc. for the aforementioned parade to be held on Saturday, May 12, 2012, and BE IT FURTHER

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

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



13. RESOLUTION 2012-185

Special Event - Boy Scouts of America, Greater Niagara Frontier Council, Red Jacket District

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 Boy Scouts of America, Greater Niagara Frontier Council, Red Jacket District, has made application to hold its "Trailer Round-Up and Dutch-Oven Cook-Off" on Wednesday, May 16th, 2012 from 5:00 p.m. - 8:00 p.m at the Cheektowaga Senior Center outdoor gazebo and parking lots.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Facilities Department and Department of Senior 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;

- 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 Boy Scouts of America, Greater Niagara Frontier Council, Red Jacket District for the aforementioned "Trailer Round-Up and Dutch-Oven Cook-Off" to be held on Wednesday, May 16, 2012.

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



14. RESOLUTION 2012-186

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Robert Gaczewski	8/12/11	14225
Aria Miceli	1/20/12	14225

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following three (3) resolutions: 2012-186; 2012-187 and 2012-188. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-188

Hiring/Termination of Part Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 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:

MAIN PUMP STATION Laborer \$8.75/hour effective 4/3/12
Ronald A. Strong, Cheektowaga, New York

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed 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 Police Attendant (Temporary) \$14/hour effective 4/02/12
Judith F. Allyn, Cheektowaga, New York

POLICE DEPARTMENT Court Officer (Temporary) \$15.59/hour effective 3/19/12
Michael J. McDermott, Cheektowaga, New York

POLICE DEPARTMENT Student Assistant \$7.25/hour effective 4/03/12
Nathan A. Meyers, Cheektowaga, New York

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

POLICE DEPARTMENT
Katherine L. Edenhofer effective 2/29/12
Mary E. Hood effective 2/03/12
Alice R. Rydzynski effective 2/16/12

ASSESSOR'S OFFICE
Suzanne T. O'Neil effective 3/17/12
Beatrice Szymkowiak effective 3/23/12

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



17. RESOLUTION 2012-189

Appointment of Acting Detective (Police Department)/John M. Skonecki

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

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 John M. Skonecki 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 April 3, 2012.

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



18. RESOLUTION 2012-190

Travel Authorization Police Department/Detective Mark Jedd

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Statewide Work Group is being held April 25 through April 26, 2012 in Albany, New York; AND

WHEREAS, Detective Mark Jedd has requested authorization to attend said work group; AND

WHEREAS, Police Chief David Zack 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 \$551.81; 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 Motor Vehicle Theft and Insurance Fraud Statewide Work Group being held April 25 through April 26, 2012 in Albany, New York.

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



19. RESOLUTION 2012-191

Travel Authorization Police Department/Lieutenant Cheryl Rucinski

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Microsoft SharePoint Server 2010 Content Administrator Course is being held May 7 through May 9, 2012 in Amherst, New York; AND

WHEREAS, Lieutenant Cheryl Rucinski has requested authorization to attend said course; AND

WHEREAS, Police Chief David Zack 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 \$1,279; AND

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

RESOLVED, that Lieutenant Cheryl Rucinski be and hereby is authorized to attend the Microsoft SharePoint Server 2010 Content Administrator Course being held May 7 through May 9, 2012 in Amherst, New York.

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



20. RESOLUTION 2012-192

Travel Authorization Police Department/Lieutenants Scott Prell and Kenneth Rusin

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Procedures for Conducting and Managing Internal Affairs Investigations Seminar is being held June 11 through June 13, 2012 at Erie Community College (North Campus); AND

WHEREAS, Lieutenants Scott Prell and Kenneth Rusin have requested authorization to attend said seminar; AND

WHEREAS, Police Chief David Zack 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 Lieutenants Scott Prell and Kenneth Rusin be and hereby are authorized to attend the Procedures for Conducting and Managing Internal Affairs Investigations Seminar being held June 11 through June 13, 2012 at Erie Community College (North Campus).

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



21. RESOLUTION 2012-193

Travel Authorization Department of Senior Services/Director of Senior Services Kerry Switalski and Recreation Supervisor Dawn Bellere

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Aging Concerns Unite Us (ACUU) Conference is being held June 5 through June 6, 2012 in Albany, New York; AND

WHEREAS, Director of Senior Services Kerry Switalski and Recreation Supervisor Dawn Bellere have 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 \$733; AND

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

RESOLVED, that Director of Senior Services Kerry Switalski and Recreation Supervisor Dawn Bellere be and hereby are authorized to attend the Aging Concerns Unite Us (ACUU) Conference being held June 5 through June 6, 2012 in Albany, New York.

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



22. RESOLUTION 2012-194

Travel Authorization Justice Court/Town and Village Court Clerk Spring Training Program

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town and Village Court Clerk Spring Training Program is being held April 13, 2012 in Buffalo, New York; AND

WHEREAS, Senior Clerk Susan Allaire has requested authorization to attend said program; AND

WHEREAS, Judge Paul Piotrowski 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 \$210.16; AND

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

RESOLVED, that Senior Clerk Susan Allaire be and hereby is authorized to attend the Town and Village Court Clerk Spring Training Program being held April 13, 2012 in Buffalo, New York.

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

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Waive the Rules to Include the Following Resolution: 2012-195. Motion Carried.
--



1. RESOLUTION 2012-195

Renewal of Property Insurance

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town's Property Insurance Coverage expires on March 30, 2012, and

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited proposals for the renewal of the Town's property insurance coverage, and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from CNA Insurance Company for \$62,812 for the following listed options:

<u>Coverage</u>	<u>Limits</u>	<u>Deductible</u>
Buildings, Contents	\$63,342,626	\$25,000
Contractor's Equipment	\$3,131,517	\$2,500
EDP, Media	\$1,610,000	\$2,500
Flood (non Flood Zones)	\$5,000,000	\$25,000
Earthquake	\$1,000,000	\$25,000
Boiler and Machinery	\$63,342,626	\$25,000

, and

WHEREAS, Holfoth Risk Management has also recommended that the Town of Cheektowaga accept the proposal from Allianz for the following vehicle physical damage insurance for \$12,197 :

<u>Limits</u>	<u>Deductible</u>
\$3,000,000	\$10,000

, and

WHEREAS, this Town Board wishes to award the above referenced Town's property insurance to CNA Insurance Company and Allianz, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Town's Buildings and Contents property insurance as outlined above to CNA Insurance Company (through Lawley Service, Inc.) for the period from March 30, 2012 to March 30, 2013 for a premium of \$62,812, and BE IT FURTHER

RESOLVED, that this Town Board hereby awards the Town's Vehicle Physical Damage insurance to Allianz (through Lawley Service, Inc.) for the period from March 30, 2012 to March 30, 2013 for a premium of \$12,197, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

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

VI. Communications

A. Departmental Communications

1. Building Permits - March 2012
2. Minutes: Cheektowaga Conservation Advisory Council - March 1, 2012
3. Minutes: Cheektowaga Traffic Safety Commission - March 20, 2012

B. General Communications

1. Notice of Claim: Timothy D. Hunter 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 in Memory of Ralph Schenk, father of Kevin Schenk, Town Attorney and Blanche Adamczak, mother of Thomas Adamczak, Supervising Building and Plumbing Inspector - Time 8:08 PM

Alice Magierski, Town Clerk

March 26, 2012

TO THE SUPERVISOR AND
TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Furnishing Equipment & Operators
for Mowing Galleria Detention Basins
and Pfohl Brothers Landfill

Dear Board Members:

Bids were received and opened on March 21, 2012 for the furnishing of equipment and operators for mowing the three (3) Galleria Detention Basins and the Pfohl Brothers Landfill Site for calendar year 2012 through 2014. The two (2) bids were received as follows:

CONTRACT "A" – GALLERIA BASINS

<u>BIDDER</u>	<u>FOUR (4) MOWINGS</u>
Niagara Grass	\$5,596.00
Mowcon Enterprises LLC	\$5,850.00

CONTRACT "B" – PFOHL BROTHERS SITE

<u>BIDDER</u>	<u>ONE (1) MOWING</u>
Mowcon Enterprises LLC	\$2,848.00
Niagara Grass	\$3,198.00

It is, therefore, recommended that the bid for Contract "A" – Galleria Basins be awarded to Niagara Grass, 2637 Niagara Falls Blvd, Niagara Falls, New York 14304 for their submission of the lowest bid meeting the requirements of the specifications for Contract "A". It is further recommended that the bid for Contract "B" – Pfohl Brothers Landfill be awarded to Mowcon Enterprises LLC, 1650 Union Road, West Seneca, New York 14224 for their submission of the lowest bid meeting the requirements for the specifications for Contract "B".

Should you have any questions, please contact this office at 897-7288 at your earliest convenience.

Very truly yours,
TOWN OF CHEEKTOWAGA

William R. Pugh, P.E.
Town Engineer

Attachment: Mowing [Revision 2] (RES-2012-178 : Award of Bid - Mowing)

**STATE ENVIRONMENTAL QUALITY REVIEW
SOLICITATION FOR LEAD AGENCY STATUS**

**Type 1 Action
(Amended)**

Pursuant to Part 617 of the implementing regulations pertaining to Article 8, (State Environmental Quality Review Act) of the Environmental Conservation Law.

Date: March 1, 2012

TO: NYS Department of Environmental Conservation, Region 9
NYS Environmental Facilities Corporation
NYS Office of Parks, Recreation & Historic Preservation (09PR01588)
NYS Department of Transportation, Region 5
Erie County DEP – Sewerage Management
Erie County Executive
Erie County Legislature
Erie County DEP - Planning
Erie County Sewer District No. 1 Board of Managers
Erie County Sewer District No. 4 Board of Managers
Erie County Public Works
Town of Cheektowaga – Engineering and Supervisor
Town of Lancaster – Supervisor
Village of Lancaster - Mayor

NAME OF ACTION: Aurora North Pump Station Elimination Project

Note: This SEQR Coordinated Review is being amended to reflect a modification in the alignment of the proposed 12,534 foot sanitary sewer. The new alignment will be constructed in the right-of-way of Losson Road in Cheektowaga. In the Town of Lancaster the new alignment has been shifted south into an open field to accommodate anticipated residential development.

LOCATIONS: Towns of Cheektowaga and Lancaster, Erie County (Exhibit A)

PROJECT NO.: C617-09-295

SRF PROJECT NO.: 6699-09

Erie County has identified this project as a Type 1 Action for the purpose of SEQR. Erie County requests lead agency status for this project, pursuant to Part 617.6 (b).

The reasons for this request are as follows:

The anticipated impact of the action being proposed is primarily of regional significance.

This agency has the broadest governmental powers for investigation into the impacts of the proposed action.

This agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

Any involved or interested agency may submit objections in writing, within thirty (30) days of the date of this notification. If no objections are expressed, Erie County will assume lead agency status for this action and will make a determination of its significance. A preliminary finding that the project will not have a significant effect on the environment has been made by Erie County. The County anticipates issuing a negative declaration.

The revised Environmental Assessment Form Part 1 is attached for your review.

Written comments may be submitted to:

John Mallory, Assistant Sanitary Engineer
Erie County Department of Environment and Planning
Division of Sewerage Management, Room 1034
Rath Building, 95 Franklin Street
Buffalo, New York 14202

Before: **March 30 , 2012**

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Aurora North Pump Station Elimination Project

Location of Action (include Street Address, Municipality and County)

Aurora Street, William Street (CR338), Transit Road (SR78) and Borden Road
in the Towns of Lancaster and Cheektowaga, Erie County

Name of Applicant/Sponsor Erie County Sewer District No. 4 - Erie County Department of Environment and Planning

Address 95 Franklin Street

City / PO Buffalo State NY Zip Code 14202

Business Telephone (716) 858-6153

Name of Owner (if different) same as above

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The Erie County Department of Environment and Planning proposes to decommission the Aurora North Pump Station and construct approximately 12,543 feet (2.38 miles) of new gravity sanitary sewer. The new sanitary sewer will be located between the existing Aurora North Pump Station on Aurora Street in Lancaster and Borden Road Road in Cheektowaga. The lower reaches of the proposed sewer between Transit Road and Borden Road will consist of 24" PVC pipe while the upper reaches between Aurora Road and Transit Road will consist of 21" PVC pipe. No significant above ground structures will be constructed as part of the project.

The 30-year old Aurora North Pump Station is nearing the end of its design life and the current rate of residential growth may soon require a capacity upgrade. Under existing conditions, the occurrence of wet-well alarms at the pumping station indicate an exceedance of in-flow capacity or pumping inefficiency. The proposed project will provide capacity for the existing population and the anticipated residential growth in the service area. The project will mitigate surcharging that currently exists in the Village of Lancaster during wet weather events.

This update to the 2009 SEQR is undertaken because certain alignment changes been proposed. Based on requests from the municipalities, the alignment of the new sanitary sewer has been modified. The new alignment will be constructed in the right-of-way of Losson Road in Cheektowaga. In the Town of Lancaster, at the request of the landowner, the alignment was shifted south in an open field to accommodate anticipated residential development.

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Successional shrubland and old field
See Section D.

2. Total acreage of project area: 3.46 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.30</u> acres	<u>0.30</u> acres
Forested	<u>0.38</u> acres	<u>0.38</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.97</u> acres	<u>0.97</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>0.90</u> acres	<u>0.90</u> acres
Other (Indicate type) <u>lawns, landscaped and other developed areas</u>	<u>0.91</u> acres	<u>0.91</u> acres

3. What is predominant soil type(s) on project site? Ca,Cc,Db,Nh,Rg,Wd -See Exhibit B

- a. Soil drainage: Well drained _____% of site Moderately well drained _____% of site.
 Poorly drained 100 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock: >5 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100% 10- 15% _____% 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 0-2 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

According to USFWS and NYSDEC consultations, database research and filed survey (01-09-2012).

Identify each species:

[Empty box for identifying species]

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

[Empty box for describing land forms]

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

See Section D.

14. Does the present site include scenic views known to be important to the community? Yes No

[Empty box for scenic views]

15. Streams within or contiguous to project area:

North Branch of Slate Bottom Creek and tributary (See Section D - Exhibit E)

a. Name of Stream and name of River to which it is tributary

Cayuga Creek to Buffalo River to Lake Erie.

16. Lakes, ponds, wetland areas within or contiguous to project area:

See Section D and Exhibits F and G.

b. Size (in acres):

See Section D.

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

- 17. Is the site served by existing public utilities? Yes No
 - a. If YES, does sufficient capacity exist to allow connection? Yes No
 - b. If YES, will improvements be necessary to allow connection? Yes No
- 18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
- 19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
- 20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

- 1. Physical dimensions and scale of project (fill in dimensions as appropriate).
 - a. Total contiguous acreage owned or controlled by project sponsor: 8.64 acres.
 - b. Project acreage to be developed: 3.46 acres initially; 3.46 acres ultimately.
 - c. Project acreage to remain undeveloped: 5.18 acres.
 - d. Length of project, in miles: 2.38 (if appropriate)
 - e. If the project is an expansion, indicate percent of expansion proposed. n/a %
 - f. Number of off-street parking spaces existing n/a; proposed n/a
 - g. Maximum vehicular trips generated per hour: n/a (upon completion of project)?
 - h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>n/a</u>	<u> </u>	<u> </u>	<u> </u>
Ultimately	<u> </u>	<u> </u>	<u> </u>	<u> </u>

- i. Dimensions (in feet) of largest proposed structure: n/a height; width; length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? ~2,900 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 9400 cy tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

Sewer work areas, will be reclaimed to the use/contour/condition prior to construction (road shoulder, open land).

b. Will topsoil be stockpiled for reclamation? Yes No

c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 2.56 acres.

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No

6. If single phase project: Anticipated period of construction: 18 months, (including demolition)

7. If multi-phased:

- a. Total number of phases anticipated 1 (number)
- b. Anticipated date of commencement phase 1: 5 month 2012 year, (including demolition)
- c. Approximate completion date of final phase: 11 month 2013 year.
- d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 10; after project is complete 0

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

- a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____
- b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

- a. If yes, what is the amount per month? _____ tons
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name _____; location _____
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

e. If yes, explain:

[Empty box for explanation]

- 17. Will the project involve the disposal of solid waste? Yes No
 - a. If yes, what is the anticipated rate of disposal? _____ tons/month.
 - b. If yes, what is the anticipated site life? _____ years.
- 18. Will project use herbicides or pesticides? Yes No
- 19. Will project routinely produce odors (more than one hour per day)? Yes No
- 20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
- 21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Temporary increase in energy use by heavy equipment during construction of Project.

There will be a long term decrease in energy use. The proposed sewer will eliminate one connection to the Depew Pumping Station which will save in pumping costs. The elimination of the Aurora Pumping Station will eliminate energy costs that currently exist at that station.

- 22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.
- 23. Total anticipated water usage per day n/a gallons/day.
- 24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

New York State Environmental Facilities Corporation - State Revolving Loan Fund.
 Erie County Department of Environment and Planning, Division of Sewerage Management.

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Erie County Dept. of Health</u>	_____
			<u>Erie County Highway</u>	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDOT - Work Permits</u>	_____
			<u>NYSDEC - Sewer Approval</u>	_____
			<u>NYSEFC - funding</u>	_____
			_____	_____
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>USACE - wetlands</u>	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

2. What is the zoning classification(s) of the site?

not applicable to the nature of Project

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

not applicable to the nature of Project

4. What is the proposed zoning of the site?

No change in zoning or land use is proposed.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

not applicable to the nature of Project

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Residential and commercial

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? not applicable

a. What is the minimum lot size proposed? _____

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

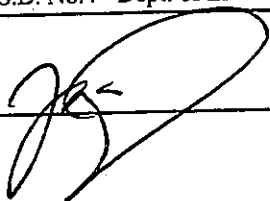
D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name E.C.S.D. No.4 - Dept. of Environment & Planning Date 3/1/12

Signature  JOSEPH L. FIEGL, P.E.

Title Deputy Commissioner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Attachment: Erie County SEQOR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

AURORA NORTH PUMP STATION ELIMINATION PROJECT EAF PART 1 - D. INFORMATIONAL DETAILS

GENERAL (Project Description)

This update to the 2009 SEQR Coordinated Review is undertaken because certain alignment changes have been proposed. Based on requests from the municipalities and landowners, the alignment of the new sanitary sewer has been modified. The new alignment now follows the right-of-way along Losson Road in Cheektowaga. In the Town of Lancaster, at the request of the landowner, the new alignment was shifted south in an open field to accommodate anticipated residential development. The new alignment is depicted on the Project Location map (Exhibit A).

The Erie County Department of Environment and Planning's Division of Sewerage Management proposes to decommission the Aurora North Pump Station and construct approximately 12,543 feet (2.38 miles) of new gravity sanitary sewer. The new sanitary sewer will be located between the existing Aurora North Pump Station located on Aurora Street at Americo Court in Lancaster, NY and Borden Road (at Losson Road) in Cheektowaga, NY. The lower reaches of the proposed sewer between Transit Road and Borden Road will consist of 24" PVC pipe while the upper reaches between Aurora Road and Transit Road will consist of 21" PVC pipe. The existing forcemain would be capped and left in place to provide potential sewer capacity for future sewer projects. No significant aboveground structures will be constructed as part of the Project.

The 30-year old Aurora North Pumping Station is nearing the end of its design life and the current rate of residential growth may soon require a capacity upgrade. Under existing conditions, the occurrences of wet-well alarms at the pumping station indicate an exceedance of in-flow capacity or pumping inefficiency. The Project will provide capacity for the existing population and anticipated residential growth in the service area. The proposed sewer will also eliminate one connection to the Depew Pumping Station which will save in pumping costs and efficiency. The Project will also mitigate surcharging that currently exists in the Village of Lancaster during wet weather events.

A. SITE DESCRIPTION

1. **Present Land Use:** Land uses in the project area include commercial, residential, agricultural and undeveloped land including, shrublands and open fields.
2. **Total Acreage of Project Area:** The total 8.64 acre project area was calculated by multiplying the length of the Project (12,543 ft.) times an average width for the easement (30 ft.). The 3.46 acre area of disturbance was calculated by multiplying the length of the Project (12,543 ft) times the anticipated width of the disturbed area (12').
3. **Soil Types:** The predominant soil types (Exhibit B) in the Project's area of disturbance are as follows:

Name	Symbol	Acreage	Percent of Site	Drainage
Canadice silt loam	Ca	0.14	4.1%	Poorly drained
Canandaigua silt loam	Cc	0.39	11.2%	Poorly drained
Darien silt loam, 0-3% slopes	DbA	0.47	13.6%	Somewhat poorly drained
Niagara silt loam, till substratum	Nh	0.56	16.2%	Somewhat poorly drained
Rhinebeck silt loam, 0-3% slopes	RgA	1.76	51.2%	Somewhat poorly drained

Rhinebeck silt loam, 3-8% slopes	RgB	0.10	2.9%	Somewhat poorly drained
Wayland silt loam	Wd	0.03	.08%	Very poorly drained
TOTAL		3.46	100	

- 4a. **Bedrock:** According to the Soil Survey of Erie County, depth to bedrock over the project area is greater than five feet.
5. **Topography:** Slopes were based on soil classifications. No slopes over 8% are found in the project area. The Project Location map (Exhibit A) shows relatively flat topography in the project area.
6. **Cultural Resources:** The project alignment does not cross any areas of high archeological sensitivity or contain any structures listed or eligible for listing on the National Register of Historic Places (Exhibit C). On January 24, 2012 the New York State Historic Preservation Office (SHPO) was sent a request to affirm their previous determination (April 2009) that the Project would have "no effect" upon cultural resources in or eligible for inclusion in the National Register of Historic Places. On February 15, 2012 the SHPO provided a response confirming "the project will continue to have No Effect upon cultural resources" (09PR01588). See attached.
8. **Water Table:** According to the Soil Survey of Erie County, the seasonal high water table ranges from 0 to 6 inches for the soil types found along the Project alignment, except for the Rhinebeck soils where the seasonal high water table ranges from 6 to 18 inches. The majority of the Project is mapped with Rhinebeck soils.
9. **Primary, Principal or Sole Source Aquifer:** There are no primary, principal or sole source aquifers in the project area as shown on Exhibit D.
10. **Hunting, Fishing, and Shell Fishing:** No fishing opportunities are present in the project area. Because of proximity to residential and commercial population centers, hunting is prohibited in the project area.
11. **Rare, Threatened, and Endangered Species:** The U.S. Fish and Wildlife Service website indicates that no listed or proposed for listing endangered or threatened species are known to exist in the project area. In addition, on January 25, 2012 consultation letters were sent to the USFWS and NYSDEC – Natural Heritage Program requesting further information regarding known occurrences of any state-listed or federally-listed endangered or threatened species of critical habitats within the Project area.
13. **Open Space or Recreation Area:** The alignment has been revised and no longer passes through the open space area at the northwestern terminus of the Project near Borden Road. The new alignment follows the right of way along William Road and Losson Road in the westerly and northerly area of the Project. In the southeastern portion of the Project, areas of meadow, woodlot and shrub land (on private properties) are traversed by ATVs and walkers.
15. **Project Area Streams:** As indicated in Exhibit E, the North Branch of Slate Bottom Creek passes near a section of the proposed sewer line near Aurora Street in the southeastern portion of the project area. In the project area, the stream is a State

designated Class C, Standards C stream, and is therefore not a State-protected stream. Project activities will not cross or otherwise disturb any portion of the stream.

In order to protect water quality, appropriate soil and erosion control measures will be utilized during Project construction to prevent excessive amounts of silt from entering Slate Bottom Creek.

Since Project activities will involve greater than 1 acre of land disturbance (3.46 acres) it is anticipated that Erie County will obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activities and a Notice of Intent will be filed.

16. **Lakes, Ponds and Wetland Areas:** As indicated in Exhibits F and G respectively, USFWS National Wetland Inventory wetlands and NYSDEC Freshwater wetlands are mapped in areas north of the project area. Commercial and residential development in the project area has occurred in some of these wetland areas. No New York State freshwater wetlands are mapped within 100 feet of the project area. A walkover of the original alignment was conducted on March 24, 2009 by a professional wetland scientist. That walkover indicated that small areas of forested wetland are located proximate to the proposed alignment in the northern and southern portions of the project area.

A URS professional wetland scientist conducted a preliminary wetlands investigation along the revised sewer alignment on January 9, 2012. Weather conditions were clear and dry with no snow cover. The new sewer alignment avoids wetlands originally delineated in the southern portion of the project area. Based on wet ground surface conditions and/or the presence of wetland vegetation, the new alignment would cross approximately 1,675 linear feet of potential wetland areas. The project would be authorized under U.S. Army Corps of Engineers Nationwide Permit No. 12 (utility line crossings) because no permanent fill would be placed in a wetland and the original topographic contours and topsoil position in the soil profile would be restored. If the project were to cross more than 500 linear feet of a single wetland, a Pre-Construction Notification (PCN) would need to be filed with the Corps. The PCN general conditions require that a federal jurisdictional wetland delineation be part of the PCN.

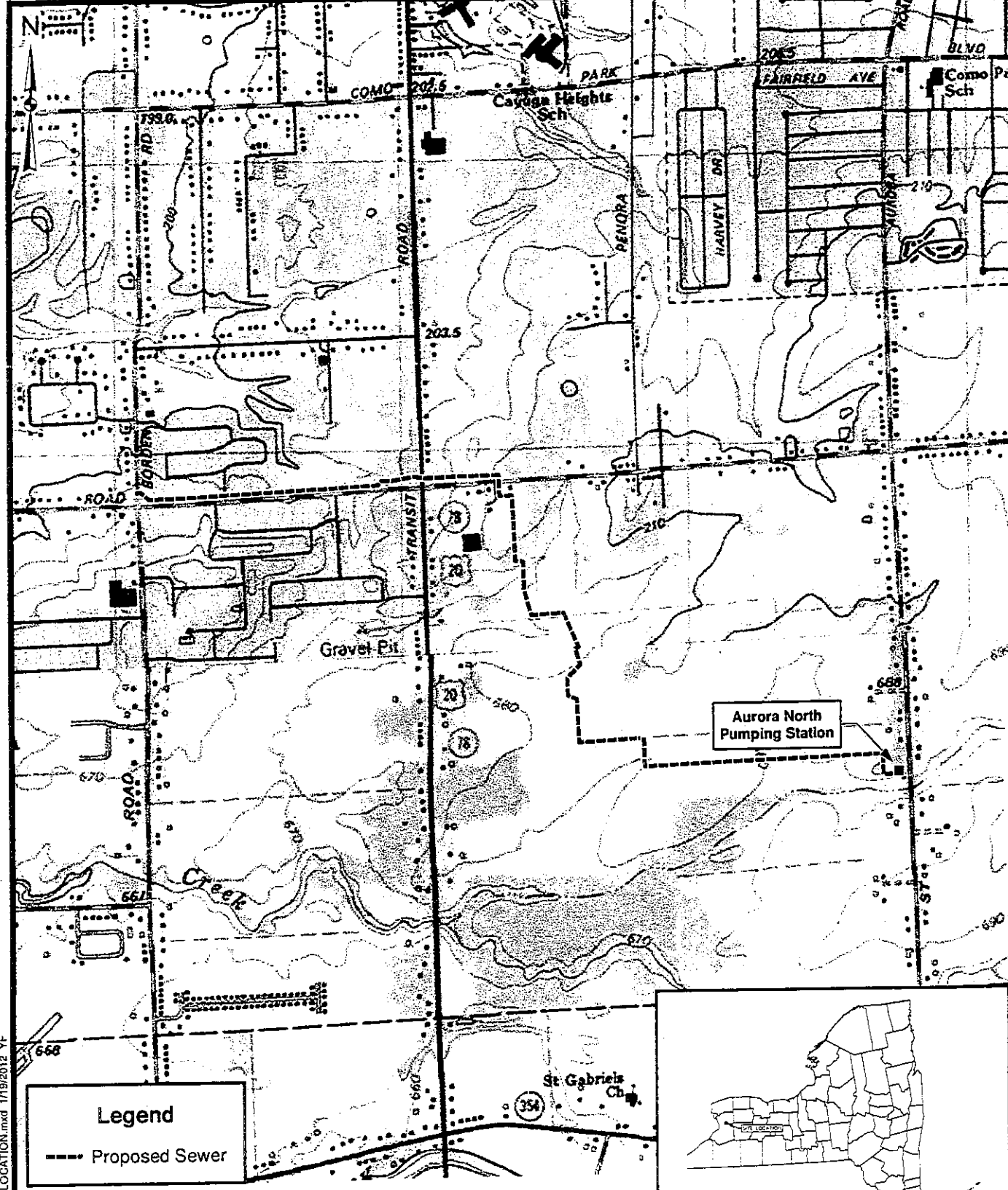
19. **Critical Environmental Areas:** According to the New York State Department of Environmental Conservation website, there are no Critical Environmental Areas in the project area. Three CEAs are located in the Town of Cheektowaga; however none are along the project area.
20. **Solid and Hazardous Waste Disposal:** The New York State Department of Environmental Conservation Inactive Hazardous Waste Site registry indicates that there are no listed sites in the project area (Exhibit H).

B. PROJECT DESCRIPTION

- 1a. **Acres Controlled by Project Sponsor:** As discussed above in number A-2, approximately 8.46 acres will be within easement.
- 1b. **Project Development:** Within the easement areas, approximately 3.46 acres will be disturbed. The area of disturbance was calculated by multiplying the approximate length of the Project (12,543± ft.) times the anticipated width of the disturbed area (12 ft.). A major part of the Project is the installation of 12,543 ± ft. of gravity sewer and the decommissioning of Aurora North Pumping Station. The possibility exists for two

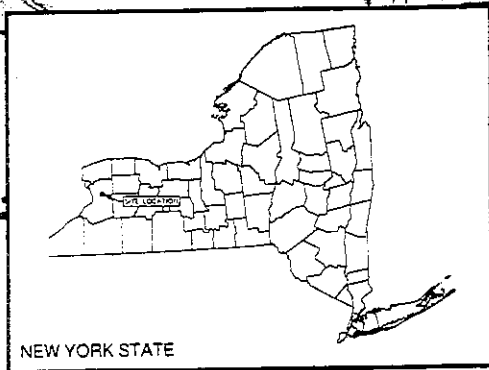
private pumping stations to be abandoned and having their service areas tied in with the proposed gravity sewer. Once installed, the disturbed area will be restored to preconstruction contours and re-vegetated as appropriate.

- 1c. **Undeveloped Land:** Development is limited to installation of the 21" and 24" sanitary sewer. No permanent significant aboveground structures will be constructed within the County's easements.
2. **Natural Material:** Excavated trench material displaced by installation of pipe and bedding material will be removed from the site. Assuming 12,543± ft of sewer lines, a trench width of 4.5 ft., and 4.5 ft. of bedding material and miscellaneous areas where soil will be removed, the net amount of material to be removed from the site would be approximately 9,400 cubic yards.
- 3a. **Reclamation:** Disturbed areas will be graded and seeded where necessary or returned to pre-construction conditions in areas not landscaped.
4. **Vegetation Removed from Site:** Clearing and grubbing along the sewer route will occur. Cleared vegetation and trees will be removed from the site and disposed of in an appropriate manner that will not allow the spread of any potential infestations.
8. **Blasting:** Some blasting may be necessary if hard bedrock is encountered along the proposed pipeline installation route. A demolitions or explosive expert licensed by the State of New York will perform any blasting necessary and will conduct the blasting in such a manner to ensure the complete safety of the public and to prevent property damage.
13. **Subsurface Liquid Waste Disposal:** The Project is limited to sanitary sewage collection and does not include treatment. No subsurface waste disposal is proposed as part of the Project.
15. **Flood Plain:** Areas along the North Branch of Slate Bottom Creek are located within a 100-year flood plain (Exhibit I). Manholes, vents, etc. will be constructed in such a way that will prevent floodwaters from gaining entrance into the sewer system such as by utilizing waterproof manhole covers. As no structures are proposed, there will be no change in the mapped flood plain.



Legend
 - - - Proposed Sewer

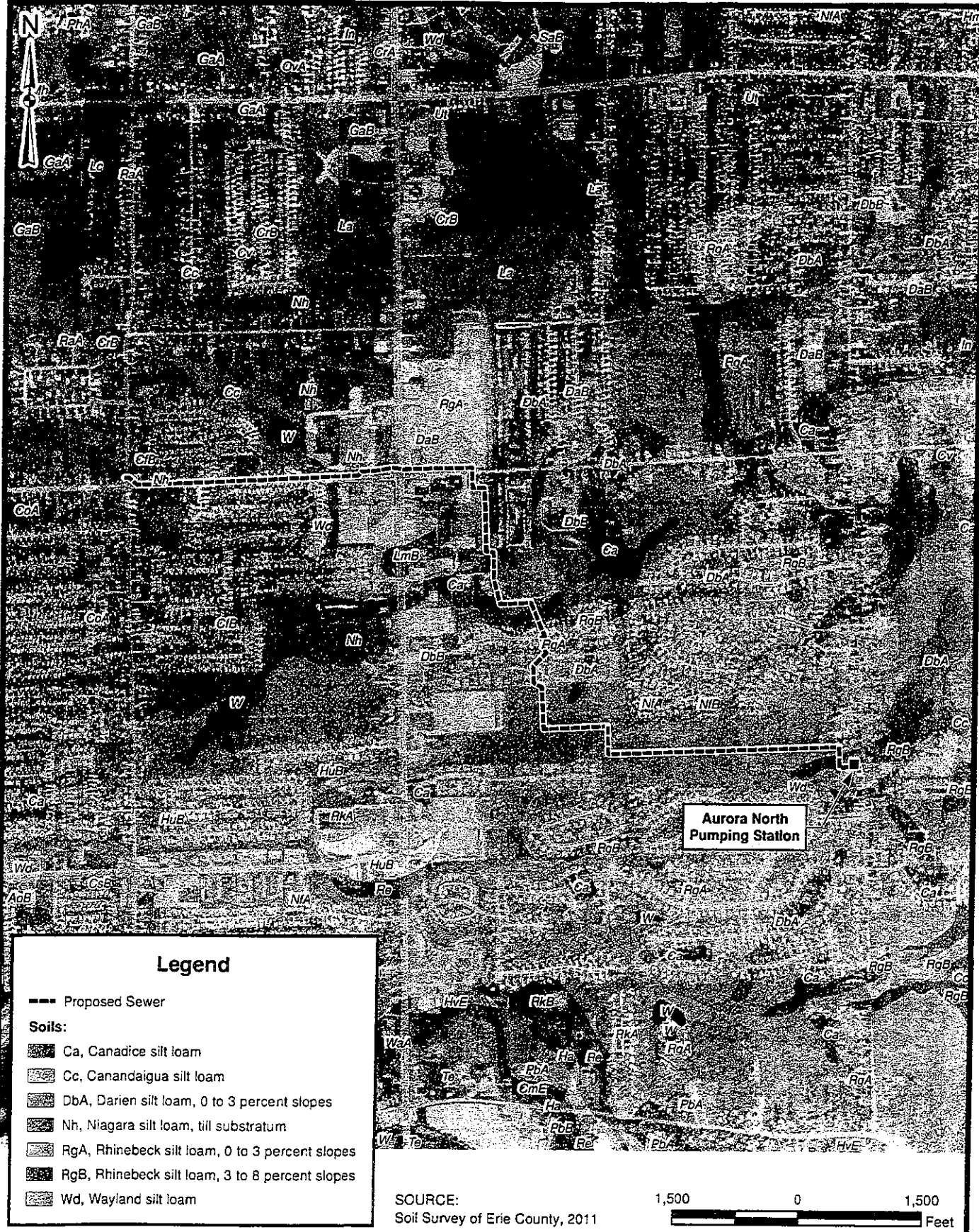
SOURCE:
 © 2011 National Geographic Society, i-cubed



M1175885IDBISMAPSA - PROJECT LOCATION.mxd 1/19/2012_YF

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

		<p align="center">PROJECT LOCATION MAP</p> <p align="center">AURORA NORTH PUMP STATION ELIMINATION PROJECT ERIE COUNTY, NY</p>	<p align="center">EXHIBIT A JANUARY 2012</p>
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Legend

- Proposed Sewer
- Soils:**
- Ca, Canadice silt loam
- Cc, Canandaigua silt loam
- DbA, Darien silt loam, 0 to 3 percent slopes
- Nh, Niagara silt loam, till substratum
- RgA, Rhinebeck silt loam, 0 to 3 percent slopes
- RgB, Rhinebeck silt loam, 3 to 8 percent slopes
- Wd, Wayland silt loam

SOURCE: Soil Survey of Erie County, 2011

1,500 0 1,500 Feet

I:\1175885\DR\GIS\MAPS\B - SOIL.S.mxd 1/20/2012 YF

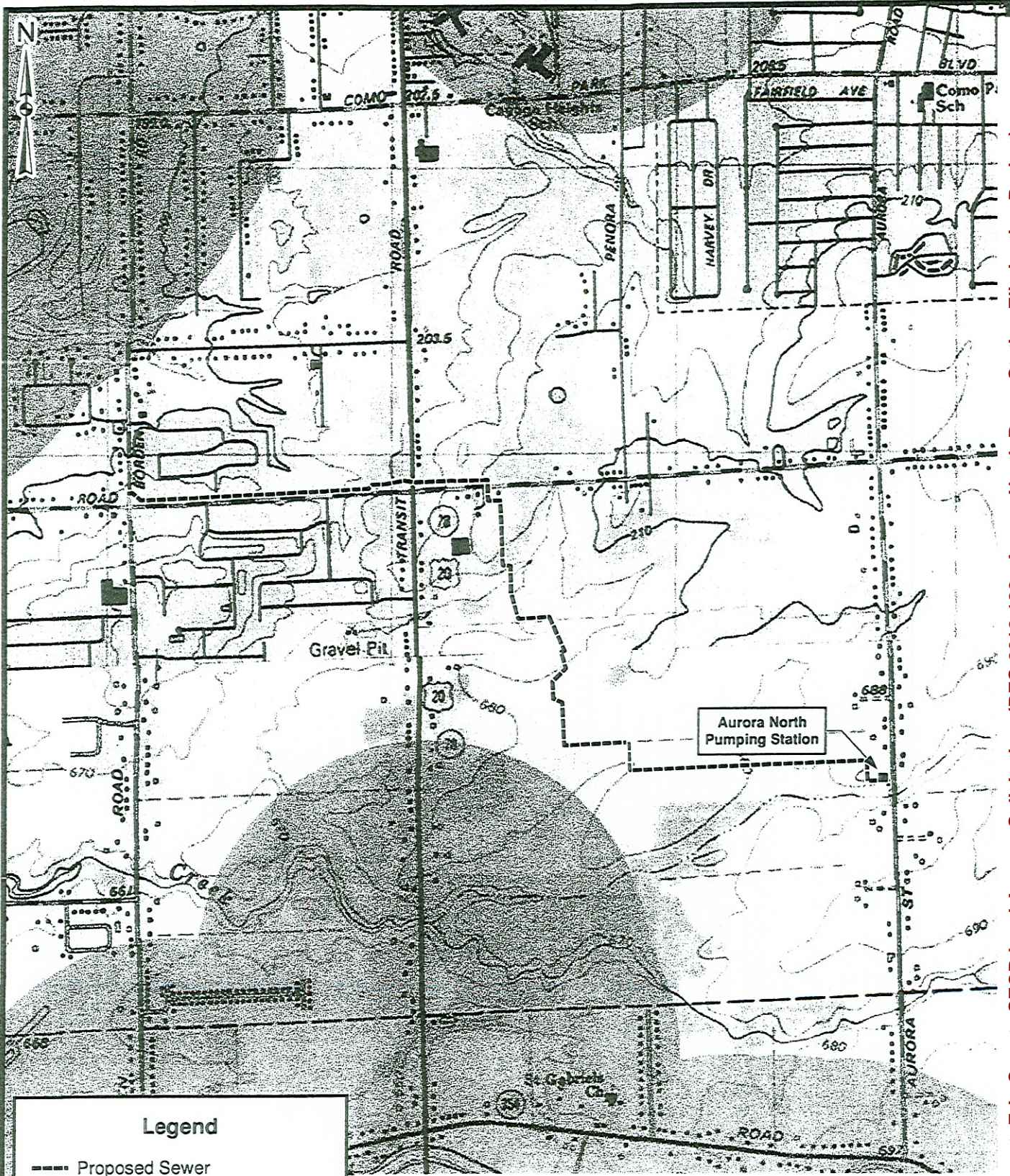
Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



SOIL SURVEY OF ERIE COUNTY MAP

AURORA NORTH
PUMP STATION ELIMINATION PROJECT
ERIE COUNTY, NY

EXHIBIT B
JANUARY 2012



Legend

- Proposed Sewer
- National Register Listed Sites
- Archeologically Sensitive Areas

SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - NYS Historic Preservation Office, 2009



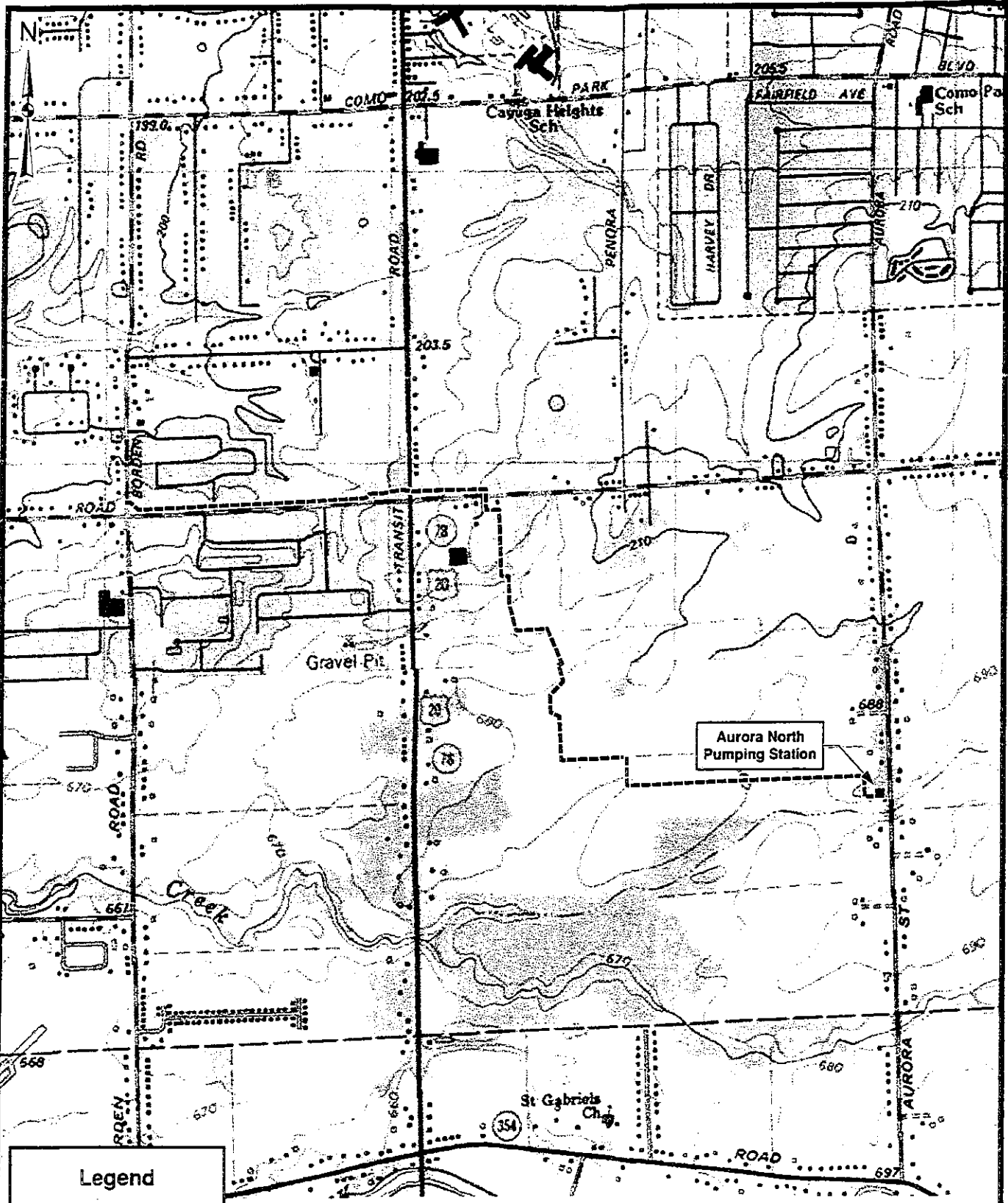
I:\1175885\DIGMAPS\C - CULTURAL_RESOURCES.mxd 1/23/2012 YF

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



CULTURAL RESOURCES MAP
 AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

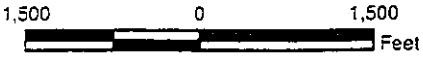
EXHIBIT C
 JANUARY 2012



Legend

- Proposed Sewer
- NYS Aquifer

SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - USGS/ NYSDEC Unconsolidated Aquifers, 2011



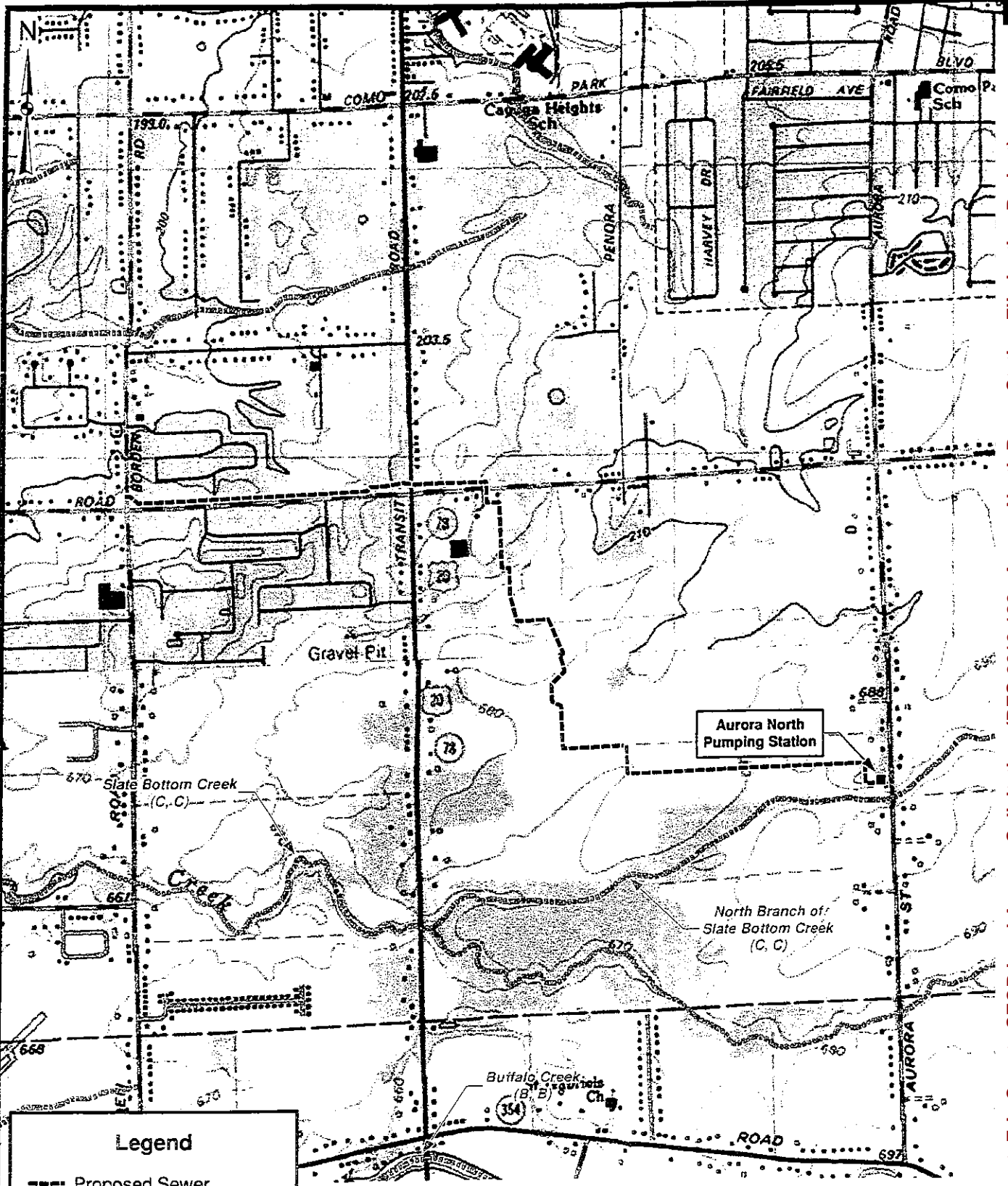
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NYS AQUIFER MAP
 AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT D
 JANUARY 2012

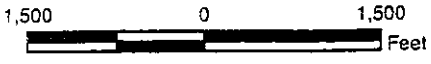
Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



Legend

- Proposed Sewer
- Streams (Classification, Standard)

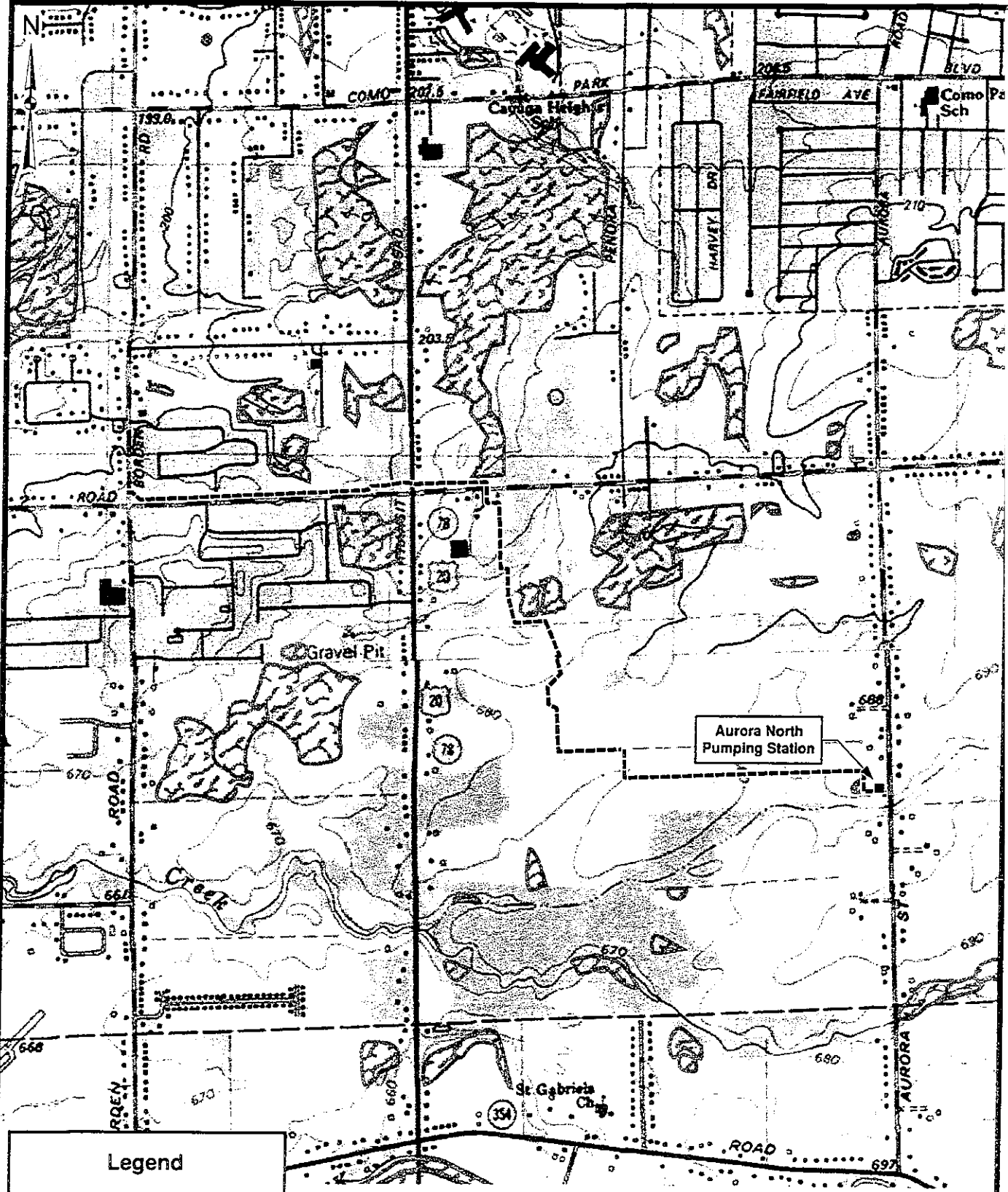
SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - NYSDEC Water Quality Classifications (6NYCRR), 2010



AN1175885DBGISMAPSIE - STREAMS.mxd 1/20/2012 YF

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)

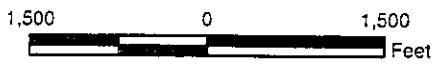
		<p align="center">NYS STREAM CLASSIFICATION MAP</p> <p align="center">AURORA NORTH PUMP STATION ELIMINATION PROJECT ERIE COUNTY, NY</p>	<p align="center">EXHIBIT E JANUARY 2012</p>
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Legend

- Proposed Sewer
- USF&WS NWI Wetlands

SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - USF&WS National Wetlands Inventory, 2011



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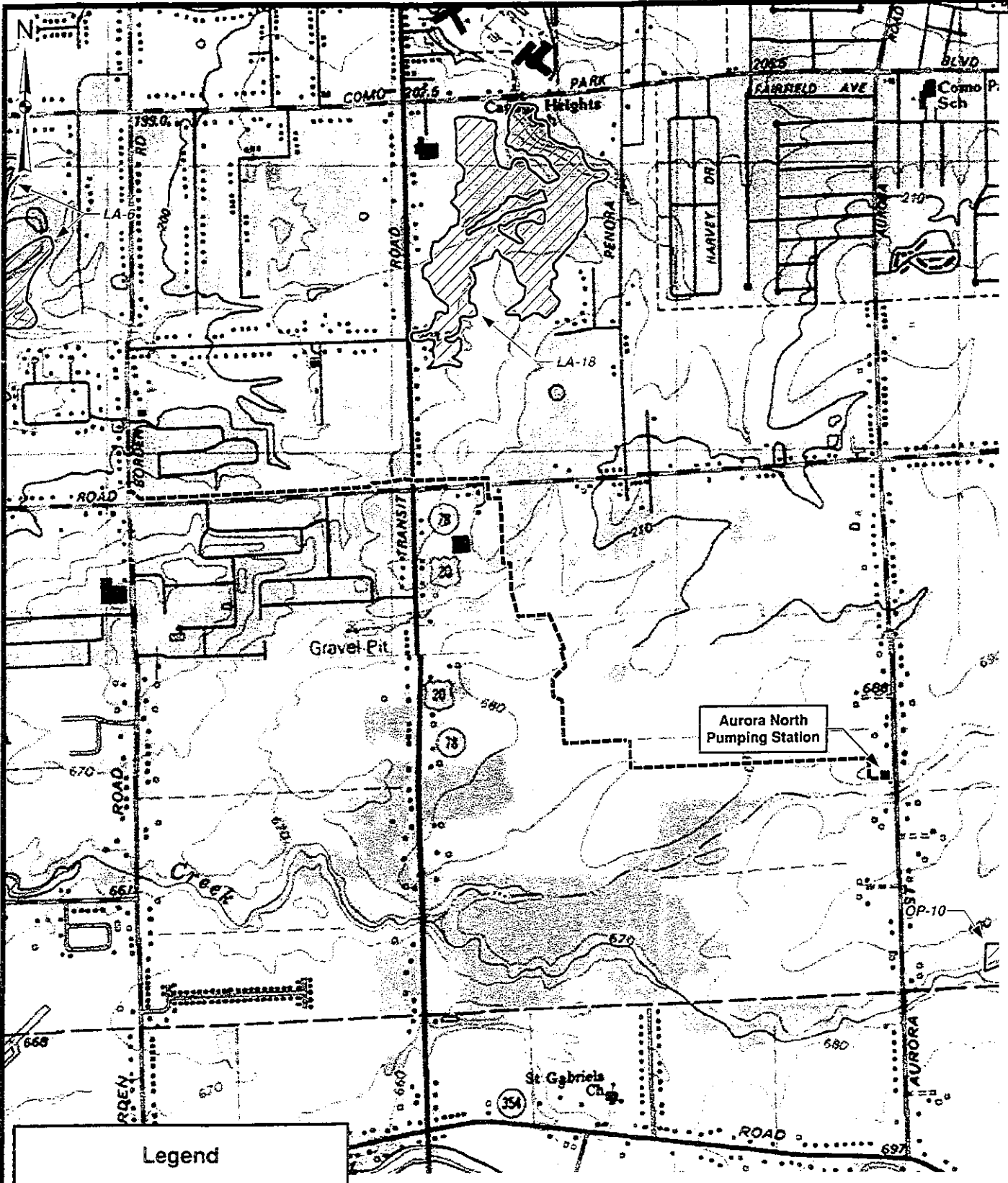
Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



**U.S. FISH & WILDLIFE SERVICE
 NATIONAL WETLANDS INVENTORY MAP**

AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

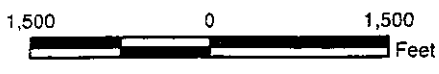
EXHIBIT F
 JANUARY 2012



Legend

- Proposed Sewer
- NYSDEC Freshwater Wetlands

SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - NYSDEC Freshwater Wetlands, 2012



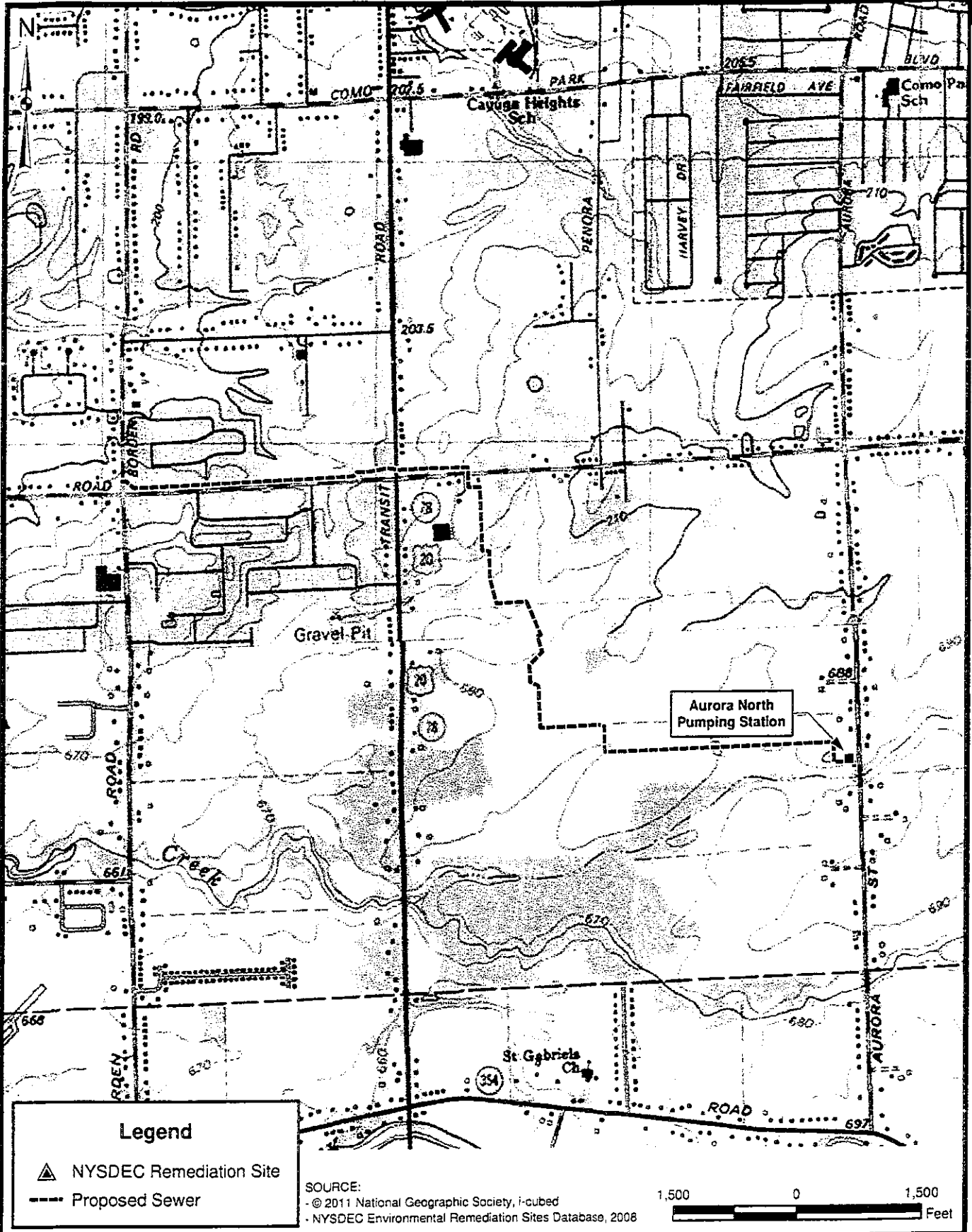
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Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



NYSDEC STATE WETLANDS MAP
 AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT G
 JANUARY 2012



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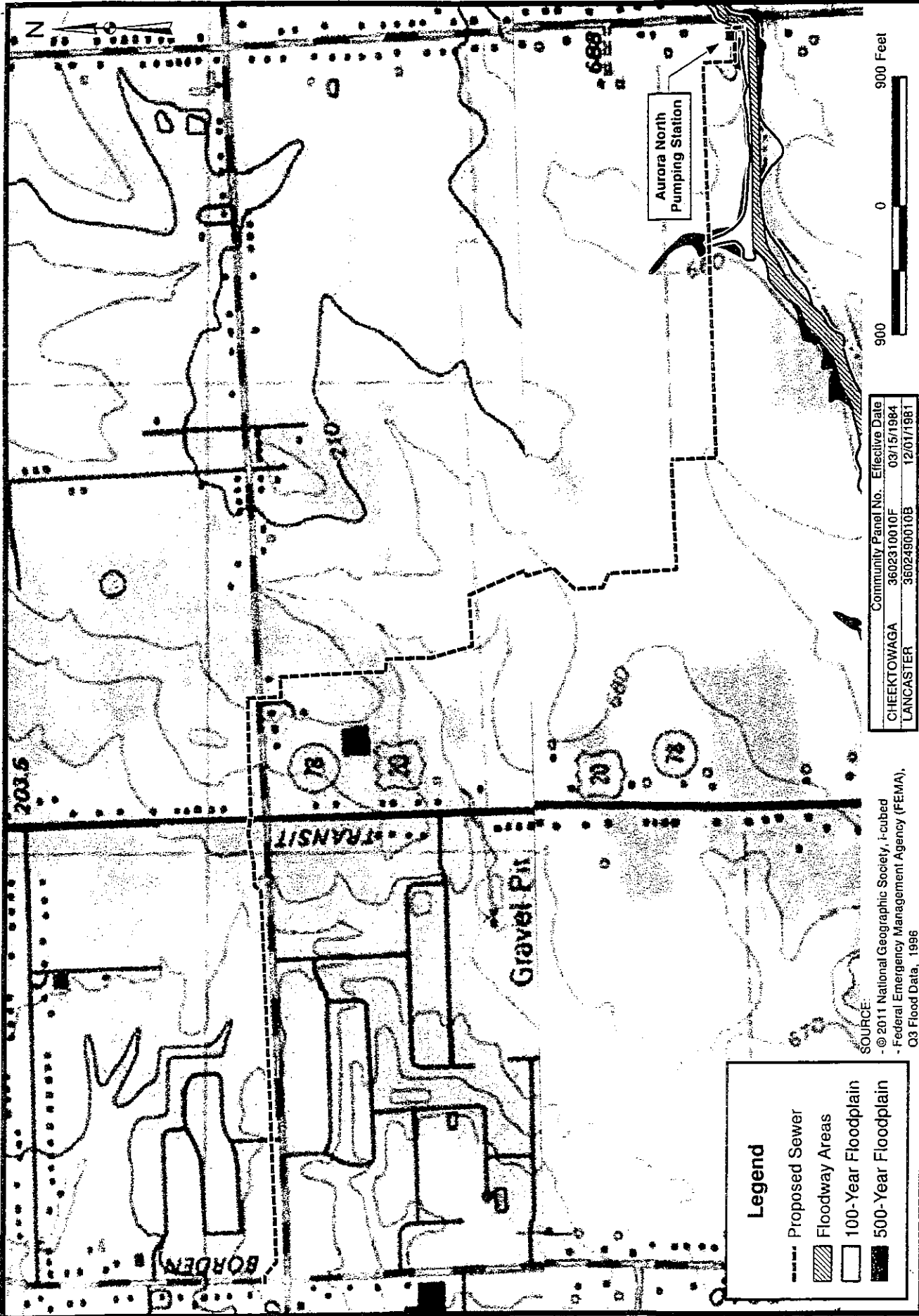


NYSDEC INACTIVE HAZARDOUS WASTE SITES REGISTRY MAP

AURORA NORTH PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT H
 JANUARY 2012

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



Aurora North Pumping Station



Community Panel No.	Effective Date
CHEEKTOWAGA 3602310010F	03/15/1984
LANCASTER 3602490010B	12/01/1981

SOURCE:
 - © 2011 National Geographic Society, i-cubed
 - Federal Emergency Management Agency (FEMA), Q3 Flood Data, 1996

Legend	
	Proposed Sewer
	Floodway Areas
	100-Year Floodplain
	500-Year Floodplain



URS

FEMA FLOOD HAZARD MAP

AURORA NORTH PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT I
 JANUARY 2012

M:\11175885\B\GIS\MAPS\1 - FEMA.mxd 1/23/2012 YF



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

April 02, 2009

Thomas Connare
URS Corporation
77 Goodell Street
Buffalo, New York 14203

Re: CORPS
Aurora Sewer Project
Borden Road to Aurora Street
CHEEKTOWAGA, Erie
LANCASTER, Erie County
09PR01588

Dear Mr. Connare:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

Attachment: Erie County SEQR Lead Agency Solicitation (RES-2012-182 : Aurora North Pump Station Elimination Project)



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

February 15, 2012

Gary Palumbo
URS Corporation
77 Goodell Street
Buffalo, New York 14203

Re: CORPS
Aurora North Sewer Project - 2012 Project
Modification/Borden Road to Aurora
Towns of Cheektowaga and Lancaster
Erie County
09PR01588

Dear Mr. Palumbo:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will continue to have **No Effect** upon cultural resources in or eligible for inclusion in the National Register of Historic Places.

The SHPO appreciates the opportunity to comment on this information. Further consultation with the SHPO is recommended if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondence for this project.

Sincerely,

Nancy Herter
Scientist, Archaeology



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, April, 16, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 16, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Absent	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Jerry Gabryszak, Director of Community Development
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearing

1. Amend Traffic Ordinance

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

IV. Resolutions



1. RESOLUTION 2012-196

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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

General Fund

From:	100.7140.1971.1664	PT Regular Pre-K	\$ 8,742.00
	100.7140.1971.1611	PT Regular Rink	1,496.00
	100.7310.1901	Regular Payroll	1,461.00
	100.7310.4689	Youth Conservation Corp.	395.00
	100.7620.1971	PT Regular	4,566.00
	100.7620.1931	Vacation Sellback	1,144.00
	100.7620.1902	Overtime	223.00
	100.9010.8121	Social Security	56,450.55
	100.1110.1971	PT Regular Payroll	13,998.00
	100.1110.4592	Contracted Clerical	6,284.00
	100.1220.1971	PT Regular Payroll	170.00
	100.1315.1901	Regular Payroll	489.00
	100.1355.1901	Regular Payroll	1,466.00
	100.1410.1971	PT Regular Payroll	3,639.00
	100.1440.1901	Regular Payroll	2,068.00
	100.1625.1901	Regular Payroll	1,943.00
	100.1625.4432	Repairs & Maintenance	1,001.00
	100.1640.1902	Overtime	3,998.00
	100.1640.2502	Pool Cars	5,482.00
	100.9010.8141	Medical Insurance	41,682.00
	100.1685.1971	PT Regular Payroll	2,064.00
	100.3020.1902	Overtime	30,808.00
	100.3120.1908	Training Pay	44,370.00
	100.3310.1971	PT Regular Payroll	2,579.00
	100.3510.1971	PT Regular Payroll	2,176.00
	100.7110.1971	PT regular Payroll	20,514.00
To:	100.7140.1901	Regular Payroll	\$ 8,238.00
	100.7140.1902	Overtime	440.00
	100.7140.1911	Longevity	150.00
	100.7140.1932	Sick Sellback	34.00
	100.7140.1971.1639	PT Regular Hockey	1,376.00
	100.7310.1902	Overtime	89.00
	100.7310.1911	Longevity	200.00
	100.7310.1932	Sick Sellback	35.00
	100.7310.1971.1804	PT Regular Interns	1,137.00
	100.7310.4001	Office Supplies	372.00
	100.7310.4693	Dev. Disabled	23.00
	100.7620.1901	Regular Payroll	5,552.00
	100.7620.1911	Longevity	350.00
	100.7620.1932	Sick Sellback	31.00

100.9010.5992	Allocated FICA	4,653.35
100.9010.5995	Allocated Fringes	51,797.20
100.1110.1901	Regular Payroll	18,745.00
100.1110.1911	Longevity	1,450.00
100.1110.1932	Sick Sellback	87.00
100.1220.1901	Regular Payroll	170.00
100.1315.1911	Longevity	450.00
100.1315.1932	Sick Sellback	39.00
100.1355.1902	Overtime	766.00
100.1355.1911	Longevity	700.00
100.1410.1901	Regular Payroll	2,439.00
100.1410.1911	Longevity	1,200.00
100.1440.1911	Longevity	1,850.00
100.1440.1932	Sick Sellback	218.00
100.1625.4932	Sick Sellback	119.00
100.1625.1971	PT Regular Payroll	1,824.00
100.1625.4217	Utilities	1,001.00
100.1640.1901	Regular Payroll	8,350.00
100.1640.1911	Longevity	1,130.00
100.1670.1901	Regular Payroll	1,383.00
100.1670.1911	Longevity	450.00
100.1670.1932	Sick Sellback	30.00
100.1680.1901	Regular Payroll	8,696.00
100.1680.1911	Longevity	250.00
100.1680.2202	Network Hardware	30,873.00
100.1685.1901	Regular Payroll	1,914.00
100.1685.1911	Longevity	150.00
100.3020.1901	Regular Payroll	30,808.00
100.3120.1901	Regular Payroll	44,370.00
100.3310.1901	Regular Payroll	2,329.00
100.3310.1911	Longevity	250.00
100.3510.1901	Regular Payroll	1,839.00
100.3510.1911	Longevity	300.00
100.3510.1932	Sick Sellback	37.00
100.7110.1901	Regular Payroll	18,940.00
100.7110.1911	Longevity	1,500.00
100.7110.1932	Sick Sellback	74.00

Highway Fund

From: 300.5141.1914	Shift Differential	\$ 96.89
300.5141.1917	Clothing Allowance	925.00
300.5141.1931	Vacation Sellback	4,976.88
300.5141.1932	Sick Sellback	116.86
300.5141.1951	Seasonal Regular	17.41
300.5141.1971	PT Regular	970.87
300.5141.1990	Other Pay	2,400.00
300.9010.8101	Employees Retirement	26,277.45
300.5141.1731	Labor-General Repair	78,993.39
300.5130.1701	Labor-Highway Machinery	34,444.45
300.5140.1701	Labor-Brush & Weeds	69,745.94
300.5142.1701	Labor-Snow Removal	60,626.13
300.5141.1736	Labor-Srvcs for Other Govts	6,163.01
300.5141.1737	Labor-Highway Imp.	127,379.47

To:	300.5141.1901	Regular Pay	\$ 8,775.24
	300.5141.1902	Overtime	5,795.12
	300.5141.1911	Longevity	9,360.00
	300.9010.8121	Social Security	5,430.00
	300.9010.8975	Retirement Buyout	324.00
	300.5110.4207	GPS Services	6,097.00
	300.5110.1701	Labor-General Repair	78,993.39
	300.5141.1733	Labor-Highway Machinery	34,444.45
	300.5140.1379	Clerical Highway	3,937.10
	300.5141.1734	Labor-Brush & Weeds	65,808.84
	300.5141.1735	Labor-Snow Removal	60,626.13
	300.5148.1701	Labor-Srvcs for Other Govts	6,163.01
	300.5150.1701	Labor-Highway Imps	127,379.47

Risk Retention

From:	101.1932.4703	Judgements & Claims-Gen.	\$ 83,865.00
To:	101.1710.4101	Insurance Premiums	\$ 2,770.00
	101.1710.4527	Admin Claims-Liability	903.00
	101.1930.4703	Judgements & Claims-W/C	71,498.00
	101.1937.4703	Judgements & Claims-Dental	8,690.00

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



2. RESOLUTION 2012-197

Warrant

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to April 13, 2012 are hereby approved and made a part hereof;

General Fund	\$ 837,295.68
Risk Retention Fund	96,337.91
HUD Housing Rehabilitation	82.33
Special Districts	974,428.51
Highway Fund	146,441.45
Capital Fund	337,645.64
Trust & Agency	6,574.15
HUD CDBG Fund	1,647.50
Part Town Fund	<u>34,164.94</u>
	\$2,434,618.11

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



3. RESOLUTION 2012-198

Approval of Curbing Along Claude Drive

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, a written petition dated March 13, 2012 was heretofore presented and filed with the Town Board of the Town of Cheektowaga pursuant to Section 200 of the Town Law of the State of New York, praying for the improvement of the following portion of Claude Drive (the area benefited by said improvement):

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. 147, Township 10, Range 7 of the Buffalo Creek Reservation, generally described as follows:
Claude Drive, both sides, from the north side of Dingens Street to the east-west portion of Claude Drive.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on both sides of the portion of Claude Drive described above, at a maximum cost of \$63,400.00, and

WHEREAS, a pavement has been heretofore constructed along said portion of Claude Drive described in the petition, said petition was signed by the owners of real estate fronting or abutting upon either side of the portion of Claude Drive to be improved, to the extent of at least one-half of the entire frontage or bounds on both sides of the portion of said street to be improved, and the resident owners owing not less than one-half of the frontage owned by resident owners residing in or along the portion of said street covered or represented by said petition, was duly acknowledged or proved by all signers thereof in the same manner as a deed to be recorded, and provided that the expense of the construction of said improvement shall be borne by local assessment upon the several parcels of land especially benefited thereby all as stated in said petition and as more fully provided by applicable law, and

WHEREAS, the Town Board thereafter adopted an Order reciting in general terms the filing of said petition, the improvements proposed, the maximum amount proposed to be expended for the improvement and the area benefited as stated in the petition, and stating that the Town Board would meet to hear all persons interested in the improvement of said portion of Claude Drive described in the petition on April 2, 2012 at 6:45 P.M. at the Town Hall, and

WHEREAS, copies of said Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law, and

WHEREAS, such public hearing was duly held by the Town Board on the 2nd day of April, 2012 at the Town Hall in said Town at 6:45 P.M. and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the improvement of said portion of Claude Drive,

NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that

- (a) the notice of public hearing, hereinabove referred to in the recitals thereof, was published and posted as required by law and is otherwise sufficient;
- (b) it is in the public interest to so improve said portion of Claude Drive, in the Town, as hereinabove referred to in the recitals hereof;
- (c) all the real property fronting or abutting upon both sides of said portion of Claude Drive to be improved as described in the petition, being the area benefited by the improvement, is benefited thereby.

Section 2. Curbs and other necessary improvements shall be constructed and installed along both sides of said portion of Claude Drive described in the petition, as hereinabove referred to in the recitals hereof, in accordance with the specifications required by the Town, now in effect, at a cost not to exceed \$63,400.00, the maximum amount proposed to be expended thereof as stated in the petition.

Section 3. The Town Engineer shall prepare definite plans and specifications and make a careful estimate of the expense of said improvement, and with the assistance of the Town Attorney, prepare a contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible.

Section 4. It is hereby determined that the expense of said improvement shall be paid initially out of the general fund of the Town of Cheektowaga and paid back through the levy and collection of special assessments from the several lots and parcels within the Town which the Town Board shall determine to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay back the principal of and interest on said funds over a period of 5-10 years.

Section 5. The Town Clerk is hereby directed to records a certified copy of this Resolution Approving the Improvement of Claude Drive by the Construction and Installation of Curbing in the Office of the Clerk of the County of Erie within ten (10) days after the adoption thereof.

Section 6. This resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



4. RESOLUTION 2012-199

Approval of Curbing Along North Willowlawn Parkway

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, a written petition dated March 12, 2012 was heretofore presented and filed with the Town Board of the Town of Cheektowaga pursuant to Section 200 of the Town Law of the State of New York, praying for the improvement of the following portion of North Willowlawn Parkway (the area benefited by said improvement):

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. 147, Township 10, Range 7 of the Buffalo Creek Reservation, generally described as follows:
North Willowlawn Parkway, both sides, from the north side of Dingens Street to the north side of Bismarck Street.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on both sides of the portion of North Willowlawn Parkway described above, at a maximum cost of \$49,000.00, and

WHEREAS, a pavement has been heretofore constructed along said portion of North Willowlawn Parkway described in the petition, said petition was signed by the owners of real estate fronting or abutting upon either side of the portion of North Willowlawn Parkway to be improved, to the extent of at least one-half of the entire frontage or bounds on both sides of the portion of said street to be improved, and the resident owners owing not less than one-half of the frontage owned by resident owners residing in or along the portion of said street covered or represented by said petition, was duly acknowledged or proved by all signers thereof in the same manner as a deed to be recorded, and provided that the expense of the construction of said improvement shall be borne by local assessment upon the several parcels of land especially benefited thereby all as stated in said petition and as more fully provided by applicable law, and

WHEREAS, the Town Board thereafter adopted an Order reciting in general terms the filing of said petition, the improvements proposed, the maximum amount proposed to be expended for the improvement and the area benefited as stated in the petition, and stating that the Town Board would meet to hear all persons interested in the improvement of said portion of North Willowlawn Parkway described in the petition on April 2, 2012 at 6:45 P.M. at the Town Hall, and

WHEREAS, copies of said Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law, and

WHEREAS, such public hearing was duly held by the Town Board on the 2nd day of April, 2012 at the Town Hall in said Town at 6:45 P.M. and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the improvement of said portion of North Willowlawn Parkway,

NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE

COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that

- (a) the notice of public hearing, hereinabove referred to in the recitals thereof, was published and posted as required by law and is otherwise sufficient;
- (b) it is in the public interest to so improve said portion of North Willowlawn Parkway, in the Town, as hereinabove referred to in the recitals hereof;
- (c) all the real property fronting or abutting upon both sides of said portion of North Willowlawn Parkway to be improved as described in the petition, being the area benefited by the improvement, is benefited thereby.

Section 2. Curbs and other necessary improvements shall be constructed and installed along both sides of said portion of North Willowlawn Parkway described in the petition, as hereinabove referred to in the recitals hereof, in accordance with the specifications required by the Town, now in effect, at a cost not to exceed \$49,000.00, the maximum amount proposed to be expended thereof as stated in the petition.

Section 3. The Town Engineer shall prepare definite plans and specifications and make a careful estimate of the expense of said improvement, and with the assistance of the Town Attorney, prepare a contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible.

Section 4. It is hereby determined that the expense of said improvement shall be paid initially out of the general fund of the Town of Cheektowaga and paid back through the levy and collection of special assessments from the several lots and parcels within the Town which the Town Board shall determine to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay back the principal of and interest on said funds over a period of 5-10 years.

Section 5. The Town Clerk is hereby directed to records a certified copy of this Resolution Approving the Improvement of North Willowlawn Parkway by the Construction and Installation of Curbing in the Office of the Clerk of the County of Erie within ten (10) days after the adoption thereof.

Section 6. This resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



5. RESOLUTION 2012-200

Notice to Bidders for Athletic White Stripe 2012

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 for 2012, NOW, THEREFORE, BE IT

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

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

RESOLVED, that sealed bids will be received on the 25th day of April, 2012 at 11:00AM 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 April 25, 2012, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2012.

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 16, 2012

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



6. RESOLUTION 2012-201

Notice to Bidders Pool Maintenance Chemicals 2012

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2012, 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 25th day of April, 2012 at 11:00 AM at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



Notice to Bidders

Sealed proposals will be received by the Town Clerk on April 25, 2012, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2012.

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
April 16, 2012

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



7. RESOLUTION 2012-202

Notice to Bidders For Asbestos Surveys for Properties Located at 166 Straley Avenue, 1272 Walden Avenue and 1280 Walden Avenue

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, pursuant to the Town's Unsafe Buildings Law, Nussbaumer & Clarke, Inc., a duly authorized agent of the Town of Cheektowaga, has issued written reports stating that the residential and/or commercial buildings located at 166 Straley Avenue, 1272 Walden Avenue and 1280 Walden Avenue, are unsafe and recommended that such buildings be demolished; and

WHEREAS, the owners and lienholders of said properties were notified to demolish the buildings on said properties, and no action for these demolitions has been taken to date; and

WHEREAS, hearings were held in front of this Board on the 22nd day of February, 2012, concerning said unsafe buildings and requested demolitions; and

WHEREAS, the Town of Cheektowaga needs to take action to demolish the buildings located on said properties in the event the owners of same do not do so; and

WHEREAS, prior to demolition of each property, the Town needs to have an asbestos survey done to determine whether there is asbestos in each building; and

WHEREAS, a Notice to Bidders has been prepared for these matters; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders for the Asbestos Surveys, etc. for the following properties located in the Town of Cheektowaga:

- 166 Straley Avenue
- 1272 Walden Avenue
- 1280 Walden Avenue

and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that bids for the Asbestos Surveys, Specifications and Air Monitoring Services for 166 Straley Avenue, 1272 Walden Avenue and 1280 Walden Avenue, shall be due no later than May 2, 2012 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 said bids in the Council Chambers of Town Hall on Wednesday, May 2, 2012 at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, May 2, 2012, at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for asbestos surveys, asbestos specifications preparation, and air monitoring services for commercial and residential properties located at 166 Straley Avenue, 1280 Walden Avenue and 1272 Walden Avenue, Cheektowaga, New York.

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: 16 April 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



8. RESOLUTION 2012-203

Authorize Town Clerk to Issue New/Renewal Ambulance Vehicle Licenses

Sponsored By: Councilmember Markel, Councilmember Kaminski

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 list of vehicles and, BE IT FURTHER

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

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Ford 2002	CZD 1824	Medic-1
Chevrolet 2005	DDG 8519	Medic-10
Chevrolet 2005	DDG 8518	Medic-13
Chevrolet 2005	DDG 8521	Medic-14
Chevrolet 2003	DNJ 1293	Medic-15
Ford 2001	10602 ET	588
Ford 2005	10627 ET	573
Ford 2006	10614 ET	574
Ford 2006	10613 ET	575
Ford 2006	10641 ET	576
Ford 1993	12667 ET	577
Ford 2005	10628 ET	571
Ford 2005	10639 ET	572
Ford 2005	10629 ET	570
Ford 1997	12505 ET	565
Ford 1996	10632 ET	566
Chevrolet 2010	12518 ET	259
Chevrolet 2010	12519 ET	260
Chevrolet 2010	12517 ET	261
Chevrolet 2010	12793 ET	262
Chevrolet 2010	12777 ET	263
Chevrolet 2010	12776 ET	264
Chevrolet 2010	12775 ET	265
Ford 1999	16761 ET	351
Ford 2005	59009 JT	501
Ford 1997	10668 ET	502

Ford 1995	10666 ET	505
Chevrolet 2008	10664 ET	506
Chevrolet 2008	10619 ET	507
Chevrolet 2008	12500 ET	508
Chevrolet 2007	10617 ET	512
Chevrolet 2007	10615 ET	514
Chevrolet 2007	10649 ET	515
Chevrolet 2007	10618 ET	516
Ford 1997	12515 ET	518
Ford 1998	12507 ET	519
Ford 1998	16778 ET	524
Chevrolet 2008	12790 ET	528
Ford 1999	12508 ET	530
Ford 1999	12509 ET	531
Ford 2003	10607 ET	546
Ford 2003	10608 ET	547
Ford 1999	10625 ET	549
Ford 1994	12666 ET	579
Ford 1995	12668 ET	580
Ford 1997	12662 ET	584
Chevrolet 2001	DRM 8076	Medic-16
Chevrolet 2010	FAF 1831	Medic-18
Chevrolet 2010	FAF 1832	Medic-19
Chevrolet 2010	FAF 1833	Medic-20
Chevrolet 2010	FAF 1834	Medic-21
Ford 1997	12663 ET	582
Ford 1989	12665 ET	581
Ford 1999	16755 ET	564
Ford 1999	12626 ET	550
Chevrolet 2008	12791 ET	527
Ford 2006	102466 EV	500
GMC 2011	10202 EV	266
GMC 2011	10201 EV	267
GMC 2011	10203 EV	268
GMC 2011	10204 EV	269
GMC 2011	10205 EV	270
GMC 2011	10206 EV	271
Ford 2000	17052 EV	272
Ford 2010	10243 EV	273
Ford 2010	10244 EV	274
Ford 2010	10242 EV	275
Chevrolet 2011	10255 EV	277
Chevrolet 2011	10252 EV	278
Chevrolet 2011	10254 EV	279
Ford 2004	10250 EV	280
Ford 2005	10251 EV	281
Ford 2005	10245 EV	282
Ford 2003	10256 EV	283

RESULT:	ADOPTED [UNANIMOUS]
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MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



9. RESOLUTION 2012-204

Approve Health Insurance Plan

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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, 2012, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the new health insurance contract with Blue Cross Blue Shield, and any and all other documents necessary to effectuate the insurance coverage called for under such contract.

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



10. RESOLUTION 2012-205

Change Order No. 6 (General Construction) Police & Court Building Renovations and Addition

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for General Construction Work for the Police & Court Building Renovations and Addition Project was awarded by Town Board Resolution dated September 7, 2010 to Burgio & Campofelice, Inc., 2570 Walden Avenue, Cheektowaga, New York 14225 in the amount of \$9,033,643.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 6 (General Construction Work) which provides for an addition and a credit to the original contract amount as further outlined in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 6 (General Construction Work) for the Police & Court Building Addition and Renovations Project, as an addition to the contract for General Construction Work in the amount of \$13,695.07, to be offset by the contract contingency allowance, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 6 document on behalf of this Town Board.

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



11. RESOLUTION 2012-206

Adjust Petty Cash Balance at the Town Justice Court

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the Town Justice Court currently has a petty cash balance of \$200, and

WHEREAS, this amount is mainly used to make change at the various Justice Court payment windows, and

WHEREAS, this amount may be increased to \$500 per Town Law section 64 (1-a), and

WHEREAS, the Justice Court has displayed the need for the additional amount for making change at the payment windows, NOW, THEREFORE, BE IT

RESOLVED, that the petty cash balance in the Town Justice Court be increased to \$500 immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



12. RESOLUTION 2012-207

Bank Prepaid Payroll Card Program

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga desires to offer individuals an alternative to receiving pay by check; and

WHEREAS, JP Morgan Chase Bank offers a program to entities whereby individuals can have paychecks deposited to an account at JP Morgan Chase Bank; and

WHEREAS, from that account individuals can withdraw funds at their convenience through use of a debit card which can be used at automated teller machines and at point of sale terminals; and

WHEREAS, the Town of Cheektowaga desires to offer the program to qualifying individuals, and JP Morgan Chase is willing to provide the program to the Town of Cheektowaga upon the terms and conditions set forth in the Client Service Agreement, NOW, THEREFORE, BE IT

RESOLVED, that subject to the approval of the Town Attorney, the Town Board authorizes the Supervisor to sign the "Chase Access Prepaid Card Program - Client Service Agreement".

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



13. RESOLUTION 2012-208

Approval of Addendum to Agreement with JP Morgan Chase Bank

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, by resolution dated January 4, 2010 (Resolution 2010-22), the Town Board approved an agreement with JP Morgan Chase Bank, N.A. for the utilization of credit cards to pay real property taxes and other user fees charged through the Town Clerk/Receiver of Taxes, and

WHEREAS, JP Morgan Chase Bank, N.A. has submitted an addendum (Addendum No. 1) to said agreement to authorize credit and debit card convenience payments, Visa Signature payments and ACH/e-check payments to the Town of Cheektowaga for the payment of taxes and other fees to the Town Clerk/Receiver of Taxes, and

WHEREAS, this revised agreement is user-friendly and advantageous to the public as it allows alternatives to payments via cash, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute Amendment No. 1 to the aforementioned agreement with JP Chase Bank, N.A. on behalf of the Town of Cheektowaga.

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



14. RESOLUTION 2012-209

Authorize Purchase of Photocopier Youth & Rec

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Youth & Recreation Department is in need of a photocopy machine; and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number 01649); and

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

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Toshiba e-Studio 3540c Multi-Functional Copier through said State contract; and

WHEREAS, funds for said purchase have been budgeted and are available from the Youth & Recreation Department account numbers 100.7140.4500, 100.7140.4521 and 100.7140.4540; NOW, THEREFORE, BE IT

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

Group No. 22424 - Contract Award Number: 01649
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost of \$6,717.00; and BE IT FURTHER

RESOLVED, the annual cost of service and supplies for 27,000 pages per year will be \$400.00 (said cost to include all service and supplies (toner, drums) (staples excluded); the cost of overages will be \$.0125 per page and the cost of color copies will be \$.0675 per page, based on usage; and BE IT FURTHER

RESOLVED, that money for said purchase shall be appropriated from the Youth & Recreation Department line items 100.7140.4500, 100.7140.4521 and 100.7140.4540.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



15. RESOLUTION 2012-210

Authorize National Grid to Install One Streetlight at the Orchard Playground

Sponsored By: Councilmember Rogowski, Supervisor Holtz

BE IT RESOLVED, that National Grid be and hereby is authorized to install one (1) 70 watt high pressure sodium cobra head luminaire and convenience outlet on an existing wood utility pole, P42R, for the Orchard Playground on Gardenvale Drive in accordance with the attached proposal dated April 12, 2012 at an annual cost of \$111.71, which shall be chargeable to Utility Account No. 100-7110-4211, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to submit a copy of this resolution to:

Colleene Reed, Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, New York 14214-2799

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



16. RESOLUTION 2012-211

Agreement with Catholic Charities (YES Program)

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of the Youth Engaged in Service (Y.E.S.) program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, AND

WHEREAS, said program, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers and is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2012 through December 31, 2012 with a total payment to Catholic Charities not to exceed the sum of \$68,193.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



17. RESOLUTION 2012-212

Agreement with Catholic Charities (SIS)

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2012 through December 31, 2012 with a total cost not to exceed the sum of \$176,845.00 and BE IT FURTHER

RESOLVED that Catholic Charities Metropolitan Services will reimburse the Town \$35,900.00 of the total budget for said program and the New York State Office of Children and Family services will reimburse the Town \$17,833.00 leaving the actual cost to the Town at \$123,112.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



18. RESOLUTION 2012-213

Approve Cultural Group Funding for Cheektowaga Patriotic Commission

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town, in its 2012 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 2011 funding to the Town, NOW, THEREFORE, BE IT

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

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

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Patriotic Commission, Inc.	\$20,500.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2012 Town budget, subject to audit and approval of a properly signed Town voucher.

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



19. RESOLUTION 2012-214

Approve Disposal of Obsolete Computer and Electronics Equipment

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the Town wishes to dispose of a number of various computers, monitors, printers, drives, fax machines, and other electronic items 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 disposal of such property is authorized by Section 64 of the Town Law of the State of New York; and

WHEREAS, Edward Arnold Scrap Processors, Inc., ("Arnold") of Corfu, New York, an electronics recycling company, will pick-up said equipment and dispose of same in full compliance with all government regulations applicable to the disposal of hazardous waste, and will pay the Town \$.05 per pound for recovered materials (except CRT's); NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby authorizes Edward Arnold Scrap Processors, Inc., to take possession of the equipment as shown on the attached list, and dispose of same in full compliance with all applicable federal and state regulations governing the disposal of hazardous waste; and BE IT FURTHER

RESOLVED, that, subject to review and approval by the Town Attorney, the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any document necessary effect the proper disposal of said equipment.

OBSOLETE COMPUTER and/or ELECTRONICS EQUIPMENT FOR DESTRUCTION

Table with 2 columns: MAKE-MODEL and SERIAL NUMBER. Rows include Dell monitors, Panasonic fax machine, and Dell 270 computers with their respective serial numbers.

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	9NKSBB11
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, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



20. RESOLUTION 2012-215

Purchase and Installation of Computer Software for Town Clerk's Office and Building Inspections Department

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is in need of a computer software program to better manage the building permit process, building inspection system and animal control system in the Town Clerk's Office and Building Inspections Department, and

WHEREAS, the development of this computer software involves specialized skills and expertise in computer programming and, as such, is not subject to competitive bidding, and

WHEREAS, Business Automation Services, Inc. (hereinafter referred to as "BAS") has submitted a proposal to the Town of Cheektowaga for such a software program and system support and training at a cost of \$94,600.00, and

WHEREAS, the proposal submitted by BAS is unique and was created to be specific to the needs of the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal submitted by BAS and hereby authorizes and directs the Supervisor to sign same on behalf of the Town, and BE IT FURTHER

RESOLVED, that moneys for said computer software program and training proposal shall be appropriated from budget line item no. 500.1320.9910.5917.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



21. RESOLUTION 2012-216

Retain Action Target for the Installation of the Bullet Trap and Target System Firing Range

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by Town Board resolution dated December 19, 2011, the Town Board awarded the bid for the furnishing, delivery and installation supervision for a Modular Bullet Trap/Containment System and Fixed Air Turning Target System Firing Range for the outdoor shooting range located on Scott Place in the Town of Cheektowaga, AND

WHEREAS, the installation of said systems was to be completed by Town personnel with the guidance of a Supervisor from Action Target, AND

WHEREAS, due to the complexity of the systems and the wide array of necessary hand and power tools, some of which are not owned by the Town, it became essential that these systems be installed by trained professionals from the vendor, Action Target, who specifically install their product and further protect the Town against liability and potential warranty issues, AND

WHEREAS, the professional services to be provided by Action Target are proprietary to Action Target and its systems and equipment and involve specialized skills and expertise so that competitive bidding is not required for installation of this equipment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains the services of Action Target, as per its proposal, for the installation of the Bullet Trap and Target System for the sum of \$58,700.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with Action Target for the installation of the aforementioned equipment, AND, BE IT FURTHER

RESOLVED, that funding for said installation be chargeable to Account #600-0600-0881.

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



22. RESOLUTION 2012-217

HOME Program Subrecipient Agreement

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the Towns of Cheektowaga, Amherst and Tonawanda have formed a Consortium for the purpose of applying for Entitlement HOME funds from the United States Department of Housing and Urban Development under the HOME Investment Partnership Act, and

WHEREAS, the Town of Amherst has been designated as the lead community on behalf of the Amherst-Cheektowaga-Tonawanda HOME Consortium,

WHEREAS, as lead community, the Town of Amherst, is responsible for the distribution of funds to the subrecipient Consortium communities which manage projects utilizing said HOME funds, and

WHEREAS, the Department of Housing and Urban Development requires the lead community and recipients of HOME funds to execute subrecipient agreements, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subrecipient Agreement with the Town of Amherst, as lead community for the Amherst-Cheektowaga-Tonawanda HOME Consortium, subject to review and approval by the Town Attorney and the Director of Community Development, for the receipt of HOME Investment Partnership Act funds for the Fiscal Year 2012 program year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



23. RESOLUTION 2012-218

Unsafe-Unsecured/2641 Broadway St

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2641 Broadway Street, Cheektowaga, New York SBL# 102.18-2-3 that is a danger to the safety of others, and records kept by the Assessors Office identify C.R.Y.Z.Y.K., Inc., Iris Crystal, 2641 Broadway Street, Cheektowaga, New York 14227 as the owner AND

WHEREAS, an inspection of such premises was conducted at 2641 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.

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



24. RESOLUTION 2012-219

Debris-Clean-Up/71 St. Boniface Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 71 St. Boniface Road, Cheektowaga, New York SBL# 102.06-3-71 that is a danger to the safety of others, and records kept by the Assessors Office identify Ronald H. Mrozik, 71 St. Boniface Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 71 St. Boniface Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



25. RESOLUTION 2012-220

Debris-Clean-Up/112 Foisset Avenue

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 112 Foisset Avenue, Cheektowaga, New York SBL# 80.19-11-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Mark Grzywna, 112 Foisset Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 112 Foisset Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



26. RESOLUTION 2012-221

Demolition of Trellis/730 Cleveland Drive

Sponsored By: Councilmember Markel, Councilmember Kaminski

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 730 Cleveland Drive, Cheektowaga, New York SBL# 80.18-7-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Milton W. French, 193 Thistle Lea, Williamsville, New York 14221, as the owner AND

WHEREAS, an inspection of such premises was conducted at 730 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



27. RESOLUTION 2012-222

Demolition of Firepit/71 Clearvale Drive

Sponsored By: Councilmember Markel, Councilmember Kaminski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 71 Clearvale Drive, Cheektowaga, New York SBL# 91.11-5-15 that is a danger to the safety of others, and records kept by the Assessors Office identify Raymond D. O'Brien & Wife, 71 Clearvale Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 71 Clearvale Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



28. RESOLUTION 2012-223

Demolition of Handicap Ramp/150 Clearvale Dr

Sponsored By: Councilmember Markel, Councilmember Kaminski

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 Clearvale Drive, Cheektowaga, New York SBL# 91.12-6-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Joseph L. Ventrice, 10679 Concord Road ,Seaford, DE, 19973, as the owner AND

WHEREAS, an inspection of such premises was conducted at 150 Clearvale Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



29. RESOLUTION 2012-224

Special Event - North Cheektowaga Amateur Athletic Association Parade

Sponsored By: Councilmember Markel, 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 North Cheektowaga Amateur Athletic Association (NCAAA) has made application to hold its Baseball "Kickoff" Parade on Saturday, June 2, 2012, from 11:00 a.m. to 1:00 p.m., said parade to begin on Nagel Drive, to George Urban Boulevard through Tops parking lot, proceeding to ball diamonds ; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the 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 2, 2012 at 11:00 a.m.; BE IT FURTHER

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

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



30. RESOLUTION 2012-225

Continuation of Retention of Trautman Associates for Addition and Renovations to the Police and Court Building Project

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated September 7, 2010, the firm of Trautman Associates, Project Architect, was retained to provide professional services during construction for the Addition and Renovations to the Police and Court Building Project, AND

WHEREAS, construction delays beyond the project contractual completion date have occurred and there is a need to extend the agreement for the professional services with Trautman Associates for construction administration and full time site representation through to the completion of the Project, AND

WHEREAS, Trautman Associates has provided exemplary professional services during the Project and has the skill, expertise and knowledge to ensure the proper completion of the Project, and by letter dated April 12, 2012 has agreed to the continuation of Construction Administrative Services and for the provision of site representation as an extension to the tasks provided for under the August 25, 2010 agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with Trautman Associates to retain said firm as stated above, AND, BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from the professional services account #500-1910-9399-5025.

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



31. RESOLUTION 2012-226

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, Councilmember Markel

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 and Grounds Division) Laborer \$8/hour effective 4/3/12
Ryan S. Full, Cheektowaga, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski

**32. RESOLUTION 2012-227**

**Appointment of Traffic Signal Technician
(Competitive/Permanent) Highway Department/Daniel C.
Schuler**

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town Board appointed Daniel C. Schuler to the position of Traffic Signal Technician on a provisional basis on December 21, 2009; AND

WHEREAS, the Town has been notified that Erie County Civil Service has established a competitive list for said title; AND

WHEREAS, Mr. Schuler is reachable on said list and eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Daniel C. Schuler of Cheektowaga, New York, be and hereby is permanently appointed to the position of Traffic Signal Technician 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 17, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



33. RESOLUTION 2012-228

Travel Authorization (Justice Court)/Judge Paul S. Piotrowski

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, a Drug Court seminar is being held May 30 through June 2, 2012 in Nashville, Tennessee; AND

WHEREAS, Judge Paul S. Piotrowski has expressed an interest in attending said seminar; AND

WHEREAS, Judge Piotrowski 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 \$1,500; AND

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

RESOLVED, that Judge Paul S. Piotrowski be and hereby is authorized to attend a Drug Court seminar being held May 30 through June 2, 2012 in Nashville, Tennessee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



34. RESOLUTION 2012-229

Travel Authorization Police Department/Police Chief David Zack, Captains Michael Isbrandt and Michael Sliwinski

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 19th Annual CALEO (Canadian American Law Enforcement Organization) Training Symposium is being held May 30 through June 1, 2012; AND

WHEREAS, Police Chief David Zack, Captains Michael Isbrandt and Michael Sliwinski have expressed interest in attending said symposium; AND

WHEREAS, Police Chief David Zack 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 \$807; AND

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

RESOLVED, that Police Chief David Zack, Captains Michael Isbrandt and Michael Sliwinski be and hereby are authorized to attend the 19th Annual CALEO Training Symposium being held May 30 through June 1, 2012.

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

**35. RESOLUTION 2012-230****Travel Authroization Police Department/Lieutenant Cheryl Rucinski**

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 8th Annual IAPro Users Conference is being held October 23 through October 25, 2012 in San Antonio, Texas; AND

WHEREAS, Lieutenant Cheryl Rucinski has been recommended to attend said conference; AND

WHEREAS, Police Chief David Zack 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 \$1,560; AND

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

RESOLVED, that Lieutenant Cheryl Rucinski be and hereby is authorized to attend the 8th Annual IAPro Users Conference being held October 23 through October 25, 2012 in San Antonio, Texas.

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



36. RESOLUTION 2012-231

Travel Authorization Police Department/Police Officers Mark Zimmerman and Brian Wesoloski

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the National Tactical Officers Association 12th Annual International Breachers Symposium is being held May 7 through May 10, 2012 in Dallas, Texas; AND

WHEREAS, Police Officers Mark Zimmerman and Brian Wesoloski have been recommended to attend said symposium; AND

WHEREAS, Police Chief David Zack 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 \$2,244; AND

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

RESOLVED, that Police Officers Mark Zimmerman and Brian Wesoloski be and hereby are authorized to attend the National Tactical Officers Association 12th Annual International Breachers Symposium being held May 7 through May 10, 2012 in Dallas, Texas.

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

V. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Planning Board - March 8, 2012

B. General Communications

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to adjourn the meeting. Time - 7:43 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, May, 1, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on May 1, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Absent	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Michael Hughes, Attorney for Assessment Litigation
Brian Krause, Director of Administration and Finance
Jeneen Lomando-McSkimming, Assessor
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Portion

III. Move Into Executive Session

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Enter into Executive Session at 6:00 PM to discuss Assessment Litigation Matters and Personnel Matters.

IV. Exit Executive Session

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to exit the Executive Session at 6:12 PM and return to the Work Session.

V. Resolutions



1. RESOLUTION 2012-232

Reappoint Members of Assessment Review Board

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, by resolution dated February 6, 2012 (Resolution 2012-92), this Town Board made appointments to the Board of Assessment Review, and

WHEREAS, the Director of the Erie County Real Property Tax Services Department has notified the Town that two (2) of these members need to be reappointed, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Board of Assessment Review for the following terms:

<u>Name of Individual</u>	<u>Term Expires</u>
Frank Garcia, Jr., Cheektowaga	September 30, 2012
Thomas M. Ferrucci, Sloan	September 30, 2016

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSENT:	Charles Markel



2. RESOLUTION 2012-233

Settlement of Assessment Litigation - 84 Aero LLC V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, 84 Aero LLC commenced an Article 7 proceeding against the Town for Tax Year 2011-12, seeking a reduction in the assessment of property owned by it located at 84 Aero Drive in Cheektowaga, New York; and

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSENT:	Charles Markel



3. RESOLUTION 2012-234

Settlement of Assessment Litigation - Noco Express V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Noco Express Properties LLC commenced Article 7 proceedings against the Town for Tax Years 2009-2010, and 2010-2011 and 2011-12, seeking a reduction in the assessment of property owned by it located at 1635 Kensington Avenue in Cheektowaga, New York; and

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSENT:	Charles Markel



4. RESOLUTION 2012-235

Settlement of Assessment Litigation - Sterling Associates V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Sterling Associates, LLC commenced an Article 7 proceeding against the Town for Tax Year 2011-12, seeking a reduction in the assessment of property owned by it located at 2911 William Street in Cheektowaga, New York; and

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSENT:	Charles Markel

VI. Adjournment

Resolutions were passed and Work Session ended at 6:50 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, May 7, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 7, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector

Patrick Bowen, Assistant Engineer

Ellen Fischer, Executive Director - Youth Board

Brian Krause, Director of Finance and Administration

John Marriott, Planning Board Chairman

Kevin Schenk, Town Attorney

Mark Wegner, Highway Superintendent

David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-236

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

Special Districts Fund

From: 255.8135.4356	Buffalo Sewer Authority	\$507,034.00
255.8125.4543	Contracted Sewer Repair	234,565.00
255.8125.9101	Bond Principal	159,274.00
255.8125.9201	Bond Interest	99,127.00
To: 255.8125.9990	Capital Expenditures	\$1,000,000.00

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



2. RESOLUTION 2012-237

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

Highway Fund

From:	300.1910.2655	Sales of Equipment	\$998.00
To:	300.5140.4191	Miscellaneous Equipment	\$998.00

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



3. RESOLUTION 2012-238

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to May 4, 2012 are hereby approved and made a part hereof;

General Fund	\$2,230,304.19
Risk Retention Fund	122,691.40
HUD Housing Rehabilitation	82.33
Special Districts Fund	2,032,222.59
Highway Fund	868,688.13
Capital Fund	1,524,789.44
Trust & Agency	37,193.36
CDBG Fund	17,876.83
Part Town Fund	68,405.34
NYS Affordable Housing Fund	<u>9,153.00</u>
	\$6,911,406.61

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



4. RESOLUTION 2012-239

Adopt Amendments to Vehicles and Traffic Ordinance

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on April 16, 2012 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by *deleting* therefrom the following:

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

DUKE ROAD (east/west leg) - North side: from the west curblineline of Union Road to the terminus of Duke Road. [10-15-1979]

ARTICLE V. Schedules, Section 235-51, Schedule XII: Stopping Prohibited in Designated Locations, shall be amended by *deleting* therefrom 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:

DUKE ROAD - East and west sides (north, south leg): from the south curblineline of Walden Avenue to the north curblineline of Duke Road (east, west leg). [6-17-1991]

ARTICLE V. Schedules, Section 235-51, Schedule XII: Stopping Prohibited in Designated Locations, shall be amended by *adding* thereto the following:

DUKE ROAD - North and east sides, from the west curblineline of Union Road to the south curblineline of Walden Avenue.

DUKE ROAD - West side (north, south leg): from the south curblineline of Walden Avenue to the north curblineline of Duke Road (east, west leg).

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

TOLSMA PLACE - All sides of entire length including the cul de sac.

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

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



5. RESOLUTION 2012-240

Negative SEQR Declaration-440 Pine Ridge Heritage Blvd.

Sponsored By: Councilmember Kaminski, 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 THD Group for the construction of 2,300 square foot restaurant with an accessory drive thru window at 440 Pine Ridge Heritage Boulevard replacing an existing fast food restaurant , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 25, 2012 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 8, 2012 and the architectural character of the building at their meeting of April 12, 2012, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending it's approval as indicated in their memorandum dated March 12, 2012, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has reviewed an area variance request for the subject project for relief from the building setback along the east property line , and to allow the existing parking areas to remain in their current location, 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 grading and drainage plan.
2. The submission of an amended lighting plan
3. Additional Colorado spruce trees along the west yard if deemed necessary

to aid in line of sight screening of motor vehicles.

Attachments:

Revised plans PINE RIDGE THD (PDF)

12-04-09-11128A-updated building elevations (PDF)

Traffic Safety Recommendation (PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Gerald Kaminski, Councilmember

SECONDER: Charles Markel, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-241

Approve Special Use Permit & Variance - 440 Pine Ridge Heritage Blvd

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, THD Group has applied for a Special Use Permit to establish an accessory drive through window for a proposed restaurant/cafe on property owned by Pine Ridge Land, LLC and located at 440 Pine Ridge Heritage Boulevard, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, THD Group also requested a variance to permit the driveways which serve the drive through lanes of this property to be located a distance of:

1. Along Pine Ridge Heritage Boulevard - 185 feet from the functional area of the intersection of Pine Ridge Heritage Boulevard and Genesee Street whereas the Zoning Law requires 220 feet;
2. Along Genesee Street - 66 feet from the functional area of the intersection of Pine Ridge Heritage Boulevard and Genesee Street whereas the Zoning Law requires 220 feet;

, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 2nd day of April, 2012 at 6:45 P.M. of said day for the purpose of considering said applications for a Special Permit and variances from the Zoning Law, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Permit; and

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

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted, and BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variances relating to the locations of the driveways along Pine Ridge Heritage Boulevard and Genesee Street in order to obviate the unnecessary hardship to the applicant caused by the irregular shape of the lot.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2012-242

Award of Bid for Athletic White Stripe 2012

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, bids for Athletic White Stripe were received on April 25, 2012 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:

John Deere Landscapes
1385 East 36th Street
Cleveland, Ohio 44114

Athletic White Stripe at \$.074 per lb.

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



8. RESOLUTION 2012-243

Award of Bid for Pool Maintenance Chemicals 2012

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on April 25, 2012 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:

Alden Pools, Inc.
12890 Broadway
Alden, NY 14004

FOR

Category I - Bromine - \$2.36 per lb.

Amrex Chemical Co., Inc.
391 Exchange Street
Buffalo, NY 14204

FOR

Category II - Diatomaceous Earth - \$.38 per lb.
Sodium Bicarbonate - \$.28 per lb.
Soda Ash - \$.28 per lb.

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



9. RESOLUTION 2012-244

Accept Site Plan - 601 Dingens Street - Exterior Dining Area

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 Jonathan E. Bennett Architecture, P.C. on behalf of Melanie's Enterprises, Inc. for the establishment of an exterior dining area at 601 Dingens Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 14, 2011 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.

Attachments:

601 dingens site plan exterior dining (PDF)

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



10. RESOLUTION 2012-245

Accept Revision to Site Plan - 2720 Union 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 Thomas Johnson on behalf of Dr. Lagarreta for the construction of a 3,100 building addition to an existing opticians office at 2720 Union Road, AND

WHEREAS, the owner previously submitted a site plan for a 2,500 square foot building addition which this Town Board approved on November 7, 2011, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of April 12, 2012 is recommending the approval of the revised 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.
2. The Building Department approving a planting schedule for the proposed trees and other plantings

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



11. RESOLUTION 2012-246

Accept Revision to Site Plan - 4243 Genesee Street - Marriott Town Place Suites

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 Benderson Development Co., LLC to amend a previously approved site plan for a (4) four story 119 room hotel located at 4243 Genesee Street, AND

WHEREAS, on November 21, 2011 this Town Board approved the original site plan, AND

WHEREAS, the applicant's desires to amend the original site plan by adding a 924 square foot entrance canopy (port-cochere), which was inadvertently omitted on the original site plan, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of March 8, 2012 is recommending the approval of the amended 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 amended project site plan is acceptable subject to :

1. The Town Engineer reviewing and approving the grading and drainage plan.

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



12. RESOLUTION 2012-247

Notice to Bidders For Asbestos Survey for Property Located at 1122 Walden Avenue

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, pursuant to the Town's Unsafe Buildings Law, Nussbaumer & Clarke, Inc., a duly authorized agent of the Town of Cheektowaga, has issued a written report stating that the building located at 1122 Walden Avenue is unsafe and recommended that such building be demolished; and

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

WHEREAS, a hearing was held in front of this Board on the 2nd day of April, 2012, concerning said unsafe building and requested demolition; and

WHEREAS, the Town of Cheektowaga needs to take action to demolish the building located on said property in the event the owner of same does not do so; and

WHEREAS, prior to demolition of said property, the Town needs to have an asbestos survey done to determine whether there is asbestos in the building; and

WHEREAS, a Notice to Bidders has been prepared for this matter; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders for the Asbestos Survey, Specifications and Air Monitoring Services for 1122 Walden Avenue in the Town of Cheektowaga; and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that bids for the Asbestos Surveys, Specifications and Air Monitoring Services for 1122 Walden Avenue shall be due no later than Wednesday, May 16, 2012 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 said bids in the Council Chambers of Town Hall on Wednesday, May 16, 2012 at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, May 16, 2012 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for an asbestos survey, asbestos specifications preparation, and air monitoring services for property located at 1122 Walden Avenue, Cheektowaga, New York.

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: 7 May 2012

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



13. RESOLUTION 2012-248

Notice to Bidders - War of 1812 Cemetery Fencing

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated May 15, 2006 the Town Board approved the War of 1812 Cemetery Restoration Project, work to include replacement fencing, replication of original archway, new historical marker and interpretive signage, which is to be funded through a matching grant from the New York State Office of Parks, Recreation and Historic Preservation through Title 9 of the Environmental Protection Act of 1993, AND

WHEREAS, the Cheektowaga Engineering Department has prepared plans and specifications enabling the solicitation of competitive bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Installation of Replacement Fencing at the War of 1812 Cemetery, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids for the aforesaid project will be received on the 23rd day of May, 2012 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 23rd day of May, 2012 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for the Furnishing and Installation of an Ornamental Wire Style Steel Fencing System at the War of 1812 Cemetery, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

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

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening

will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and plainly marked "Bid for Furnishing and Installation of Fencing at the War of 1812 Cemetery".

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 ten percent (10%) 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 ten percent (10%) 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 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.

This project is being funded in part by a grant from the NYS Office of Parks, Recreation and Historic Preservation through Title 9 of the Environmental Protection Act of 1993. It is the policy of NYS to encourage the greatest possible participation of minority and women-owned business enterprises in State funded projects. The General Contractor, by bidding on the contract, acknowledges his/her understanding and support for this policy and pledges to fully cooperate with the Town of Cheektowaga in meeting NYS requirements as set forth in the Bidding and Contract Documents.

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 Town of Cheektowaga has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprise (MWBE) suppliers, contractors and/or businesses will be afforded equal opportunity without discrimination because of race, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veterans Status.

The work shall be completed within 90 consecutive calendar days, to begin five days

after the "Order to Commence Work" has been issued.

BY ORDER OF:
TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: May 7, 2012
PUBLISHED: May 10, 2012

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



14. RESOLUTION 2012-249

Order Replacement of Sidewalks

Sponsored By: Councilmember Kaminski, 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 June 4, 2012, 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 4, 2012, 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, 2012, 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 7, 2012,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **June 4, 2012.**

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, 2012. 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 \$64 - \$84 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 7, 2012

VICKI DANKOWSKI
Deputy Town Clerk

Attachments:

Sidewalk List 5.7.2012 (XLS)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2012-250

Establish Chips Account

Sponsored By: Councilmember Kaminski, 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) #500-5132-0002-5714 - \$332,674.89

CHIPS State Aid (Revenue) #500-5132-3089-5714 - \$332,674.89

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-251

Authorize Supervisor to Execute Grant Application For Justice Assistance Grant (JAG)

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 \$16,158.00 in funding through the program; 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 and Police Chief be and hereby are authorized and directed to execute any and all documents pertaining to the application for and acquisition of said funding.

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



17. RESOLUTION 2012-252

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 2012-2013 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 \$14,580.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

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



18. RESOLUTION 2012-253

Authorize Supervisor to Execute Grant Application for “Buckle Up New York” (“BUNY”) 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 2012-2013 year to fund the Buckle Up New York Program (“BUNY”) in the approximate amount of \$10,600.00 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.

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



19. RESOLUTION 2012-254

Authorize Supervisor to Assign Collateral Pledge Agreement

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, First Niagara Bank, N. A. Is acquiring branches from HSBC Bank, USA and succeeding to HSBC's relationships with customers of those branches which is expected to occur following the close of business on May 18, 2012, AND

WHEREAS, the Town of Cheektowaga is currently a customer of the HSBC branch on Walden Ave in Cheektowaga of which the Town's deposits will be assumed by, and transferred automatically to, First Niagara, AND

WHEREAS, the Town of Cheektowaga, as a municipal deposit customer of the HSBC bank on Walden Ave, is party to a Collateral Pledge and Control Agreement among Cheektowaga, HSBC and JPMorgan Chase Bank, N. A. Under which JPMorgan holds, as collateral agent, certain securities pledged by HSBC as security for uninsured deposits currently held by HSBC; AND

WHEREAS, in addition, First Niagara currently maintains an agreement with JPMorgan for collateral services whereby JPMorgan acts as collateral agent for the collateral for uninsured deposits for all of First Niagara's New York government banking customers, AND

WHEREAS in order to effect the efficient transfer of the Town of Cheektowaga's deposits with HSBC to First Niagara, the Collateral Pledge Agreement must be assigned to First Niagara effective as of the close of business on May 18, 2012. NOW, THEREFORE BE IT

RESOLVED, that this Town Board authorizes the Town Supervisor to sign the agreement to assign the Collateral Pledge and Control Agreement to First Niagara Bank as of the close of business on May 18, 2012.

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



20. RESOLUTION 2012-255

Authorization to Purchase Police Car Computers

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Cheektowaga Police Department, in keeping in line with their plan of rotating out older car computers and replacing them with new models, is in need of purchasing 8 Panasonic Toughbook Model CF-31 car computers, AND

WHEREAS, the purchase of new car computers allows the Police Department to utilize the latest technology, keep the cost of repairs and maintenance down, and maintain their warranties, AND

WHEREAS, Synergy Global Solutions, has provided a quotation for 8 Panasonic Toughbook CF-31 computers, based on New York State OGS pricing, Contract # PT 65147, and a 3 year warranty for each computer, AND

WHEREAS, funding has been allocated from budget line #100-3120-2204 for said purchase, NOW, THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the purchase of the 8 Panasonic Toughbook CF-31 car computers in the amount of \$28,768.00 from:

Synergy Global Solutions

600 Fishers Station Drive

Victor, New York 14564

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



21. RESOLUTION 2012-256

Approve Overnight Campout for Cub Scout Pack 618 in Stiglmeier Park

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, June 2, 2012 to Sunday, June 3, 2012, 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 2 - 3, 2012, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Chief of Police and to the Director of the Facilities Department.

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



22. RESOLUTION 2012-257

Support for Industrial Development Agency (IDA) Policy Reform

Sponsored By: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

WHEREAS, as a general matter, government incentives should not be used to provide advantages for one retail or service company over other such companies that compete in a local marketplace; and

WHEREAS, in all but the most unusual cases, government incentives should be reserved for and concentrated upon companies that produce new jobs and net new wealth for the area; and

WHEREAS, it is recognized and accepted that in some instances, such as under the Adaptive Reuse Policy, government incentives may be granted where the support of a particular project is of great importance to the stability of a community or part of a community; and

WHEREAS, Industrial Development Agencies are the paramount economic development tool used within Erie County to promote job creation and retention in our communities, and are the main source of economic development incentives at the local and county level; and

WHEREAS, in Erie County, there are five town-level Industrial Development Agencies (Amherst, Clarence, Concord, Hamburg and Lancaster) and the Erie County Industrial Development Agency ("ECIDA"), of which only the ECIDA represents the interests of towns and villages in Erie County; and

WHEREAS, town IDAs can offer tax advantages to a company that relocates, with most of the impact of such inducement being paid by a government other than a town, such as when a town in Erie County grants sales tax relief through its IDA, it only costs a town approximately 1% of the cost of such tax relief, and all other jurisdictions that receive sales tax pay the other 99%; and

WHEREAS, as a general matter, the ECIDA will not support retail or service company projects, since such projects do not bring new jobs or net new wealth to a community, even though town IDAs now frequently do so; and

WHEREAS, the Town of Cheektowaga and other towns in Erie County that do not have a municipal IDA cannot offer such benefits to retail and service sector projects, thus creating a competitive disadvantage for the Town of Cheektowaga and other towns, compared to the five towns that have municipal IDAs; NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga supports a more uniform and equitable application of the powers granted to industrial development agencies in Erie County, so that the Town of Cheektowaga and other towns are treated fairly; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga supports IDA reform which would require that it, and all towns, have similar access to tax benefits for companies within their boundaries,

and that a uniform policy be applied to the distribution of sales taxes, property taxes and mortgage recording taxes, to the extent such taxes are paid for or come from revenues that would otherwise have been received by the Town of Cheektowaga and other towns; and BE IT FURTHER

RESOLVED, that a certified copy of this resolution be sent to the Governor of the State of New York, every member of the Western New York State Senate and Assembly delegations, the Erie County Executive, and members of the Erie County Legislature.

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



23. RESOLUTION 2012-258

Renew Agreement with CGI Communications, Inc. for Video Tour Book

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, CGI Communications, Inc., in partnership with the US Conference of Mayors, launched the technology for streaming video applications on the internet, and

WHEREAS, by resolution dated October 20, 2008 (Resolution 2008-596), the Town of Cheektowaga agreed to enter into an agreement with CGI Communications, Inc. to receive a fully produced Community Video Showcase to enhance our website with a video welcome message to showcase the Town of Cheektowaga in a powerful, new and innovative way, and

WHEREAS, this video showcase, since 2008, has had community highlight videos on the Town's business, industry, education, etc. to showcase the best of what the Town of Cheektowaga has to offer residents, visitors and our business community, and

WHEREAS, this Video Showcase is provided at no cost to the Town of Cheektowaga, and

WHEREAS, the former agreement has expired and CGI Communications, Inc. and the Town of Cheektowaga are interested in continuing the agreement for three (3) years, and CGI Communications, Inc. has submitted an agreement to the Town for our approval, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an agreement with CGI Communications, Inc. for this Video Showcase and all other documents necessary to effectuate the terms of this agreement.

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



24. RESOLUTION 2012-259

Agreement with Cheektowaga Libraries

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at Cheektowaga's two branch libraries, to provides special activities that encourage children to read and become more familiar with the library, and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2012 through December 31, 2012 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



25. RESOLUTION 2012-260

Special Event - "Bike Ride for Missing Children"

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the National Center for Missing and Exploited Children has made application to conduct its Ride for Missing Children through the Town of Cheektowaga on Thursday, May 24th, 2012 at the anticipated times of 11:30 a.m. and 1:00 p.m.; said Ride to include the following streets: Genesee Street and Union Road (parade route attached); 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 Thursday, May 24th, 2012; 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.

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



26. RESOLUTION 2012-261

Special Event - War of 1812 Parade & Commemoration

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, the War of 1812 Cemetery Board of Trustees and Cheektowaga Patriotic Commission have made application to hold a War of 1812 Cemetery/Flag Day parade and commemoration ceremony on Sunday, June 10, 2012 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, 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. 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 War of 1812 Cemetery Board of Trustees and the Cheektowaga Patriotic Commission for the aforementioned parade and commemoration ceremony to be held on Sunday, June 10, 2012, and BE IT FURTHER

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

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



27. RESOLUTION 2012-262

Special Event - Crabapple Festival Celebration

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, Supervisor Mary Holtz has made application to hold the 4th Annual Crabapple Festival - Celebration of the Town of Cheektowaga June 8th, 9th, and 10th, 2012; and

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

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

- 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 4th Annual Crabapple Festival - Celebration of the Town of Cheektowaga to be held on June 8-10, 2012.

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



28. RESOLUTION 2012-263

Unsafe-Unsecured/191 Evergreen Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 191 Evergreen Place, Cheektowaga, New York SBL# 91.20-7-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Barbara J. Jamieson, 198 Greenway Blvd., Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 191 Evergreen Place, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



29. RESOLUTION 2012-264

Unsafe-Unsecured/135 Ivanhoe 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 135 Ivanhoe Road, Cheektowaga, New York SBL# 90.68-3-32 that is a danger to the safety of others, and records kept by the Assessors Office identify Roy R. Prior, 370 Union Hill Road, Amherst, VA 24521, as the owner AND

WHEREAS, an inspection of such premises was conducted at 135 Ivanhoe Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



30. RESOLUTION 2012-265

Unsafe-Unsecured/1581 E Delavan 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 1581 E Delavan Avenue, Cheektowaga, New York SBL# 90.84.2-4 that is a danger to the safety of others, and records kept by the Assessors Office identify Vincent Catalano, 205 Weiss Street, Upper, Buffalo, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1581 E. Delavan Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



31. RESOLUTION 2012-266

Demolition of Pool and Decking/150 Autumnwood Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 150 Autumnwood Drive, Cheektowaga, New York SBL# 125.07-4-26 that is a danger to the safety of others, and records kept by the Assessors Office identify Lorraine Bova, 1283 French Road, Apt #4, Depew, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 150 Autumnwood Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



32. RESOLUTION 2012-267

Retain the Services of Librarian Consultant

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga previously received a grant award through the Local Government Records Management Improvement Fund, AND

WHEREAS, said project is administered by the New York State Archives and Records Administration, AND

WHEREAS, the grant calls for a Professional Librarian to perform an archives survey and to create MARC format records, AND

WHEREAS, Pamela Brown, of 17 East Main Street, Panama, NY, is a consultant Librarian and qualified to perform the survey and MARC records creation, AND

WHEREAS, the Employee Relations Director and the Municipal Records Manager have reviewed Pamela Brown's resume and qualifications, AND

WHEREAS, this Board is in agreement to retain Pamela Brown for the project, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the agreement with Pamela Brown for the Archives Project, AND BE IT FURTHER

RESOLVED, that the consultant will be paid \$28.00 per hour and funds in the amount of \$1,792 shall be appropriated from the State Archives Grant budget line item #100-1415-4001-1001.

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



33. RESOLUTION 2012-268

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Joseph Cendrowski	08/11/11	14212
Elizabeth Haynes	08/11/11	14225
Holly Podniesinski	08/27/11	14227
Jamie Russell	11/22/11	14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2012-268; 2012-269 and 2012-270. Motion carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



34. RESOLUTION 2012-269

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, 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:

Lifeguard - Level II - \$8.42 - 7180.1903 - Seasonal

Sharrieff Fareed-Muhammad	14225
Dakota Grantham	14225
Samantha Johnston	14206
Michael Keller	14225
Christopher Kiripolsky	14215
Rachel Kuechle	14225
Elicia Mactarnaghan	14043
Adam McPherson	14225
Allison Musial	14225
Mindy Odrobina	14043
Katelin Petranchuk	14227
Rose Rustowicz	14225
Trevor Sacilowski	14225
Aaron Wanat	14043
Michael Zarbo	14227

Lifeguard - Level III - \$8.59 - 7180.1903 - Seasonal

Brad Bauman	14227
Catherine Chojnacki	14225
Matthew Hockwater	14227
Elizabeth Monaco	14225
Lauren Tomaschko	14225
Jennifer Weber	14225
Brandon Wheeler	14225
John Zastempowski IV	14227

Lifeguard - Level IV - \$8.76 - 7180.1903 - Seasonal

Kenneth Carlucci III	14227
Kayla Doetterl	14227
Margaret Drzewiecki	14225
Melissa Farruggio	14227
Jacob Sauer	14227
Katherine Tomaschko	14225

Lifeguard - Level IV w/WSI - \$8.94 - 7180.1903 - Seasonal

Anastasia Zarbo	14227
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Recreation Aide - 7140.1636, 7140.1640 & 7140.1611 - \$7.25 - Part-time

Courtney Wesolowski	14206
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Recreation Attendant - 7140.1642 - \$7.90 - Regular Part-time
Gary Steltermann 14225

Recreation Attendant - 7310.1814 - \$8.00 - Regular Part-time
Jaclyn Eckel 14225

Recreation Attendant - 7140.1611 - \$7.75 - Regular Part-time
Eric Fiorello
Jordan Kilijanski

Recreation Attendant - 7140.1640 - \$7.75 - Regular Part-time
Corinne Monette

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

Recreation Attendant - 7140.1646 - \$8.50 - Regular Part-time
Daniel Kruszynski
Steven Gasiorek

Recreation Attendant - 7140.1633 - \$8.75 - Regular Part-time
Amy Krytus

Recreation Attendant - 7140.1636 - \$9.15 - Regular Part-time
Melisa Petre

Recreation Attendant - 7140.1640 - \$11.20 - Regular Part-time
Eric Godzich

Recreation Instructor - 7140.1636 - \$12.40 - Regular Part-time
Tony Pierino

Recreation Aide to Recreation Attendant - 7140.1640 - \$7.50 - Regular Part-time
Josh Graser

Recreation Attendant - 7140.1611 - \$8.15 - Regular Part-time
Liza Fiorello

Recreation Attendant - 7140.1611 - \$8.15 - Regular Part-time
Jayson Selbert

Recreation Attendant - 7140.1614 - \$8.00 - Seasonal
Harley Wiertel 14227
Kendal Wiertel 14227

Recreation Attendant - 7140.1642 - \$7.50 - Seasonal
Melanie Grzebinski 14227
Sarah Kojm 14215

Recreation Attendant - 7140.1642 - \$8.15 - Seasonal
Julia Harvey 14225

Recreation Attendant - 7140.1642 - \$8.50 - Seasonal

Courtney Smith	14206
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Cheektowaga conservation Corps (CCC)
Seasonal

Laborer - "Level I Participant" - 7310.1816 - \$7.25 - Seasonal

James Hanners	14225
Brandon Kruse	14206
Brian Johnson	14227
Alex Lenhard	14227
Robert Rustowicz	14225
Robert P. Malicki	14227
Daniel Eye	14225
Jonathan Chittenden	14043
Kenneth Minorczyk	14227

Laborer - "Level II Participant" - 7310.1816 - \$7.50 - Seasonal

Christopher Kelley	14215
Michael Wrona	14225
Zachary Uzar	14227
Christopher Suchan	14227
Tyler Smith	14043
Matthew Lanning	14225
Keith Kwiatkowski	14227
Michael Tomczak	14227

Laborer - "Level III Participant" - 7310.1816 - \$7.75 - Seasonal

Bradley Vargo	14225
Sean Langan	14225
Eric Nash	14206

Laborer - "Level I Participant" - 7310.1816 - \$7.25 - Seasonal - Alternates

Mathew Bilz	14227
Robert Spear II	14206
Dillon Davis	14225
Ryan Londos	14043
Christopher Crawford	14043
Rocco Fumerelle	14227
Ashley Spencer	14211
Achaz Cason	14225

Laborer - "Level I Supervisor Trainee" - 7310.1816 - \$8.90 - Seasonal

Joshua Galante	14206
Christopher Balash	14215
Matthew Eckle	14225
Alissa Kowalski	14206

Laborer - "Level I Crew Supervisor" - 7310.1811 - \$12.00 - Seasonal

Michael Lewandowski	14043
Stephen Pfalzer	14043
Andrew Samer	14227

Laborer - "Level III Crew Supervisor" - 7310.1811 - \$12.70 - Seasonal

Nicholas Russell	14206
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Laborer - "Level I Youth Leader" - 7310.1811 - \$9.15 - Seasonal

Adam Skowron	14227
David Chowjdak	14227

Laborer - "Level II Youth Leader" - 7310.1811 - \$9.40 - Seasonal

Jamie Nash	14206
Corey Patrzyk	14043

Recreation Specialist "CCC Program Coordinator" - 7310.1811 - \$16.00 - Regular Part-time

Brad Agen	14227
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Recreation Specialist "CCC Education Coordinator" - 7310.1811 - \$14.00 - Regular Part-time

Kyle Polanski	14043
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



35. RESOLUTION 2012-270

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 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:

SANITATION DEPARTMENT Laborer \$8/hour effective 4/16/12
Thomas M. Buil, Depew, New York
Joseph A. Griffin, Cheektowaga, New York
Tyler D. Schaf, Cheektowaga, New York
Ronnell J. Simmons, Cheektowaga, New York
Walter W. Szafraniec, Cheektowaga, New York
Daniel J. Woods, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 5/13/12
Kyle J. Lackie, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9/hour effective 5/7/12
Drew A. Pijacki, Cheektowaga, New York
David W. Cunningham, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8/hour
Brendan M. Hammer, Cheektowaga, New York effective 5/8/12
Ryan J. Kowal, Cheektowaga, New York effective 5/18/12
Jeremy W. Ross, Cheektowaga, New York effective 6/18/12
Eric J. Tomczak, Cheektowaga, New York effective 5/14/12
Matthew J. Pazderski, Cheektowaga, New York effective 5/22/12
Jonathan R. Heisler, Depew, New York effective 5/19/12
Dean M. Mertowski, Cheektowaga, New York effective 5/8/12

FACILITIES DEPARTMENT (Parks Division) Laborer \$8/hour
Daniel Szatkowski, Depew, New York effective 5/8/12
Robert Bommer, III, Cheektowaga, New York effective 5/14/12

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 School Crossing Guard \$8.50/hour effective 4/16/12
Emily Wachowski, Sloan, New York

SANITATION DEPARTMENT Laborer \$8/hour effective 4/16/12

Michael J. McGloin, Sloan, New York
Justin P. Borowski, Depew, New York
Keith E. Piatek, Sloan, New York

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

POLICE DEPARTMENT

Amanda M. Burgett effective 10/4/11

SENIOR SERVICES

Richard E. Thurnherr effective 10/8/11

Patricia A. Stein effective 5/12/07

BE IT RESOLVED, that the following seasonal employee's effective date of hire be and hereby is amended as follows:

FACILITIES DEPARTMENT (Buildings and Grounds Division)

Ryan S. Full, Cheektowaga, New York from 4/3/12 to 4/17/12

BE IT RESOLVED, that the following employee's status be amended as follows:

ASSESSOR'S OFFICE Clerk (from Seasonal to Part-Time) \$8.50/hour effective 5/1/12

Kristen M. Murphy, Sloan, New York

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

**36. RESOLUTION 2012-271****Reinstatement of Motor Equipment Operator-A (Non-Competitive/Permanent) Highway Department/Robert Jaroszewski**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Robert Jaroszewski of Sloan, New York, be and hereby is reinstated to the title of Motor Equipment Operator-A in the Highway Department in compliance with Civil Service Laws and Regulations along with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 30, 2012.

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



37. RESOLUTION 2012-272

Travel Authorization Police Department/Sergeant Lawrence Bauer and Police Officer Jay Ober

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, Remington Armorer's School is being held September 17 through September 21, 2012 in Ilion, New York; AND

WHEREAS, Sergeant Lawrence Bauer and Police Officer Jay Ober have been recommended to attend said school; AND

WHEREAS, Police Chief David Zack 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 \$3,012.34; AND

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

RESOLVED, that Sergeant Lawrence Bauer and Police Officer Jay Ober be and hereby are authorized to attend Remington Armorer's School being held September 17 through September 21, 2012 in Ilion, New York.

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

**38. RESOLUTION 2012-273****Travel Authorization Police Department/Police Officer
Michael McDonough**

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the North American Standard Truck Inspection (NASTI) course is being held in two (2) sessions, Part-A May 7 through May 11, 2012 and Part-B June 11 through June 15, 2012 in Albany, New York; AND

WHEREAS, Police Officer Michael McDonough has been recommended to attend said course; AND

WHEREAS, Police Chief David Zack 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 \$1,515; AND

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

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend the North American Standard Truck Inspection (NASTI) course being held in two (2) sessions, Part-A May 7 through May 11, 2012 and Part-B June 11 through June 15, 2012 in Albany, New York.

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



39. RESOLUTION 2012-274

Travel Authorization Police Department/Captain James Speyer, Captain Scott Pilat, Lieutenant Frederick Roll and Payroll Clerk Michelle Gordon

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, a Microsoft Access 2010 Level 1 & 2 course is being held June 14 through June 15, 2012 in Buffalo, New York; AND

WHEREAS, Captain James Speyer, Captain Scott Pilat, Lieutenant Frederick Roll and Payroll Clerk Michelle Gordon have been recommended to attend said course; AND

WHEREAS, Police Chief David Zack 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 \$1,036.50; AND

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

RESOLVED, that Captain James Speyer, Captain Scott Pilat, Lieutenant Frederick Roll and Payroll Clerk Michelle Gordon be and hereby are authorized to attend a Microsoft Access 2010 Level 1 & 2 course being held June 14 through June 15, 2012 in Buffalo, New York.

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

IV. Suspension of Rules

Motion by Councilmember Rogowski; seconded by Councilmember Markel to Waive the Rules to Include the Following one (1) resolution: 2012-275. Motion Carried



1. RESOLUTION 2012-275

Change Order No. 2 (Plumbing Work) Police & Court Building

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for Plumbing Work for the Police & Court Building Addition and Renovations Project was awarded by Town Board Resolution dated September 7, 2010 to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York 14224 in the amount of \$990,000.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 2 (Plumbing Work) which provides for additions and modifications to the original scope of work as further detailed in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 (Plumbing Work) for the Police & Court Building Addition and Renovations Project in the amount of \$19,614.59 as an addition to the contract for plumbing work, of which \$18,463.07 will be offset by the contract contingency allowance, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 2 document on behalf of this Town Board.

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

V. Communications

A. Departmental Communications

1. Building Permits - April 2012
2. Town of Cheektowaga Emergency Services - Quarterly Report from January to March 2012
3. Town of Cheektowaga 2012 Comprehensive Emergency Plan
4. Minutes: Cheektowaga Conservation Advisory Council: April 5, 2012
5. Minutes: Cheektowaga Public Library - Board of Trustees - April 18, 2012
6. Annual Financial Report Update Document for the Town of Cheektowaga, County of Erie for the Fiscal Year Ended 12/31/2011

B. General Communications

1. Notice of Claim: Mallory Herman Vs. Town of Cheektowaga
2. Certificate and Notice of Highway Closure: County of Erie - that Portion of Aero Drive (CR 324) in the Town of Cheektowaga Will be Closed from Holtz Drive (CR 539) to Transit Rd (CR 553) a Distance of 1.1 Mile, Beginning April 16, 2012 through May 11, 2012 or Until Complete (This Will be a Total Closure).
3. Notice of Road Opening: County of Erie - Aero Drive (CR324) from Holtz Drive (CR 539) to Transit Road (CR 553) Maintenance of County Bridge 324-1A in the Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Jaworowicz; Seconded by Councilmember Kaznowski to adjourn the meeting at 7:43 PM

Alice Magierski, Town Clerk



440 PINE RIDGE HERITAGE BOULEVARD

TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK PART OF LOT 34, TOWNSHIP 11, RANGE 7

UTILITIES

NATURAL GAS:
 NAME/TITLE: GERALD SCOTT
 COMPANY/DEPT.: NATIONAL FUEL GAS DISTRIBUTION CORP.
 ADDRESS: 6363 MAIN STREET
 WILLIAMSVILLE, NEW YORK 14221
 TELEPHONE: PHONE: 716/857-7076

ELECTRIC COMPANY:
 NAME/TITLE: DIANE KEICHER
 COMPANY/DEPT.: NATIONAL GRID
 ADDRESS: 144 KENSINGTON AVENUE
 BUFFALO, NEW YORK 14214
 TELEPHONE: PHONE: 716/831-7108

TELEPHONE:
 NAME/TITLE: JIM MURPHY
 COMPANY/DEPT.: VERIZON
 ADDRESS: 65 FRANKLIN STREET
 BUFFALO, NEW YORK 14202
 TELEPHONE: PHONE: 716/840-8698

PUBLIC UTILITIES (CABLE):
 NAME/TITLE: PAM GRACI
 COMPANY/DEPT.: TIME WARNER CABLE
 ADDRESS: 355 CHICAGO STREET
 BUFFALO, NEW YORK 14204
 TELEPHONE: PHONE: 716/558-8551

AGENCIES

TOWN PLANNING:
 NAME/TITLE: DANIEL ULATOWSKI, AICP, PLANNING
 COMPANY/DEPT.: TOWN OF CHEEKTOWAGA PLANNING DEPARTMENT
 ADDRESS: 3301 BROADWAY
 CHEEKTOWAGA, NEW YORK 14227
 TELEPHONE: PHONE: 716/686-3567

TOWN BUILDING:
 NAME/TITLE: THOMAS ADAMCZAK, SUPERVISING BUILDING INSPECTOR
 COMPANY/DEPT.: TOWN OF CHEEKTOWAGA BUILDING DEPARTMENT
 ADDRESS: 3301 BROADWAY
 CHEEKTOWAGA, NEW YORK 14227
 TELEPHONE: PHONE: 716/686-3490; FAX: 716/686-3516

ENGINEERING:
 NAME/TITLE: WILLIAM PUGH, P.E., TOWN ENGINEER
 ADDRESS: ALEXANDER COMMUNITY CENTER
 275 ALEXANDER STREET
 CHEEKTOWAGA, NEW YORK 14211
 TELEPHONE: PHONE: 716/897-7288; FAX: 716/897-7299

STATE HIGHWAY:
 NAME/TITLE: DON HOFFMAN
 COMPANY/DEPT.: NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 ADDRESS: ERIE NORTH RESIDENCY
 111 INDIAN ROAD
 DEPEW, NEW YORK 14043
 TELEPHONE: PHONE: 716/684-3476; FAX: 716/683-2681

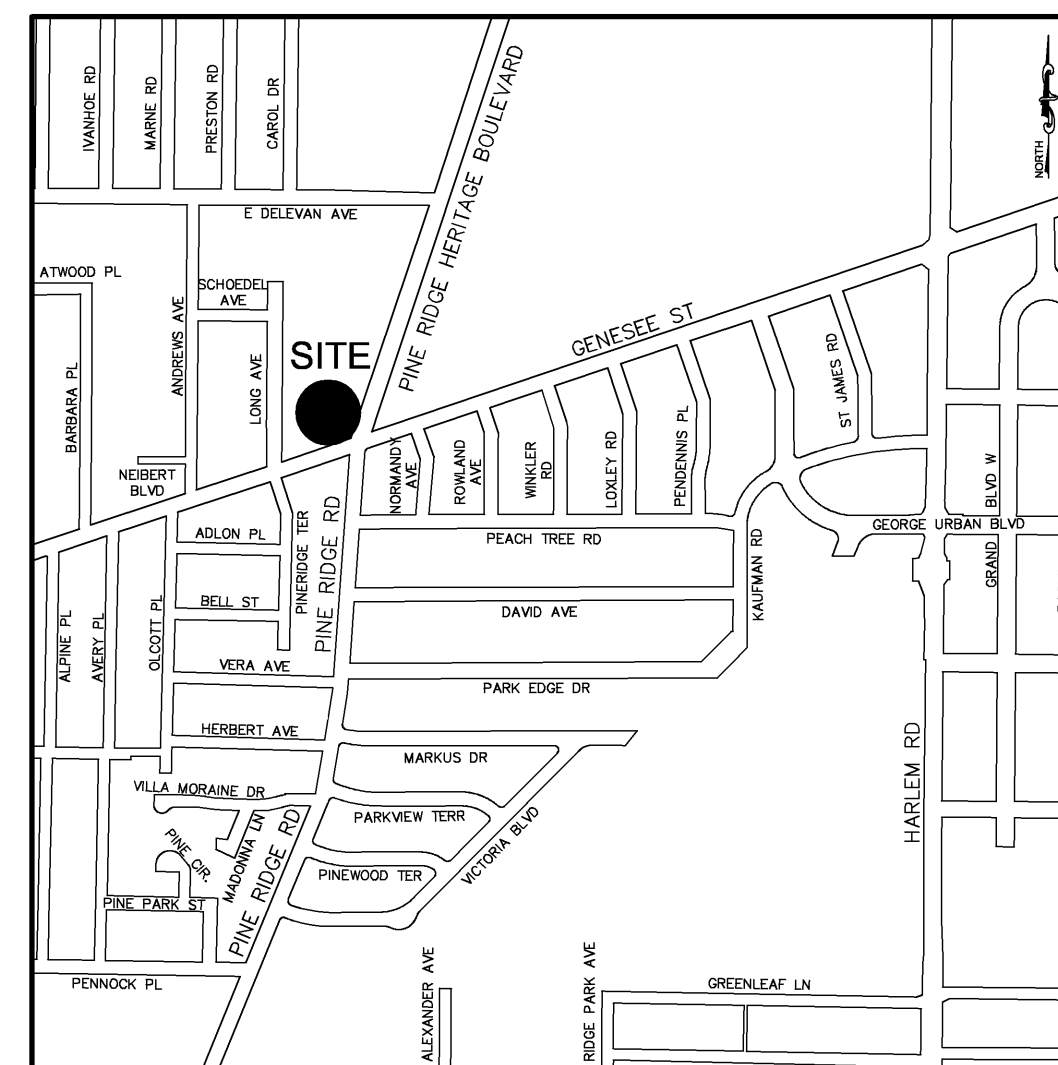
PUBLIC UTILITY (WATER):
 NAME/TITLE: TOM WIK, P.E.
 COMPANY/DEPT.: ERIE COUNTY WATER AUTHORITY
 ADDRESS: 3030 UNION ROAD
 CHEEKTOWAGA, NEW YORK 14227
 TELEPHONE: PHONE: 716/684-1510

OWNER/DEVELOPER:

CONTACT: SCOTT BUCKLEY
 CONSTRUCTION MANAGER
COMPANY: THE THD GROUP
ADDRESS: 4455 TRANSIT ROAD, SUITE 2B
 WILLIAMSVILLE, NEW YORK 14221
TELEPHONE: PHONE: 716/632-7196; FAX: 716/632-7198

SHEET INDEX

- C1COVER SHEET
- C2ALTA/ACSM LAND TITLE SURVEY
- C3SITE DEMOLITION PLAN
- C4SITE PLAN AND NOTES
- C4.1.....SITE DETAILS
- C5STORM DRAINAGE PLAN AND DETAILS
- C5.1GRADING PLAN
- C6EROSION AND SEDIMENT CONTROL PLAN AND DETAILS
- C7UTILITY PLAN AND PROFILE
- C7.1SANITARY SEWER DETAILS
- C7.2SANITARY SEWER AND WATER MAIN DETAILS
- C8SITE LANDSCAPE PLAN AND DETAILS
- C9SITE LIGHTING/PHOTOMETRIC PLAN AND DETAILS
(PREPARED BY LSI INDUSTRIES, INC.)



LOCATION MAP

N.T.S.



37 CENTRAL AVE.
 LANCASTER, NY 14086-2143

PH. 716-683-5961
 FAX 716-683-0169

WWW.WMSCHUTT.COM

WM. SCHUTT AND ASSOCIATES, P.C. (THE "CONSULTANTS") REPRESENTS AND CERTIFIES THAT, IN THE CONSULTANT'S PROFESSIONAL OPINION, THE ATTACHED SITE PLANS COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AND WITH ALL APPLICABLE STATE AND LOCAL ACCESSIBILITY REQUIREMENTS.

WM. SCHUTT & ASSOCIATES, P.C. IS RESPONSIBLE FOR THE DESIGN OF THIS PROJECT. WILLIAM E. SCHUTT, P.E. IS THE DESIGNER AND IS FAMILIAR WITH THE NYS DOT STANDARDS AND REQUIREMENTS AND SHALL BE CONTACTED AT 716/683-5961 TO RESOLVE ISSUES OR PROBLEMS DURING CONSTRUCTION. ALL REVISIONS, INCLUDING REVISIONS NECESSARY DUE TO FIELD CONDITIONS, SHALL BE APPROVED BY THE NYS DOT.

IMPORTANT NOTE:
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

CAUTION - NOTICE TO CONTRACTOR
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

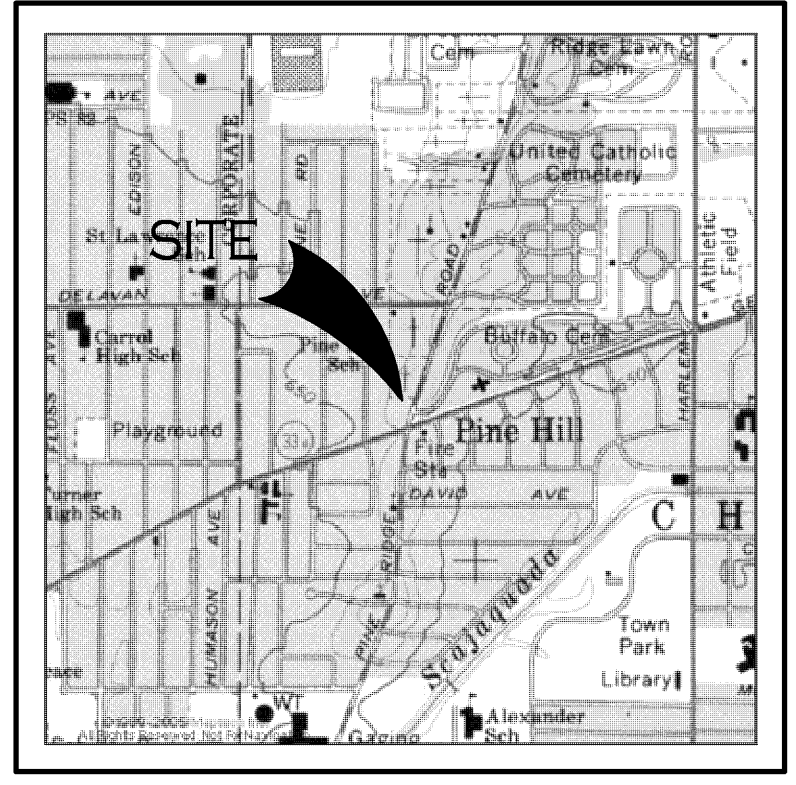
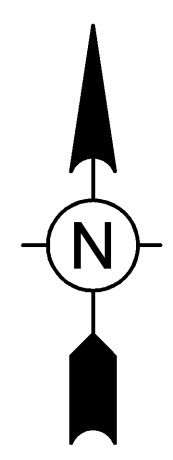
IMPORTANT NOTE:
 CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7862) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

DRAWING REVISIONS		
ITEM	DATE	DESCRIPTION
1	4/10/12	REVISED PER TOWN COMMENTS

THIS SHEET ISSUED APRIL 10, 2012

C1

WSA PROJECT NO. 11128



VICINITY MAP (NTS)

ZONING

PROPERTY IS ZONED "C" RETAIL BUSINESS DISTRICT.
A. FRONT YARD MINIMUM SETBACK 50 FEET.
B. SIDE YARDS (TWO REQUIRED)
1. WHERE A SIDE YARD ABUTTING A RESIDENTIAL DISTRICT 20 FEET OR A DISTANCE EQUAL TO THE HEIGHT OF THE PRINCIPAL BUILDING, WHICHEVER IS GREATER.
2. WHERE SIDE YARD WHERE SIDE YARD IS USED FOR ONE-WAY VEHICULAR ACCESS, IT SHALL BE 18 FEET.
3. WHERE A SIDE YARD IS USED FOR TWO-WAY VEHICULAR TRAFFIC ACCESS, IT SHALL NOT BE LESS THAN 30 FEET, WITH NO MORE THAN A TWENTY-FOUR FOOT-WIDE DRIVEWAY.
C. REAR YARD MINIMUM 10 FEET
1. ALONG A RESIDENTIAL DISTRICT BOUNDARY, 20 FEET OR A DISTANCE EQUAL TO THE HEIGHT OF SUCH BUILDING, WHICHEVER IS GREATER.
D. MAXIMUM STRUCTURE HEIGHT 30 FEET.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO SUBSTANTIATE BURIED UTILITIES AND STRUCTURES. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. BEFORE EXCAVATIONS ARE BEGUN, THE APPROPRIATE AGENCIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

LEGEND

- ANTENNA/DISH
BENCHMARK
BOLLARD
CATCH BASIN
CLEANOUT
COMMUNICATIONS BOX
COMMUNICATIONS MANHOLE
COMMUNICATIONS MARKER
COMMUNICATIONS VAULT
CONIFEROUS SHRUB
CONIFEROUS TREE
DECIDUOUS SHRUB
DECIDUOUS TREE
DRILL/AUGER HOLE
ELECTRIC MANHOLE
ELECTRIC METER
END SECTION
FILLER CAPS
FLAG POLE
FLOOD LIGHT
GAS LINE MARKER
GAS MANHOLE
GAS METER
GAS SERVICE VALVE
GAS VALVE
GUY WIRE
HANDICAP PARKING
HYDRANT
PROPERTY MONUMENT
MAILBOX
MONUMENT AS DESCRIBED
OIL LINE MARKER
PHONE BOOTH
PIPE OUTLET
POST
POWER VAULT
RAILROAD CONTROL BOX
SANITARY SEWER MANHOLE
SCUPPER
SIGN (SINGLE POLE)
SIGN (DOUBLE POLE)
SIGN (TRIPLE POLE)
SIGNAL POLE
SIGNAL POLE (WITH TRAFFIC)
UTILITY BOX
STORM SEWER MANHOLE
TRAFFIC CONTROL BOX
TRAFFIC PULLBOX
UNKNOWN MANHOLE
UTILITY BOX
UTILITY POLE
UTILITY POLE WITH LIGHT
WATER MANHOLE
WATER METER
WATER SERVICE VALVE
WATER VALVE
WELL
YARD DRAIN
BERM
CENTERLINE OF ROAD
CENTERLINE OF DITCH
FENCE (CHAINLINK)
FENCE (WOOD)
GAS MAIN
GUIDE RAIL (BOX BEAM)
GUIDE RAIL (W BEAM)
OVERHEAD WIRES
LOT LINE
PARCEL LINE
RIGHT OF WAY LINE
SANITARY SEWER LINE
STORM SEWER LINE
TREE LINE
UNDERGROUND CONDUIT
UNDERGROUND ELECTRIC
WATER MAIN

FLOOD ZONE

BY GRAPHIC PLOTTING ONLY, THIS PARCEL WAS FOUND TO BE LOCATED WITHIN FLOOD ZONE "C" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO.360231 0005 E A, WHICH HAS AN EFFECTIVE DATE OF APRIL 8, 1983 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR AN APPLICATION FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DESCRIPTION-AS SURVEYED

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.34, TOWNSHIP 11, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF GENESEE (66' WIDE) STREET WITH THE WEST LINE OF PINE RIDGE (66' WIDE) ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF GENESEE STREET A DISTANCE OF 93.37 FEET TO A POINT; THENCE NORTHERLY AT A MEASURED INTERIOR ANGLE OF 71°24'11" (71°20'00" RECORD) A MEASURED DISTANCE OF 94.07 FEET (93.88' RECORD) TO A POINT; THENCE WESTERLY AT AN INTERIOR ANGLE OF 27°00'00" A DISTANCE OF 9.46 FEET TO A POINT; THENCE NORTHERLY AT AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 7.00 FEET TO A POINT; THENCE WESTERLY AT AN INTERIOR ANGLE OF 27°00'00" A DISTANCE OF 47.28 FEET TO A POINT; THENCE NORTHERLY AT AN INTERIOR ANGLE OF 90°00'00" A MEASURED DISTANCE OF 181.52 FEET (182.19' RECORD) TO A POINT; THENCE EASTERLY AT A MEASURED INTERIOR ANGLE OF 88°47'19" (89°30'37" RECORD) A MEASURED DISTANCE OF 226.70 FEET (226.64' RECORD) TO A POINT IN THE WESTERLY LINE OF PINE RIDGE ROAD; THENCE SOUTHERLY AT A MEASURED INTERIOR ANGLE OF 72°59'51" A MEASURED DISTANCE OF 260.79 FEET (261.76' RECORD) TO THE POINT OR PLACE OF BEGINNING, CONTAINING 1.01 ACRES MORE OR LESS.

EXCEPTING THEREFROM LANDS APPROPRIATED IN UBER 10932 OF DEEDS AT PAGE 5181

LONG AVENUE (66' WIDE) (PINE HOLLAND AVE)

JOSEPH LONGS SUBDIVISION MAP COVER 475

TIMOTHY A. WOJCIK (REPUTED OWNER) L10919, PG.1632 S.B.L.90.84-4-9

FRANK KLIMA JR. (REPUTED OWNER) L8033, PG.129 S.B.L.90.84-4-8

WILLIAM BURSEE JR. (REPUTED OWNER) L11085, PG.590 S.B.L.90.84-4-7

WILLIAM BURSEE JR. (REPUTED OWNER) L11085, PG.590 S.B.L.90.84-4-6.1

TITLE REPORT SCHEDULE B

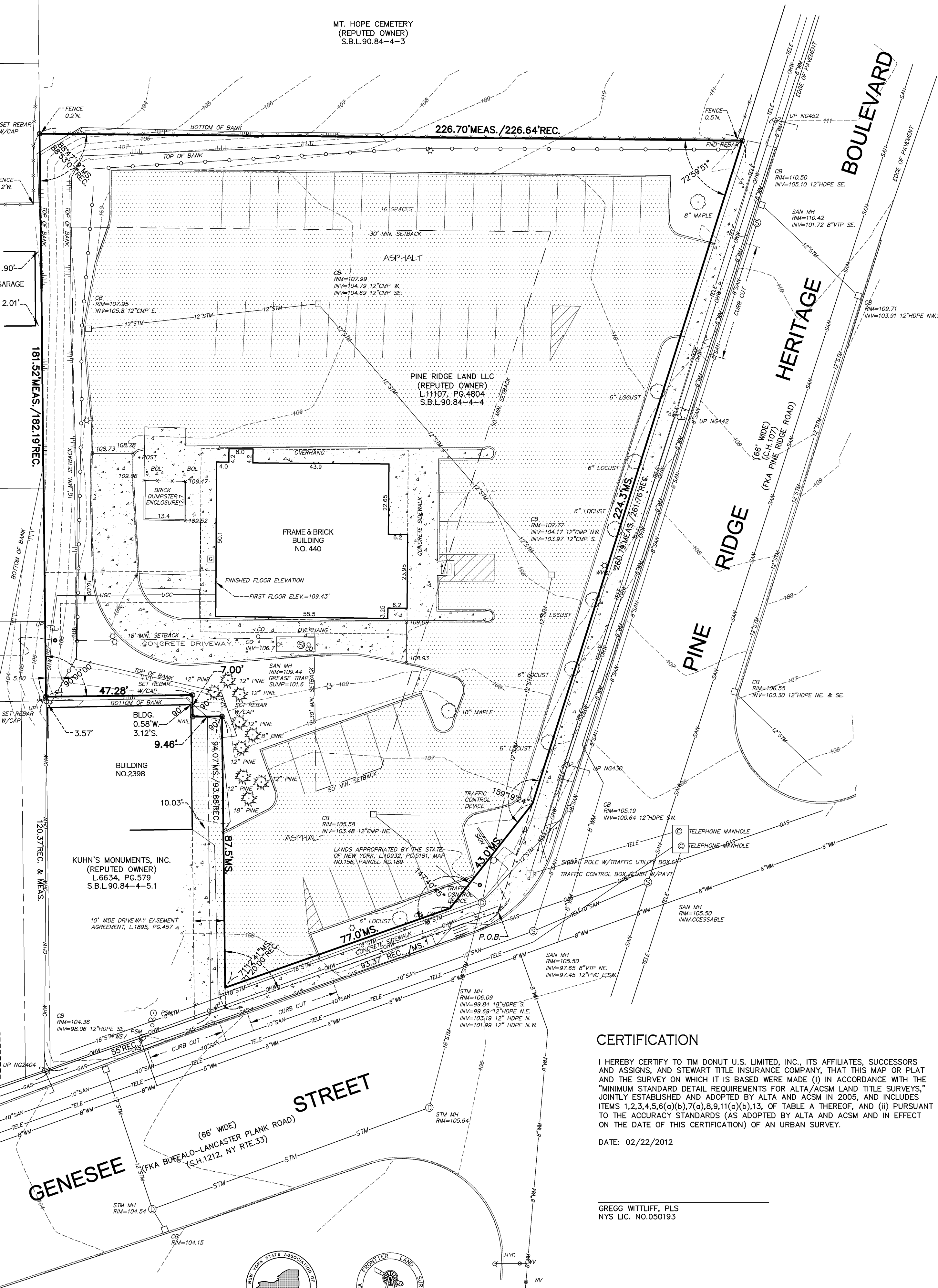
THIS SURVEY WAS PREPARED WITH STEWART TITLE INSURANCE COMPANY'S "COMMITMENT FOR TITLE INSURANCE", TITLE NO.62142, DATED NOVEMBER 14, 2011
12. EASEMENT TO NIAGARA MOHAWK POWER CORP., RECORDED UNDER L.8508 OF DEEDS AT PG.491, AS SHOWN ON SURVEY.
13. ARTICLES OF AGREEMENT RECORDED UNDER L.1895 OF DEEDS AT PAGE 457 AFFECT THE PREMISES.

BENCHMARK TABLE (ASSUMED)

TBM#1 - STORM MANHOLE RIM LOCATED AT THE NORTHWEST CORNER OF GENESEE STREET AND PINE RIDGE ROAD ELEVATION = 106.09 FT.

PARKING SPACES

THERE ARE A TOTAL OF 44 PARKING SPACES, OF WHICH 2 ARE HANDICAP ACCESSIBLE.

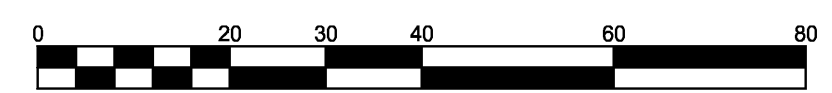


CERTIFICATION

I HEREBY CERTIFY TO TIM DONUT U.S. LIMITED, INC., ITS AFFILIATES, SUCCESSORS AND ASSIGNS, AND STEWART TITLE INSURANCE COMPANY, THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE (i) IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 2005, AND INCLUDES ITEMS 1,2,3,4,5,6,(a),(b),(c),8,9,11(a),(b),13, OF TABLE A THEREOF, AND (ii) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF AN URBAN SURVEY.

DATE: 02/22/2012

GREGG WITLIFF, PLS NYS LIC. NO.050193



SCALE: 1"=20' GRAPHIC SCALE IN FEET

DRAWING REVISIONS table with columns for ITEM, DATE, DESCRIPTION, and REVISIONS.

DESIGNED BY, DRAWN BY, CHECKED BY, DATE table with entries: CJB, GCW, 06/27/2011.

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 17-0303 OF THE LAND SURVEYORS EDUCATION LAW. © COPYRIGHT WM. SCHUTT & ASSOCIATES P.C.

WM SCHUTT ASSOCIATES logo and contact information: 37 CENTRAL AVE., LANCASTER, NY 14086-2143.

TOWN OF CHEEKTOWAGA
COUNTY OF ERIE, STATE OF NEW YORK
PART OF LOT 34, TOWNSHIP 11, RANGE 7
HOLLAND LAND COMPANY'S SURVEY
440 PINE RIDGE HERITAGE BOULEVARD
ALTA/ACSM LAND TITLE SURVEY

C2 DRAWING SCALE: 1" = 20' D11128-01 WSA PROJECT NO. 11128

DEMOLITION PROCEDURE NOTES

- EXISTING TREES TO BE PRESERVED AND PROTECTED.
- EXISTING TREES TO BE REMOVED.
- EXISTING TREE TO BE REMOVED PENDING FIELD CONFIRMATION.
- EXISTING CATCH BASIN TO BE PRESERVED FOR RE-USE.
- EXISTING CATCH BASIN TO BE MODIFIED (RIM ELEVATION) FOR RE-USE.
- EXISTING CONCRETE DRIVEWAY TO REMAIN.
- EXISTING CONCRETE CURB TO REMAIN.
- EXISTING CONCRETE CURB TO BE MODIFIED/REPLACED. (SEE SHEET C5.1 GRADING PLAN FOR ELEVATIONS.)
- EXISTING ASPHALT SURFACE TO BE MILLED TO A DEPTH OF ±1".
- EXISTING PAVEMENT STRIPING TO BE REMOVED.
- EXISTING CONCRETE CURB TO BE REMOVED.
- EXISTING CONCRETE SIDEWALK TO BE REMOVED.
- EXISTING CONCRETE SLAB TO BE REMOVED.
- EXISTING BRICK ENCLOSURE TO BE REMOVED AND DISPOSED OF IN AN APPROPRIATE MANNER.
- EXISTING BUILDING, CONCRETE PAD AND FOUNDATION TO BE REMOVED.
- EXISTING 1,500 GALLON GREASE TRAP TO BE RE-USED. EXISTING GREASE TRAP HAS BEEN PUMPED OUT AND INSPECTED. EXISTING GREASE TRAP INLETS/OUTLETS TO BE ABANDONED AND PERMANENTLY SEALED. EXISTING SANITARY SEWER TO BE REMOVED. NEW INLETS/OUTLETS SHALL BE CREATED TO ACCOMMODATE NEW CONNECTION POINTS. AN ADDITIONAL MANWAY OPENING SHALL BE CREATED INTO LID OF EXISTING GREASE TRAP FOR FUTURE CLEANING PURPOSES.
- EXISTING STORM SEWER LINES TO BE PRESERVED AND PROTECTED FOR RE-USE.
- EXISTING LIGHT POLES, FIXTURES AND FOUNDATIONS TO BE REMOVED.
- EXISTING GAS AND ELECTRIC SERVICE TO BE LOCATED BY CONTRACTOR. ELECTRIC AND GAS SERVICE TO BE DISCONNECTED ACCORDING TO GOVERNING AGENCY REQUIREMENTS. ELECTRIC AND GAS SERVICE TO BE DETERMINED BY OWNER IF RE-USABLE FOR PROPOSED BUILDING.
- EXISTING WATER SERVICE TO BE FIELD LOCATED BY CONTRACTOR. WATER SERVICE SHALL BE SHUT OFF ACCORDING TO GOVERNING AGENCY REQUIREMENTS FOR DEMOLITION PURPOSES BUT 1-1/2" SERVICE IS PROPOSED TO BE RE-USED FOR BUILDING. AFTER FIELD LOCATION OWNER SHALL DETERMINE IF EXISTING WATER SERVICE CAN BE RE-USED. ALL EXTENSIONS AND/OR CONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH ECWA AND TOWN OF CHEEKTOWAGA REQUIREMENTS. IF EXISTING WATER SERVICE CANNOT BE RE-USED, CONTRACTOR SHALL COORDINATE WITH OWNER FOR ESTABLISHING A NEW WATER SERVICE. EXISTING WATER SERVICE METER SHALL BE REMOVED AND RETURNED TO THE ERIE COUNTY WATER AUTHORITY. THE ERIE COUNTY WATER AUTHORITY SHALL PROVIDE AND INSTALL A NEW METER FOR WATER SERVICE.
- EXISTING FENCE SHALL BE REMOVED. VINYL FENCE (6" TALL) TO BE INSTALLED AT PROPERTY LINE, ALONG ENTIRE LENGTH OF THE WEST PROPERTY LINE.
- EXISTING CONCRETE CURB TO BE MODIFIED FOR NEW HANDICAP ACCESS RAMP.
- EXISTING CONCRETE SIDEWALK TO BE PRESERVED.
- EXISTING SIGN TO BE REMOVED.
- EXISTING STORM MANHOLE TO BE PRESERVED AND PROTECTED.
- EXISTING TRAFFIC CONTROL DEVICE AND POLES TO BE PRESERVED AND PROTECTED.
- EXISTING CLEANOUT(S) TO BE REMOVED.
- EXISTING SANITARY LATERALS TO BE LOCATED AND TERMINATED IN ACCORDANCE WITH GOVERNING AGENCY REQUIREMENTS.
- REMOVE STONE/CONCRETE CURB STOPS.
- EXISTING SIGN TO REMAIN.
- EXISTING SHRUBS TO BE REMOVED.
- EXISTING DRIVEWAY/CURB CUT TO BE MAINTAINED
- EXISTING CONCRETE SLAB TO BE SAWCUT FOR RELATED UTILITY WORK. SLAB TO BE REPAIRED/REPLACED IN KIND.
- EXISTING FENCE SHALL BE REMOVED. BLACK CHAIN LINK FENCE TO BE INSTALLED 2 FEET OF CURB LINE, ALONG ENTIRE NORTHERN PROPERTY LINE.
- ALL EXISTING TREES ALONG THE WEST SIDE OF THE PROPERTY, FROM EX. FENCE LINE TO PROPERTY LINE, TO BE REMOVED AND BANK AREA GRADED/RESTORED.
- ALL DEAD TREES ALONG NORTH PROPERTY LINE TO BE REMOVED.

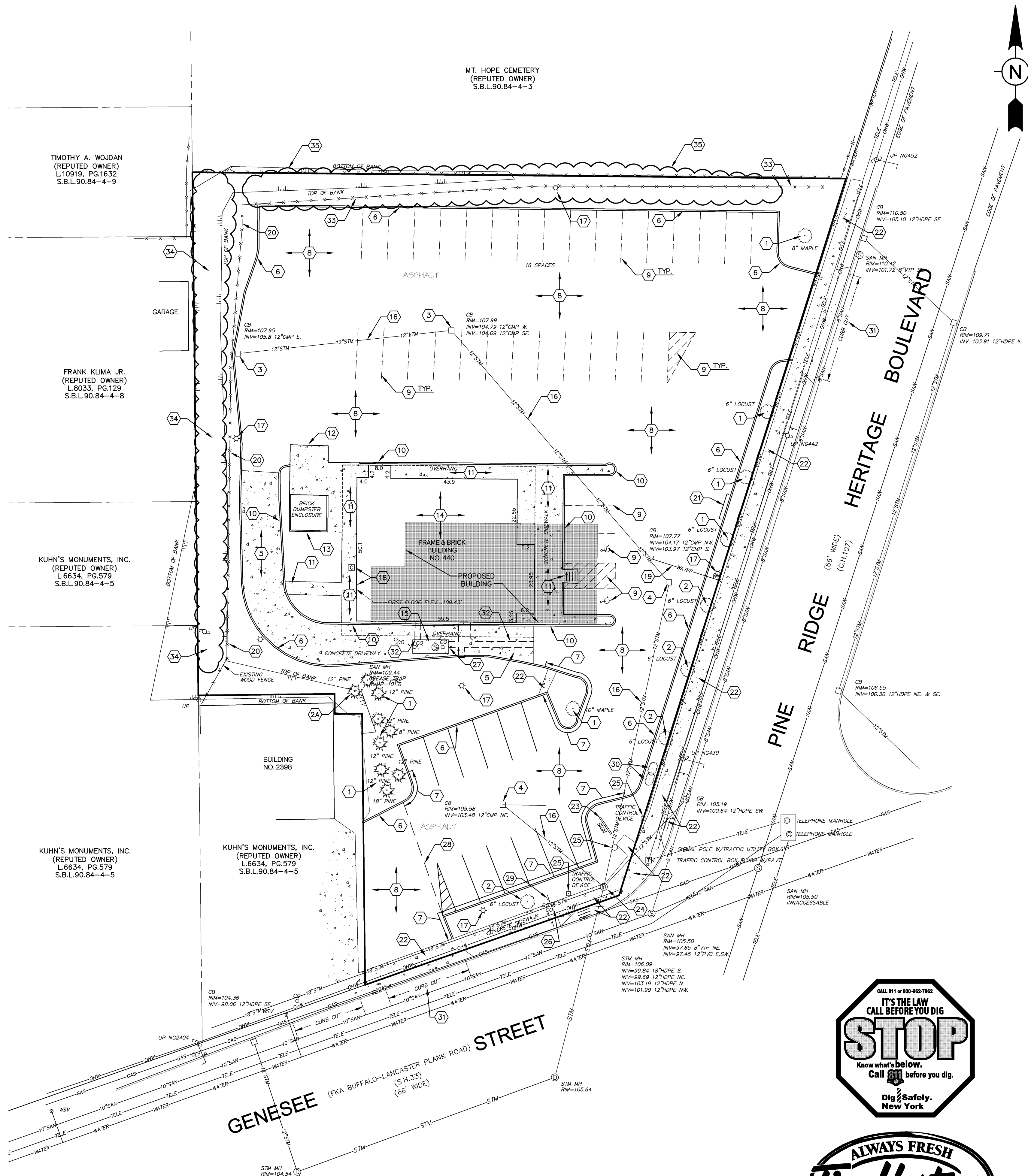
SITE DEMOLITION NOTES

- CONTRACTOR SHALL COORDINATE START-UP AND DEMOLITION ACTIVITIES WITH OWNER. CONTRACTOR SHALL CONDUCT ALL OPERATIONS IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICAL, THE LEAST OBSTRUCTION TO TRAFFIC.
- ALL EXISTING UTILITIES SERVING THIS SITE SHALL BE PROPERLY TERMINATED/IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHEEKTOWAGA AND ASSOCIATED UTILITIES.
- ALL NATIONAL FUEL SUPPLY CORPORATION CONSTRUCTION GUIDELINES ARE TO FOLLOWED FOR ANY CONSTRUCTION TAKING PLACE IN PROXIMITY TO GAS LINES.
- ALL PROVISIONS OF NEW YORK STATE INDUSTRIAL CODE RULE 53 AND THE NEW YORK STATE HIGH VOLTAGE PROXIMITY ACT MUST BE FOLLOWED.
- IT IS THE CONTRACTORS RESPONSIBILITY TO CONDUCT HIS DEMOLITION OPERATIONS AS WELL AS TRANSPORT AND DISPOSE OF DEMOLITION MATERIAL IN A MANNER ACCEPTABLE TO THE TOWN OF CHEEKTOWAGA AND DEPOSIT SAID MATERIAL IN A PROPERLY PERMITTED FACILITY. NYSDEC ENCOURAGES THE REUSE (RECYCLING) OF EXEMPT C&D MATERIAL ON-SITE WITHIN FILL AREAS, EMBANKMENTS AND UNDER BUILDING SLABS RATHER THAN DISPOSAL OFF-SITE. COORDINATE ANY PROPOSED ON-SITE REUSE OF C&D MATERIAL WITH OWNERS.
- CONTRACTOR TO ADJUST ALL UTILITIES MEANT TO BE FLUSH WITH FINISHED GRADE (CLEANOUTS, VALVE BOXES, CATCH BASINS, AND ETC.) WHETHER SPECIFICALLY NOTED ON PLANS OR NOT.
- CAUTION - NOTICE TO CONTRACTORS
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE INITIATING ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

IMPORTANT NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENT'S SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

CAUTION - NOTICE TO CONTRACTOR
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IMPORTANT NOTE:
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7962) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.



TIMOTHY A. WOJCIAN
(REPUTED OWNER)
L10919, PG.1632
S.B.L.90.84-4-9

FRANK KLIMA JR.
(REPUTED OWNER)
L.8033, PG.129
S.B.L.90.84-4-8

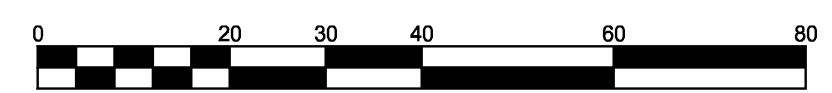
KUHN'S MONUMENTS, INC.
(REPUTED OWNER)
L.6634, PG.579
S.B.L.90.84-4-5

KUHN'S MONUMENTS, INC.
(REPUTED OWNER)
L.6634, PG.579
S.B.L.90.84-4-5

GENESEE (FKA BUFFALO-LANCASTER PLANK ROAD) STREET
(S.H.33)
(66' WIDE)

BENCHMARK TABLE (ASSUMED)

TBM#1 - STORM MANHOLE RIM LOCATED AT THE NORTHWEST CORNER OF GENESEE STREET AND PINE RIDGE ROAD ELEVATION = 106.09 FT.



DRAWING REVISIONS	
DATE	DESCRIPTION

DESIGNED BY: RCB/FMB	DATE: FEBRUARY 2012
DRAWN BY: SMK	CHECKED BY: WES

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Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK
SITE DEMOLITION PLAN

THIS SHEET ISSUED APRIL 10, 2012
C3
DRAWING SCALE: 1" = 20'
WSA PROJECT NO. 11128

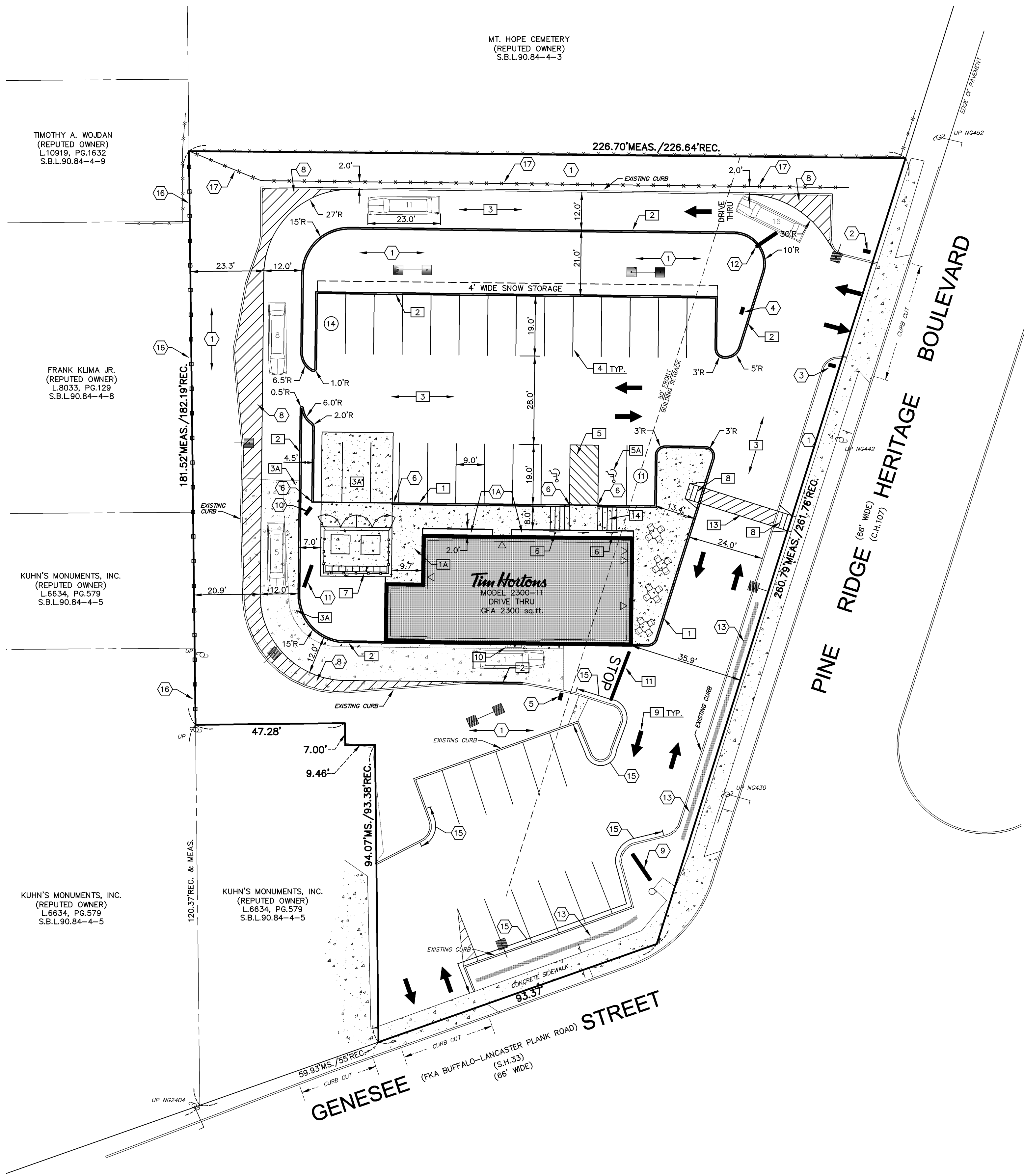
PARKING REQUIREMENTS

2 SPACES PER 5 SEATS
2 x (55 SEATS/5) = 22 MINIMUM SPACES
37 SPACES PROVIDED

SITE NOTES

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS (BY OTHERS) FOR EXACT NUMBERS, LOCATIONS, AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT LOCATIONS AND NUMBER OF BUILDING UTILITY ENTRANCES.
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER'S CONSTRUCTION DIVISION.
- CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED OWNER'S STANDARD SPECIFICATIONS OR AS SPECIFIED BY THE OWNER'S CONSTRUCTION DIVISION.
- THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS, ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA, IN AN ADEQUATE AND SATISFACTORY MANNER.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
- REFERENCES TO NYS DOT STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, MAY 1, 2008," WITH ALL CURRENT ADDENDUMS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT LIGHTING POLES, FIXTURES WITH LAMPS AND PAINT WILL BE FURNISHED INSTALLED BY THE OWNER'S ELECTRICAL CONTRACTOR. THE ELECTRICAL CONTRACTOR SHALL PROVIDE THE OWNER A ONE-YEAR WARRANTY CERTIFICATE. ALL INCURRED COSTS FOR RECEIVING, STORAGE, LIABILITY, WARRANTY AND LABOR SHALL BE INCLUDED IN THE INSTALLATION CONTRACT PRICE.
- PAVEMENT STRIPING AND PAINTING
TRAFFIC CONTROL MARKINGS SHALL BE PAINTED WITH A WHITE TRAFFIC MARKING PAINT AS INDICATED ON THE DRAWINGS. PAINT SHALL BE SHERWIN WILLIAMS "PRO-MAR" TRAFFIC MARKING PAINT, SERIES B29.Y.2, OR EQUIVALENT TRAFFIC PAINT # 63220.
-ENTRANCE DIRECTIONAL ARROWS SHALL BE MARKED ON PAVEMENT IN WHITE IN LOCATION AND OF SIZE INDICATED ON DRAWINGS.
-PAINT CONCRETE BASE AND BASE PLATE AT ALL PARKING LOT LIGHTING STANDARDS AND STEEL PIPE BASE OF HANDICAPPED PARKING IDENTIFICATION SIGN.
- SITE LIGHTING (SEE PLAN SHEET C8)
ALL CONDUIT SHALL BE ROUTED A MINIMUM OF 36" BELOW GRADE. VERIFY EXACT LOCATION AND METHOD OF WIRING ALL OUTDOOR LIGHTING STANDARDS WITH OWNERS REPRESENTATIVE.
EXACT METHOD OF ROUTING OUTDOOR LIGHTING WIRING SHALL BE CAREFULLY COORDINATED BY SITE CONTRACTOR.
UNLESS OTHERWISE NOTED, ALL EXTERIOR LIGHTING WIRING SHALL BE # 10 AWG COPPER AND SHALL BE ROUTED IN RIGID STEEL HEAVYWALL CONDUIT.
MINIMUM CONDUIT SIZE IS 1".
ALL POLES TO BE MOUNTED ON CONCRETE PEDESTALS 3' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 25' (MAX. HEIGHT ALLOWED IS 25 FEET).
- STUB EMPTY 2" CONDUIT OUT FROM BUILDING WALL. ROUTE TO PROPERTY LINE AND CAP FOR TELEPHONE INCOMING SERVICE. ROUTE CONDUIT MINIMUM OF 2'-6" BELOW FINISHED GRADE. COORDINATE ALL REQUIREMENTS WITH TELEPHONE CO. REPRESENTATIVE INCLUDING ALL TRENCHING, BACKFILL, ETC. AS MAY BE REQUIRED FOR A COMPLETE INCOMING UNDERGROUND TELEPHONE SERVICE.
- GRADING SHALL BE KEPT WITHIN THE LIMIT SHOWN ON THE GRADING PLAN. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
- BUILDING DIMENSIONS ARE NOT INTENDED FOR BUILDING LAYOUT. SPECIFIC LAYOUT DIMENSIONS SHOULD UTILIZE THE ACTUAL BUILDING PLANS. ANY DISCREPANCIES BETWEEN BUILDING PLANS AND THOSE INDICATED ON THESE PLANS SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHOULD STAKE OUT AND VERIFY EACH OF THE DIMENSIONS INDICATED PRIOR TO COMMENCEMENT OF WORK.
- THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS, OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.
- OWNER IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND WILL POST THE CONSTRUCTION BOND FOR WORK WITHIN PINE RIDGE HERITAGE BOULEVARD AND/OR GENESSEE STREET.
- FENCING AND LIGHTING WILL BE REVIEWED FOR UP TO ONE YEAR AFTER DATE ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY FOR ENCROACHMENT ONTO NEIGHBORING PROPERTIES. IF ANY ISSUES ARE FOUND WITHIN THAT TIME PERIOD, TIM HORTONS MUST REMEDY THE SITUATION TO THE SATISFACTION OF THE TOWN OF CHEEKTOWAGA.
- ALL TRAFFIC CONTROL SIGNS, PAVEMENT MARKINGS AND TRAFFIC CONTROL SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, NYS SUPPLEMENT AND NYS DOT 2010 WORK ZONE TRAFFIC CONTROL TYPICALS REGION 5 MANUALS.

NOTE: ESTIMATED CONSTRUCTION SCHEDULE-
CONSTRUCTION SHALL BE COMPLETED 90 DAYS
FROM BUILDING PERMIT ISSUE DATE



DETAILS - SEE DETAIL SHEET C3.1 FOR THE FOLLOWING DETAILS

- INTEGRAL CURB/SIDEWALK
- CONCRETE SIDEWALK
- TYPE "A" CONCRETE CURB
- STANDARD DUTY ASPHALT SECTION
- EXTERIOR CONCRETE SLAB ON GRADE
- 90° PARKING STALL LAYOUT
- HANDICAP PAVEMENT MARKINGS
- INTERNATIONAL HANDICAP SYMBOL
- HANDICAP PARKING SIGN
- DUMPSTER ENCLOSURE
- SIDEWALK CURB RAMP
- PAINTED TRAFFIC ARROWS
- PIPE BOLLARD
- STOP BAR
- TYPICAL LIGHT POLE FOUNDATION
- 45' PAVEMENT PARKING
- HANDICAP RAMP

NOTES

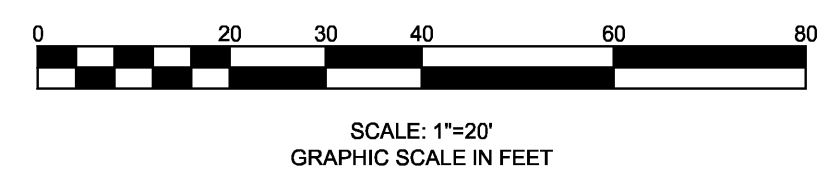
- LANDSCAPED (LAWN) AREA, TOPSOIL AND (GRASS) SEED
- LANDSCAPED (PLANTING) AREA, TOPSOIL AND MULCH
- "ENTER" SIGN (SEE DRAWINGS BY OTHERS)
- "EXIT" SIGN (SEE DRAWINGS BY OTHERS)
- "DRIVE THRU" SIGN
- "THANK YOU" SIGN, "DO NOT ENTER" SIGN
- TAPER CURB FROM 6" TO 0" REVEAL IN 2'
- GRASSLINED STORMWATER DETENTION BASIN
- SNOW STORAGE AREA WITH 45' PAVEMENT MARKING
- PYLON SIGN
- DRIVE THRU PRESELL BOARD
- DRIVE THRU MENU BOARD W/SPEAKER
- CLEARANCE BAR
- MASONRY WALL TO BE 30" TALL, BRICK ON BOTH SIDES WITH STONE CAP
- "NO PARKING ANYTIME" SIGN
- EXISTING CURB TO BE MODIFIED/REPLACED (SEE SHEET C3 AND C5.1)
- VINYL FENCE - 8'-0" TALL
- BLACK CHAIN LINK FENCE - 4'-0" TALL

DETAILS OF DEVELOPMENT			
ZONING	REQUIRED	C	
BUILDING SETBACKS	FY	50'	39.5' *
	RY	10'	60.2'
	INT. SY	10'	91.6' / 120.7'
NET LOT AREA		43,959 sq.ft.	
BUILDING COVERAGE		5.7%	
BUILDING HEIGHT	30' MAX.	-	
GROSS FLOOR AREA		2,503 sq.ft.	
No. of UNITS		1	
DT STACKING	16	16	
LOADING SPACES		1	
PARKING: 2 SP/5 SEATS	22	37	

* VARIANCE REQUIRED

LEGEND

- SIGN
- BUILDING ENTRANCE
- PAINTED PAVEMENT MARKING
- CONCRETE
- HANDICAPPED PARKING STALL
- NUMBER OF PARKING SPACES
- DRIVE THRU STACKING



DRAWING REVISIONS		
ITEM	DATE	DESCRIPTION
1	4/10/12	REVISED PER TOWN COMMENTS

DESIGNED BY:	PMB
DRAWN BY:	SMK
CHECKED BY:	WES
DATE:	FEBRUARY 2012

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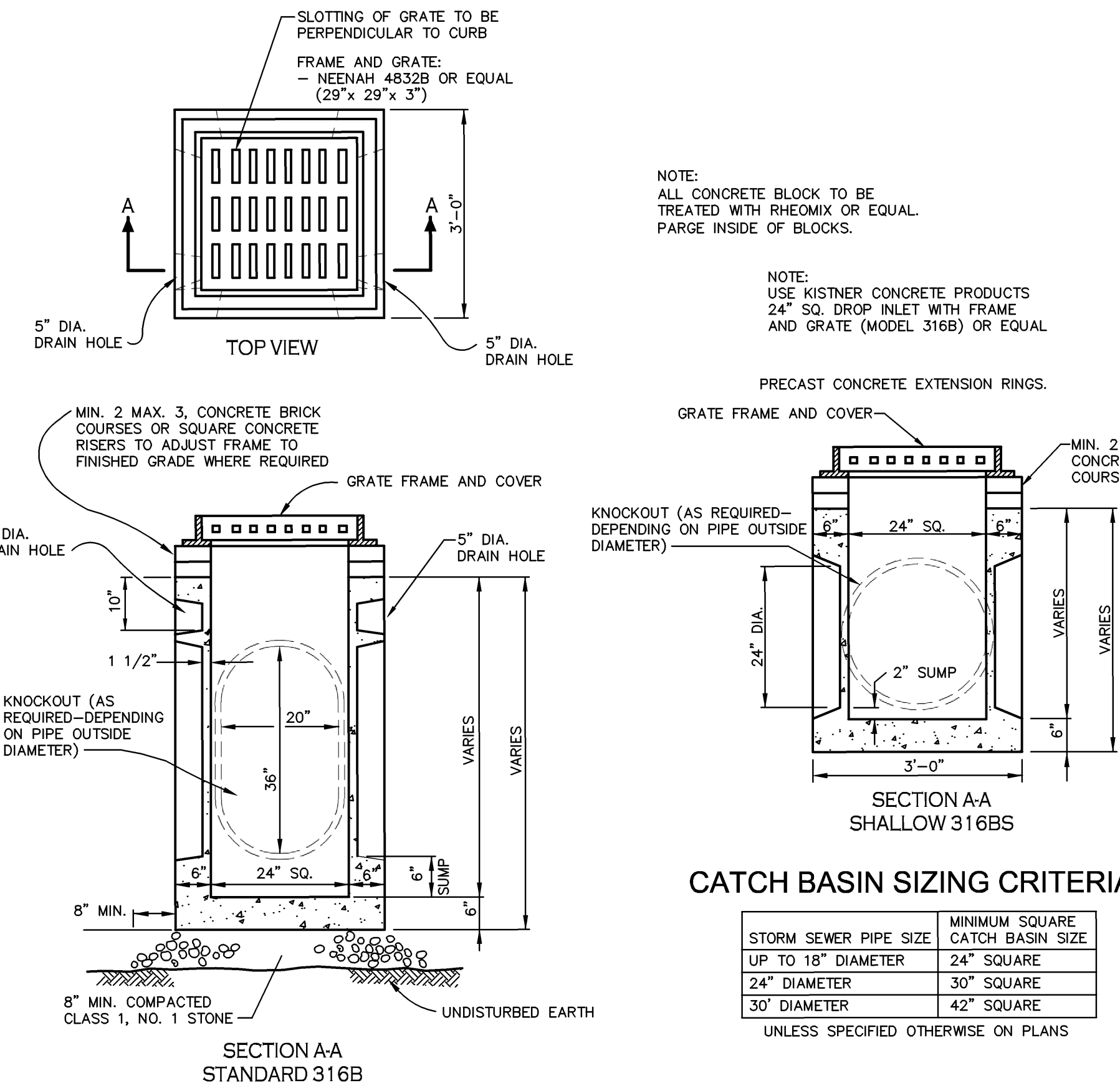
Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

SITE LAYOUT PLAN

THIS SHEET ISSUED APRIL 10, 2012
C4
DRAWING SCALE: 1" = 20'
WSA PROJECT NO. 11128

GRADING/PAVING/STORM NOTES

- ALL WORK TO CONFORM TO THE TOWN OF CHEEKTOWAGA AND NYS DOT REQUIREMENTS
- CONTRACTOR REQUIRED TO OBTAIN PERMITS FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND ERIE COUNTY HIGHWAY DEPARTMENT FOR ANY AND ALL WORK WITHIN THE PINE RIDGE HERITAGE BOULEVARD (ECHWY) AND/OR GENESEE STREET (NYS DOT) ROWS.
- ANY DAMAGE CAUSED BY CONTRACTOR'S OPERATIONS TO EXISTING PAVEMENT, SHOULDERS, DRIVES AND/OR STORM DRAINAGE FACILITIES SHALL BE REPAIRED OR REPLACED IN KIND BY THE CONTRACTOR AND BE ACCEPTABLE TO THE OWNER OR AGENCY HAVING JURISDICTION.
- THE CONTRACTOR SHALL TAKE ANY AND ALL PRECAUTIONS NECESSARY TO PROTECT TREES AND SHRUBBERY FROM DAMAGE, UNLESS SPECIFICALLY ORDERED FOR CLEARING. THE CONTRACTOR SHALL PROVIDE AND PLANT REPLACEMENT TREES OR SHRUBBERY AT HIS EXPENSE.
- THE CONTRACTOR SHALL BE AWARE THAT SOIL CONDITIONS ARE UNKNOWN AND ASSUMED TO VARY AT DIFFERENT DEPTHS AND LOCATIONS.
- ALL ROAD AND DRIVE CROSSINGS SHALL BE BACKFILLED WITH NO. 2 RUN OF CRUSHER STONE PLACED IN 6-INCH LIFTS AND PROPERLY COMPACTED. SELECT BACKFILL MATERIAL SHALL EXTEND A MINIMUM OF 4- FEET BEYOND EDGE OF PAVEMENT.
- MANHOLE RIMS AND WATERLINE VALVE BOXES SHALL BE SET AT FINISHED GRADE.
- DURING GRADING OPERATIONS, EXCAVATION AREAS, EMBANKMENTS AND/OR SUBGRADES SHALL BE SHAPED, SLOPED, PROTECTED AND MAINTAINED TO FACILITATE THE DRAINAGE OF SURFACE WATER. EXISTING DRAINAGE ROUTES AND FACILITIES SHALL BE PROTECTED AND MAINTAINED.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL STATUTES REGARDING THE PREVENTION AND ABATEMENT OF SOIL EROSION, SEDIMENTATION AND WATER POLLUTION.
- STORM SEWERS CONSTRUCTED ON SITE SHALL BE CONSTRUCTED USING HEAVY DUTY CORRUGATED POLYETHYLENE PIPE (HDPE) WITH A SMOOTH INTERIOR AS SUPPLIED BY HANCOR, INC. OR EQUAL. PIPE BEDDING MATERIAL SHALL BE NO. 1 WASHED STONE WITH A GRADATION CONFORMING WITH NYSDOT SECTION 703-02. THE CRUSHED STONE SHALL BE WELL GRADED WITH NO PARTICLE LARGER THAN 1" AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER AND THE TOWN OF CHEEKTOWAGA BUILDING DEPT. 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 HAZARDOUS SUBSTANCE.
- THE CONTRACTOR SHALL COMPLY IN ALL RESPECTS TO THE INDUSTRIAL CODE PART (RULE NO.) 53 RELATING TO CONSTRUCTION, EXCAVATION AND DEMOLITION OPERATIONS AT OR NEAR UNDERGROUND FACILITIES, AS ISSUED BY THE STATE OF NEW YORK DEPARTMENT OF LABOR, BOARD OF STANDARD AND APPEALS.
- THE ERIE COUNTY WATER AUTHORITY OPERATES AND MAINTAINS THE EXISTING WATER LINES, THEY ARE TO BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF THE START OF CONSTRUCTION. ALL EXISTING VALVES ARE TO BE OPERATED BY THE EOWA.
- 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 INTERFERENCE FROM THESE UTILITIES, SAID CHANGES CAN BE MADE IN ADVANCE OF THE WORK.
- SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND FOR EXACT ROOF DRAIN CONNECTIONS.

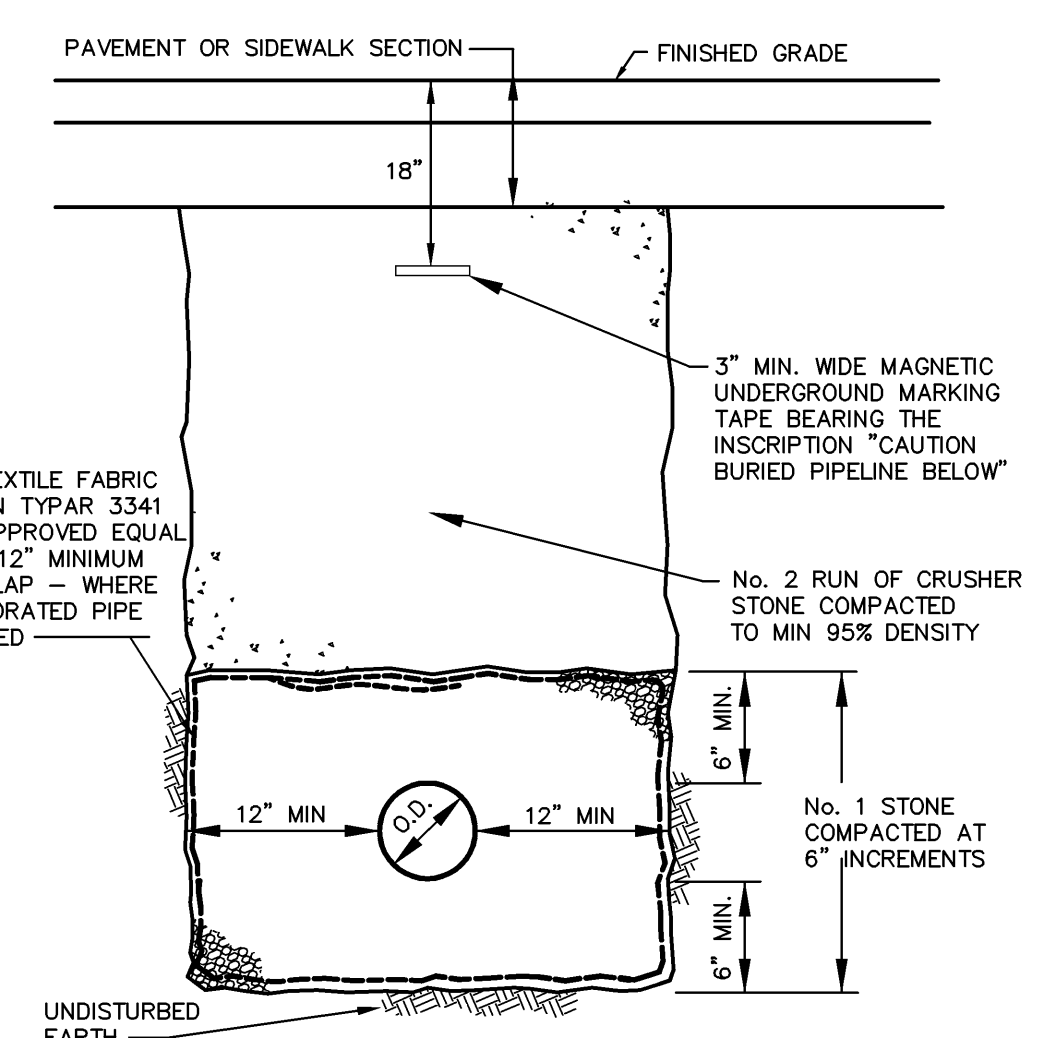


CATCH BASIN SIZING CRITERIA

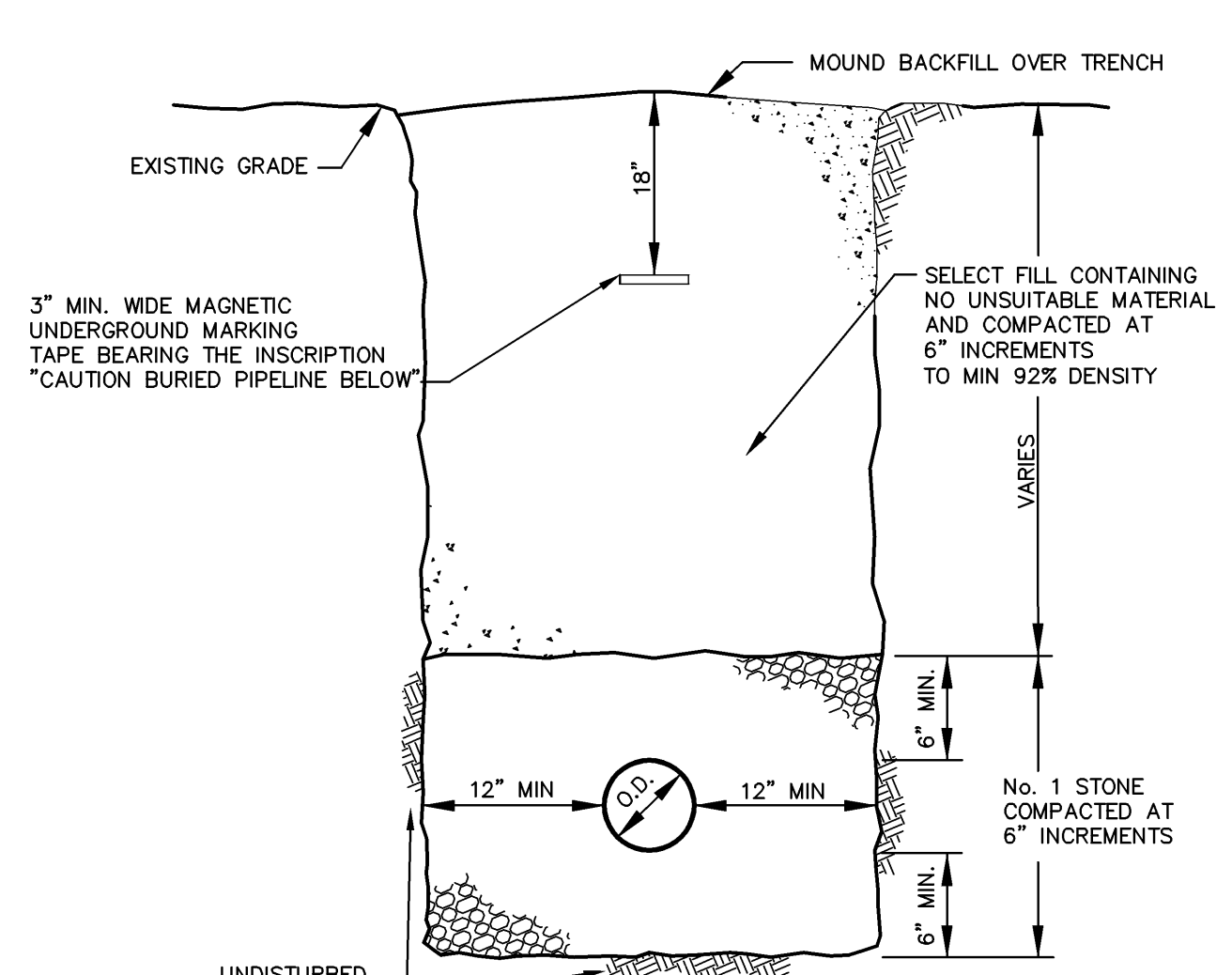
STORM SEWER PIPE SIZE	MINIMUM SQUARE CATCH BASIN SIZE
UP TO 18" DIAMETER	24" SQUARE
24" DIAMETER	30" SQUARE
30" DIAMETER	42" SQUARE

UNLESS SPECIFIED OTHERWISE ON PLANS

STANDARD PRECAST CONCRETE CATCH BASIN



TYPICAL TRENCH DETAIL - PAVEMENT

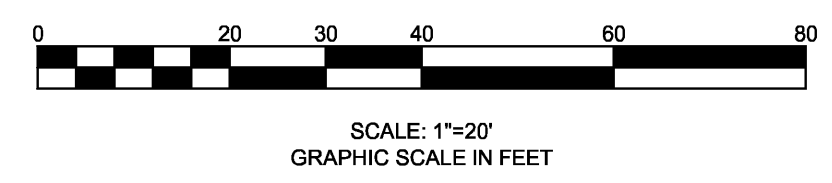
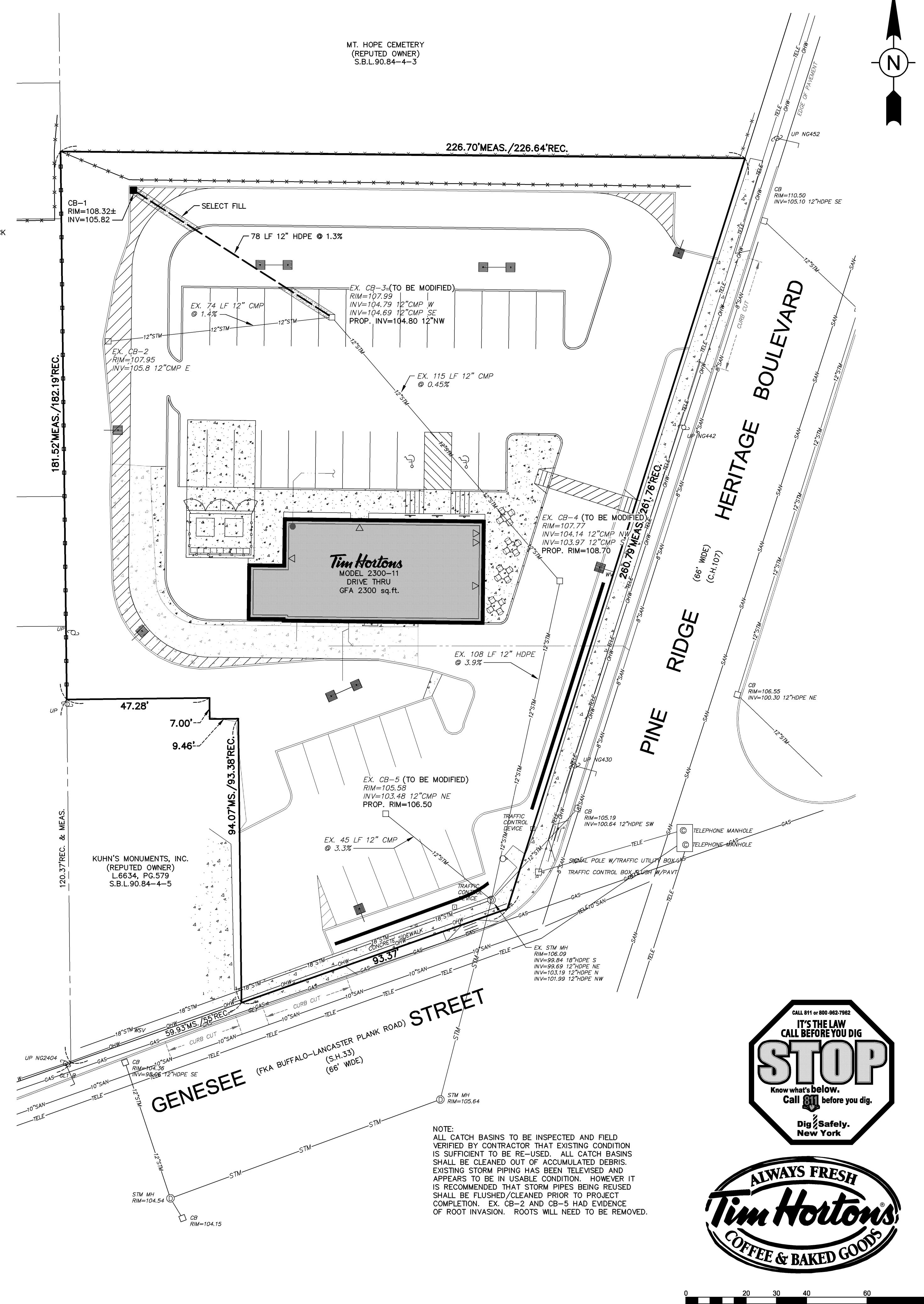


TYPICAL TRENCH DETAIL - EARTH

IMPORTANT NOTE:
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CAUTION - NOTICE TO CONTRACTOR
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IMPORTANT NOTE:
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7962) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.



DRAWING REVISIONS

DATE	DESCRIPTION
4/10/12	REVISED PER TOWN COMMENTS

DESIGNED BY: RCB/FMB
DRAWN BY: SMK
CHECKED BY: WES
DATE: FEBRUARY 2012

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Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK
STORM DRAINAGE PLAN

THIS SHEET ISSUED APRIL 10, 2012

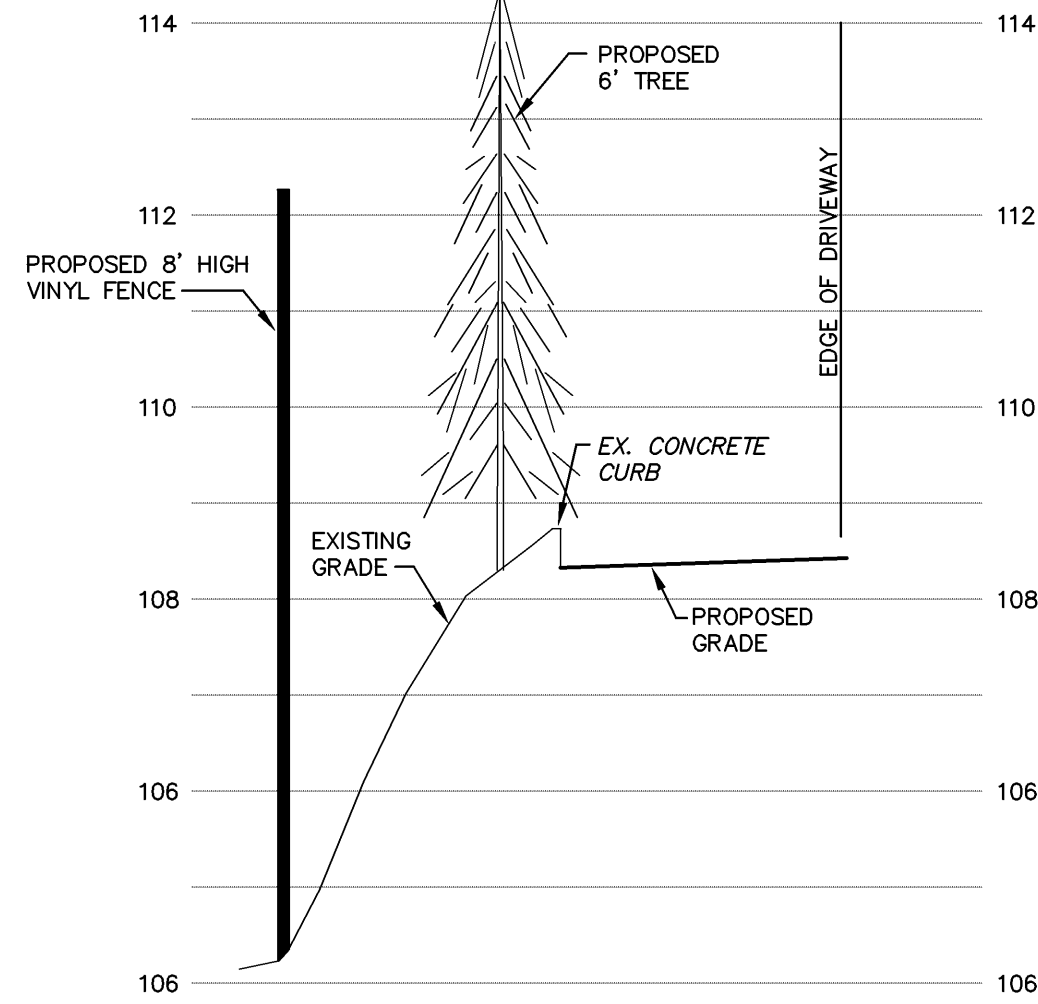
C5

DRAWING SCALE: 1" = 20'

WSA PROJECT NO. 11128

GENERAL NOTES:

- SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND UTILITY CONNECTIONS.
- ALL WORK TO CONFORM TO THE TOWN OF CHEEKTOWAGA REQUIREMENTS AND STANDARD SPECIFICATIONS. ANY PERMITS AND/OR LICENSES NECESSARY FOR THE EXECUTION FOR THE WORK SHALL BE SECURED AND PAID FOR BY THE CONTRACTOR.
- ANY DAMAGE TO EXISTING PAVEMENT, SHOULDER, DRIVES, CURBS, SIDEWALKS, LANDSCAPING AND ETC. WHICH ARE SCHEDULED TO REMAIN SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
- THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THE NYS INDUSTRIAL CODE RULE 53 AND THE NYS HIGH VOLTAGE PROXIMITY ACT.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL STATUTES REGARDING THE PREVENTION, CONTROL AND ABATEMENT OF SOIL EROSION, SEDIMENTATION AND WATER POLLUTION.
- ALL UNDERGROUND UTILITY TRENCHES UNDER BUILDING FOUNDATION, PAVEMENT, CURBS, SIDEWALKS, AND DRIVES SHALL BE FULLY BACKFILLED WITH NO. 2 RUN OF CRUSHER STONE AND SHALL BE COMPACTED TO A MINIMUM OF 95% MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557.
- ALL NATIONAL FUEL CONSTRUCTION GUIDELINES ARE TO BE FOLLOWED FOR ANY CONSTRUCTION TAKING PLACE IN PROXIMITY TO EXISTING GAS LINES.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 660 - UTILITIES OR AS AMENDED BY OWNER.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 304 - SUBBASE COURSE AND SECTION 403 HOT MIX ASPHALT PAVEMENT OR AS AMENDED BY OWNER.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 608 - SIDEWALKS, DRIVEWAYS, BICYCLE PATHS, BRICK PAVING, AND ETC., AND SECTION 609 - CURBING, GUTTERS AND CONCRETE MALL OR AS AMENDED BY OWNER.

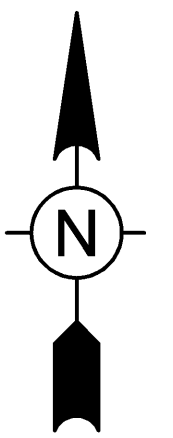
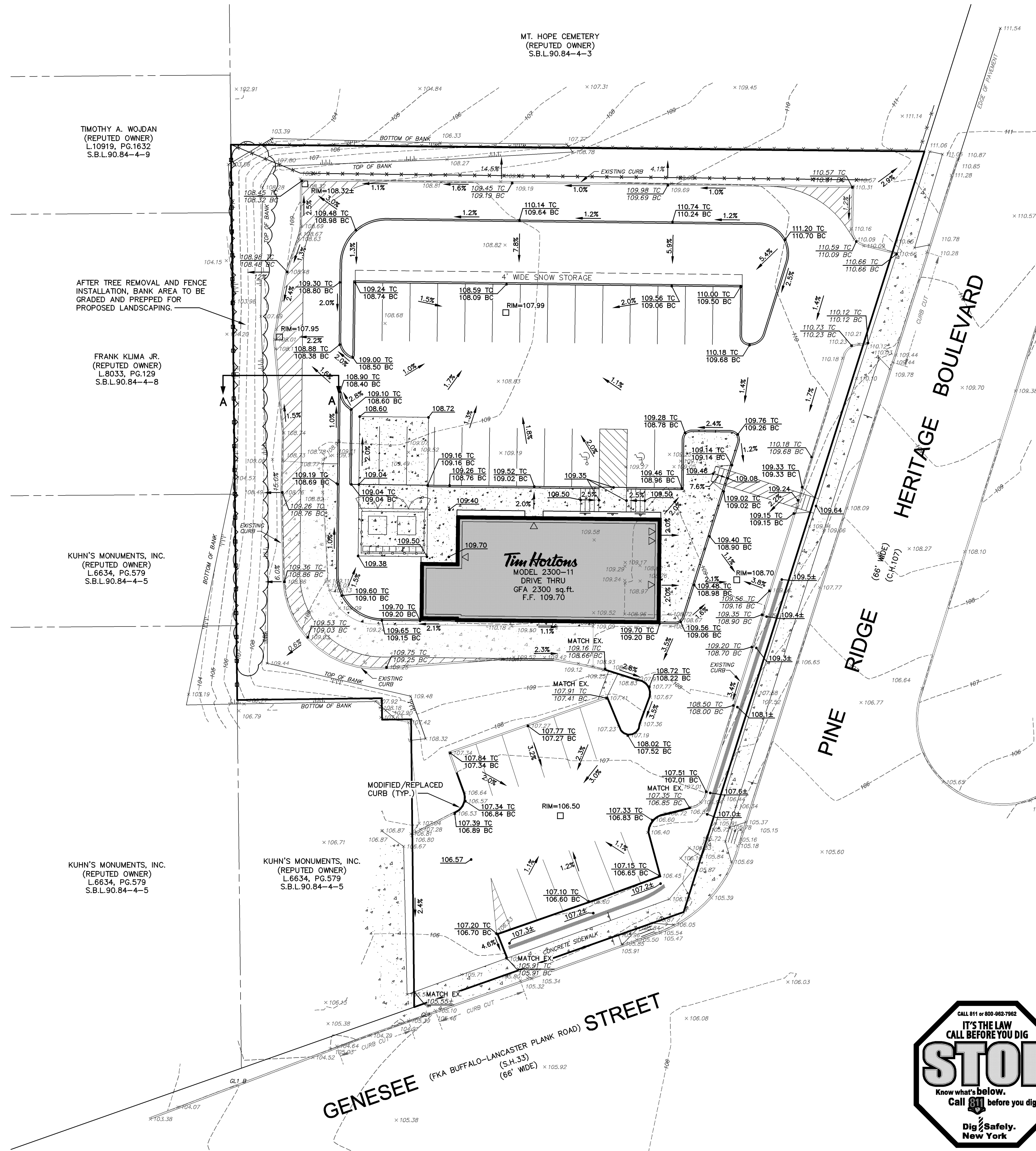


SECTION A-A
SCALE: 1"=10' HORIZONTAL
1"=2' VERTICAL

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IMPORTANT NOTE:
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7862) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

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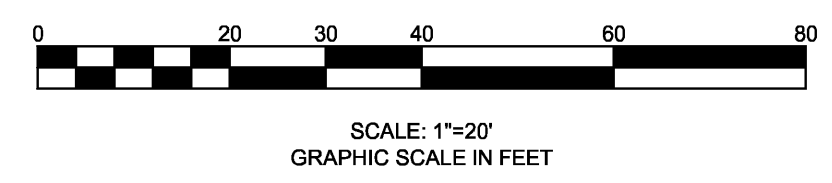


CALL 811 or 800-882-7862
**IT'S THE LAW
CALL BEFORE YOU DIG**

STOP

Know what's below.
Call 811 before you dig.

Dig Safely.
New York



DRAWING REVISIONS	
DATE	DESCRIPTION
4/10/12	REVISED PER TOWN COMMENTS

DESIGNED BY:	RCB/FMB
DRAWN BY:	SMK
CHECKED BY:	WES
DATE:	FEBRUARY 2012

WARNING: THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 1707 OF THE EDUCATION LAW AND ARTICLE 17 OF TITLE 17 OF THE REGULS OF THE STATE OF NEW YORK.

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Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

GRADING PLAN

THIS SHEET ISSUED APRIL 10, 2012
C5.1
DRAWING SCALE: 1"=20"
WSA PROJECT NO. 11128

INSTALLATION:

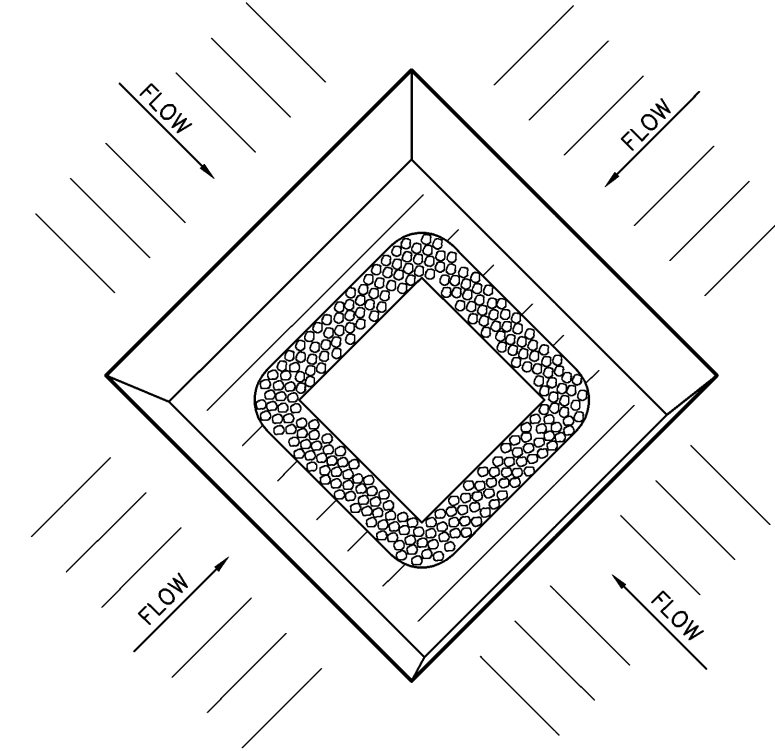
1. CONCRETE WASH WATER SHALL NOT BE ALLOWED TO FLOW TO STREAMS, STORM DRAINS, OR ANY OTHER WATER CONVEYANCE AND WASHOUT PITS SHALL BE SITUATED A MINIMUM OF FIFTY (5) FEET FRONT THEM.
2. FIELD TILE OR OTHER SUBSURFACE DRAINAGE STRUCTURES WITHIN 10 FEET OF THE SUMP SHALL BE CUT AND PLUGGED.
3. ENSURE A STABLE PATH IS PROVIDED FOR CONCRETE TRUCKS TO REACH WASHOUT AREA.
4. A HIGHLY VISIBLE SIGN THE READS "CONCRETE WASHOUT AREA" SHALL BE ERECTED ADJACENT TO THE WASHOUT PIT.
5. SURFACE RUNOFF GENERATED FROM UPSLOPE AREAS SHALL BE DIVERTED AWAY FROM BELOW-GRADE WASHOUT PITS SO AS NOT TO FLOW INTO THEM.
6. A SINGLE CENTRALIZED WASHOUT AREA MAY BE UTILIZED FOR MULTIPLE SUBLOTS.

MAINTENANCE:

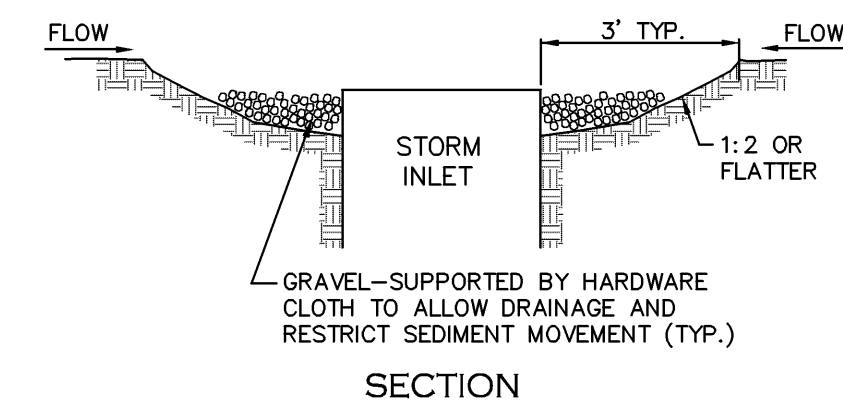
7. THE WASHOUT PIT MUST BE INSPECTED FREQUENTLY TO ENSURE THE LINER IS INTACT.
8. ONCE 75% OF THE ORIGINAL VOLUME OF THE WASHOUT PIT IS FILLED OR IF THE LINER IS TORN THE MATERIAL MUST BE REMOVED AND PROPERLY DISPOSED OF ONCE IT IS COMPLETELY HARDENED. ONCE THE HARDENED CONCRETE IS REMOVED, THE LINER MUST BE REPLACED (IF TORN). A NEW PIT MUST BE CONSTRUCTED IF THE ORIGINAL STRUCTURE IS NO LONGER SUITABLE.

REMOVAL:

9. ONCE THE WASHOUT PIT IS NO LONGER NEEDED, ENSURE ALL WASHOUT MATERIAL HAS COMPLETELY HARDENED, THEN REMOVE AND PROPERLY DISPOSE OF ALL MATERIALS. IF STRAW BALES WERE USED, THEY CAN BE SPREAD AS MULCH.
10. PREFABRICATED CONTAINERS SPECIFICALLY DESIGNED FOR CONCRETE WASHOUT COLLECTION MAY BE USED SUBJECT TO PRIOR APPROVAL BY THE TOWN ENGINEER. FOLLOW THE MANUFACTURER'S SUGGESTIONS FOR INSTALLATION, MAINTENANCE AND REMOVAL PROCEDURES.



STORM INLET PLAN

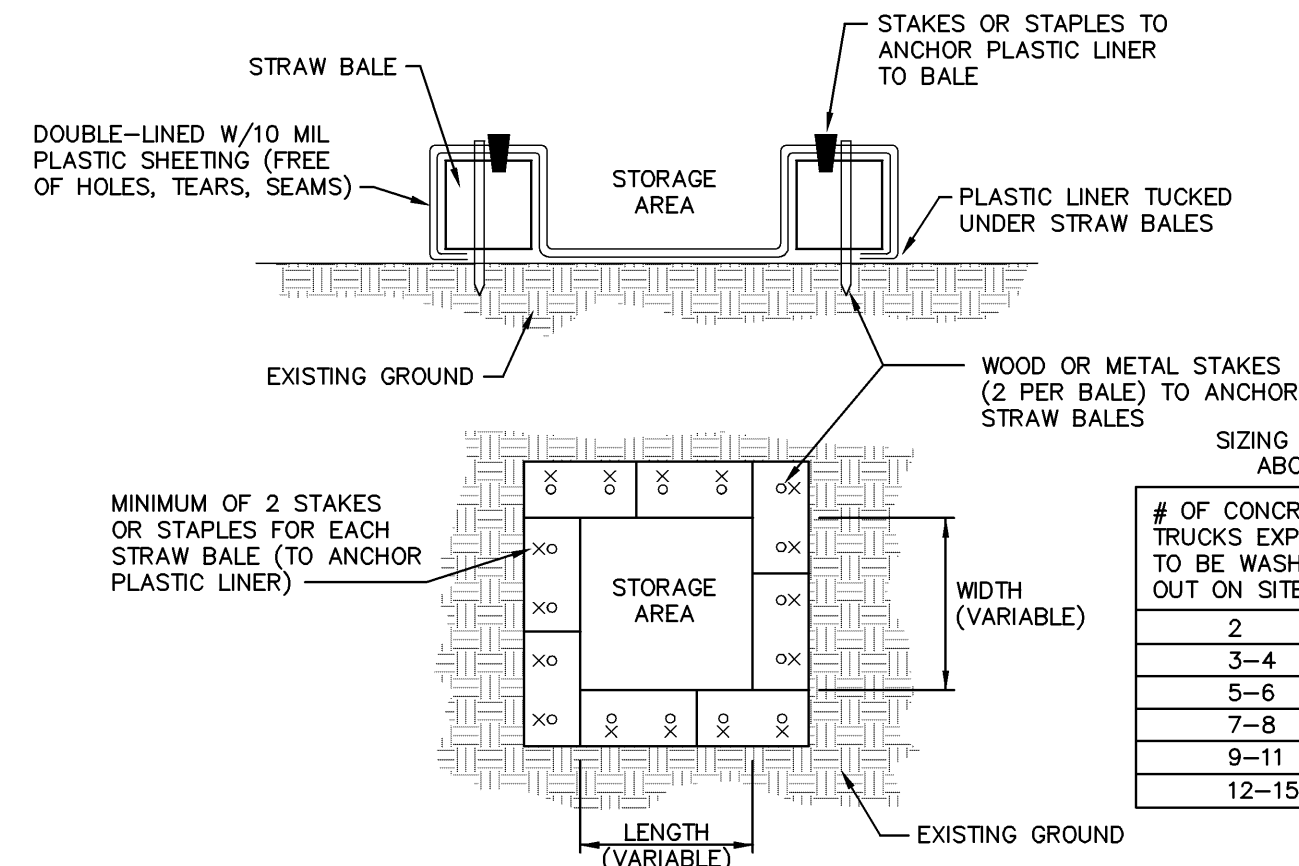


SECTION

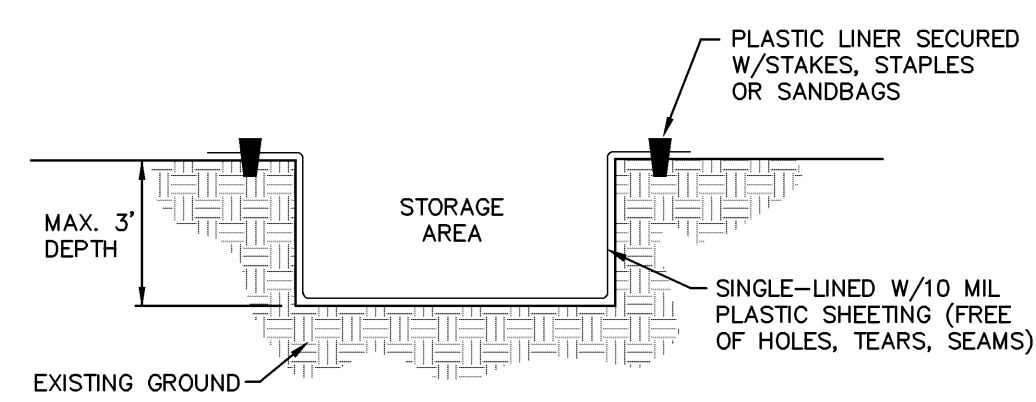
CONSTRUCTION NOTES

1. SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO A 6" DEPTH. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
2. THE STRUCTURE SHALL BE INSPECTED AFTER EACH RAIN AND CLEANED.
3. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION SHALL BE MINIMIZED.
4. ALL CUT SLOPES SHALL BE 2:1 OR FLATTER.

STORM INLET WITH SEDIMENT TRAP



CONCRETE WASHOUT ABOVE GRADE



CONCRETE WASHOUT BELOW GRADE

CONCRETE WASHOUT

# OF CONCRETE TRUCKS EXPECTED TO BE WASHED OUT ON SITE	WIDTH (FT.)	LENGTH (FT.)
2	3	3
3-4	4	4
5-6	5	5
7-8	6	6
9-11	7	7
12-15	8	8

# OF CONCRETE TRUCKS EXPECTED TO BE WASHED OUT ON SITE	WIDTH (FT.)	LENGTH (FT.)
2-3	3	3
4-5	4	4
6-7	5	5
8-10	6	6
11-14	7	7

DUST CONTROL - ROAD AREAS

1. AREAS REQUIRING DUST CONTROL SHALL BE DETERMINED IN THE FIELD AND PLACED UNDER CONTROL WITHIN A 24 HOUR PERIOD.
2. SPRINKLING WILL BE CONDUCTED ON A REGULAR BASIS AND AT AN APPLICATION RATE THAT MAINTAINS A WET SURFACE AND PREVENTS SEDIMENT TRANSPORT.
3. SPRAYS, OTHER THAN WATER, AND AS APPROVED BY THE VILLAGE OF ALDEN WILL BE MIXED AND APPLIED PER THE MANUFACTURER'S RECOMMENDATIONS.
4. ANY EXCESS MATERIAL BUILD UP TO BE REMOVED BY LABOR OR MECHANICAL BRUSHES.
5. ANY MATERIALS USED FOR DUST CONTROL SHALL BE STORED ON SITE IN AN APPROPRIATE MANNER AND LOCATION, TO AVOID PRODUCT DETERIORATION.

SEDIMENT/EROSION CONTROL

1. ALL EROSION/SEDIMENT CONTROL MEASURES SHALL COMPLY WITH ALL REQUIREMENTS OF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TOWN OF CHEEKTOWAGA.
2. PRIOR TO FILL OPERATIONS, ALL AREAS WITHIN BUILDING AND PAVEMENT INFLUENCE THAT ARE TO RECEIVE FILL SHALL BE PROOFROLLED, AND ALL UNSTABLE MATERIAL SHALL BE REMOVED OR STABILIZED IN PLACE, AND THEN COMPACTED TO A MINIMUM OF 95% MAXIMUM DENSITY TO A MINIMUM DEPTH OF TWELVE (12) INCHES, AS DETERMINED BY ASTM D-1557.
3. IMPORTED FILL FROM OFF-SITE BORROW PITS MUST BE MATERIAL SIMILAR IN CONTENT TO NATIVE MATERIAL. ALL IMPORTED FILL MATERIAL MUST BE TESTED AND HAVE THE APPROVALS OF THE TOWN ENGINEER.
4. FILL SHALL BE DEPOSITED IN EIGHT (8) INCH LOOSE LAYERS MAXIMUM, EXCEPT FILL WITHIN LANDSCAPED AREAS WHICH MAY BE DEPOSITED IN TWELVE (12) INCH LOOSE LAYERS MAXIMUM. ALL FILL SHALL BE COMPACTED TO A MINIMUM OF 95% MAXIMUM DENSITY ASTM D-1557 (90% IN LANDSCAPED AREAS) AT ITS OPTIMUM MOISTURE CONTENT ±2%.
5. THE PLACEMENT AND COMPACTION OF BOTH FILL AND SUBBASE MATERIAL SHALL BE SUPERVISED, INSPECTED AND TESTED BY THE TOWN'S ON-SITE GEOTECHNICAL REPRESENTATIVE TO THE SATISFACTION OF THE ENGINEER.
6. TOPSOIL SHALL BE REPLACED NO LESS THAN 4" THICK AND TURF SHALL BE ESTABLISHED IN THE RIGHT-OF-WAY.

EARTHWORK, COMPACTION AND GRADING NOTES

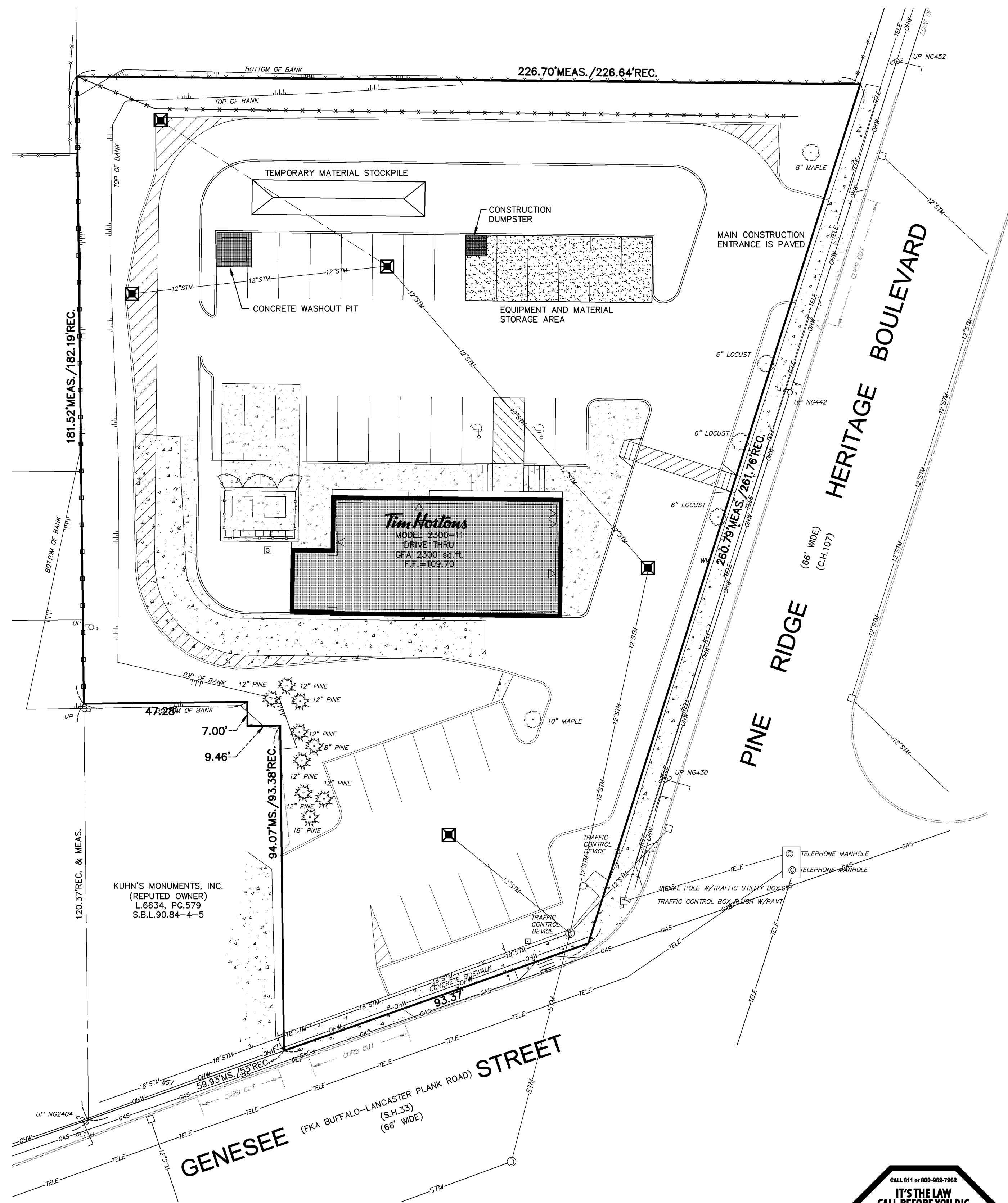
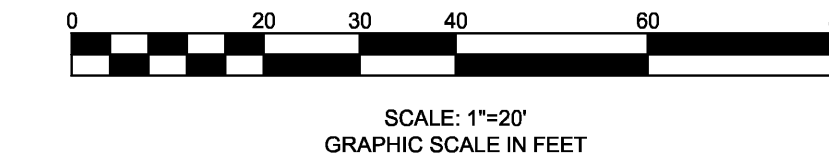
1. AFTER STRIPPING AND STOCKPILING OF TOPSOIL, REMOVE FROM SITE ALL UNSUITABLE MATERIAL AS ENCOUNTERED IN THE FIELD (AS DIRECTED BY THE ENGINEER OR HIS REPRESENTATIVE).
2. PRIOR TO FILL OPERATIONS, ALL AREAS WITHIN BUILDING AND PAVEMENT INFLUENCE THAT ARE TO RECEIVE FILL SHALL BE PROOFROLLED, AND ALL UNSTABLE MATERIAL SHALL BE REMOVED OR STABILIZED IN PLACE, AND THEN COMPACTED TO A MINIMUM OF 95% MAXIMUM DENSITY TO A MINIMUM DEPTH OF TWELVE (12) INCHES, AS DETERMINED BY ASTM D-1557.
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LEGEND

- Storm Inlet with Sediment Trap
- Equipment and Material Storage Area

BENCHMARK TABLE (ASSUMED)

TBM#1 - STORM MANHOLE RIM LOCATED AT THE NORTHWEST CORNER OF GENESEE STREET AND PINE RIDGE ROAD ELEVATION = 106.09 FT.



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Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK
EROSION AND SEDIMENT CONTROL
PLAN AND DETAILS

THIS SHEET ISSUED APRIL 10, 2012
C6
DRAWING SCALE: 1" = 20'
WSA PROJECT NO. 11128

GENERAL NOTES SANITARY SEWER CONSTRUCTION

- THE CONTRACTOR SHALL COMPLY IN ALL RESPECTS TO THE INDUSTRIAL CODE PART (RULE NO.) 53 RELATING TO CONSTRUCTION, EXCAVATION AND DEMOLITION OPERATIONS AT OR NEAR UNDERGROUND FACILITIES, AS ISSUED BY THE STATE OF NEW YORK DEPARTMENT OF LABOR, BOARD OF STANDARD AND APPEALS.
- THE SANITARY SEWER PIPE SHALL BE P.V.C. SEWER PIPE CONFORMING TO THE LATEST REVISIONS OF A.S.T.M. DESIGNATION D-3034, SDR-35, INSTALLED IN ACCORDANCE WITH THE A.S.T.M. DESIGNATION D-2321-83A OR THE LATEST REVISION THEREOF OR APPROVED EQUAL.
- SANITARY SEWER BEDDING MATERIAL SHALL BE NO. 1 CRUSHED STONE WITH A GRADATION CONFORMING TO THE DEPARTMENT STANDARDS.
- SHOULD A FLUID CONDITION BE ENCOUNTERED AT THE TRENCH BOTTOM, THE CONTRACTOR IS TO UNDERCUT THE TRENCH AND PROVIDE SUITABLE FILL MATERIAL (STONE/FABRIC) TO STABILIZE THE TRENCH BOTTOM.
- BACKFILL SHALL BE OF A SUITABLE MATERIAL REMOVED FROM THE EXCAVATION EXCEPT WHERE OTHER MATERIAL IS SPECIFIED. DEBRIS, FROZEN MATERIAL, LARGE CLDS OR STONES, ORGANIC MATTER OR OTHER UNSTABLE MATERIALS SHALL NOT BE USED FOR BACKFILL WITHIN 2 FEET OF THE TOP OF THE PIPE.
- ALL PIPES CROSSING UNDER PAVED AREAS ARE TO BE BACKFILLED TO SUB-GRADE WITH COMPACTED SELECT MATERIAL (2" ROC STONE) TO 5" OUTSIDE THE PAVEMENT EDGES OR AS REQUIRED BY THE HIGHWAY PERMIT.
- 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 INTERFERENCE FROM THESE UTILITIES, SAID CHANGES CAN BE MADE IN ADVANCE OF THE WORK.
- SEWERS SHALL BE LAID AT LEAST 10' (3.0M) HORIZONTALLY FROM ANY EXISTING OR PROPOSED WATERMAIN. THE DISTANCE SHALL BE MEASURED FROM EDGE TO EDGE. IN CASES WHERE IT IS NOT PRACTICAL TO MAINTAIN A TEN FOOT SEPARATION, THE APPROPRIATE REVIEWING AGENCY MAY ALLOW DEVIATION ON A CASE BY CASE BASIS, IF SUPPORTED BY DATA FROM THE DESIGN ENGINEER. SUCH DEVIATION MAY ALLOW INSTALLATION OF THE SEWER CLOSER TO A WATERMAIN, PROVIDED THAT THE WATERMAIN IS IN A SEPARATE TRENCH OR ON AN UNDISTURBED EARTH SHELF LOCATED ON ONE SIDE OF THE SEWER AND AT AN ELEVATION SO THE BOTTOM OF THE WATERMAIN IS AT LEAST 18" (46 CM) ABOVE THE TOP OF THE SEWER.
- SEWER CROSSING WATERMAINS SHALL BE LAID TO PROVIDE MINIMUM VERTICAL DISTANCE OF 18" (46 CM) BETWEEN THE OUTSIDE OF THE WATERMAIN AND THE OUTSIDE OF THE SEWER. THIS SHALL BE THE CASE WHERE THE WATERMAIN IS EITHER ABOVE OR BELOW THE SEWER. THE CROSSING SHALL BE ARRANGED SO THAT THE SEWER JOINTS WILL BE EQUIDISTANT AND AS FAR AS POSSIBLE FROM THE WATERMAIN JOINTS. WHERE A SEWERLINE CROSSES UNDER A WATERLINE, ADEQUATE STRUCTURAL SUPPORT SHALL BE PROVIDED FOR THE WATERLINE TO PREVENT DAMAGE.
- WHEN IT IS IMPOSSIBLE TO OBTAIN PROPER HORIZONTAL AND VERTICAL SEPARATION AS STIPULATED ABOVE, THE SEWER SHALL BE DESIGNED AND CONSTRUCTED EQUAL TO WATERMAIN AND SHALL BE PRESSURE TESTED AT 150 PSI TO ASSURE WATERTIGHTNESS PRIOR TO BACKFILLING.
- THE CONTRACTOR SHALL RETAIN THE SERVICES OF A QUALIFIED TREE EXPERT TO REMOVE, WHERE NECESSARY, BRANCHES WHICH INTERFERE WITH THE CONSTRUCTION OPERATION, OR TO 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.
- THE CONSTRUCTION OF THE FACILITIES SHALL BE UNDER THE SUPERVISION OF A PERSON OR FIRM QUALIFIED TO PRACTICE PROFESSIONAL ENGINEERING IN NEW YORK STATE UNDER THE EDUCATION LAW OF THE STATE, WHENEVER ENGINEERING SERVICES ARE REQUIRED BY SUCH LAW FOR SUCH PURPOSES.
- WHERE SUCH FACILITIES ARE UNDER THE SUPERVISION OF A PROFESSIONAL ENGINEER, HE SHALL CERTIFY TO THE DEPARTMENT AND TO THE APPLICANT THAT THE CONSTRUCTED FACILITIES HAVE BEEN UNDER HIS SUPERVISION AND THAT THE WORK HAS BEEN FULLY COMPLETED IN ACCORDANCE WITH THE APPROVED ENGINEERING REPORTS, PLANS, SPECIFICATIONS, AND APPROVALS.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR THE TOWN OF CHEEKTOWAGA DEPARTMENT OF PUBLIC WORKS.
- ANY CONTRACTOR AND/OR PLUMBER PERFORMING WORK IN A CONFINED SPACE (I.E. MANHOLES, WETWELLS, CHAMBERS) OWNED BY THE TOWN OF CHEEKTOWAGA MUST CERTIFY TO THE COUNTY THAT THEY HAVE THEIR OWN CONFINED SPACE ENTRY PROGRAM THAT MEETS OR EXCEEDS OSHA'S REGULATIONS. CERTIFICATION MUST BE NOTARIZED BY A NOTARY PUBLIC.
- LOCATION AND INVERTS OF SANITARY SEWER LATERALS AT BUILDING WALLS ARE ASSUMED ONLY AND MUST BE VERIFIED WITH ARCHITECT. LOCATION OF WATER SERVICE AT BUILDING WALL IS ASSUMED ONLY AND MUST BE VERIFIED WITH THE ARCHITECT.

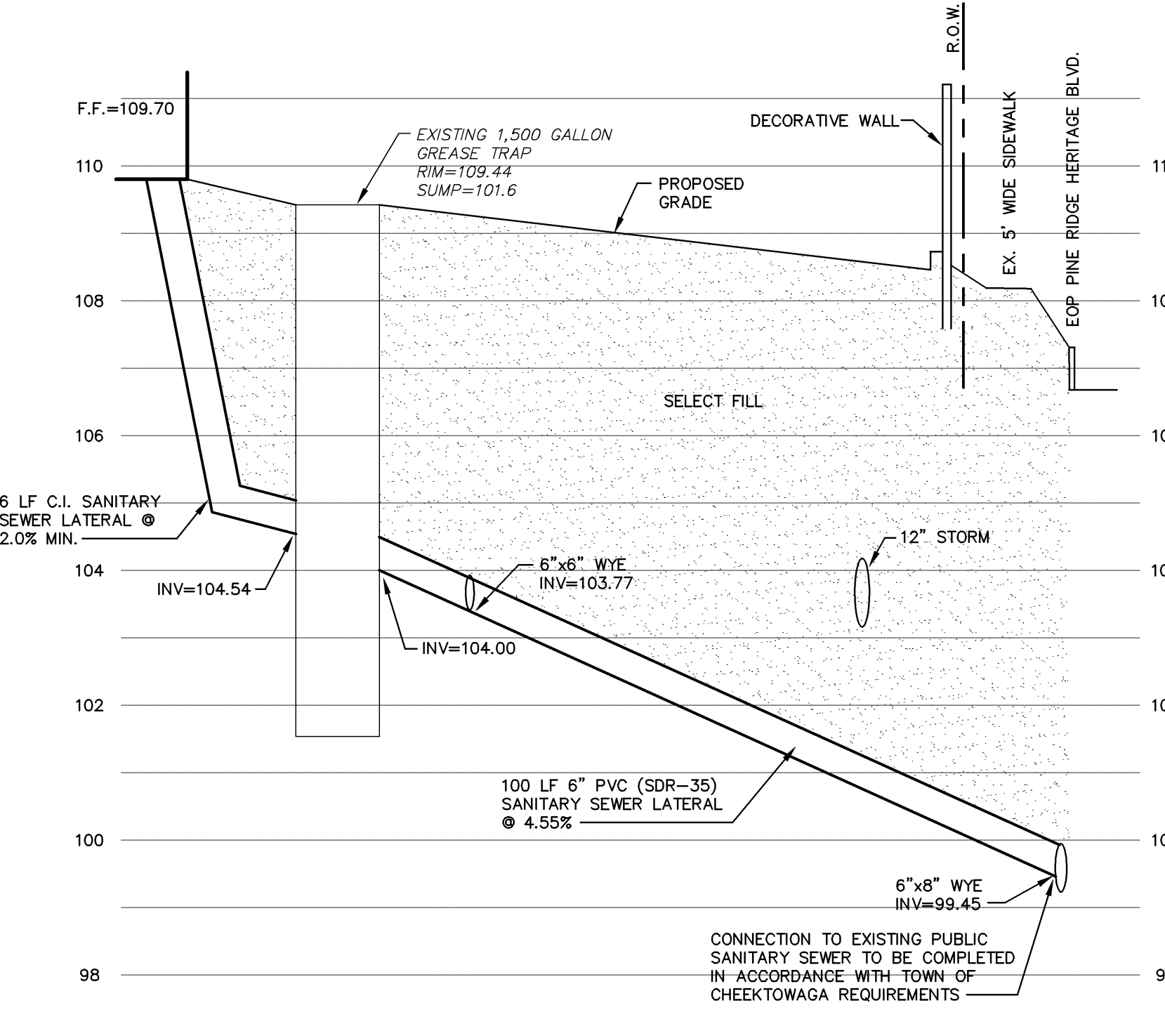
GENERAL NOTES AND SPECIFICATIONS WATERLINE CONSTRUCTION

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ECWA AND TOWN OF CHEEKTOWAGA PROCEDURES AND CONSTRUCTION SPECIFICATIONS.
- ALL WATERLINES SHALL BE CONSTRUCTED TO HAVE A MINIMUM OF 5'-0" COVER FOR 8" WATERLINES AT A UNIFORM GRADE OVER THE ENTIRE PROJECT TO AVOID UNNECESSARY HIGH OR LOW POINTS. WATERLINES SHALL HAVE A MINIMUM OF 2'-0" CLEARANCE BELOW EXISTING CULVERTS OR 5'-0" COVER FROM TRENCH, WHICHEVER IS GREATER.
- ALL PROVISIONS OF THE NEW YORK STATE INDUSTRIAL CODE RULE 53 AND THE NEW YORK STATE HIGH VOLTAGE PROXIMITY ACT MUST BE FOLLOWED.
- ANY DAMAGE CAUSED BY THE CONTRACTOR'S OPERATIONS TO EXISTING PAVEMENT, SHOULDERS, DRIVES AND STORM DRAINAGE FACILITIES SHALL BE REPAIRED OR REPLACED IN KIND BY THE CONTRACTOR AT HIS EXPENSE. ALL REPORTS OR REPLACEMENTS MADE BY THE CONTRACTOR SHALL BE ACCEPTABLE TO THE OWNER OR AGENCY HAVING JURISDICTION.
- THE CONTRACTOR SHALL TAKE ANY PRECAUTIONS NECESSARY TO PROTECT TREES AND SHRUBBERY FROM DAMAGE, UNLESS SPECIFICALLY ORDERED FOR CLEARING. THE CONTRACTOR SHALL PROVIDE AND PLANT REPLACEMENT TREES OR SHRUBBERY AT HIS EXPENSE.
- ECWA SHALL OPERATE ALL VALVES OF EXISTING SYSTEMS.
- POLYVINYL CHLORIDE (PVC) WATER PIPE SHALL BE DR18 CLASS 150 AND CONFORM TO ANWA C-900 AND ASTM D-2241.
- CORPORATION STOPS SHALL CONFORM TO ANWA C-800 AND SHALL BE MUELLER H-15000 OR EQUAL. CURB STOPS SHALL CONFORM TO ASTM B-82 AND SHALL BE MUELLER H-15204 OR EQUAL. COPPER TUBING SHALL BE TYPE "K" AND CONFORM TO ASTM B-88.
- CURB BOX SHALL BE CAST IRON COMPLETE WITH LID AND PLUG AS MANUFACTURED BY MUELLER MODEL H-10334.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL STATUTES REGARDING THE PREVENTION AND ABATEMENT OF SOIL EROSION, SEDIMENTATION AND WATER POLLUTION.

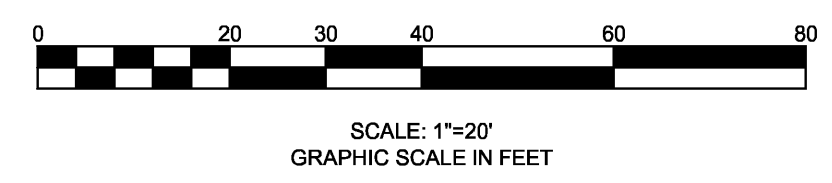
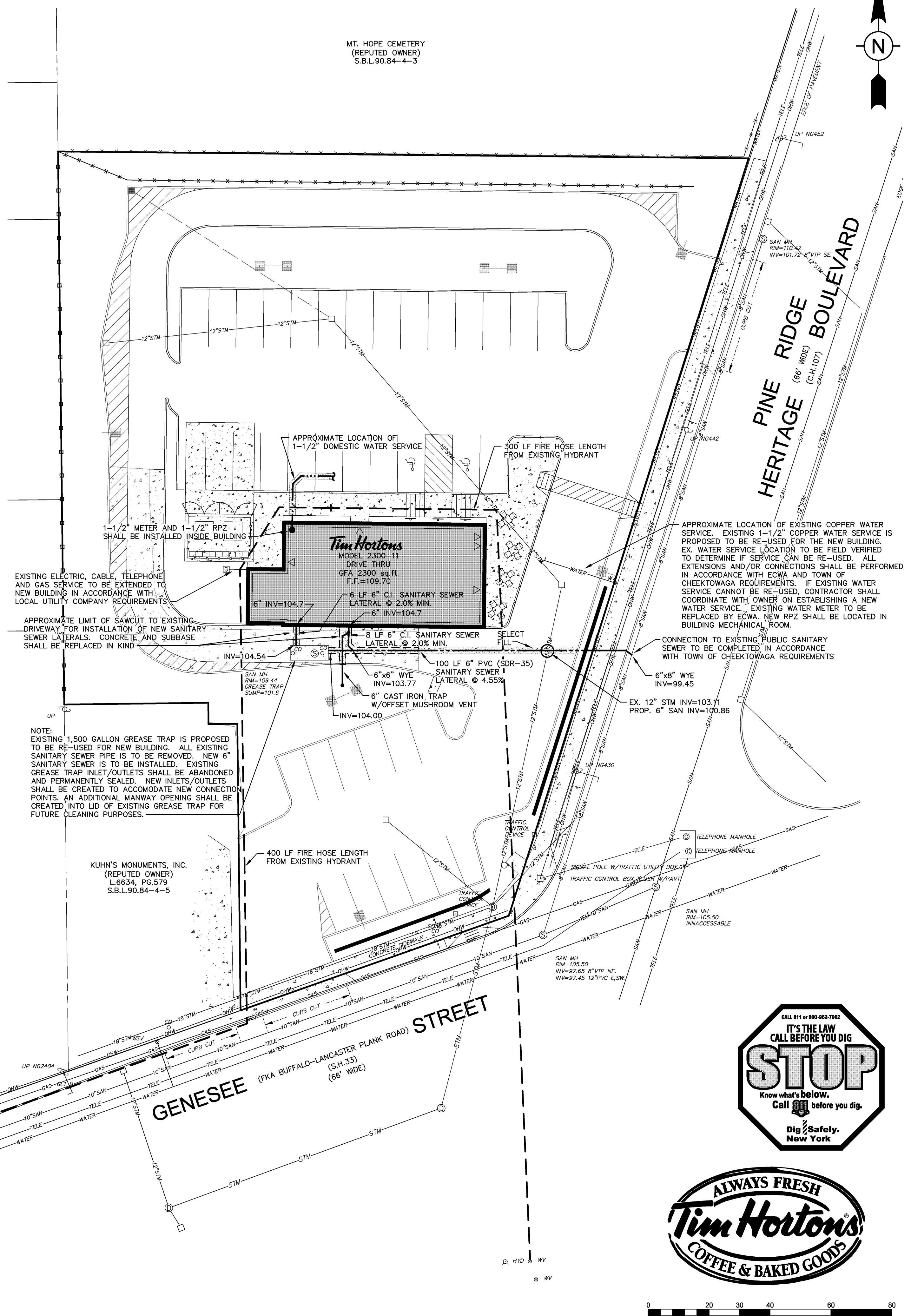
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PROFILE
SCALE: 1"=30' HORIZONTAL
1"=2' VERTICAL



DRAWING REVISIONS	
ITEM	DATE
1	4/10/12

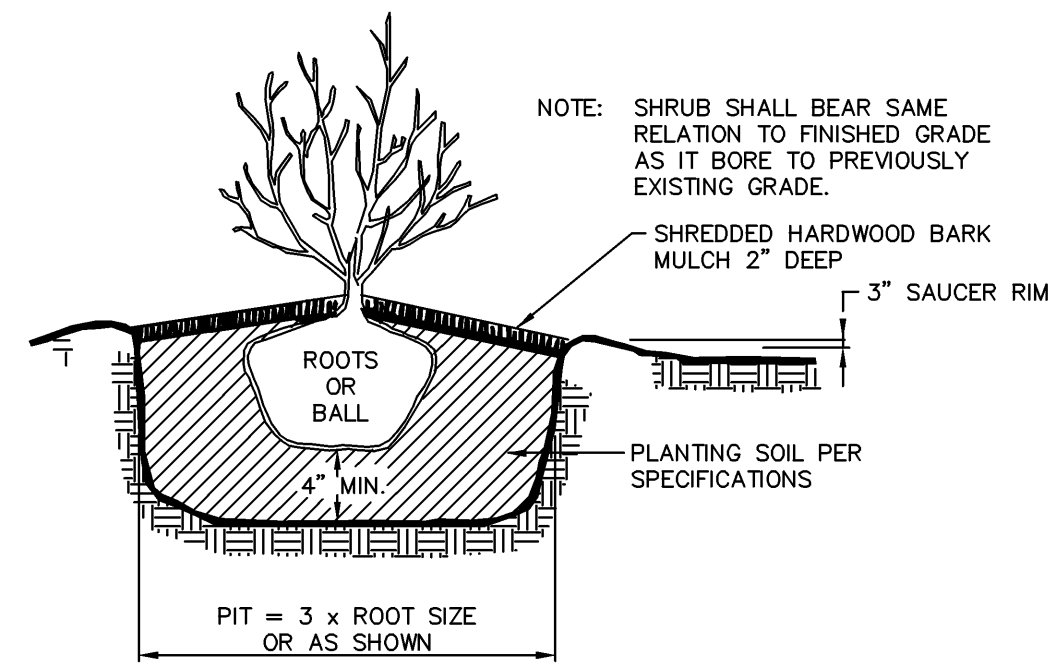
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DRAWN BY:	SMK
CHECKED BY:	WES
DATE:	FEBRUARY 2012

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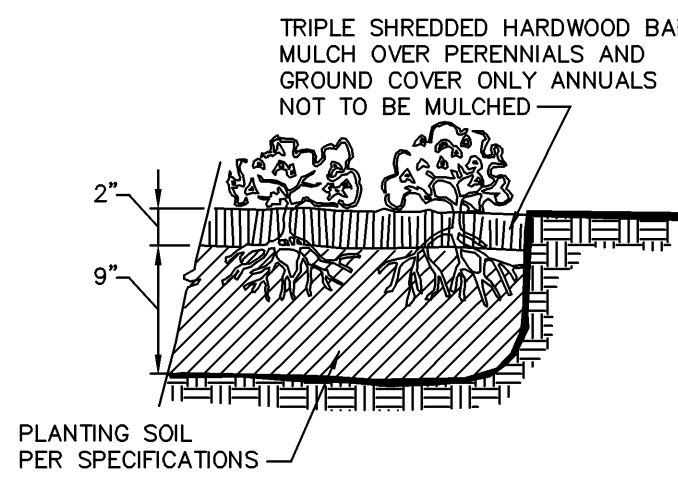
Tim Hortons
440 PINE RIDGE HERITAGE BOULEVARD
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK
UTILITY PLAN

THIS SHEET ISSUED APRIL 10, 2012
C7
DRAWING SCALE: 1" = 20'
WSA PROJECT NO. 11128



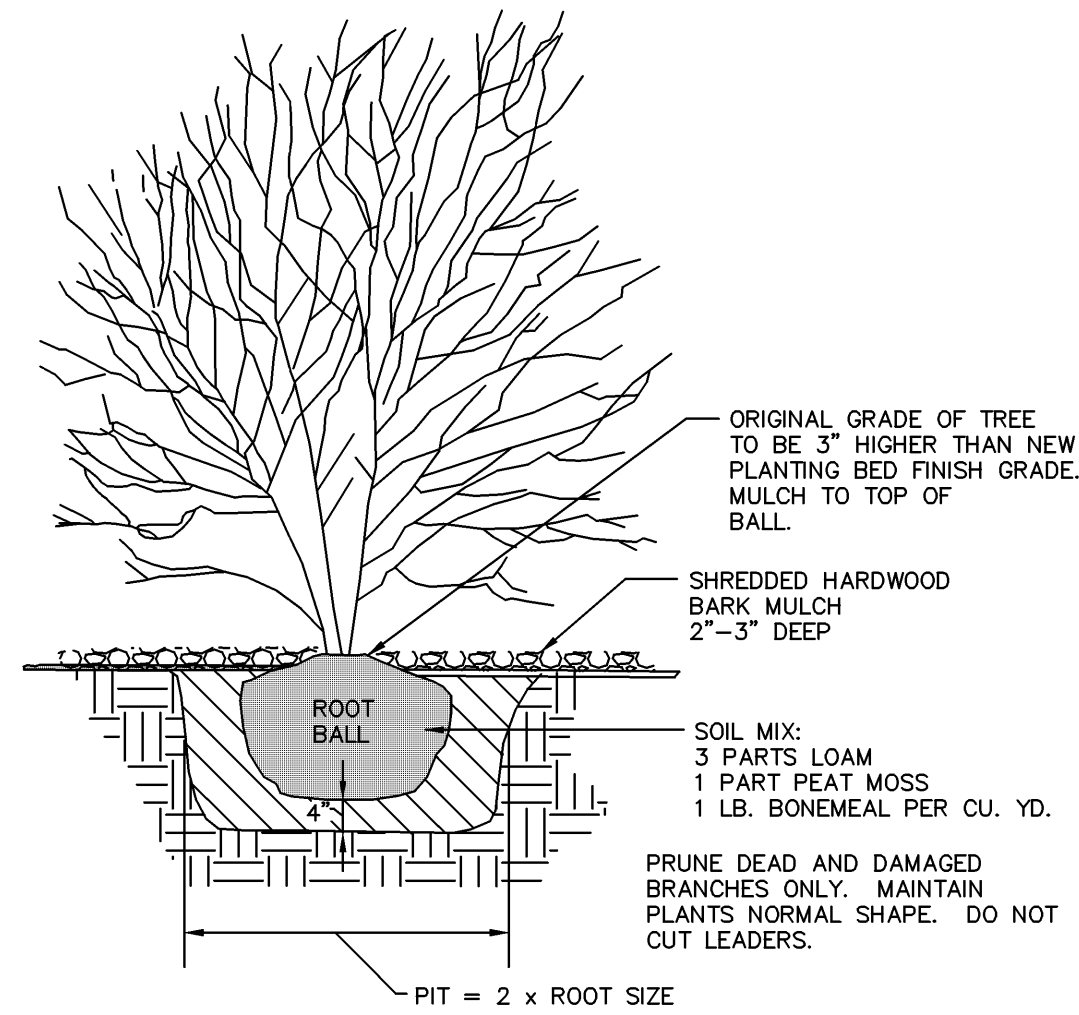
SHRUB PLANTING DETAIL

NO SCALE



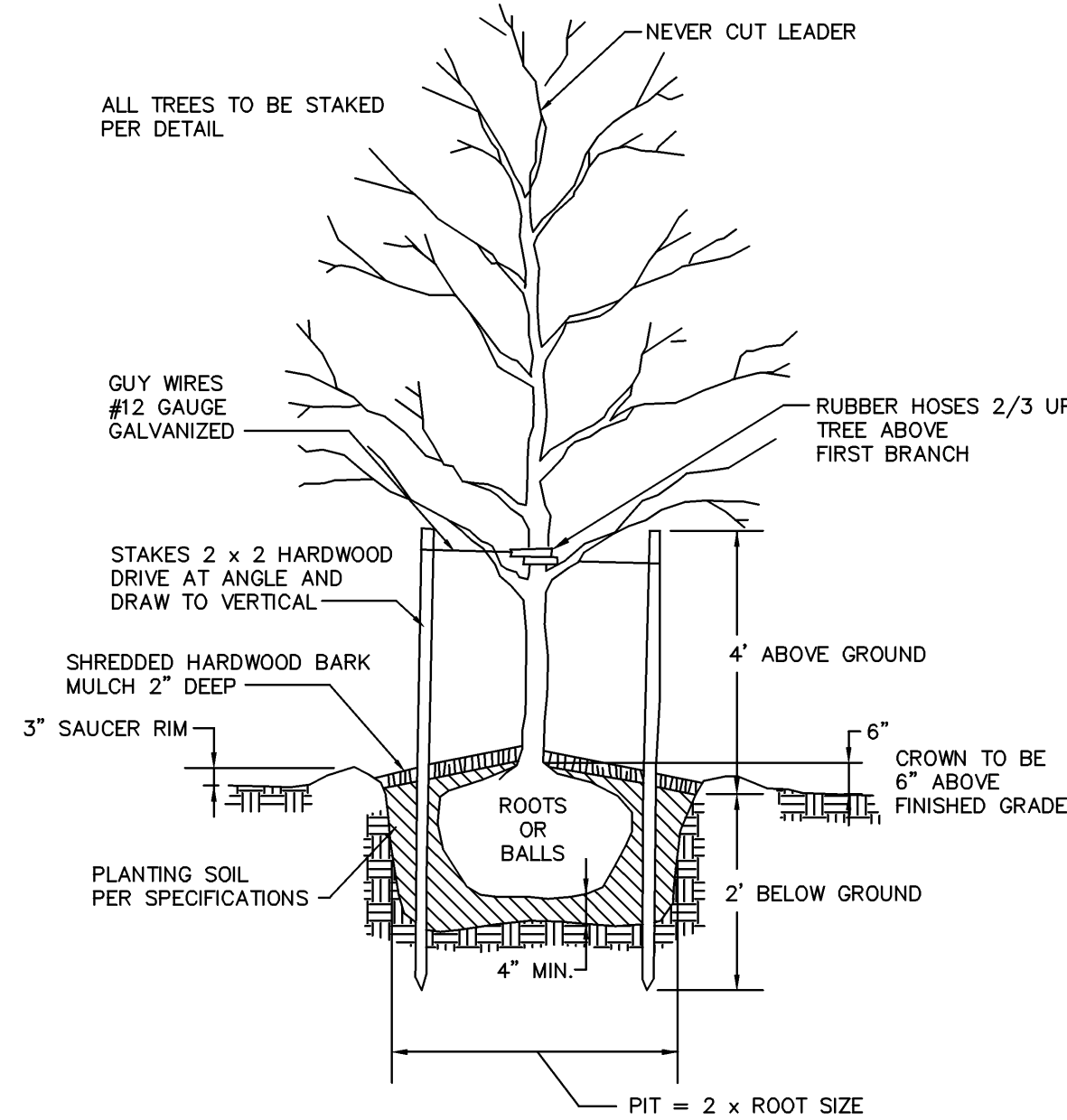
ANNUAL, PERENNIAL AND GROUND COVER PLANTING DETAIL

NO SCALE



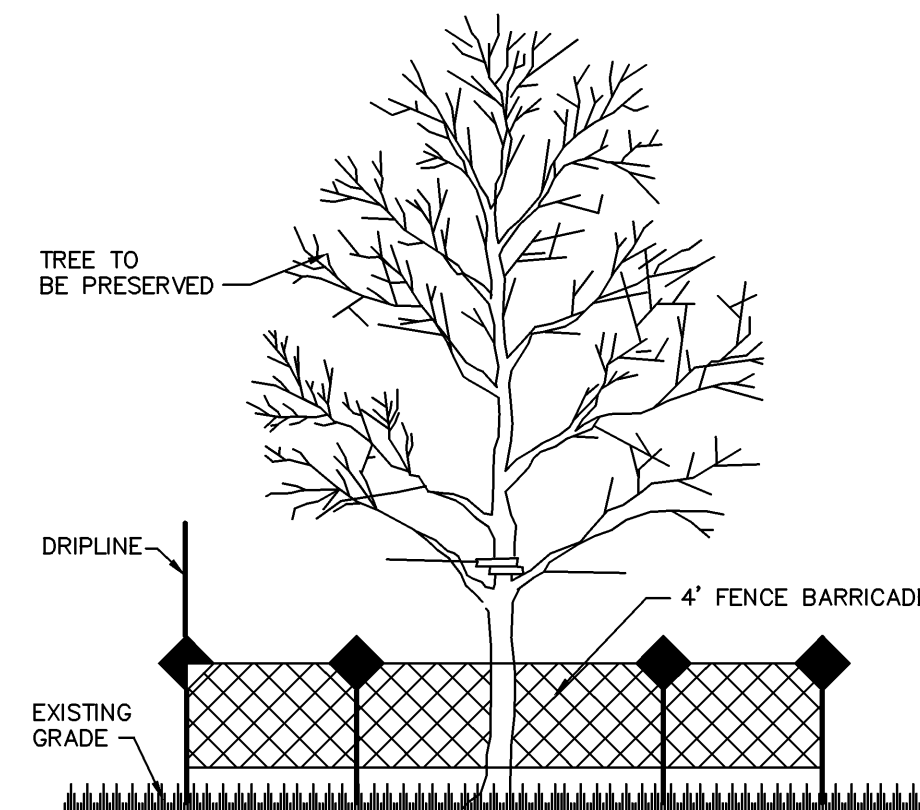
TREE PLANTING DETAIL: MULTI-STEM

NO SCALE



TREE PLANTING DETAIL

NO SCALE



TREE PROTECTION ZONE

NO SCALE

TREE PROTECTION DURING CONSTRUCTION

TREE PROTECTION SHALL BE ESTABLISHED, BEFORE ANY CLEARING OR CONSTRUCTION IS BEGUN.

ALL TREES TO BE PRESERVED ARE TO BE CLEARLY MARKED AND PROTECTED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. A TREE PROTECTION ZONE IS TO BE ESTABLISHED AROUND EACH TREE OR GROUP OF TREES TO BE SAVED. THE TREE PROTECTION ZONE IS AN AREA AROUND EACH TREE OR GROUP OF TREES WHICH NO CONSTRUCTION ACTIVITY OF ANY KIND IS ALLOWED.

THE TREE PROTECTION ZONE IS CLEARLY DELINEATED WITH TEMPORARY FOUR-FOOT BRIGHT ORANGE POLYPROPYLENE FENCE BARRICADE. THE FENCING IS TO EXTEND AS FAR OUT AS THE BRANCH SPREAD OF THE TREES (SEE EXAMPLE BELOW). TREE PROTECTION SIGNS ARE TO BE PLACED ON THE FENCE BARRICADE.

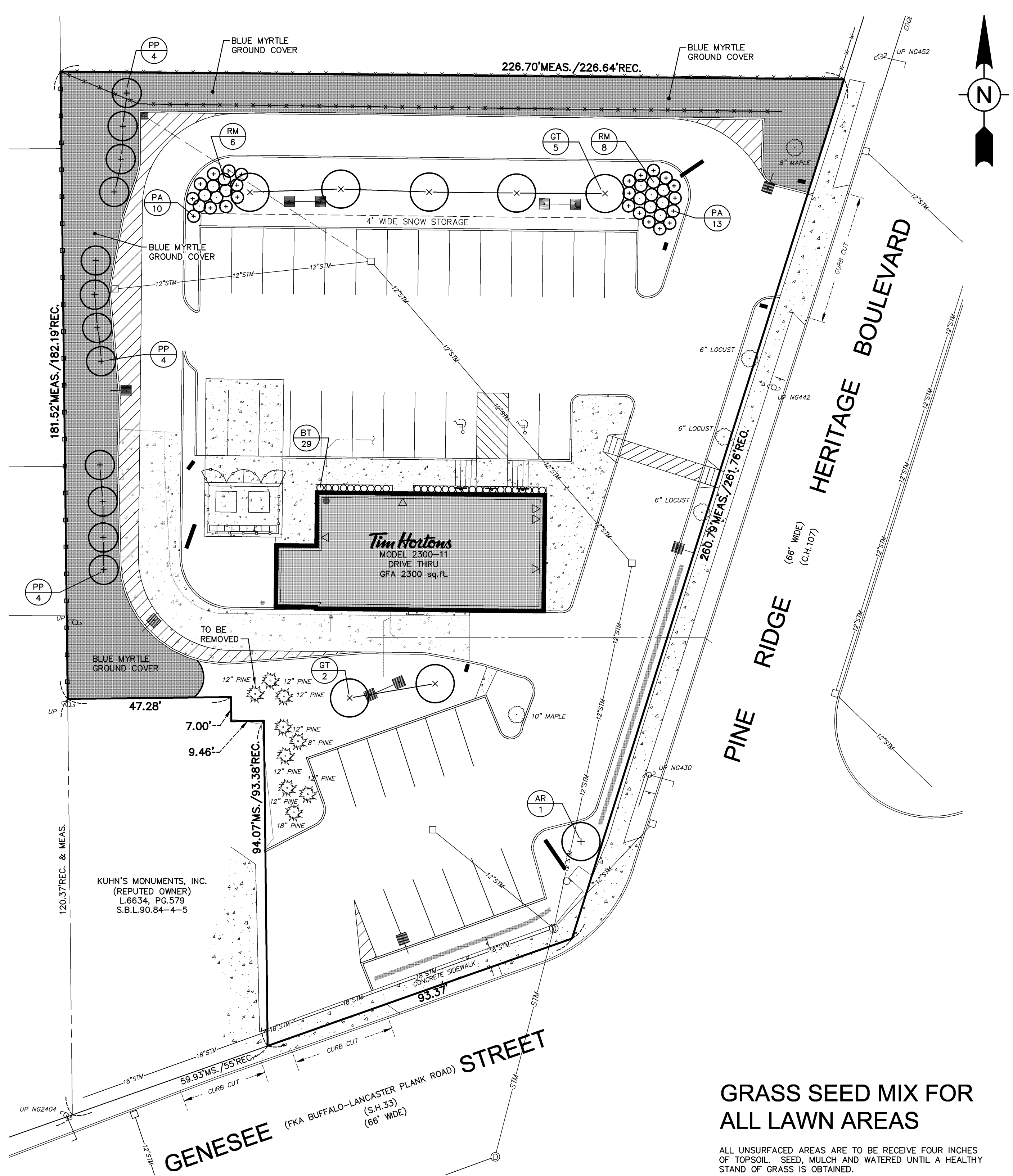
NO GRADING, FILLING, DITCHING, EQUIPMENT PARKING, OR MATERIAL STORAGE WITHIN THE TREE PROTECTION ZONE. NO CHEMICAL OR CEMENT RINSING WITHIN TREE PROTECTION ZONE. NO BURNING OF TRASH OR DEBRIS WITHIN TREE PROTECTION ZONE.

TO THE GREATEST EXTENT PRACTICAL, UTILITY TRENCHES SHALL BE LOCATED OUTSIDE OR THE TREE PROTECTION ZONE. IF AN UNDERGROUND LINE MUST GO NEAR A TREE, TUNNEL OR AUGER UNDERNEATH MAJOR ROOTS WITHOUT CUTTING THEM.

CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE TYPES OF GROUT, TRUNK, AND LIMB DAMAGE; INCLUDING BUT NOT LIMITED TO, RETAINING WALLS WHICH PREVENT FILLING ON TOP OF ROOTS OR EXCAVATING TREE ROOTS.

GENERAL NOTES:

- CONTRACTOR TO EXCAVATE ALL PLANTING BED AREAS ADJACENT TO BUILDING AND BACKFILL WITH TOPSOIL FOR A TOTAL PLANTING BED DEPTH OF 18" FOR ALL SHRUBS AND PERENNIALS.
- MULCH ALL BEDS SHOWN WITH TRIPLE SHREDDED HARDWOOD BARK MULCH.
- ALL UNSURFACED AREAS SHALL RECEIVE FOUR INCHES OF TOPSOIL, SEED, AND MULCH AND SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- ALL PLANTER ISLANDS AND SHRUB BEDS TO BE FILLED 18" DEEP AND 6" ABOVE TOP OF CURB FOR TOTAL OF 24" TOPSOIL.
- THE SITE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE ROOT, TRUNK, AND LIMB DAMAGE, INCLUDING:
- TOPSOIL SHALL CONFORM WITH THE PROVISIONS OF ASTM D3596 AND SHALL BE FREE FROM STONES 1" OR LARGER IN ANY DIMENSION, AND FREE OF ANY OTHER EXTRANEIOUS MATERIALS HARMFUL TO PLANT GROWTH.
- THE CONTRACTOR SHALL TAKE ANY PRECAUTIONS NECESSARY TO PROTECT TREES AND SHRUBBERY FROM DAMAGE, UNLESS SPECIFICALLY ORDERED FOR CLEARING. THE CONTRACTOR SHALL PROVIDE AND PLANT REPLACEMENT TREES OR SHRUBBERY AT HIS EXPENSE.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTENANCE AND/OR REPLACEMENT OF ALL LAWN AREAS AND PLANTINGS FOR A PERIOD OF 1 YEAR FROM THE DATE OF INITIAL PLACEMENT. THE OWNER WILL HAVE FINAL APPROVAL OF ALL PROPOSED LANDSCAPING.
- ALL DECIDUOUS TREES PLANTED SHALL HAVE A MINIMUM CALIPER OF TWO AND ONE-HALF (2-1/2) INCHES, MEASURED SIX (6) INCHES ABOVE THE GROUND. ALL CONIFEROUS TREES SHALL HAVE A MINIMUM HEIGHT OF SIX (6) FEET ABOVE THE FINISHED GRADE. PLASTIC OR OTHER TYPES OF ARTIFICIAL PLANTINGS OR VEGETATION SHALL NOT BE PERMITTED.
- NO PLANTING OF ORNAMENTAL TREES, CONIFEROUS (PINE, SPRUCE ETC.) IN ANY HIGHWAY RIGHT OF WAY.
- PLANTING SHALL BE PLACED A MINIMUM OF 3 FEET, PREFERABLY 5 FEET, BEHIND THE CURB.
- ALL PLANTING SHALL MAINTAIN A CLEAR HEIGHT FROM THE GROUND TO THE LOWEST HANGING BRANCH OF 5 FEET ABOVE HIGHWAY RIGHT OF WAY.
- TREES ARE TO BE PLANTED A MINIMUM OF 35 FEET FROM PAVEMENT EDGE AT AN INTERSECTION WITH THE INTERSECTING STREET TO AFFORD MINIMUM LEGAL SIGHT DISTANCE.
- LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR FINISH GRADING AND SEEDING OF ALL LAWN AREAS. LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR ESTABLISHMENT OF HEALTHY STAND OF GRASS.
- THE SITE CONTRACTOR SHALL PROVIDE HARDY TREES SUITABLE FOR USE IN THE SOIL AND CLIMATE CONDITIONS OF THE PROJECT.

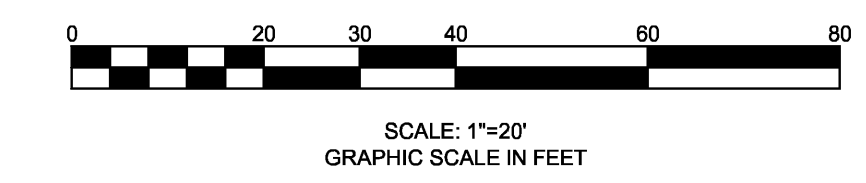


GRASS SEED MIX FOR ALL LAWN AREAS

ALL UNSURFACED AREAS ARE TO BE RECEIVE FOUR INCHES OF TOPSOIL. SEED, MULCH AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.

- 50% NASSAU KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
- 15% GNOME KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
- 15% RAM I KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
- 20% PATRIOT II PERENNIAL RYEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)

SOW SEED AT 4 POUNDS PER 1000 SF



PLANTING LIST - TREES						
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
AR	1	Acer Rubrum 'Autumn Flame'	Autumn Flame Red Maple	2.5" caliper	B & B	symmetrical branching, strong leader
GT	7	Gleditsia triacanthos inermis 'shademaster'	Shademaster Honey Locust	2.5" caliper	B & B	
PP	12	Picea pungens	Colorado Spruce	6' hgt.	B & B	
PLANTING LIST - SHRUBS, GRASSES & GROUND COVER						
BT	29	Berberis thunbergii 'Cruzam'	Cruzam Barberrry	No. 3 cont.	-	-
PA	23	Pennisetum alopecuroides 'Hameln'	Hameln Fountain Grass	No. 2 cont.	-	-
RM	14	Rosa 'Meivahyn'	Knockout Rose	No. 2 cont.	-	-
VM	10,000	Vinca Minor	Blue Myrtle	Flats of 50	2" peat pots	space at 8"-10" o.c.

DRAWING REVISIONS	
ITEM	DESCRIPTION
1	4/10/12 REVISED PER TOWN ENGINEER

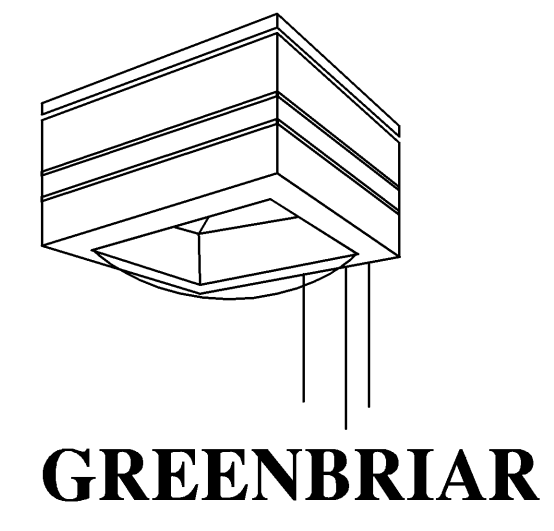
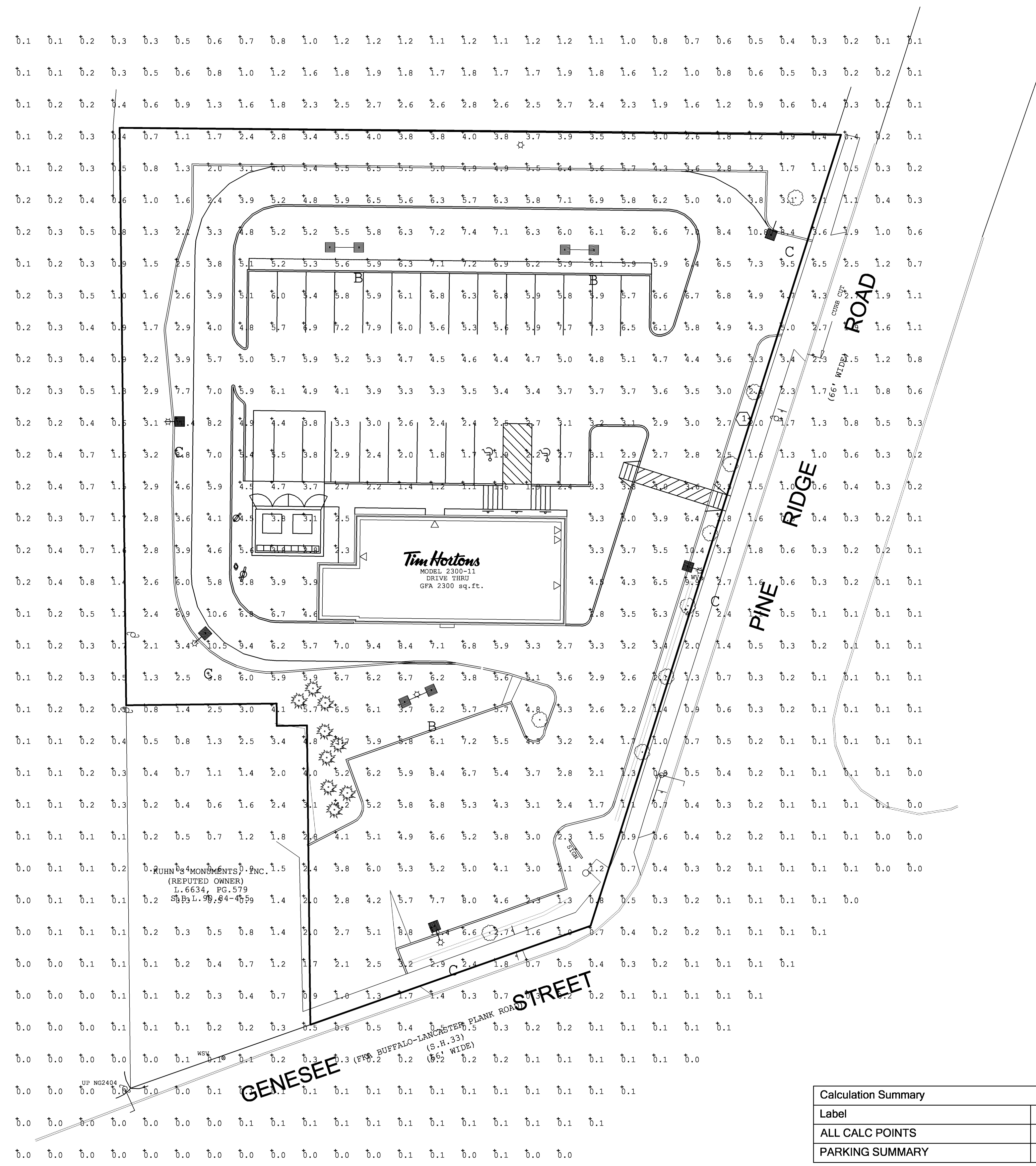
DESIGNED BY:	RBC/FMB
DRAWN BY:	SMK
CHECKED BY:	WES
DATE:	FEBRUARY 2012

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WM SCHUTT ASSOCIATES
 37 CENTRAL AVE.
 LANCASTER, NY 14086-2143
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 FAX 716-683-0169
 WWW.WMSCHUTT.COM

Tim Hortons
 440 PINE RIDGE HERITAGE BOULEVARD
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK
SITE LANDSCAPE PLAN AND DETAILS

THIS SHEET ISSUED APRIL 10, 2012
C8
DRAWING SCALE: 1" = 20"
WSA PROJECT NO. 11128



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS	Illuminance	Fc	2.27	10.8	0.0	N.A.	N.A.
PARKING SUMMARY	Illuminance	Fc	4.86	10.8	1.1	4.42	9.82

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	3	B	D180°	GBM-5-400-PSMV-CT D180 ON 20' POLE + 2' BASE	0.800	44000	61410	904
	5	C	SINGLE	GBM-FP-400-PSMV-CT SINGLE ON 20' POLE + 2' BASE	0.800	44000	24108	452

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine applicability of the layout to existing or future field conditions.

This lighting pattern represents illumination levels calculated from laboratory data taken under controlled conditions utilizing current industry standard lamp ratings in accordance with Illuminating Engineering Society approved methods. Actual performance of any manufacturer's luminaire may vary due to variation in electrical voltage, tolerance in lamps and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.

Total Project Watts
Total Watts = 4972

Light Industries™
LIGHTING PROPOSAL FOR
TIM HORTONS
PINE RIDGE RD.
CHEEKTOWAGA, NY

SCALE: 1"=20'
DATE: 3/20/12
BY: JLS

LO- 110039A
SHEET 1 OF 1

THIS SHEET ISSUED APRIL 10, 2012

C9

WSA PROJECT NO. 11128



FRONT ELEVATION



SIDE ELEVATION

PINE RIDGE RD. - CHEEKTOWAGA, NY
 EXTERIOR ELEVATIONS





PINE RIDGE RD. - CHEEKTOWAGA, NY
EXTERIOR ELEVATIONS



TOWN OF CHEEKTOWAGA

RECEIVED
MAR 26 2012

BUILDING & PLUMBING DEPT

TOWN OF CHEEKTOWAGA

TRAFFIC SAFETY COMMISSION

PROJECT DESCRIPTION 2300SE Tim Herrod's RESTAURANT

PROJECT LOCATION 440 PINE RIDGE HERINGER BLVD C GRASSER ST

PROJECT SPONSOR THD GROUP

INVESTIGATED BY PAUL GASIEWICZ

DATE 3-12-12

COMMENTS THERE WILL BE SUFFICIENT STACKING IN THE DRIVE
THOUGH. THEY HAVE A 16 VEHICLE QUEUE CAPACITY.

Recommended Approval

Paul Gasiewicz

RESTAURANT EXPANSION

to DINGENS STREET BAR & GRILLE 601 DINGENS STREET, TOWN OF CHEEKTOWAGA

GENERAL REQUIREMENTS

1. **CONTRACT DOCUMENTS**
 - .1 The intention of the Contract Documents is to include all permits, labor, materials, supplies, equipment, tools, construction equipment, water, utilities, transportation, supervision and other facilities and services necessary for the proper execution of the Work contemplated herein.
 - .2 Submit shop drawings as follows:
 - Two (2) Prints each
 - Two (2) copies of each Product Data / Samples
 - .3 Shop drawings are required for the following:
 6. **DIMENSIONS**
 - .1 The Contractor shall verify all dimensions given in the Contract Documents affecting the Work and shall be responsible for the correctness of same.
 - .2 The Contractor shall notify the Architect of any discrepancies as soon as possible.
 7. **MANUFACTURERS**
 - .1 The use of particular manufacturers names is not intended to restrict bidding or to exclude the bidding of other manufacturers whose names have not been mentioned in the Contract Documents, providing that such products comply with the standards set herein.
 - .2 Exceptions are those items specified from a particular manufacturer followed by the term "No Substitutions".
 - .3 Products from Alternate Manufacturers shall be approved by both the Architect and Owner.
 8. **CUTTING & PATCHING**
 - .1 The Contractor shall do all cutting, fitting or patching of his/her Work, as indicated in the Contract.
 - .2 Existing construction, finishes, equipment, etc. that are to remain and which are damaged or defaced by reason of Work done under this Contract shall be restored or replaced with new, by the Contractor at no additional cost to the Owner.
 9. **DELIVERY TO THE SITE**
 - .1 The Contractor shall be responsible for receiving, inspecting and storing all deliveries. Deliveries shall not interfere or inconvenience the operation of the Owner at any time. All deliveries shall be coordinated with the Owner.
 - .2 The Contractor shall abide by Owner / Landlord's guidelines regarding deliveries to and removal of rubbish from the Building.
 10. **GUARANTEE & CERIFICATEES**
 - .1 Upon completion of the Work, the Contractor shall furnish to the Owner written guarantee against defective materials and workmanship on all items under this Contract for a period of one (1) year. Additionally, furnish the Owner with written guarantee for those items where guarantee is of longer duration as, stated in various sections of the Contract Documents. For Mechanical and Electrical guarantees, refer to the Mechanical and Electrical portions of the Contract Documents.
 - .2 Upon completion of the Work, the Contractor shall furnish to the Owner all certificates as required, including a Certificate of Occupancy.
 11. **PROJECT CLOSEOUT**

Furnish all equipment, labor, materials and devices to complete all Work as specified herein, and/or as required by the Contract Documents.

 - .1 **CLEANING UP**

The Premises shall be maintained in a reasonably neat and orderly condition and kept free from accumulations of waste materials and rubbish during the entire construction period.

The Contractor and his Sub-Contractors shall clean up the debris resulting from their Work at least once a week and more often if the same interferes with the Work of others, under any Contract, or presents a fire or safety hazard.

All areas of the Building in which painting and finishing Work is to be performed shall be cleaned throughout just prior to the start of this Work, and these areas shall be maintained in a satisfactory condition for painting and finishing. This cleaning shall include the removal of trash and rubbish from these areas; broom cleaning of floors; the removal of any plaster, mortar, dust and other extraneous materials from all surfaces; including but not limited to, all exposed structural steel, miscellaneous metal, wood work, plaster, masonry, concrete, mechanical and electrical equipment, piping, ductwork and conduit.

Electrical outlets, closets, pipe and duct shafts, chases, furred spaces, and similar spaces which are generally unfinished, shall be cleaned and left free from rubbish, loose plaster, mortar drippings, extraneous construction materials, dirt and dust, before preliminary inspection of the Work.
 - .2 **FINAL CLEANING**

In addition to the cleaning specified above, and the more specific cleaning which may be required in various sections of the Contract Documents, the Contractor shall prepare the Work Area for Occupancy by a thorough cleaning throughout, including washing, cleaning by other approved methods, all surfaces on which dirt or dust has collected, waxing and/or polishing of floors as recommended by manufacturers, and by washing all glass on both sides. The glass shall be washed and polished by a window cleaning contractor specializing in such work. Provide and maintain adequate runner strips of non-staining reinforced Kraft building paper on finished floors for protection of same. All equipment shall be new in an undamaged, bright, clean, polished condition. This cleaning shall be done when as directed by the Owner. Re-cleaning will not be required after the Work has been inspected and accepted, unless later operations of the Contractor make re-cleaning portions necessary.
 - .3 **REMOVAL OF CONSTRUCTION EQUIPMENT, SURPLUS MATERIALS, ETC.**

Upon completion and acceptance of the Work by the Owner, the Contractor shall dismantle and remove from the Premises all construction equipment, surplus materials and supplies, and the like, belonging to the Contractor or his/her Sub-Contractors.
 - .4 **INSTRUCTION, OPERATION AND MAINTENANCE DATA**

Provide all maintenance and operation manuals and conduct orientation and instructions, to the Owner's designated representatives related to the operation, care and maintenance of all equipment and devices, to the satisfaction of the Owner or representatives.
 - .5 **MATERIAL OVERAGE**

The Contractor shall provide the Owner with space cartons of VCT, marble and space yardage of each carpeting used in the Project, as well as spare rolls of each wallcovering used.

This spare material shall be 2% of total project, for purposes of patching at a later date, and shall be of the same manufactured lot as materials installed. This spare material shall be neatly packed and rolled and placed in a room designated by the Owner.

The Contractor shall not leave any un-usable scraps or left over materials not wanted by the Owner.
 - .6 **PROJECT RECORD DRAWINGS (AS-BUILT)**

The Contractor will be furnished a set of Contract Documents for the purpose of keeping a complete Record of all installation of the Work as actually made. The Contractor shall keep a complete Record of his/her Work, and shall indicate deviations from the Contract Documents as to construction, mechanical, electrical and plumbing work, which relates to its Work. All changes, revisions and/or additions made in the installation of the Work, which differs from that required by the Contract Documents, shall be noted.

From the notated Contract Documents, the Contractor shall prepare and provide the Owner and the Architect with one (1) set of originally prepared "AS-BUILTS" on either reproducible Mylar or vellum.
 - .7 **OCCUPIED BUILDING**

The Contractor is hereby notified that the Building in which the Work is to be performed is occupied by the Owner or Owner's Tenant. Reasonable care must be exercised at all times by the Contractor, so as to not unduly interfere with the Building's Tenants normal conduct of business.

The Contractor shall use only those elevators assigned by the Owner for construction use (where applicable).

The Contractor shall cooperate with reasonable requests of the Owner with regards to abatement and/or excessively noisy construction operations.

The Contractor shall not use any products which produce noxious fumes which will by their nature, or the method of use, infiltrate, by whatever means, into the occupied areas of the Building.
3. **OWNER'S REPRESENTATION**

The Owner or his delegated authority shall, without hereby limiting any other powers expressed in or implied by the Contract, have the power:

 - .1 to identify an interpret the Contract and to define its true meaning,
 - .2 to determine whether the Work performed and materials furnished are in accordance with their terms of the Contract,
 - .3 to make decisions on all matters relating to the execution and progress of the Work,
 - .4 to stop the Work whenever, in his opinion, such stoppage may be necessary to insure the proper execution thereof,
 - .5 to determine the amount payable to the Contractor for Work performed under the Contract,
 - .6 to determine the amounts of deductions and/or additions and the time to be allowed for additions,
 - .7 to make decisions on all controversies arising out of the Contract or the refusal of either party to perform the whole or any part thereof.
4. **CONTRACTOR'S RESPONSIBILITIES**
 - .1 **EXAMINATION OF SITE**

By executing the Contract, the Contractor represents that he or she has visited the Site and has familiarized and informed himself or herself fully of the conditions relating to the construction under which his/her Work will be performed.
 - .2 **CONSTRUCTION PROCEDURES**

The Contractor shall supervise and direct the Work using his/her best skill and attention and shall be solely responsible for all methods, means, techniques and procedures for coordinating all portions of the Work under the Contract.
 - .3 **REMOVALS**

The Contractor shall be responsible for complete removal of all existing items not scheduled for re-use. The Contractor shall pull all utility lines, cable or pipes, etc. associated with such removals. The Contractor shall also remove all finish material which is not to be re-used, such as wall coverings, ceramic tile, carpeting, etc. The Contractor shall be responsible for any damage done to the Owner's Building and or Property in the execution of such removals.
 - .4 **RESPONSIBILITY FOR THOSE PERFORMING THE WORK**

The Contractor shall be responsible for the acts and omissions of all his employees, agents, sub-contractors and any other persons performing his/her Work.
 - .5 **TEMPORARY OFFICE**

The Contractor shall provide a space, as approved by the Architect, within the Work Area to function as a temporary office. This space shall be equipped with a plan table, adequate lighting, fax machine and a copier.

All equipment will remain the property of the Contractor and shall be removed from the facility when no longer needed.
 - .6 **TEMPORARY FACILITIES**

Where acceptable to the Owner, the Contractor shall make use of Building's existing systems, water, electric, HVAC, and of existing toilet facilities designated by Owner, through the duration of the Contract.

If not acceptable by the Owner, the Contractor shall

The Contractor shall negotiate with the Owner any cost associated with such utilities and facilities and such costs shall be included in Contractor's Bid total.

The Contractor shall not use these facilities for the cleaning of any construction tools, such as paint, compound, etc.

The Contractor shall assume full responsibility for, and pay all costs for operation, maintenance, cleaning and restoration of same systems and facilities.
 - .7 **PERMITS, FEES & NOTICES**

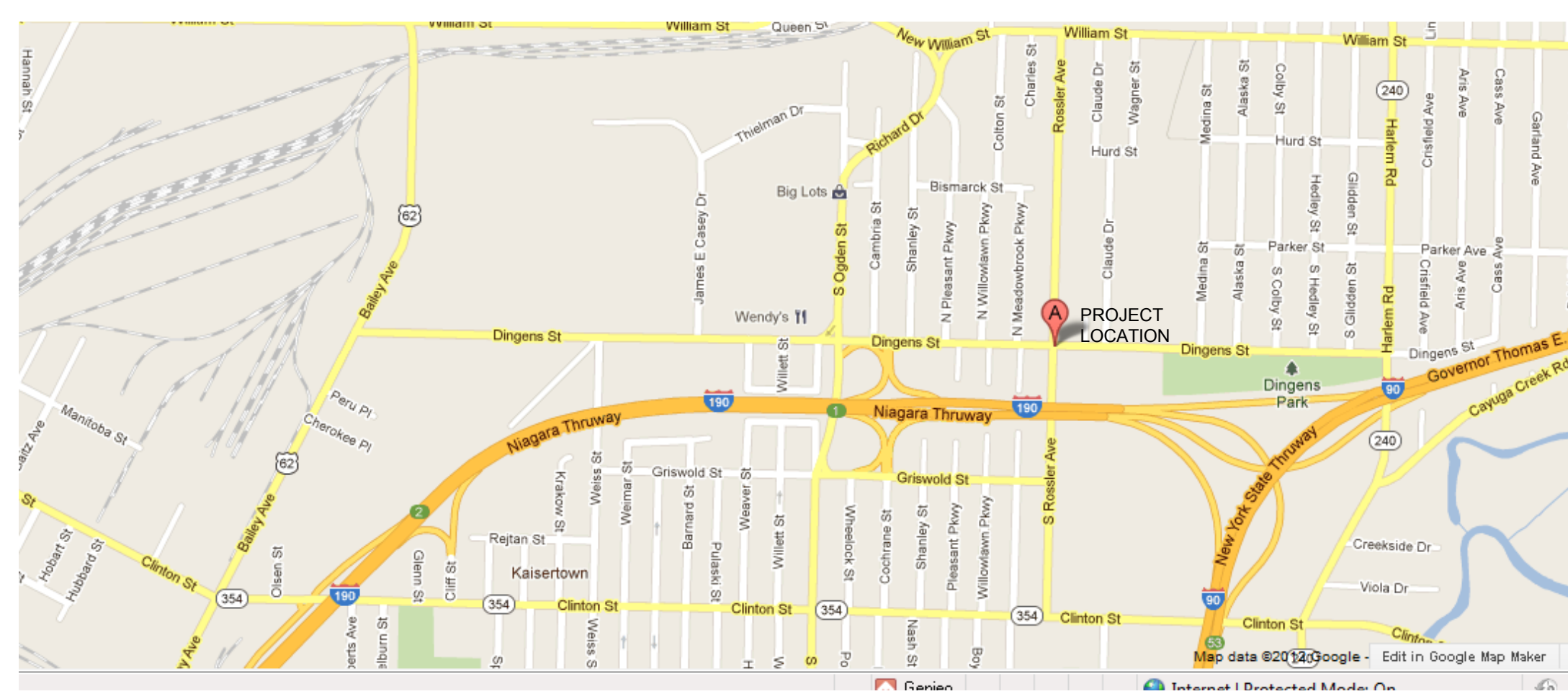
The Contractor shall give all notices and comply with all ordinances, rules, regulations and orders of any public authority bearing on the performance and execution of the Work, and shall notify the Owner if the Contract Documents are at variance therewith.

The Contractor shall procure, pay for and provide Owner with such original permits, etc., and shall post copies at the Job Site.
 - .8 **TAXES**

The Contractor shall provide and pay for all labor, materials, equipment, tools, utilities, transportation, sales use and other similar taxes required by law.
 - .9 **CLEANING**

The Contractor at all times shall keep the premises free from accumulation of waste materials or rubbish caused by his/her operations. At the completion of the Work he/she shall remove all debris and rubbish, as well as his/her tools and surplus materials, and shall clean and leave the Work cleaned to the satisfaction of the Owner. Upon failure of the Contractor to do so, the Owner may clean up and charge the cost thereof to the Contractor.
 - .10 **GUARANTEE**

The Contractor guarantees to the Owner that all materials and equipment incorporated in the Work will be new, unless otherwise specified, and that all Work will be of good quality, free from faults and defects and in conformance with the Contract Documents. All Work no so conforming to these standards may be considered defective. Refer to Contract for standard form CF-Guarantee.
 5. **SHOP DRAWINGS**
 - .1 The Contractor shall furnish for the approval of the Architect all shop drawings as directed in the Specifications. No portion of the Work requiring a shop drawing or sample submission shall be commenced until the submission has been approved in writing by the Architect. All such portions of the Work shall be in accordance with approved shop drawings and samples.



OCCUPANCY CAPACITY CHART - A-2 OCCUPANCY			
SEATING AREA	SQUARE FEET	SQUARE FEET PER PERSON	TOTAL PEOPLE
EXISTING CONSTRUCTION			
EXISTING BAR	61 LINEAR FEET OF BAR	1.5 LIN. FT. / PERSON	41
EXISTING RESTAURANT	1,542	15 NET - Unconcentrated (tables and chairs)	103
EXISTING BOOTHS	114 LINEAR FEET OF BOOTH (378 S.F.)	24 LIN. FT. / PERSON	57
EXISTING MEETING ROOM	2,236	15 NET - Unconcentrated (tables and chairs)	149
EXISTING COMM. KITCHEN	2,132	200 / GROSS	11
TOTAL EXIST. RESTAURANT	9154 GROSS		361
PROPOSED EXPANSION			
BAR EXTENTION	19 LINEAR FEET OF BAR	1.5 LIN. FT. / PERSON	13
NIGHT CLUB	1,062	5 NET - Standing Space	212
LOUNGE AREA	800	15 NET - Unconcentrated (tables and chairs)	13
STAGE AREA	298	15 / NET	20
OUTDOOR PATIO	348	15 SF / PERSON	23
TOTAL RESTAURANT EXPANSION	2,508		281
TOTAL BUILDING AREA	11,314 GROSS		
TOTAL OCCUPANCY			619

- DRAWING LIST**
- CS-1 COVER SHEET, GENERAL REQUIREMENTS
 - A-100 FLOOR PLAN, SECTIONS & DETAILS



JONATHAN E. BENNETT
ARCHITECTURE, P.C.
from Inspiration to Installation

104 Evans Street
Lockport, New York 14094
716-438-7940 o. 716-438-7522 f.
www.dcs-ac.com

CONSULTANTS

MARK	DATE	DESCRIPTION

RESTAURANT EXPANSION

601 DINGENS STREET
TOWN OF CHEEKTOWAGA
NEW YORK

Melanie's Enterprise, Inc.
DBA: Dingsen Restaurant

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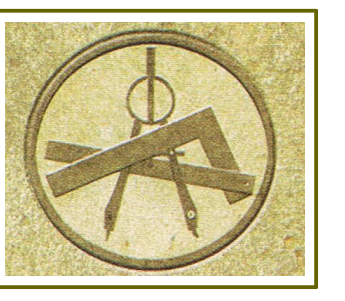
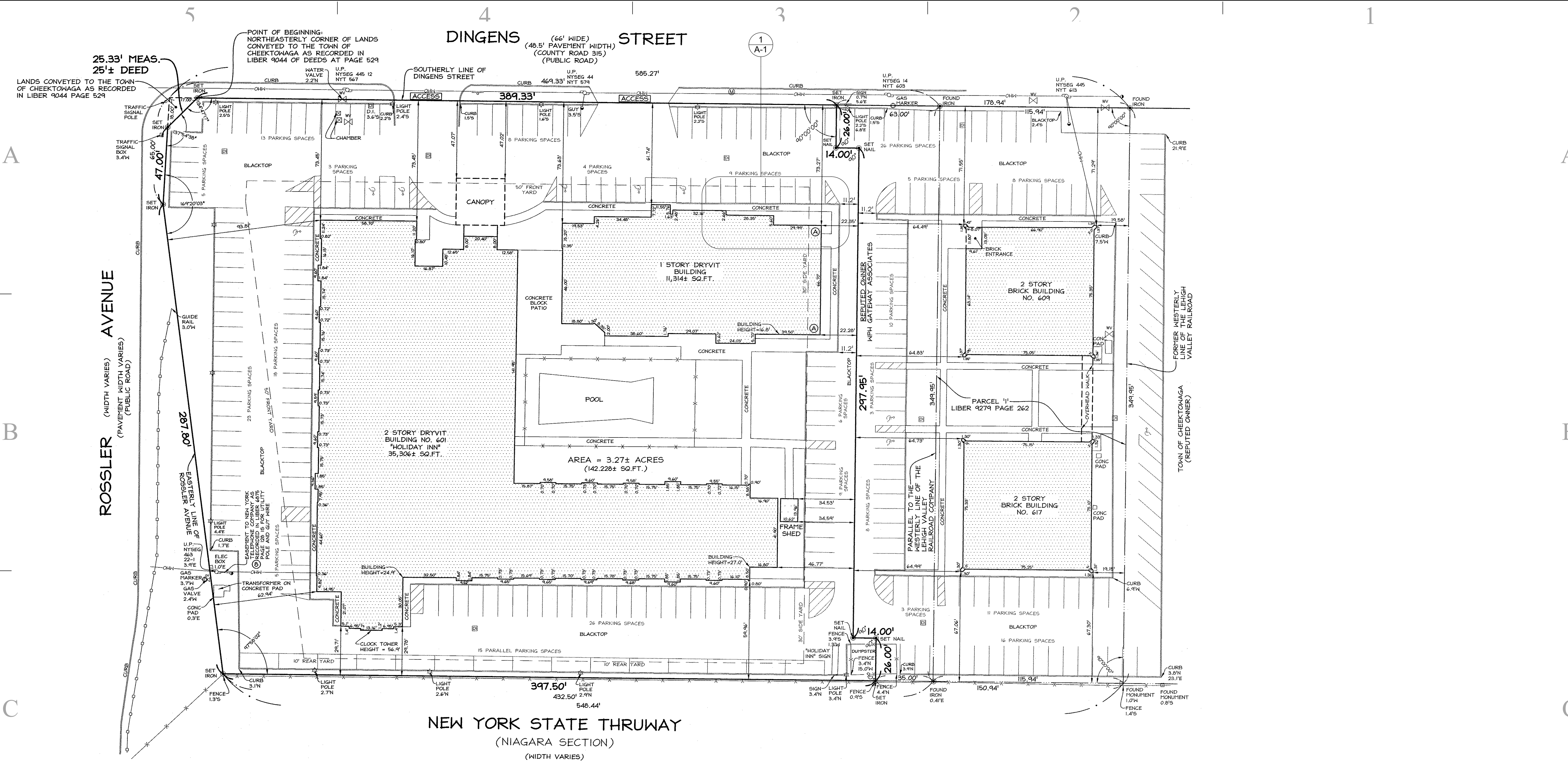
S E A L

PROJECT NO:	11-053
ISSUED:	12.7.2011
MODEL FILE:	11-053 CDS - 2-29-2012.pln11-053
DRAWN BY:	JEB
CHK'D BY:	JEB
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COVER SHEET, GENERAL REQUIREMENTS

CS-1



**JONATHAN E. BENNETT
ARCHITECTURE, P.C.**
from Inspiration to Installation

104 Evans Street
Lockport, New York 14094
716-438-7940 o. 716-438-7522 f.
www.dcs-ac.com

CONSULTANTS

MARK	DATE	DESCRIPTION

**RESTAURANT
EXPANSION**

601 DINGENS STREET
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DBA: Dings Restaurant

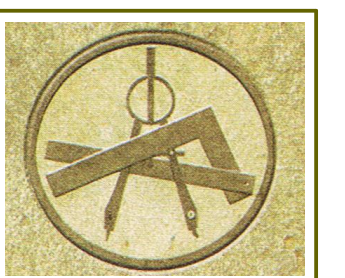
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SHEET TITLE	

**SITE LAYOUT
PLAN**

SP-1



JONATHAN E. BENNETT ARCHITECTURE, P.C. from Inspiration to Installation

104 Evans Street Lockport, New York 14094 716-438-7940 o. 716-438-7522 f. www.dcs-ac.com

CONSULTANTS

MARK	DATE	DESCRIPTION

MARK	DATE	DESCRIPTION

RESTAURANT EXPANSION

601 DINGENS STREET TOWN OF CHEEKTOWAGA NEW YORK

Melanie's Enterprise, Inc. DBA: Dingens Restaurant

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SEAL

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ISSUED:	12.7.2011
MODEL FILE:	11-053 CDS - 2-29-2012.pln11-053
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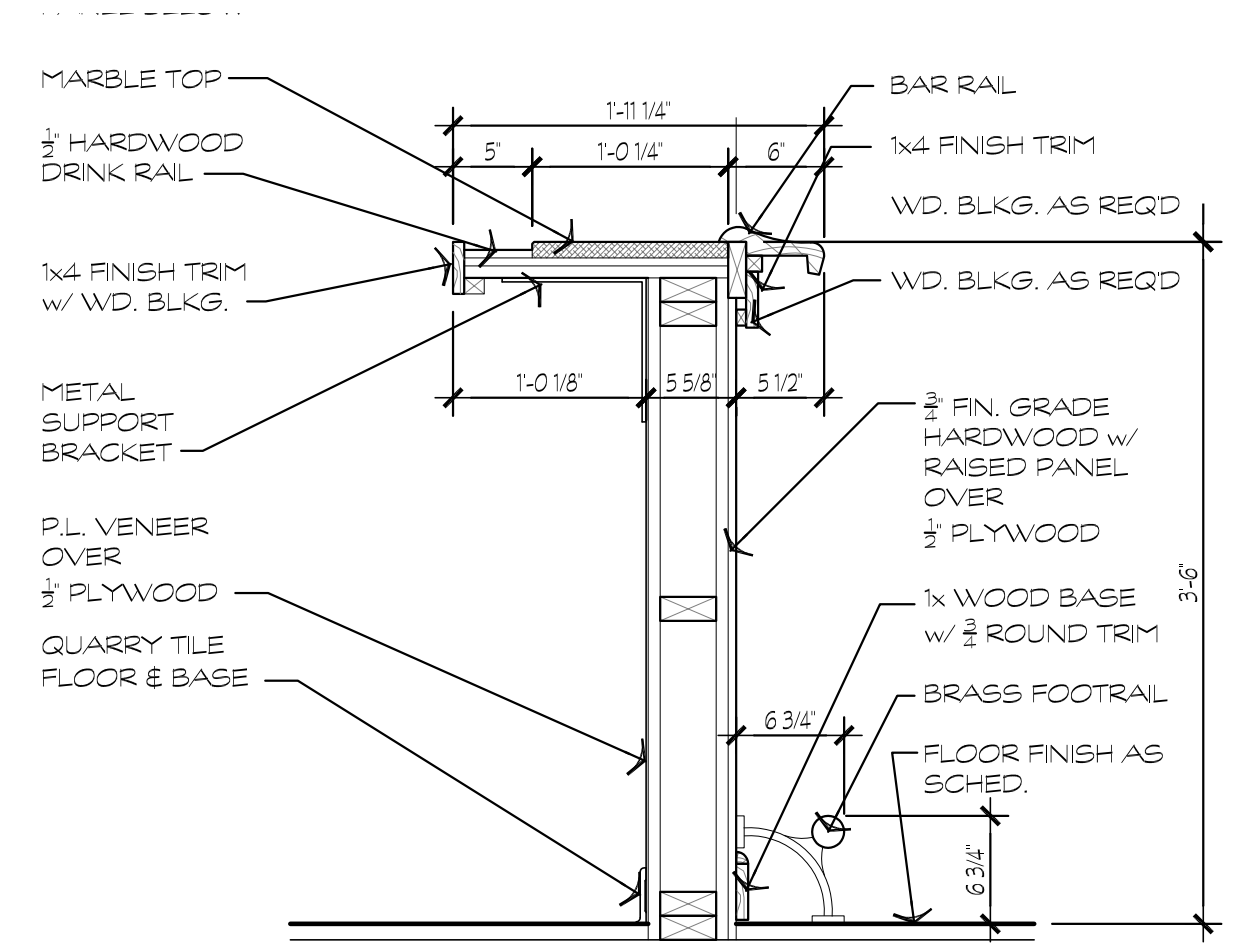
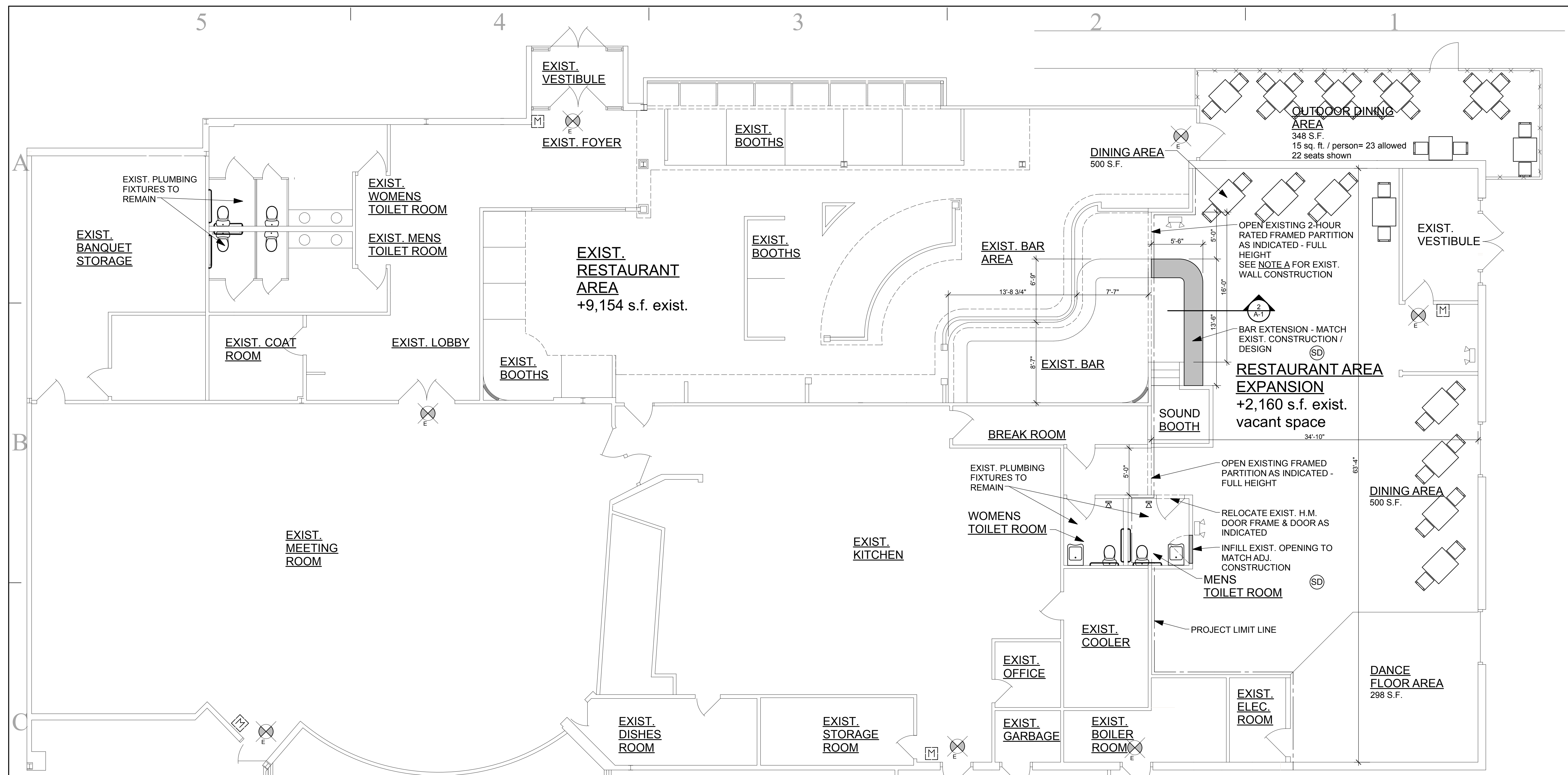
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SHEET TITLE

FLOOR PLAN, SECTIONS & DETAILS

A-100

SHEET : 3 OF : 4



SYMBOL LEGEND

- EXIST. PARTITION TO REMAIN
- EXIST. PARTITION TO BE REMOVED ENTIRELY
- PROVIDE METAL STUD FRAMING + GWS TO MATCH ADJACENT CONSTRUCTION VIF
- PROVIDE 3/8\"/>
- PROVIDE METAL STUD FRAMING AS INDICATED. RATING INDICATED IS 2-HOUR (GLD-SIGN U-420)
- EXIST. DOOR + FRAME TO BE REMOVED ENTIRELY
- EXIST. DOOR TO REMAIN
- PROVIDE DOOR + FRAME AS INDICATED RATED DOORS MARKED
- ILLUMINATED EXIT SIGN (DIRECTIONAL ARROW AS INDICATED)
- EMERGENCY LIGHTING w/ BATTERY BACKUP
- AUDIO-VISUAL FIRE ALARM DEVICE
- SMOKE DETECTOR - HARDWIRED
- FIRE ALARM FULL STATION

NOTE 'A'

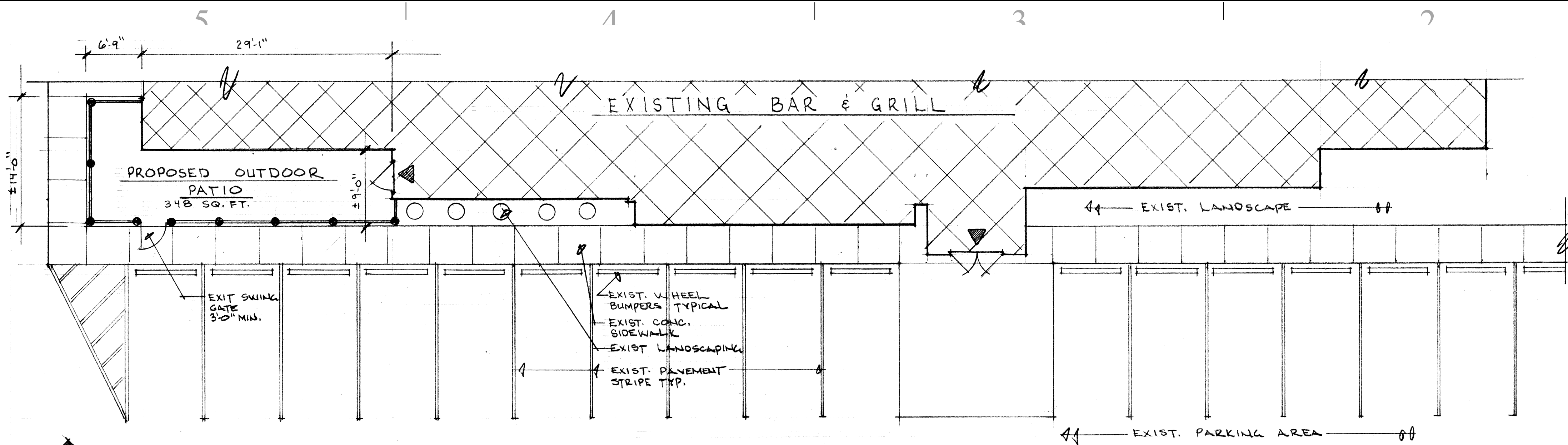
THE EXIST. 2-HR FIRE RATED PARTITION BETWEEN THE EXIST. RESTAURANT & THE EXIST. VACANT SPACE BECOMES NON-RATED DUE TO THE COMBINING OF THE TWO SPACES.

THE EXIST. 2-HR. FIRE RATED PARTITION IS CONSTRUCTED OF 3 5/8\"/>

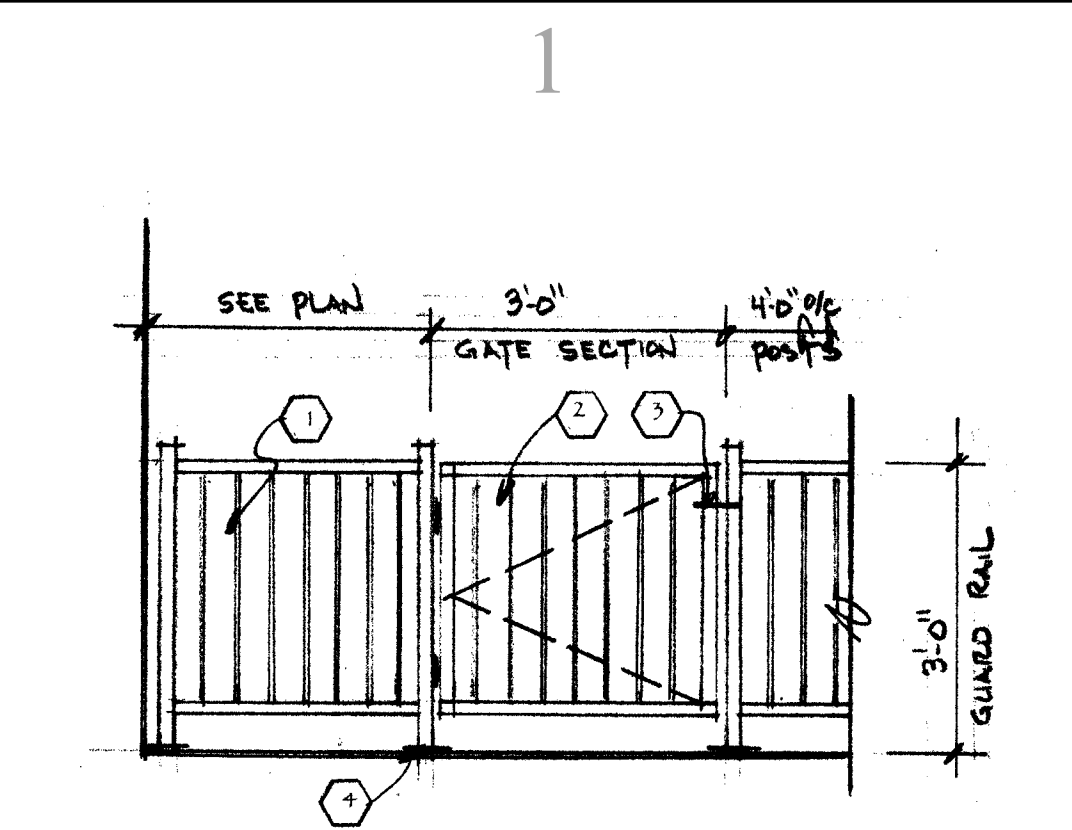
REMOVE SECTION OF PARTITION AS INDICATED TO UNDERSIDE OF EXIST. ROOF DECK

1 FLOOR PLAN SCALE: 3/16\"/>

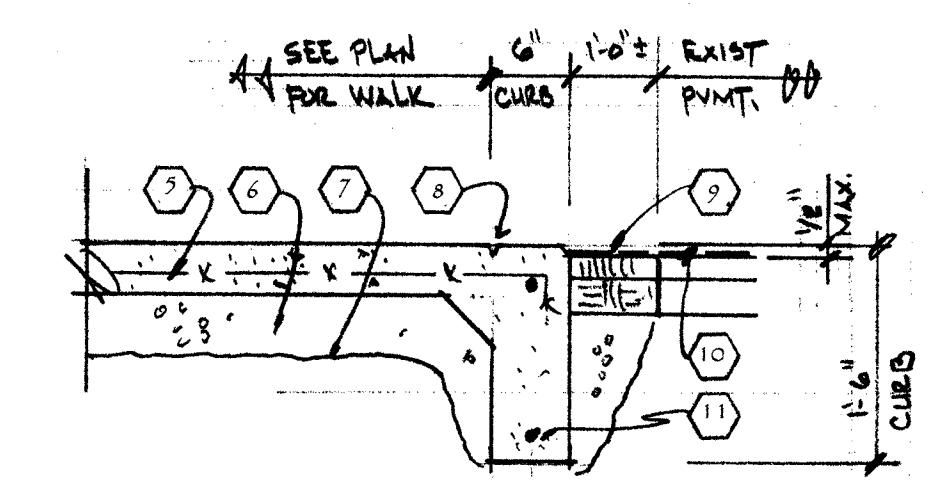
2 BAR EXTENSION SECTION SCALE: 1\"/>



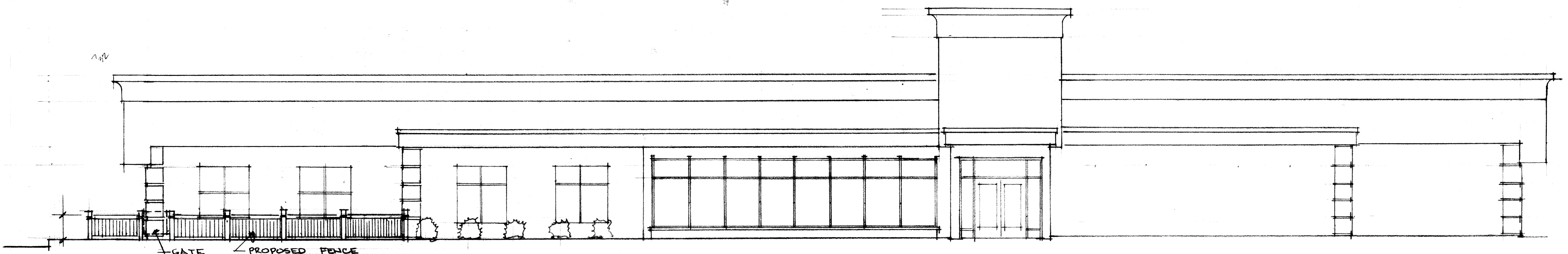
1 PARTIAL FLOOR PLAN
1/8" = 1'-0"



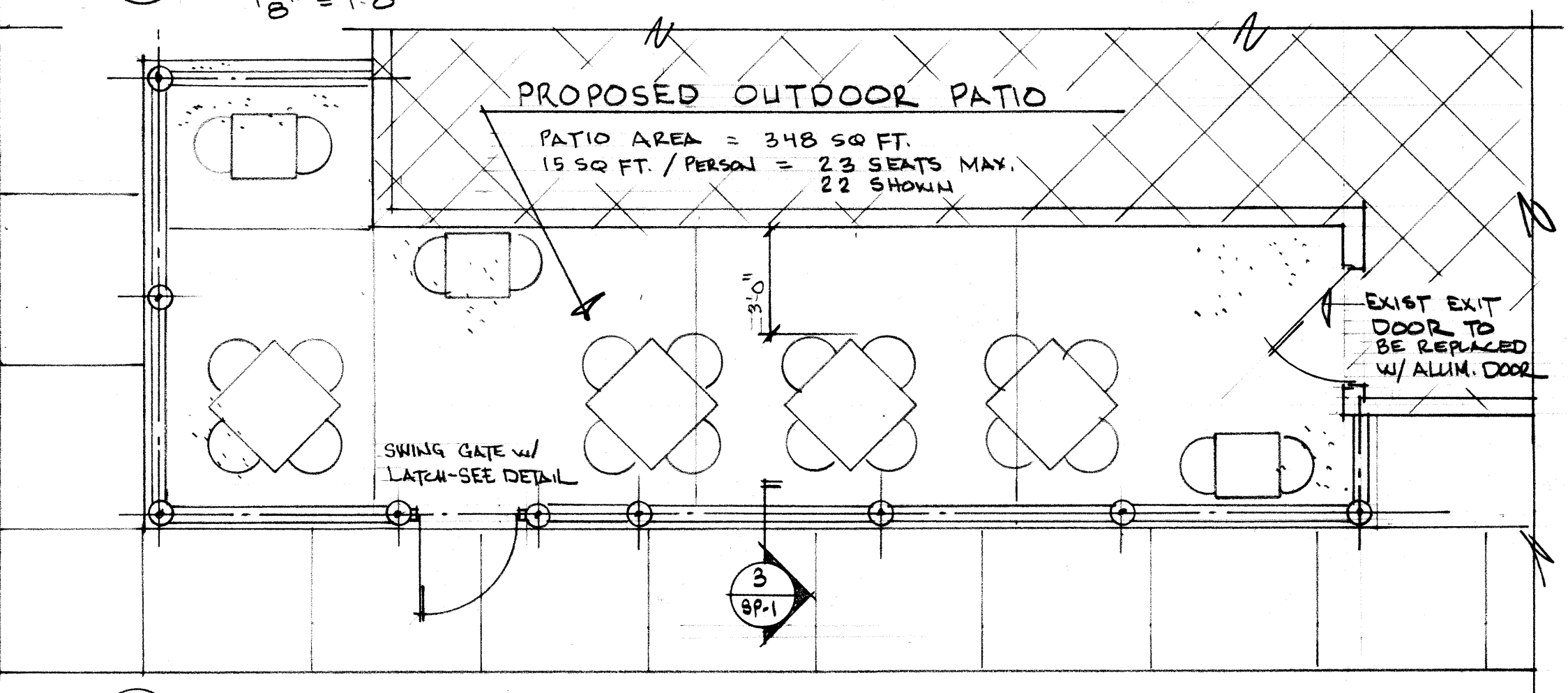
2 PATIO GATE / RAIL DETAIL
1/8" = 1'-0"



3 CONC. WALK / CURB SECTION
3/4" = 1'-0"



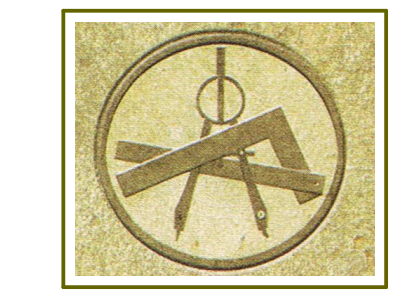
2 SOUTH ELEVATION
1/8" = 1'-0"



3 PATIO ENLARGED PLAN
1/4" = 1'-0"

PLANNOTES

1. DECORATIVE METAL RAILING SYSTEM
2. DECORATIVE METAL GATE.
3. ADA COMPLIANT GATE LATCH
4. ANCHOR DECORATIVE METAL POSTS TO CONCRETE.
5. PROVIDE 4" CONCRETE SLAB-ON-GRADE (S.O.G.) w/ 6x6 10/10 WWM.
6. COMPACTED STONE BASE.
7. COMPACTED SUB-SOIL.
8. CONT. CONTROL JOINT.
9. REMOVE EXIST. ASPHALT PAVEMENT AS REQD AT AREA OF PATIO ADDITION.
10. EXIST. PAVEMENT.
11. 2 No. 5 CONT. REINFORCING.



JONATHAN E. BENNETT
ARCHITECTURE, P.C.
from Inspiration to Installation

104 Evans Street
Lockport, New York 14094
716-438-7940 o. 716-438-7522 f.
www.dcs-ac.com

CONSULTANTS

MARK	DATE	DESCRIPTION

RESTAURANT EXPANSION

601 DINGENS STREET
TOWN OF CHEEKTOWAGA
NEW YORK

Melanie's Enterprise, Inc.
DBA: Dingens Restaurant

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S E A L

PROJECT NO:	11-053
ISSUED:	12.7.2011
MODEL FILE:	11-053 CDS - 2-29-2012.pln11-053
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SHEET TITLE	

OUTDOOR PATIO PLANS & ELEVATIONS

A101

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
91.16-4-13.1	John M. Baker	33 Aberdeen St	Cheektowaga, NY 14225
91.16-4-15	Albert A. Burruano	39 Aberdeen St	Cheektowaga, NY 14225
91.16-4-17	Mccadden James R & W	45 Aberdeen St	Cheektowaga, NY 14225-3514
91.16-4-18	Melissa M. Kotarski	49 Aberdeen St	Cheektowaga, NY 14225
91.16-4-19	Christine J. Gearhart	53 Aberdeen St	Cheektowaga, NY 14225-3514
91.16-4-21	Kelly Szczublewski	57 Aberdeen St	Cheektowaga, NY 14225
91.16-4-1	Michael/Victoria Leader	3681 Genesee St	Cheektowaga, NY 14225
92.14-3-27	Olson, Imelda	4 Bay Ln	Cheektowaga, NY 14225-3702
92.14-4-21	Helda, Richard J.	9 Bay Ln	Cheektowaga, NY 14225-3701
92.14-4-23	Schreiber , Chad A.	17 Bay Ln	Cheektowaga, NY 14225-3701
92.14-4-25	Rzepka, Florian T.	25 Bay Ln	Cheektowaga, NY 14225-3701
92.14-4-26	Durfee, Virginia	29 Bay Ln	Cheektowaga, NY 14225-3741
92.14-1-2	Mayers, Edward B.	32 Bay Ln	Cheektowaga, NY 14225-3740
92.14-1-3	Guerra, Michael L.	36 Bay Ln	Cheektowaga, NY 14225-3740
92.14-4-29	Shields, Sharyl	41 Bay Ln	Cheektowaga, NY 14225-3741
92.14-1-6	Lazar Richard D & W,	48 Bay Ln	Cheektowaga, NY 14225-3740
92.14-4-31	Jones, David	49 Bay Ln	Cheektowaga, NY 14225
92.14-1-7	Hamberger Mark J & W,	52 Bay Ln	Cheektowaga, NY 14225-3740
92.14-4-32	Stoddard Shawn Robert D & ,	53 Bay Ln	Cheektowaga, NY 14225-3741
92.14-1-8	Klein, Frank	54 Bay Ln	Cheektowaga, NY 14225-3740
92.14-1-9	Eisenhauer Robert J & W,	60 Bay Ln	Cheektowaga, NY 14225-3740
92.14-4-34	Jueckstock, Ruth G.	61 Bay Ln	Cheektowaga, NY 14225-3741
92.14-4-20	Hulshoff, Richard & Andrea	204 Crandon Blvd	Cheektowaga, NY 14225
114.06-2-60	Popp Nicholas S & W	8 Deer Trl	Cheektowaga, NY 14227-1611
114.06-2-67	Wright John A	50 Deer Trl	Cheektowaga, NY 14227-1611
114.06-2-68	Tiffany Kopacz	59 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-69	Aronica Charles J & W	55 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-70	Sciera Edward T &	51 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-71	Thomas D. Luby	47 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-72	Nicklaus C. Ambrose	43 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-73	Scott Kurzdorfer	39 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-76	Georgena Harmon	27 Deer Trl	Cheektowaga, NY 14227
114.06-2-77	Lysiak Robert D & W	23 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-78	Theodore W. Lina	19 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-81	Drzal Conrad E & W	7 Deer Trl	Cheektowaga, NY 14227-1610
114.06-2-82	Davies Thomas J & W	3 Deer Trl	Cheektowaga, NY 14227-1610
91.15-12-4	Heidrick, Winifred	90 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-1	Crapsi Paul & Susan M,	102 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-2	Brandel, Russell D.	106 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-3	Lelonek, Justin M.	110 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-30	Ottney, Suzanne C.	21 Donald Dr	Cheektowaga, NY 14225-5008
91.15-13-31	Samer Kenneth M & W,	25 Donald Dr	Cheektowaga, NY 14225-5008
91.15-13-32	Braymiller Steven J & ,	29 Donald Dr	Cheektowaga, NY 14225-5008
91.15-13-33	Ceppaglia, Alicia M.	33 Donald Dr	Cheektowaga, NY 14225-5008
91.15-13-34	Mohalski, Helen	37 Donald Dr	Cheektowaga, NY 14225-5008
91.15-13-41	Siepierski, Jason M.	49 Donald Dr	Cheektowaga, NY 14225-5010
91.15-13-45	Cicatello Emilio A,	65 Donald Dr	Cheektowaga, NY 14225-5010

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
91.15-13-52	Staszak Christine,	73 Donald Dr	Cheektowaga, NY 14225-5043
91.15-12-7	Georger, Virginia	78 Donald Dr	Cheektowaga, NY 14225
91.15-13-53	Gredzicki, Barbara	81 Donald Dr	Cheektowaga, NY 14225
91.15-12-6	Maturski, Eugene & Dorothy	82 Donald Dr	Cheektowaga, NY 14225
91.15-13-54	Tucholski, Michael	85 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-55	Martek, William G. Jr.	126 Donald Dr	Cheektowaga, NY 14225-5043
91.15-13-56	Abramovic, Goran	122 Donald Dr	Cheektowaga, NY 14225-5041
91.15-13-28	Edwin Glicia	3400 Genesee St.	Cheektowaga, NY 14225
91.15-13-24	Cox Daniel C	3390 Genesee St.	Cheektowaga, NY 14225
125.07-5-18	Pokornowski, Leonard	80 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-19	Mock, Dennis A.	84 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-20	Fachko Nancy K,	88 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-21	Kell, John R. Jr	92 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-22	Wojcik Kevin M & Rebecca,	96 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-23	Koch John H & Linda M,	100 Frantzen Ter	Cheektowaga, NY 14227-3925
125.07-5-24	Wilkowski, Douglas	104 Frantzen Ter	Cheektowaga, NY 14227-3267
125.07-5-25	Woods Richard J & Linda A,	108 Frantzen Ter	Cheektowaga, NY 14227-3267
125.07-5-26	Mackiewicz Robert J & ,	112 Frantzen Ter	Cheektowaga, NY 14227-3267
125.07-5-28	Cottonaro, Dorothy	120 Frantzen Ter	Cheektowaga, NY 14227-3267
125.07-5-29	Robinson, Larry	124 Frantzen Ter	Cheektowaga, NY 14227
125.07-6-1	Giardini, Dominica A.	127 Frantzen Ter	Cheektowaga, NY 14227
125.07-6-2	Rodier, Wilfred P.	123 Frantzen Ter	Cheektowaga, NY 14227-3266
125.07-6-3	Barbaritz, Albert G.	119 Frantzen Ter	Cheektowaga, NY 14227-3266
125.07-6-5	Kihl, Robert J.	111 Frantzen Ter	Cheektowaga, NY 14227-3266
125.07-6-6	Hails Nancy E & ,	107 Frantzen Ter	Cheektowaga, NY 14227-3266
125.07-6-7	Rustic, Michael W.	103 Frantzen Ter	Cheektowaga, NY 14227-3266
125.07-6-9	Friedrich, Henry	95 Frantzen Ter	Cheektowaga, NY 14227-3203
125.07-6-11	Pach, Gerald	87 Frantzen Ter	Cheektowaga, NY 14227-3203
125.07-6-12	Stanek, Paul K.	83 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-9-1	Bogdan Delphin J & W,	17 Frantzen Ter	Cheektowaga, NY 14227-3241
125.08-9-2	Peters Susan P,	11 Frantzen Ter	Cheektowaga, NY 14227-3241
125.08-9-3	Schaefer, Thomas J.	7 Frantzen Ter	Cheektowaga, NY 14227-3241
125.08-11-1	Wierzbowski, Edward J.	75 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-2	Conley Kevin K & W,	71 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-4	Szczepanski, Anna M.	63 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-5	Ferron, Donald P. Jr	59 Frantzen Ter	Cheektowaga, NY 14227
125.08-11-7	Brown, Lee L.	51 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-8	Sansone, Thomas W.	47 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-10	Barr, Doreen L.	39 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-11-11	Fuer, Donna J.	35 Frantzen Ter	Cheektowaga, NY 14227-3203
125.08-12-27	Bokoch, John Jr	4 Frantzen Ter	Cheektowaga, NY 14227-3240
125.08-12-28	Tominich Brian I & Tammy,	8 Frantzen Ter	Cheektowaga, NY 14227
125.08-12-29	Hobler, Gloria M.	12 Frantzen Ter	Cheektowaga, NY 14227-3240
125.08-12-30	Rusinski, Leni J.	16 Frantzen Ter	Cheektowaga, NY 14227
125.08-12-31	Heine Paul J & W,	20 Frantzen Ter	Cheektowaga, NY 14227-3240
125.08-12-33	Markel, Charles	28 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-34	Kmiotek, Bertha E.	32 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-35	Bakaysa, Paul P.	36 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-36	Brennan, Gary F.	40 Frantzen Ter	Cheektowaga, NY 14227-3204

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
125.08-12-37	Fullington Scott &Deborah,	44 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-39	Mosler, Mary E.	52 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-41	Martin , Vincent	60 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-42	Geelan, Christopher S.	64 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-43	Sielski, Robert L.	68 Frantzen Ter	Cheektowaga, NY 14227-3204
125.08-12-44	Besecker, Esther	72 Frantzen Ter	Cheektowaga, NY 14227
125.08-12-45	Piwowar Joseph J & W,	76 Frantzen Ter	Cheektowaga, NY 14227-3204
125.07-5-31	Glaser Gerald & Karen	89 Birchwood	Cheektowaga, NY 14227
102.37-3-1	LaMacchia, Jude	87 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-3	Allyn, Richard B.	81 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-4	Rickard Frank S,	77 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-5	Loder John E Jr & W,	75 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-6	Asman, Seth T.	71 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-7	Baran, Vicky	69 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.37-3-8	Pryor, Katie A.	65 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.38-5-1	Weed, Thomas A.	39 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.38-5-2	Willis, Laurie L.	37 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.38-5-6	White, Keith A.	25 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.38-5-8	Kwietniewski, Eleanor	19 Greenleaf Ln	Cheektowaga, NY 14225-4523
102.38-5-9	Davis, Sarah C.	15 Greenleaf Ln	Cheektowaga, NY 14225
102.38-5-11	Aniskiewicz, Maria	5 Greenleaf Ln	Cheektowaga, NY 14225-4523
90.76-3-32	Smith, Lisa	1584 E.Delavan	Cheektowaga, NY 14215
90.76-3-33	Mayle Dennis & W,	11 Ivanhoe Rd	Cheektowaga, NY 14215-3609
90.76-3-34	Gersic Linda K	13 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-37	Rackowski, Robert	25 Ivanhoe Rd	Cheektowaga, NY 14215-3609
90.76-3-39	Hilgers, Margaret M.	37 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-40	Eisenhauer, Cecelia	39 Ivanhoe Rd	Cheektowaga, NY 14215-3609
90.76-3-41	Garrido, Melissa	41 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-44	Carr, Tressia D.	53 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-45	Manning, Francina S.	57 Ivanhoe Rd	Cheektowaga, NY 14215-3609
90.76-3-47	Goble, Lynn	63 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-48	Pinnacle Property Solutions of,	67 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-49	Proff, David E.	71 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-50	Kelley, Thomas J.	75 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-52	Robinson, Edgar Jr.	81 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-55	Moses Kim Lawrence & ,	93 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-1	Johnson David Jr,	99 Ivanhoe Rd	Cheektowaga, NY 14215
90.68-3-22	Basham, James L.	103 Ivanhoe Rd	Cheektowaga, NY 14215
90.68-3-32	Utetiwabo Espernce	105 Ivanhoe Rd	Cheektowaga, NY 14215
90.68-3-25	Burnette David,	113 Ivanhoe Rd	Cheektowaga, NY 14215
90.68-3-26	Wagner, Kevin J.	117 Ivanhoe Rd	Cheektowaga, NY
90.68-3-29	Bonanno, Paul E.	125 Ivanhoe Rd	Cheektowaga, NY 14225
90.68-3-1	Piechocki, Sherley	2 Rowan Drive	Cheektowaga, NY 14215
90.68-2-2	Cole George & W,	152 Ivanhoe Rd	Cheektowaga, NY
90.68-2-7	2P & M Holdings LLC,	134 Ivanhoe Rd	Cheektowaga, NY
90.68-2-8	Loan Mortgage Corporation, Federal	132 Ivanhoe Rd	Cheektowaga, NY
90.68-2-10	Perez Kary L,	126 Ivanhoe Rd	Cheektowaga, NY
90.68-2-11	Hartman, Roseann	122 Ivanhoe Rd	Cheektowaga, NY

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
90.68-2-12	Ellison, Tania M.	118 Ivanhoe Rd	Cheektowaga, NY 14215
90.68-2-13	Carr Brenda,	114 Ivanhoe Rd	Cheektowaga, NY 14215-3621
90.68-2-15	Turner Brenda,	108 Ivanhoe Rd	Cheektowaga, NY
90.68-2-16	Wagner Kevin,	104 Ivanhoe Rd	Cheektowaga, NY
90.68-2-17	Adams, Kimberly M.	102 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-3-56	Zemrac Christopher E,	95 Ivanhoe Rd	Cheektowaga, NY 14215-3609
90.76-2-4	Willis Gentle O,	90 Ivanhoe Rd	Cheektowaga, NY
90.76-2-5	Siener, Mary Beth	88 Ivanhoe Rd	Cheektowaga, NY
90.76-2-6	Davoli Ralph,	84 Ivanhoe Rd	Cheektowaga, NY
90.76-2-10	Nartowicz, Edward C.	70 Ivanhoe Rd	Cheektowaga, NY
90.76-2-11	Lenk Richard & W,	66 Ivanhoe Rd	Cheektowaga, NY
90.76-2-12	Mays, Stephanie T.	62 Ivanhoe Rd	Cheektowaga, NY
90.76-2-13	Towlson, Elsie K.	60 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-2-14	Acoff, Tyrone	52 Ivanhoe Rd	Cheektowaga, NY 14225
90.76-2-15	Bickert Donald J,	50 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-16	Narywonczyk, Lee	48 Ivanhoe Rd	Cheektowaga, NY
90.76-2-17	Wallace Charlotte M,	46 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-18	Davis, Kenneth N.	40 Ivanhoe Rd	Cheektowaga, NY
90.76-2-19	Latham Richard T,	34 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-21	Oaks Gregory D & Sharon M,	30 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-22	Phouapadith, Savanah	26 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-23	Ntumba, Adele	24 Ivanhoe Rd	Cheektowaga, NY 14215
90.76-2-24	Watts Brenda D,	16 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-25	Meli Joseph A,	14 Ivanhoe Rd	Cheektowaga, NY 14215-3610
90.76-2-27	Raymondo's Pizza	1580 E.Delavan Ave	Cheektowaga, NY 14225
125.08-10-12	Jung, Eleanor M.	7 Mckenzie Ct	Cheektowaga, NY 14227
125.08-10-11	Metz, Wayne H.	11 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.08-10-10	Brezowski, Robert W.	15 McKenzie Ct	Cheektowaga, NY 14227-3236
125.08-10-8	Kopacz Kenneth J & Marya,	23 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.08-10-7	Stefaniak, Daniel J.	27 McKenzie Ct	Cheektowaga, NY 14227-3236
125.08-10-3	Sinclair David & W,	43 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.08-10-1	Uhteg, Robert L.	51 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-13	Nahnybida, Emma	59 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-12	Lelonek Brian D,	63 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-11	Wisnier, Edward S.	67 McKenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-10	Wojciehowicz Edward J & W,	71 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-8	Rizzo Frank J & W,	79 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-7	Nowak Bruce M & W,	83 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-6	Wagner Alfred H & ,	87 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-5	Sisti, Daniel S.	91 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-4	Sperazz, Sharon	95 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-3	Dembski, Timothy S.	99 Mckenzie Ct	Cheektowaga, NY 14227-3236
125.07-7-1	Sliwinski, Elaine M.	57 Birchwood	Cheektowaga, NY 14227
125.07-6-26	Burdzy Gerald T,	102 Mckenzie Ct	Cheektowaga, NY 14227-3261
125.07-6-25	Rickert, Ann M.	98 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-23	Wiles, Stanley J.	90 McKenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-22	Leone, Paul R.	86 McKenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-21	Dolegowski, Stanley J. Jr	82 McKenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-19	Kozlowski, Joseph A.	74 Mckenzie Ct	Cheektowaga, NY 14227-3237

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
125.07-6-17	Siewierski, Joseph	66 McKenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-16	Miller, Guy R.	62 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-15	Jordan, Edward J.	58 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.07-6-14	Provenzo, Joyce M.	54 McKenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-27	Kladke Duane Noel & W,	50 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-26	Lemmo, Patricia D.	46 McKenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-24	Majer, David	38 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-22	Cirocco John W & Cynthia,	30 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-21	Smith, Eugene G.	26 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-20	Stack , Gerald W.	22 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-19	Zalenski, A. Ruth	18 McKenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-18	Samulski, Jacob G.	14 Mckenzie Ct	Cheektowaga, NY 14227-3237
125.08-11-17	Rydzynski, Dennis W. Jr	10 Mckenzie Ct	Cheektowaga, NY 14227
125.08-11-16	Hoofallen, Paul D. Sr	6 Mckenzie Ct	Cheektowaga, NY 14227
114.06-2-24	Buccilli Rocco M & W,	8 Rowley Holw	Cheektowaga, NY 14227-1620
114.06-2-25	Stoller, Norma	12 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-27.1	Bednasz Kenneth W & W,	20 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-29.11	Wegner, Mark D.	28 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-30.1	Gworek Ronald E & W,	32 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-32	Zerkowski Richard T,	40 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-34	Filipski Anthony M & W,	48 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-36	Bartoszek Joseph T & W,	56 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-37	Ignaszak, Diane R.	60 Rowley Holw	Cheektowaga, NY
114.06-2-38	Najuch, Eugene	64 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-41	Binko, Richard S.	76 Rowley Holw	Cheektowaga, NY 14227
114.06-2-45	McGrath, MaryBeth	88 Rowley Holw	Cheektowaga, NY 14227-1628
114.06-2-48	Hasselback Philip & Sandr,	85 Rowley Holw	Cheektowaga, NY 14227-1629
114.06-2-50	Hannon, John M.	75 Rowley Holw	Cheektowaga, NY 14227-1629
114.06-2-51	Koziel, Jennifer	71 Rowley Holw	Cheektowaga, NY 14227
114.06-2-52	Rosolowski James M & W,	67 Rowley Holw	Cheektowaga, NY 14227-1629
114.06-2-55	Bidjov George K & W,	55 Rowley Holw	Cheektowaga, NY 14227-1629
114.06-2-56	Brennan, Gerald	51 Rowley Holw	Cheektowaga, NY 14227-1629
92.14-7-22	Tresch, Allen C.	9 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-23	Misechok, Lesia	13 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-24	Koehler, Margaret L.	17 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-25	Kryszak, Audrey A.	21 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-28	Cooper, Anne E.	33 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-31	Kubik, Catherine L.	45 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-7-33	Ballistrea, Stephen A.	53 Royal Palm Dr	Cheektowaga, NY 14225-3711
92.14-6-3	Oswald, Donald J.	64 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-4	Lawicki, Cindi M.	58 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-6	Kaca, Dennis J.	50 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-9	Mortimer, Raymond J.	38 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-10	Miner, Kim S.	34 Royal Palm Dr	Cheektowaga, NY 14225
92.14-6-12	Carbone, Carl J.	22 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-13	Knauber Robert L Jr & W,	18 Royal Palm Dr	Cheektowaga, NY 14225-3712
92.14-6-16	Dudek, Stephen & Theresa	12 Santinwood Dr	Cheektowaga, NY 14225

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
125.09-10-6	Kot, Myron	6 Judith Dr	Cheektowaga, NY 14227
125.09-9-2	Cobel Donna Marie,	30 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-3	Frank, Clara B.	34 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-6	Pula, Shannon	46 Theresa Dr	Cheektowaga, NY 14227
125.09-9-7	Anticola, Richard	50 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-9	Carr Paul D & W,	58 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-10	Call, Patrick E.	62 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-11	Brownschidle, John, Lois & Joanne	66 Thesea Dr	Cheektowaga, NY
125.09-9-12	Barham, Denise A.	70 Theresa Dr	Cheektowaga, NY 14227
125.09-9-13	Zdanowicz, Julie	74 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-14	Luczak, Christy L.	78 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-9-15	Adornetto, Sharon V.	82 Theresa Dr	Cheektowaga, NY 14227
125.09-9-19	Siwa , Mary Ann	98 Theresa Dr	Cheektowaga, NY 14227-3435
125.09-8-25	Patterson, Steven S.	99 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-23	Martella Felix J Jr,	91 Theresa Dr	Cheektowaga, NY
125.09-8-22	Trost Robert I & W,	87 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-21	Good, Linda M.	83 Theresa Dr	Cheektowaga, NY 14227
125.09-8-20	Catlin, Orrin J.	79 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-19	Maslo, Richard	75 Theresa Dr	Cheektowaga, NY 14227
125.09-8-17	Nowakowski, Linda K.	67 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-15	Guglielmo Donald C & Arlene,	59 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-14	Miranda Judith R,	55 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-12	Vitello, Michael C.	47 Theresa Dr	Cheektowaga, NY 14227
125.09-8-10	Utter, Ronald W.	39 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-8	Augustyniak, Tracy J.	31 Theresa Dr	Cheektowaga, NY 14227
125.09-8-7	Lukasik, Jeanne L.	27 Theresa Dr	Cheektowaga, NY 14227-3436
125.09-8-5	Herko David M & Sheri L,	19 Theresa Dr	Cheektowaga, NY 14227-3433
125.09-8-4	Zulawski, Mark S.	15 Theresa Dr	Cheektowaga, NY
125.09-8-3	Hoeltke Paul R & Dawn M,	11 Theresa Dr	Cheektowaga, NY 14227-3433
125.09-8-1.2	Caruso, Nadine	7 Theresa Dr	Cheektowaga, NY 14227-3433
125.09-8-1.1	Menczynski John & Mary,	3 Theresa Dr	Cheektowaga, NY 14227-3433
123.28-1-5	Moxley Robert Jr & W	126 Willowlawn Pky	Cheektowaga, NY
123.28-1-4	Joan Permoda	130 Willowlawn Pky	Cheektowaga, NY
123.28-1-2	Carol Tompolski	140 Willowlawn Pky	Cheektowaga, NY
123.28-2-14	Jodi Juskiewicz	141 Willowlawn Pky	Cheektowaga, NY 14206-3421
123.28-2-11	Yvonne Kozlowski	127 Willowlawn Pky	Cheektowaga, NY 14206
123.28-2-10	Norman E. Janusz	123 Willowlawn Pkwy	Cheektowaga, NY 14206-3421
123.28-2-9	Mary H. Ulinski	117 Willowlawn Pkwy	Cheektowaga, NY 14206-3421
123.28-5-13	Pamela A. Savannah	97 Willowlawn Pky	Cheektowaga, NY 14206
123.28-5-12	Sherry Palermo	93 Willowlawn Pky	Cheektowaga, NY 14206
123.28-5-11	Eric C. Kerr	87 Willowlawn Pky	Cheektowaga, NY 14206
123.28-5-8	Patricia C. DePasquale	69 Willowlawn Pky	Cheektowaga, NY
123.36-5-30.1	Anna R. Kierejewski	63 Willowlawn Pkwy	Cheektowaga, NY
123.36-5-29.11	Noreen A. Noller	57 Willowlawn Pky	Cheektowaga, NY
123.36-5-28.1	Robert J. Morcio	51 Willowlawn Pky	Cheektowaga, NY
123.36-5-24	Yolanda Baez-Hinchliffe	33 Willowlawn Pky	Cheektowaga, NY 14206
1323.36-5-18.1	Our Lady of Czestochowa	Willowlawn Pky	Cheektowaga, NY 14206
123.36-4-9	Joseph P Santalucia	24 Willowlawn Pky	Cheektowaga, NY 14206
123.36-4-8	Patricia L. Matuszak	26 Willowlawn Pky	Cheektowaga, NY

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
123.36-4-6	Genevieve Michalski	36 Willowlawn Pky	Cheektowaga, NY 14206-3420
123.36-4-5	Theresa V. Janowski	42 Willowlawn Pky	Cheektowaga, NY
123.36-4-3	Ryan R. Knox	52 Willowlawn Pky	Cheektowaga, NY
123.36-4-2	James S. Kustra	58 Willowlawn Pky	Cheektowaga, NY
123.28-6-7	Robert J. Steinbacher	72 Willowlawn Pky	Cheektowaga, NY 14206
123.28-6-6	Brian D. Kuklewicz	80 Willowlawn Pky	Cheektowaga, NY 14206-3419
123.28-6-5	Norman J. Schultz	88 Willowlawn Pkwy	Cheektowaga, NY 14206-3420
128.28-6-2	James Torbicki	94 Willowlawn Pky	Cheektowaga, NY 14206
123.28-6-1	Jane Grunder	98 Willowlawn Pky	Cheektowaga, NY 14206-3420
125.08-9-18	Myszka, Donna M.	15 Zeller Ln	Cheektowaga, NY 14227-3238
125.08-9-17	Bellavia, Innocenzo G.	19 Zeller Ln	Cheektowaga, NY 14227
125.08-9-16	Baran, Albert J.	23 Zeller Ln	Cheektowaga, NY 14227-3243
125.08-9-15	Saternus, Edward J. Jr	27 Zeller Ln	Cheektowaga, NY 14227-3243
125.08-9-14	Widmer, Katherine	31 Zeller Ln	Cheektowaga, NY 14227-3243
125.08-9-13	Mazurkiewicz Michael G &	35 Zeller Ln	Cheektowaga, NY 14227-3243
125.08-10-13	Trella, Theodore	30 Zeller Ln	Cheektowaga, NY 14227-3243
125.08-11-15	Stamataros Pantelis & W,	16 Zeller Ln	Cheektowaga, NY 14227-3239
125.08-11-14	Brown, Donald	12 Zeller Ln	Cheektowaga, NY 14227-3239
125.08-11-13	Marlinski, Paul S.	8 Zeller Ln	Cheektowaga, NY 14227-3239
81.17-4-35	Karen M. Mullen	9 Applewood Rd	Cheektowaga, NY 14225-1307
80.17-4-36	Kolb, Michael & Linda	516 Cayuga Rd	Cheektowaga, NY 14225
81.17-2-32	Caroline McCarthy	14 Applewood Rd	Cheektowaga, NY 14225
81.17-2-33	Digiacomio Joseph Jr &	18 Applewood Rd	Cheektowaga, NY 14225
81.17-2-35	Supples Judith	26 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-37	Paul Plekan	34 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-38	Mary Ann Mullen	38 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-41	John M. Trapasso	50 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-44	Brian Dean	62 Applewood Rd	Cheektowaga, NY 14225
81.17-2-42	Rodney J. Willis	54 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-45	Betty J. Glaeser	66 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-46	Joyce Hall	70 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-48	Galletta Joseph & Mary	78 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-49	Nowicki Timothy J & W	82 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-2-50	Dylan J. Mercuri	86 Applewood Rd	Cheektowaga, NY 14225
81.17-3-20	Richard M. Lerch	87 Applewood Rd	Cheektowaga, NY 14225-1364
81.17-3-22	Josephine H. Birk	79 Applewood Rd	Cheektowaga, NY 14225-1364
81.17-3-23	Aaron S. Hendricks	75 Applewood Rd	Cheektowaga, NY 14225-1364
81.17-3-27	Chester N. Domanowski	59 Applewood Rd	Cheektowaga, NY 14225
81.17-3-1	Micholas, Jeffrey	45 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-3-3	Cialfi, Joan	31 Applewood Rd	Cheektowaga, NY 14225-1363
81.17-3-4	Bishop, Peter Robert	23 Applewood Rd	Cheektowaga, NY 14225
90.08-4-24	Bunz, Dennis	122 S Century Rd	Cheektowaga, NY 14215
90.08-4-23	Brenda L. Fields	14 S Century Rd	Cheektowaga, NY 14215-1837
90.08-4-22	Lopez, Mercedes	18 S Century Rd	Cheektowaga, NY 14215
90.08-4-21	Beard, Derrick	24 S Century Rd	Cheektowaga, NY 14215
90.08-4-19	David S. Caracci	34 S Century Rd	Cheektowaga, NY 14215
90.08-4-14	Salter, Delores	38 S Century Rd	Cheektowaga, NY 14215

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SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
90.08-4-18	Harold DC Lane	48 S Century Rd	Cheektowaga, NY 14215-1837
79.20-10-21	Ralph L. Marino	54 S Century Rd	Cheektowaga, NY 14215-1814
79.20-10-20	Jaimee A. Seibel	60 S Century Rd	Cheektowaga, NY 14215
79.20-10-19	Alexader, Harvey	66 S Century Rd	Cheektowaga, NY 14215
81.17-2-51.1	Maras Jerome E & W	144 Isabelle Rd	Cheektowaga, NY 14225-1330
81.17-2-52	Yaroslav Grinchishin	141 Isabelle Rd	Cheektowaga, NY 14225-1330
81.17-4-1	Kelly Phillip M And	137 Isabelle Rd	Cheektowaga, NY 14225-1330
81.17-4-3	Raymond A. Newman	129 Isabelle Rd	Cheektowaga, NY 14225-1330
81.17-4-4	Joseph Digiacommo	125 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-5	James Powell	121 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-6	Mc Donough Thomas R & W	117 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-8	Steven D. Pundt	113 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-9	James F. Kimak	109 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-10	Rosalie Kratzer	105 Isabelle Rd	Cheektowaga, NY
81.17-4-11	Michael H. Kubik	101 Isabelle Rd	Cheektowaga, NY 14225-1320
81.17-4-12	Christine A. Hayden	97 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-29	Bulakowski, Derrick & Kristylynn	93 Isabelle Rd	Cheektowaga, NY 14225-4418
81.17-4-16	Eigenman Gerald T & Karen	81 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-17	Augustine M. Loschiavo	77 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-18	Herrick William & Margie	73 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-20	Daniel C. Reynolds	65 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-22	Norma House	57 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-24	Lori A. Hoffman	49 Isabelle Rd	Cheektowaga, NY 14225
81.17-4-25	Benedict C. Cirino	45 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-26	John C. Burke	41 Isabelle Rd	Cheektowaga, NY 14225
81.17-4-27	Barry B. Brior	37 Isabelle Rd	Cheektowaga, NY 14225
81.17-4-29	Timothy & Lynn Faust	29 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-4-30	Donald Rudolph Metz	25 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-31	Patricia Purpura	21 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-32	Edward Wolowiec	17 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-33	Desiderio Russell A &	13 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-4-34	Darren J. Thompson	9 Isabelle Rd	Cheektowaga, NY 14225-1328
81.17-3-5	Scherrer Ted M & Ann M	12 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-7	Zielinski Arlene	20 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-8	Walter E. Mulvihill	24 Isabelle Rd	Cheektowaga, NY 14225
81.17-3-9	Gary A. Wisniewski	28 Isabelle Rd	Cheektowaga, NY 14225
81.17-3-10	Cheryl A. Saulter	32 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-11	Robinson Karen	36 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-12	Arthur D. Rhodes Jr	40 Isabelle Rd	Cheektowaga, NY 14227
81.17-3-14	Wyant Timothy Scott & W	72 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-16	Darryl M. Smith	98 Isabelle Rd	Cheektowaga, NY 14225-1329
81.17-3-17	Buda Stephen R & W	104 Isabelle Rd	Cheektowaga, NY 14225-1321
113.54-7-7		2350-2370 William Street	Cheektowaga, NY 14227
113.54-7-8	Barbara Klimczak	15 Linden St	Cheektowaga, NY
113.54-7-9	Hadeen M. Stokes	19 Linden St	Cheektowaga, NY 14206
113.54-7-10	Vernon J. Stachewicz	25 Linden St	Cheektowaga, NY
113.54-7-11	Walczak David J & W	31 Linden St	Cheektowaga, NY
113.54-7-12	Fry Wayne L & W	35 Linden St	Cheektowaga, NY

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SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
113.54-7-13	Ann Nieswiadomy	41 Linden St	Cheektowaga, NY 14206-1925
113.54-4-10	Helen Berwalt	49 Linden St	Cheektowaga, NY 14206-1927
113.54-4-11	Butkowski Louis G	55 Linden St	Cheektowaga, NY
113.54-4-12	Kubik Carl J & W	61 Linden St	Cheektowaga, NY
113.54-4-14	Corey J. Holley	71 Linden St	Cheektowaga, NY
113.54-4-15	David J. Kras	77 Linden St	Cheektowaga, NY
113.54-4-16	Amy L. Plumley	81 Linden St	Cheektowaga, NY
113.54-4-18	Christopher J. Betz	89 Linden St	Cheektowaga, NY
113.54-3-1	Edward R. Gardon	100 Linden St	Cheektowaga, NY 14206-1928
113.54-3-2	Kevin R. Mason	96 Linden St	Cheektowaga, NY
113.54-8-1	Yetter David B & Cynthia	42 Linden St	Cheektowaga, NY
113.54-8-2	Ruth E. Tur	36 Linden St	Cheektowaga, NY 14206-1926
113.54-8-3	William Sweet	32 Linden St	Cheektowaga, NY 14206
113.54-8-4	Harzewski, Darrin	26 Linden St	Cheektowaga, NY 14206
113.54-8-6	Michele A. Meredith	16 Linden St	Cheektowaga, NY
113.54-8-7	David, Richard	2346 William Street	Cheektowaga, NY 14206
91.11-7-5	Patricia Cielencki	500 Beach Road	Cheektowaga, NY 14225-2720
91.11-7-4.1	Lynne Wegner	15 Norine Dr	Cheektowaga, NY 14225-2720
91.11-7-2	Susan M. Block	85 Norine Dr	Cheektowaga, NY 14225-2720
91.11-7-1	Sennett Patricia A	75 Norine Dr	Cheektowaga, NY 14225-2720
91.11-7-23	Joyce A. Miller	104 Norine Dr	Cheektowaga, NY 14225-2759
91.11-7-22	Lee J. Shiesley	100 Norine Dr	Cheektowaga, NY 14225-2759
91.11-7-21	Steinhilber Bernard	96 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-21	Sealander Peter S Jr	90 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-20	Lynn M. Korn	84 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-19	John D. Sacco Jr.	80 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-18	Zak Marianne M	76 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-17	Doris A. Becker	72 Norine Dr	Cheektowaga, NY 14225
91.11-8-16	Subramanyam Ramachandran	68 Norine Dr	Cheektowaga, NY 14225
91.11-8-15	Schulz Judith L	64 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-13	Winkhofer Robert H & W	52 Norine Dr	Cheektowaga, NY
91.11-8-12	Carolyn P. Vujnovic	48 Norine Dr	Cheektowaga, NY 14225
91.11-8-11	Amy L. Martina	42 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-9	Joseph Nero	34 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-8	Diane Czosek	30 Norine Dr	Cheektowaga, NY 14215
91.11-8-7	Barbara L. Landers	26 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-5	Sullivan Lori A	18 Norine Dr	Cheektowaga, NY 14225-2721
91.11-8-4	Peacock Richard J & W	14 Norine Dr	Cheektowaga, NY 14225-2721
90.08-7-2	Brian K. Hartzfeld	11 Southgate Rd	Cheektowaga, NY 14215
90.08-7-3	Richard Pasinski	17 Southgate Rd	Cheektowaga, NY 14215
90.08-7-7	John W. Wienclawski	41 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-8	Ralph Schenk	45 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-9	Monique Y. Mims	51 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-11	Figuroa Ana M	55 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-12	Bernard D. Ealey Sr.	61 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-13	Lakeisha T. Perez	65 Southgate Rd	Cheektowaga, NY 14215
90.08-7-17	Judi Ali	85 Southgate Rd	Cheektowaga, NY 14225
90.08-7-19	Richard L. Fisher	95 Southgate Rd	Cheektowaga, NY 14215-1840

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SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
90.08-7-21	Dorothy Scime	105 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-22	Alma N. Grossman	111 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-23	Joan E. Serwinowski	115 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-24	Swader Helen	121 Southgate Rd	Cheektowaga, NY 14215-1840
90.08-7-28	Klaiber Richard W & W	151 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-30	Linda Anderson	161 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-31	Dean Richard E & W	165 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-32	Angela M. Carter	171 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-33	Howard Theron R & W	175 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-34	Nikki Burgin	181 Southgate Rd	Cheektowaga, NY 14215-1857
90.08-7-35	Jackson Melvin L	187 Southgate Rd	Cheektowaga, NY 14215
90.08-7-37	Rosemarie Bacon	193 Southgate Rd	Cheektowaga, NY 14215
90.08-7-39	Satasha Green	203 Southgate Rd	Cheektowaga, NY 14215
79.20-8-32	Debra Wysocki	3 Highview Rd	
90.08-6-9	Adam J. Tramp	188 Southgate Rd	Cheektowaga, NY 14215-1858
90.08-6-10	Hertel Edward C & W	182 Southgate Rd	Cheektowaga, NY 14215-1858
90.08-6-11	Derrick J Morton	176 Southgate Rd	Cheektowaga, NY
90.08-6-12	LaToya C. Young	172 Southgate Rd	Cheektowaga, NY 14215-1858
90.08-6-13	Melanie J. Taylor	166 Southgate Rd	Cheektowaga, NY 14215-1858
90.08-6-14	Ronald Sigrist	162 Southgate Rd	Cheektowaga, NY 14215
90.08-5-8	Dolores A. Maraschiello	146 Southgate Rd	Cheektowaga, NY
90.08-5-10	Dennis Moye	136 Southgate Rd	Cheektowaga, NY 14215
90.08-4-24	Bunz Dennis M	122 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-25	Kelly E. Ernst	116 Southgate Rd	Cheektowaga, NY 14215
90.08-4-26	Patricia Muscato	112 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-27	Steven D. Philipps	106 Southgate Rd	Cheektowaga, NY
90.08-4-28	Diana Thomas L & W	102 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-29	Joshua A. Britt	96 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-30	Colette J. Clemons	92 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-31	Krzyzykowski Wayne P &	86 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-33	Palazzo Tina M	76 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-34	Charles E. Bennett	72 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-35	Sergio M. Vasquez	66 Southgate Rd	Cheektowaga, NY 14215-1841
90.08-4-37	Jenny Ralabate	56 Southgate Rd	Cheektowaga, NY 14215
90.08-2-11	Rosa A. Serrano	26 Southgate Rd	Cheektowaga, NY 14215-1839
101.28-7-15	James Jeffrey Ryan	370 Pine Ridge Rd	Cheektowaga, NY 14225
101.28-10-9	Tammy L. Baker	32 Vera Ave	Cheektowaga, NY 14225
101.28-10-11	Judith M. Hill	28 Vera Ave	Cheektowaga, NY 14225
101.28-10-12	Olden T. Ingram	26 Vera Ave	Cheektowaga, NY 14225
101.28-10-13	Frank A. Arcovio	24 Vera Ave	Cheektowaga, NY 14225-3943
101.28-10-14	Stadelmeyer Michael D &	22 Vera Ave	Cheektowaga, NY 14225-3943
101.28-10-18	Jemison Frank N	10 Vera Ave	Cheektowaga, NY 14225-3943
101.28-10-20	Willett Thomas Moke & W	2 Vera Ave	Cheektowaga, NY
101.28-10-21	Kenneth Mecca	39 Olcott	Cheektowaga, NY 14225
101.36-4-29	Marsha Ann Rabb	43 Olcott	Cheektowaga, NY 14225
101.36-4-3	Antoine J. Moore	7 Vera Ave	Cheektowaga, NY 14225-3944
101.36-4-4	Willie H. Barnes Jr	15 Vera Ave	Cheektowaga, NY 14225-3944
101.36-4-6	Brown John W & Maureen	21 Vera Ave	Cheektowaga, NY 14225-3944
101.36-4-7	Kenneth L. Harris	23 Vera Ave	Cheektowaga, NY 14225

SBL	OWNER	PROPERTY ADDRESS	TOWN, STATE, ZIP
101.36-4-9	Noelle Haines	27 Vera Ave	Cheektowaga, NY 14225
101.36-4-10	Davis Florence H &	29 Vera Ave	Cheektowaga, NY 14225
101.36-4-11	Raymond L. Lloyd Jr	31 Vera Ave	Cheektowaga, NY 14225
101.36-4-12.1	Edward & Marilyn Rutecki	366 Pine Ridge Rd	Cheektowaga, NY 14225
91.10-6-14	Andrea M. Lambert	195 Westbrook Dr	Cheektowaga, NY 14225-2111
91.10-6-15	Numeracki Timothy E &	199 Westbrook Dr	Cheektowaga, NY 14225-2111
91.10-6-18	Kathleen A. Brotz	215 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-23	Tara Malczewski	239 Westbrook Dr	Cheektowaga, NY 14225
91.10-6-24	Edward R. Off	245 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-25	Mark Szydowski	249 Westbrook Dr	Cheektowaga, NY 14225
91.10-6-26	Eastman Thomas P &	255 Westbrook Dr	Cheektowaga, NY 14225
91.10-6-27	Norma C. Heimlich	259 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-30	Paul F. Weisenburger	275 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-31	Eileen M. Nichols	279 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-35	Barone Joseph E & W	299 Westbrook Dr	Cheektowaga, NY 14225-2183
91.10-6-36	Michael Sanchez	305 Westbrook Dr	Cheektowaga, NY 14225
91.10-6-37	Lewandowski David J	309 Westbrook Dr	Cheektowaga, NY 14225-2103
91.10-6-38	Seth A. Parton	315 Westbrook Dr	Cheektowaga, NY 14225-2103
91.10-6-39	Kobel Timothy J & W	319 Westbrook Dr	Cheektowaga, NY 14225-2103
91.10-6-40	Theodore Wisniewski Jr	323 Westbrook Dr	Cheektowaga, NY 14225-2103
91.10-7-30	Jason Owczarczak	42 Rosary Blvd	Cheektowaga, NY 14225
91.10-7-31	Gloss Margaret E	316 Westbrook Dr	Cheektowaga, NY 14225-2104
91.10-7-32	Mark McCuiston	310 Westbrook Dr	Cheektowaga, NY 14225-2104
91.10-7-33	Douglas J. Orlando	306 Westbrook Dr	Cheektowaga, NY 14225-2104
91.10-7-34	Daniel Arent	300 Westbrook Dr	Cheektowaga, NY 14225
91.10-7-35	Panus James & W	296 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-36	Jennifer Riso	290 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-37	Donald E. Tabak	286 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-38	Mary Ann Jaynes	280 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-39	Lorenz Edward J & Wendy L	276 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-40	Kevin M. Krajewski	270 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-41	Setter Doreen J	266 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-42	Kelley A. Kobel	260 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-43	Patricia Weiner	256 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-44	Francis J. Bala	250 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-45	Thomas R. Clothier	246 Westbrook Dr	Cheektowaga, NY 14225
91.10-7-46	Jorge Reyes Jr	240 Westbrook Dr.	Cheektowaga, NY
91.10-7-47	Kraft Richard L & Karen M	236 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-48	James M. Wylie	230 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-49	Carrigan John W	226 Westbrook Dr	Cheektowaga, NY 14225-2182
91.10-7-50	Lindahl Martin L Jr & Kel	220 Westbrook Dr	Cheektowaga, NY 14225
91.10-7-51	Jeffery A. Marshall	216 Westbrook Dr	Cheektowaga, NY 14225
91.10-7-52	Anthony Theriault	210 Westbrook Dr	Cheektowaga, NY 14226
91.10-7-53	Richard Zorich & Patricia Novak	206 Westbrook Dr	Cheektowaga, NY
91.10-7-54	Andrea Drozd	200 Westbrook Dr	Cheektowaga, NY 14224
91.10-7-55	Jason P. Ekberg	196 Westbrook Dr	Cheektowaga, NY 14225
91.10-7-56	Smith Patrick F & Dawn M	190 Westbrook Dr	Cheektowaga, NY 14225-2112
91.10-7-57	Grace Y. Freitas	186 Westbrook Dr	Cheektowaga, NY 14225-2112

Attachment: Sidewalk List 5.7.2012 (RES-2012-249 : 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, May, 15, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on May 15, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Jeffrey Swiatek, Esq. (Outside Counsel)
Michael J. Hughes, Esq. (Outside Counsel)

II. Motion To: Enter Into Executive Session at 6:00 PM

COMMENTS - Current Meeting:

To Discuss:

collective negotiations relating to Town of Cheektowaga Employees Association contract

pending litigation matters relating to assessment challenges

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

III. Motion To: Exit Executive Session at 6:37 PM

RESULT: ADOPTED [UNANIMOUS]

MOVER: James Rogowski, Councilmember

SECONDER: Charles Markel, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Motion To: Enter Into Executive Session at 6:40 PM

COMMENTS - Current Meeting:

To Discuss:

matters relating to the appointment, promotion, termination, etc. Of employees in various departments.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Charles Markel, Councilmember

SECONDER: Gerald Kaminski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

V. Motion To: Exit Executive Session at 6:45 PM

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Charles Markel, Councilmember

SECONDER: Gerald Kaminski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

VI. Resolutions at 6:46 PM



1. RESOLUTION 2012-276

Settlement of Litigation - International Paper Co. V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, International Paper Company commenced Article 7 proceedings against the Town for Tax Years 2010-11 and 2011-12, seeking a reduction in the assessment of property located at 75 Allied Drive in Cheektowaga, New York; and

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

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

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



2. RESOLUTION 2012-277

Settlement of Litigation - US Food Service V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, US Food Service Corporation commenced Article 7 proceedings against the Town for Tax Years 2010-11 and 2011-12, seeking a reduction in the assessment of properties owned by it located at 125 Gardenville Parkway and Gardenville Parkway (S.B.L., No. 124.02-1-16.1/B) in Cheektowaga, New York; and

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

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

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

VII. Work Session Ends at 7:03 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, 21, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 21, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Jack Ludtka, President Town of Cheektowaga Employees Association
Frank Max, General Crew Chief, Sanitation
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent

II. Public Comment Period

Before the Meeting - A Presentation by Jeffrey Swiatek, Esq. Regarding the Town of Cheektowaga Employees Contract.

III. Resolutions



1. RESOLUTION 2012-278

Transfer of Funds - 2011

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

General Fund

From:	100.1910.3088	MISC. STATE AID	\$ 9,653.00
	100.1910.4591	NEIGHBORHOOD STABILIZATION REV.	\$ 289,505.00
To:	100.1220.4010.0002	DISASTER PREPAREDNESS EXP.	\$ 9,653.00
	100.1910.4721	NEIGHBORHOOD STABILIZATION PROG.	\$ 289,505.00

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



2. RESOLUTION 2012-279

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

General Fund

From: 100.1910.2680	Insurance Recoveries	\$	10,000.00
To: 100.3120.2303	Police Vehicles	\$	10,000.00

Special Districts

From: 255.8125.1951	Seasonal Regular	\$	15,000.00
255.1910.2799	Appropriated Fund Balance	\$	1,000,000.00
To: 255.8125.1971	Part-time Regular	\$	15,000.00
255.8125.9990	Capital Expenditures	\$	1,000,000.00

Highway

From: 300.1910.2655	Minor Sales	\$	36,004.00
300.1910.2680	Insurance Recoveries	\$	1,658.00
To: 300.5140.4191	Miscellaneous Expenses	\$	863.00
300.5130.2407	Miscellaneous Highway Equipment	\$	35,141.00
300.5110.4432	Repairs and Maintenance	\$	1,658.00

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



3. RESOLUTION 2012-280

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 18, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 400,326.05
RISK RETENTION FUND	54,719.05
NYS HOME PROGRAM	550.00
HUD HOUSING REHABILITATION	17,473.00
SPECIAL DISTRICTS FUND	373,112.53
HIGHWAY FUND	26,194.86
CAPITAL FUND	450,326.67
TRUST & AGENCY FUND	2,411.75
HUD CDBG FUND	280.37
PART TOWN FUND	2,720.80
NYS AFFORDABLE HOUSING	5,718.00
	<u>\$1,333,833.08</u>

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



4. RESOLUTION 2012-281

Change Order #1 (Final) Window Replacement at Anna Reinstein Library

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for the window replacement at the Anna Reinstein Library was awarded to Flower City Glass by Town Board Resolution dated August 15, 2011 in the contract amount of \$159,368.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements and further recommends the approval of Change Order No. 1 (final) as an increase to the contract in the amount of \$1,750.00 which provides for various minor modifications and enhancements completed throughout the job's duration as further outlined in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute final contract acceptance documents with Flower City Glass, 188 Mt. Hope Avenue, Rochester, New York 14620 including Change Order No. 1 (final) which provides for an increase to the aforesaid contract in the amount of \$1,750.00 which shall be chargeable to Account #500-1440-2520-5135.

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



5. RESOLUTION 2012-282

Negative SEQRA Declaration - 3781 Broadway - Main Tire Exchange

Sponsored By: Councilmember Kaminski, 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 Frank J. Wailand representing Tim Shay, President of Main Tire Exchange for the construction of a 5,040 square foot free standing warehouse building at 3781 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 16, 2012 recommended a determination of non-significance as shown on the attached memorandum dated May 16, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 12, 2012, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer approving a drainage plan for the building and any adjacent site modifications.
2. The Owner removing the storage containers from the premises upon completion of the warehouse building.

Attachments:

SP-1 Site Plan PDF 4-23-12 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-283

Accept Site Plan - Five Guys Exterior Dining Area- Walden Galleria Mall

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 John Ecklund, General Manager Pyramid Management Group, LLC for the construction of an exterior dining area at Five Guys Burgers and Fries restaurant at the Walden Galleria Mall, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 10, 2012 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.

Attachments:

Site Plan (PDF)

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



7. RESOLUTION 2012-284

Award of Bid for Asbestos Surveys for 166 Straley Avenue, 1272 Walden Avenue and 1280 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Unsafe Buildings Law of the Town of Cheektowaga, this Town Board can require that unsafe buildings be either repaired or demolished, and

WHEREAS, the buildings on properties located at 166 Straley Avenue, 1272 Walden Avenue and 1280 Walden Avenue (collectively the "Properties") have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such buildings be demolished and removed; and

WHEREAS, this Town Board, by resolutions, ordered that the buildings on the Properties be either repaired or demolished, and directed that the respective owners or others responsible for the buildings on their respective Properties 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 any of the said Properties; 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 said Properties, 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 (Resolution 2012-202) to various asbestos abatement firms and, based on proposals submitted, the Town's consultant has recommended that this Town Board retain Fisher Associates, PE, LS, PC, to perform said asbestos surveys, specifications and project monitoring work with respect to said Properties for the sum of \$14,750.00 (based on an estimate of 5 days for Project Air Monitoring and 50 PCM samples) and, if required, a further sum of \$600.00 for each additional day of Project Air Monitoring and \$9.00 for each additional PCM sample at the sites; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Fisher Associates, PE LS PC, 135 Calkins Road, Suite A, Rochester, New York, 14623, to perform the asbestos surveys and abatement work (if necessary) for 166 Straley Avenue, 1272 Walden Avenue, and 1280 Walden Avenue, at a total cost not to exceed the sum of \$14,750.00 without further Town Board approval; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Fisher Associates, PE, LS, PC, for said 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2012-285

Acceptance of Bargaining Agreement Between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc. for 2010-2013

Sponsored By: Holtz, Kaznowski, Jaworowicz, Markel, Kaminski, Rogowski

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc. ("TCEA") has expired; and

WHEREAS, the Town and the TCEA have negotiated and agreed upon a successor agreement; and

WHEREAS, the Town has received notice from the TCEA that its unit members have ratified the tentative agreement; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the tentative agreement with the TCEA as presented, for a successor agreement between the Town and TCEA from January 1, 2010 through December 31, 2013; and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute said agreement between the Town and the Town of Cheektowaga Employees Association, Inc., subject to approval by the Town Attorney.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski
NAYS:	Angela Wozniak



9. RESOLUTION 2012-286

Notice of Hearing for Demolition of 2354 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 2354 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 April 5, 2012; 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 2354 Genesee Street shall be held on the 4th day of June, 2012, 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 are directed to serve notice of said hearing on all interested parties.

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



10. RESOLUTION 2012-287

Home Rule Request to Extend Lease for Golf Course

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, by Chapter 455 of the Laws of 2001, the State Legislature and Governor approved legislation authorizing the Town to enter into a 30-year lease with Garrett, LLC for Town parkland now known as the Diamond Hawk Golf Course, and

WHEREAS, by resolution dated March 18, 2002, the Cheektowaga Town Board agreed to enter into a 30-year lease with Garrett, LLC for said golf course lands, and

WHEREAS, Section 3.6 of said lease requires the Town of Cheektowaga to apply to the State to extend the term of said lease, and'

WHEREAS, the lessee of the golf course lands has requested this Town Board to request the State Legislature to authorize this Town Board to so extend the lease, and

WHEREAS, bills have been introduced in the State Assembly (A.2583) and Senate (S.3330) to authorize the Town to lease these parklands to Garrett, LLC for an additional ten (10) years for the Diamond Hawk golf course, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill A.2583 and Senate Bill S.3330, and BE IT FURTHER

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

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



11. RESOLUTION 2012-288

NYSDEC Year 9 Annual Report

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4's) was issued to the Town of Cheektowaga 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 9 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, 2012, 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, NOW, THEREFORE, BE IT

RESOLVED, that public comment on the subject Annual Report shall be received until May 28, 2012 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 9 Annual Report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2012-289

Special Event - Cheektowaga Girls Fastpitch Softball Association Parade

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Cheektowaga Girls Fastpitch Softball Association has made application to hold a parade on Saturday, June 2, 2012, from 10:00 a.m. to 12:00 p.m., said parade to begin at ball diamonds, onto George Urban Boulevard, right on E. Grand, left to Northern Parkway, left on Kilbourne, left on George Urban and back to ball diamonds; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the 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 Cheektowaga Girls Fastpitch Softball Association for the aforementioned parade, to be held on Saturday, June 2, 2012 ; BE IT FURTHER

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

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



13. RESOLUTION 2012-290

Special Event - Cheektowaga Polish American Arts 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 20th to July 22nd, 2012; 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 20th to July 22nd, 2012.

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



14. RESOLUTION 2012-291

Special Event - Shooting Starz Charity Softball Association Tournament

Sponsored By: Councilmember Rogowski, 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 Shooting Starz Charity Softball Association has made application to hold its "Coed Charity Softball Tournament" for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 28, 2012 from 8:30 a.m. - 8:00 p.m. (rain date Sunday, July 29, 2012), and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities Department and Youth & Recreational Services Department, and

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Shooting Starz Charity Softball Association for the aforementioned "Coed Charity Softball Tournament" for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 28, 2012 (rain date Sunday, July 29, 2012).

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



15. RESOLUTION 2012-292

Special Event - Southline Little League

Sponsored By: Councilmember Rogowski, 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 South Line Little League has made application to hold its annual Parade on Monday, May 28, 2012, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers Boulevard, then to North Seine Drive, and ending at the Southline Little League baseball diamonds; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of South Line Little League for the aforementioned Parade, to be held on Monday, May 28, 2012; and BE IT FURTHER

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

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



16. RESOLUTION 2012-293

Unsafe-Unsecured/125 Gardenvale Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 125 Gardenvale Drive, Cheektowaga, New York SBL# 91.06-14-13 that is a danger to the safety of others, and records kept by the Assessors Office identify James Arnet, 9 Monterey Lane, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 125 Gardenvale Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



17. RESOLUTION 2012-294

Unsafe-Unsecured/132 Seton 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 132 Seton Road, Cheektowaga, New York SBL# 91.10-1-6 that is a danger to the safety of others, and records kept by the Assessors Office identify Wilbur G. Lynch Jr. ,1517 Kent Way, Modesto, CA 95355, as the owner AND

WHEREAS, an inspection of such premises was conducted at 132 Seton Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



18. RESOLUTION 2012-295

Youth & Recreation Hire/Transfer

Sponsored By: Councilmember Wozniak, 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 - Level I" - 7180.1901 - \$7.25 - Seasonal

Brandon Seifert	14225
Zachery Russillo	14227
Hayley Wnuk	14043
Elizabeth Coffta	14206
Nolan Calos	14227
Bailey Michalski	14227
Elizabeth Johnston	14206
Lindsay Michaels	14227
Samuel Grantham	14225
Paxton Hill	14225
Ryan Osswald	14225
Noah Radlich	14225
Kayla Green	14225
Annie Maran	14227
DeVante' Hardy	14211
Joseph Weber	14225
Lindsey Fritsch	14225
Lennox Melin	14206

Laborer "Bathhouse Attendant - Level II" - 7180.1901 - \$7.40 - Seasonal

Tyler Pawlowski	14225
Tyler Nosal	14225
Paul A. Nazzarett	14227
Rachel Hermanski	14225

Laborer "Bathhouse Attendant - Level III" - 7180.1901 - \$7.60 - Seasonal

Kelley Astyk	14227
Sarah Kapanek	14206
Jacob Radlich	14225

Recreation Instructor "Maryvale Pool Supervisor"- 7180.1902 - \$10.06 - Seasonal

Caitlin Rieck	14225
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Recreation Instructor "Maryvale Pool Head Lifeguard"- 7180.1902 - \$9.06 - Seasonal

Josh Atzrott	14215
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Recreation Instructor "Dingens Pool Supervisor" - 7180.1902 - \$9.86 - Regular Part-time

Ashley Bajer	14225
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Recreation Instructor "Dingens Head Lifeguard" - 7180.1902 - \$9.06 - Regular Part-time

Nicole Scherrer 14225

Recreation Specialist "Pool Director" - 7180.1902 - \$19.00 - Regular Part-time

Catherine Giles 14043

Recreation Instructor "Aquatics & Special Events Director" - 7180.1902 - \$12.00
Regular Part-time

Sean Kunkel 14225

Recreation Instructor "Town Park Pool Supervisor 1st Shift" - 7180.1902 - \$10.77
Regular Part-time

Jeffery Kunkel 14225

Recreation Instructor "Town Park Pool Head Lifeguard 1st Shift" - 7180.1902 - \$9.54
Seasonal

Danielle Malicki 14227

Recreation Instructor "Town Park Pool Supervisor 2nd Shift" - 7180.1902 - \$10.16
Seasonal

Andrew Charvat 14225

Recreation Instructor "Town Park Pool Head Lifeguard 2nd Shift" - 7180.1902 - \$9.36
Seasonal

Nicholas Coronado 14225

Lifeguard - "Level II" - 7180.1903 - \$8.42 - Regular Part-time

Scott Ferer 14215

Catherine Huber 14225

Lifeguard - "Level III" - 7180.1903 - \$8.59 - Regular Part-time

Dylan Bajer 14225

Tyler Bajer 14225

Kari Orłowski 14225

Lifeguard - "Level IV" - 7180.1903 - \$8.76 - Regular Part-time

Jonathan Gworek 14227

Austin Snyder 14225

Chelsea Wartinger 14043

Lifeguard - "Level I" - 7180.1903 - \$8.25 - Regular Part-time

Samantha Burton 14225

Zachary Hermanski 14225

Caitlin Kerling 14225

Dave Kerling 14225

Tyler Kunkel 14225

Julianne Doetterl 14227

Timothy Petranichuk Jr. 14227

Noah McGhee 14225

Stephanie Reesor 14211

Emily Speidel 14225

Recreation Aide to Lifeguard "Level I" - 7180.1903 - \$8.25 - Regular Part-time

James Rogers 14206

Lifeguard - "Level II" - 7180.1903 - \$8.42 - Regular Part-time
Trevor Karek 14225

Recreation Aide - 7140.1646 - \$7.25 - Part-time
Samantha Wayne 14227

Recreation Aide - 7140.1645 - \$7.25 - Part-time
Lancelot Melin 14206

Recreation Aide - 7140.1648 - \$7.25 - Part-time
Megan Koscinski 14225

Recreation Attendant - 7140.1648 - \$7.25 - Seasonal
Katie Walkowiak 14227

Recreation Attendant - 7140.1645 - \$7.35 - Seasonal
Emily Bowen 14225
Brian Grabiec 14225

Recreation Attendant - 7140.1645 - \$7.25 - Seasonal
Tyler Welsh 14225

Recreation Attendant - 7140.1642 - \$7.25 - Seasonal
Douglas Martin 14225

Transfer from the Adapted Recreation Program to the Alexander Day Camps

Recreation Aide - \$7.25 - 7310.1801 - Part-time
Ashley Carney 14225
Anthony Pachetti 14225

Recreation Attendant - \$7.25 - 7310.1801 - Regular Part-time
Emalee Danner
Allison Herman
Alysia Kent
Holly Sobkowiak

Recreation Attendant (Alternate) - \$7.50 - 7310.1801 - Regular Part-time
Rebecca Szyka

Recreation Attendant (Alternate) - \$7.80 - 7310.1801 - Regular Part-time
Jessica Szyka

Recreation Instructor to Recreation Attendant (Alternate) - \$8.25 - 7310.1801 - Regular Part-time
Jennifer Laffrado

Recreation Attendant - \$7.50 - 7310.1801 - Regular Part-time

Martin Acevedo
Joshua Fruchtel
Amanda Langa
Kelly Mayer
Nicole Wyzykowski

Recreation Attendant - \$7.55 - 7140.1632(Camp Dartwood) - Regular Part-time

Tabitha Slachiak

Recreation Attendant - \$7.65 - 7310.1801 - Regular Part-time

Merissa Ciesielski

Recreation Attendant to Recreation Instructor - \$8.25 - 7310.1801 - Regular Part-time

Liza Fiorello

Recreation Instructor - \$8.50 - 7310.1801 - Regular Part-time

Bryan Haxton
Ann Marie Heide

Recreation Instructor - \$8.75 - 7310.1801 - Regular Part-time

Kristen Stadelmeyer

Recreation Instructor - \$9.00 - 7310.1801 - Regular Part-time

DeYonca Porter

Recreation Instructor - \$9.65 - 7310.1801 - Regular Part-time

Maribeth Stadelmeyer

Recreation Instructor - \$9.50 - 7140.1632 - Regular Part-time

Jacquelyn Rieck

Recreation Instructor (Nurse) - \$11.00 - 7310.1801 - Regular Part-time

Denise Atkisson

Recreation Specialist - \$11.50 - 7310.1801 - Regular Part-time

Melissa Rogers

Recreation Specialist - \$14.40 - 7310.1801 - Regular Part-time

Amy McMahan

Transfer from Adapted Recreation Program to Teen Club

Recreation Attendant - \$7.50 - 7310.1814 (Teen Club) - Regular Part-time

Casey Hawley

Recreation Attendant - \$8.00 - 7310.1814 (Teen Club)- Regular Part-time
Jennifer Zelasko

BE IT FURTHER RESOLVED, the following employee information be amended as follows:

Recreation Aide - 7140.1636, 7140.1640 & 7140.1611 - \$7.25 - Part-time (retro to 4/21/12)

Courtney Wesolowski

14206

Motion by Councilmember Rogowski; seconded by Councilmember Markel to waive the reading of names for the following two resolutions: 2012-295 and 2012-296. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2012-296

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 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:

SEWER MAINTENANCE Laborer \$8.00/hour effective 5/22/12

Sean F. Ross, Cheektowaga, New York
 Jacob M. Latshaw, Cheektowaga, New York
 Nicholas Kotarski, Cheektowaga, New York
 Jacob A. Nowak, Depew, New York
 Peter J. Dudek, Jr., Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour

Craig M. Skierczynski, Cheektowaga, New York effective 5/10/12
 Daniel J. Pittorf, Cheektowaga, New York effective 5/10/12
 Michael H. Kessler, Jr., Cheektowaga, New York effective 5/11/12
 Sean M. Mueller, Cheektowaga, New York effective 5/11/12

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** 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:

SEWER MAINTENANCE Laborer \$8.00/hour effective 5/22/12

Austin J. Bobeck, Cheektowaga, New York
 Kevin T. Fischer, Cheektowaga, New York

BE IT RESOLVED, that the following part-time employee's salary be adjusted effective 6/5/12:

SENIOR SERVICES Recreation Attendant \$9.25/hour to \$10.00/hour

Catherine M. Albee, Cheektowaga, New York

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



20. RESOLUTION 2012-297

Travel Authorization Community Development/Rachel A. Hupkowicz

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the U.S. Department of Housing and Urban Development is sponsoring a workshop entitled, "Building HOME," which is being held May 30 through May 31, 2012 in Rochester, New York; AND

WHEREAS, Account Clerk Typist Rachel A. Hupkowicz has been recommended to attend said program; 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 \$125; AND

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

RESOLVED, that Account Clerk Typist Rachel A. Hupkowicz be and hereby is authorized to attend "Building HOME," being held May 30 through May 31, 2012 in Rochester, New York.

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



21. RESOLUTION 2012-298

Travel Authorization Police Department/Lieutenant Thomas Gerace, Detective Paul Batt, Detective Valentine Zimniewicz and Detective Robert Laskowski

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, the Cannabis Indoor Grow Seminar is being held June 4 through June 5, 2012 in Albany, New York; AND

WHEREAS, Lieutenant Thomas Gerace, Detective Paul Batt, Detective Valentine Zimniewicz and Detective Robert Laskowski have been recommended to attend said seminar; AND

WHEREAS, Police Chief David Zack 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 \$734; AND

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

RESOLVED, that Lieutenant Thomas Gerace, Detective Paul Batt, Detective Valentine Zimniewicz and Detective Robert Laskowski be and hereby are authorized to attend the Cannabis Indoor Grow Seminar being held June 4 through June 5, 2012 in Albany, New York.

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

IV. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Traffic Safety Commission - April 17, 2012
2. Minutes: Cheektowaga Conservation Advisory Council - May 3, 2012
3. Minutes: Cheektowaga Planning Board - April 12, 2012

B. General Communications

1. Summons: HSBC Bank USA, NA Vs. Lisa N. Frayne , Ralph Frayne, Town of Cheektowaga & Etal Premises: 63 South Glidden Street

2. Summons & Complaint: Kenneth Parker Vs. Town of Cheektowaga
3. Notice of Claim: Carolyn Converso Vs. Town of Cheektowaga
4. Notice of Claim: Steven Lawrence Jordan Vs. Town of Cheektowaga
5. Notice of Claim: Estate of Stella P. Ogiela, Karen T. Ogiela, Executrix Vs. Town of Cheektowaga
6. Notice of Claim: Donald M. Pecyne Vs. Town of Cheektowaga
7. Notice of Claim: Derek Suminski Vs. Town of Cheektowaga
8. Notice of Claim: Jennifer Wantuck Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

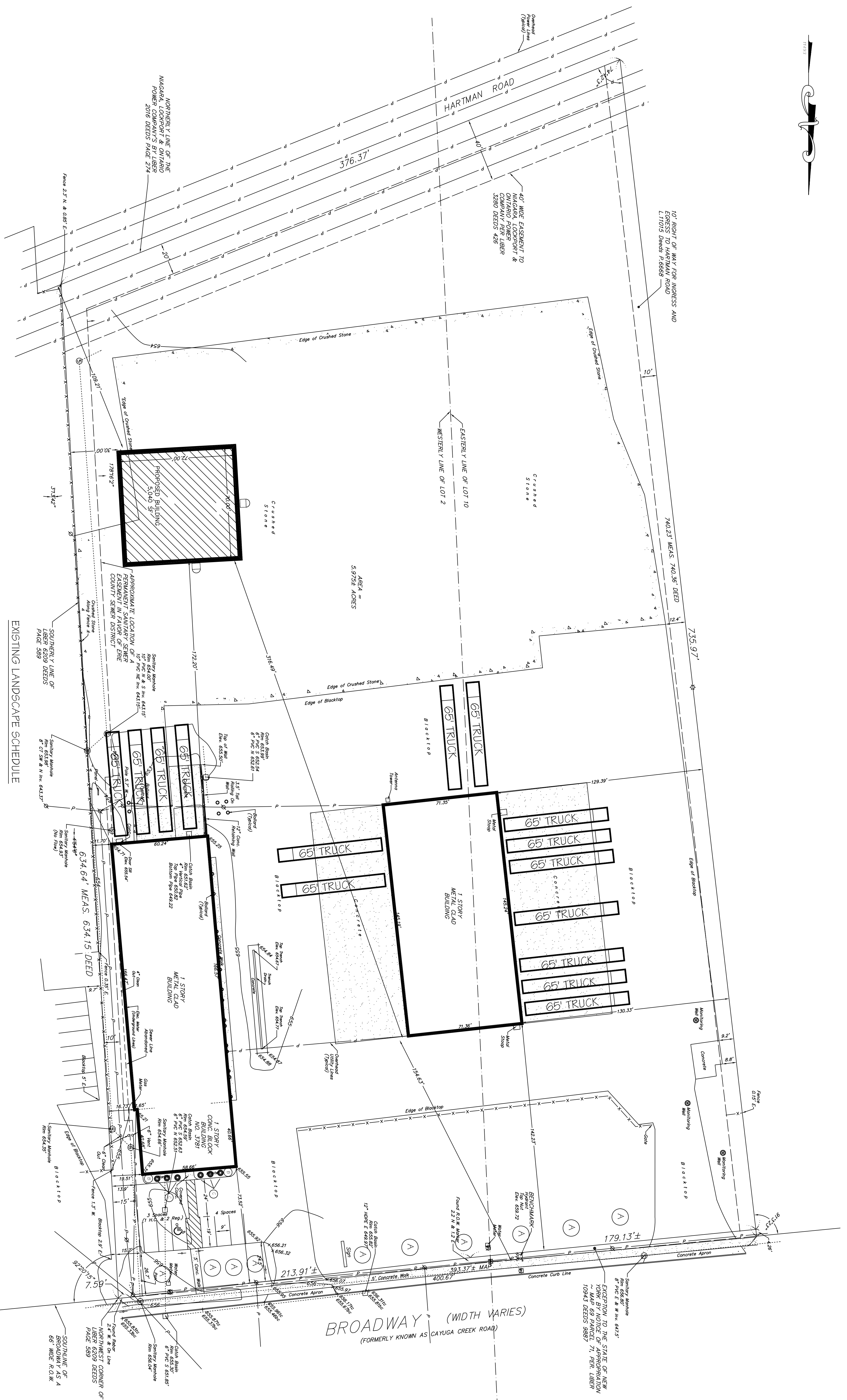
B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz; to adjourn the meeting in Honor of the Armed Forces of America - men and women who are fighting to keep our country free. Time - 7:47 PM

Alice Magierski, Town Clerk



BUILDING LIGHTING
 200W MULTIBANK NIGHT SKY OUT GPF

UTILITIES

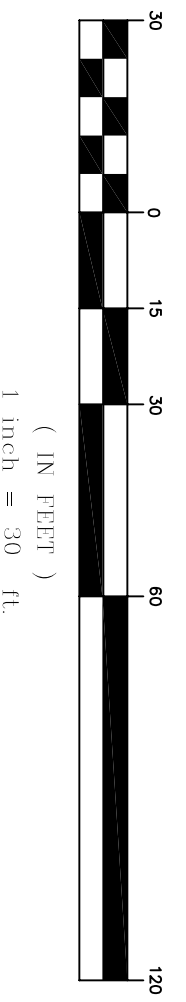
The underground utilities shown have been located from field survey information and/or from utility records. The surveyor does not warrant that the underground utilities shown are correct or that they are located on an accuracy or as possible from the information available. This surveyor has not physically located the underground utilities. Note: Underground utility information has been obtained from the respective utility companies. As the information is received, this map will be amended to reflect any changes.

- Water Main (760) 824-1210
- Sanitary Sewer (760) 824-1210
- Storm Sewer (760) 824-1210
- Gas (760) 824-1210
- Electric (760) 824-1210
- Telephone (760) 824-1210
- Optical Fiber (760) 824-1210
- Other (760) 824-1210

EXISTING LANDSCAPE SCHEDULE

QTY.	SYMBOL	DESCRIPTION
10	(A)	CRIMSON KING Acer platanoides
2	(B)	STAKED HEITZI Juniperus chinensis
6	(C)	BOXWOOD Buxus sempervirens

GRAPHIC SCALE



LEGEND

- Utility / Service Pole
- Water Line Valve
- Fire Hydrant
- DI (DROP INLET - STORM)
- Manhole (STORM)
- Manhole (SELECTION)
- Manhole (SANITARY)
- LDR (LIGHT DUTY RECEIVER - STORM)
- BVD (BACKWARD DRAIN INLET - STORM)
- Gas Line Valve
- Light Standoff
- H.C. HANDICAP SIGN
- R.O.W. RIGHT OF WAY
- CONC. CONCRETE
- INW. INVERT
- M.H. MANHOLE
- WATER LINE
- ELECTRIC LINE
- UTILITY LINES
- CABLE LINES
- DEED
- M. MEASURED
- L. LIBER
- P. PAGE

MAIN TIRE EXCHANGE
3781 BROADWAY
CHEEKTOWAGA, NY

SITE PLAN

ITEM	DATE	REVISION

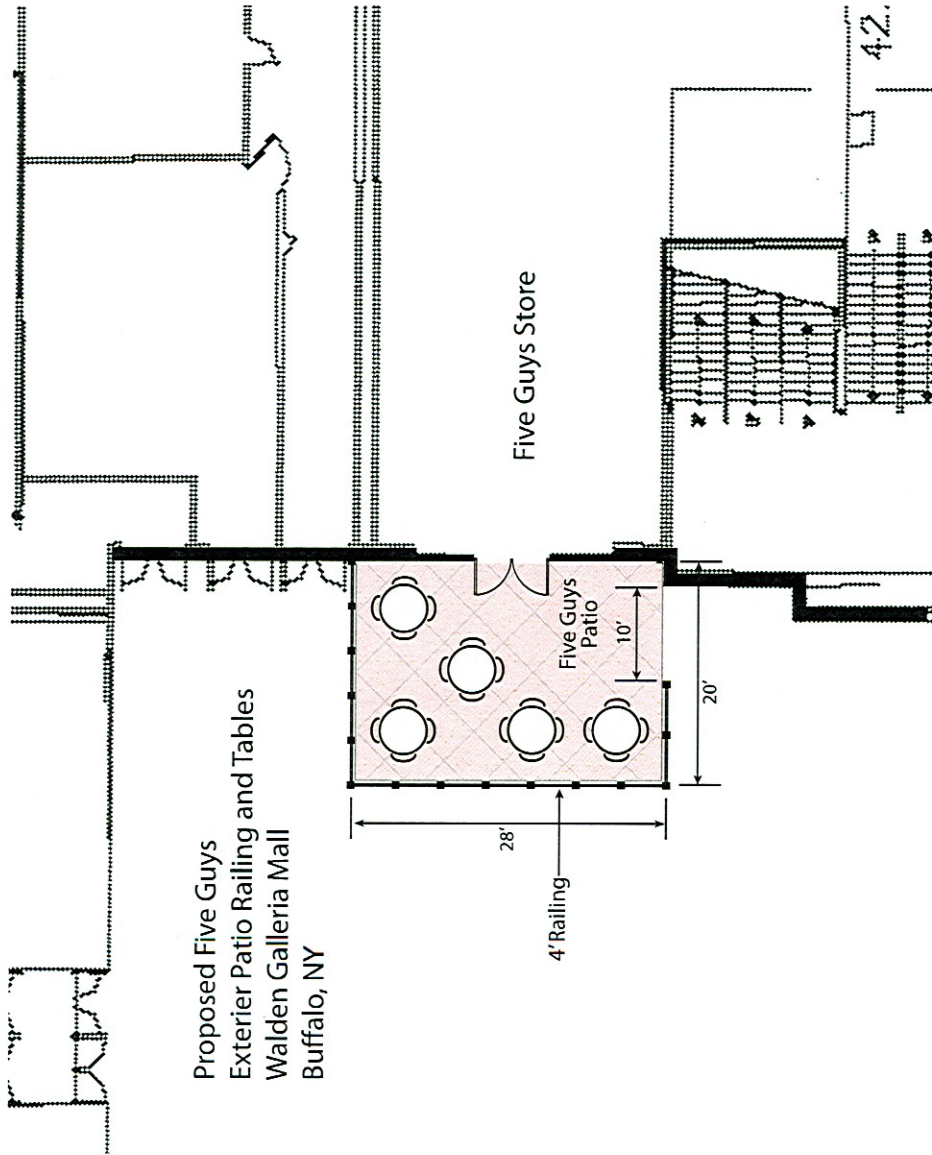
THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF JAMES ALLEN RUMSEY ARCHITECT. NO RIGHTS TO OWNERSHIP ARE TRANSFERABLE OR SHALL BE LOST BY THE FILING OF THIS DOCUMENT. THE PURPOSE OF COMPLIANCE WITH COVERS AND/OR ORDINANCES, I.E. BUILDING PERMIT, ETC.

JAMES ALLEN RUMSEY ARCHITECT
 5729 EAST RIVER ROAD
 GRAND ISLAND, NEW YORK 14072

F. J. WAILAND ASSOCIATES INC.
 Construction Management
 3922 Seneca Street
 West Seneca, New York 14224
 (716) 674-9285

PROJECT NO: 1087
 DRAWN BY: cdb / msw
 DATE: 02 FEB 2012
 SCALE: 1" = 30'
 OR AS INDICATED

SHEET NO: **SP-1**





Attachment: Site Plan (RES-2012-283 : Accept Site Plan - Five Guys Exterior Dining Area)

On Apr 20, 2012, at 8:21 AM, Steve Christensen wrote:

<20120413065410502.pdf>



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, May, 29, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on May 29, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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. Motion To: Enter Into Executive Session at 6:00 PM

COMMENTS - Current Meeting:

To Discuss:

Personnel Matters

RESULT: ADOPTED [UNANIMOUS]

MOVER: Stanley Kaznowski, Councilmember

SECONDER: James Rogowski, Councilmember

AYES: Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

ABSENT: Mary Holtz

III. Motion To: Exit Executive Session at 7:00PM

RESULT: ADOPTED [UNANIMOUS]

MOVER: Gerald Kaminski, Councilmember

SECONDER: Charles Markel, Councilmember

AYES: Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

ABSENT: Mary Holtz

IV. Resolutions



1. RESOLUTION 2012-299

Amend Agreement with Trautman Associates

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, by resolution dated September 7, 2010, the firm of Trautman Associates, Project Architect, was retained to provide Professional Services during construction for the Addition and Renovations to the Police and Court Building Project, AND

WHEREAS, following project commencement, various modifications recommended by Police administration staff require additional architectural and engineering services to provide the required construction documents and review of the contractors' cost proposals for the proposed revisions to the original project scope, NOW, THEREFORE, BE IT

RESOLVED, that the agreement with the firm of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 be amended to include the aforesaid additional services for the additional sum of \$22,200.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a letter of agreement with Trautman Associates for the above services, and BE IT FURTHER

RESOLVED, that funding for said professional services shall be chargeable to Account #500-1910-9399-5025.

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

V. Motion To: Adjourn at 7:05 PM

COMMENTS - Current Meeting:

Alice Magierski, Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	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, June, 4, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on June 4, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Kevin Schenk, Town Attorney
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearing

1. Demolition of 2354 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.

RESULT: CLOSED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2012-300

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 1, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$	946,458.68
RISK RETENTION FUND		100,458.75
HUD HOUSING REHABILITATION FUND		4,014.00
SPECIAL DISTRICTS FUND		292,152.93
HIGHWAY FUND		511,547.14
CAPITAL FUND		629,838.37
TRUST & AGENCY FUND		236,643.05
HUD CDBG FUND		25,323.75
PART TOWN FUND		33,796.90
NYS AFFORDABLE HOUSING		14,319.00
		<u>14,319.00</u>
	\$	2,794,552.57

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



2. RESOLUTION 2012-301

Award of Bid for Asbestos Survey for 1122 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Unsafe Buildings Law of the Town of Cheektowaga, this Town Board can require that unsafe buildings be either repaired or demolished, and

WHEREAS, the building on property located at 1122 Walden Avenue, has experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said building is unsafe and recommended that such building be demolished and removed; and

WHEREAS, by resolution adopted March 19, 2012 (2012-151), this Town Board ordered that the building on the property be either repaired or demolished, and directed that the respective owner or others responsible for the building on the property 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 the property; 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 said property, 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 (Resolution No. 2012-247) to various asbestos abatement firms and, based on proposals submitted, the Town Attorney has recommended that this Town Board retain Buffalo Environmental Consultants, Inc. d/b/a AFI Environmental to perform said asbestos surveys, specifications and project monitoring work with respect to said property for the sum of \$4,955.00 and, if required, a further sum of \$395.00 per day and \$10.00 per sample for additional air monitoring and sampling at the site; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Buffalo Environmental Consultants, Inc. d/b/a AFI Environmental, P.O. Box 4049, Niagara Falls, New York, 14304, to perform an asbestos survey and abatement work (if necessary) for 1122 Walden Avenue, for the sum of \$4,955.00 and, if required, a further sum of \$395.00 per day and \$10.00 per sample for additional air monitoring and sampling at the site; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Buffalo Environmental Consultants, Inc., d/b/a AFI Environmental for said 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



3. RESOLUTION 2012-302

Award Summer Camp Busing 2012

Sponsored By: Councilmember Wozniak, 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 2012 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 \$9,215.00 for the Department of Youth & Recreational Services' day camp programs to:

--Carrier Coach, Inc.
PO Box 13
271 Buffalo Street
Gowanda, New York 14070

Line Item Nos.: 7140.4517
7140.4518

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2012-303

Order Replacement of Sidewalks

Sponsored By: Councilmember Kaminski, 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 2, 2012, 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 2, 2012, 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, 2012, 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 4, 2012,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before July 2, 2012.

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, 2012. 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 \$64 - \$84 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 4, 2012

ALICE MAGIERSKI
Town Clerk

Attachments:

S. Century Rd. Sidewalk Replacement 6.4.2012 (XLS)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-304

Authorize Supervisor to Execute Agreement to Add Properties to County in Rem Auctions

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the County of Erie, under the Erie County Tax Act, conducts In Rem Property Tax Foreclosures of properties for which property taxes have not been paid for three or more years, and

WHEREAS, there are a number of properties in the Town of Cheektowaga which are legally eligible to be placed on the County foreclosure list, but, due to financial constraints, the County of Erie is not able to list them all, and

WHEREAS, Mosey Persico, LLP, the law firm which performs the legal work for the County for the In Rem foreclosures, has informed the Town that, in exchange for compensation equivalent to the cost to place properties in the In Rem list, they will add any eligible properties, as requested by the Town, to the In Rem foreclosures for years 2013, 2014 and 2015, and

WHEREAS, the Town of Cheektowaga is desirous of placing certain tax delinquent vacant properties in the Town on the In Rem list as a means to save them and to have them occupied in order to preserve our neighborhoods, and

WHEREAS, Mosey Persico, LLP has prepared an agreement to accomplish this, which agreement has been reviewed and approved by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800.3620.4514.

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



6. RESOLUTION 2012-305

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 10, 2012 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 10, 2012 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.

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



7. RESOLUTION 2012-306

Special Event - Infant of Prague Church Carnival

Sponsored By: Councilmember Kaznowski, 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, Infant of Prague Church has made application to hold its "Church Carnival" on Friday, August 24th and Saturday, August 25th, 2012 (from 8:00 a.m. Friday until 12:00 a.m. Saturday) on Church grounds; as a result of this Carnival, they are also requesting a two (2) block street closing (Foisset Avenue from Cleveland Drive to the end of Church property) from Wednesday, August 22nd at 8:00 a.m. until Saturday, August 25th at 12:00 a.m., 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 Church Carnival and two (2) block street closing; 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 Dave Zack.

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



8. RESOLUTION 2012-307

Special Event - Cheektowaga Oldtimers Softball League Playoffs

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, the Cheektowaga Oldtimers League has made application to hold its annual "Super Sunday Softball Playoffs" at Stiglmeier Park on Sunday, August 19th, 2012 from 11:00 a.m. - 5:30 p.m.; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department and has no objection to same, and

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

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 Cheektowaga Oldtimers League for its annual "Super Sunday Softball Playoffs" at Stiglmeier Park Diamond on Sunday, August 19th, 2012.

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



9. RESOLUTION 2012-308

Special Event - South Cheektowaga Baseball Association Picnic

Sponsored By: Councilmember Rogowski, 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 South Cheektowaga Baseball Association has made application to hold its End of Season League Picnic in Stiglmeier Park on Saturday, August 4, 2012, from 9:00 A.M. until 5:00 P.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, and has no objection to same, and

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

- 1.Submittal of plan for sanitary facilities;
- 2.Submittal of site plan;
- 3.Submittal of Security Plan;
- 4.Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the South Cheektowaga Baseball Association for the aforementioned League Picnic event to be held in Stiglmeier Park on Saturday, August 6, 2012.

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



10. RESOLUTION 2012-309

Special Event - Pulaski Day Parade

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, the General Pulaski Association has made application to hold a parade honoring General Pulaski on Sunday, July 22, 2012 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road to George Urban Boulevard, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Highway Department and Facilities Department and has no objection to same, and

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the General Pulaski Association for the aforementioned parade to be held on Sunday, July 22, 2012, and BE IT FURTHER

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

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



11. RESOLUTION 2012-310

Special Event - Southside Baseball Parade

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Cheektowaga Southside Little League has made application to hold its Annual Baseball Parade on Saturday, June 16, 2012, 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 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 contingent upon approval from the necessary Town department (s), this Town Board hereby approves the application of Cheektowaga Southside Little League for the aforementioned Parade, to be held on Saturday, June 16, 2012 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.

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



12. RESOLUTION 2012-311

Special Event - Independence Day Celebration

Sponsored By: Councilmember Rogowski, 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 Cheektowaga Patriotic Commission has made application to hold its Independence Celebration on Tuesday, July 3rd, 2012 from 5:00 p.m.-11:00 p.m. and Wednesday, July 4th, 2012 from 12 noon - 11:00 p.m. at Town Park , and Parade on July 4th, 2012 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, 2012; and BE IT FURTHER

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

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



13. RESOLUTION 2012-312

Fitness in the Park - YMCA

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Department of Youth and Recreational Services is desirous of holding a "Fitness in the Park" program in partnership with the YMCA Buffalo Niagara from June 26th thru August 30th, 2012 and

WHEREAS, said program will be held in Cheektowaga Town Park each Tuesday and Thursday during the summer for people of all ages and at no cost to the Town, NOW,
THEREFORE BE IT

RESOLVED, that upon approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute an agreement with the YMCA Buffalo Niagara.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2012-313

Appointment to Cheektowaga Economic Development Corporation Directors

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, and

WHEREAS, By Resolution dated February 7, 1983 this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation which provide that the Directors of the Cheektowaga Economic Development Corporation be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, the Cheektowaga Economic Development Corporation Board of Directors has unanimously recommended the re-appointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation for a term of three years, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years, said term expiring at the time of reappointment to said Board of Directors positions in 2015, but no later than June 30, 2015:

Richard Cielinski
John Redman III
Timothy Popielski
Joseph Funk.

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



15. RESOLUTION 2012-314

Youth & Recreation Hire/Transfer

Sponsored By: Councilmember Wozniak, 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:

Lifeguard - "Level I" - \$8.25 - 7180.1903 - Seasonal

Michaela Barone	14225
Nallali Mendez	14225

Lifeguard - "Level I" - \$8.25 - 7180.1903 - Part-time

Shelby Metzger	14043
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Lifeguard - "Level III" - \$8.59 - 7180.1903 - Seasonal

Tyler Casillo	14227
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Lifeguard - "Level IV" - \$8.76 - 7180.1903 - Seasonal

Megan Maloney	14227
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Lifeguard - "Level 1" - \$8.25 - 7180.1903 - Seasonal (Alternates)

Justin Brackna	14225
Brendan Kobel	14225
Crystal Smith	14227
Alexandria Makowski	14206
William Dickinson	14225

Laborer - "Level III Participant" - \$7.75 - 7310.1816 - Seasonal

Daniel Zogaria	14206
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Laborer "Level I" Participant to Recreation Aide - \$7.25 - 7310.1801 - Part-time

Ashley Spencer	14211
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Recreation Aide - \$7.25 - 7310.1801 - Part-time

Olivia Constantin	14225
Jessica Elston	14225
Cassidy Moore	14225
Chelsey Balistieri	14225
Austin Hughes	14225

Recreation Attendant - \$7.25 - 7310.1801 - Seasonal

Lily Boyd-Gamel	14225
Tracey Marlinski	14225
Caitlyn Ferber	14225
Rebecca Flynn	14225
Rachel Gabryszak	14043

Danielle Keller	14225
Robert Strauss	14043

Recreation Attendant - \$7.35 - 7310.1801 - Seasonal

Valerie Herman	14225
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Recreation Attendant - \$7.25 - 7140.1632 (Camp Dartwood) - Seasonal

Lauren Bujnicki	14227
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Recreation Attendant - \$7.50 - 7310.1801 - Seasonal

Alexis Blachowski	14225
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Recreation Attendant - \$7.50 - 7140.1632 (Camp Dartwood) - Seasonal

Joseph Malicki	14043
Kristen Schugardt	14043

Recreation Attendant - \$7.25 - 7140.1632 (Camp Dartwood) - Seasonal

Joshua Tedesco	14227
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Recreation Attendant - \$7.50 - 7310.1801 - Seasonal

Stephen Kelly	14211
Robyn Stanley	14225
Theresa Tripi	14227

Recreation Attendant - \$7.65 - 7310.1801 - Seasonal

Meggan Empric	14215
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Recreation Attendant - \$7.90 - 7310.1801 - Seasonal

Meghan Eckle	14225
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Recreation Instructor - \$8.25 - 7310.1801 - Seasonal

Shannon Kelly	14227
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Recreation Attendant - \$7.75 - 7310.1801 - Seasonal

Charlie Jane Clark	14215
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Recreation Attendant - \$7.90 - 7140.1632 (Camp Dartwood) - Seasonal

Lori Majewski	14227
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Recreation Instructor - \$12.00 - 7310.1804 - Regular Part-time

Sherry Maran	14227
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Recreation Attendant - \$7.25 - 7140.1613 - Seasonal

Marcus Rosten	14225
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Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) Resolutions: 2012-314 and 2012-315. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-315

Hiring/Termination of Part Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 (Parks Division) Laborer \$8/hour effective 6/5/12
John E. Gluszek, Cheektowaga, New York

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed 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 \$7.50/hour effective 6/5/12
Kristen M. Swiatek, Cheektowaga, New York

SANITATION DEPARTMENT Cleaner (Temporary) \$8/hour effective 5/28/12
Amanda M. Krzemien, Sloan, New York

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

POLICE DEPARTMENT
Audrey Owens effective 4/6/12 (Clerk ~ deceased)
Judith Allyn effective 6/11/12 (Matron)
Joseph Schanne effective 6/4/12 (Detention Officer)

SANITATION DEPARTMENT
Craig Skierczynski effective 5/23/12 (Laborer)

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



17. RESOLUTION 2012-316

Travel Authorization Employee Relations/Anthony M. Romano

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Public Employer Labor Relations Association 38th Annual Conference is being held July 18 through July 20, 2012 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Anthony M. 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 \$1,003; AND

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

RESOLVED, that Coordinator of Employee Relations Anthony M. Romano be and hereby is authorized to attend the New York State Public Employer Labor Relations Association 38th Annual Conference being held July 18 through July 20, 2012 in Saratoga Springs, New York.

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to Suspend the Rules to Include the following three (3) Resolutions: 2012-317; 2012-318 and 2012-319. Motion Carried.



1. RESOLUTION 2012-317

Approve Cultural Group Funding for Cheektowaga Community Chorus, Cheektowaga Historical Association, Friends of the Woods and Cheektowaga Garden Club

Sponsored By: Councilmember Wozniak, Councilmember Markel

WHEREAS, the Town, in its 2012 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 2011 funding to the Town, NOW, THEREFORE, BE IT

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

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

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Community Chorus	\$12,000.00
Cheektowaga Historical Association	\$2,050.00
Friends of the Woods, Ltd.	\$800.00
Cheektowaga Garden Club	\$625.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2012 Town budget, subject to audit and approval of a properly signed Town voucher.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-318

Authorize Supervisor to Execute License Agreement with Airlanes Jr. Football

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of a comfort station building located in the east portion of John C. Stiglmeier Park, and

WHEREAS, the southerly end of said comfort station building was formerly used as a concession/snack stand, but has been vacant and unused for a few years, and

WHEREAS, Airlanes Junior Football of Cheektowaga, Inc. requested permission to utilize this portion of the comfort station building for a concession/snack stand and has offered to donate 75% of the proceeds from the sale of food and beverage to the Town Stiglmeier Park Steering Committee Comfort Station Fund, and

WHEREAS, the Town Attorney has prepared a license agreement to permit the use of this portion of the comfort station building to the Airlanes Junior Football of Cheektowaga, Inc.,
NOW, THEREFORE, BE IT

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

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



3. RESOLUTION 2012-319

Authorize Supervisor to Execute Agreement with Erie County Water Authority for North Willowlawn Parkway

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, North Willowlawn Parkway is a Town highway, maintained by the Town Highway Department, and

WHEREAS, in the spring/summer of 2012, the Town Highway Department will be reconstructing that portion of North Willowlawn Parkway between Dingens Street and Bismarck Street and new curbing will be installed, and"

WHEREAS, the Erie County Water Authority ("ECWA") was planning on installing a new waterline in the North Willowlawn Parkway in the near future, and

WHEREAS, rather than install the water line itself, the ECWA has offered to remit the sum of \$120,000 to the Town if the Town or its contractor would install the waterline along North Willowlawn Parkway while the Town reconstructs North Willowlawn Parkway, and

WHEREAS, the attorney for the ECWA has prepared a municipal cooperation agreement to accomplish this, which agreement has been approved as to form by the Town Attorney, NOW, THEREFORE, BE IT

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

VI. Communications

A. Departmental Communications

1. Building Permits - May 2012
2. Minutes: Town Environmental Advisory Committee - May 16, 2012
3. Minutes: Cheektowaga Public Library - Board of Trustees - May 16, 2012

B. General Communications

1. Summons & Complaint: GEICO Aso Stephen Vujcec Vs. Town of Cheektowaga

2. Summons: State of New York Mortgage Agency VS: Michael J. Tedesco, People of the State of New York C/O Cheektowaga Town Court
3. Notice of Claim: David Randle Vs. Town of Cheektowaga
4. Notice of Petition: Geico General Insurance Company, Brianna M Vujcec; Mary L. Vujcec; & Stephen M Vujcec 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 in memory of these retired Town employees who recently passed away: Joann Imiola, Clerk Typist, Sewer Maintenance; Guenter Haug, Laborer, Sanitation and Jack Strong, Laborer, Highway.

Alice Magierski, Town Clerk

June 4 meeting

		<i>S. Century Rd</i>	<i>Approach</i>	<i>Comments</i>	<i>Walk</i>
90.08-5-12	17	S. Century Rd	5		
90.08-5-15	33	S. Century Rd			3
90.08-5-16	37	S. Century Rd			2
90.08-5-17	43	S. Century Rd	10		
79.20-9-27	53	S. Century Rd	14		
79.20-9-28	59	S. Century Rd	2		2
79.20-9-29	65	S. Century Rd	3		1
79.20-9-30	7	S. Century Rd	2		1
79.20-9-32	77	S. Century Rd	1		
79.20-9-34	87	S. Century Rd	4		2
79.20-9-35	91	S. Century Rd	3		
79.20-10-15	120	Allendale Rd	3		
79.20-10-16	111	Allendale Rd	9		
79.20-10-17	76	S. Century Rd	6		
79.20-10-18	70	S. Century Rd	1		
			<hr/>		
			63		11
			<hr/>		

Attachment: S. Century Rd. Sidewalk Replacement 6.4.2012 (RES-2012-303 : Order Replacement of Sidewalks)

Comments

b/top & slanted

Lifted, b/top
Trees removed, raised & slanted

Tree



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, June, 18, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on June 18, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-320

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1355.1971	Part-Time Regular	3,000.00
	100.1355.1951	Seasonal Regular	1,768.50
TO:	100.1355.1902	Overtime Payroll	3,000.00
	100.1355.1902	Overtime Payroll	1,768.50

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



2. RESOLUTION 2012-321

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 15, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$	351,805.08
RISK RETENTION FUND		34,028.34
SPECIAL DISTRICTS FUND		383,917.93
HIGHWAY		68,300.38
CAPITAL FUND		485,322.28
TRUST & AGENCY FUND		68,813.89
HUD CDBG FUND		975.00
PART TOWN FUND		12,074.49
		<u>1,405,237.39</u>
	\$	1,405,237.39

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



3. RESOLUTION 2012-322

Negative SEQR Declaration - 2871 Broadway

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Benderson Development Co., LLC for the construction of a 1 story, 35,000 square foot office/warehouse building at 2871 Broadway, AND

WHEREAS, the subject project is the final phase of a previously approved project which included the subject building, however, such building was previously approved with a building area of 25,000 square feet, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 13, 2012 recommended a determination of non-significance as shown on the attached memorandum dated June 13, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the amended site plan at their meeting of May 10, 2012, AND

WHEREAS, this Town Board on July 7, 1998 issued a Negative Declaration pursuant the State Environmental Quality Review Act (SEQRA) for the subject site which included several office/warehousing buildings totaling 305,000 square feet in area, and then on March 25, 2005 this Town Board approved a modification of such approval to permit a building area totaling 359,800 square feet in area, AND

WHEREAS, the proposed project further increases the building area to a total of 369,800 square feet, or 10,000 square feet larger in total area, 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 re-affirms the Negative Declaration previously issued 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 any changes to the drainage/grading plan as a result of the increase in building area.

Attachments:

june13 2012 (PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Gerald Kaminski, Councilmember

SECONDER: Charles Markel, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2012-323

Negative SEQR Declaration 4989 Genesee Street

Sponsored By: Councilmember Kaminski, 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 81 & 3 of Florida, Inc. for rezoning of 6.2 acres of a 13.1 acre vacant parcel at 4989 Genesee Street, from CM- General Commercial and R- Residence to RA – Apartment District for the construction of (7) seven apartment buildings totaling (80) eighty units, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 16, 2012 recommended a determination of non-significance as shown on the attached memorandum dated May 16, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meetings of April 14, 2012 and re-affirmed their recommendation approving the rezoning request at their meeting of June 14, 2012 , AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of as many existing trees as practical and that that the final landscaping plan quantity total number of trees to be removed and that such trees be compensated for on a one to one replacement schedule pursuant to section 229-5 of the Town Code, AND

WHEREAS, a wetland delineation was performed on the 13.1 acre parcel , and which a total of 5.29 acres wetlands have been identified, of which, 3,206 square feet of said wetlands will have to be disturbed with the permission from the US Army Corps of Engineers, AND

WHEREAS, the remaining wetlands and a 100 foot buffer area will be preserved on the subject parcel and remain undisturbed as open space, AND

WHEREAS, the applicant conducted a cultural resource survey to determine the presence of archaeological and historic resources on the premises, which has been reviewed by the New York State Office of Parks, Recreation and Historic Preservation and found that the subject project will not have any impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places, AND

WHEREAS, the applicant also conducted a traffic impact study at the request of the Town Traffic Safety Commission to determine if a traffic signal could be warranted to improve traffic safety for this project and the adjacent/opposing land uses, AND

WHEREAS, the results of the Traffic Impact Study Concluded that a traffic signal does not meet the warrants as established by the Manual of Uniform Traffic Control Devices (MUTCD) at this time, AND

WHEREAS, the applicant has modified his site original plan by re-orienting buildings to address the concerns expressed by neighboring residences to the west and to improve a visual break for such affected residences, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer Reviewing /approving the civil plans for drainage, grading, and adequate provisions for sanitary sewer and water services.
2. The landscaping plan being amended to quantify all trees over four inches in caliper to be removed, and a compensation plan provided for their replacement on a 1 for 1 schedule consistent with the requirement of section 229-5 of the Town Code.
3. The applicant establishing a perpetual vehicular easement a minimum of 24 feet in width along the westerly property line to permit a future driveway connection for the neighboring manufactured home park, if a future traffic signal can be warranted as indicated in the applicants Traffic Impact Study.
4. The applicant obtains the necessary wetland permit from the US Army Corps of Engineers and the NYSDEC.
5. The internal pedestrian walkway be amended to provide for greater connectivity between sidewalks.

Attachments:

Site Plan 4989 Genesee_issued_3_26_12 (PDF)

may 16 2012(PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Gerald Kaminski, Councilmember

SECONDER: Charles Markel, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-324

Adopt Local Law No. 2 of 2012 - a Local Law to Amend the Town Zoning Map to Rezone 4989 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, 81 & 3 of Florida, Inc. petitioned for a rezoning from CM-General Commercial District and R-Residence District to RA-Apartment District for property owned by Ralph M. Fudoli Revocable Trust and located at 4989 Genesee Street, Cheektowaga, New York (S.B.L. No. 102.03-2-11.22), which property is described in the attached legal description, for the construction of a 80-unit apartment complex, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of July, 2011 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 Local Law No. 2 of the Year 2012 entitled " A Local law to Amend the Town Zoning Map to Rezone 4989 Genesee Street", 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 2012 shall be effective upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State.

LOCAL LAW NO. 2 OF THE YEAR 2012
A LOCAL LAW TO AMEND THE TOWN
ZONING MAP TO REZONE 4989 GENESEE STREET

The Official Zoning Map of the Town of Cheektowaga, as referenced in Section 260-5 of the Zoning Law, is hereby amended to rezone the following described property known as 4989 Genesee Street from CM-General Commercial District and R-Residence District to RA-Apartment District,

The Zoning Map and Law of the Town of Cheektowaga is hereby 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. 75, Township 11 range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the South line of Genesee Street, said point also being distant 1.507,38 feet Westerly from the center line of Transit Road as measured along the South line of Genesee Street;

Course#1: Thence southerly along a line drawn parallel with the West line of said Lot No. 75 and also along the East line of the lands so conveyed to said Schmukal. 1110.26 feet to a point; Six courses Easterly along a wetland buffer line describe as follow:

Course#2: Thence Easterly along a line forming an interior angle of $54^{\circ} 54' 57''$, a distance of 95.79 feet to a point;

Course#3: Continuing Easterly along a line forming an exterior angle of $110^{\circ} 24' 33''$, a distance of 138.53 feet to a point;

Course#4: Continuing Easterly along a line forming an exterior angle of $137^{\circ} 20' 31''$, a distance of 75.64 feet to a point;

Course#5: Continuing Easterly along a line forming an interior angle of $150^{\circ} 34' 12''$, a distance of 32.21 feet to a point;

Course#6: Continuing Easterly along a line forming an exterior angle of $171^{\circ} 33' 19''$, a distance of 57.30 feet to a point;

Course#7: Continuing Easterly along a line forming an interior angle of $156^{\circ} 59' 28''$, a distance of 17.01 feet to a point on easterly of land;

Course#8: Thence Northerly in a straight line to a point, said point being distant 472.60 from the south line of Genesee Street, and 500.00 feet from South line of Genesee Street as a former 66" road.

Course#9: Thence westerly along a line parallel with Genesee Street a distance of 135.00 feet to a point

Course#10: Thence Northerly in a straight line to a point on the Southerly line of said Genesee Street distant 167.68 feet Easterly from the point of beginning

Course#11: Thence Westerly along the Southerly line Genesee Street, 167.68 feet to the point or place of beginning

Containing 6.2 acres more or less.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-325

Accept Site Plan- Burgess Blvd. - ALOFT Hotel

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 Magna Airport, LLC for the construction of a (6) six story (153) room hotel along the east side of Burgess Boulevard, AND

WHEREAS, the site plan for the subject hotel project was previously approved by this Town Board, and which is now expired due the applicant's failure to obtain a building permit within one year of the original site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 14, 2012 is recommending the re-approval of the site plan, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals previously approved area variances for the subject hotel for building height and parking setbacks, which have also expired, AND

WHEREAS, on March 17, 2008 this Town Board previously issued a negative declaration pursuant to the State Environmental Quality Review Act (SEQR) for the subject hotel project, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, and re-affirms the Negative Declaration previously issued on March 17, 2008, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer reviewing approving the civil plans.
2. The applicant meeting conditions 2, 4 and 5 as referenced in the original resolution of approval dated March 17, 2008.
3. The Cheektowaga Zoning Board of Appeals re-approving the area variances which have expired.

Attachments:
june13 2012 (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2012-326

Change Order No. 4 - HVAC Work (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for HVAC Work for the Police & Court Building Renovations and Addition was awarded by Town Board Resolution dated September 7, 2010 to MLP Plumbing & Mechanical, Inc., 3198 Union Road, Suite 300, Cheektowaga, New York 14227 in the amount of \$1,818,000.00, AND

WHEREAS, the project architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 4 (HVAC Work) which provides for an addition to the original contract amount as further outlined on the change order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 4 (HVAC Work) for the Police and Court Building Renovations and Addition, in the amount of \$6,982.64 as an addition to the contract of MLP Plumbing & 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 document on behalf of this Town Board, chargeable to Account #500-1440-2528-5025.

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



8. RESOLUTION 2012-327

Home Rule Request for Revised Legislation to Extend Golf Course Lease

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, by resolution dated May 21, 2012 (Resolution 2012-287), this Town Board made a Home Rule Request to the State Legislature to enact Assembly Bill No. A.2583/Senate Bill No. S.3330 to authorize the Town to lease parkland to Garrett, LLC for an additional ten (10) years for the Diamond Hawk golf course, and

WHEREAS, the Senate and Assembly have made minor technical amendments to said legislation, which requires a new Home Rule Request from this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill A.2583-B and Senate Bill S.3330-A, and BE IT FURTHER

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

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



9. RESOLUTION 2012-328

Authorize Supervisor to Execute Agreement with N.Y.S. Department Of Environmental Conservation for Tree Inventory Project

Sponsored By: Councilmember Kaminski, Supervisor Holtz

BE IT RESOLVED, that Mary F. Holtz, as Supervisor of the Town of Cheektowaga, or such person's successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$25,000, and upon approval of said request, to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Town of Cheektowaga for the Town of Cheektowaga Tree Inventory Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



10. RESOLUTION 2012-329

Authorize ECWA to Install Hydrant

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Erie County Water Authority (ECWA) proposes the installation of an eight inch (8") water-main extension on the south side of Ellicott Road approximately 275 feet in length fronting properties located at #570 Ellicott Road and the Ellicott Road frontage of #3940 Broadway with a new hydrant installation being proposed near the eastern property line of #3940 Broadway, within the Ellicott Road right-of-way, resulting in a spacing of approximately 500 lineal feet from the nearest hydrant located west of #55 Ellicott Road (hydrant K10C33), identified as ECWA Project No. 201200152, AND

WHEREAS, by letter dated June 4, 2012, the Forks Fire District #3 Board of Fire Commissioners have notified the Town Engineer of their unanimous support for the installation of the hydrant at the proposed location, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) hydrant at the aforesaid location in conjunction with the main extension project on Ellicott Road and that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the ECWA for said hydrant, which charges shall be funded by the respective hydrant district, AND, BE IT FURTHER

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

Mr. Richard Rosenberry
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2012-330

Approve Purchase and Installation of Radio Tower

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga is interested in improving the wireless communications systems between the Main Town Campus, the Facilities Department located at 500 Losson Road and Southline Fire Dept., located at 1049 French Road in order to be able to provide better and quicker service to Town residents and to otherwise enhance public safety; and

WHEREAS, Saia Communications, Inc., has proposed the installation of a replacement radio tower at 500 Losson Road necessary to provide the Town with improved wireless services; and

WHEREAS, the said radio tower will be installed and grounded, and will include the necessary lightning protection to keep lightning damages to a minimum; and

WHEREAS, Saia Communications, Inc. Was awarded the New York State contract (State Contract Group No. 77200, RFP #19521) to provide radio towers throughout the State, and has offered the Town of Cheektowaga a preferred discount rate for a contract price of \$16,494.32, which is less than the New York State contract price; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to utilize the New York State contract for the purchase and installation of the aforesaid radio tower through Saia Communications, Inc., for the sum of \$16,494.32; and BE IT FURTHER

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

RESOLVED, that funds for this project shall be appropriated from budget line 100-1680-2202.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2012-331

Application for New York State Affordable Housing Corporation Funding

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, said funds can be used in conjunction with Community Development Block Grant 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 \$450,000 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 Timothy Kennedy.

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



13. RESOLUTION 2012-332

Special Event - North Cheektowaga Amateur Athletic Association Parade

Sponsored By: Councilmember Markel, 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 North Cheektowaga Amateur Athletic Association (NCAAA) has made application to hold its Baseball "Kickoff" Parade on Saturday, June 23rd, 2012, from 11:00 a.m. to 1:00 p.m., said parade to begin on Nagel Drive, to George Urban Boulevard through Tops parking lot, proceeding to ball diamonds ; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the 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 23rd, 2012 at 11:00 a.m.; BE IT FURTHER

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

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



14. RESOLUTION 2012-333

Special Event-German American Festival

Sponsored By: Councilmember Rogowski, 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 Federation of German-American Societies has made application to hold its annual German-American Festival in Cheektowaga Town Park September 1st and 2nd, 2012; 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 1st and 2nd, 2012..

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



15. RESOLUTION 2012-334

Unsafe-Unsecured/36 Trudy 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 36 Trudy Lane, Cheektowaga, New York SBL# 113.65-2-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Edward J. Hylant, 36 Trudy Lane, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 36 Trudy Lane, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



16. RESOLUTION 2012-335

Unsafe-Unsecured/392 French 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 392 French Road, Cheektowaga, New York SBL# 125.09-2-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Earl C. Smith, 2987 Seneca Street, Buffalo, New York 14224 and Jean M. Smith, 392 French Road, Cheektowaga, New York 14227 As the owner AND

WHEREAS, an inspection of such premises was conducted at 392 French Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



17. RESOLUTION 2012-336

Unsafe-Unsecured/2627 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 2627 Genesee Street, Cheektowaga, New York SBL# 91.78-2-6 that is a danger to the safety of others, and records kept by the Assessors Office identify Sunoco, Inc. (R&M), 1735 Market Street, Ste LL, Philadelphia, PA 19103, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2627 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



18. RESOLUTION 2012-337

Unsafe-Unsecured/29E 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 29E Glenwood Court, Cheektowaga, New York SBL# 91.15-2-21 that is a danger to the safety of others, and records kept by the Assessors Office identify John W. Koksich, 29E Glenwood Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 29E 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.

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



19. RESOLUTION 2012-338

Unsafe-Unsecured/274 Cherokee 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 274 Cherokee Drive, Cheektowaga, New York SBL# 91.19-7-19 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert A. Maccubbin, 1107 Sheridan Drive, Tonawanda, New York 14150, as the owner AND

WHEREAS, an inspection of such premises was conducted at 274 Cherokee Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



20. RESOLUTION 2012-339

Unsafe-Unsecured/95 Pinehurst Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 95 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-43 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas & William Mauerman, 95 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Pinehurst Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



21. RESOLUTION 2012-340

Unsafe-Unsecured/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, 2219 Harbour Lake Drive, Fleming Island, New York 32003, as the owner AND

WHEREAS, an inspection of such premises was conducted at 9 Siberling Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



22. RESOLUTION 2012-341

Unsafe-Unsecured/11E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 11E Windwood Court, Cheektowaga, New York SBL# 91.14-3-1.2 That is a danger to the safety of others, and records kept by the Assessors Office identify David F. & Brenda J. Smaczniak, 11E Windwood Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 11E Windwood Court Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



23. RESOLUTION 2012-342

Unsafe-Unsecured/19E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 19E Windwood Court, Cheektowaga, New York SBL# 91.14-2-13 that is a danger to the safety of others, and records kept by the Assessors Office identify Marie M. Hayes, 19E Windwood Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 19E Windwood Court, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



24. RESOLUTION 2012-343

Unsafe-Unsecured/44 Ridge Park 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 44 Ridge Park Avenue, Cheektowaga, New York SBL# 102.53-3-9 That is a danger to the safety of others, and records kept by the Assessors Office identify Mark A. & Karen J. Gaskin, 2254 Lynbrook Court, Pittsburg, CA 94565, as the owner AND

WHEREAS, an inspection of such premises was conducted at 44 Ridge Park Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



25. RESOLUTION 2012-344

Unsafe-Unsecured-Graffiti/77 David 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 77 David Avenue, Cheektowaga, New York SBL# 102.21-7-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas J. Petrizzo, 35 South Street, Oyster Bay, New York 11771, as the owner AND

WHEREAS, an inspection of such premises was conducted at 77 David Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



26. RESOLUTION 2012-345

Demolition of Shed/55 Peinkofer 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 55 Peinkofer Drive, Cheektowaga, New York SBL# 91.11-2-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Jennifer E. Reid, PO Box 305, Depew, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 55 Peinkofer Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



27. RESOLUTION 2012-346

Demolition of Shed/56 Benz Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 56 Benz Drive, Cheektowaga, New York SBL# 114.20-4-30 that is a danger to the safety of others, and records kept by the Assessors Office identify Scott & Bounmy Manirath, 56 Benz Drive, Cheektowaga, New York 14043, as the owner AND

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

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

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

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

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

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



28. RESOLUTION 2012-347

Demolition of Shed/621 Losson 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 621 Losson Road, Cheektowaga, New York SBL# 114.18-1-6 That is a danger to the safety of others, and records kept by the Assessors Office identify Emerald Gardens Inc. , 5270 Transit Road, Depew, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 621 Losson Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



29. RESOLUTION 2012-348

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Nicole Habermehl	8/12/2011	14225
Annie Maran	Never worked	14227
Adam McPherson	Never worked	14225
Nallali Mendez	Never worked	14225
Tabitha Slachciak	8/22/2011	14212
Amy Wroblewski	5/19/2012	14225

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2012-348; 2012-349 and 2012-350. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



30. RESOLUTION 2012-349

Youth & Recreation Hire/Transfer

Sponsored By: Councilmember Wozniak, 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 - \$7.25 - 7310.1814 - Part-time
Lindsay Cieslinski 14227

Recreation Attendant - \$7.25 - 7140.1636 - Regular Part-time
Nicholas Sikora 14206

Recreation Attendant - \$7.35 - 7140.1642 - Seasonal
John P. Nazzarett 14227

Recreation Aide - \$7.25 - 7310.1801 - Part-time - Retro to 6/4/12
Elizabeth Langa 14043
Michael McGregor 14227
Morgan Miecznikowski 14225
Brian Wroblewski 14225

Recreation Attendant - \$7.25 - 7310.1801 - Seasonal - Retro to 6/4/12
Sean McGowan 14227
Elizabeth Ruthenberg 14225
Ryan Trapper 14225

BE IT FURTHER RESOLVED, the following information be amended as follows:

Lifeguard - "Level I" - \$8.25 - 7180.1903 - Seasonal - Retro to 6/4/12
Shelby Metzger 14043

Recreation Attendant - \$8.00 - 7140.1613 - Seasonal - Retro to 6/4/12
Marcus Rosten 14225

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



31. RESOLUTION 2012-350

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 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:

SANITATION DEPARTMENT Laborer \$8.00/hour
 Jerry L. Rainey, Cheektowaga, New York effective 6/05/12
 Christopher P. Schlegel, Depew, New York effective 6/05/12
 Chad D. Shures, Cheektowaga, New York effective 6/08/12

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

SANITATION DEPARTMENT
 Chad D. Shures effective 6/09/12

POLICE DEPARTMENT
 Christopher S. Suszek effective 3/6/10

BE IT RESOLVED, that the following employee's status be and hereby is amended as follows:

FACILITIES DEPARTMENT (Parks Division) Seasonal to Part Time Laborer \$8.00/hour
 John E. Gluszek, Sloan, New York effective 6/05/12

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



32. RESOLUTION 2012-351

Appointment of Senior Clerk Typist Temporary/Justice Court (Jill M. Baszczynski)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

WHEREAS, Jill M. Baszczynski, 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 Jill M. Baszczynski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Senior 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 June 18, 2012.

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



33. RESOLUTION 2012-352

Travel Authorization Office of the Town Assessor/Town Assessor Jeneen McSkimming and Senior Assessment Clerk Jill Oxley

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a Seminar on Appraising is being held July 16 through July 21, 2012 at Cornell University in Ithaca, New York; AND

WHEREAS, Town Assessor Jeneen McSkimming and Senior Assessment Clerk Jill Oxley have been recommended to attend said seminar; AND

WHEREAS, Ms. McSkimming 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 \$375; AND

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

RESOLVED, that Town Assessor Jeneen McSkimming and Senior Assessment Clerk Jill Oxley be and hereby are authorized to attend a Seminar on Appraising being held July 16 through July 21, 2012 at Cornell University in Ithaca, New York.

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

IV. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to suspend the rules to include the following two (2) resolutions: 2012-353 and 2012-354. Motion carried.
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1. RESOLUTION 2012-353

Determination of Environmental Significance - Urban Forestry Grant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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, the Town Board as Lead Agency, must make a determination of environmental significance pursuant to the State Environmental Review Act (SEQR) prior to approving certain actions, AND

WHEREAS, this Town Board desires to seek a matching grant from the New York State Department of Environmental Conservation (NYSDEC) for an Urban Forestry Grant to conduct a tree inventory, AND

WHEREAS, this Town Board has determined that such application is considered a type II action which is exempt from the provisions of SEQR, pursuant to section 617.5 of the SEQR Regulations, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board has determined that seeking the subject grant will not have a significant effect on the environment and not subject to the requirements of SEQRA

Attachments:

EAF Tree Inventory Project (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2012-354

Memorialize NYS Assembly and Assembly Education Committee to Approve Legislation to Require Schools to Provide CPR Training to Students

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, by resolution dated March 5, 2012 (Resolution 2012-137), this Town Board memorialized the State Legislature and Governor to enact into law Assembly Bill No. A3980-A/Senate Bill No. S2491-A, which would require schools to offer instruction in cardiopulmonary resuscitation as part of the high school health curriculum, and

WHEREAS, this legislation would not require all students to be "certified" in CPR; it only requires that they learn the basic skills, and

WHEREAS, on June 14, 2012, this bill passed the New York State Senate and was delivered to the New York State Assembly for action, and

WHEREAS, the New York State Assembly referred the bill to its Education Committee, and

WHEREAS, this Town Board feels strongly that this legislation can save lives and needs to be enacted into law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Assembly Education Committee to recommend approval of this legislation, and BE IT FURTHER

RESOLVED, that this Town Board hereby also strongly memorializes the New York State Assembly and Governor to act with all due speed in enacting this legislation into law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to New York State Assemblyman Dennis H. Gabryszak, Governor Andrew Cuomo, New York State Assemblywoman Catherine Nolan (Assembly District 37), Chairwoman of the Assembly Education Committee and to all other members of the Assembly Education Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

V. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Traffic Safety Commission - May 15, 2012
2. Minutes: Cheektowaga Planning Board - May 10, 2012

B. General Communications

1. Notice of Claim: Carolyn Converso Vs. Town of Cheektowaga
2. Notice of Claim: Jacob B. Harwell Vs. Town of Cheektowaga
3. Notice of Claim: Marilyn Liszewski Vs. Town of Cheektowaga
4. Notice of Claim: Denise Merrell Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to adjourn the meeting at 7:54 PM

Alice Magierski, Town Clerk

The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490

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 13, 2012

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 13, 2012 in the Town Hall Council Office Conference Room.

ITEM I Burgess Blvd. – 6 story, 153 room hotel

Applicant: Magna Airport, LLC/Aloft

The project was originally submitted to the Town in 2007. At that time an 8 story hotel had been proposed. After some review and discussion the hotel was reduced to 6 stories. It was given a Negative Declaration 2/08 and rezoning in 3/08.

The project had been shelved because of a lack of funding.

The applicant has now proposed to construct the project, identical to the previously approved project. The only change in the area is that another hotel has constructed additional parking to the north of the site.

The EAC reaffirms the Negative Declaration for the project and recommends re-approval by the Town Board.

ITEM II 2839-2871 Broadway – Warehouse/office building

Applicant: Benderson Development Co., LLC

The building would be located within the Broadway Development Park on Broadway adjacent to the NYS Thruway. This is the last building that had been approved a number of years ago when

the park was first proposed. This was presented to the Town because the building would be 10,000 square feet larger than originally presented.

Even with the increase the EAC finds no additional impact and would recommend a Negative Declaration be issued for the project.

ITEM III 3700 Harlem Road – Proposed plaza with a retail space

Applicant: Benderson Development Co., LLC

The site is located at the southwest corner of Cleveland Drive and Harlem Road. Originally a store and bank buildings were proposed. Concern had been raised by the access points to the main roads so near the roundabout. A speed study had been conducted by the applicant and submitted to the NYSDOT. They have approved the driveway locations.

The applicant has a convenience store signed to the site with a different footprint, therefore a new site plan must be submitted. The Planning Board will look at this project on 6/14 and the elevations submitted.

A variance will be needed to have the building close to the front property line.

This item will remain tabled for submission of the new site plan.

ITEM IV 2536 Union Road – Site Plan – Conversion of a dwelling into an office

Applicant: Optima Design and Engineering, PLLC

The applicant has shown the required parking and driveway. They owners are attempting to obtain permission to tie into the access road for the Carefree Mobile Home Park.

A Negative Declaration is recommended subject to an approved tree mitigation plan and continued attempts at obtaining access to Carefree's road.

**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY July 11, 2012 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490

To: Supervisor Mary F. Holtz
Honorable Town Board Members
Alice Magierski, Town Clerk
Kevin Schenk, Town Attorney

From: Thomas Adamczak
Supervising Code Enforcement Officer

Date: May 16, 2012

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 16, 2012 in the Town Hall Council Office Conference Room.

ITEM I 4989 Genesee Street – Rezoning request CM/R to RA for an 84 unit apartment complex

Applicant: Bella Vista Group

The applicant had a Traffic Impact Study (TIS) completed for the project and has submitted it for review. It concluded that the project does not meet the warrants for a traffic signal at this time. When the hotels on the north side of Genesee are completed and the mobile home park is connected the conditions would need review to determine if warrants are met.

At the present time the owners of Calla Point do not desire to connect with the complex. The applicant was told it would be to his benefit to create a perpetual access easement at the point where he wants to connect to the park.

The committee would recommend a negative declaration be issued for the project subject to submission of a tree mitigation plan, Traffic Safety Committee concurrence with the TIS, approval of the Town Engineer of the final drainage plan and the applicant providing a perpetual access easement along his westerly property line to allow for a future driveway connection with the neighboring manufactured home park, to permit the closure of the existing driveway along Genesee Street if and when a signal is installed.

ITEM II 2536 Union Road – Conversion of a residence into a law office with parking lot

Applicant: Optima Design and Engineering, PLLC

The property is located adjacent to Carefree Lane and south of a daycare facility. A number of revisions need to be made to the plan. The driveway needs to be widened to 24', a pedestrian accessible route to the entrance is required and the NYSDOT needs to approve the drainage tie-in.

The applicant was encouraged to attempt an access agreement with Carefree Mobile Home Park to access their road.

Public comment is open to 6/7 therefore this item will remain tabled for further review and comment.

III 3781 ITEM Broadway – Proposed 5,040 Square foot storage building

Applicant: Main Tire Exchange

The site is presently occupied by Main Tire and a trucking firm. The entire site is blacktop and stone. There were no concerns as this building will be used to store tires presently stored in shipping containers on the site.

The committee would recommend a negative declaration be issued for the project.

ITEM IV 2839-2871 Broadway – Proposed 35,000 square foot office/warehouse

Applicant: Benderson Development Co., LLC

The site is the Broadway Development Park adjacent to the NYS Thruway. The stone pad exists at the front of the park and would be occupied by the final building of the park.

The Traffic Safety Committee has recommended two additional handicapped parking spaces.

Public comment is open to 6/7 and this project will remain tabled for review and comment

**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY JUNE 13, 2012 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490

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 13, 2012

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 13, 2012 in the Town Hall Council Office Conference Room.

ITEM I Burgess Blvd. – 6 story, 153 room hotel

Applicant: Magna Airport, LLC/Aloft

The project was originally submitted to the Town in 2007. At that time an 8 story hotel had been proposed. After some review and discussion the hotel was reduced to 6 stories. It was given a Negative Declaration 2/08 and rezoning in 3/08.

The project had been shelved because of a lack of funding.

The applicant has now proposed to construct the project, identical to the previously approved project. The only change in the area is that another hotel has constructed additional parking to the north of the site.

The EAC reaffirms the Negative Declaration for the project and recommends re-approval by the Town Board.

ITEM II 2839-2871 Broadway – Warehouse/office building

Applicant: Benderson Development Co., LLC

The building would be located within the Broadway Development Park on Broadway adjacent to the NYS Thruway. This is the last building that had been approved a number of years ago when

the park was first proposed. This was presented to the Town because the building would be 10,000 square feet larger than originally presented.

Even with the increase the EAC finds no additional impact and would recommend a Negative Declaration be issued for the project.

ITEM III 3700 Harlem Road – Proposed plaza with a retail space

Applicant: Benderson Development Co., LLC

The site is located at the southwest corner of Cleveland Drive and Harlem Road. Originally a store and bank buildings were proposed. Concern had been raised by the access points to the main roads so near the roundabout. A speed study had been conducted by the applicant and submitted to the NYSDOT. They have approved the driveway locations.

The applicant has a convenience store signed to the site with a different footprint, therefore a new site plan must be submitted. The Planning Board will look at this project on 6/14 and the elevations submitted.

A variance will be needed to have the building close to the front property line.

This item will remain tabled for submission of the new site plan.

ITEM IV 2536 Union Road – Site Plan – Conversion of a dwelling into an office

Applicant: Optima Design and Engineering, PLLC

The applicant has shown the required parking and driveway. They owners are attempting to obtain permission to tie into the access road for the Carefree Mobile Home Park.


A Negative Declaration is recommended subject to an approved tree mitigation plan and continued attempts at obtaining access to Carefree's road.

**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY July 11, 2012 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Cheektowaga	2. PROJECT NAME Town of Cheektowaga Tree Inventory
3. PROJECT LOCATION: Municipality Cheektowaga County Erie	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Township excluding the Villages of Depew and Sloan	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Data collection of approximately 35,000 existing trees and/or potential tree planting locations within street rights of way for long term urban forest management plan.	
7. AMOUNT OF LAND AFFECTED: Initially <u>390 lanc miles</u> acres Ultimately <u>390 lanc miles</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NYSDEC - Urban Forestry Grant Approval/ Town of Cheektowaga Town Board matching funds.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Town of Cheektowaga</u>	Date: <u>June 15, 2012</u>
Signature: 	<u>Daniel J. Ulatowski, AICP, Town Planner</u>

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER
1

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
no

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
no

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
no

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
no

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
no

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
no

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
no

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Checktowaga June 15, 2012

Name of Lead Agency Date

Mary F. Holtz Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Signature of Responsible Officer in Lead Agency  Signature of Preparer (If different from responsible officer)

Reset

Attachment: EAF Tree Inventory Project (RES-2012-353 : Determination of Environmental Significance- Urban Forestry Grant)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Alice Magierski
716-686-3400

Monday, July 2, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 2, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Brian Krause, Director of Finance and Administration
Michael Lumadue, Deputy Highway Superintendent
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 2012-355

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

HIGHWAY FUND

FROM:	300.5140.4291	Shade Trees	\$ 10,000.00
	300.5148.4029	Services Other Gov't	3,500.00
TO:	300.5130.4462	Parts & Supplies	\$ 13,500.00

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



2. RESOLUTION 2012-356

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 29, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,625,601.75
RISK RETENTION FUND	116,646.38
DEBT SERVICE FUND	279,072.00
HUD HOUSING REHABILITATION FUND	8,395.00
SPECIAL DISTRICTS FUND	3,282,182.96
HIGHWAY FUND	565,675.94
CAPITAL FUND	520,823.49
TRUST & AGENCY FUND	12,405.90
HUD CDBG FUND	2,548.76
PART TOWN FUND	127,963.89
NYS AFFORDABLE HOUSING	<u>2,814.00</u>
	\$ 8,544,130.07

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



3. RESOLUTION 2012-357

Call for Public Hearing - Local Law Intro No. 2012-2 of the Year 2012 - a Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, Section 260-5 of the Zoning Law adopted the Official Zoning Map by reference, and declared the same to be part of the Zoning Law of the Town of Cheektowaga, and

WHEREAS, Article X of the Zoning Law provides the authorization and procedure by which the Official Zoning Map may be amended in accordance with New York State Town Law sections 264 and 265, and

WHEREAS, the Official Zoning Map, being part of the Zoning Law of the Town of Cheektowaga, requires amendments to be made pursuant to Municipal Home Rule Law; such requirement is contrary to the provisions of Article X of the Zoning Law, and

WHEREAS, it is the intent of this Town Board that amendments to the Official Zoning Map (a/k/a rezonings) be made pursuant to Article X of the Zoning Law and Sections 264 and 265 of the Town Law; as such, the Official Zoning Map would no longer be part of the Zoning Law but instead would be part of the ordinances and resolutions of the Town of Cheektowaga, and

WHEREAS, the Petitions Committee and the Town Attorney have recommended that this Town Board enact revisions to the Zoning Law to remove the Zoning Map there from, and

WHEREAS, such revisions would also apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map, and

WHEREAS, a draft of the proposed amendment to the Zoning Law has been prepared, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 16th day of July, 2012 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2012-2 of the Year 2012 entitled "A Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map"

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

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 16th day of July, 2012 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 2012-2 of the Year 2012, entitled "A Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map". Following is the text of the proposed Local Law Intro No. 2012-2:

**LOCAL LAW INTRO NO. 2012-2 OF THE YEAR 2012
A LOCAL LAW TO AMEND THE ZONING LAW RELATING TO
AMENDMENTS TO THE OFFICIAL ZONING MAP**

1. Section 260-5, entitled "Incorporation of Zoning District Maps" is amended to read as follows:

Section 260-5. Zoning District Maps

- A. The aforementioned districts are designated by symbols and the location and boundaries of said districts are shown on the Official Zoning Map or Maps, which together with all explanatory matters thereon, is hereby declared to be part of the ordinances and resolutions of the Town of Cheektowaga. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map after a resolution adopting such changes has been adopted by the Town Board.
- B. As evidence of the authenticity of the "Zoning Maps for the Town of Cheektowaga, New York", said maps and amendments thereto shall be fully certified by the Town Clerk and shall be posted and filed according to law.

2. This amendment shall take effect immediately upon filing with the Secretary of State and shall apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map of the Town of Cheektowaga.

Dated: July 2, 2012

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE

COUNTY, NEW YORK.

ALICE MAGIERSKI
Town Clerk

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



4. RESOLUTION 2012-358

Notice to Bidders - Refuse Cart Lifting Systems

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the implementation of enhancements to Town refuse collection operations utilizing roll out totes requires installation of refuse cart lifting systems and associated modifications to the existing Sanitation Department's packer fleet, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Furnishing and Installation of Refuse Cart Lifting Systems, said Notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18th day of July, 2012 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 18, 2012 at 11:00 am, Local Time, at the Town Hall, corner of Broadway and Union Roads, for the Furnishing and Installation of Refuse Cart Lifting Systems.

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 and Installation of Refuse Cart Lifting Systems" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

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

Alice Magierski
Town Clerk

DATED: July 2, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2012-359

Notice to Bidders - Furnishing of Refuse Collection Totes

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, this Town Board desires to advance the implementation of a Town Wide Refuse Collection Roll Out Tote Program to enhance refuse collection operations, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Furnishing of Refuse Collection Totes, said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18th day of July, 2012 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 18, 2012 at 11:00 am, Local Time, at the Town Hall, corner of Broadway and Union Roads, for the Furnishing, Delivery, Assembly and Town Wide Distribution of 65 and 95 Gallon Refuse Totes.

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, Delivery, Assembly and Town Wide Distribution of 65 and 95 Gallon Refuse Totes" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

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

Alice Magierski
Town Clerk

DATED: July 2, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-360

Notice to Bidders For Asbestos Survey for Property Located at 2354 Genesee Street

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, pursuant to the Town's Unsafe Buildings Law, Nussbaumer & Clarke, Inc., a duly authorized agent of the Town of Cheektowaga, has issued a written report stating that the building located at 2354 Genesee Street is unsafe and recommended that such building be demolished; and

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

WHEREAS, a hearing was held in front of this Board on the 4th day of June, 2012 concerning said unsafe building and requested demolition; and

WHEREAS, the Town of Cheektowaga needs to take action to demolish the building located on said property in the event the owner of same does not do so; and

WHEREAS, prior to demolition of said property, the Town needs to have an asbestos survey done to determine whether there is asbestos in the building; and

WHEREAS, a Notice to Bidders has been prepared for this matter; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders for the Asbestos Survey, Specifications and Air Monitoring Services for 2354 Genesee Street in the Town of Cheektowaga; and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that bids for the Asbestos Surveys, Specifications and Air Monitoring Services for 2354 Genesee Street shall be due no later than Wednesday, July 11, 2012 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 said bids in the Council Chambers of Town Hall on Wednesday, July 11, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, July 11, 2012 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for an asbestos survey, asbestos specifications preparation, and air monitoring services for property located at 2354 Genesee Street, Cheektowaga, New York.

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: 2 July 2012

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



7. RESOLUTION 2012-361

Negative SEQR Declaration- 2536 Union Road

Sponsored By: Councilmember Kaminski, 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 Optima Design & Engineering, PLLC for the conversion of an existing dwelling at 2536 Union Road to an administrative office, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 13, 2012 recommended a determination of non-significance as shown on the attached memorandum dated June 13, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of June 14, 2012, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council has reviewed the subject project and is recommending that monies in lieu of (6) replacement trees be accepted by the Town Board as mitigation for the trees removed from the premises, without prior authorization, pursuant to section 229-5B of the Town Code, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. The site plan being amended to show an additional (6) trees, or monies in lieu offered for consideration by the Town Board.

Attachments:

Amended Site-Plans-6-4-12(PDF)

EAC Minutes June13 2012 (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Gerald Kaminski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2012-362

Accept Site Plan for Exterior Dining Area - Taps Restaurant, Walden Galleria Mall

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 John Ecklund/ Pyramid Walden Company, LP for the construction of an exterior dining area for Taps Restaurant at the Walden Galleria Mall ,AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 14, 2012 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 site plan being amended to show a maximum of 41 exterior seats, consistent with the requirements of section 260-48.1B of the Zoning Law.

Attachments:

Plans(PDF)

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



9. RESOLUTION 2012-363

Accept Site Plan for Exterior Dining Area- 3637 Union Road, Ted's Hot Dogs

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 Sutton Architecture, PLLC /Ted's Hot Dogs for the construction of an exterior dining area at 3637 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 14, 2012 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.

Attachments:

Site Plan (PDF)

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



10. RESOLUTION 2012-364

Accept Site Plan for Exterior Dining Area- 3385 Union Road, Theodore's

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 Theodore's Original Charcoal Broiled Hot Dogs, Inc./ Benderson Development Co., LLC for the construction of an exterior dining area at 3385 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 14, 2012 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.

Attachments:

Theodores 3385 Union Road (PDF)

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



11. RESOLUTION 2012-365

Approve Cultural Group Funding for Arts Society of Cheektowaga, Cheektowaga Art Guild and Cheektowaga Cultural Society

Sponsored By: Councilmember Wozniak, Councilmember Markel

WHEREAS, the Town, in its 2012 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 2011 funding to the Town, NOW, THEREFORE, BE IT

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

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

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Arts Society of Cheektowaga	\$1,200.00
Cheektowaga Art Guild	\$1,200.00
Cheektowaga Cultural Society	\$3,150.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2012 Town budget, subject to audit and approval of a properly signed Town voucher.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2012-366

Purchase of Faithful Performance and Computer Fraud Insurance

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town's Faithful Performance Insurance Coverage and Computer Fraud and Funds Transfer Insurance expired on June 30, 2012, and

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited proposals for the renewal of these insurance coverages, and

WHEREAS, Travelers Insurance Company (through Lawley Service, Inc.) offered coverage which would combine police officers in with other departments and increase the limit Faithful Performance on all employees to \$1,000,000 plus \$1,000,000 of Computer Fraud for an annual premium of \$3,838.00, and

WHEREAS, this quote is substantially less than what the Town of Cheektowaga was previously paying for this coverage, and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from Travelers Insurance Company (through Lawley Service, Inc.) for Faithful Performance (\$1,000,000 limit) and Computer Fraud coverage (\$1,000,000 limit) with \$10,000 deductible) for an annual premium of \$3,838.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the above referenced Town's Faithful Performance coverage insurance to Travelers Insurance Company, through Lawley Service, Inc., (\$1,000,000 limit with \$10,000 deductible); and Computer Fraud Coverage (\$1,000,000 limit with \$10,000 deductible) for an annual premium of \$3,838.00 for the period July 1, 2012 to June 30, 2013, and BE IT FURTHER

RESOLVED, that payment for said insurance premium shall be appropriated from budget line item number 101.1710.4101, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

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



13. RESOLUTION 2012-367

Purchase of Excess Liability Insurance

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is a self funded insurer for liability claims, and

WHEREAS, the Town Board requested Holfoth Risk Management, the Town's insurance consultant, to solicit proposals for excess liability insurance coverage, and

WHEREAS, Holfoth Risk Management solicited proposals from brokers who approached eight (8) insurance companies for quotations, and

WHEREAS, Starr Indemnity & Liability Company (through Lawley Service, Inc.) offered \$10,000,000 coverage (with a \$1,000,000 retention/deductible) at an annual premium of \$184,000, and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from Starr Indemnity & Liability Company (through Lawley Service, Inc.) for \$10,000,000 excess liability insurance coverage (with \$1,000,000 retention/deductible), and

WHEREAS, with the increase in litigation and the increase in the size of judgments being awarded, this Board feels that it is prudent to purchase Excess Liability Insurance coverage, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Excess Liability Insurance coverage in the amount of \$10,000,000 (with \$1,000,000 retention/deductible) to Starr Indemnity & Liability Company (through Lawley Service, Inc.) for an annual premium of \$184,000 for the period July 1, 2012 to June 30, 2013, and BE IT FURTHER

RESOLVED, that payment for said insurance premium shall be appropriated from budget line item number 101.1710.4101, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

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



14. RESOLUTION 2012-368

Authorize ECWA to Install Hydrant

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Town of Cheektowaga and Erie County Water Authority are currently coordinating efforts for the replacement of the existing 6" waterline located on North Willowlawn Parkway between Dingens Street and Bismark Street with a new 8" water-main and related appurtenances as a component of the Town's project to reconstruct this Town highway, AND

WHEREAS, currently one (1) hydrant is located on North Willowlawn Parkway within the project limits and a second hydrant is proposed to be installed under this project to provide a spacing of 500 L.F. consistent with current ECWA standards, AND

WHEREAS, by letter dated June 15, 2012, the Doyle Fire District #1 Board of Fire Commissioners have notified the Town Engineer of their support for the installation of the additional hydrant, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) additional hydrant to supplement the existing hydrant as part of the main replacement project on North Willowlawn Parkway and that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the ECWA for said hydrant, which charges shall be funded by the respective hydrant district, AND, BE IT FURTHER

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

Mr. Richard Rosenberry
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2012-369

Cleveland Hill Usage of Town Park

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 20, 2012 to October 16, 2012 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 approve the use of Cheektowaga Town Park from August 20, 2012 to October 16, 2012 for the Cleveland Hill Cross Country Track team practices, and BE IT FURTHER

RESOLVED, that the Director of Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-370

Grant Easements to County of Erie/Erie Co. Sewer Dist. No. 4

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Town of Cheektowaga is the owner of real property located on the north side of Losson Road west of Transit Road, and

WHEREAS, the County of Erie/Erie County Sewer District No. 4 ("Erie County") has requested a permanent easement and two temporary easements over a portion of this property for the construction of sewer lines and appurtenances in connection with the Aurora North Pump Station Elimination Project to service residents of the County of Erie, including Town of Cheektowaga residents, and

WHEREAS, utilization of this land for the requested easements has been reviewed and approved by the Town Engineer, and

WHEREAS, this Board is in agreement with the granting of these easements, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute easement documents and all other necessary documents to effectuate said easements, 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 2, 2012, adopted a resolution authorizing the Town of Cheektowaga to grant a permanent and two temporary easements to the County of Erie/Erie County Sewer District No. 4 over Town-owned property located on the north side of Losson Road west of Transit Road 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: July 2, 2012

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



17. RESOLUTION 2012-371

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Laila Desjardins	5/18/2012	14227
Amanda Langa	8/12/2011	14043
Elizabeth Ruthenberg	Never Worked	14225
Robert Strauss	Never Worked	14043

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following three (3) resolutions: 2012-371; 2012-372 and 2012-373.
Motion Carried

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2012-372

Youth & Recreation Hire/Transfers

Sponsored By: Councilmember Wozniak, 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 - \$8.50 - 7140.1633 - Regular Part-time
Brian Pane 14227

Recreation Attendant - \$7.25 - 7310.1801 - Seasonal
Austin Lauer 14225
Joshua Miller 14211
Samantha Poules 14227

Recreation Aide to Recreation Attendant - \$7.25 - 7310.1801 - Regular Part-time
Rebecca Langa
Nicole Putland
Jenna Soldaczewski
Cerene Usinski

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2012-373

Hiring of Part-Time Employee

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

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:

POLICE DEPARTMENT Police Attendant \$14/hour effective 6/18/12
Sara L. Mays, Cheektowaga, New York

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



20. RESOLUTION 2012-374

Appointment of Senior Clerk Typist (Temporary) Justice Court/Andrea L. Spence

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the position of Senior Clerk Typist in the Justice Court; AND

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said vacancy; AND

WHEREAS, an intra-departmental poll was conducted and Andrea L. Spence, currently employed as a Court Clerk, has expressed interest in said vacancy and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Andrea L. Spence of Cheektowaga, New York be and hereby is appointed to the temporary position of Senior 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 June 21, 2012.

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



21. RESOLUTION 2012-375

Appointment of Court Clerk (Temporary) Justice Court/Jill M. Baszczynski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said vacancy; AND

WHEREAS, Jill M. Baszczynski has expressed interest in said vacancy and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jill M. Baszczynski of Cheektowaga, New York be and hereby is appointed to the temporary 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 21, 2012.

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



22. RESOLUTION 2012-376

Travel Authorization Police Department/The Reid Technique of Interviewing and Interrogation (Lieutenant Thomas Wentland, Detectives Terence Griffin, John Skonecki, James Genson, Christopher Chojnacki)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, "The Reid Technique of Interviewing and Interrogation Course" is being held from August 14 through August 17, 2012 in Tonawanda, New York; AND

WHEREAS, Lieutenant Thomas Wentland and Detectives Terence Griffin, John Skonecki, James Genson and Christopher Chojnacki have been recommended to attend said course; AND

WHEREAS, Police Chief David Zack 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 \$1,803; AND

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

RESOLVED, that Lieutenant Thomas Wentland and Detectives Terence Griffin, John Skonecki, James Genson and Christopher Chojnacki be and hereby are authorized to attend "The Reid Technique of Interviewing and Interrogation Course" being held from August 14 through August 17, 2012 in Tonawanda, New York.

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



23. RESOLUTION 2012-377

Travel Authorization Police Department/Public Safety Media Training (Captain Scott Pilat and Lieutenant Thomas Wentland)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, a Public Safety Media Training is being held July 19 through July 20, 2012 in Rochester, New York; AND

WHEREAS, Captain Scott Pilat and Lieutenant Thomas Wentland have been recommended to attend said training; AND

WHEREAS, Police Chief David Zack 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 \$1,374.80; AND

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

RESOLVED, that Captain Scott Pilat and Lieutenant Thomas Wentland be and hereby are authorized to attend a Public Safety Media Training being held July 19 through July 20, 2012 in Rochester, New York.

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



24. RESOLUTION 2012-378

Travel Authorization Police Department/Implementing Intelligence-Led Policing Training Program (Captain James Speyer, Lieutenants Cheryl Rucinski and Mark Petruniak, and Police Officer Donald Szumigala)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the program entitled, "Implementing Intelligence-Led Policing Training" is being held July 24 through July 25, 2012 in Syracuse, New York; AND

WHEREAS, Captain James Speyer, Lieutenants Cheryl Rucinski and Mark Petruniak and Police Officer Donald Szumigala have been recommended to attend said training; AND

WHEREAS, Police Chief David Zack 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 \$893.83; AND

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

RESOLVED, that Captain James Speyer, Lieutenants Cheryl Rucinski and Mark Petruniak and Police Officer Donald Szumigala be and hereby are authorized to attend the program entitled, "Implementing Intelligence-Led Policing Training" being held July 24 through July 25, 2012 in Syracuse, New York.

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

IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the Rules to Include the following one (1) resolution: 2012-379. Motion Carried.
--



1. RESOLUTION 2012-379

Appointment of Payroll Clerk (Competitive/Permanent) Payroll Department (Jill Benninger)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Payroll Clerk in the Payroll 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, Jill M. Benninger, currently employed as an Administrative Clerk in the Sanitation Department, bid on said vacancy, appears on the current civil service list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jill M. Benninger of Cheektowaga, New York, be and hereby is appointed to the position of Payroll Clerk in the Payroll Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 9, 2012.

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

V. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - February 2012**
2. **Building Permits - June 2012**
3. **Minutes: Cheektowaga Conservation Advisory Council - June 7, 2012**
4. **Minutes: Cheektowaga Planning Board - June 14, 2012**

B. General Communications

1. **Notice of Claim: Ruth Brown Vs. Town of Cheektowaga**
2. **Notice of Claim: Gloria Grant-D'Alfonso Vs. Town of Cheektowaga**

3. Notice of Claim: Georgina Zak Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

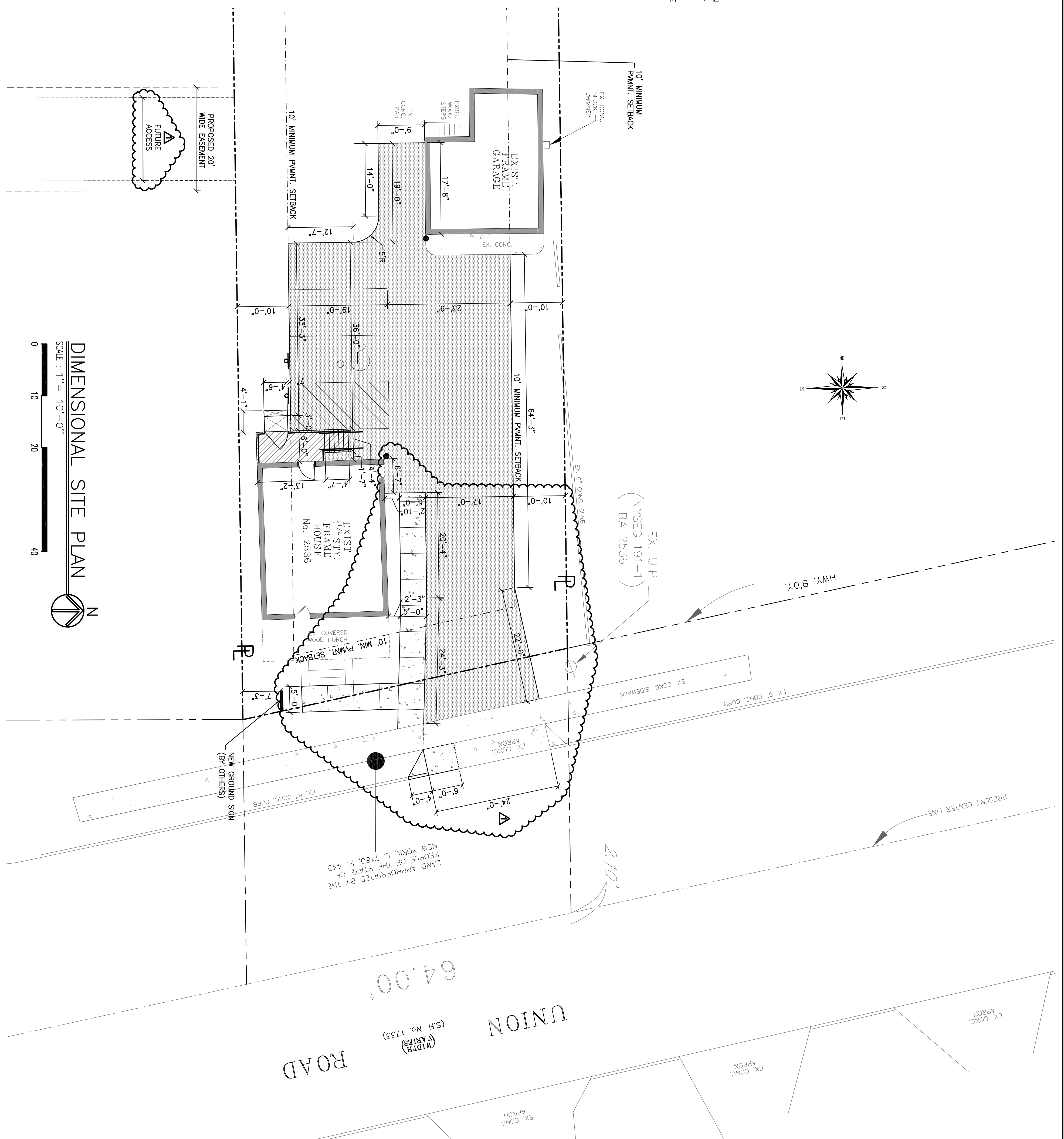
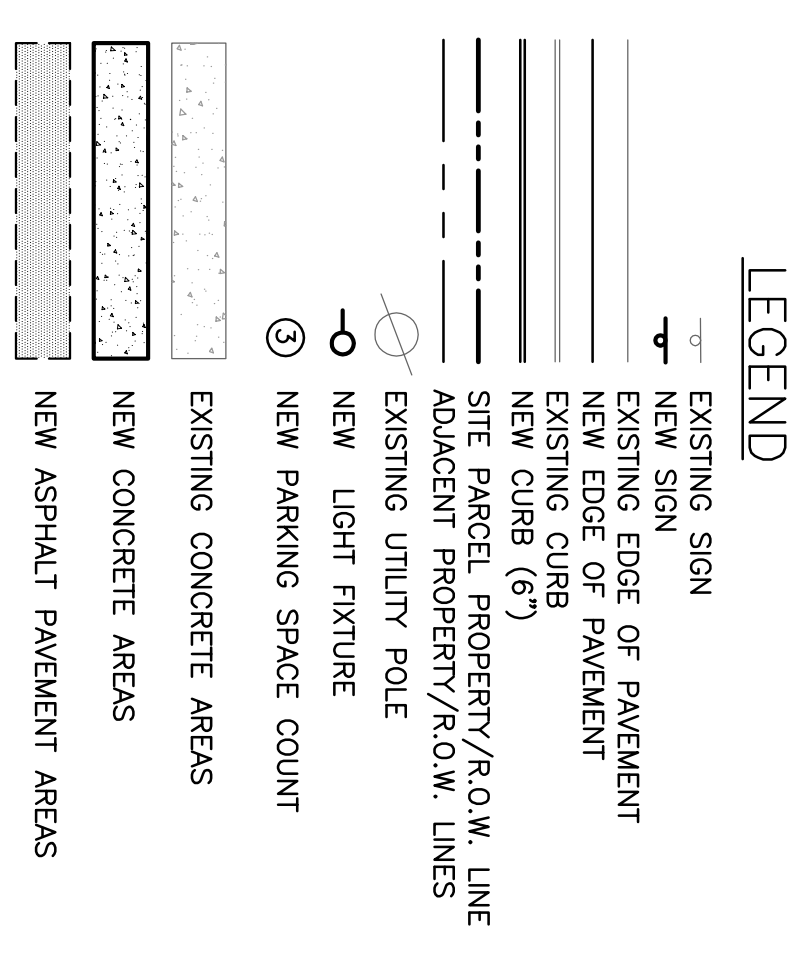
VII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:28 PM.

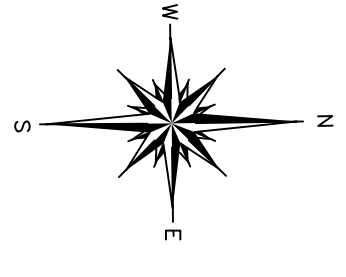
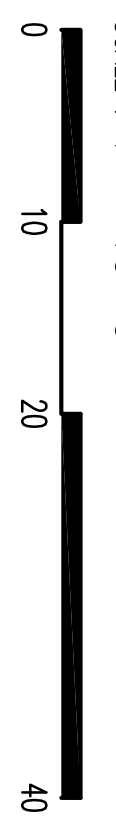
Alice Magierski, Town Clerk

NOTES

- FOR REFERENCE INFORMATION SEE TOPOGRAPHIC BOUNDARY SURVEY PREPARED BY PAUL PAGANO, PLS DATED MARCH 12, 2012 AND IDENTIFIED AS JOB NO. D-282 INCLUDED WITH THIS SET OF SITE PLANS.
- ALL CONSTRUCTION SHALL CONFORM TO TOWN OF CHEEKTOWAGA STANDARDS AND NEW YORK STATE CODE REQUIREMENTS, AS WELL AS THE LATEST A.I.S.C., A.C.I., O.S.H.A., AND A.S.T.M. REQUIREMENTS WHERE CODES OVERLAP, THE CONTRACTOR SHALL COMPLY WITH THE MORE STRINGENT CODE.
- WHERE A SPECIFIC MANUFACTURER'S PRODUCT IS CALLED OUT ON THIS SHEET OR ANY OTHER PLAN IN THIS SET OF DRAWINGS, THE CONTRACTOR MUST COMPLY WITH THE MANUFACTURER'S LATEST PRINTED INSTRUCTIONS AND RECOMMENDATIONS FOR INSTALLATION.
- DURING CONSTRUCTION THE CONTRACTOR SHALL ERRECT AND MAINTAIN AS NECESSARY ALL TEMPORARY BARRICADES, SAFETY FENCING, CAUTION LIGHTS, OR SIGNAE TO PROTECT THE WORK ACTIVITY AND TO ENSURE PUBLIC SAFETY. THE DESIGN ENGINEER IS NOT RESPONSIBLE FOR HAZARD TO WORKERS OR PEDESTRIANS AS RESULT OF EXCAVATION OR CONSTRUCTION ACTIVITIES.
- ALL TRAFFIC CONTROL AND WARNING SIGNS SHALL CONFORM TO N.Y.S.D.O.T. MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- THE CONTRACTOR SHALL MAINTAIN ACCESSIBLE PASSAGEWAYS FOR TRAFFIC AND PEDESTRIANS TO EXISTING BUSINESSES WHICH WILL REMAIN IN OPERATION THROUGHOUT THE DURATION OF THE CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS IN THE FIELD PRIOR TO THE START OF WORK. ANY DISCREPANCIES BETWEEN REAL LIFE CONDITIONS AND THIS SET OF SITE PLAN DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER IMMEDIATELY FOR FURTHER INSTRUCTIONS. FAILURE TO NOTIFY THE DESIGN ENGINEER CONSTITUTES THE CONTRACTOR'S ACCEPTANCE OF ALL THE CONDITIONS SHOWN ON THIS SET OF SITE PLANS.
- ANY DEVIATION FROM ANY PLANS IN THIS DRAWING SET SHALL REQUIRE APPROVAL OF DESIGN ENGINEER AND THE TOWN OF CHEEKTOWAGA PLANNING AND BUILDING DEPARTMENTS, AS WELL AS THE APPROPRIATE UTILITY COMPANIES AND SERVICE PROVIDERS.
- ALL CONSTRUCTION OR EXCAVATION ACTIVITIES AND UTILITY INSTALLATIONS SHALL STRICTLY COMPLY WITH THE LATEST SAFETY STANDARDS AND REGULATIONS SET FORTH BY O.S.H.A., THE NEW YORK STATE HIGH VOLTAGE PROXIMITY ACT, AND NEW YORK STATE INDUSTRIAL CODE RULE 53.
- THE CONTRACTOR SHALL MAINTAIN INSURANCE THAT SHALL PROTECT HIM/HER FROM ANY LIABILITY UNDER WORKER'S COMPENSATION ACTS AND OTHER EMPLOYEE BENEFIT ACTS IN COMPLIANCE WITH THE LAWS OF NEW YORK STATE, AND FROM LIABILITY FOR PROPERTY DAMAGES, BODILY INJURY, OR DEATH.
- ANY SEAMS BETWEEN THE NEW WOOD DECK AND BUILDING OR FOUNDATION WALLS SHALL BE FLUSHED TO PREVENT WATER FROM ROOTING THE SIDING OR WALL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING ALL NECESSARY FEES AND OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF CONSTRUCTION. CONTACT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (683-3476), AND TOWN OF CHEEKTOWAGA BUILDING DEPARTMENT (688-3400) FOR INSTRUCTIONS, PERMIT APPLICATIONS, AND FEES.



DIMENSIONAL SITE PLAN
SCALE: 1" = 10'-0"



CODE & SITE DATA

TOTAL PARCEL = 0.69 ACRES (429,958 SQ. FT.)
PROJECT AREA = 0.05 ACRES (42,203 SQ. FT.)
ZONED: NS (NEIGHBORHOOD SERVICE)

PAVEMENT SETBACK	REQUIRED	PROVIDED
FRONT	10'-0"	10'-0"
SIDE	10'-0"	10'-0"
REAR	10'-0"	36'-10"

LANDSCAPE REQUIRED	PROVIDED
TOTAL PARCEL	15%
PROPOSED	85%

PARKING	REQUIRED	PROVIDED
PROPOSED	4 SPACES	4 SPACES
HANDICAP	1 SPACE	1 SPACE

EXIST. BLDG. FOOTPRINT = 4,739 SQ. FT. (960SS)

SMOLAREK LAW OFFICE
2536 UNION ROAD
CHEEKTOWAGA, NEW YORK, 14227

THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE EXCAVATION & CONSTRUCTION TO ENSURE HE/SHE HAS THE FINAL SET OF DESIGN PLANS. ANY CHANGES TO THE DESIGN PLANS SHALL BE SUBMITTED TO THE DESIGN ENGINEER FOR APPROVAL. THE DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF CHEEKTOWAGA PLANNING AND BUILDING DEPARTMENT AND THE STATE DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING ALL NECESSARY FEES AND OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF CONSTRUCTION. CONTACT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (683-3476), AND TOWN OF CHEEKTOWAGA BUILDING DEPARTMENT (688-3400) FOR INSTRUCTIONS, PERMIT APPLICATIONS, AND FEES.

REVISIONS	DATE	BY	REASON
1	4/29/12	OST	ISSUED FOR SEQR REVIEW

DIMENSIONAL SITE PLAN

DRAWN BY: AWT
CHECKED BY: OST
JOB # 12-28

optima
CONSULTANTS
4265 Union Road, Suite 102
Cheektowaga, NY 14227
Phone: (716) 805-6400
Fax: (716) 810-0604

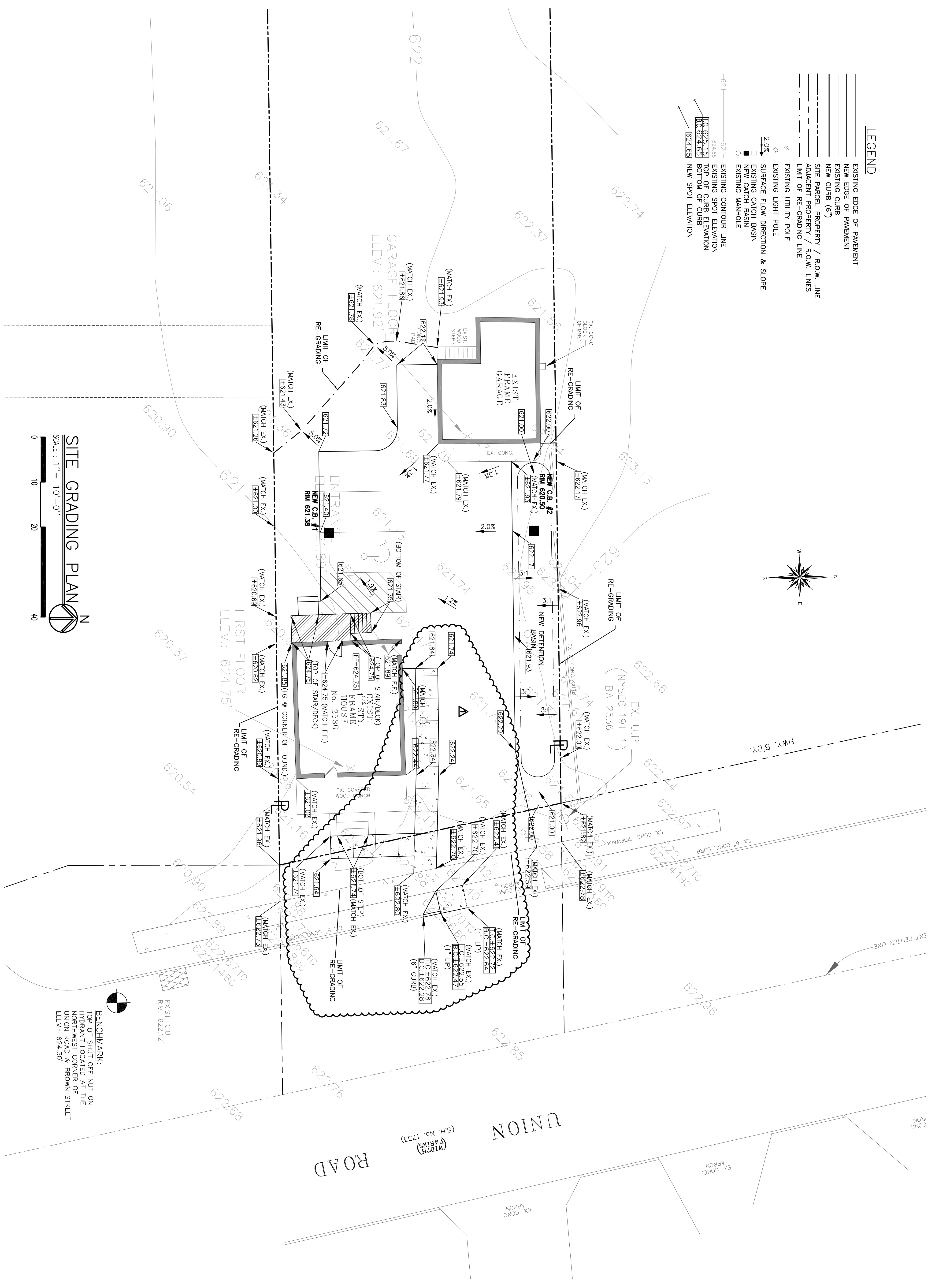
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NOTES

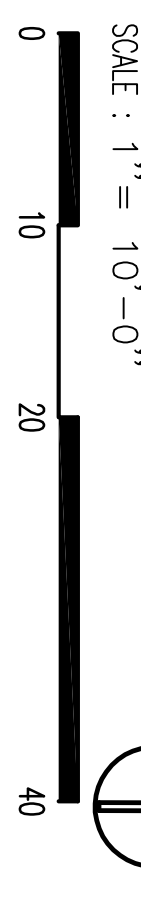
- FOR REFERENCE INFORMATION, SEE TOPOGRAPHIC BOUNDARY SURVEY PERFORMED BY JAMES R. ZAKO AND ASSOCIATES, INC. IN 2012 AND IDENTIFIED AS JOB NO. 0-282 INCLUDED WITH THIS SET OF SITE PLANS.
- ELEVATIONS ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
- THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITY LOCATIONS AND DEPTHS PRIOR TO THE START OF EXCAVATION.
- ACCEPTABLE FILL AND BACKFILL MATERIALS ARE DEFINED AS THOSE COMPLYING WITH ASTM D 2487 SOIL CLASSIFICATION GROUPS GW, GP, GM, SW, SP, GC, SC, AND SM. FREE OF ROCK OR GRAVEL LARGER THAN 3 INCHES IN ANY DIMENSION. FILL MATERIAL SHALL ALSO BE FREE OF ANY BRUSH, DEBRIS, LOGS, STUMPS, OR BOUNDING DEBRIS. FROZEN MATERIAL, MUCK, OR HIGHLY COMPRESSIBLE, SPONGY SOILS SHALL NOT BE USED AS FILL.
- UNSATISFACTORY FILL AND BACKFILL MATERIALS ARE DEFINED AS THOSE CLASSIFIED AS ASTM D 2487 SOIL CLASSIFICATION GROUPS ML, MH, CL, CH, OL, OH, AND PT.
- ALL SOIL FILL AREAS SHALL BE PLACED IN 8" MAXIMUM LIFTS. FILL SHALL NOT BE PLACED ON FROZEN SOIL.
- ALL FILL AREAS BENEATH PAVED AREAS SHALL BE COMPACTED TO A MINIMUM 95% DENSITY. IN 6" MAXIMUM LIFTS AS DETERMINED PER ASTM D 1557. THE DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY SETTLEMENT OF GRADES OR FOUNDATIONS THAT MAY OCCUR DUE TO UNCOMPACTED SUBGRADES.
- THE MINIMUM REQUIRED DENSITY FOR FILL IN ALL DETENTION OR RETENTION BASINS SHALL BE AT LEAST 90% OF THE THEORETICAL DENSITY WITH A MOISTURE CONTENT OF 2% OF THE OPTIMUM.
- THE OWNERS ON-SITE GEOTECHNICAL ENGINEER SHALL VERIFY ALL SOIL AND FILL COMPACTION IN CONFORMANCE WITH THE LATEST ASTM D 2922 AND ASTM D 2940.
- THE CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSAL OF ANY UNSUITABLE SUBGRADE OR DEBRIS WHICH MAY CAUSE SETTLING UNDER FOUNDATIONS OR PAVEMENT.
- ALL SOFT OR DISTURBED ZONES DISCOVERED IN THE SUBGRADE SHALL BE UNDERCUT AND STABILIZED WITH SELECT BACKFILL (N.Y.S.D.O.T. ITEM 304.12) IN 6" MAXIMUM LIFTS.
- THE CONTRACTOR SHALL PERFORM ALL EXCAVATION WORK IN THE PRESENCE OF THE OWNER'S ON-SITE GEOTECHNICAL ENGINEER, AND IN CONFORMANCE WITH ALL APPLICABLE REQUIREMENTS OF AUTHORITIES AND AGENCIES. JURISDICTION OVER ANY ACTIVITIES AND COSTS FROM ANY JURISDICTION OVER ANY ACTIVITIES MEET OR EXCEED ALL SPECIFICATIONS AND RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT.
- FUTURE LAWN AREAS SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 INCHES PRIOR TO PLACEMENT OF TOPSOIL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING ALL NECESSARY FEES AND OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF CONSTRUCTION. CONTACT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (683-3476), AND TOWN OF CHEEKTOWAGA BUILDING DEPARTMENT (688-3400) FOR INSTRUCTIONS, PERMIT APPLICATIONS, AND FEES.

LEGEND

- EXISTING EDGE OF PAVEMENT
- NEW EDGE OF PAVEMENT
- EXISTING CURB
- NEW CURB (6")
- SITE PARCEL PROPERTY / R.O.W. LINE
- ADJACENT PROPERTY / R.O.W. LINES
- LIMIT OF RE-GRADING LINE
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- SURFACE FLOW DIRECTION & SLOPE
- EXISTING CATCH BASIN
- NEW CATCH BASIN
- EXISTING MANHOLE
- EXISTING MANHOLE
- EXISTING CONTOUR LINE
- EXISTING SPOT ELEVATION
- TOP OF CURB ELEVATION
- BOTTOM OF CURB
- NEW SPOT ELEVATION

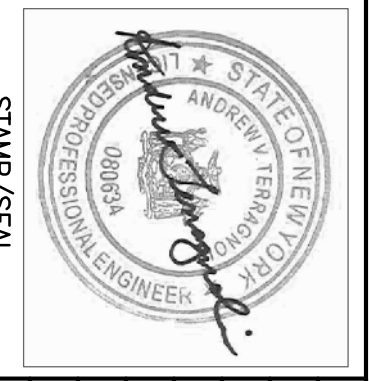


SITE GRADING PLAN



SMOLAREK LAW OFFICE
2536 UNION ROAD
CHEEKTOWAGA, NEW YORK, 14227

THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE EXCAVATION & CONSTRUCTION TO ENSURE HE/SHE HAS THE FINAL SET OF DESIGN PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FEES PRIOR TO THE START OF CONSTRUCTION. THE DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY SETTLEMENT OF GRADES OR FOUNDATIONS THAT MAY OCCUR DUE TO UNCOMPACTED SUBGRADES.



NO.	REVISIONS	DATE
1	ISSUED FOR SEQR REVIEW	4/29/12
2	REVISED PER REV. COMMENTS	5/29/12

SITE GRADING PLAN

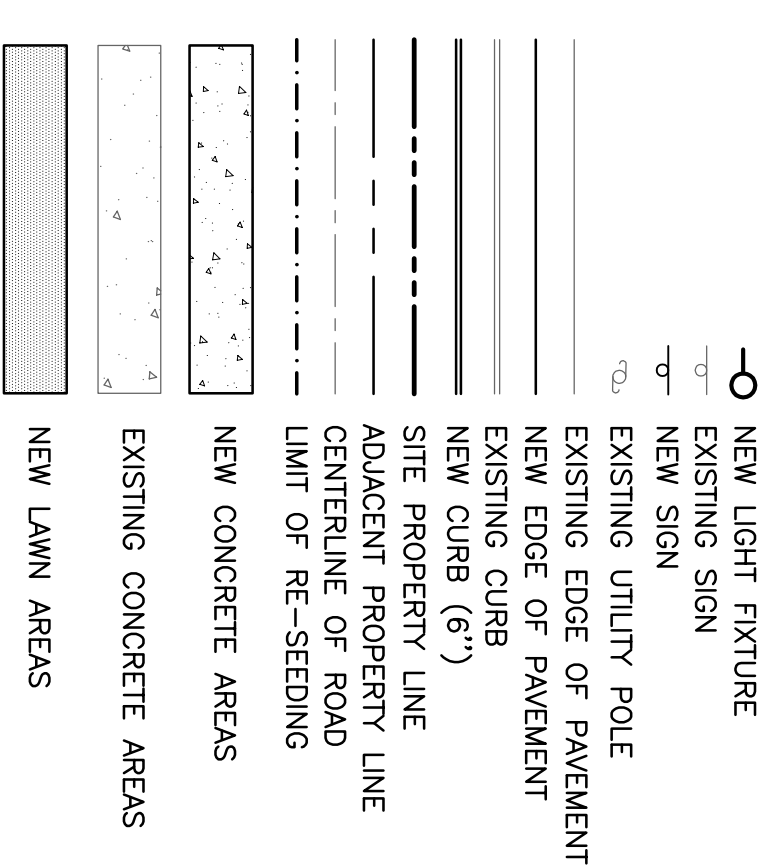
optima
4265 Union Road, Suite 102
Cheektowaga, NY 14227
Phone: (716) 810-6000
Fax: (716) 810-6004

DRAWN BY: AMT
CHECKED BY: OST
JOB # 12-28
SHEET C-2.0

LANDSCAPE NOTES

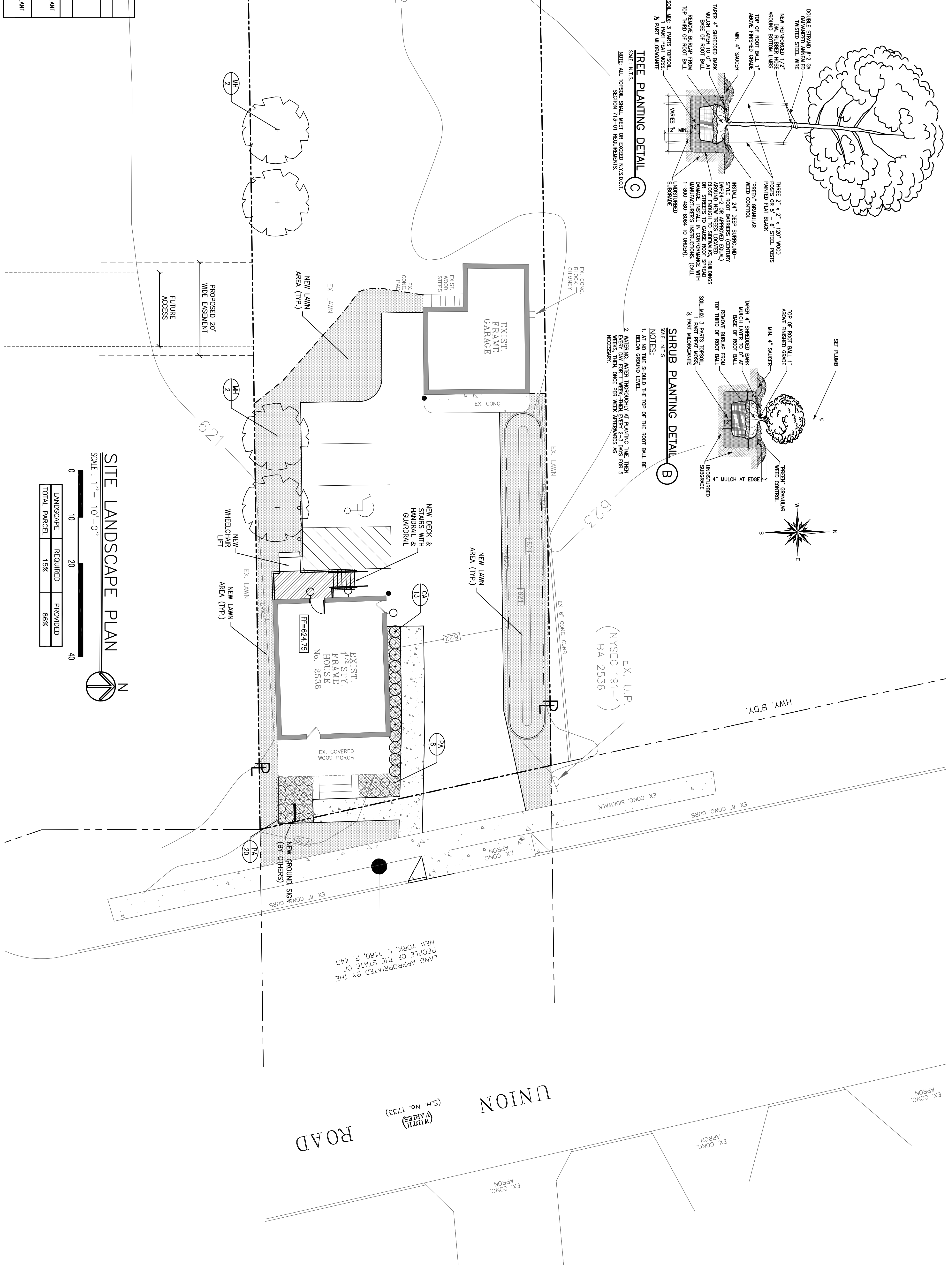
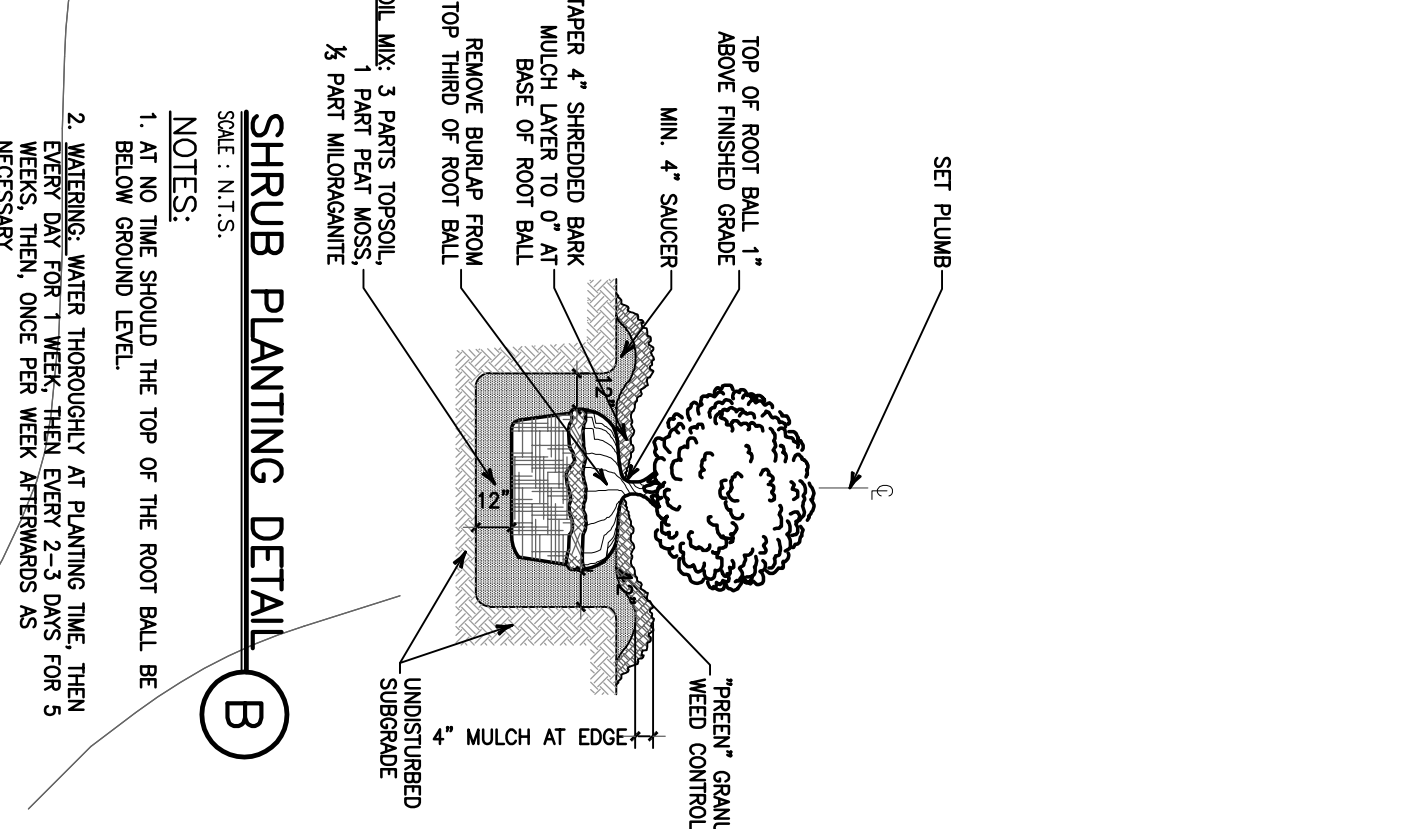
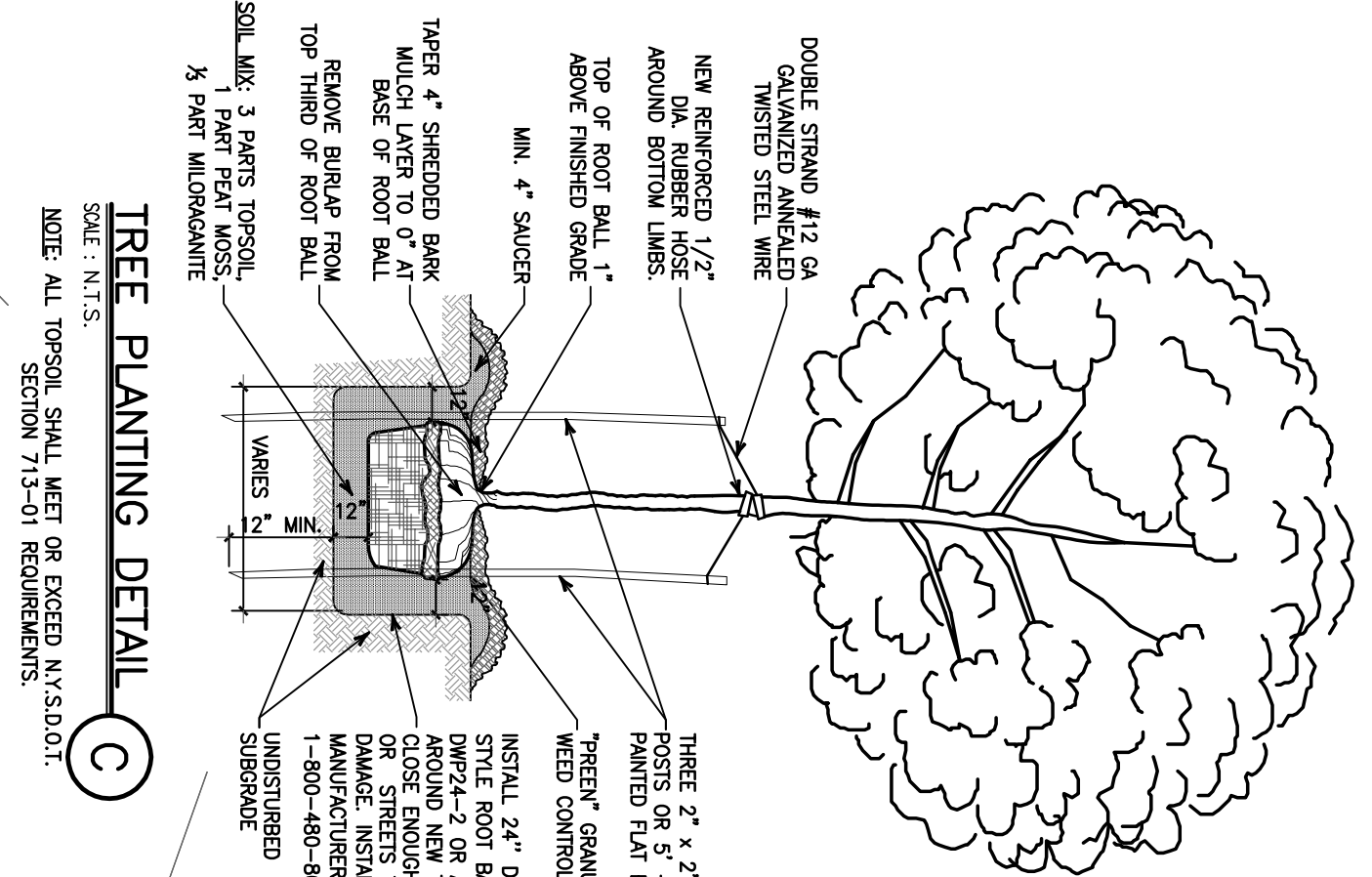
- THE CONTRACTOR SHALL PROVIDE MAINTENANCE INCLUDING FERTILIZING, RE-SEEDING, AND WATERING AS REQUIRED DURING LANDSCAPE INSTALLATION AND PLANTING FOR A MINIMUM PERIOD OF 12 MONTHS FROM PLANTING DATE.
- THE CONTRACTOR SHALL SPARIFY ALL NEW LAWN AREAS PRIOR TO SEEDING. REMOVE DEBRIS AND ROCKS PRIOR TO APPLYING TOPSOIL. LIME SOIL AS NECESSARY TO A PH OF 6.5. FERTILIZE WITH 850 LBS OF 5-10-10 OR EQUIVALENT PER ACRE (20 LBS. PER EVERY 1000 SQ. FT.). LIME AND FERTILIZE THE TOP 2"-4" OF TOPSOIL.
- THE CONTRACTOR SHALL FURNISH AND INSTALL A 3" MINIMUM LAYER OF HIGH-QUALITY SHREDED HARDWOOD BARK OR CEDAR MULCH IN ALL EXISTING PLANTING BEDS.
- BURIAL WESH MAY BE USED TO COVER SEEDING ON ANY SLOPE. EMBANKMENTS STEEP ENOUGH TO IMPED THE ESTABLISHMENT OF LAWN AREAS.
- UNLESS RECOMMENDED OTHERWISE BY THE SEED VENDOR OR THE LANDSCAPE CONTRACTOR, PERMANENT GRASS SEEDING SHALL CONSIST OF A MIXTURE OF THE FOLLOWING:
 - KENTUCKY BLUEGRASS = 25% BY WEIGHT (98% MIN. PURITY; 85% MIN. GERMINATION)
 - PENN LAWN RED FESCUE = 25% BY WEIGHT (95% MIN. PURITY; 80% MIN. GERMINATION)
 - TRIPLE CROWN PERENNIAL RYE = 50% BY WEIGHT (95% MIN. PURITY; 90% MIN. GERMINATION)
- IT IS RECOMMENDED THAT HYDRO-SEEDING AND HYDRO-MULCHING BE USED TO ESTABLISH LAWN IN ALL EXPOSED AREAS. HYDRO-SEEDING SHALL BE AT RATE OF 5 LBS. PER 1000 SQ. FT. BARK SEEDING SHALL BE AT TOPSOIL. ROLL AND WATER WITH FINE MIST WATER SEED AS RECOMMENDED BY SEED VENDOR. UNIFORMLY SPREAD 2 INCHES OF STRAW MULCH OVER ENTIRE SEEDED AREA. AT THE RATE OF 2 TONS PER ACRE. IMMEDIATELY AFTER ROLLING AND WATERING SEEDED AREAS REMOVE ANY WIND-SWEPT MULCH PILES AS NECESSARY TO PREVENT DAMAGE TO GRASS.
- IF REQUIRED, ONLY NEW YORK STATE OR EPA-APPROVED INSECTICIDES SHALL BE APPLIED PER MANUFACTURER'S INSTRUCTIONS.
- BROADCASTING OR DRILLING WITH A CULPBACK-TYPE SEEDER OR HYDROSEEDING ARE ALL ACCEPTABLE METHODS OF SEEDING.
- TOPSOILING AND SEEDING, HYDROSEEDING, OR SODDING SHALL TAKE PLACE WITHIN 24 HOURS OF FINAL GRADING. SEED SHALL NOT BE BROADCAST DURING CONDITIONS OF HIGH WIND OR EXCESSIVE MOISTURE.
- FERTILIZERS SHALL BE APPLIED ONLY IN THE MINIMUM AMOUNTS REQUIRED BY THE MANUFACTURER. FERTILIZERS SHALL BE COMPLETELY WORKED INTO TOPSOIL WITH A POWERED TOOL. FERTILIZERS SHALL BE STORED IN A COVERED SHED AND PARTIALLY USED BAGS SHALL BE TRANSFERRED TO A SECURELY-SEALED BIN TO AVOID SPILLS.
- MOW NEWLY SEEDD AREAS FOR THE FIRST THREE (3) TIMES. AT EACH MOWING CUT TO A HEIGHT OF 2 INCHES AFTER GROWTH HAS REACHED APPROXIMATELY 3-3½ INCHES. APPLY WED AND FEED AS DIRECTED ON MANUFACTURER'S APPLICATION INSTRUCTIONS AFTER THE SECOND MOWING.
- ALL NEW LAWN AREAS SHALL HAVE A 6 INCH MINIMUM LAYER OF TOPSOIL BEFORE SEEDING.
- ALL NEW LAWN AREAS SHALL BE COMPLETE IN COVERAGE AND VIGOROUS IN GROWTH IN ORDER TO BE ACCEPTABLE. REPAIR, RE-SEED, AND WATER NEW LAWN AREAS AS NECESSARY UNTIL THEY REACH THE LEVEL OF FINAL ACCEPTANCE.
- REMOVE ALL STICKS, RUBBISH, STONES, AND ANY DEBRIS COLLECTED DURING PAVING, MOWING, AND LAWN ESTABLISHMENT ACTIVITIES. DISPOSE OF AT AN APPROPRIATE OFF-SITE LOCATION PER LOCAL REGULATIONS.

LEGEND



PLANT LIST: NEW PLANT MATERIAL

KEY NO.	BOTANICAL	COMMON NAME	SIZE	CONDT.	REMARKS
TREES					
MH	MAULS HARGOZZAW	HARGEST GOLD GRAB APPLE	2 TO 3"	WB	SPECIMEN
SHRUBS AND OR GRASSES					
CA	CALAMAGROSTIS X AQUIFOLIA KARL ROEBER	FEATHER RED GRASS	2 GAL. POT MIN.	POTTD	PLANT 2'-6" O.C. PLANT AS INDICATED
PA	PENNETUM ALPICOCHROES LITTLE BINNY	LITTLE BINNY FOUNTAIN GRASS	2 GAL. POT MIN.	POTTD	PLANT 2'-6" O.C. PLANT AS INDICATED

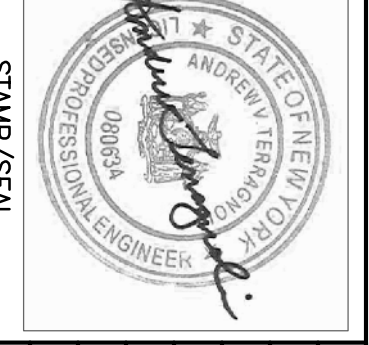


SITE LANDSCAPE PLAN
SCALE: 1" = 10'-0"

LANDSCAPE	REQUIRED	PROVIDED
TOTAL PARCEL	15%	85%

SMOLAREK LAW OFFICE
2536 UNION ROAD
CHEEKTOWAGA, NEW YORK, 14227

THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE EXCAVATION & CONSTRUCTION TO ENSURE HE/SHE HAS THE FINAL SET OF DESIGN PLANS. THIS PLAN IS CURRENT AS OF THE DATE IT WAS ISSUED. SUBSEQUENT UPDATES OF THIS PLAN BY THE ARCHITECT OR ENGINEER SHALL BE THE RESPONSIBILITY OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE TO THE ARCHITECT OR ENGINEER FOR ANY CHANGES WHICH DIFFER FROM PREVIOUS PLANS ISSUED FOR PERMIT OR BID.



REVISD PER REV. COMMENTS	5/29/12
ISSUED FOR SEQR REVIEW	4/29/12

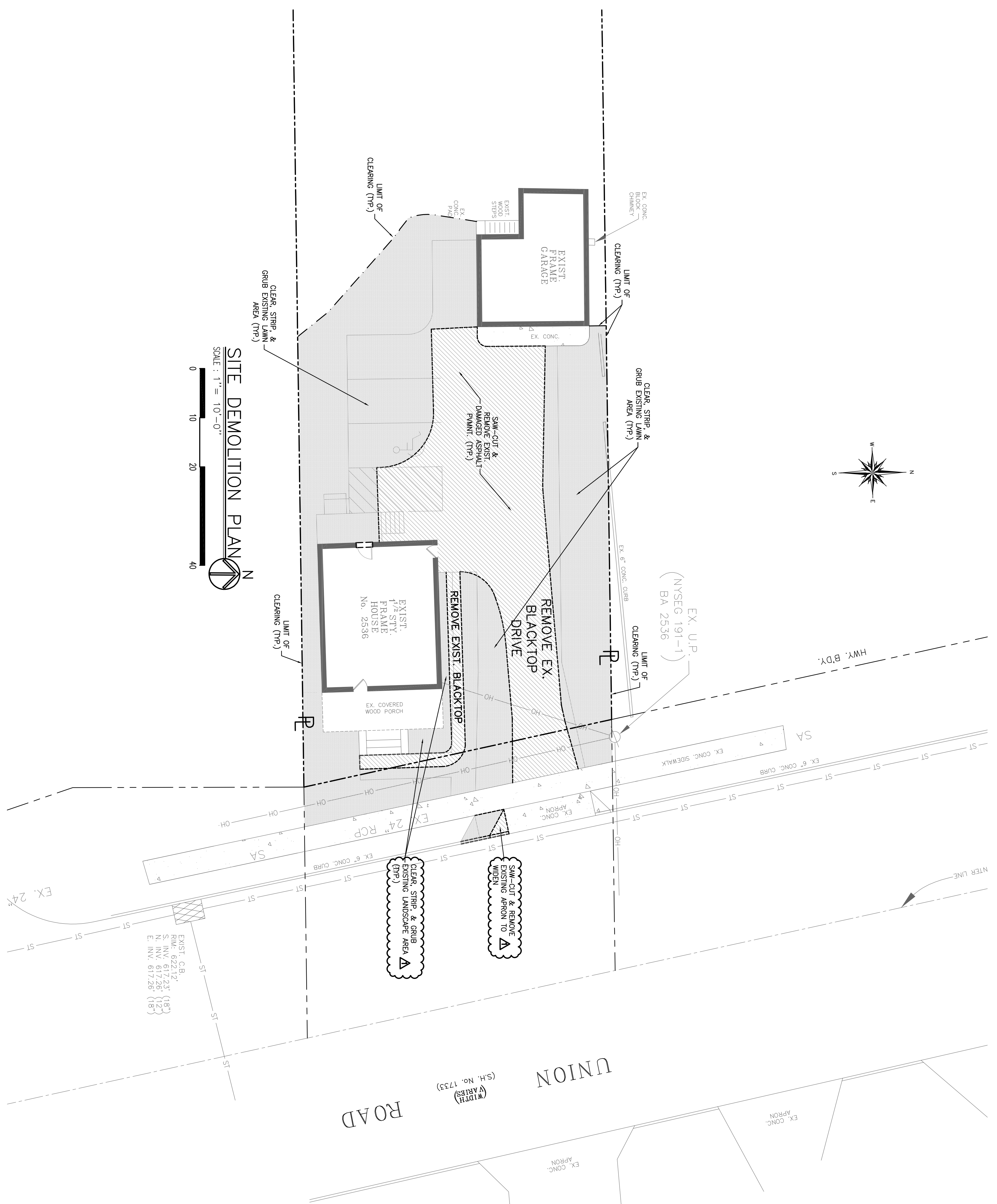
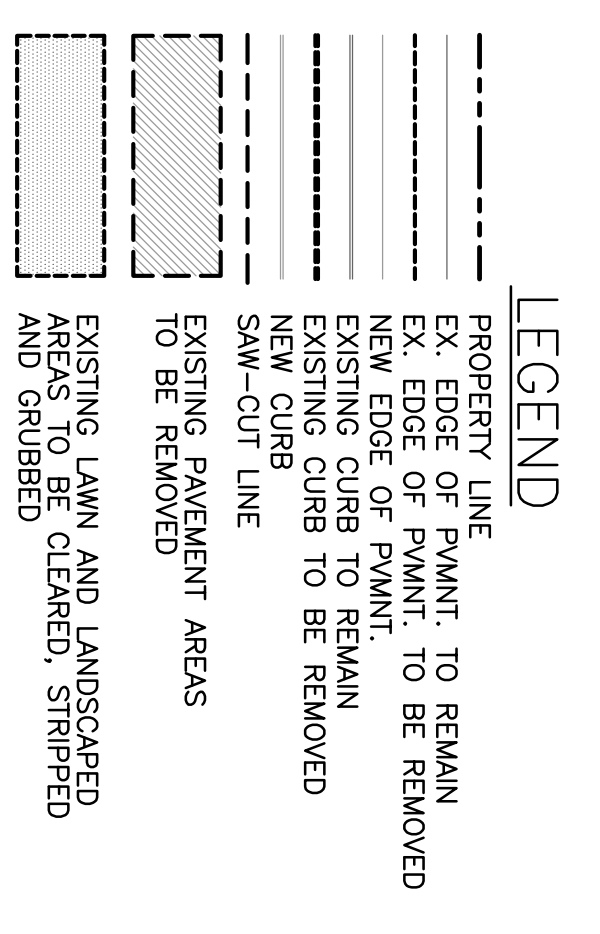
SITE LANDSCAPE PLAN

optima
4265 Union Road, Suite 102
Cheektowaga, NY 14227
Phone: (716) 805-6600
Fax: (716) 810-0604

DRAWN BY: AVT
CHECKED BY: OST
SHEET C-3.0

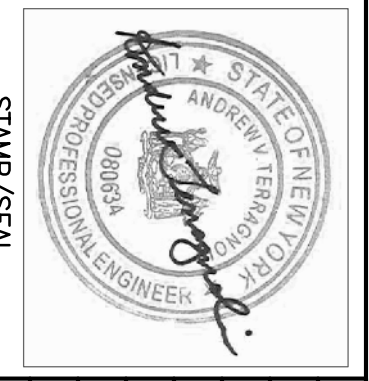
DEMOLITION NOTES:

1. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING ALL NECESSARY FEES AND OBTAINING ALL NECESSARY PERMITS FOR CLEARING, SOIL EROSION PROTECTION, AND DISPOSING OF DEBRIS FROM SITE.
2. THE CONTRACTOR SHALL COORDINATE THE REMOVAL, RELOCATION, OR RE-ROUTING OF ANY UTILITIES WITH EACH RESPECTIVE UTILITY COMPANY. NOTIFY UTILITY COMPANIES OR AGENCIES AT LEAST 72 HOURS PRIOR TO THE START OF WORK.
3. THE DEMOLITION CREW SHALL PERSONALLY EXAMINE THE SITE PRIOR TO THE START OF EXCAVATION OR DEMOLITION WORK TO ASSESS THE ENTIRE SITE AND ITS CONDITIONS. ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE DEMOLITION PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER AS SOON AS POSSIBLE.
4. THE CONTRACTOR SHALL MAINTAIN ACCESSIBLE PASSAGEWAYS FOR TRAFFIC AND PEDESTRIANS TO EXISTING BUSINESSES WHICH WILL REMAIN IN OPERATION THROUGHOUT THE DURATION OF THE CONSTRUCTION.
5. PROPER SIGNAGE AND BARRIERS SHALL BE SET UP BY THE CONTRACTOR PRIOR TO DEMOLITION OR EXCAVATION IN ORDER TO PREVENT UNAUTHORIZED PERSONNEL FROM ENTERING THE DEMOLITION OR CONSTRUCTION AREAS.
6. THE CONTRACTOR SHALL PROTECT EXISTING STRUCTURES, SUBWALKS, PAVEMENTS AND UTILITIES FROM DAMAGE DURING THE DEMOLITION AND CONSTRUCTION OPERATIONS. WASHOUT AND OTHER HAZARDOUS MATERIALS CREATED BY EXISTING DEMOLITION OR EXCAVATION OPERATIONS SHALL BARRICADE DAMAGED PORTIONS UNTIL REPAIRS AND STABILIZATION CAN BE MADE.
7. THE CONTRACTOR SHALL DETERMINE EXACT DEPTHS AND LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO EXCAVATION OR CONSTRUCTION. THE CONTRACTOR SHALL CALL U.F.P.O. 1-800-982-7962 AT LEAST 72 HOURS PRIOR TO EXCAVATION FOR FLAGGING OF UNDERGROUND UTILITIES.
8. THE CONTRACTOR SHALL REMOVE ALL VISIBLE AND PARTIALLY BURIED DEBRIS PILES FROM AREAS TO BE DEVELOPED OR GRADED AND DISPOSE OF AT AN APPROPRIATE OFF-SITE LOCATION IN COMPLIANCE WITH AUTHORITIES HAVING JURISDICTION. ALL COSTS ASSOCIATED WITH HAULING AND DUMPING SHALL BE BORNE BY THE CONTRACTOR.
9. ANY RUBBLE, BRICK, BouldERS, OR WOOD FILL MATERIAL SHALL REQUIRE UNDERCUTTING AND REMOVAL IF ENCOUNTERED IN THE SUBGRADE.
10. THE CONTRACTOR SHALL REMOVE ALL UNSUITABLE SUBGRADE, TOPSOIL, OR UNSUITABLE FILL MATERIAL, DEBRIS, TRASH, FROZEN MATERIALS, AND ROOTS THAT MAY CAUSE SETTLING UNDER NEW PAVEMENT AREAS.
11. ANY UTILITY LINES NO LONGER IN USE (EITHER SHOWN ON THIS SHEET OR DISCOVERED IN THE FIELD) SHALL BE COMPLETELY REMOVED IF THEY ARE IN CONFLICT WITH ANY NEW UTILITY OR STRUCTURE.
12. ANY GANTRIES OR TRENCHES REMAINING FROM EXCAVATED FOOTINGS, FOUNDATION WALLS, PIPELINES, BASEMENTS, AND UNDERGROUND TANKS SHALL BE BACKFILLED WITH FLOWABLE FILL TO THE FROST LINE, AND TYPE 2 CRUSHER RUN STONE (MNSDOT ITEM 304.12) ABOVE THE FROST LINE, COMPACTED TO 95% DENSITY (IN 6" MAXIMUM LIFTS).
13. ALL EXCAVATED MATERIALS NOT SUITABLE FOR REUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED AT AN APPROPRIATE OFF-SITE LOCATION IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE RESPONSIBILITY FOR ALL FEES AND PERMITS ASSOCIATED WITH HAULING AND DUMPING SHALL BE BORNE BY THE CONTRACTOR. THE CONTRACTOR SHALL ALSO PROVIDE THE OWNER WITH A MANIFEST LIST.
14. ANY EXCAVATED STONE SUBGRADE MATERIAL MAY BE RE-USED FOR FILL IF IT MEETS ALL PAVEMENT OR BUILDING SUBGRADE OR FOUNDATION SPECIFICATIONS.
15. ALL ASPHALT SURFACES TO BE REMOVED SHALL BE STRIPPED AND RECYCLED, OR ELSE DISPOSED OF AT AN APPROPRIATE OFF-SITE LOCATION. ASPHALT IS NOT AN ACCEPTABLE PARKING LOT SUBBASE.
16. THE CONTRACTOR SHALL COORDINATE THE REMOVAL, RELOCATION, OR RE-ROUTING OF ANY UTILITIES WITH EACH RESPECTIVE UTILITY COMPANY. NOTIFY UTILITY COMPANIES OR AGENCIES 48 HOURS PRIOR TO THE START OF WORK.
17. PRIOR TO THE START OF WORK, THE CONTRACTOR MAY SUBMIT PHOTOGRAPHS OF ANY EXISTING DAMAGED SITE FEATURES THAT MAY BE MISCONSIDERED LATER AS DAMAGED DUE TO REMOVAL OPERATIONS. PHOTOGRAPHS SHALL HAVE REDUCED DATES.
18. ALL DAMAGED PROPERTY, LANDSCAPING, OR UTILITIES (ON SITE OR ADJACENT TO SITE) SHALL BE REPLACED OR RESTORED IN KIND BY THE CONTRACTOR AT HIS/HER OWN EXPENSE. THE CONTRACTOR SHALL ALSO CLEAN OR RESTORE ANY ADJACENT CONSTRUCTION OR SURFACES SOILED OR DAMAGED BY DEMOLITION WORK.
17. THE CONTRACTOR SHALL SUBMIT TO THE OWNER A SCHEDULING OF DEMOLITION, UTILITY SHUT-OFF, UTILITY REMOVAL, AND RELOCATION, TOGETHER WITH DETAILS FOR DUST AND NOISE CONTROL, PRIOR TO THE START OF WORK.
18. ALL PERSONNEL SHALL PERFORM EXCAVATION, DEMOLITION, AND CONSTRUCTION WORK IN ACCORDANCE TO THE LATEST O.S.H.A. CODES.
19. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL FURNISH AN INVENTORY OF ALL CONSTRUCTION MATERIALS (HAZARDOUS AND NON-HAZARDOUS) SUCH AS FERTILIZERS, DETERGENTS, SOLVENTS, PAINTS, AND PETROLEUM-BASED PRODUCTS THAT WILL BE PRESENT ON-SITE DURING CONSTRUCTION.
20. MATERIAL SAFETY DATA SHEETS FOR ALL CONSTRUCTION PRODUCTS AND MATERIALS SHALL BE PRESENT ON-SITE AT ALL TIMES.



SMOLAREK LAW OFFICE
 2536 UNION ROAD
 CHEEKTOWAGA, NEW YORK, 14227

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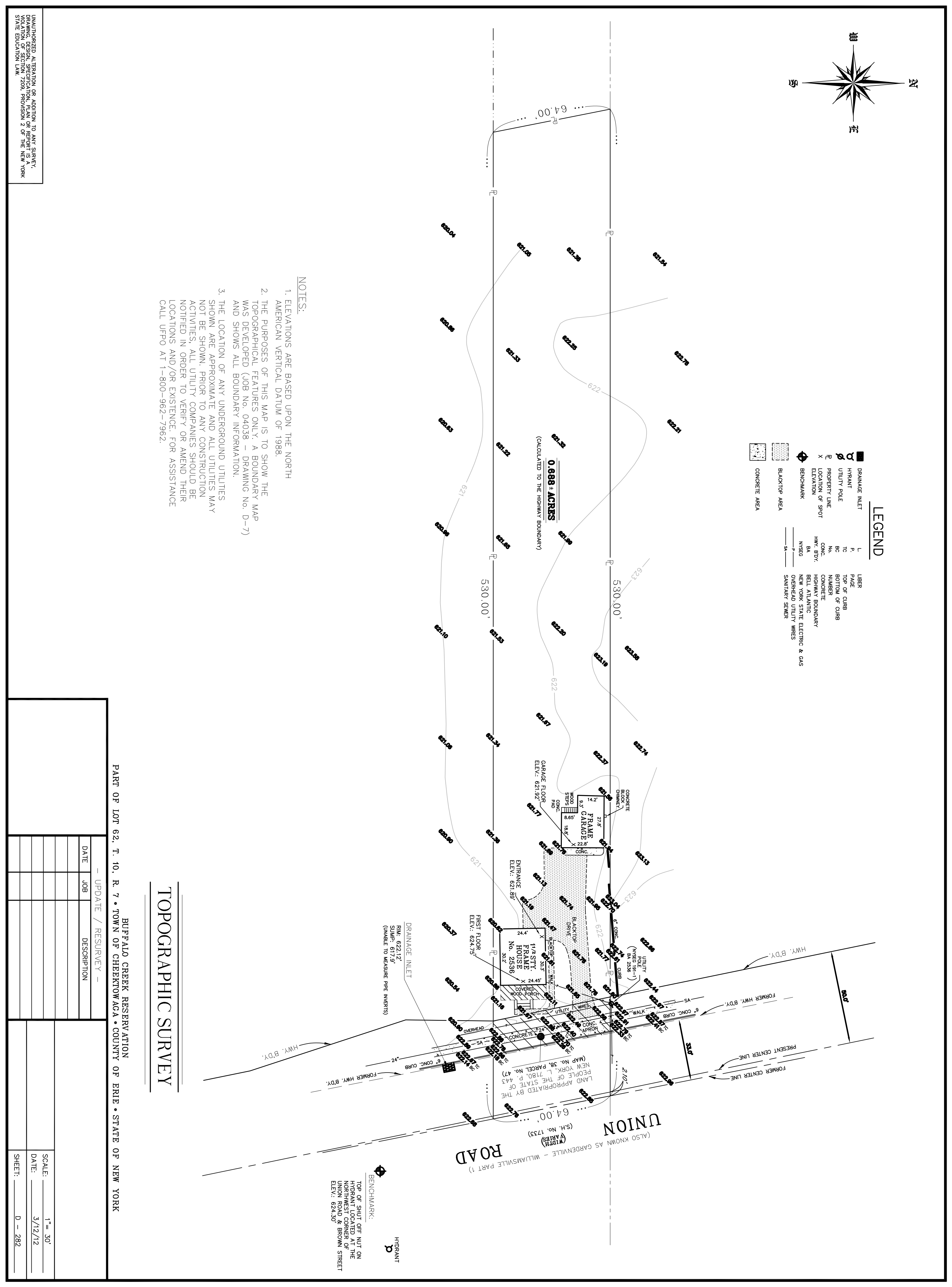


REVISED PER REV. COMMENTS	DATE
ISSUED FOR SEQR REVIEW	4/29/12

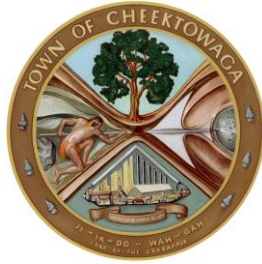
SITE DEMOLITION PLAN

optima
 4265 Union Road, Suite 102
 Cheektowaga, NY 14227
 Phone: (716) 805-6400
 Fax: (716) 810-0604

DRAWN BY: AUT
 CHECKED BY: OST
 SHEET C-4.0



The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490

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 13, 2012

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 13, 2012 in the Town Hall Council Office Conference Room.

ITEM I Burgess Blvd. – 6 story, 153 room hotel

Applicant: Magna Airport, LLC/Aloft

The project was originally submitted to the Town in 2007. At that time an 8 story hotel had been proposed. After some review and discussion the hotel was reduced to 6 stories. It was given a Negative Declaration 2/08 and rezoning in 3/08.

The project had been shelved because of a lack of funding.

The applicant has now proposed to construct the project, identical to the previously approved project. The only change in the area is that another hotel has constructed additional parking to the north of the site.

The EAC reaffirms the Negative Declaration for the project and recommends re-approval by the Town Board.

ITEM II 2839-2871 Broadway – Warehouse/office building

Applicant: Benderson Development Co., LLC

The building would be located within the Broadway Development Park on Broadway adjacent to the NYS Thruway. This is the last building that had been approved a number of years ago when

the park was first proposed. This was presented to the Town because the building would be 10,000 square feet larger than originally presented.

Even with the increase the EAC finds no additional impact and would recommend a Negative Declaration be issued for the project.

ITEM III 3700 Harlem Road – Proposed plaza with a retail space

Applicant: Benderson Development Co., LLC

The site is located at the southwest corner of Cleveland Drive and Harlem Road. Originally a store and bank buildings were proposed. Concern had been raised by the access points to the main roads so near the roundabout. A speed study had been conducted by the applicant and submitted to the NYSDOT. They have approved the driveway locations.

The applicant has a convenience store signed to the site with a different footprint, therefore a new site plan must be submitted. The Planning Board will look at this project on 6/14 and the elevations submitted.

A variance will be needed to have the building close to the front property line.

This item will remain tabled for submission of the new site plan.

ITEM IV 2536 Union Road – Site Plan – Conversion of a dwelling into an office

Applicant: Optima Design and Engineering, PLLC

The applicant has shown the required parking and driveway. They owners are attempting to obtain permission to tie into the access road for the Carefree Mobile Home Park.

A Negative Declaration is recommended subject to an approved tree mitigation plan and continued attempts at obtaining access to Carefree's road.

**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY July 11, 2012 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

OCCUPANT LOAD CHART

Occupancy (First Floor)	Area	Occ. Load Factor	Occupant load	Seat Count
Exterior Entry	60 S.F.	-	-	N/A
Hostess / Mall Entry	80 S.F.	100	1	N/A
Bar / Lounge Standee	660 S.F.	5	132	59
Backbar Service	270 S.F.	100	3	N/A
Dining Rm. #1	630 S.F.	15	42	44
Dining Rm. #2	300 S.F.	15	20	36
Service Station	21 S.F.	100	-	N/A
Audio / Video	15 S.F.	-	-	N/A
Public Toilets	320 S.F.	-	-	N/A
Office	70 S.F.	100	1	N/A
Kitchen General/ Misc.	180 S.F.	100	2	N/A
Kitchen /Storage	140S.F.	300	1	N/A
Kitchen - Cook Line	260 S.F.	200	1	N/A
Kitchen - Prep	220 S.F.	200	1	N/A
Pot Wash / Dish Wash	100 S.F.	200	1	N/A
Mech / Elec	60 S.F.	-	-	N/A
Circulation	50 S.F.	-	-	-
Misc. Dead Space	480 S.F.	(includes walls, equipment, chases, etc.)		
INTERIOR TOTAL	4,030 S.F.	(net inside walls)	206	139 157
Exterior Patio Seating	1,040 S.F.	26% of O.L.	-	54 41
TOTAL			-	260 *

* NOTE: DUE TO THE SEATING COUNT EXCEEDING THE OCCUPANT LOAD IN THE DINING RM. # 1 AND DINING RM. #2, THE TOTAL SERVED OCCUPANT LOAD IS GREATER BY 18.

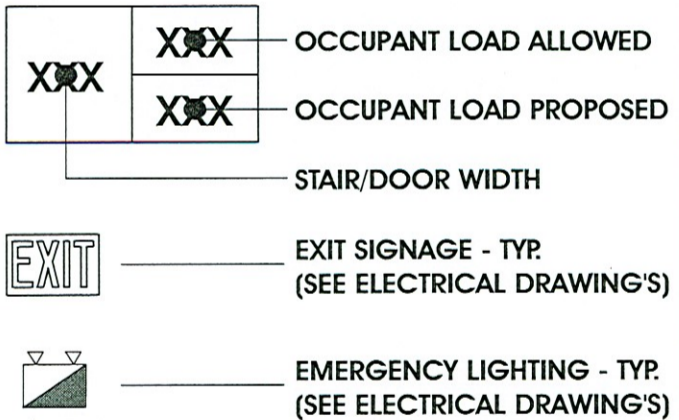
Posting of Occupant Load (1004.3) Every room or space in an Assembly occupancy must be posted with the allowable occupant load in a conspicuous place near the main exit from such space.

KEY

* AS PER APPROVED BOH PLANS

36" DOOR = 34" CLEAR ÷ .15 = 226
 44" DOOR = 42" CLEAR ÷ .15 = 280
 72" DOOR = 68" CLEAR ÷ .15 = 453

70" STAIR ÷ .20 = 350 ALLOWED
 44" STAIR ÷ .20 = 220 ALLOWED



TAPS RESTAURANT
WALDEN GALLERIA MALL - Space B-217
 ONE WALDEN GALLERIA
 BUFFALO, NY 14225

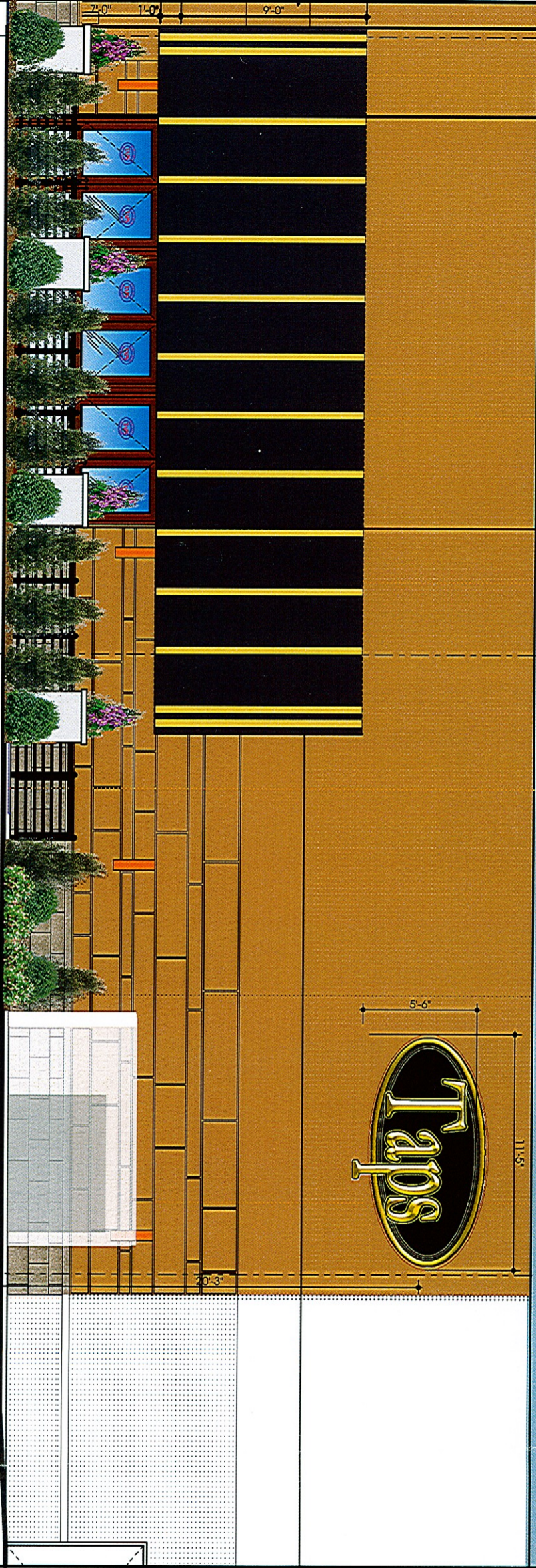
DATE	REMARKS	SHEET TITLE
5/10/12	ISSUE TO LANDLORD	OCCUPANT LOAD
DRAWN BY:		SHEET NUMBER:
SCALE:	SCALE: AS NOTED	SP-1.1A
DATE:	05.10.12	
JOB NUMBER:	1420	

Attachment: Plans (RES-2012-362 : Accept Site Plan for Taps Restaurant)

3

4

5

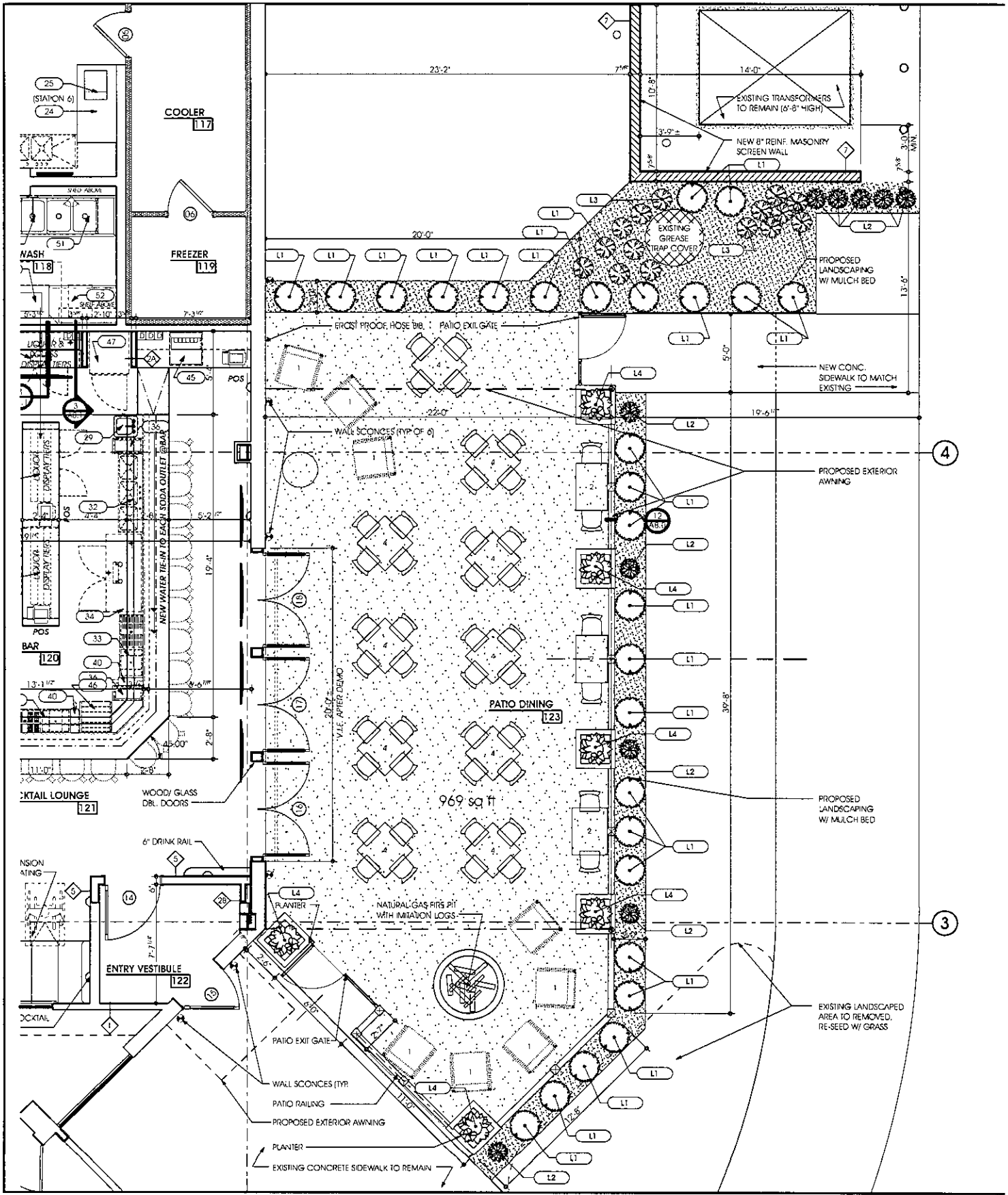


1
EXTERIOR MALL ELEVATION
 @ SIDEWALK

SCALE: 1/8" = 1'-0"

TAPS RESTAURANT
WALDEN GALLERIA MALL - Space B-217
 ONE WALDEN GALLERIA
 BUFFALO, NY 14225

DATE	REMARKS
4-6-12	ISSUE TO LANDLO
DRAWN BY:	CCC
SCALE:	SCALE: AS NOTED
DATE:	04/07/12
JOB:	



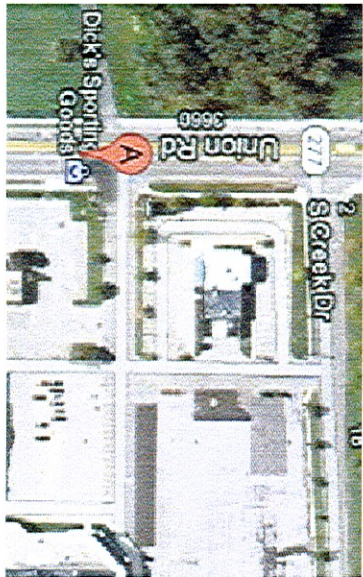
Attachment: Plans (RES-2012-362 : Accept Site Plan for Taps Restaurant)

tmm
architect
 matthew p. moscell, aia
 449 Delaware Avenue
 Buffalo, New York 14202
 716.883.3516 tel
 716.883.4740 fax
 www.tmmarchitect.com

TAPS RESTAURANT
WALDEN GALLERIA MALL - Space B-217
 ONE WALDEN GALLERIA
 BUFFALO, NY 14225

DATE	REMARKS
4/2/12	ISSUE TO LANDLORD
5/10/12	ISSUE TO LANDLORD
DRAWN BY: CCC	
SCALE: AS NOTED	
DATE: 04.02.12	
JOB NUMBER: 1020	

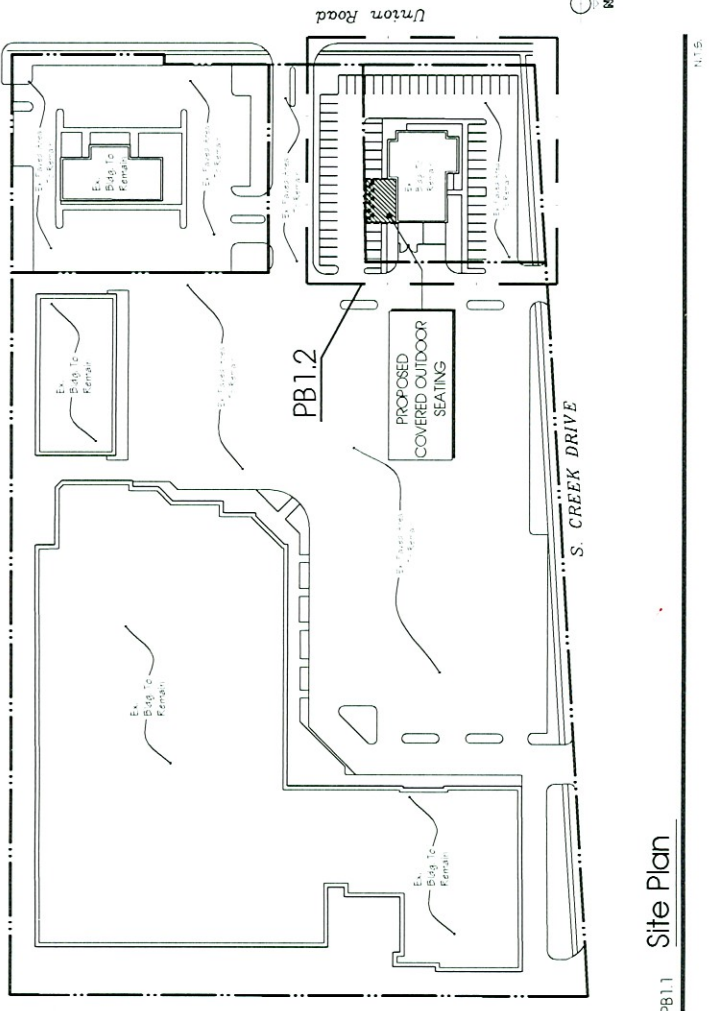
SHEET TITLE	PATIO PLAN
SHEET NUMBER	SP-1.0



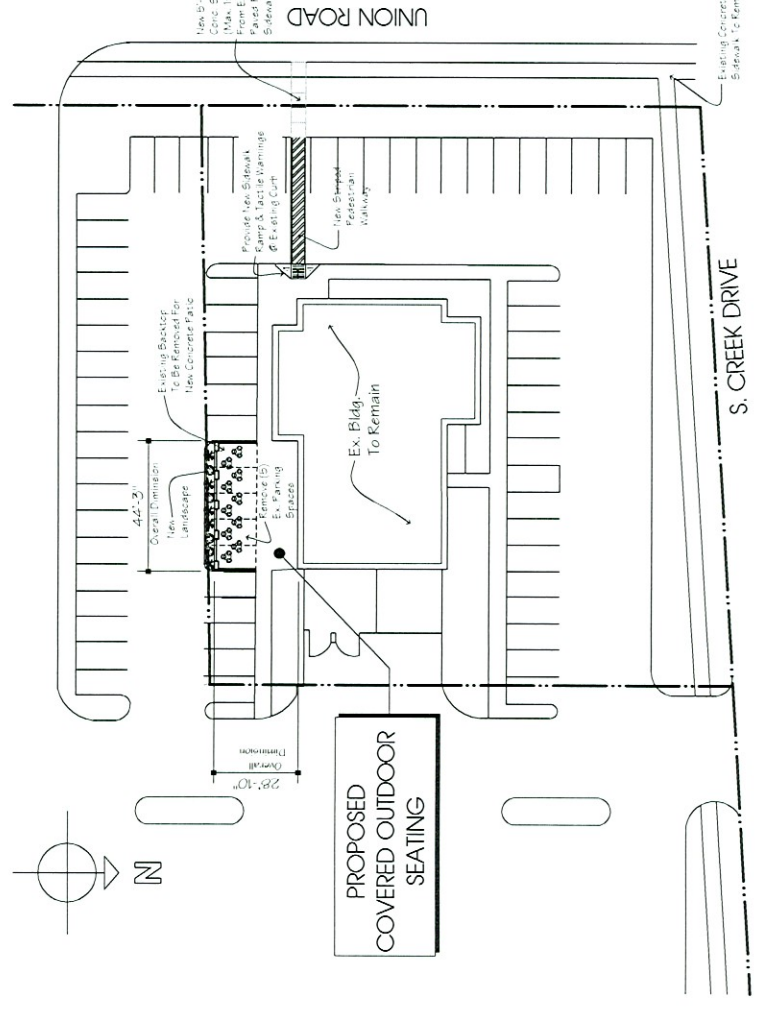
PB1.3 Aerial Photo



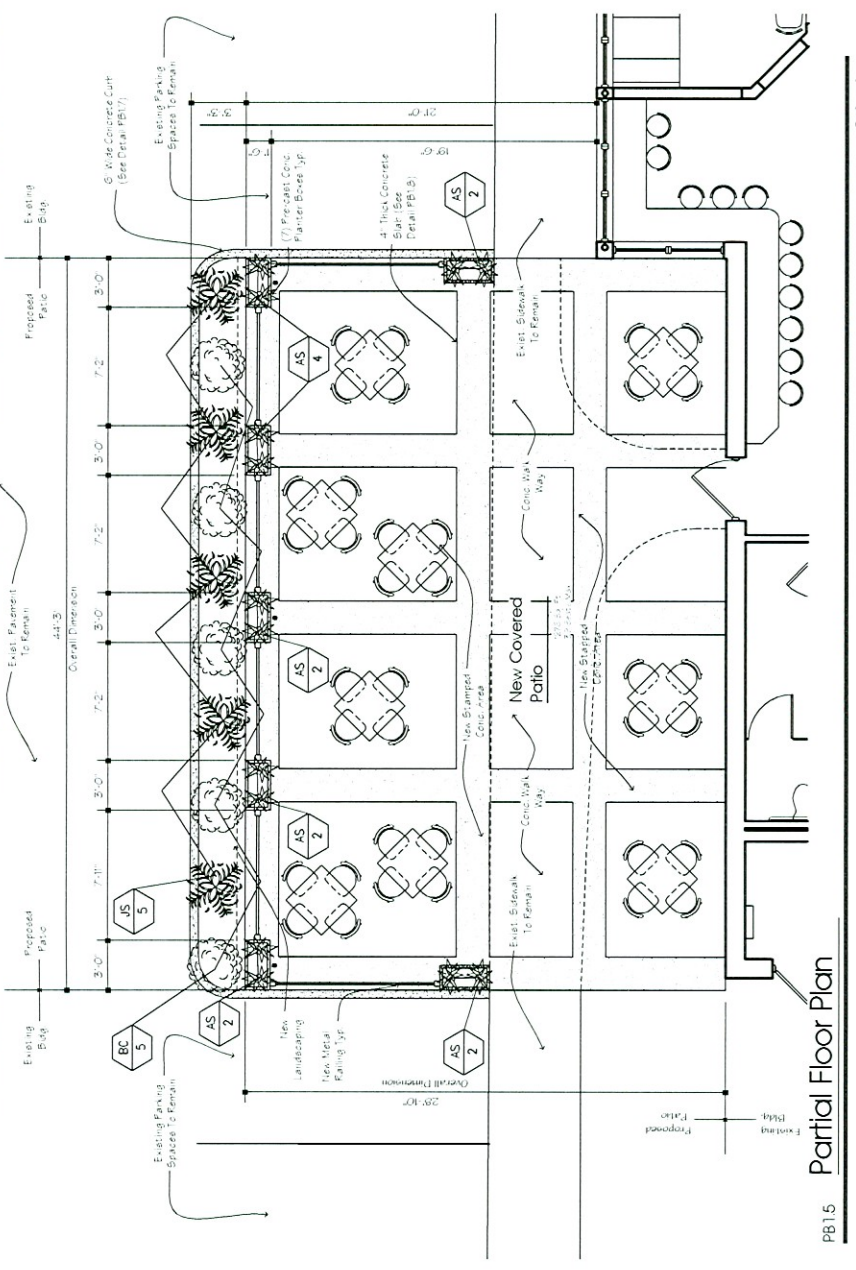
PB1.4 Existing Photos



PB1.1 Site Plan



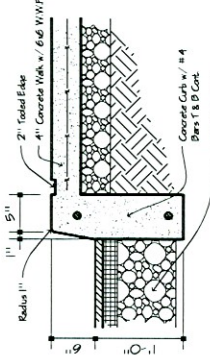
PB1.2 Partial Enlarged Site Plan



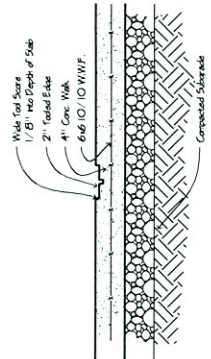
PB1.5 Partial Floor Plan

PLANTING SCHEDULE

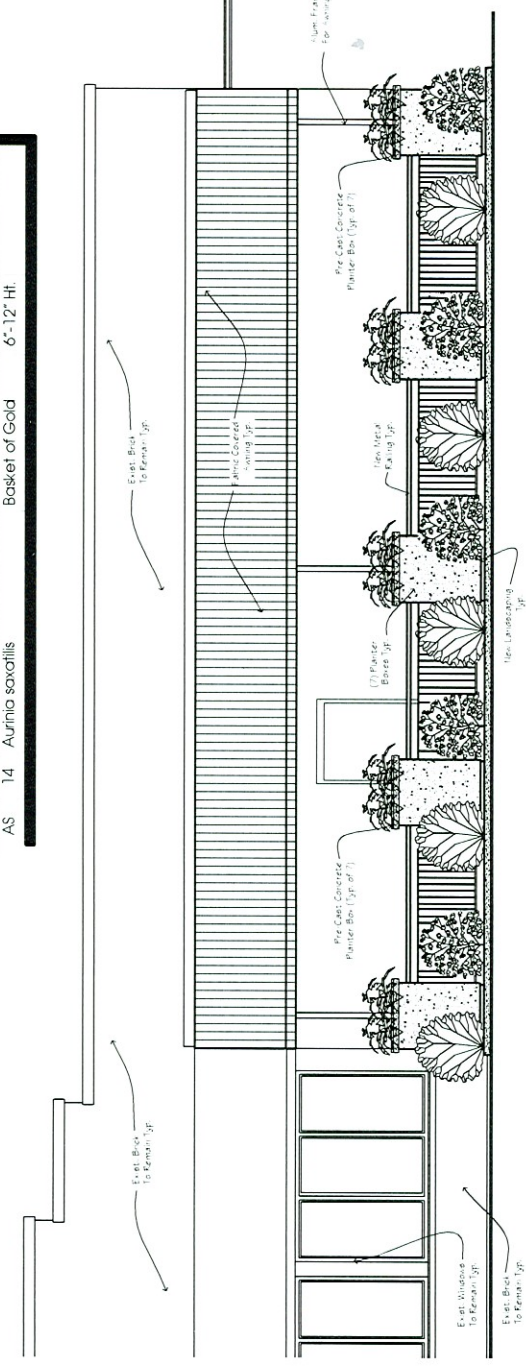
Key	Qty	Botanical Name	Common Name	Size	Comments
BC	5	Berberis thunbergii	"Rosy Glow"	24" HT	
JS	5	Juniperus chinensis	"Sea Green Juniper"	24" HT	
AS	14	Aurinia saxatilis	"Basket of Gold"	6"-12" HT.	



PB1.7 Concrete Curb Detail



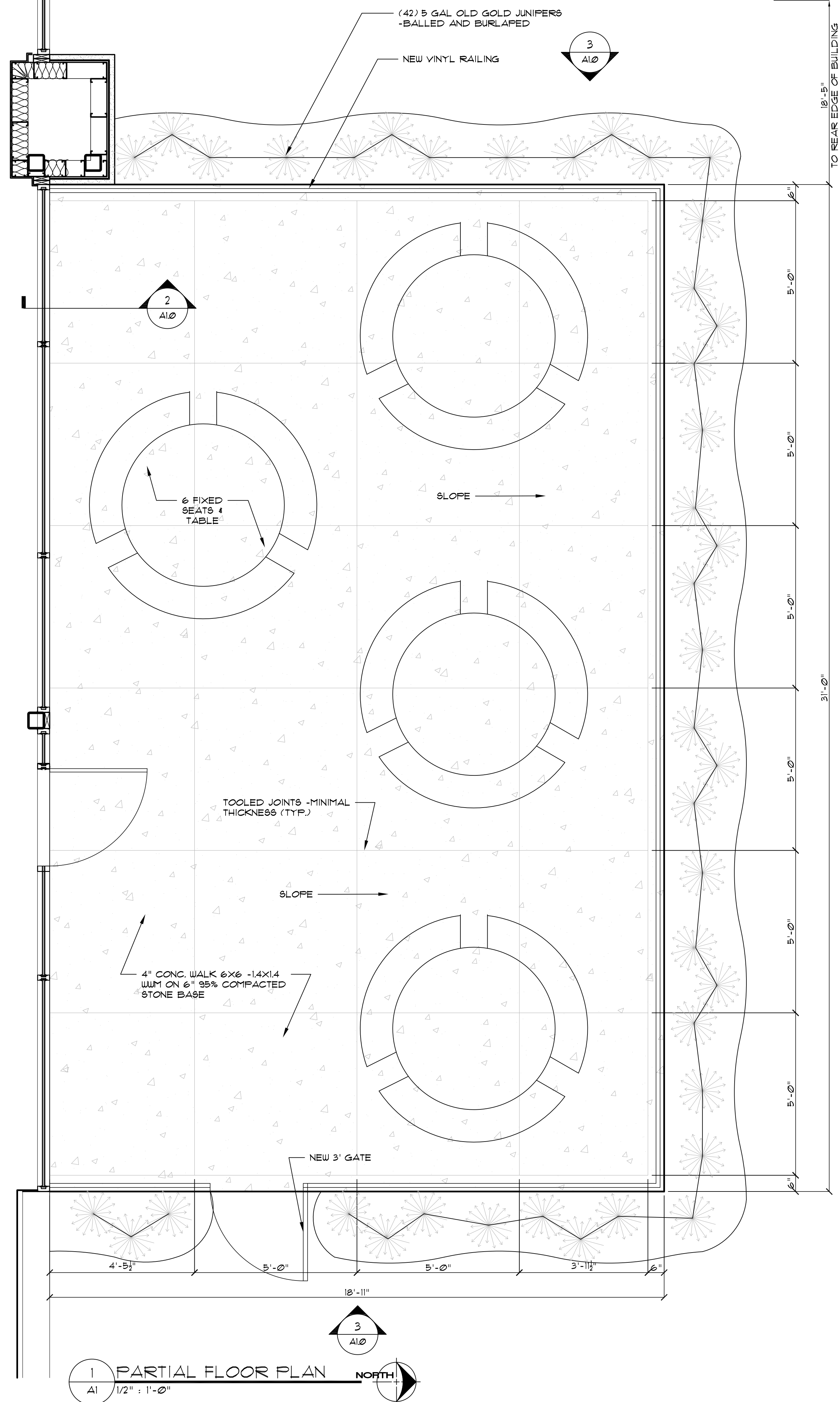
PB1.8 Concrete Curb Detail



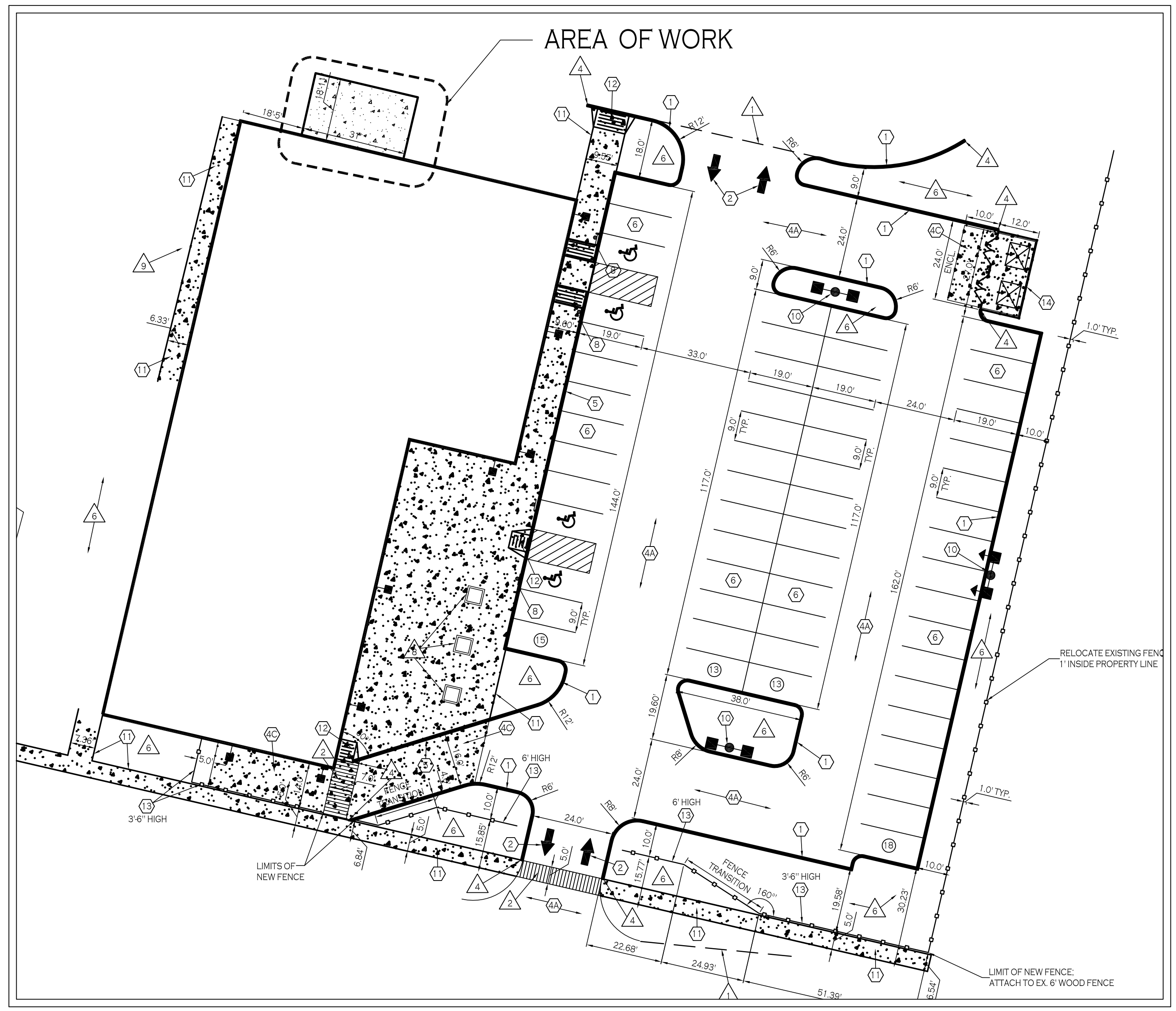
PB1.6 Proposed Right Elevation

**Proposed Exterior Patio For:
Ted's Hot Dogs
3637 Union Rd.**

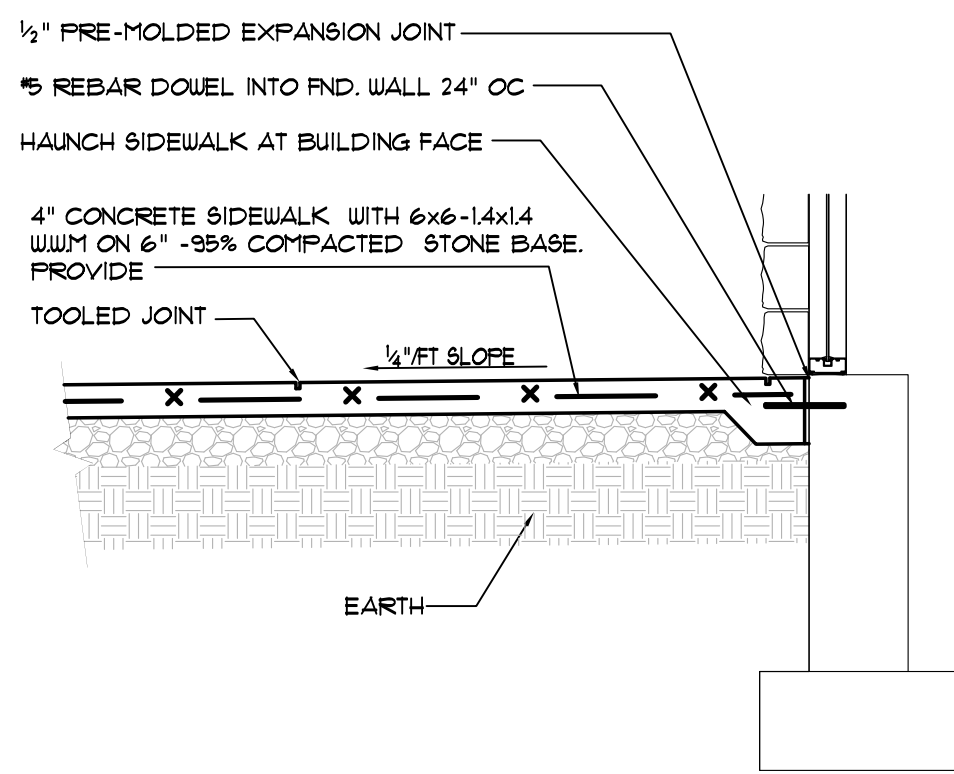




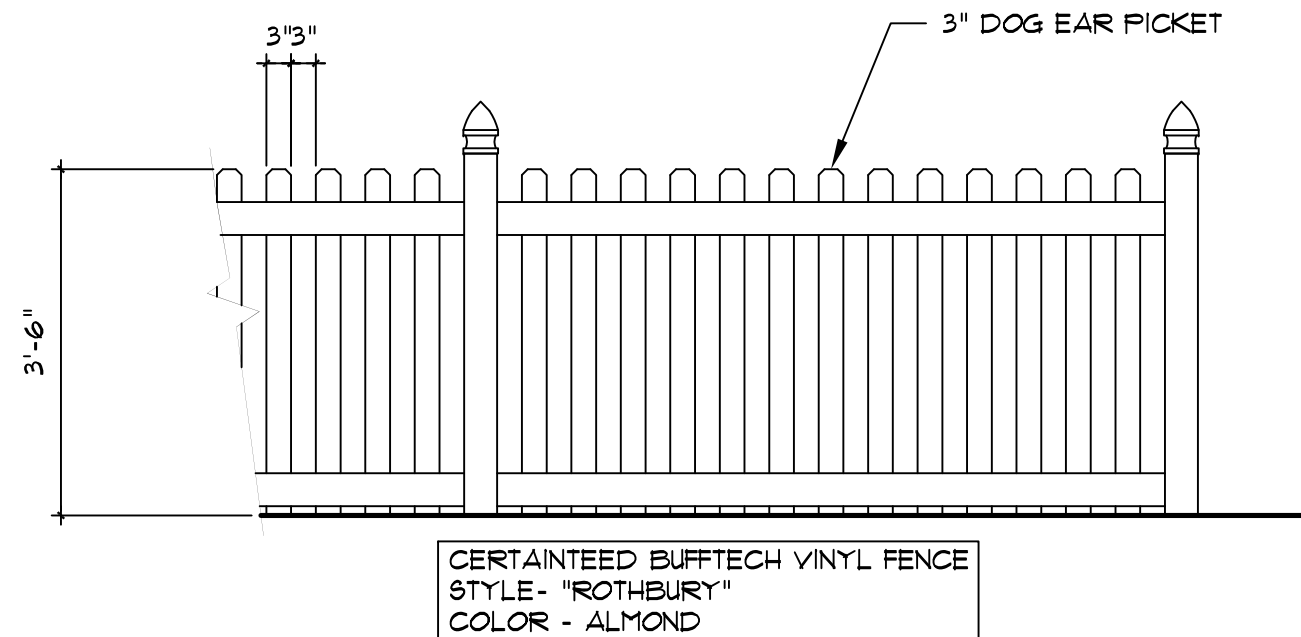
1 PARTIAL FLOOR PLAN
A1 1/2" : 1'-0"



KEY PLAN
NORTH



2 CONCRETE SECTION
A1 N.T.S.



3 TYPICAL RAILING
A1 1/2" : 1'-0"

Special Information:
THIS DRAWING PREPARED FOR TENANT IMPROVEMENTS TO AN EXISTING BUILDING OR BUILDING CONSTRUCTED BY OTHERS IT IS UNDERSTOOD THAT ANY WARRANTY INFORMATION CONCERNING EQUIPMENT INSTALLED MUST BE FORWARDED TO THE OWNER AND THAT ANY AND ALL CONTRACTORS SHALL GUARANTEE THEIR WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF OWNERS ACCEPTANCE.

NOTICE
UNAUTHORIZED ALTERATIONS OF THIS DOCUMENT ARE IN VIOLATION OF SECTION #7209 OF THE STATE EDUCATION LAW.

Drawing Revisions:	
No.	DATE
1	ISSUED FOR BID & PERMIT
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Property No: 3248
Area: 3,011 GSF

Property: **FORMER BRAND NAMES**
3385 UNION ROAD
CHEEKTOWAGA, NEW YORK 14225

Tenant: **THEODORES**

Title:

James Allen Rumsey
ARCHITECT
BENDERSON
DEVELOPMENT
COMPANY, LLC.
570 Delaware Ave. Buffalo, N.Y. 14202
(716) 896-0211

SEAL

Drawn By: CAR
Checked By: JAR
Date:

Drawing No.



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, July, 10, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on July 10, 2012 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	6:45 PM
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Motion To: Enter Into Executive Session at 6:00 PM

COMMENTS - Current Meeting:

Discussion

- matters relating to the appointment and termination of employees in the Police, Sanitation and Neighborhood Preservation departments.
- Litigation relating to assessment matter (Atlas Self Storage.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

3. Motion To: to Exit Executive Session

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Gerald Kaminski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

II. Resolutions at 7:03 PM



1. RESOLUTION 2012-380

Settlement of Litigation - Atlas Self Storage V Town

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Atlas Self Storage LLC commenced an Article 7 proceeding against the Town for Tax Year 2011-12, seeking a reduction in the assessment of property owned by it located at 550 Cayuga Creek Road (S.B.L., No. 81.17-2-27.111) in Cheektowaga, New York; and

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

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

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

2. **Work Session continues**
3. **Work Session Ends at 7:05 PM**



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Alice Magierski
716-686-3400

Monday, July, 16, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 16, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Absent	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Mark Wegner, Highway Superintendent
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearing

1. Local Law Intro No. 2012-2 of the Year 2012 - a Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map

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: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT: Stanley Kaznowski

IV. Resolutions



1. RESOLUTION 2012-381

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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

HIGHWAY FUND

FROM: 300.5130.4462 Parts & Supplies \$ 13,500.00

TO: 300.5140.4291 Shade Trees \$ 10,000.00
300.5148.4029 Services Other Gov't 3,500.00

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



2. RESOLUTION 2012-382

Warrant

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 13, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,146,636.96
RISK RETENTION FUND	245,424.13
DEBT SERVICE FUND	6,922.39
HUD HOUSING REHABILITATION FUND	9,830.00
SPECIAL DISTRICTS FUND	823,003.72
HIGHWAY FUND	727,220.63
CAPITAL FUND	395,711.95
TRUST & AGENCY FUND	15,161.92
HUD CDBG FUND	779.84
PART TOWN FUND	103,747.31
NYS AFFORDABLE HOUSING	<u>26,122.00</u>
	\$ 4,500,560.85

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



3. RESOLUTION 2012-383

Adopt Local Law No. 3 of the Year 2012 - a Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, Section 260-5 of the Zoning Law adopted the Official Zoning Map by reference, and declared the same to be part of the Zoning Law of the Town of Cheektowaga, and

WHEREAS, Article X of the Zoning Law provides the authorization and procedure by which the Official Zoning Map may be amended in accordance with New York State Town Law sections 264 and 265, and

WHEREAS, the Official Zoning Map, being part of the Zoning Law of the Town of Cheektowaga, requires amendments to be made pursuant to Municipal Home Rule Law; such requirement is contrary to the provisions of Article X of the Zoning Law, and

WHEREAS, it is the intent of this Town Board that amendments to the Official Zoning Map (a/k/a rezonings) be made pursuant to Article X of the Zoning Law and Sections 264 and 265 of the Town Law; as such, the Official Zoning Map would no longer be part of the Zoning Law but instead would be part of the ordinances and resolutions of the Town of Cheektowaga, and

WHEREAS, the Petitions Committee and the Town Attorney have recommended that this Town Board enact revisions to the Zoning Law to remove the Zoning Map there from, and

WHEREAS, such revisions would also apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map, and

WHEREAS, a draft of the proposed amendment to the Zoning Law has been prepared, and

WHEREAS, a public hearing was held on the 16th day of July, 2012 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2012-2 of the Year 2012 entitled "A Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map"; at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2012-2 of the Year 2012 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. 3 of the Year 2012, entitled "A Local Law to Amend the Zoning Law Relating to Amendments to the Official Zoning Map", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 3 of the Year 2012 shall be effective upon filing with the Secretary of State, and shall apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State.

**LOCAL LAW NO. 3 OF THE YEAR 2012
A LOCAL LAW TO AMEND THE ZONING LAW RELATING TO
AMENDMENTS TO THE OFFICIAL ZONING MAP**

1. Section 260-5, entitled "Incorporation of Zoning District Maps" is amended to read as follows:

Section 260-5. Zoning District Maps

A. The aforementioned districts are designated by symbols and the location and boundaries of said districts are shown on the Official Zoning Map or Maps, which together with all explanatory matters thereon, is hereby declared to be part of the ordinances and resolutions of the Town of Cheektowaga. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map after a resolution adopting such changes has been adopted by the Town Board.

B. As evidence of the authenticity of the "Zoning Maps for the Town of Cheektowaga, New York", said maps and amendments thereto shall be fully certified by the Town Clerk and shall be posted and filed according to law.

2. This amendment shall take effect immediately upon filing with the Secretary of State and shall apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map of the Town of Cheektowaga.

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



4. RESOLUTION 2012-384

Award of Bid for Asbestos Survey for 2354 Genesee 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 structure(s) on property located at 2354 Genesee Street has experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said building is unsafe and recommended that such structure(s) be demolished and removed; and

WHEREAS, by resolution adopted May 21, 2012 (2012-286), this Town Board ordered that the building(s) on the property be either repaired or demolished, and directed that the respective owner or others responsible for the building(s) on the property 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 the property; 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 said property, 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 (Resolution No. 2012-360) to various asbestos abatement firms and, based on proposals submitted, the Town Attorney has recommended that this Town Board retain Buffalo Environmental Consultants, Inc. d/b/a AFI Environmental to perform said asbestos surveys, specifications and project monitoring work with respect to said property for the sum of \$8,945.00 and, if required, a further sum of \$495.00 per day and \$11.25 per sample for additional air monitoring and sampling at the site; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Buffalo Environmental Consultants, Inc. d/b/a AFI Environmental, P.O. Box 4049, Niagara Falls, New York, 14304, to perform an asbestos survey and abatement work (if necessary) for 2354 Genesee Street, for the sum of \$8,945.00 and, if required, a further sum of \$495.00 per day and \$11.25 per sample for additional air monitoring and sampling at the site; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Buffalo Environmental Consultants, Inc., d/b/a AFI Environmental for said 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: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT: Stanley Kaznowski



5. RESOLUTION 2012-385

Accept Sanitary Sewer Easement on South Side of Genesee Street

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the New York State Department of Transportation ("DOT") owns property on the south side of Genesee Street in the Town of Cheektowaga east of Dick Road, and

WHEREAS, there is a sanitary sewer line which is located underground on such property, and

WHEREAS, the DOT has agreed to convey an easement over such property to the Town of Cheektowaga for this sanitary sewer line, and has prepared an easement document for same, and

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned sanitary sewer easement be and hereby is accepted by the Town, and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easement in the Erie County Clerk's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



6. RESOLUTION 2012-386

Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants Licenses

Sponsored By: Councilmember Rogowski, 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>
Adams, Maxwell H. , ,	1/31/2013
Ames, Bryan L , ,	1/31/2015
Amoia, Christine V , ,	8/31/2014
Anderson, Charles P , ,	2/28/2015
Atwill, William C , ,	12/31/2014
Bauer, Jeremy I , ,	9/30/2014
Berst, Collin J , ,	2/28/2013
Bielinski, Joseph S , ,	4/30/2015
Bonnes, Gregory J , ,	7/31/2012
Boser, John M , ,	2/28/2014
Bowen, Eric H , ,	5/31/2015
Burrows, Timothy R , ,	1/31/2015
Carberry, David V , ,	2/28/2015
Champion, LaKisha S , ,	12/31/2014
Cino, Nicholas J , ,	7/31/2012
Conley, Eric J , ,	1/31/2015
Cornelius, Katie M , ,	1/31/2015

Cuillo, Denise M	, ,	12/31/2014
Daellenbach, Jessica L	, ,	12/31/2014
DeBerry-Nelson, Jordan C	, ,	12/31/2014
Dworak, Keith R	, ,	2/28/2015
Fenar, Christopher S	, ,	10/31/2013
Fenik, Brian M	, ,	4/30/2015
Frazer, Eric S	, ,	5/31/2015
Goldsmith, William	, ,	1/31/2015
Grant, Willian F	, ,	11/30/2014
Groves, Brian L	, ,	7/31/2014
Hamilton, Eric S	, ,	6/30/2015
Hardy, Charles P	, ,	4/30/2015
Hawkins, Andrew J	, ,	2/28/2013
Hawkins, Joel B	, ,	9/30/2013
Hoch, Norine M	, ,	2/28/2015
Horwood, Breanna K	, ,	6/30/2013
Juen, Amanda G	, ,	6/30/2014
Kaefer, Matthew C	, ,	2/28/2015
Kania, Patrick A	, ,	1/31/2015
Kanutsu, James N	, ,	12/31/2014
Kayani, Harland M	, ,	3/31/2015
Lauzau, Corey J	, ,	8/31/2014
Ligammari, Dominic J	, ,	12/31/2014
Liguori, Frank L	, ,	3/31/2015
Marek, Kevin J	, ,	7/31/2014
Mergi, Michael C	, ,	1/31/2015
Meyer, Spencer L	, ,	9/30/2013
Miller, Peter J	, ,	5/31/2015
Moleski, Robert M	, ,	2/28/2015
Nelson, Darin J.	, ,	1/31/2015
Perez, Marisol	, ,	12/31/2014
Pettit, Christopher R	, ,	3/31/2015
Richardson, Christopher M	, ,	7/31/2013
Roessler, John R.	, ,	2/28/2015
Rosenlund, Christina M.	, ,	2/28/2015
Rutenkroger, Kristian H	, ,	4/30/2015
Schieber, Kevin N	, ,	4/30/2015

Schultz, Jacob D	, ,	12/31/2014
Shepherd, Tiffany A.	, ,	2/28/2014
Simmons, Joseph D	, ,	2/28/2015
Smallback, Ian C	, ,	3/31/2015
Stoddard, Kyle M	, ,	2/28/2014
Szczepaniak, Timothy K	, ,	1/31/2015
Szewc, William O	, ,	3/31/2015
Tillard, Richard T	, ,	12/31/2014
Torres, Rebecca J	, ,	2/28/2013
Walkden, William P	, ,	5/31/2015
Walter, Derrick J	, ,	2/28/2015
Watson, Christopher L	, ,	11/30/2012
Wendt, Trever R	, ,	2/28/2015
Zawistowski, Edward J.	, ,	7/31/2015

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



7. RESOLUTION 2012-387

Authorize Supervisor to Execute Grant Application for Local Government Performance and Efficiency Program (LGPEP)

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the New York State, Department of State (DOS) is soliciting grant applications for the Local Government Performance and Efficiency Program (LGPEP), to provide performance awards for existing cost savings actions that are substantial, measurable and transformative; and

WHEREAS, the Town of Cheektowaga and the Town of Boston have implemented a program to share the services of an Assessor, thereby resulting in recurring savings to taxpayers of both communities; and

WHEREAS, the Towns of Cheektowaga and Boston desire to submit a grant application titled, "The Town of Cheektowaga-Town of Boston Shared Assessor Program" to the New York State Department of State Local Government Performance and Efficiency Program; and

WHEREAS, the Town of Cheektowaga will serve as the designated Lead Agency, representing the two municipalities and entering into a contract with the New York State, Department of State on behalf of the Town of Cheektowaga and the Town of Boston upon award of the grant; NOW THEREFORE, BE IT;

RESOLVED, that the Town of Cheektowaga agrees to serve as the Lead Agency for the purposes of submitting the grant application and administering the grant award; and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board hereby designates Mary F. Holtz, Cheektowaga Town Supervisor, (and her designee), to submit an application for the Town of Cheektowaga-Town of Boston Shared Assessor Program to the Local Government Performance and Efficiency Program; and BE IT FURTHER

RESOLVED, that Mary F. Holtz is hereby authorized to execute all financial and/or administrative processes paperwork relating to the implementation of the program; and BE IT FURTHER

RESOLVED, that, should it be deemed necessary, the Supervisor of the Town of Boston be and hereby is authorized to execute and all documents to effectuate the terms of this grant; and BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized to prepare and submit said application for funding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor

AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



8. RESOLUTION 2012-388

Authorize Supervisor to Execute Agreement

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, in May of 2007, the Cheektowaga Police Department converted from using 35mm cameras to VeriPic Law Enforcement Digital Photographic Software System for its Scientific Investigation Unit, AND

WHEREAS, the Software System certifies the integrity of the chain of custody and photographic evidence for court proceedings and exhibits, AND

WHEREAS, the time has come to renew the VeriPic Maintenance Agreement, which offers hardware, software, technical and camera driver supports, training, as well as updates and upgrades, AND

WHEREAS, there would be a five (5) year savings to the Town of Cheektowaga of \$7,906.25 if we renew the maintenance contract for five (5) years versus one (1) year at a time, for a total five (5) year cost of \$17,393.75; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Maintenance Agreement renewal with VeriPic and issue payment under the following schedule:

Software License Maintenance Agreement Period	Pay
8/1/2012-7/31/2015	\$10,436.25
8/1/2015-7/31/2017	\$ 6,957.50

AND,

BE IT FURTHER RESOLVED, that payment will be issued from budget line 100-3020-4022, AND,

BE IT FURTHER RESOLVED, that the Agreement is subject to review and approval by the Town Attorney.

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



9. RESOLUTION 2012-389

Authorization for Supervisor to Execute Subrecipient Agreements with the Villages of Depew and Sloan

Sponsored By: Councilmember Markel, Supervisor Holtz

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 2012 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 2012 Community Development Block Grant program year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



10. RESOLUTION 2012-390

Approve Health Insurance Plan

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is self insuring its health insurance with Blue Cross Blue Shield as the administrator, NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the contents of the one (1) year administrative health insurance contract with Blue Cross Blue Shield, and BE IT FURTHER

RESOLVED, that this contract shall be effective as of August 1, 2012, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the contract with Blue Cross Blue Shield, and any and all other documents necessary to effectuate the insurance coverage called for under such contract.

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



11. RESOLUTION 2012-391

Standard Work Day and Reporting Resolution

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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	Charles Markel	6	1/1/2012-12/31/2015	No	20
Councilman	Gerald Kaminski	6	1/1/2012-12/31/2015	No	6.6
Councilman	Angela Wozniak	6	1/1/2012-12/31/2015	No	8
Hwy Superintendent	Mark Wegner	7	1/1/2012-12/31/2015	No	20
Town Clerk	Alice Magierski	7	1/1/2012-12/31/2015	No	20

* Based on record of activities

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



12. RESOLUTION 2012-392

Special Event - HSBC Sports and Social Club

Sponsored By: Councilmember Rogowski, Councilmember Kaminski

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Softball Tournament in Stiglmeier Park on August 18, 2012 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 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 HSBC Sports and Social Club for the aforementioned Softball Tournament to be held in Stiglmeier Park on August 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



13. RESOLUTION 2012-393

Special Event - Trooper Jill Farrar Mattice 5-K Memorial Run

Sponsored By: Councilmember Markel, 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, Jeffrey Farrar has made application to hold "Trooper Jill Farrar Mattice 5-K Memorial Run" on Saturday, September 29, 2012 to raise funds for a scholarship at Cleveland Hill High School, beginning at 11:00 A.M. (route attached); AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police 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 Jeffrey Farrar for "Trooper Jill Farrar Mattice 5-K Memorial Run" on Saturday, September 29, 2012 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 Dave Zack.

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



14. RESOLUTION 2012-394

Demolition of Garage/2523 Genesee Street

Sponsored By: Councilmember Markel, Supervisor Holtz

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 2523 Genesee Street, Cheektowaga, New York SBL# 91.77-2-2 that is a danger to the safety of others, and records kept by the Assessors Office identify Richard H. Filipowicz, 86 Harlem Road, Buffalo, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2523 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



15. RESOLUTION 2012-395

Demolition of Garage/47 Marilyn Drive

Sponsored By: Councilmember Markel, Supervisor Holtz

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 47 Marilyn Drive, Cheektowaga, New York SBL#92.09-2-30 That is a danger to the safety of others, and records kept by the Assessors Office identify Nelson E. Moore, 47 Marilyn Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 47 Marilyn Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



16. RESOLUTION 2012-396

Unsafe-Unsecured/4039 Union Road

Sponsored By: Councilmember Markel, Supervisor Holtz

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 4039 Union Road, Cheektowaga, New York SBL# 91.20-3-71 that is a danger to the safety of others, and records kept by the Assessors Office identify Shan An Lin, 4039 Union Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4039 Union Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



17. RESOLUTION 2012-397

Unsafe-Unsecured/70 Shanley Street

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 70 Shanley Street, Cheektowaga, New York SBL# 123.27-10-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Christine Wisniewski, 50 North Avenue, Apartment #237, West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 70 Shanley Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



18. RESOLUTION 2012-398

Unsafe-Unsecured/53 Colton Street

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 53 Colton Street, Cheektowaga, New York SBL# 112.68-1-28 That is a danger to the safety of others, and records kept by the Assessors Office identify Maurice C. Jackson, 91 Northwood, West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 53 Colton Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



19. RESOLUTION 2012-399

Unsafe-Unsecured/10 Marlene Drive

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 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.

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



20. RESOLUTION 2012-400

Unsafe-Unsecured/5 Coralwood Court

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 5 Coralwood Court, Cheektowaga, New York SBL# 80.69-2-47 that is a danger to the safety of others, and records kept by the Assessors Office identify Jodie A. Mischler, 5 Coralwood, Cheektowaga, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 5 Coralwood 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.

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



21. RESOLUTION 2012-401

Unsafe-Unsecured/44A Windwood Court

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 44A Windwood Court, Cheektowaga, New York SBL# 91.14-1-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Jacob Bullis, 44A Windwood Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 44A Windwood Court, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



22. RESOLUTION 2012-402

Retain Consultant for Needs Assessment

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town Board of the Town of Cheektowaga is interested in ensuring that every Town department operates as efficiently as possible, and

WHEREAS, Zasio Enterprises, Inc. has expertise in preparing needs assessments of Town departments to encompass paper flow, workflow, records management and improved efficiency, and

WHEREAS, Zasio Enterprises, Inc. has submitted a proposal wherein it will prepare a needs assessment for the Town Justice Court and Building Inspections Department (including Neighborhood Preservation and Fire Inspections) by conducting on-site assessments, and producing a final report needs assessment containing recommendations for managing electronic records; and

WHEREAS, the fees for consultant services are not to exceed \$24,500.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains the services of Zasio Enterprises, Inc. (David O. Stephens, as consultant) to perform the Needs Assessment for the Town Justice Court and Building Inspections Department in accordance with the terms and conditions of the attached agreement, and BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from the following respective budget line item numbers:

- 100.1320.4145	\$12,250.00
- 800.3620.4581	\$12,250.00

, and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute said agreement with Zasio Enterprises, Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



23. RESOLUTION 2012-403

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Rachel Gabryszak	Never Worked	14043
Nicholas Hawley	06/19/2012	14227
Brandon Kruse	Never Worked	14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following resolutions: 2012-403; 2012-404 and 2012-405. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT: Stanley Kaznowski



24. RESOLUTION 2012-404

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, 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 - 7310.1801 - \$7.25 - Part-time
Kourtney Killian 14211

Laborer - "Bathhouse Attendant - Level I" - 7180.1901 - \$7.25 - Seasonal - Retro to 7/1/12
Paul Cianflone 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



25. RESOLUTION 2012-405

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, 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 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:

SANITATION DEPARTMENT Laborer \$8.00/hour
 Nicholas A. Ruberto, Jr. effective 7/2/12
 Shane R. Patterson-Cleary effective 7/3/12

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

SANITATION DEPARTMENT
 Joseph Griffin effective 6/23/12
 Shane R. Patterson-Cleary effective 7/07/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



26. RESOLUTION 2012-406

Appointment of Fire Inspector (Competitive/Permanent) Building and Plumbing Department/Joseph E. Ehnes

Sponsored By: Supervisor Holtz, Councilmember Markel

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

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said vacancy; AND

WHEREAS, a civil service list exists; AND

WHEREAS, Joseph E. Ehnes of Cheektowaga, New York, appears of said list and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, Joseph E. Ehnes of Cheektowaga, New York, be and hereby is appointed to the 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 July 30, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



27. RESOLUTION 2012-407

Appointment of Police Officers (Competitive/Permanent)/Justin M. Blackchief, Eric C. Corcoran, Daniel K. Clifford, Jacob T. Wodowski, Jason M. West and Jeffrey M. Filipski

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

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:

- Justin M. Blackchief, Cheektowaga, New York
- Eric C. Corcoran, Cheektowaga, New York
- Daniel K. Clifford, Cheektowaga, New York
- Jacob T. Wodowski, Cheektowaga, New York
- Jason M. West, Cheektowaga, New York
- Jeffrey M. Filipski, Cheektowaga, New York; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective August 2, 2012, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

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



28. RESOLUTION 2012-408

Travel Authorization Police Department/Sergeants Lawrence Bauer and Brian Coons

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, a seminar, "Force Science," is being held August 1 through August 2, 2012 in Syracuse, New York; AND

WHEREAS, Sergeants Lawrence Bauer and Brian Coons have been recommended to attend said seminar; AND

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

WHEREAS, the total cost to the Town shall not exceed \$985.93; AND

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

RESOLVED, that Sergeants Lawrence Bauer and Brian Coons be and hereby are authorized to attend the "Force Science" seminar being held August 1 through August 2, 2012 in Syracuse, New York.

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following One (1) Resolution: 2012-409. Motion Carried.



1. RESOLUTION 2012-409

Change Order No. 1 (Final) Tree Planting

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the contract for the furnishing and installation of trees along Town highways was awarded to J & C Landscaping by Town Board Resolution dated March 5, 2012, 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 the installation of four (4) additional trees and the transplanting of two (2) trees, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute final contract acceptance documents with J & C Landscaping, 8519 Ertman Road, Lockport, New York 14094 including Change Order No. 1 (final) which provides for an increase to the aforesaid contract in the amount of \$1,220.00 which shall be chargeable to Account #500-8560-0700-5005.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski

VI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds March 2012**
2. **Minutes: Town Environmental Advisory Committee - July 11, 2012**

B. General Communications

1. **Notice of Claim: Franklyn A. Huber III Vs. Town of Cheektowaga**
2. **Notice of Claim: Lauren KazmierczakI Vs. Town of Cheektowaga**
3. **Notice of Claim: Bernard & Carol Wojcik Vs. Town of Cheektowaga**
4. **Request to Speak: Liberty Terrace Residents**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to adjourn the meeting. Time: 7:10 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Alice Magierski
716-686-3400

Monday, August, 6, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on August 6, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Jerry Gabryszak, Director of Community Development
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-410

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

NYS Affordable Housing Fund

From: 900.8600.4910 NYS AHC Revenues \$100,000.00

To: 900.8668.4008 Loans From Program \$100,000.00

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



2. RESOLUTION 2012-411

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 3, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 4,510,558.92
RISK RETENTION FUND	315,521.66
DEBT SERVICE FUND	1,091,462.50
HUD HOUSING REHABILITATION	23,202.00
SPECIAL DISTRICTS FUND	1,265,407.25
HIGHWAY FUND	769,114.24
CAPITAL FUND	1,156,528.85
TRUST & AGENCY FUND	29,559.41
HUD CDBG FUND	2,310.17
PART TOWN FUND	214,255.43
NYS AFFORDABLE HOUSING FUND	<u>10,637.00</u>
	\$ 9,388,557.43

RESULT:	ADOPTED [6 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Wozniak
ABSTAIN:	Gerald Kaminski



3. RESOLUTION 2012-412

Approval of Rezoning - 2480 & 2490-2550 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Benderson Development Company, LLC petitioned for a rezoning from M1-Light Manufacturing District to CM-General Commercial District for property owned by it and located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, for commercial/retail/restaurant use, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of June, 2011 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of Benderson Development Company, LLC for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. The actual development or site plan must be submitted to this Town Board for approvals.

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

LEGAL DESCRIPTION OF LANDS TO BE REZONED

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

BEGINNING at a point in the east line of Lot No. 11 distant 140 feet south of its intersection with the south line of Zoerb Avenue as laid out on a map filed in the Erie County Clerk's office under Map Cover No. 2146;
Thence westerly, parallel with the south line of Zoerb Avenue, a distance of 757.89 feet to the True Point and Place of Beginning;

Thence southerly at an interior angle of 89°52'43", a distance of 580.99 feet to a point on the northerly line of said Walden Avenue;

Thence westerly along the northerly line of said Walden Avenue, a distance of 837.63 feet to a point in the west line of lands conveyed to Nathan Rovner by deed recorded in the Erie County Clerk's Office in Liber 5897 of Deeds at page 528;

Thence northerly along the west line of land so conveyed to Nathan Rovner, 986.51 feet to a point 140.0 feet southerly from the intersection of the said west line of Rovner's land with the south line of Zoerb Avenue as laid out on a map filed in the Erie County Clerk's office under Map Cover No. 2146;

Thence easterly, and parallel with the south line of said Zoerb Avenue 827.02 feet to the True point and place of beginning.

This parcel containing 759,351 Sq.Ft. or 17.432 Acres more or less.

Attachments:

2480_2490_2550 Walden Avenue - Official Map Change Confirmation (PDF)

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



4. RESOLUTION 2012-413

Award of Bid - War of 1812 Cemetery Fencing

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the furnishing and installation of fencing and gates at the War of 1812 Cemetery, which bids were duly received and opened on May 23, 2012 at 11:00 am by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report as detailed in a letter from the Town Engineer dated July 12, 2012, AND

WHEREAS, said letter recommends that the contract for the installation of fencing and gates at the War of 1812 Cemetery be awarded to New York State Fence, Inc., 858 Manitou Road, Hilton, New York 14468 for their submission of the lowest bid price of \$22,669.00 meeting the requirements of the contract specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and installation of fencing and gates at the War of 1812 Cemetery is hereby awarded to New York State Fence, Inc. and that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute any and all agreements for the aforementioned project, including New York State Office of Parks, Recreation and Historic Preservation Grant Documents, AND, BE IT FURTHER

RESOLVED, that funding for the subject project shall be chargeable to Account No. 500-7110-4379-5920.

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



5. RESOLUTION 2012-414

Award of Bid - 65 and 95 Gallon Refuse Totes

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by resolution dated July 2, 2012 (Resolution 2012-359), this Town Board issued a Notice to Bidders for the Furnishing, Delivery, Assembly and Town-Wide Distribution of 65 Gallon and 95 Gallon Refuse Totes, AND

WHEREAS, through an addendum issued by the Town Engineer, the date for the opening of bids for these refuse totes was postponed from July 18, 2012 to August 1, 2012, AND

WHEREAS, bids were duly received on August 1, 2012, AND

WHEREAS, said bids were referred to the Engineering Department for analysis, tabulation and report which is contained in a letter from the Town Engineer dated August 2, 2012, AND

WHEREAS, said report recommends that the bid for the Furnishing, Delivery, Assembly and Town Wide Distribution of 65 and 95 Gallon Refuse Totes be awarded to the Rehrig Pacific Company for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms and accepts the aforementioned addendum issued by the Town Engineer to change the bid opening date to August 1, 2012, AND, BE IT FURTHER

RESOLVED, that the contract for the Furnishing, Delivery, Assembly and Town Wide Distribution of 65 and 95 Gallon Refuse Totes is hereby awarded to:

Rehrig Pacific Company
1738 West 20th Street
Erie, PA 16502

for their bid in the amount of \$1,538,450.00, being the lowest bid meeting the requirements of the specifications based on the following unit prices and estimated quantities for each respective bid item:

<u>BID ITEM</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>
No. 1	65 Gallon Tote	5,000	\$36.67 each
No. 2	95 Gallon Tote	30,000	\$41.67 each
No. 3	Tote Distribution	30,000	\$ 3.50 each

AND, BE IT FURTHER

RESOLVED, that funding for said purchase shall be chargeable to Account #150-8160-2501.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor
SECONDER: Gerald Kaminski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2012-415

Award of Bid - Refuse Cart Lifting Systems

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Furnishing and Installation of Refuse Cart Lifting Systems to be retro-fitted onto the Town Sanitation Department packer fleet, which bids were duly received and opened on July 18, 2012 by the Town Clerk, AND

WHEREAS, said bids were referred to the Engineering Department for analysis, tabulation and report which is contained in a letter from the Town Engineer dated July 31, 2012, AND

WHEREAS, said report recommends that the bid for the Furnishing and Installation of Refuse Cart Lifting Systems be awarded to Joe Johnson Equipment, Inc. For their bid proposal utilizing tipper equipment manufactured by Diamondback Products, said bid being the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Furnishing and Installation of Refuse Cart Lifting Systems is hereby awarded to:

Joe Johnson Equipment, Inc.
62 LaGrange Avenue
Rochester, New York 14613

for their bid in the amount of \$160,087.00 utilizing tipper equipment manufactured by Diamondback Products, Inc., AND, BE IT FURTHER

RESOLVED, that funding for said equipment purchase and installation shall be chargeable to Account No. 150-8160-2501.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2012-416

Change Order No. 2 - Electrical (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for Electrical Work for the Police and Court Building Addition and Renovations Project was awarded by Town Board Resolution dated September 7, 2010 to Industrial Power & Lighting Corporation, 701 Seneca Street, Buffalo, New York 14210 in the amount of \$1,889,000.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 2 (Electrical Work) which provides for various building security improvements and court audio system enhancements as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 (Electrical Work) for the Police and Court Building Addition and Renovations Project in the amount of \$19,499.38 as an addition to the contract of Industrial Power & Lighting 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5025.

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



8. RESOLUTION 2012-417

Change Order No. 3 - Electrical (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for Electrical Work for the Police and Court Building Addition and Renovations Project was awarded by Town Board Resolution dated September 7, 2010 to Industrial Power & Lighting Corporation, 701 Seneca Street, Buffalo, New York 14210 in the amount of \$1,889,000.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 3 (Electrical Work) which provides for building revisions requested by the Police Department beyond the original project scope as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 (Electrical Work) for the Police and Court Building Addition and Renovations Project in the amount of \$119,046.79 as an addition to the contract of Industrial Power & Lighting 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5027.

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



9. RESOLUTION 2012-418

Change Order No. 5 - HVAC Work (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for HVAC Work for the Police & Court Building Renovations and Addition Project was awarded by Town Board Resolution dated September 7, 2010 to MLP Plumbing & Mechanical, Inc., 3198 Union Road, Suite 300, Cheektowaga, New York 14227 in the amount of \$1,818,000.00, AND

WHEREAS, the project architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 5 (HVAC Work) which provides for building revisions requested by the Police Department beyond the original project scope as further outlined on the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 5 (HVAC Work) for the Police and Court Building Renovations and Addition Project, in the amount of \$163,658.80 as an addition to the contract of MLP Plumbing & 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5027.

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



10. RESOLUTION 2012-419

Change Order No. 3 - Plumbing Work (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for Plumbing Work for the Police & Court Building Addition and Renovations Project was awarded by Town Board Resolution dated September 7, 2010 to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York 14224 in the amount of \$990,000.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 3 (Plumbing Work) which provides for building revisions requested by the Police Department beyond the original project scope as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 (Plumbing Work) for the Police & Court Building Addition and Renovations Project in the amount of \$1,013.25 as an addition to the contract of MKS Plumbing 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5027.

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



11. RESOLUTION 2012-420

Change Order No. 7 - General Construction (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for General Construction Work for the Police & Court Building Renovations and Addition Project was awarded by Town Board Resolution dated September 7, 2010 to Burgio & Campofelice, Inc., 2570 Walden Avenue, Cheektowaga, New York 14225 in the amount of \$9,033,643.00, AND

WHEREAS, the project architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 7 (General Construction Work) which provides for building revisions requested by the Police Department beyond the original project scope as further outlined in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 7 (General Construction Work) for the Police and Court Building Renovations and Addition Project in the amount of \$143,915.75 as an addition to the contract of Burgio & Campofelice, 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5027.

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



12. RESOLUTION 2012-421

Notice to Bidders for Demolition with Asbestos Abatement Of 166 Straley Ave., 1122 Walden Ave., (Demolition Only), 1272 Walden Ave., And 1280 Walden Ave., in the Town of Cheektowaga

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the Demolition with Asbestos Abatement of the structures on the following referenced properties in the Town of Cheektowaga:

1. A one and one-half family residential structure(s) located at 166 Straley Avenue;
2. A two-story family residential structure(s) located at 1122 Walden Avenue (*demolition only*);
3. A two-story 4 row apartment structure(s) located at 1272 Walden Avenue; and
4. A two-story 4 row apartment structure(s) located at 1280 Walden Avenue;

and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office;
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Demolition with Asbestos Abatement of the structures on the following referenced properties in the Town of Cheektowaga: 166 Straley Avenue, 1122 Walden Avenue (demolition only), 1272 Walden Avenue and 1280 Walden Avenue; 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, 3301 Broadway,
Cheektowaga, New York, on Wednesday, August 15, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on WEDNESDAY, AUGUST 15, 2012 at 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of 166 Straley Avenue, 1122 Walden Avenue (demolition only), 1272 Walden Avenue, and 1280 Walden Avenue, all situate in the Town of Cheektowaga, New York.

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

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: 6 August 2012

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



13. RESOLUTION 2012-422

Site Plan - Part of 3155 Broadway and 3268 Union Rd

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 Iskalo Development Corp. For the construction of a parking area expansion /truck loading area at part of 3155 Broadway and 3268 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 12, 2012 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:

Site Plan (PDF)

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



14. RESOLUTION 2012-423

Amendments to Personnel Policies for Full-Time Exempt Department Heads and Full-Time Exempt Non-Department Heads

Sponsored By: Kaznowski, Jaworowicz, Holtz, Rogowski, Kaminski, Markel, Wozniak

WHEREAS, by Resolution adopted October 19, 2009 the Town Board adopted certain employee policies for full time Exempt Employees that were not Department Heads and full time Exempt Employees that were Department Heads; and

WHEREAS, those policies included terms setting longevity pay scales for those full time employees; and

WHEREAS, those policies included terms setting forth what those full time employees would have to contribute to maintain health insurance, including dental and optical coverage, on a single or family basis after retirement; and

WHEREAS, the Town Board wishes to modify the longevity pay scales for full time Exempt Employees that are Department Heads and full time Exempt Employees that are not Department Heads and the terms setting forth what all those full time employees who were hired prior to January 1, 2009 would have to contribute to maintain health insurance, including dental and optical coverage, on a single or family basis after retirement;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby adopts, effective January 1, 2012, the following Longevity pay schedule for full time exempt employees who are Department Heads:

Employees Hired Prior to 1/1/09

After five (5) years.....	\$575.00
After ten (10) years.....	\$550.00 (\$1125.00)
After fifteen (15) years.....	\$725.00 (\$1850.00)
After twenty (20) years.....	\$800.00 (\$2650.00)
After twenty-one (21) years.....	\$100.00 (\$2750.00)
After twenty-two (22) years.....	\$100.00 (\$2850.00)
After twenty-three (23) years.....	\$100.00 (\$2950.00)
After twenty-four (24) years.....	\$100.00 (\$3050.00)
After twenty-five (25) years.....	\$1250.00 (\$4300.00)

Employees Hired On/After 1/1/09

After five (5) years.....	\$470.00
After ten (10) years.....	\$545.00 (\$1015.00)
After fifteen (15) years.....	\$670.00 (\$1685.00)
After twenty (20) years.....	\$795.00 (\$2480.00)
After twenty-one (21) years.....	\$120.00 (\$2600.00)

After twenty-two (22) years.....	\$120.00 (\$2720.00)
After twenty-three (23) years.....	\$120.00 (\$2840.00)
After twenty-four (24) years.....	\$120.00 (\$2960.00)
After twenty-five (25) years.....	\$270.00 (\$3230.00)

and **BE IT FURTHER**

RESOLVED, that the Town Board hereby adopts, effective January 1, 2012, the following Longevity pay schedule for full time exempt employees who are not Department Heads:

Employees Hired Prior to 1/1/09

After five (5) years.....	\$450.00
After ten (10) years.....	\$500.00 (\$950.00)
After fifteen (15) years.....	\$700.00 (\$1650.00)
After twenty (20) years.....	\$850.00 (\$2500.00)
After twenty-three (23) years.....	\$40.00 (\$2540.00)
After twenty-four (24) years.....	\$120.00 (\$2660.00)
After twenty-five (25) years.....	\$590.00 (\$3250.00)

Employees Hired On/After 1/1/09 (85% of prior to 1/1/09 scale)

After five (5) years.....	\$383.00
After ten (10) years.....	\$425.00 (\$808.00)
After fifteen (15) years.....	\$595.00 (\$1403.00)
After twenty (20) years.....	\$722.00 (\$2125.00)
After twenty-three (23) years.....	\$34.00 (\$2159.00)
After twenty-four (24) years.....	\$102.00 (\$2261.00)
After twenty-five (25) years.....	\$502.00 (\$2763.00)

and **BE IT FURTHER**

RESOLVED, that the second paragraph of item number 13 of the Personnel Policies for Exempt Employees that are Department Heads and are not Department Heads is replaced by the following language:

In addition, employees first hired by the Town on or before January 1, 2009 and who have remained continuously employed with the Town since that time shall be provided health insurance, including dental and optical coverage, on a single or family basis, for the life of such employee, and his or her spouse, after the employee's separation from service with the Town (other than for disciplinary reasons) beginning when the employee satisfies the following conditions: (1) the employee has vested service of ten (10) years in the New York State Retirement System, including at least ten (10) years of full-time service with the Town, and (2) the employee files for and is approved to receive pension benefits of the tier of the New York State Retirement System of which the employee is a member. Such coverage shall be suspended for the employee and/or the spouse if either the employee and/or the spouse is otherwise entitled to comparable coverage, or with regard to the spouse, if the spouse remarries. These employees and/or their surviving spouses will be required to contribute three (3) percent of the annual premium for this coverage after retirement;

and **BE IT FURTHER**

RESOLVED, that all full time exempt employees shall receive a two (2) percent wage increase retroactively effective as of January 1, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2012-424

Accept Sidewalk Easement Over 2015 Walden Avenue

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, BRE DDR Walden Avenue LLC, formerly known as DDR MDT Walden Avenue Bookstore LLC (hereinafter referred to as "DDR") is the owner of property located at 2015 Walden Avenue at the southeast corner of Duke Road, the site of the former Borders Bookstore; and

WHEREAS, as part of the approval process for the renovations of this building, DDR has agreed to the grant an easement to the Town for the sidewalk which runs along Duke Road; and

WHEREAS, DDR has submitted such easement to the Town for acceptance, and

WHEREAS, the Town Attorney and Town Engineer have reviewed said easement agreement and find same acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforesaid sidewalk easement, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2012-425

Agreement with Belmont Housing Resources for WNY, Inc.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town and Belmont Shelter Corp., now known as Belmont Housing Resources for WNY, Inc., 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 2012-2013 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 Housing Resources for WNY, Inc. is hereby renewed for the 2012-2013 program year in the amount of up to \$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.

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



17. RESOLUTION 2012-426

Authorize Purchase of Photocopier Youth & Rec

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Youth & Recreation Department is in need of a photocopy machine; and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number 01649); and

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

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Toshiba e-Studio 5540c Multi-Functional Color Copier through said State contract; and

WHEREAS, funds for said purchase have been budgeted and are available from the Youth & Recreation Department account numbers 100.7140.4464, 100.7140.4519, 100.7140.4024, 100.7140.4536 and 100.7140.4689; NOW, THEREFORE, BE IT

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

Group No. 22424 - Contract Award Number: 01649
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost of \$10,760.00; and BE IT FURTHER

RESOLVED, that this photocopier shall be added to the list of photocopiers identified and presently covered under the Annual Service & Supply Agreement between Eagle Systems, Inc., and the Town of Cheektowaga (approved by Resolution 2008-46); and BE IT FURTHER

RESOLVED, that the annual cost of service and supplies (toner, drums) (staples excluded) and overages shall be as set forth in the aforesaid Annual Service & Supply Agreement between the Town and Eagle Systems; and BE IT FURTHER

RESOLVED, that money for said purchase shall be appropriated from the Youth & Recreation Department line items 100.7140.4464, 100.7140.4519, 100.7140.4024, 100.7140.4536 and 100.7140.4689.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2012-427

Authorize Purchase of Photocopier for Assessor's Office

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Assessor's Office is in need of a photocopy machine; and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number 01649); and

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

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Toshiba eStudio 356 Multi-Functional Copier through said State contract; and

WHEREAS, funds for said purchase have been budgeted and are available from the Assessor's Department account number 100.1355.2005; NOW, THEREFORE, BE IT

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

Group No. 22424 - Contract Award Number: 01649
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost of \$5,087.00; and BE IT FURTHER

RESOLVED, that this photocopier shall be added to the list of photocopiers identified and presently covered under the Annual Service & Supply Agreement between Eagle Systems, Inc., and the Town of Cheektowaga (approved by Resolution 2008-46); and BE IT FURTHER

RESOLVED, that the annual cost of service and supplies (toner, drums) (staples excluded) and overages shall be as set forth in the aforesaid Annual Service & Supply Agreement between the Town and Eagle Systems; and BE IT FURTHER

RESOLVED, that money for said purchase shall be appropriated from the Assessor's Department line item 100.1355.2005.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2012-428

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, S.B.L.91.05-1-46 that is a danger to the safety of others, and records kept by the Assessor's Office identify Mary L. Packer Living Trust, 20 Mafalda Drive, Cheektowaga, New York, 14225, 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.

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



20. RESOLUTION 2012-429

Unsafe-Unsecured/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 & Marie Hodur, 236 Roland Street, Sloan, New York 14212, 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.

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



21. RESOLUTION 2012-430

Unsafe-Unsecured/16 Haller 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 16 Haller Avenue, Cheektowaga, New York SBL# 101.60-5-19 that is a danger to the safety of others, and records kept by the Assessors Office identify Susan M. Cioppa, 18480 Knollwood Blvd., Monument, CO 80132, as the owner AND

WHEREAS, an inspection of such premises was conducted at 16 Haller Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



22. RESOLUTION 2012-431

Unsafe-Unsecured/13 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 13 Pine Ridge Road, Cheektowaga, New York SBL# 101.60-4-28 that is a danger to the safety of others, and records kept by the Assessors Office identify Kevin Kuhni, 282 West 200 South, Nephi, UT 84648, as the owner AND

WHEREAS, an inspection of such premises was conducted at 13 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.

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



23. RESOLUTION 2012-432

Unsafe-Unsecured Pool/16 Vita 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 16 Vita Avenue, Cheektowaga, New York SBL# 114.09-3-2 that is a danger to the safety of others, and records kept by the Assessors Office identify Roy Bundy, 12325 Highway 601, Midland, NC 28107, Tracy Bundy, 16 Vita Avenue, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 16 Vita Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



24. RESOLUTION 2012-433

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.

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



25. RESOLUTION 2012-434

Reappointment of Member of Board of Ethics

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the term of Dan G. Dallmann as Member of the Board of Ethics expired on August 1, 2012, AND

WHEREAS, the Board of Ethics has recommended that Mr. Dallmann be reappointed to serve on the Board of Ethics for another term, AND

WHEREAS, Mr. Dallmann has expressed an interest in being reappointed to the Board of Ethics, NOW, THEREFORE, BE IT

RESOLVED, that Dan G. Dallmann, of Cheektowaga, New York be and hereby is reappointed to the Board of Ethics, effective August 1, 2012 and expiring on August 1, 2017.

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



26. RESOLUTION 2012-435

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Recreation Aide - 7140.1614 & 7140.1645 - \$7.25 - Part-time (Retro to 7/23/12)
Brandon Koszuta 14225

BE IT FURTHER RESOLVED, the following employee information be amended as follows:

Recreation Aide - 7310.1801 - \$7.25 - Part-time - Retro to 7/1/12
Kourtney Killian

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2012-435 and 2012-436. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



27. RESOLUTION 2012-436

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour effective 8/7/12
Nicholas R. Herkey, Cheektowaga, New York

ASSESSOR'S OFFICE Clerk \$8.50/hour effective 8/7/12
Paula R. Murphy, Sloan, New York

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

FACILITIES DEPARTMENT
Robert F. Szymkowiak effective 7/25/12

POLICE DEPARTMENT
Jeffrey M. Filipski effective 8/1/12

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

**28. RESOLUTION 2012-437**

Transfer of Employee from Payroll Clerk to Administrative Clerk (Competitive/Permanent)/Sanitation Department/Jill M. Benninger

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Jill M. Benninger of Cheektowaga, New York, a Payroll Clerk in the Accounting Department be transferred to her former position of Administrative Clerk in the Sanitation Department effective August 6, 2012.

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



29. RESOLUTION 2012-438

Appointment of Payroll Clerk (Competitive/Permanent)/Accounting Department/Nancy J. Wood

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Payroll Clerk in the Accounting 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 civil service list exists for said title; AND

WHEREAS, said civil service list was canvassed and interviews conducted; AND

WHEREAS, Nancy J. Wood appears on said list and meets all the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Nancy J. Wood of Cheektowaga, New York, be and hereby is appointed to the position of Payroll Clerk in the Accounting Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 13, 2012.

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



30. RESOLUTION 2012-439

Travel Authorization Justice Court/Town Justice Paul S. Piotrowski

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 103rd Annual New York State Magistrates Conference is being held September 9 through September 12, 2012 in Syracuse, New York; AND

WHEREAS, Town Justice Paul S. Piotrowski 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 \$772; AND

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

RESOLVED, that Town Justice Paul S. Piotrowski be and hereby is authorized to attend the 103rd Annual New York State Magistrates Conference being held September 9 through September 12, 2012 in Syracuse, New York.

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

IV. Communications

A. Departmental Communications

1. **Building Permit List - July 2012**
2. **Supervisor's Statement of Funds - April 2012**
3. **Supervisor's Statement of Funds - May 2012**
4. **Minutes: Cheektowaga Planning Board - July 12, 2012**
5. **Minutes: Cheektowaga Traffic Safety Commission - June 19, 2012**
6. **Town of Cheektowaga Emergency Services - Quarterly Report from April to June 2012**

B. General Communications

1. **2012 Annual Report of the Department of Real Property Tax Services, Erie County, New York**

2. **Summons & Complaint: Michael Zyblewski Vs. Town of Cheektowaga**
3. **Notice of Claim: Craig/Is Ltd. as Subrogation Interest of the Main St. America Group - Josh Hostuttier & Madonna Dettelis Vs. Town of Cheektowaga**
4. **Notice of Claim: Larry DePalmo Vs. Town of Cheektowaga**
5. **Notice of Claim: Joshua E. Hostuttler Vs. Town of Cheektowaga**
6. **Notice of Claim: Kim Reinhardt Vs. Town of Cheektowaga**
7. **Notice of Claim: Derrick Stephens, Sr. as Parent and Natural Guardian of Derrick Stephens, Jr., Infant Vs. Town of Cheektowaga**
8. **Notice of Claim: Heather P. Tomaski Vs. Town of Cheektowaga**
9. **Notice of Petition: Niagara Mohawk Power Corporation DbA National Grid Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
10. **Notice of Petition: Rite Aid Corporation/Eckerd Corporation Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
11. **Notice of Petition: Buffalo RHM Operating LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
12. **Notice of Petition: Lan-Clar Properties, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
13. **Notice of Petition: Penske Truck Leasing Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
14. **Notice of Petition: Pepsi Cola Bottling Group Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
15. **Notice of Petition: Jetro Holdings Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
16. **Notice of Petition: Level 3 Communcations, LLC; Broadwing Communications, LLC; Telcove Operations, LLC and Wiltel Communications, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
17. **Notice of Petition: Colvin Oakdale LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
18. **Notice of Petition: Tops Markets, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
19. **Notice of Petition: CTS Contracting, Inc. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
20. **Notice of Petition: Daniel T. Scaglione Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**

21. **Notice of Petition: AMF Bowling Centers, Inc Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review (2 Petitions)**
22. **Notice of Petition: Pavia Carefree, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
23. **Notice of Petition: Rite Aid Corporation/Eckerd Corporation Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
24. **Notice of Petition: JMDH Real Estate of Buffalo, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
25. **Notice of Petition: Garden Village Apartments, LP Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
26. **Notice of Petition: CM Scrivner, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
27. **Notice of Petition: McDonald's Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
28. **Notice of Petition: Williamstowne Apartments, LP Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
29. **Notice of Petition: Alex G. Schmidt Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
30. **Notice of Petition: Acquest Village Plaza, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
31. **Notice of Petition: Lancer Court Apartments Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
32. **Notice of Petition: NJCC, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
33. **Notice of Petition: Ralph Joseph Properties, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
34. **Notice of Petition: 2331 Union Road, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
35. **Notice of Petition: CM Broadway LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
36. **Notice of Petition: 3770 Union Road, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
37. **Notice of Petition: Walden Avenue Realty Associates, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
38. **Notice of Petition: Harlem Buffalo, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**

- 39. Notice of Petition: the Hertz Corporation Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 40. Notice of Petition: Benderson Properties, Inc. (Fka Benderson Development Company, Inc.) Dick Road Outparcel, LLC, Ronald Benderson and David H. Baldauf as Trustees Under a Trust Agreement Dated September 22, 1993 Known as the Randall Benderson 1993-1 Trust and First Berkshire Business Trust Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 41. 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 1968 Trust), Ronald Benderson, Randall Benderson and David H. Baldauf as Trustees Under a Trust Agreement Dated October 14, 1985 Known as the Benderson 85-1 Trust; Delta Sonic Carwash Systems, Inc. Etc. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 42. Notice of Petition: Team R N' B New York, LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 43. Notice of Petition: Maplewood Property Assoc., LP Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 44. Notice of Petition: Elderwood Assisted Living Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 45. Notice of Petition: Elderwood Commons, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 46. Notice of Petition: Idylwood LLC. and Morgan Management for Itself and as Agent-In-Fact for Idylwood, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 47. Notice of Petition: GCP Parkside Village, LLC and RE FUND Sky Harbor Property, LLC. Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 48. Notice of Petition: RE FUND Sky Harbor Property LLC Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**
- 49. Notice of Petition: Wegman's Food Market Vs. Town of Cheektowaga, Assessor of the Town of Cheektowaga and the Board of Assessment Review**

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Prior to the Adjournment - there was a moment of silence in memory of Jackie Schmidt, Community Organizer for Cheektowaga Festivals. Motion by Councilmember Rogowski; Seconded by Councilmember Jaworowicz to adjourn the meeting at 7:23 pm.

Vickie Dankowski, Deputy Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, August, 20, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on August 20, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Mark Wegner, Highway Superintendent
David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-440

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 17, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,854,806.17
RISK RETENTION FUND	102,349.26
DEBT SERVICE FUND	164,350.00
HUD HOUSING REHABILITATION FUND	21,700.00
SPECIAL DISTRICTS FUND	1,048,189.04
HIGHWAY FUND	851,327.34
CAPITAL FUND	543,656.02
TRUST & AGENCY FUND	305.67
HUD CDBG FUND	4,990.00
PART TOWN FUND	161,946.66
NYS AFFORDABLE HOUSING FUND	253.00
	<u>\$ 5,753,873.16</u>

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSTAIN:	Gerald Kaminski
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-441

Award of Bid for Demolition with Asbestos Abatement Of 166 Straley Ave., 1122 Walden Ave., (Demolition Only), 1272 Walden Ave., And 1280 Walden Ave., in the Town of Cheektowaga

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the demolition with asbestos abatement of structures located on the following referenced properties in the Town of Cheektowaga:

1. A one and one-half family residential structure(s) located at 166 Straley Avenue;
2. A two-story family residential structure(s) located at 1122 Walden Avenue (*demolition only*)
3. A two-story 4 row apartment structure(s) located at 1272 Walden Avenue; and
4. A two-story 4 row apartment structure(s) located at 1280 Walden Avenue;

and

WHEREAS, bid proposals were received and opened on August 15, 2012, for said demolitions, and

WHEREAS, the proposals were reviewed by the Town's Consulting Engineer and the Town Attorney, and based on proposals submitted, the Town's Consulting Engineer has recommended that this Town Board award the bid for the demolitions of said properties to Regional Environmental Demolition, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition with asbestos abatement of structures on properties located at 166 Straley Avenue, 1122 Walden Avenue, 1272 Walden Avenue, and 1280 Walden Avenue to Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, New York 14301 in the following amounts:

166 Straley Avenue	\$ 43,120.00
1122 Walden Avenue	\$ 21,600.00 (demolition only)
1272 Walden Avenue	\$ 22,920.00
1280 Walden Avenue	\$ 56,360.00

for the total combined price of \$144,000.00, said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Regional Environmental Demolition, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
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MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



3. RESOLUTION 2012-442

Notice to Bidders - Three 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 three (3) New and Unused 2012 Ford Fusion Vehicles (or equivalent) 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 Town Clerk on the 29th day of August, 2012 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, NY 14227.



Notice to Bidders

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, August 29, 2012 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the purchase of Three (3) New and Unused 2012 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

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



4. RESOLUTION 2012-443

Authorize Supervisor to Execute Municipal Cooperation Agreement with West Seneca

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the towns of Cheektowaga and West Seneca presently use their own employees to collect solid waste thereafter their employees deliver such solid waste to a landfill or waste-to-energy facility, and

WHEREAS, the towns of Cheektowaga and West Seneca wish to jointly solicit competitive bids to deliver their respective solid waste to a transfer station or waste-to-energy facility, and

WHEREAS, Sections 119-o and 462 of the General Municipal Law permit municipalities to enter into municipal cooperation agreements for this type of public works project, and

WHEREAS, the Town Attorney has drafted a Municipal Cooperation Agreement for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this Municipal Cooperation Agreement on behalf of the Town of Cheektowaga.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-444

Agreement for Domestic Violence Prevention Program

Sponsored By: Councilmember Markel, Councilmember Kaznowski

Whereas, Community Development Block Grant Funds have been budgeted for a Domestic Violence Prevention Program, and

Whereas, the Town entered an agreement with Child and Family Services of Erie County in 2010 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 extend said agreement for 2012 in an amount not to exceed \$10,000 for said program, Now Therefore Be It

Resolved, that the Supervisor be and hereby is authorized and directed to execute an extension of the 2010 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 for 2012 in an amount not to exceed \$10,000, and Be It

Further Resolved that said program be funded with Community Development Block Grant funds

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-445

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 previously 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, Town has previously executed an Agreement with Stohl Environmental, LLC, for the provision of said lead hazard testing and consulting services, and

WHEREAS, the Director of Community Development has recommended that the Town renew said Agreement with Stohl Environmental, LLC, for a one-year period, Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized and directed to execute a renewal agreement with Stohl Environmental, LLC, 4169 Allendale Parkway, Suite 100, Blasdell, New York 14219 for one year for an amount not to exceed twenty-five thousand dollars (\$25,000) to perform necessary lead hazard testing and consulting services for the Town of Cheektowaga pursuant to terms in said company=s original proposal dated May 7, 2010.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-446

Agreement with New Opportunities Community Housing Development Corporation

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property located at 1623 East Delavan Avenue in the Town of Cheektowaga was acquired for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, the Town has transferred title to said property to New Opportunities Community Housing Development Corp., a not-for-profit housing agency, for the purpose of rehabilitating and selling said property to an income-eligible homebuyer, and

WHEREAS, the Town has agreed to fund the rehabilitation of said property with HOME and Community Development Block Grant funds budgeted for such acquisition/rehabilitation projects, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with New Opportunities Community Housing Development Corporation, 1195 Main Street, Buffalo, New York 14209, to fund the rehabilitation of 1623 East Delavan Avenue with in an amount not to exceed \$68,100, said amount to include related administrative and soft costs.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-447

Opposition to Proposed Blue Cross/Blue Shield Change in Coverage for Chiropractic Care

Sponsored By: Markel, Rogowski, Wozniak

WHEREAS, the Town of Cheektowaga provides health care coverage to its employees to ensure that their health care needs are met in a responsible and comprehensive manner, and

WHEREAS, the Town of Cheektowaga currently utilizes Blue Cross/Blue Shield of Western New York to provide health coverage to Cheektowaga employees, and

WHEREAS, presently, the Town of Cheektowaga has 519 families and 198 individuals with Blue Cross/Blue Shield policies, and

WHEREAS, the Town of Cheektowaga's annual healthcare premium for these family and individual health care contracts is substantial and viewed as a significant contribution to annual health insurer revenues and

WHEREAS, about one-third of Town employees and their covered family members annually receive chiropractic treatments as part of their Chiropractic and/or alternative therapy member benefit, which is a critical and valuable component of their overall health care management, and

WHEREAS, a recent internal policy change proposed by Blue Cross/Blue Shield will dramatically reduce the reimbursement rate paid to Chiropractors and alter the manner in which chiropractic care is administered and measured as a solution for back pain, and

WHEREAS, the change in administration of the benefit will also affect the management of services that are provided by chiropractors for maintenance care, as well as massage therapist and acupuncturists who deliver alternative medicine services under the current benefit structure, and

WHEREAS, the reduction of the reimbursement rate to chiropractors and the change in the way that chiropractic and alternative medicine care is going to be administered is likely to lead to a reduction in the number of chiropractors participating in the Blue Cross/Blue Shield network which will make it more difficult and costly for Cheektowaga employees to locate and establish a relationship with a provider of this health care service, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga, on behalf of its insured employees and as a major customer of Blue Cross and Blue Shield, is opposed to this new policy and administrative approach to chiropractic and alternative medicine care delivery, and requests that the management of Blue Cross/Blue Shield not alter the current arrangement and partnerships that are in place to provide and manage this important health care service, and BE IT FURTHER

RESOLVED, that the Town Clerk is directed to send certified copies of this resolution to every town and village in Erie County, the Erie County Legislature, the New York State Association of Towns, the Erie County Association of Local Governments and the members of the Western New York State Senate and State Assembly delegation.

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



9. RESOLUTION 2012-448

Request School Districts to Conduct a Study Concerning Consolidation

Sponsored By: Wozniak, Markel, Kaznowski

WHEREAS, there are eight (8) public school districts which provide educational services to our youth in the Town of Cheektowaga, and

WHEREAS, of these eight (8) school districts, the following four (4) districts are located wholly within the boundaries of the Town of Cheektowaga:

Cheektowaga Central School District
 Maryvale Union Free School District
 Cheektowaga Sloan Union Free School District
 Cleveland Hill Union Free School District

, and

WHEREAS, school districts across New York State, including those in the Town of Cheektowaga, are experiencing fiscal difficulties, and

WHEREAS, as a means to help control rising costs and the amount of school taxes our residents are required to pay, while providing enhanced educational opportunities to our children, reorganization through consolidation or merger might be a viable option, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board requests the Boards of Education of Cheektowaga Central School District, Maryvale Union Free School District, Cheektowaga Sloan Union Free School District and Cleveland Hill Union Free School District to conduct an independent study to determine the cost vs. savings, and the educational impacts of either a consolidation or annexation and merger of said school districts, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Superintendents and Boards of Education of Cheektowaga Central School District, Maryvale Union Free School District, Cheektowaga Sloan Union Free School District and Cleveland Hill Union Free School District.

For the Record, Councilmember Rogowski motioned to table this resolution. No second.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Markel, Kaznowski, Kaminski, Wozniak
ABSTAIN:	James Rogowski
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-449

Unsafe-Unsecured/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 Stale 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-450

Unsafe-Unsecured/75 East End 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 75 East End Avenue, Cheektowaga, New York SBL# 90.84-1-25 that is a danger to the safety of others, and records kept by the Assessors Office identify Volonta Williams, 129 Hoerner Street, Cheektowaga, New York 14211, as the owner AND

WHEREAS, an inspection of such premises was conducted at 75 East End Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-451

Unsafe-Unsecured/411 Maryvale 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 411 Maryvale Drive, Cheektowaga, New York SBL# 91.10-4-1.11 that is a danger to the safety of others, and records kept by the Assessors Office identify Malik & Friends, Inc., Tops Markets, 411 Maryvale Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 411 Maryvale Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-452

Unsafe-Unsecured - 21 A-D Springfield 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 21 A-D Springfield Drive, Cheektowaga, New York SBL# 91.15-2-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Martha C. Pazzaglia, 21 A-D Springfield Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 21 A-D Springfield Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-453

Unsecured-Graffiti/2354 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 2354 Genesee Street, Cheektowaga, New York SBL# 101.28-3-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Terrence Taylor, 232 Hagen Street, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2354 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-454

Demolition of Shed/31 Bell 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 31 Bell Street, Cheektowaga, New York SBL# 101.28-10-1 That is a danger to the safety of others, and records kept by the Assessors Office identify Joyce Stanton & Karen Stanton, 1225 Atlas Street, Apt #309, Rapid City, SD 57701, as the owner AND

WHEREAS, an inspection of such premises was conducted at 31 Bell Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-455

Youth & Recreation Termination

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Lennox Melin

8/2/12

14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2012-455 and 2012-456. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



17. RESOLUTION 2012-456

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

ACCOUNTING DEPARTMENT Clerk \$8.00/hour effective 8/21/12
Jaclyn P. Eckel, Cheektowaga, New York

POLICE DEPARTMENT (Dog Control) Laborer \$12.50/hour effective 8/9/12
Aaron D. Kandefer, Cheektowaga, New York

JUSTICE COURT (Drug Court) Clerk \$15.00/hour effective 8/27/12
Charles T. Szymborski, Cheektowaga, New York

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

SANITATION DEPARTMENT
Sean M. Mueller effective 8/8/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-457

Return Senior Clerk Typist (Temporary) to Court Clerk (Andrea Spence)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a temporary Senior Clerk Typist position was available in the Justice Court;
AND

WHEREAS, Court Clerk Andrea Spence was appointed to this temporary Senior Clerk
Typist vacancy on June 21, 2012; AND

WHEREAS, the temporary Senior Clerk Typist position is no longer available; NOW,
THEREFORE, BE IT

RESOLVED, that Andrea Spence be and hereby is to return to her permanent title of
Court Clerk in accordance with the terms and conditions of the Town's collective bargaining
agreement with the Town of Cheektowaga Employees Association effective August 13, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-458

Return Clerk Typist (Temporary) to Part Time Clerk/Jill Baszcynski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a temporary Clerk Typist position was available in the Justice Court; AND

WHEREAS, Part-Time Clerk Jill Baszcynski was appointed to this temporary Clerk Typist vacancy on June 21, 2012; AND

WHEREAS, the temporary Clerk Typist vacancy is no longer available; NOW, THEREFORE, BE IT

RESOLVED, that Jill Baszcynski be and hereby is to return to her title of Part-Time Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 13, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



20. RESOLUTION 2012-459

Appointment of General Crew Chief (Non-Competitive/Permanent) Central Garage/Kevin Gozdzia

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of General Crew Chief in the Central Garage;
AND

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

WHEREAS, Kevin Gozdzia, currently employed as an Automotive Mechanic Crew Chief in the Central Garage, bid on said vacancy and meets the necessary qualifications;
NOW, THEREFORE BE IT

RESOLVED, that Kevin Gozdzia, of Cheektowaga, New York, be and hereby is appointed to the position of General Crew Chief in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective August 21, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-460

Travel Authorization Police Department/Police Chief David Zack, Captain Michael Sliwinski, Captain Michael Isbrandt and Sergeant Lawrence Bauer

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the 2012 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition is being held September 29 through October 3, 2012 in San Diego, California; AND

WHEREAS, Police Chief David Zack, Captain Michael Sliwinski, Captain Michael Isbrandt and Sergeant Lawrence Bauer have been recommended to attend said conference and exposition; AND

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

WHEREAS, the total cost to the Town shall not exceed \$6,339; AND

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

RESOLVED, that Police Chief David Zack, Captain Michael Sliwinski, Captain Michael Isbrandt and Sergeant Lawrence Bauer be and hereby are authorized to attend the 2012 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition being held September 29 through October 3, 2012 in San Diego, California.

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



22. RESOLUTION 2012-461

Travel Authorization Office of the Town Assessor/Town Assessor Jeneen McSkimming

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Assessors Association Seminar on Assessment Administration is being held September 30 through October 3, 2012 in Lake Placid, New York; AND

WHEREAS, Town Assessor Jeneen McSkimming 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 \$925 all of which shall be reimbursed the New York State; AND

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

RESOLVED, that Town Assessor Jeneen McSkimming be and hereby is authorized to attend the New York State Assessors Association Seminar on Assessment Administration being held September 30 through October 3, 2012 in Lake Placid, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to suspend the rules to include the following resolution: 2012-462. Motion Carried



1. RESOLUTION 2012-462

Appointment of Laborer (Labor/Permanent)/Sanitation Department (Saturnino J. Arvelo)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Saturnino J. Arvelo of Depew, New York, be and hereby is appointed to the title 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 June 12, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - June 2012
2. Drescher & Malecki - Auditor Communication Letter
3. Drescher & Malecki: Management Letter
4. Town of Cheektowaga: Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2011
5. Town of Cheektowaga: Supplement to the Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2011
6. Drescher & Malecki: Town of Cheektowaga, NY - Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes and Assessments, the Town Clerk and the Town Justices for the Year Ended December 31, 2011 and Independent Auditors' Report
7. Drescher & Malecki: Town of Cheektowaga, NY - Basic Financial Statements, Required Supplementary Information, Supplemental and Federal Financial Assistance Schedules for the Year Ended December 31, 2011 and Independent Auditors' Reports
8. Drescher & Malecki: Town of Cheektowaga, NY - NYS Department of Transportation Financial Assistance Schedules for the Year Ended December 31, 2011 and Independent Auditors' Report

B. General Communications

1. Notice of Claim: Christa Misener Vs. Town of Cheektowaga
2. Notice of Claim: Raymond Szczepanowski Vs. Town of Cheektowaga
3. Notice of Petition: MVP Airport, LLC Vs. Assessor of the Town of Cheektowaga, the Board of Assessment Review and Town of Cheektowaga,

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

Motion by Councilmember Kaminski; Seconded by Councilmember Kaznowski to adjourn the meeting at 7:34 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, September 4, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 4, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-464

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

NYS Affordable Housing Fund

From:	900.8600.4910	NYS AHC Revenues	\$100,000.00
To:	900.8668.4008	Loans From Program	\$100,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-465

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 31, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 928,391.48
RISK RETENTION FUND	41,126.01
HUD HOUSING REHABILITATION FUND	2,675.00
SPECIAL DISTRICTS FUND	27,467.90
HIGHWAY FUND	47,815.93
CAPITAL FUND	394,341.93
TRUST & AGENCY FUND	188,365.69
HUD CDBG FUND	1,760.60
PART TOWN FUND	3,448.35
	<u>\$ 1,635,392.89</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-466

Amend Resolution Relating to Study for School District Consolidation

Sponsored By: Councilmember Rogowski, Councilmember Kaminski

WHEREAS, by resolution dated August 20, 2012 (Resolution 2012-448), this Town Board requested the Boards of Education of Cheektowaga Central School District, Maryvale Union Free School District, Cheektowaga Sloan Union Free School District and Cleveland Hill Union Free School District to conduct an independent study to determine the cost vs. savings, and the educational impacts of either a consolidation or annexation and merger of said school districts, and

WHEREAS, the expected cost of such a study would be burdensome to the school districts and their taxpayers, and

WHEREAS, State funding may be available to the school districts to conduct such a study, but, before any funding could be made available, the school districts would need to send our State legislators letters of intent stating that they wish to participate in such a study, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the Boards of Education of Cheektowaga Central School District, Cheektowaga Sloan Union Free School District, Cleveland Hill Union Free School and Maryvale Union Free School District to send letters of intent to participate in a study to determine the cost vs. savings, and the educational impacts of a consolidation or annexation and merger of said school districts to:

New York State Assembly Member Dennis H. Gabryszak, and
New York State Senator Timothy M. Kennedy

to allocate full funding for the independent study to determine the cost vs. savings, and the educational impacts of either a consolidation or annexation and merger of said school districts, and BE IT FURTHER

RESOLVED, that the Town Clerk hereby is directed to forward certified copies of this resolution to the Superintendents and Boards of Education of Cheektowaga Central School District, Cheektowaga Sloan Union Free School District, Cleveland Hill Union Free School District and Maryvale Union Free School District, New York State Assembly Member Dennis H. Gabryszak, New York State Senator Timothy M. Kennedy and Governor of the State of New York Andrew M. Cuomo, and BE IT FURTHER

RESOLVED, that the aforementioned School Districts are asked to send a copy of said letters of intent to the Town Clerk of the Town of Cheektowaga.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



4. RESOLUTION 2012-467

Notice to Bidders for the Disposal of Solid Waste

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga's agreement for the disposal of solid waste expires on December 31, 2012, and

WHEREAS, the Town of West Seneca's agreement for its disposal of solid waste will also be expiring, and

WHEREAS, pursuant to a municipal cooperation agreement, the towns of Cheektowaga and West Seneca decided to solicit bids for the disposal of solid waste jointly (or individually), and

WHEREAS, bid specifications have been prepared and approved by the towns of Cheektowaga and West Seneca, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Station and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga and Possibly the Town of West Seneca, 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, 3301 Broadway, Cheektowaga, New York, on Wednesday, September 19, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, September 19, 2012, at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the acceptance of solid waste generated by the Town of Cheektowaga and possibly Town of West Seneca at a transfer station or waste-to-energy facility and the ultimate disposal of such solid waste at a facility approved and permitted by the NYS Department of Environmental Conservation for calendar years 2013-2017 (with renewal options).

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 4, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-468

Change Order No. 1 to Contract for the Furnishing, Delivery, Assembly and Town-Wide Distribution of Totes

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by resolution dated August 6, 2012 (Resolution 2012-414), this Town Board awarded a bid for the Furnishing, Delivery, Assembly and Town-Wide Distribution of totes to Rehrig Pacific Company for the following costs:

<u>BID ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>
No. 1	65 Gallon Tote	\$36.67 each
No. 2	95 Gallon Tote	\$41.67 each
No. 3	Tote Distribution	\$3.50 each

for a total cost of \$1,538,450.00, and

WHEREAS, the Town of Cheektowaga has agreed to purchase additional totes to sell to the Village of Sloan at the following referenced costs:

150 of 65 gallon refuse totes	\$ 5,500.50
1,850 of 95 gallon refuse totes	\$ 77,089.50
1,500 gallon recycling totes (with in-mold label)	\$ 56,880.00
Delivery Charge for 3,500 totes	\$ 12,250.00
Additional Logo/Graphics	<u>\$ 700.00</u>
TOTAL	\$152,420.00

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the purchase of additional totes and the revised cost for same, and directs the Supervisor to execute Change Order No. 1 documents with Rehrig Pacific Company, which provides for an increase in the amount of the contract in an amount not to exceed \$152,420.00, which shall be initially chargeable to budget line item number 150-8160-2501, to be reimbursed by the Village of Sloan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-469

Change Order No. 1 - Contract for Demolition of 15 Atwood Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the contract for the demolition of properties located at 3048 William Street, 74 Hoerner Avenue, and 15 Atwood Place was awarded to Geiter Done of WNY, Inc., by resolution adopted February 6, 2012 (Resolution 2012-66) for the contract amount of \$71,319.00; and

WHEREAS, subsequent to said bid award, and during the demolition work at 15 Atwood Place, 24 linear feet of asbestos pipe wrap was discovered which was hidden from view at the time of the asbestos survey and not included in the bid specifications; and

WHEREAS, the removal of said asbestos material will cost an additional \$500.00 to \$600.00; and

WHEREAS, the Town's Consulting Engineer approves of the additional work and recommends the approval of Change Order No. 1 (final) which provides for contract modifications for the removal of the additional asbestos materials at 15 Atwood 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 document with Geiter Done of WNY, Inc., which provides for an increase to the aforesaid contract in an amount not to exceed \$600.00, which shall be chargeable to budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-470

Negative SEQR Declaration - 2471 Union Road

Sponsored By: Councilmember Kaminski, 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 as the Lead Agency, 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 Community Services with the permission of the Thaddeus Kendziora, property owner for the construction of a 6,170 square foot (7) seven unit apartment building at 2471 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 22, 2012 recommended a determination of non-significance as shown on the attached memorandum dated August 22, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 9, 2012 as shown on the attached recommendation, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council (CCAC) has reviewed the subject project and is recommending that monies in lieu of (54) replacement trees be provided to the Town, consistent with the Town's Tree preservation Law, as shown on the attached recommendation dated August 23, 2012, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals has reviewed a variance request for driveway width, minimum lot frontage and the number of required off street parking spaces and has approved such areas variances, AND

WHEREAS, the applicant has conducted a Cultural Resource Survey and the NYS Office of Parks Recreation and Historic Preservation has concluded that the project will not effect cultural resources in or eligible for inclusion in the National Register of Historic Places, AND

WHEREAS, the applicant conducted a wetland delineation and has identified Federal jurisdictional wetlands on the premises, which, will be avoided by the project, AND

WHEREAS, the applicant has agreed to preserve the jurisdictional wetlands and the natural forest community to the East of the development area by offering the Town of Cheektowaga a conservation easement to preserve such natural resources, AND

WHEREAS, this Town Board will not require monies in lieu of (54) replacement trees as recommended by the C.C.A.C., since the applicant will be preserving 65 percent of the project site in a natural state, AND

WHEREAS, the applicant has also agreed to enter into a P.I.L.O.T. - Payment on Lieu of Taxes agreement with the Town of Cheektowaga to cover special district taxes, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Cheektowaga 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 drainage/grading plan.
2. The Town Attorney reviewing and approving the proposed conservation easement and proposed PILOT agreement.

Attachments:

Site Plan (PDF)

Planning Board Recommendation (PDF)

SHPO Sign Off (PDF)

CCAC Recommendation (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-471

Negative SEQR Declaration - 3700 Harlem Road

Sponsored By: Councilmember Kaminski, 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 as the Lead Agency, 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. For the construction of a 2,962 s.f. bank with an accessory drive through window and a 3,266 s.f. retail building at 3700 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on July 11, 2012 recommended a determination of non-significance as shown on the attached memorandum dated July 11, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan and architectural character of the southern retail building at their meeting of June 14, 2012, AND

WHEREAS, on August 15, 2012 the Cheektowaga Zoning Board of Appeals reviewed the subject project for area variances for building and parking setbacks and has granted such variances, AND

WHEREAS, the applicant modified his site plan by eliminating a proposed driveway on Woodcliffe Terrace, AND

WHEREAS, the applicant also conducted a line of sight/speed analysis to address concerns raised by the Town Traffic Safety Commission regarding the location of the proposed driveway on Harlem Road, AND

WHEREAS, NYSDOT has concurred with the findings of the sight/speed analysis and is recommending that the driveway along Harlem Road be designed as a right in/right out and, a left out driveway, as recommended in the study, AND

WHEREAS, the applicant desires to proceed with construction of just the proposed retail building at this time and has temporarily withdrawn its request for a special use permit for the accessory drive thru for the proposed bank until a building user is finalized, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. The applicant re-submitting his/her site plan for re-approval when a user for the northerly bank building is finalized; and a building design is reviewed and recommended for approval by the Town's Environmental Advisory Committee (E.A.C.) and Planning Board.

Attachments:

Rendering Retail Building (PDF)
Special Permit Request Withdrawal (PDF)
NYSDOT Driveway Apporval - Harlem Road(PDF)
EAC Minutes July 11 2012 (PDF)
Site Plan (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-472

Accept Site Plan - 3972 Union 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 Joseph Biondolillo for the construction of a 1,200 square foot storage garage accessory to his restaurant at 3972 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of August 9, 2012 is recommending the approval of the site plan, AND

WHEREAS, on August 15, 2012 the Cheektowaga Zoning Board of Appeals approved a variance to permit the proposed accessory garage, 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 plan for roof drainage for the subject building.

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



10. RESOLUTION 2012-473

Authorize Supervisor to Execute Agreement with Village of Sloan Re: Totes

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by resolution dated August 6, 2012 (Resolution 2012-414), this Town Board awarded a bid for the Furnishing, Delivery, Assembly and Town-Wide Distribution of totes to Rehrig Pacific Company for the following costs:

<u>BID ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>
No. 1	65 Gallon Tote	\$36.67 each
No. 2	95 Gallon Tote	\$41.67 each
No. 3	Tote Distribution	\$3.50 each

for a total cost of \$1,538,450.00, and

WHEREAS, the Town of Cheektowaga has agreed to purchase additional totes to sell to the Village of Sloan, and

WHEREAS, Rehrig Pacific Company has agreed to sell said additional totes to the Town of Cheektowaga at the bid prices, and

WHEREAS, the Village of Sloan has agreed to remit payment to the Town of Cheektowaga for said totes, and

WHEREAS, the Town Attorney has prepared an agreement for this matter, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute said agreement on behalf of the Town of Cheektowaga.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-474

Authorize Supervisor to Sign Dasherboard Contracts

Sponsored By: Councilmember Wozniak, 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 2012-2013 season.

FUNDING SOURCE: 0100.7140.4521

REVENUE SOURCE 0100.7140.2128
0100.0882

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-475

Authorize Supervisor to Execute Grant Application for Justice Court

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the security and operation of municipal Justice Courts; 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 Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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



13. RESOLUTION 2012-476

Special Event - Cheektowaga Central Homecoming Parade

Sponsored By: Councilmember Markel, Councilmember Rogowski

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

WHEREAS, the Cheektowaga Central School District has made application to hold its Homecoming Parade on Friday, September 28, 2012, beginning at 5:45 p.m. (parade route attached); 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, September 28, 2012, and BE IT FURTHER

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

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



14. RESOLUTION 2012-477

Bonfire-Maryvale High School/1050 Maryvale Dr

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, Gerald Sprada, 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 Gerald Sprada, Fire Inspector, AND

WHEREAS, an application for a permit was submitted by Maryvale High School to conduct an open fire on September 26, 2012 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, Gerald Sprada, Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by Maryvale High School and the recommendations of Gerald Sprada, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes Gerald Sprada Fire Inspector to issue such permit.

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



15. RESOLUTION 2012-478

Bonfire-Cheektowaga Central/3600 Union Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, Gerald Sprada, 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 Gerald Sprada, Fire Inspector, AND

WHEREAS, an application for a permit was submitted by Cheektowaga Central High School to conduct a open fire on September 25, 2012 rain date of September 26, 2012 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, Gerald Sprada, Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by Cheektowaga Central High School and the recommendations of Gerald Sprada, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes Gerald Sprada, Fire Inspector to issue such permit.

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



16. RESOLUTION 2012-479

Bonfire-JFK High School/305 Cayuga Creek Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, Gerald Sprada, 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 Gerald Sprada, Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the John F. Kennedy School to conduct a open fire on September 14, 2012 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 1 & Doyle 2 Fire Departments in conjunction with summer youth activities, AND

WHEREAS, Gerald Sprada Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the John F. Kennedy High School and the recommendations of Gerald Sprada, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes Gerald Sprada, Fire Inspector to issue such permit.

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



17. RESOLUTION 2012-480

Bonfire-Cleveland Hill High School/105 Mapleview Rd

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, Gerald Sprada, 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 Gerald Sprada, Fire Inspector, AND

WHEREAS, an application for a permit was submitted by Cleveland Hill High School to conduct an open fire on October 5, 2012 on the property located at 105 Mapleview Road, Cheektowaga, New York 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, Gerald Sprada, Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Cleveland Hill High School and the recommendations of Gerald Sprada, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes Gerald Sprada, Fire Inspector to issue such permit.

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



18. RESOLUTION 2012-481

Unsafe-Unsecured/35 Harris 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 35 Harris Court, Cheektowaga, New York SBL# 92.17-11-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Jeffrey J. Jones and Susan E. Jones, 35 Harris Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 35 Harris 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-482

Unsafe-Unsecured/95 Pinehurst Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 95 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-43 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas Mauerman and William Mauerman, 95 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Pinehurst Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



20. RESOLUTION 2012-483

Unsafe-Unsecured/54 Constance 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 54 Constance Lane, Cheektowaga, New York SBL# 113.42-3-16 that is a danger to the safety of others, and records kept by the Assessors Office identify Patricia A. Kszanak, 54 Constance Lane, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 54 Constance Lane, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-484

Demolish Garage/4 Mayfair Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4 Mayfair Court, Cheektowaga, New York SBL# 91.06-11-15 that is a danger to the safety of others, and records kept by the Assessors Office identify Brady L. McGilveary, 97 Denrose Drive, Apartment 8, Amherst, New York 14228, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4 Mayfair 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-485

Consolidation or Elimination of Jobs

Sponsored By: Kaznowski, Holtz, Rogowski, Kaminski, Markel, Wozniak

Whereas, it is the position of the Town Council that the current staffing in the Sanitation Department exceeds the number of staff necessary to perform the current department mission, And

Whereas, it is the position of the Town Council that the staffing in the Facilities Department, Buildings and Grounds Division is inadequate to meet the current departmental mission especially with the increase in square footage of building space created by the expansion and refurbishment of the Court and Police building complex and the additional grounds keeping activity on the Town Hall Campus, And

Whereas, in order to promote economy and efficiency throughout the Town the Town Council wishes to adjust staffing so that Town Departments are able to fully carry out their respective responsibilities and at the same time utilize Town resources in the most efficient and effective manner; And

Whereas, the Collective Bargaining Agreement, By and Between the Town of Cheektowaga and the Town of Cheektowaga Employees Association allows for adjustments in the current Town staffing so the Town Council may deploy staff where it can better serve the citizens of the Town without increasing personnel costs or increasing overall Town employment,

Now Therefore Be It Resolved that two (2) Motor Equipment Operator B positions and a Laborer funded and assigned to the Sanitation Department are hereby deactivated and eliminated from the Town budget and three (3) Maintenance Workers are hereby activated and funded for assignment to the Facilities Department, Buildings and Grounds Division.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-486

Appointment of Student Interns (Police Department)/Marissa DiCamillo/Andrew Maguda

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, Marissa E. DiCamillo of Niagara Falls, New York and Andrew Maguda of Cheektowaga, New York, students at Hilbert College, have requested to participate in the student internship program at the Police Department; 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; NOW, THEREFORE, BE IT

RESOLVED, that Marissa E. DiCamillo of Niagara Falls, New York and Andrew Maguda of Cheektowaga, New York, be and hereby are authorized to participate as unpaid interns in the Police Department, subject to the execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that Marissa E. DiCamillo and Andrew Maguda's internships be and hereby are effective September 1, 2012 through December 31, 2012; AND, BE IT FURTHER

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

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



24. RESOLUTION 2012-487

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Mikayla Bluff-Pearce	8/13/12	14225
Emily Bowen	8/10/12	14225
Jaclyn Eckel	8/20/12	14225
Audrelle Gospodarski	8/09/12	14225
Brian Grabiec	8/10/12	14225
Melanie Grzebinski	7/30/12	14227
Sarah Kojm	8/08/12	14215
Megan Koscinski	8/10/12	14225
Cassandra Langan	8/12/12	14225
Doug Martin	8/09/12	14225
John P. Nazzarett	8/03/12	14227
Samantha Pinkowski	8/10/12	14206
Marcus Rosten	8/15/12	14225
Andrew Stobnicki	7/29/12	14227
Katie Walkowiak	8/09/12	14227
Tyler Welsh	8/10/12	14225
Harley Wiertel	8/09/12	14227
Kendal Wiertel	8/09/12	14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



25. RESOLUTION 2012-488

Youth & Recreation Transfers

Sponsored By: Councilmember Wozniak, 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 Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803
Regular Part-time - Effective Immediately

Martin Acevedo
Denise Atkinson
Liza Fiorello
Bryan Haxton
Ann Marie Heide
Allison Herman
Alysia Kent
Jennifer Laffrado
Amy McMahan
Melissa Nosal
DeYonca Porter
Nicole Putland
Jenna Soldaczewski
Kristen Stadelmeyer
Maribeth Stadelmeyer
Jessica Szyjka
Rebecca Szyjka
Cerene Usinski
Nicole Wyzkowski

From Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803
Seasonal to Regular Part-time - Effective Immediately

Caitlyn Ferber
Shannon Kelly
Danielle Keller
Sean McCowan
Ryan Trapper

From Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803
Part-time - Effective Immediately

Chelsey Balistieri
Ashley Carney
Jessica Elston
Kourtney Killian
Elizabeth Langa
Michael McGregor
Ashley Spencer
Brian Wroblewski

From Camp Dartwood 7140.1632 to Adapted Recreation Program 7310.1803
Regular Part-time - Effective Immediately
Jacquelyn Rieck

From Camp Dartwood 7140.1632 to Adapted Recreation Program 7310.1803
Seasonal to Regular Part-time - Effective Immediately
Tracey Marlinski
Kristen Schugardt

Recreation Instructor - 7180.1902 - Regular Part-time - \$9.54
Danielle Malicki

Recreation Instructor - 7180.1902 & 7310.1803 - Regular Part-time - \$10.06
Caitlin Rieck

Recreation Aide to Recreation Attendant - 7140.1611 - Regular Part-time - \$7.35
Dakota Herkey

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



26. RESOLUTION 2012-489

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

POLICE DEPARTMENT Police Attendant \$16.10/hour effective 9/4/12
 Phillip J. Dudziak, Cheektowaga, New York
 Andrew Enser, West Seneca, New York

BE IT RESOLVED, that the following employee's title be amended as follows effective 8/9/12:

POLICE DEPARTMENT Part-Time Laborer to Part-Time Dog Control Officer \$12.50/hour
 Aaron D. Kandefer, Cheektowaga, New York

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

SANITATION DEPARTMENT
 Jerry L. Rainey effective 8/23/12
 Tyler Schaf effective 8/25/12

SEWER MAINTENANCE
 Jacob A. Nowak effective 8/11/12
 Peter J. Dudek, Jr. effective 8/17/12
 Nicholas Kotarski effective 8/18/12

POLICE DEPARTMENT
 William F. Hay, Jr. effective 8/30/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



27. RESOLUTION 2012-490

Travel Authorization Community Development/Dale Parks and Rachel Hupkowicz

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Community Development Manager (CDM) Software Program Conference is being held October 9 through October 10, 2012 in Phoenix, Arizona; AND

WHEREAS, Assistant Code Enforcement Officer Dale Parks and Account Clerk Typist Rachel Hupkowicz have been recommended 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 \$3,075; AND

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

RESOLVED, that Assistant Code Enforcement Officer Dale Parks and Account Clerk Typist Rachel Hupkowicz be and hereby are authorized to attend the Community Development Manager (CDM) Software Program Conference being held October 9 through October 10, 2012 in Phoenix, Arizona.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

IV. Communications

A. Departmental Communications

1. **Building Permit List - August 2012**
2. **Minutes: Town Environmental Advisory Committee - August 22, 2012**
3. **Minutes: Cheektowaga Conservation Advisory Council - August 2, 2012**
4. **Minutes: Cheektowaga Traffic Safety Commission - July 17, 2012**

5. Minutes: Cheektowaga Planning Board - August 9, 2012***B. General Communications***

- 1. County of Erie: Notice of Highway Restriction: that Portion of Borden Road Between Broadway and Rowley Road Will be Restricted Beginning Tuesday, August 28, 2012 through Friday, September 28, 2012, in Order to Repair the Curb, Sidewalks and Bridge Over Cayuga Creek. Crew Equipment May be Restricting the Shoulder of the Lane During Working Hours. The Work Will be Completed by Nichols, Long & Moore.**
- 2. Summons: Webster Bank, NA Vs. Kim Page, Town of Cheektowaga Etal Premises: 194 Autumnwood Drive**
- 3. Notice of Claim: Gerald Garrison Vs. Town of Cheektowaga**
- 4. Notice of Claim: Dominic Salamone Vs. Town of Cheektowaga**
- 5. Notice of Claim: Judy Szymendera Vs. Town of Cheektowaga**
- 6. Notice of Claim: Jacquelyn Zeitler Vs. Town of Cheektowaga**

V. Comments***A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****VI. Adjournment**

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to adjourn the meeting. Time: 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

Tuesday, September 11, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 11, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Absent	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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. Councilmember Kaznowski stated that Town will not pursue Safe Routes to School Grant

III. Resolution



1. RESOLUTION 2012-491

Special Event - JFK Homecoming Parade

Sponsored By: Councilmember Rogowski, 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 Student Council of John F. Kennedy Junior/Senior High School has made application to hold its Homecoming Parade on Saturday, September 15, 2012, beginning at 12:00 p.m. (parade route attached); 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, September 15, 2012, and BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	James Rogowski, Stanley Kaznowski, Gerald Kaminski, Angela Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz, Charles Markel

IV. Motion To: Enter into Executive Session at 6:02 pm

COMMENTS - Current Meeting:

To discuss personnel matters, hiring and termination of employees. Motion carried.

RESULT: **ADOPTED [UNANIMOUS]****MOVER:** Stanley Kaznowski, Councilmember**SECONDER:** James Rogowski, Councilmember**AYES:** James Rogowski, Stanley Kaznowski, Gerald Kaminski, Angela Wozniak**ABSENT:** Mary Holtz, Patricia Jaworowicz, Charles Markel**V. Motion To:** Exit Executive Session at 6:42 pm**RESULT:** **ADOPTED [UNANIMOUS]****MOVER:** James Rogowski, Councilmember**SECONDER:** Stanley Kaznowski, Councilmember**AYES:** James Rogowski, Stanley Kaznowski, Gerald Kaminski, Angela Wozniak**ABSENT:** Mary Holtz, Patricia Jaworowicz, Charles Markel**VI. Work Session Ends at 6:42 pm**



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, September 17, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 17, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-492

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND:

FROM:	100.1415.3500	State Aid Archive	\$ 17,565.49
	100.3120.3850	State Aid Police	76,504.15
TO:	100.1415.4001	Contractual Services	\$ 17,565.49
	100.3120.2206	LEBG	5,575.86
	100.3120.2207	Jag Grant	70,928.29

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-493

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 14, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 249,711.17
RISK RETENTION FUND	11,088.16
HUD HOUSING REHABILITATION FUND	22,857.00
SPECIAL DISTRICTS FUND	1,251,908.30
HIGHWAY FUND	6,510.24
CAPITAL FUND	200,911.39
TRUST & AGENCY FUND	226.25
HUD CDBG FUND	2,656.87
PART TOWN FUND	59,100.78
NYS AFFORDABLE HOUSING	<u>15,995.00</u>
	\$ 1,820,965.16

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-494

Change Order No. 4 - Plumbing Work (Police & Court Building)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for Plumbing Work for the Police & Court Building Addition and Renovations Project was awarded by Town Board Resolution dated September 7, 2010 to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York 14224 in the amount of \$990,000.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 4 (Plumbing Work) which provides for building modifications requested by the Town of Cheektowaga beyond the original project scope as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 4 (Plumbing Work) for the Police & Court Building Addition and Renovations Project in the amount of \$8,668.74 as an addition to the contract of MKS Plumbing 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 on behalf of this Town Board, chargeable to Account #500-1440-2528-5025.

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



4. RESOLUTION 2012-495

Execute Final Contract Acceptance Documents with O'Connell Electric Company

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by Town Board Resolution dated May 2, 2011 this Town Board awarded the contract for the Installation of Solar Power Systems on the Roofs of Various Town Buildings to O'Connell Electric Company, Inc., 830 Phillips Road, Victor, New York 14564, AND

WHEREAS, the Project Consulting Engineer, Nussbaumer & Clarke, Inc., 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 the Solar Energy Power Systems Installation on roofs of the Town Hall, Highway Department Garage, Facilities Garage and Main Pump Station and directs the Supervisor to execute final contract acceptance documents with O'Connell Electric Company.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-496

Authorize Supervisor to Sign Agreement with Glynn Geotechnical Engineering

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, in order to facilitate the replacement of a Town lattice communications tower located at 500 Losson Road, it is necessary to conduct a geotechnical investigation enabling preparation of a suitable foundation design, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Glynn Geotechnical Engineering, 415 South Transit Street, Lockport, New York 14094 as submitted to the Town Engineer dated July 11, 2012 for geotechnical site evaluation, foundation design and associated professional engineering services to ensure conformance with state and local building codes 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 Glynn Geotechnical Engineering for the provision of professional geotechnical engineering services in an amount not to exceed \$2,500.00 which shall be chargeable to budget line item No. 100-1680-2202.

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



6. RESOLUTION 2012-497

Notice of Hearing for Demolition of 3881 Broadway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 3881 Broadway in the Town of Cheektowaga (S.B.L. No. 103.14-3-7) 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 30, 2012, 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 this dangerous and unsafe building shall be held on the 1st day of October, 2012, 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 are directed to serve notice of said hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-498

Notice of Hearing for Demolition of 75 East End Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 75 East End Avenue in the Town of Cheektowaga (S.B.L. No. 90.84-1-25) 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 20, 2012, 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 this dangerous and unsafe building shall be held on the 1st day of October, 2012, 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 are directed to serve notice of said hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-499

Notice of Hearing for Demolition of 30-32 Euclid Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 30-32 Euclid Avenue in the Town of Cheektowaga (S.B.L. No. 101.60-2-17) 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 29, 2012, 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 this dangerous and unsafe building shall be held on the 1st day of October, 2012, 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 are directed to serve notice of said hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-500

Notice of Hearing for Demolition of 195 Northcrest Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 195 Northcrest Avenue in the Town of Cheektowaga (S.B.L. No. 92.17-3-4) 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 16, 2012, 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 this dangerous and unsafe building shall be held on the 1st day of October, 2012, 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 are directed to serve notice of said hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-501

Unsafe-Unsecured/70 Avery 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 70 Avery Place, Cheektowaga, New York SBL# 101.36-3-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Louis Manuel, 70 Avery Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 70 Avery Place, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-502

Unsafe-Unsecured Pool/136 Basswood 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 136 Basswood Drive, Cheektowaga, New York SBL# 125.07-3-34 that is a danger to the safety of others, and records kept by the Assessors Office identify Robin F. Schmitt and Judy A. Schmitt, 136 Basswood Drive, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 136 Basswood Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-503

Unsafe-Unsecured/3881 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 3881 Broadway Street, Cheektowaga, New York SBL# 103.14-3-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Martin Victor, 3881 Broadway Street, Apt 2, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3881 Broadway Street, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-504

Unsafe-Unsecured/83 Preston 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 83 Preston Road, Cheektowaga, New York SBL# 90.76-5-45 that is a danger to the safety of others, and records kept by the Assessors Office identify Craig W. Boeheim and Maureen C. Boeheim, 83 Preston Road, Cheektowaga, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 83 Preston Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-505

Unsafe-Unsecured Fence/48 Westchester 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 48 Westchester Drive, Cheektowaga, New York SBL# 102.37-3-17 That is a danger to the safety of others, and records kept by the Assessors Office identify Eric S. Reagan, 48 Westchester Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 48 Westchester Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-506

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Christopher Balash	8/29/12	14215
Adam Barrett	8/24/12	14225
Mathew Bilz	8/29/12	14227
Alexis Blachowski	8/16/12	14225
Lily Boyd-Gamel	8/13/12	14225
Lauren Bujnicki	8/17/12	14227
Achaz Cason	Never worked	14225
Jonathan Chittenden	8/24/12	14043
David Chowjdak	8/30/12	14227
Merissa Ciesielski	8/18/12	14225
Charlie Jane Clark	7/31/12	14215
Olivia Constantin	8/10/12	14225
Christopher Crawford	Never worked	14043
Dillon Davis	Never worked	14225
Andrew Deeds	8/24/12	14211
Matthew Eckle	8/30/12	14225
Meghan Eckle	8/17/12	14225
Meggan Empric	8/15/12	14215
Daniel Eye	8/17/12	14225
Rebecca Flynn	8/17/12	14225
Joshua Fruchtel	8/14/12	14211
Rocco Fumerelle	8/24/12	14227
Joshua Galante	8/24/12	14206
John Grzymala	8/26/11	14227
James Hanners	8/10/12	14225
Julia Harvey	8/18/12	1422
Casey Hawley	8/18/12	14227
Valerie Herman	8/16/12	14225
Austin Hughes	8/10/12	14225
Brian Johnson	8/24/12	14227
Christopher Kelley	8/24/12	14215
Stephen Kelly	8/14/12	14211
Alissa Kowalski	8/24/12	14206
Keith Kwiatkowski	8/24/12	14227
Rebecca Langa	8/15/12	14043
Sean Langan	8/24/12	14225
Matthew Lanning	8/24/12	14225
Austin Lauer	8/15/12	14225
Alex Lenhard	8/31/12	14227
Mike Lewandowski	8/31/12	14043
Ryan Londos	Never worked	14043
Lori Majewski	8/17/12	14227

Joseph Malicki	8/17/12	14043
Robert Malicki	8/24/12	14227
Kelly Mayer	8/22/12	14225
Kayla Mergenthaler	8/24/12	14225
Morgan Miecznikowski	8/10/12	14225
Adam Miller	8/08/11	14043
Joshua Miller	8/16/12	14211
Kenneth Minorczyk	8/24/12	14227
Corinne Monette	8/24/12	14227
Cassidy Moore	8/10/12	14225
Eric Nash	8/24/12	14206
Jamie Nash	8/24/12	14206
Reuben Owens	9/27/11	14225
Anthony Pachetti	7/25/12	14225
Brian Pane	Never worked	14227
Christie Petre	8/24/12	14211
Stephan Pfalzer	8/30/12	14043
Samantha Poules	8/17/12	14227
Robert Rustowicz	8/24/12	14225
Andrew Samer	8/23/12	14227
Nicholas Sikora	8/24/12	14206
Adam Skowron	8/24/12	14227
Corey Smith (Patrzyk)	8/31/12	14227
Courtney Smith	8/18/12	14206
Tyler Smith	8/30/12	14043
Holly Sobkowiak	8/20/12	14043
Robert Spear II	Never worked	14206
Robyn Stanley	8/16/12	14225
Josh Strzelec	8/10/12	14211
Christopher Suchan	8/24/12	14227
Joshua Tedesco	8/14/12	14227
Michael Tomczak	8/23/12	14227
Theresa Tripi	8/14/12	14227
Zachary Uzar	8/23/12	14227
Bradley Vargo	8/24/12	14225
Daniel Wasielewski	8/04/12	14225
Alexis Wayne	8/10/12	14227
Samantha Wayne	8/10/12	14227
Michael Wrona	8/23/12	14225
Jennifer Zelasko	8/17/12	14227
Daniel Zogaria	8/24/12	14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2012-506; 2012-507 and 2012-508. Motion carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-507

Youth & Recreation Transfers

Sponsored By: Councilmember Wozniak, 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:

Transfer from the Alexander Day Camps to the Adapted Recreation Program

Recreation Attendant - \$7.25 - 7310.1803 - Regular Part-time
Emalee Danner

Lifeguard "Level IV" - \$8.76 - 7180.1903 - Regular Part-time
Katherine Tomaschko

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-508

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

POLICE DEPARTMENT School Crossing Guard \$8.50/hour effective 9/5/12
Dawn M. Fischer, Cheektowaga, New York

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

SEWER MAINTENANCE
Sean F. Ross effective 9/1/12

SANITATION DEPARTMENT
Daniel J. Pittorf effective 9/1/12

MAIN PUMP STATION
Ronald A. Strong effective 9/1/12

JUSTICE COURT
Jennifer L. Bykowicz effective 4/12/11

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-509

Hiring of Part-Time Community Service Aide (Labor)/Office of Community Development/Jerome J. Gabryszak

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Part-Time Community Service Aide in the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that Jerome J. Gabryszak of Cheektowaga, New York, be and hereby is appointed to the position of Part-Time Community Service Aide in the Office of Community Development effective September 4, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-510

Appointment of Student Interns (Police Department)/Julia Beecroft, Melissa Paulick, Melissa May)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, Julia M. Beecroft of Cheektowaga, New York, Melissa M. Paulick of Blasdell, New York, students at Bryant and Stratton College, and Melissa J. May of Lancaster, New York, a student at Hilbert College, have requested to participate in the student internship program at the Police Department; 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; NOW, THEREFORE, BE IT

RESOLVED, that Julia M. Beecroft of Cheektowaga, New York, Melissa M. Paulick of Blasdell, New York, and Melissa J. May of Lancaster, New York, be and hereby are authorized to participate as unpaid interns in the Police Department, subject to the execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that Julia M. Beecroft's, Melissa M. Paulick's and Melissa J. May's internships be and hereby are effective September 18, 2012 through December 31, 2012; AND, BE IT FURTHER

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

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



20. RESOLUTION 2012-511

Appointment of Junior Accountant (Non-Competitive 55A/Permanent) Accounting Department/William E. Stradtman)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, William E. Stradtman was appointed on a provisional basis to the position of Junior Accountant effective February 27, 2012; AND

WHEREAS, William E. Stradtman applied for and was deemed eligible by the New York State Department of Education, Adult Career and Continuing Education Services - Vocational Rehabilitation Office for an appointment under Section 55A of the New York State Civil Service Law; AND

WHEREAS, such an appointment has been reviewed and approved by the Commissioner of the Erie County Department of Personnel; NOW, THEREFORE, BE IT

RESOLVED, that William E. Stradtman of Cheektowaga, New York be and hereby is appointed to the position of Junior Accountant in the Accounting Department through Section 55A, on a non-competitive basis, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-512

Appointment of Maintenance Worker (Labor/Permanent) Facilities Department (Buildings and Grounds Division)/ James D. Lis

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

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

WHEREAS, James D. Lis, currently employed as a Park Maintenance Worker I in the Facilities Department (Parks Division), meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that James D. Lis 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 September 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-513

Appointment of Maintenance Worker(Labor/Permanent) Facilities Department/Joseph Rydzynski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

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

WHEREAS, Joseph Rydzynski, currently employed as a Park Maintenance Worker II in the Facilities Department (Parks Division), meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Rydzynski of Cheektowaga, New York, be and hereby is appointed to the position of 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 September 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-514

Appointment of Park Maintenance Worker II (Labor/Permanent) Facilities Department/Mark J. Wozniak

Sponsored By: Councilmember Kaznowski, 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, Mark J. Wozniak, currently employed as a General Mechanic in the Facilities Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Mark J. Wozniak 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 September 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



24. RESOLUTION 2012-515

Appointment of Motor Equipment Operator-A (Non-Competitive/Permanent)/Highway Department/Joseph J. Horn

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-A 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, Joseph J. Horn, currently employed as a Automotive Mechanic in the Highway Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph J. Horn of Cheektowaga, New York, be and hereby is appointed to the 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 September 4, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



25. RESOLUTION 2012-516

Appointment of Motor Equipment Operator-A (Non-Competitive/Permanent)/Highway Department/Douglas H. Konczal

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-A 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, Douglas H. Konczal, currently employed as a Motor Equipment Operator-B 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 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 September 4, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



26. RESOLUTION 2012-517

Appointment of Motor Equipment Operator-B (Non-Competitive/Permanent) Highway Department/Todd A. Stucke

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-B 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, Todd A. Stucke, currently employed as a Laborer in the Highway Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Todd A. Stucke of Cheektowaga, New York, be and hereby is appointed to the position of Motor Equipment Operator-B in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 4, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



27. RESOLUTION 2012-518

Appointment of Motor Equipment Operator-B (Non-Competitive/Permanent)/Highway Department/Matthew Burdzy

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-B 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, Matthew Burdzy, currently employed as a Laborer in the Highway Department, 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 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 September 4, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

IV. Communications

A. General Communications

1. **Summons & Complaint: Jenine Nati, Individually and as Parent and Natural Guardian of Leena Staubit Vs. Town of Cheektowaga**
2. **Notice of Claim: Phyllis Melski Vs. Town of Cheektowaga**
3. **Notice of Claim: William P. Melski Vs. Town of Cheektowaga**
4. **Summons & Complaint: Lloyd Nolan Vs. Town of Cheektowaga**

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Motion To: Enter Into Executive Session at 7:10 PM

COMMENTS - Current Meeting:

To Discuss Employee Work Performance Investigation.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

VII. Motion To: Exit Executive Session at 8:02 PM

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



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, September 25, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 25, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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

3. Motion To: Enter Into Executive Session

COMMENTS - Current Meeting:

To Discuss Litigation Matters and Personnel Matters

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

4. Motion To: Exit Executive Session and Return to Work Session

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

II. Resolutions at 7:20 PM



1. RESOLUTION 2012-519

Change Order - Asbestos Removal at 44A Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution adopted March 19, 2012 (Resolution 2012-153), this Town Board awarded the bid for demolition with asbestos abatement of structures located at 44A Windwood Court and 29E Glenwood Court to Fibertech Environmental Services, Inc.; and

WHEREAS, during the demolition of 44A Windwood, additional asbestos was detected in paneling in a wall of the structure which was concealed and therefore not identified during the asbestos survey; and

WHEREAS, as per the Town's engineering consultant, the abatement of said additional asbestos material requires additional expense for the project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves Change Order No.1 in the amount of \$2,016.82 for the additional work involved in the project, and the Supervisor is hereby authorized to execute said Change Order No. 1; and BE IT FURTHER

RESOLVED, that additional moneys in the amount of \$2,016.82 shall be appropriated from budget line item number 0800-800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-520

Settlement of Litigation - Acquest Village Plaza LLC Vs. Town

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Acquest Village Plaza, LLP commenced an Article 7 proceeding against the Town for Tax Years 2008-09, 2009-10, 2010-11 and 2011--12 and 2012-13, seeking a reduction in the assessment of properties owned by it located at 3719 Union Road (S.B.L. No. 102.02-2-4) and 3729 Union Road (S.B.L., No. 102.02-2-3) in Cheektowaga, New York; and

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

III. Work Session Ended at 8:20 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, October 1, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 1, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. Demolition of 3881 Broadway

RESULT: CLOSED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

2. Demolition of 75 East End Avenue

RESULT: CLOSED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

3. **Demolition of 30-32 Euclid Avenue**

RESULT: CLOSED [UNANIMOUS]
MOVER: Stanley Kaznowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

4. **Demolition of 195 Northcrest Avenue**

RESULT: CLOSED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

IV. Resolutions



1. RESOLUTION 2012-521

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1415.3500	State Aid Archive	\$ 14,290.00
	100.1415.4001	Contractual Services	4,893.62
	100.1110.1971	Part Time Regular	137,000.00
	100.1110.4071	Uniforms	1,680.00
	100.9501.9211	Bond Interest	152,125.00
TO:	100.1415.4500	Equipment	\$ 19,183.62
	100.3120.1971	Part Time Regular	137,000.00
	100.3120.4073	Clothing Allowance	1,680.00
	100.1680.2202	Network Hardware	28,000.00
	100.1625.4432	Repairs & Maintenance	124,125.00

HUD CDBG FUND

FROM:	700.1011.0704	Contingency	\$ 3,244.61
TO:	700.1012.0679	Summer Day Camp	\$ 3,244.61

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



2. RESOLUTION 2012-522

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 28, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,304,659.27
RISK RETENTION FUND	118,457.93
DEBT SERVICE FUND	22,981,206.10
HUD HOUSING REHABILITATION FUND	17,911.00
SPECIAL DISTRICTS FUND	1,038,127.86
HIGHWAY FUND	625,339.99
CAPITAL FUND	786,500.75
TRUST & AGENCY FUND	6,175.03
HUD CDBG FUND	39,476.21
PART TOWN FUND	255,153.97
NYS AFFORDABLE HOUSING	<u>18,817.00</u>
	\$ 29,191,825.11

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-523

Change Order No. 8 (General Construction) Police & Court Building Renovations and Addition

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for General Construction Work for the Police & Court Building Renovations and Addition Project was awarded by Town Board Resolution dated September 7, 2010 to Burgio & Campofelice, Inc., 2570 Walden Avenue, Cheektowaga, New York 14225 in the amount of \$9,033,643.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 8 (General Construction Work) which provides for modifications and additions to the original project scope as further outlined in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 8 (General Construction Work) for the Police & Court Building Addition and Renovations Project, as an addition to the contract for General Construction Work in the amount of \$60,092.00 to be chargeable in total to the contract contingency allowance, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 8 document on behalf of this Town Board.

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



4. RESOLUTION 2012-524

Reject Bids Received for Three Police Vehicles

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, by resolution dated August 20, 2012 (Resolution 2012-442), this Town Board advertised forbids for the purchase of three (3) new police vehicles, and

WHEREAS, bid proposals were opened on August 29, 2012, and

WHEREAS, the Police Department has recommended that these bids be rejected, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned bids received on August 29, 2012 be and hereby are rejected.

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



5. RESOLUTION 2012-525

Reject and Readvertise for Bids for Disposal of Solid Waste

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by resolution dated September 4, 2012 (Resolution 2012-467), this Town Board advertised for bids for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga and Possibly the Town of West Seneca, and

WHEREAS, bid proposals were opened on September 19, 2012, and

WHEREAS, based on review of the proposals and bid specifications by the Highway/Sanitation Committee and the Town Attorney, it has been recommended that this Town Board reject all bids received, issue revised specifications and re-bid this matter, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned bids received on September 19, 2012 be and hereby are rejected, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Station and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga and Possibly the Town of West Seneca, 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, 3301 Broadway, Cheektowaga, New York, on Wednesday, October 17, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on **Wednesday, October 17, 2012, at 11:00 A.M.** at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the acceptance of solid waste generated by the Town of Cheektowaga and possibly Town of West Seneca at a transfer station or waste-to-energy facility and the ultimate disposal of such solid waste at a facility approved and permitted by the NYS Department of Environmental Conservation for calendar years 2013-2017 (with renewal options).

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: October 1, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-526

Call for Public Hearing on Local Law Intro No. 2012-3 - a Local Law to Amend the Solid Waste Law

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, by resolution dated August 6, 2012 (Resolution 2012-414), this Town Board awarded a bid for the purchase of totes to be used in the Town for the disposal of solid waste, and

WHEREAS, the Town Solid Waste Law needs to be amended to require residents to use these totes for the disposal of solid waste, and

WHEREAS, Local Law Intro No. 2012-3 of the Year 2012 was drafted by the Town Attorney to so amend Chapter 206 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 15th day of October, 2012, at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local law Intro No. 2012-3 of the Year 2012, entitled "A Local Law to amend the Solid Waste Law of the Town of Cheektowaga", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 15th day of October, 2012 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon a proposed Local Law entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga". A brief summary of this local law is as follows:

Local Law Intro No. 2012-3 of the Year 2012

A Local Law To Amend the

Solid Waste Law of the Town of Cheektowaga

This local law would amend the Town of Cheektowaga Solid Waste Law to require that residents use Town-authorized totes to store solid waste and to place solid waste in totes for the collection by the Town. The Town of Cheektowaga Sanitation Department would only pick up solid waste which is placed in the totes.

A copy of the complete text of this local law with amendments noted above is available in the Town Clerk's Office where the same may be available during regular business hours.

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

Dated: Cheektowaga, New York
October 1, 2012

ALICE MAGIERSKI

Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-527

Call for Public Hearing- Rezoning Request 2270 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, _United Refining Co. Of Pennsylvania has made application and requested the rezoning of 2270 Walden Avenue from M1- Light Manufacturing to MS- Motor Services for a convenience store with petroleum sales, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 15, 2012 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 15th day of October, 2012 at 6:45 P.M., of said day for the purpose of considering the application of:

United Refining Company of Pennsylvania

for the rezoning of 2270 Walden Avenue from M1- Light Manufacturing to MS- Motor Services for the demolition of an existing gas station and construction of a new convenience store with petroleum sales.

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY

Alice Magierski, TOWN CLERK

LEGAL DESCRIPTION

ALL those certain lots, pieces or parcels of land situate, lying and being in the Town of Cheektowaga County of Erie and State of New York, being part of Lot eleven (11), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, and shown as Subdivision Lots Nos. Sixty-two (62), sixty-three (63) and sixty-four (64) on a map filed in the Erie County Clerks Office: under cover No. 293, and also those parts of Subdivision Lots Nos. fifty-five (55) thru sixty-one (61), both inclusive, and eighty-one (81) thru eighty-four (84) both inclusive, on said map which lie northwesterly of the northwesterly line of Walden Avenue

extension, said lots or parts of lots, taken together, being more particularly bounded and described as follows:

BEGINNING at a stake set in the southerly line of Speidel Avenue at a point distant easterly of 368.39 feet, measured along said line of Speidel Avenue, from the corner formed by the intersection of said line of Speidel Avenue and the easterly line of Union Road as widened;

THENCE: Southerly at right angles to the southerly line of Speidel Avenue 134.90 feet to a stake set in the northwesterly line of Walden Avenue Extension;

THENCE: northeasterly along the northwesterly line of Walden Avenue Extension 303.98 feet to another stake set in said line of Walden Avenue Extension;

THENCE: northerly at right angles to the southerly side of Speidel Avenue 85.91 feet to the southerly side of Speidel Avenue;

THENCE: westerly along the southerly side of Speidel Avenue, 300 feet to the point or place of BEGINNING.

TOGETHER, with all right, title and interest, if any, of the party of the first part of, in and to the land in Speidel Avenue and Walden Avenue Extension abutting the above described premises to the respective center lines thereof.

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



8. RESOLUTION 2012-528

Notice to Bidders for Demolition with Asbestos Abatement Of 2354 Genesee Street, Cheektowaga, N.Y.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the demolition with asbestos abatement of the structures located on 2354 Genesee Street in the Town of Cheektowaga; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office;
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Demolition with Asbestos Abatement of the structures located on 2354 Genesee Street, Cheektowaga, New York; 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, 3301 Broadway, Cheektowaga, New York, on Wednesday, October 10, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on WEDNESDAY, OCTOBER 10, 2012, AT 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of structures located on 2354 Genesee Street in the Town of Cheektowaga, New York.

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

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: 1 October 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-529

Notice to Bidders for Controlled Demolition with Asbestos Abatement Of 3881 Broadway and 195 Northcrest Avenue, Cheektowaga, N.Y.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the controlled demolition with asbestos abatement of the structures located on the following referenced properties in the Town of Cheektowaga: 3881 Broadway and 195 Northcrest Avenue; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office; NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Controlled Demolition with Asbestos Abatement of the structures located on the following referenced properties in the Town of Cheektowaga: 3881 Broadway and 195 Northcrest Avenue; 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, 3301 Broadway, Cheektowaga, New York, on Wednesday, October 10, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on WEDNESDAY, OCTOBER 10, 2012, AT 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the controlled demolition and asbestos abatement of structures located on 3881 Broadway and 195 Northcrest Avenue, in the Town of Cheektowaga, New York.

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

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: 1 October 2012

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



10. RESOLUTION 2012-530

Notice to Bidders - Emergency Snow Removal

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, it is in order that bids be advertised for Equipment and Operators for Emergency Snow Removal for the 2012-2013 winter season, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Equipment and Operators for Emergency Snow Removal for the 2012-2013 winter season, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened on the 17th day of October, 2012 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



Notice to Bidders

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 17, 2012 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment and operators for the removal of snow from highways situated in the Town of Cheektowaga in the event of a snow emergency during the 2012-2013 winter season.

Information for bidders and specifications may be obtained from the Office of the Town Clerk in the Cheektowaga Town Hall, located at Broadway and Union Roads, Cheektowaga, New York 14227 between the hours of 9:00 am and 4:30 pm.

All bids must be filed with the Town Clerk's Office, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 prior to the time of the bid opening scheduled for Wednesday, October 17, 2012 at 11:00 am in the Town Hall Council Chambers.

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Emergency Snow Removal for the 2012-2013 Winter Season" 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 informality, 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.

Alice Magierski, Town Clerk

DATED: October 1, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-531

Notice to Bidders-Three New Police Vehicles

Sponsored By: Councilmember Rogowski, Supervisor Holtz

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of three (3) New and Unused 2012 Chevrolet Impalas or Chevrolet Malibus or Ford Fusion Vehicles (or equivalent) 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 Town Clerk on the 10th day of October, 2012 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, NY 14227.



Notice to Bidders

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, October 10, 2012 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the purchase of Three (3) New and Unused 2012 Chevrolet Impalas or Chevrolet Malibus or 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

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



12. RESOLUTION 2012-532

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 Integrys Energy Services of NY, Inc. expires on December 31, 2012, and

WHEREAS, Troy & Banks, an energy solutions firm which works for the Town, has advised the Town that this is a good time to request bids for electricity suppliers for 2013 and 2014, 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 15th day of October, 2012 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 October 15, 2012 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 2013 and 2014.

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: October 1, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-533

Negative SEQR Declaration - 2555 Walden Avenue

Sponsored By: Councilmember Kaminski, 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 Stephen Parrish, Architect for Wendt Corp. for the construction of a 4,470 square foot building addition to an existing manufacturing facility at 2555 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 19, 2012 recommended a determination of non-significance as shown on the attached memorandum dated September 19, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 9, 2012, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that a pedestrian walk be established from the public walk to the primary entrance and that a total of (6) six handicap spaces be established as indicated in their memorandum dated August 27, 2012, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer approving the grading /drainage plan.
2. An accessible concrete walk being established from the public walk to the primary entrance pursuant to the chapter 11 of the NYSBC
3. Providing the minimum number of handicap accessible parking spaces as required by Chapter 11 of the NYSBC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-534

Designation of Halloween Night

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the children of our community are entitled to the fun and excitement associated with "Halloween Night", including going from door-to-door in their immediate neighborhoods with their happy challenges of trick-or-treat; AND

WHEREAS, it would appear that parents generally favor the early evening hours, since it tends to limit participation to the younger children, for whom the observance was originally intended and thereby discourages interference and disruption by the very small percentage of older children, who under cover of darkness and with their identities concealed and costumes, might otherwise spoil the fun for the smaller children, NOW, THEREFORE, BE IT

RESOLVED, that Wednesday, October 31, 2012 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:00 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

"DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Wednesday, October 31, 2012 be designated as "HALLOWEEN NIGHT" in the Town of Cheektowaga.

The time of "trick-or-treating" activities will be between 6:00 P.M. and 8:00 P.M.

We encourage all householders to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

HAPPY HALLOWEEN TO ALL!

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

Alice Magierski, Town Clerk

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



15. RESOLUTION 2012-535

Special Event Cleveland Hill High School Homecoming Parade

Sponsored By: Councilmember Markel, 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, Cleveland Hill PTSA has made application to hold a Homecoming Parade on Saturday, October 6, 2012, 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, October 6, 2012, and BE IT FURTHER

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

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



16. RESOLUTION 2012-536

Authorize Supervisor to Execute an Agreement with TEC Smith, Inc. for the Provision of Professional Services

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, in order to continue the Town's efforts to eliminate sanitary sewer wet weather overflows as mandated under a NYSDEC Order on Consent it is necessary to conduct flow monitoring within the Consolidated Sanitary Sewer District, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of TEC Smith, Inc., P.O. Box 383, Elma, New York 14059-0383 dated September 19, 2012 as submitted to the Town Engineer for professional services associated with district wide flow monitoring is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute an agreement with TEC Smith, Inc. for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional flow monitoring services in an amount not to exceed \$16,600.00 shall be chargeable to Account No. 255-8125-4581.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-537

Approve Assignment of Agreement with Wendel

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga previously entered into agreements with Wendel Duchscherer Architects & Engineers, P.C. ("Wendel") to perform services for the Town, and

WHEREAS, Wendel has notified the Town that the Wendel Companies are undertaking a corporate restructuring, and will assign our agreements to a newly formed corporation known as Audubon Architecture, Engineering, Land Surveying & Landscape Architecture, P.C. ("Audubon"), and has requested the Town to approve the assignment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board consents to the aforementioned assignment, and BE IT FURTHER

RESOLVED, that Supervisor be and hereby is authorized and directed to execute any and all documents to approve said assignment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-538

Workplace Violence Policy

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, On July 7, 2009 the Town of Cheektowaga Town Council adopted a Workplace Violence Prevention Policy; AND

WHEREAS, in a recent audit by the New York State Department of Labor, Public Employee Safety and Health Bureau recommended revisions to the adopted policy; AND

WHEREAS, such revisions were made to the adopted policy on June 14, 2012 and subsequently approved by the New York State Department of Labor, Public Employee Safety and Health Bureau on June 18, 2012; NOW THEREFORE BE IT

RESOLVED, THAT the Town of Cheektowaga hereby adopts the Workplace Violence Prevention Policy revised on June 14, 2012 and approved by the New York State Department of Labor, Public Employee Safety and Health Bureau on June 18, 2012.

Attachments:

CktgWPlaceViolPreventRevPolicy6.12 (DOCX)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-539

Hire Actuary for GASB 45 Calculation

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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 at minimum every two years which 2012 is the second year from the last valuation, and

WHEREAS, the Town has received a professional services proposal from Hallett Associates, Inc. to perform the necessary actuarial services to be in compliance with this GASB statement #45 and,

WHEREAS, there is additional work that needs to be performed by an actuary to determine the adequacy of the premium equivalent rates in our self insured health plans which Hallett has also proposed to complete, therefore be it

RESOLVED, that the Town engage Hallett Associates, Inc. to perform the necessary actuarial services relating to the Town's post retirement health care benefits and evaluate the adequacy of the premium equivalent rates of our self insured health plans per their September 2012 proposal in the amount of \$9,000 and \$3,000, respectively.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



20. RESOLUTION 2012-540

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, 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:

Chelsey Balistrieri	Never worked	14225
Kelley Astyk	8/15/12	14227
Josh Atzrott	8/19/12	14215
Michaela Barone	8/18/12	14225
Brad Bauman	8/17/12	14227
Ashley Bajer	8/27/12	14225
Samantha Burton	8/17/12	14225
Justin Brackna	Never worked	14225
Nolan Calos	8/17/12	14227
Tyler Casillo	8/24/12	14227
Andrew Charvat	8/23/12	14225
Paul Cianflone	8/17/12	14227
Elizabeth Coffta	8/22/12	14206
Kenneth Carlucci III	8/15/12	14227
Catherine Chojnacki	8/17/12	14225
William Dickinson	8/16/12	14225
Kayla Doetterl	8/17/12	14227
Julianne Doetterl	8/24/12	14227
Margaret Drzewiecki	8/17/12	14225
Sharrieff Fareed-Muhammad	8/17/12	14215
Melissa Farruggio	8/22/12	14227
Lindsey Fritsch	8/17/12	14225
Dakota Grantham	8/24/12	14225
Samuel Grantham	8/23/12	14225
Kayla Green	8/17/12	14225
Jonathan Gworek	8/17/12	14227
DeVante Hardy	8/17/12	14211
Rachel Hermanski	8/19/12	14225
Zachary Hermanski	8/19/12	14225
Paxton Hill	8/04/12	14225
Matthew Hockwater	8/17/12	14227
Catherine Huber	8/16/12	14225
Elizabeth Johnston	8/24/12	14206
Samantha Johnston	8/24/12	14206
Sarah Kapanek	8/17/12	14206
Trevor Karek	8/21/12	14225
Michael Keller	8/09/12	14225
Caitlin Kerling	8/17/12	14225
Dave Kerling	8/17/12	14225
Christopher Kiripolsky	8/21/12	14215
Brendan Kobel	Never worked	14225
Rachel Kuechle	8/17/12	14225

Elicia MacTarnaghan	8/17/12	14043
Alexandria Makowski	Never worked	14206
Noah McGhee	8/17/12	14225
Shelby Metzger	8/17/12	14043
Lindsay Michaels	8/22/12	14227
Bailey Michalski	8/15/12	14227
Elizabeth Monaco	8/19/12	14225
Allison Musial	8/19/12	14225
Mindy Odrobina	8/19/12	14043
Ryan Osswald	8/19/12	14225
Paul A. Nazzarett III	8/16/12	14227
Tyler Nosal	8/17/12	14225
Tyler Pawlowski	8/18/12	14225
Katelin Petranchuk	8/19/12	14227
Timothy Petranchuk Jr.	8/22/12	14227
Jacob Radlich	8/12/12	14225
Noah Radlich	8/18/12	14225
Stephanie Reesor	8/07/12	14211
Nicholas Russell	9/13/12	14206
Zachery Russillo	8/16/12	14227
Rose Rustowicz	8/16/12	14225
Trevor Sacilowski	8/17/12	14225
Jacob Sauer	8/23/12	14227
Brandon Seifert	8/17/12	14225
Crystal Smith	Never worked	14227
Austin Snyder	8/19/12	14225
Emily Speidel	8/18/12	14225
Lauren Tomaschko	8/17/12	14225
Aaron Wanat	8/09/12	14043
Chelsea Wartinger	8/17/12	14043
Jennifer Weber	8/17/12	14225
Joseph Weber	8/17/12	14225
Brandon Wheeler	8/15/12	14225
Hayley Wnuk	8/24/12	14043
Anastasia Zarbo	8/19/12	14227
Michael Zarbo	8/19/12	14227
John Zastempowski	8/17/12	14227

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2012-540; 2012-541 and 2012-542. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



21. RESOLUTION 2012-541

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, 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 - 7140.1654 - \$7.50 - Regular Part-time
Derek Schenk 14227

Recreation Attendant - 7310.1803 - \$7.25- Regular Part-time
Nicholas Hawley 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-542

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 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:

SANITATION Laborer \$8/hour

David A. Sparbel, Cheektowaga, New York effective 9/18/12

Todd M. Bolock, Cheektowaga, New York effective 9/17/12

William D. Bascom, Jr., Cheektowaga, New York effective 9/17/12

William C. J. Merritt, Cheektowaga, New York effective 9/17/12

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 Dog Control Officer \$10.25/hour

Angela T. Geelan, Cheektowaga, New York effective 10/1/12

FACILITIES DEPARTMENT (Buildings and Grounds Division) Laborer \$8.00/hour effective 10/2/12

Kyle A. Zawadzki, Sloan, New York

COMMUNITY DEVELOPMENT Clerk \$10.50/hour effective 10/2/12

Pamela Walters, Cheektowaga, New York

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

COMMUNITY DEVELOPMENT

Ann M. Sokol effective 8/30/12

SANITATION DEPARTMENT

Ronnel J. Simmons effective 9/15/12

Thomas M. Buil effective 9/15/12

Walter Szafraniec effective 9/15/12

Daniel J. Woods effective 9/15/12

Todd M. Bolock effective 9/18/12

POLICE DEPARTMENT

Christine Ellis-Prusiecki effective 9/22/12

FACILITIES DEPARTMENT

Ryan Full effective 9/19/12

Matthew Pazderski effective 7/26/12

Jon Heisler effective 8/4/12

Eric Tomczak effective 8/18/12

Ryan Kowal effective 8/9/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-543

Revision of Appointment Dates/Facilities Department

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, appointment dates need to be amended for two (2) Maintenance Workers in the Facilities Department (Buildings and Grounds Division) and one (1) Parks Maintenance Worker II in the Facilities Department (Parks Division); AND

WHEREAS, said appointment dates are to be amended from 9/18/12 to 10/2/12; NOW, THEREFORE BE IT

RESOLVED, appointment dates for James D. Lis of Cheektowaga, New York and Joseph Rydzynski of Cheektowaga, New York, both Maintenance Workers in the Facilities Department (Buildings and Grounds Division), and for Mark Wozniak of Cheektowaga, New York, a Parks Maintenance Worker II in the Facilities Department (Parks Division), be and hereby are amended from 9/18/12 to 10/3/12.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



24. RESOLUTION 2012-544

Elimination of Positions (Sewer and Sanitation Departments)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, there are currently two (2) positions in the Town, namely the position of Sewer Maintenance Worker in the Sewer Department and the position of Laborer in the Sanitation Department, that are being vacated; AND

WHEREAS, after review of staffing needs and levels in these Town departments, the Town Council has determined that it is in the best interests of the Town's taxpayers and the Town to eliminate these two (2) full-time positions; NOW, THEREFORE, BE IT

RESOLVED, that the position of Sewer Maintenance Worker in the Sewer Department and the position of Laborer in the Sanitation Department, that are being vacated are hereby eliminated effective close of business October 2, 2012; AND

BE IT FURTHER RESOLVED, that the Town Supervisor and Coordinator of Employee Relations are hereby authorized to take all actions necessary to implement the elimination of these two (2) positions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



25. RESOLUTION 2012-545

Reallocation of Staff (Sanitation/Highway/Facilities Department)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town Board had previously deactivated and eliminated from the Town budget two (2) Motor Equipment Operator B positions and a Laborer position assigned to the Sanitation Department and created three (3) Maintenance Worker positions in the Building and Grounds Department; AND

WHEREAS, since deactivating and eliminating those positions in the Sanitation Department certain employees in that department have exercised their rights pursuant to section 18.05 of the Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees' Association to be assigned to other positions in other Town departments; AND

WHEREAS, as a result of this activity other vacancies in Town departments have occurred necessitating further appointments; NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the following positions effective October 3, 2012:

Saturnino Arvelo, who is a Laborer in the Sanitation Department, is appointed as a Laborer in the Facilities Department (Building and Grounds Division);

Scott Fullington, who is a Motor Equipment Operator in the Sanitation Department, is appointed as a Park Maintenance Worker I in the Facilities Department (Parks Division);

Jeffrey Lempko, who is a Motor Equipment Operator in the Sanitation Department, is appointed as a Laborer in the Highway Department;

James Hoerner, who is a Laborer in the Highway Department, is appointed as a Park Maintenance Worker I in the Facilities Department (Parks Division). AND

BE IT FURTHER RESOLVED, that the Town Supervisor and the Coordinator of Employee Relations are hereby authorized to take all actions necessary to implement the intent and operation of this Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



26. RESOLUTION 2012-546

Appointment of Laborers (Highway Department)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Laborer in the Highway 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, David J. Surdej, currently employed as a Laborer in the Sanitation Department, and David G. Ford, currently employed as a Sewer Maintenance Worker in the Sewer Maintenance Department, bid on said vacancies and meet the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that David J. Surdej of West Seneca, New York and David G. Ford of Cheektowaga, New York be and hereby are 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 October 3, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to suspend the rules to include the following one (1) resolution: 2012-547. Motion Carried.



1. RESOLUTION 2012-547

Change Order No. 9 - (General Construction) Police & Court Building Renovations and Addition

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the contract for General Construction Work for the Police & Court Building Renovations and Addition Project was awarded by Town Board Resolution dated September 7, 2010 to Burgio & Campofelice, Inc., 2570 Walden Avenue, Cheektowaga, New York 14225, in the amount of \$9,033,643.00, AND

WHEREAS, the Project Architect, Trautman Associates, and the Town Engineer have recommended the approval of Change Order No. 9 (General Construction Work) which provides for modifications and additions to the original project scope as further outlined in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 9 (General Construction Work) for the Police & Court Building Renovations and Addition Project, as an addition to the contract for General Construction Work in the amount of \$27,465.00 to be chargeable in total to the contract contingency allowance, be and hereby is approved, AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 9 document on behalf of this Town Board.

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

VI. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - July 2012
2. Building Permit List - September 2012
3. Town of Cheektowaga 2013 Tentative Benefit Basis Budget
4. Minutes: Cheektowaga Planning Board - August 9, 2012

5. Minutes: Cheektowaga Conservation Advisory Council - September 6, 2012

B. General Communications

1. Notice of Claim: Jacob Z. Gollwitzer Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, October 9, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on October 9, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

II. Resolution



1. RESOLUTION 2012-548

Revise Notice to Bidders for Demolition with Asbestos Abatement Of 2354 Genesee Street, Cheektowaga, N.Y.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated October 1, 2012, a Notice to Bidders for the Demolition with Asbestos Abatement of the structures located at 2354 Genesee Street in the Town of Cheektowaga was issued, with an opening date of October 10, 2012; and

WHEREAS, Nussbaumer & Clarke, Inc., the Town's Consultant, has since determined that due to the expanse of the roof on the structure, said demolition may properly and lawfully be performed as a "Semi-Controlled Demolition," which will be a safer and more cost effective method; and

WHEREAS, Nussbaumer & Clarke, Inc., is preparing an Addendum (No. 1) to the existing specifications for said demolition; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves Addendum No. 1 to the Specifications for the Demolition of 2354 Genesee Street to allow for the Semi-Controlled Demolition of structures thereon; and BE IT FURTHER

RESOLVED, that said bid opening is hereby rescheduled to Wednesday, October 24, 2012, at 11:00 A.M.; 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, 3301 Broadway, Cheektowaga, New York, on Wednesday, October 24, 2012 at 11:00 A.M.; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Revised Notice to Bidders in the Cheektowaga Bee.



REVISED NOTICE TO BIDDERS

By Notice to Bidders dated October 1, 2012, this Town Board directed that bid proposals for the Demolition with Asbestos Abatement of Structures located at 2354 Genesee Street were due by October 10, 2012.

The Town of Cheektowaga is issuing Addendum No. 1 to the bid specifications for this project for a semi-controlled demolition with asbestos abatement of 2354 Genesee Street, which necessitates that the bid opening date be extended.

As such, sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, October 24, 2012 at 11:00 a.m. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the Semi-Controlled Demolition with Asbestos

Abatement of structures located at 2354 Genesee Street in the Town of Cheektowaga, New York.

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

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

Alice Magierski
Town Clerk

Dated: October 9, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, October 15, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 15, 2012 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Absent	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings

1. Local Law Intro No. 2012-3 - a Local Law to Amend the Solid Waste Law

RESULT: CLOSED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz, Patricia Jaworowicz

2. Rezoning Request 2270 Walden Ave.

RESULT:	CLOSED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz

IV. Resolutions



1. RESOLUTION 2012-549

Transfer of Funds

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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

GENERAL FUND

FROM:	100.7140.1971.1632	PART TIME REGULAR	\$ 500.00
	100.7140.1971.1815	PART TIME REGULAR	2,100.00
	100.7140.1971.1645	PART TIME REGULAR	5,000.00
	100.7310.1971.1811	PART TIME REGULAR	3,000.00
	100.7140.1971.1648	PART TIME REGULAR	4,000.00
	100.7180.1971.1901	PART TIME REGULAR	5,000.00
	100.7310.1902	OVERTIME PAYROLL	300.00
	100.7310.4261	POSTAGE	3,900.00
	100.7310.4689	YOUTH CONSERVATION CORPS	3,600.00
TO:	100.7310.1971.1801	PART TIME REGULAR	\$ 500.00
	100.7140.1971.1646	PART TIME REGULAR	2,100.00
	100.7310.1971.1814	PART TIME REGULAR	8,000.00
	100.7310.1971.1804	PART TIME REGULAR	9,000.00
	100.7140.1902	OVERTIME PAYROLL	300.00
	100.7140.4061	PROGRAM BROCHURES	4,500.00
	100.7310.4681	IN SERVICE TRAINING	3,000.00

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



2. RESOLUTION 2012-550

Warrant

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 12, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,507,861.71
RISK RETENTION FUND	81,971.70
HUD HOUSING REHABILITATION FUND	10,241.35
SPECIAL DISTRICTS FUND	593,476.28
HIGHWAY FUND	461,974.53
CAPITAL FUND	1,050,485.99
TRUST & AGENCY FUND	9,307.84
HUD CDBG FUND	1,619.06
PART TOWN FUND	96,115.18
NYS AFFORDABLE HOUSING	<u>8,151.00</u>
	\$ 4,821,204.64

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



3. RESOLUTION 2012-551

Call for Public Hearing - 2013 Benefit Basis Budget

Sponsored By: Kaznowski, Rogowski, Markel, Wozniak, Kaminski

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2013 revenues and expenditures for every district in which the expenses of the improvement are 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 5:30 P.M. on the 30th day of October, 2012 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 18, 2012.



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 30, 2012 at 5:30 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 15, 2012
Published: October 18, 2012

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Stanley Kaznowski, Councilmember
SECONDER: James Rogowski, Charles Markel, Gerald Kaminski, Angela Wozniak
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz, Patricia Jaworowicz



4. RESOLUTION 2012-552

Call for Public Hearing - 2013 Preliminary Ad Valorem Budget

Sponsored By: Kaznowski, Rogowski, Markel, Wozniak, Kaminski

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, 2013, 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 2, 2012, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 5:30 P.M. on the 30th day of October, 2012, 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 18, 2012, and post same on the signboard maintained by the Town Clerk.



LEGAL NOTICE

of

PUBLIC HEARING

on

PRELIMINARY AD VALOREM 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, 2013, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it

is available for inspection by any interested person at all reasonable hours, effective October 2, 2012.

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 5:30 P.M. on the 30th day of October, 2012 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	\$83,790
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 15, 2012

Published: October 18, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Charles Markel, Gerald Kaminski, Angela Wozniak
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



5. RESOLUTION 2012-553

Call for Public Hearing for 2013 Community Development Block Grant Funds

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2013 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 5, 2012 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Bee on Thursday, October 25, 2012.



Notice of Public Hearing
Town of Cheektowaga FY 2013 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 5, 2012 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2013 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 2012, the Town received \$ 882,341 in CDBG funds and \$223,447 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 residents 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.

Attachments:

PH-NOTICE-2013A (DOC)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



6. RESOLUTION 2012-554

Notice to Bidders For Asbestos Surveys for Properties Located At 75 East End Avenue and 30-32 Euclid Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, Nussbaumer & Clarke, Inc., a duly authorized agent of the Town of Cheektowaga, has issued written reports stating that the residential buildings located at **75 East End Avenue and 30-32 Euclid Avenue**, are unsafe and recommended that such buildings be demolished; and

WHEREAS, the owners and lienholders of said properties were notified to demolish the buildings on said properties, and no action for these demolitions has been taken to date; and

WHEREAS, hearings were held in front of this Board on the 1st day of October, 2012, 2012, concerning said unsafe buildings and requested demolitions; and

WHEREAS, the Town of Cheektowaga needs to take action to demolish the buildings located on said properties in the event the owners of same do not do so; and

WHEREAS, prior to demolition of each property, the Town needs to have an asbestos survey done to determine whether there is asbestos in each building; and

WHEREAS, a Notice to Bidders has been prepared for these matters; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders for the Asbestos Surveys, etc. for the properties located at **75 East End Avenue and 30-32 Euclid Avenue** in the Town of Cheektowaga; and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that bids for the Asbestos Surveys, Specifications and Air Monitoring Services for **75 East End Avenue and 30-32 Euclid Avenue** shall be due no later than Wednesday, October 24, 2012 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 said bids in the Council Chambers of Town Hall on Wednesday, October 24, 2012 at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on **Wednesday, October 24, 2012, at 11:00 A.M.** at the Town Hall, 3301 Broadway, Cheektowaga, New York, for asbestos surveys, asbestos specifications preparation, and air monitoring services for residential properties located at **75 East End Avenue and 30-32 Euclid Avenue**,

Cheektowaga, New York.

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: 15 October 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



7. RESOLUTION 2012-555

Award of Bid - Purchase of Electricity

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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, 2012, and

WHEREAS, by resolution dated October 1, 2012, this Town Board issued a Notice to Bidders for the purchase of electricity for the Years 2013 and/or 2014, and

WHEREAS, bids were received and opened on the 15th day of October, 2012 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 , the lowest responsible bidder meeting specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of electricity for the 2012 and 2013 be and hereby is awarded to _____ at a blended average rate per kilowatt hour as per its proposal or other similar rate(s) when refreshed as of October 16, 2012 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 _____

RESULT: WITHDRAWN



8. RESOLUTION 2012-556

Public Improvement Permit - 590 Duke Road (Derrick Corporation)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the Derrick Corporation has submitted plans and specifications, Public Improvement Permit Application, and permit fee for the installation of approximately 500 L.F. of curbing and the installation of approximately 600 L.F. of storm sewer and related appurtenances fronting its facility located at 590 Duke Road, AND

WHEREAS, the Town Engineering Department has reviewed the plans and specifications for the subject improvements and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the aforesaid curbing and storm sewer improvements, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,440.00 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



9. RESOLUTION 2012-557

Negative SEQR Declaration - Kwik Fill 2270 Walden Avenue

Sponsored By: Councilmember Kaminski, 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 United Refining Company of Pennsylvania for the rezoning of 2270 Walden Avenue from M1- Light Manufacturing to MS- Motor Service for the demolition of an existing gas station and the construction of a new 1,200 s.f. convenient mart with petroleum sales, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 19, 2012 recommended a determination of non-significance as shown on the attached memorandum dated September 19, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meeting of August 13, 2012, 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 grading/drainage plan.

Attachments:

Landscape Plan (PDF)
Site Plan (PDF)
Kwik Fill Elevation (PDF)
Kwik Fill Elevation (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



10. RESOLUTION 2012-558

Authorize Supervisor to Execute Agreement with nCourt LLC

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Justice Court collects moneys for fines for traffic infractions and other violations of Town and State laws, and

WHEREAS, these moneys are collected by means of cash and credit card payments in person at the court, and

WHEREAS, nCourt LLC, a limited liability company operating in New York State, offers an online payment system at no cost to the Town where fines can be paid by defendants without the necessity of appearing at the court, and

WHEREAS, the fines collected are guaranteed to the Town, and the nCourt system will save employee time in processing payment of fines and disposition of cases, and

WHEREAS, nCourt LLC has submitted a proposed agreement for signature by the Town, and

WHEREAS, this Town Board feels that utilization of this online payment system will result in a savings to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with nCourt LLC for the online payment of fines in the Town Justice Court, said agreement to be subject to approval by the Town Attorney.

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



11. RESOLUTION 2012-559

Approve Extension of Contract for Cutting of Grass on Town-Owned Properties

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated February 22, 2012 (Resolution 2012-103), this Town Board awarded a contract for the cutting of grass at various Town-owned properties to Double Diamond Removal Services, Inc., and

WHEREAS, as per the terms of the agreement, grass cutting services would cease on October 20, 2012, and

WHEREAS, there is a need to continue said grass cutting services for the week until October 31, 2012, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to extend the contract with Double Diamond Removal Services for the cutting of grass at various Town-owned properties until October 31, 2012, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute any and all documents in connection with said extension.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



12. RESOLUTION 2012-560

Special Event - South Line Volunteer Fire Company No. 10 Halloween Parade

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, South Line Volunteer Fire Company has made application to hold their Annual Halloween Parade on Saturday, October 27, 2012 at 7:00 p.m., beginning from their fire hall to Violet Senior Housing, around the building, and then returning to fire hall; 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:

- . 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 South Line Volunteer Fire Company for the aforementioned Halloween Parade to be held on Saturday, October 27, 2012 at 7:00 P.M., and BE IT FURTHER

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

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



13. RESOLUTION 2012-561

"Freedom from Bullies Week" October 14-20, 2012 Recognized

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age or disability; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga recognizes October 14 - 20, 2012 as "Freedom from Bullies Week."

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



14. RESOLUTION 2012-562

Demolition of Pool and Deck/97 Isabelle 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 97 Isabelle Road, Cheektowaga, New York SBL# 81.17-4-12. That is a danger to the safety of others, and records kept by the Assessors Office identify Christine A. Hayden, 97 Isabelle Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 97 Isabelle Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



15. RESOLUTION 2012-563

Demolition of Garage/132 Ivanhoe 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 132 Ivanhoe Road, Cheektowaga, New York SBL# 90.68-2-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Loan Mortgage Corporation Federal Home, 5000 Plano Parkway, Carrollton, TX 75010, as the owner AND

WHEREAS, an inspection of such premises was conducted at 132 Ivanhoe Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



16. RESOLUTION 2012-564

Demolition of Pool & Deck/49 Pinehurst Ave

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 49 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-6-21 that is a danger to the safety of others, and records kept by the Assessors Office identify Jacqueline Acanfora, 49 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 49 Pinehurst Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



17. RESOLUTION 2012-565

Demolition of Pool/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 Sable 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 and 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



18. RESOLUTION 2012-566

Unsafe-Unsecured/274 Cherokee 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 274 Cherokee Drive, Cheektowaga, New York SBL# 91.19-7-19 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert A. Maccubbin, 1107 Sheridan Drive, Tonawanda, New York 14150, as the owner AND

WHEREAS, an inspection of such premises was conducted at 274 Cherokee Drive Street, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



19. RESOLUTION 2012-567

Unsafe Premises/2392 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 2392 Genesee Street, Cheektowaga, New York SBL# 90.84-4-6.1 That is a danger to the safety of others, and records kept by the Assessors Office identify Nelliyan Karuppiyah, Davenport Real Estate, PO Box 156, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2392 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



20. RESOLUTION 2012-568

Unsafe-Unsecured/83 Midland 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 83 Midland Drive, Cheektowaga, New York SBL# 102.23-1-15.1 That is a danger to the safety of others, and records kept by the Assessors Office identify Michael F. Shepker, 83 Midland Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 83 Midland Drive, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



21. RESOLUTION 2012-569

Youth & Recreation Terminations

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and herby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Nicholas Coronado	8/22/12	14225
Megan Maloney	Never worked	14227
Ashley Spencer	8/19/12	14211

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to waive the reading of names for the following three (3) resolutions: 2012-569; 2012-570 and 2012-571. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz, Patricia Jaworowicz



22. RESOLUTION 2012-570

Youth & Recreation Transfers

Sponsored By: Councilmember Wozniak, 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 - 7140.1664 - \$10.00 - Regular Part-time
Kathleen Carnall

Recreation Attendant - 7140.1664 - \$11.80 - Regular Part-time
Nancy Fumerelle

Recreation Instructor - 7140.1664 - \$9.25 - Regular Part-time
Joelle Gretch

Recreation Attendant - 7140.1664 - \$11.30 - Regular Part-time
Michele Radlich

Recreation Attendant - 7140.1664 - \$11.30 - Regular Part-time
Ann Sheldon

Recreation Attendant - 7140.1664 - \$11.05 - Regular Part-time
Sandra Suwalski

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



23. RESOLUTION 2012-571

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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 Student Assistant \$7.65/hour effective 10/6/12
Matthew J. Stroud, Cheektowaga, New York

JUSTICE COURT Clerk \$8.00/hour effective 10/16/12
Faye H. Delano, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

POLICE DEPARTMENT
Nathan A. Meyers effective 8/15/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



24. RESOLUTION 2012-572

Appointment of Student Interns (Police Department)/Daniel L. Kaufman/Cody A. Catalano

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, Daniel L. Kaufman of Depew, New York, and Cody A. Catalano of Angola, New York, both students at Erie Community College have requested to participate in the student internship program at the Police Department; AND

WHEREAS, these individuals have been interviewed by the Police Department and the Department is willing to afford them the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Daniel L. Kaufman of Depew, New York, and Cody A. Catalano of Angola, New York, be and hereby are authorized to participate as unpaid interns in the Police Department, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that their internships be and hereby are effective October 16, 2012 through December 31, 2012; 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's internships in the Police Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



25. RESOLUTION 2012-573

Travel Authorization Police Department/38TH Annual Arson Seminar/Lieutenant Thomas Wentland and Detective Michael Hockwater

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the 38th Annual Arson Seminar is being held November 7 through November 9, 2012 in Montour Falls, New York; AND

WHEREAS, Lieutenant Thomas Wentland and Detective Michael Hockwater have been recommended to attend said seminar; AND

WHEREAS, Police Chief David Zack 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 \$366; AND

WHEREAS, these expenses have been budgeted by the Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Thomas Wentland and Detective Michael Hockwater be and hereby are authorized to attend the 38th Annual Arson Seminar is being held November 7 through November 9, 2012 in Montour Falls, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the Rules to Include the Following Resolutions: 2012-574; 2012-575 and 2012-576. Motion Carried.



1. RESOLUTION 2012-574

Travel Authorization/Youth and Recreational Services/Jillian Gorman-King

Sponsored By: Councilmember Kaznowski, Councilmember Wozniak

WHEREAS, the Association of New York State Youth Bureaus Annual Conference and Director's Training is being held October 23 through October 25, 2012 in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has been recommended to attend said conference and training; AND

WHEREAS, Executive Director Ellen Fischer has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$450; AND

WHEREAS, these expenses have been budgeted by the 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 and Director's Training being held October 23 through October 25, 2012 in Albany, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Angela Wozniak, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



2. RESOLUTION 2012-575

Approve Rezoning of 2270 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, United Refining Company of Pennsylvania petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for property owned by it and located at 2270 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, for the demolition of an existing gas station and the construction of a new convenience store with petroleum sales, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of October, 2012 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 United Refining Company of Pennsylvania for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description for a convenience store with petroleum sales 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 those certain lots, pieces or parcels of land situate, lying and being in the Town of Cheektowaga County of Erie and State of New York, being part of Lot eleven (11), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, and shown as Subdivision Lots Nos. Sixty-two (62), sixty-three (63) and sixty-four (64) on a map filed in the Erie County Clerks Office: under cover No. 293, and also those parts of Subdivision Lots Nos. fifty-five (55) thru sixty-one (61), both inclusive, and eighty-one (81) thru eighty-four (84) both inclusive, on said map which lie northwesterly of the northwesterly line of Walden Avenue extension, said lots or parts of lots, taken together, being more particularly bounded and described as follows:

BEGINNING at a stake set in the southerly line of Speidel Avenue at a point distant easterly of 368.39 feet, measured along said line of Speidel Avenue, from the corner formed by the intersection of said line of Speidel Avenue and the easterly line of Union Road as widened;

THENCE: Southerly at right angles to the southerly line of Speidel Avenue 134.90 feet to a

stake set in the northwesterly line of Walden Avenue Extension;

THENCE: northeasterly along the northwesterly line of Walden Avenue Extension 303.98 feet to another stake set in said line of Walden Avenue Extension;

THENCE: northerly at right angles to the southerly side of Speidel Avenue 85.91 feet to the southerly side of Speidel Avenue;

THENCE: westerly along the southerly side of Speidel Avenue, 300 feet to the point or place of BEGINNING.

TOGETHER, with all right, title and interest, if any, of the party of the first part of, in and to the land in Speidel Avenue and Walden Avenue Extension abutting the above described premises to the respective center lines thereof.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz



3. RESOLUTION 2012-576

Award of Bid for Purchase of Three (3) Police Vehicles

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Purchase of Three (3) New Police Vehicles for the Police Department, and

WHEREAS, bid proposals were duly received and opened at a public bid opening called for that purpose, AND,

WHEREAS, said bid was referred to the Police Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the purchase of three (3) New and Unused 2013 Ford Fusion Vehicles be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225 for the bid price of \$53,418.00; said vendor meeting all conditions of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Police Department budget Account 100-3120-2303.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz, Patricia Jaworowicz

VI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - August 2012**
2. **Town of Cheektowaga 2013 Tentative Budget**
3. **Minutes: Cheektowaga Public Library - Board of Trustees - September 19, 2012**
4. **Minutes: Cheektowaga Traffic Safety Commission - September 18, 2012**
5. **Town of Cheektowaga Emergency Services - Quarterly Report for July to September 2012**

B. General Communications

1. Notice of Claim: Johnny Brown Vs. Town of Cheektowaga
2. Notice of Claim: Shannon, Ashley and Ammber Spencer Vs. Town of Cheektowaga
3. Summons: the Bank of NY Mellon, as Trustee Vs. Cheektowaga Town Court
4. Summons: HSBC USA, N.A. Vs. Cheektowaga Town Court

VII. Comments***A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****VIII. Adjournment**

Motion by Councilmember Kaznowski; Seconded by Councilmember Kaminski to adjourn the meeting. Time of adjournment: 7:53 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, October 30, 2012

5:30 PM

Council Chambers

I. Call to Order

5:30 PM Meeting called to order on October 30, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Jeneen Lomando-McSkimming, Assessor
Kevin Schenk, Town Attorney

II. Public Portion

III. Public Hearings

1. 2013 Benefit Basis Budget

COMMENTS - Current Meeting:

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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

2. 2013 Preliminary Ad Valorem Budget

COMMENTS - Current Meeting:

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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

IV. Adjourn at 6:05 PM



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, October 30, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on October 30, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
Kevin Schenk, Town Attorney

3. Motion To: Enter Into Executive Session to discuss assessment litigation matters at 6:16 PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

4. Motion To: Exit Executive Session at 6:30 PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

II. Resolutions at 6:31 PM



1. RESOLUTION 2012-577

Settlement of Litigation - Marinaccio Vs. Town

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Paul Marinaccio commenced an Article 7 proceeding against the Town for Tax Year 2011-12, seeking a reduction in the assessment of property owned by him located at 5636 Transit Road (S.B.L. No. 104.13-2-3) in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-578

Settlement of Litigation - CTS Contracting, Inc. Vs. Town

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, CTS Contracting, Inc. commenced an Article 7 proceeding against the Town for Tax Year 2012-13, seeking a reduction in the assessment of vacant property owned by it located on Bennett Road (S.B.L. No. 114.13-1-1) in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-579

Settlement of Litigation - Harlem Buffalo, LLC Vs. Town

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Harlem Buffalo, LLC commenced Article 7 proceedings against the Town for Tax Years 2011-12 and 2012-13, seeking a reduction in the assessment of properties owned by it located at 2240 Harlem Road (S.B.L. No. 102.03-1-4) and Harlem Road (S.B.L. No. 102.03-1-3) 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 these matters 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

III. Work Session Continues at 6:32 PM

IV. Work Session Ends at 6:48 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, November 5, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 5, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Jon Nichy, Superintendent of Wastewater Pump Station
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearing

1. 2013 Community Development Block Grant Funds

RESULT: CLOSED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

IV. Resolutions



1. RESOLUTION 2012-580

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM: 100.1910.2655 Minor Sales, Other \$ 25,000.00

TO: 100.7110.4451 Building & Grounds \$ 25,000.00

HIGHWAY FUND

FROM: 300.5150.4162 Gasoline & Oil \$ 42,000.00

TO: 300.5150.4178 Blacktop Special \$ 42,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-581

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 2, 2012 are hereby approved and made a part hereof;

GENERAL FUND	\$ 376,524.62
RISK RETENTION FUND	21,970.85
NYS HOME PROGRAM	4,325.00
HUD HOUSING REHABILITATION	37,643.50
SPECIAL DISTRICTS FUND	390,261.12
HIGHWAY FUND	32,320.93
CAPITAL FUND	626,966.80
TRUST & AGENCY FUND	2,872.81
HUD CDBG FUND	54,509.90
PART TOWN FUND	102,218.80
NYS AFFORDABLE HOUSING	<u>8,436.00</u>
	\$ 1,658,050.33

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSTAIN:	Gerald Kaminski
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-582

Adopt Local Law No. 4 of the Year 2012 - a Local Law to Amend the Solid Waste Law of the Town of Cheektowaga

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, by resolution dated August 6, 2012 (Resolution 2012-414), this Town Board awarded a bid for the purchase of totes to be used in the Town for the disposal of solid waste, and

WHEREAS, the Town Solid Waste Law needs to be amended to require residents to use these totes for the disposal of solid waste, and

WHEREAS, Local Law Intro No. 2012-3 of the Year 2012 was drafted by the Town Attorney to so amend Chapter 206 of the Town Code, and

WHEREAS, a public hearing was held on the 15th day of October, 2012, at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2012-3 of the Year 2012, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2012, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga" be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2012 shall be effective December 10, 2012, after filing said Local Law with the Secretary of State, and, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State.



LOCAL LAW NO. 4 OF THE YEAR 2012 **A LOCAL LAW TO AMEND THE SOLID WASTE LAW OF** **THE TOWN OF CHEEKTOWAGA**

1. **Section 206-3, Definitions**, shall be amended to delete the definition for "GARBAGE CONTAINER".
2. **Section 206-3, Definitions**, shall be amended to add the following definition

TOTE

A Town-authorized container of a capacity of either 95 gallons or 65 gallons for the storage and collection of garbage, and non-recyclable refuse and rubbish. All totes shall be owned by the Town of Cheektowaga and one shall be assigned to each residential unit but no more than two (2) totes per building/structure); any tote assigned to a residential unit shall remain at that residential unit and shall not be removed from same.

3. Subsection B of Section 206-4, Separation and preparation, shall be amended to read as follows:

B. Totes conforming to the specifications of this chapter shall be used when storing or placing garbage, and non-recyclable refuse and rubbish for collection by the Town. When filled, a tote shall not exceed 150 pounds in weight.

4. Subsection E of Section 206-4, Separation and preparation, shall be amended to replace the words "garbage container" with "tote" and to replace the words "six containers or bundles per week" with "two totes or six bundles".

5. Subsection G. of Section 206-4, Separation and preparation, shall be amended to read as follows:

G. All cut grass, leaves and garden clippings shall be placed in totes, which when filled do not exceed 150 pounds in weight, or in biodegradable paper bags, which when filled shall not exceed 40 pounds in weight.

6. Subsection H of Section 206-4, Separation and preparation, shall be amended to replace the word "container" with "tote"

7. Subsections A of Section 206-5, Containers and storage, shall be amended to read as follows:

A. The Town shall provide and assign to each residential unit one tote (but no more than two (2) totes per building/structure). Residents may purchase additional totes from the Town. Totes shall be used for the collection, storage and disposal of all garbage and non-recyclable refuse and rubbish that may accumulate or be produced by them.

8. Subsection B of Section 206-5, Containers and storage, shall be deleted.

9. Subsection C of Section 206-5, Containers and storage, shall be re-designated as Subsection B of Section 206-5, and shall be amended to read as follows:

"B. Garbage and non-recyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled."

10. Subsection D of Section 206-5, Containers and storage, shall be re-designated as Subsection C of Section 206-5, and shall be amended to read as follows:

C. All totes shall be maintained in good condition. All reusable refuse containers and totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage is removed by the collector. Except when placed at the curblin for collection, all totes shall be stored on the property producing the solid waste.

11. **Subsection A. of Section 206-6, Placement of containers for collection**, shall be amended to replace the word “garbage” with “totes”.
12. **Subsection C of Section 206-6, Placement of containers for collection**, shall be amended to replace the words “Containers or receptacles” with “Totes and recyclable containers”.
13. **Subsection A of Section 206-7, Collection and disposal**, shall be amended to delete “six garbage containers” and to add in their place “two totes”.
14. This local law shall be effective December 10, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



4. RESOLUTION 2012-583

Adopt Ad Valorem Budget for 2013

Sponsored By: Supervisor Holtz, Councilmember 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 2013 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, 2013, and a public hearing was conducted there on October 30, 2012 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, 2013.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
NAYS:	Angela Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-584

Adopt Benefit Basis Budget for 2013

Sponsored By: Supervisor Holtz, Councilmember 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 30th day of October, 2012 at 5:30 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 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-585

Award of Bid - Emergency Snow Removal

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, a Notice to Bidders was published for the receipt of bids for emergency snow removal in the Town of Cheektowaga, AND

WHEREAS, two (2) bids were duly received and publicly opened by the Town Clerk on October 17, 2012, AND

WHEREAS, said bids were referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for emergency snow removal in the Town of Cheektowaga for the 2012-2013 winter season be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

		<u>BASE HOURLY RATE</u>
Item 1	Tandem Dump Truck	\$120.00
Item 2	Hydraulic Backhoe	\$125.00
Item 3	Front End Loader, 3 C.Y.	\$230.00
Item 4	Front End Loader, 4 C.Y.	\$235.00
Item 5	Front End Loader, 5 C.Y.	\$250.00
Item 6	Dozer, Crawler D-3	\$ 80.00
Item 7	Dozer, Crawler D-6	\$110.00
Item 8	Hydraulic Backhoe Crawler, 7/8 yard	\$105.00
Item 9	Hydraulic Backhoe Crawler, 2-1/3 yard	\$110.00
Item 10	Skid Steer Loader with Operator	\$100.00

AND, BE IT FURTHER

RESOLVED, that funding for said emergency snow removal shall be chargeable to Emergency Account #300-5142-4029.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-586

Award of Bid for Controlled Demolition Of 195 Northcrest Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, bids were advertised for the controlled demolitions of 3881 Broadway and 195 Northcrest Avenue; and

WHEREAS, bid proposals were received and opened on October 10, 2012, 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 the property located at 195 Northcrest Avenue to Metro Contracting & Environmental, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the controlled demolition of 195 Northcrest Avenue, Cheektowaga, New York to:

Metro Contracting & Environmental, Inc..
2939 Lockport Road
Niagara Falls, New York 14305-2307

for the bid price of \$16,817.19, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Metro Contracting & Environmental, Inc., 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-587

Award of Bid for the Semi-Controlled Demolition of 2354 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the demolition of 2354 Genesee Street in the Town of Cheektowaga; and

WHEREAS, bid proposals were received and opened on October 24, 2012 for said demolition; 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 semi-controlled demolition of the property located at 2354 Genesee Street to Regional Environmental Demolition, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the semi-controlled demolition with asbestos abatement of structures located at 2354 Genesee Street to

Regional Environmental Demolition, Inc.
3695 Pine Avenue
Niagara Falls, New York 14301

for the sum of \$79,800.00, said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Regional Environmental Demolition, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-588

Award of Bid for Asbestos Surveys At 75 East End Avenue and 30-32 Euclid Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Unsafe Buildings Law of the Town of Cheektowaga, this Town Board can require that unsafe buildings be either repaired or demolished, and

WHEREAS, the structure(s) on properties located at 75 East End Avenue and 30-32 Euclid Avenue have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. has determined that said buildings are unsafe and recommended that such structure(s) be demolished and removed; and

WHEREAS, by resolutions adopted September 17, 2012, this Town Board ordered that the building(s) on the properties be either repaired or demolished, and directed that the respective owner or others responsible for the building(s) on said properties commence repair or demolition work within 30 days; and

WHEREAS, more than 30 days have expired and no work has been commenced with respect to the properties; 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 such property, and

WHEREAS, prior to the demolition of each property, the Town needs to retain a firm to perform an asbestos survey and asbestos abatement plan for same; and

WHEREAS, on October 15, 2012, this Town Board issued a Notice to Bidders (Resolution No. 2012-554) and based on proposals submitted, the Town Attorney has recommended that the bid be awarded to Stohl Environmental LLC, to perform said asbestos surveys, specifications and air monitoring services for the sum of \$10,490.00 (based on an estimate of 20 days for Project Air Monitoring and 100 PCM samples); NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Stohl Environmental LLC, 4169 Allendale Parkway, Suite 100, Blasdell, New York, 14219, to perform the asbestos surveys, specifications (if necessary) and air monitoring services at 75 East End Avenue and 30-32 Euclid Avenue, for the sum of \$10,490.00, said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Stohl Environmental 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-589

Award Bid for Air Monitoring of 3881 Broadway and 195 Northcrest Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a Request for Proposals was issued for Project Air Monitoring Services, Project Air Sampling and Report of the Controlled Demolitions of 3881 Broadway and 195 Northcrest Avenue in the Town of Cheektowaga; and

WHEREAS, proposals were received and opened on October 30, 2012 for said controlled 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 Project Air Monitoring Services, Project Air Sampling and Report of the Controlled Demolitions of 3881 Broadway and 195 Northcrest Avenue in the Town of Cheektowaga to Buffalo Environmental Consultants, Inc., d/b/a AFI Environmental; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the Project Air Monitoring Services, Project Air Sampling and Report of the Controlled Demolitions of 3881 Broadway and 195 Northcrest Avenue in the Town of Cheektowaga (Items I and II) to:

Buffalo Environmental Associates, Inc., d/b/a AFI Environmental
7815 Buffalo Avenue
P.O. Box 4049
Niagara Falls, New York 14304

for the sum of \$3,800.00 (based on an estimated of 10 days for Project Air Monitoring and 100 PCM samples), said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with AFI Environmental, for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-590

Award Bid for Controlled Demolition of 3881 Broadway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the controlled demolitions of 3881 Broadway and 195 Northcrest Avenue in the Town of Cheektowaga; and

WHEREAS, bid proposals were received and opened on October 10, 2012 for said controlled 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 controlled demolition of the property located at 3881 Broadway to Regional Environmental Demolition, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the controlled demolition with asbestos abatement of structures located at 3881 Broadway to

Regional Environmental Demolition, Inc.
3695 Pine Avenue
Niagara Falls, New York 14301

for the sum of \$28,330.00, said amount being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Regional Environmental Demolition, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-591

Award of Bid for Purchase of Electricity

Sponsored By: Holtz, Kaznowski, Rogowski

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, 2012, and

WHEREAS, by resolution dated October 1, 2012, this Town Board issued a Notice to Bidders for the purchase of electricity for the Years 2013 and/or 2014, and

WHEREAS, bids were received and opened on the 15th day of October, 2012 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 (Item 3 for Years 2013 and 2014) should be awarded to New Wave Energy Corporation, the lowest responsible bidder meeting specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of electricity for 2013 and 2014 (Item 3 in the bid specifications) be and hereby is awarded to New Wave Energy Corporation, 434 Delaware Avenue, Buffalo, New York 14202 at a rate per kilowatt hour of \$0.04588, as per its proposal, 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 New Wave Energy Corporation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-592

Award of Bid - Three Police Vehicles

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of three (3) New and Unused 2013 Ford Fusion Vehicles for the Police Department and, which bids were duly received and opened at a public bid opening called for that purpose, AND,

WHEREAS, said bids were referred to the Police Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of three (3) New and Unused 2013 Ford Fusion Vehicles be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225, with said vendor meeting all set bidding conditions of the specifications, AND, BE IT

RESOLVED, that the purchase price will be \$53,418.00, AND, BE IT FURTHER

RESOLVED, that funds are available and will be procured from budget line # 100-3120-2303.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-593

Accept Site Plan - 4910-4944 Transit Road Moe's Southwest Grill

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 Benderson Development Co., LLC for the construction of an exterior dining area accessory to a Moe's Southwest Grill restaurant being established within an existing vacant tenant space at 4934 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of October 11, 2012 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.

Attachments:

Rendering (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-594

Notice to Bidders - Grouting, Cleaning & Televising of Various Sanitary Sewers

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for the grouting, cleaning and televising of various sanitary sewers in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of equipment and operators for the grouting, cleaning and televising of various sanitary sewers for a one (1) year contract covering January 1, 2013 to December 31, 2013, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 21st day of November, 2012 at 11:00 am, 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 November 21, 2012 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment and operators for the grouting, cleaning and televising of various sanitary sewers in the Town of Cheektowaga for a one (1) year contract covering the period from January 1, 2013 to December 31, 2013.

Information for bidders and specifications may be obtained from the Town Clerk 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 Grouting, Cleaning and Televising of Various Sanitary Sewers" and be submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the

Owner in an amount equal to the contract award.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski
Town Clerk

DATED: November 5, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-595

Authorize Town Clerk to Issue New/Renewal Ambulance Drivers/Attendants Licenses

Sponsored By: Councilmember Rogowski, Councilmember Markel

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>
Armbruster, Brent J. , ,	6/30/2015
Arquette, Michael P , ,	10/31/2015
Bourne, Noah C , ,	6/30/2015
Casterline, Joseph E , ,	7/31/2015
Cinelli, Jon N , ,	9/30/2013
Clukey, Justin D , ,	2/28/2015
Conboy, Mark C , ,	8/31/2015
Costanzo, Joshua D , ,	7/31/2014
Czwojdak, Jacqueline T , ,	7/31/2015
Daigler, Nathan A , ,	2/28/2014
Derkovitz, Martin T , ,	8/31/2015
Dickinson, Alan J , ,	1/31/2014
Dispenza, Nicole A , ,	1/31/2015
Domin, Sean R. , ,	7/31/2015
Doran, Kathleen , ,	8/31/2015
Dysard, Matthew T. , ,	7/31/2015

<u>Name</u>		<u>Expiration Date</u>
Eggleston, Jessica J	, ,	6/30/2015
Fisher, Patrick J	, ,	1/31/2014
Gambino, Ashley L	, ,	6/30/2015
Garson, Heather V	, ,	2/28/2015
Goff, Sara B	, ,	9/30/2014
Haber, Steven	, ,	7/31/2015
Hall, Patrick A	, ,	1/31/2014
Hazeltine, Christopher A	, ,	7/31/2015
Jarvis, David J	, ,	7/31/2015
Jozak, Kristian M	, ,	2/28/2015
Keem, Thomas M	, ,	6/30/2015
Koczwarra, Allen P.	, ,	8/31/2015
Konfederath, Thaddeus B	, ,	7/31/2015
Krieger, Zachary	, ,	7/31/2014
LaBella, Rachel E	, ,	11/30/2014
Letourneau, Jean M	, ,	7/31/2014
Martin, Keith A	, ,	8/31/2015
McCabe, Keith M	, ,	10/31/2015
McCafferty, Michael J	, ,	7/31/2015
McCafferty, Peter T	, ,	8/31/2015
McCann, Stephanie M	, ,	8/31/2015
McCowan, Michael P	, ,	2/28/2014
Meyerhofer, Patricia F	, ,	7/31/2015
Mock, Dale A	, ,	7/31/2015
Monroe, David M	, ,	6/30/2015
Murray, Nathan T	, ,	6/30/2015
Nelson, Matthew A	, ,	2/28/2012
Nowak, Brandon M	, ,	1/31/2014
Nowak, Kate Lynn M	, ,	2/28/2015
Noworyta, John M	, ,	7/31/2015
Peebles, Kevin W	, ,	1/31/2015
Poloncarz, Krystin B	, ,	6/30/2015
Roberts, Karen L	, ,	7/31/2015
Rogers, DeChon C	, ,	7/31/2015
Rosenberg, Michael A	, ,	12/31/2014
Schieber, Sara A	, ,	4/30/2015

<u>Name</u>	<u>Expiration Date</u>
Schroeder, Christopher I , ,	6/30/2015
Serafin, Gregory J , ,	8/31/2015
Siegel, Avraham Z , ,	7/31/2015
Smarr, Matthew C , ,	7/31/2015
Stahl, Jessica E , ,	2/28/2015
Steinbach, Joseph J , ,	8/31/2015
Strahan, Jennifer A , ,	1/31/2015
Vaccaro, James M , ,	6/30/2015
Vennero, Daniel P , ,	3/31/2015
Ward, Laurel W , ,	6/30/2015
Weber, Eric Scott , ,	6/30/2014
Wittek, Danielle L , ,	1/31/2015
Young, Kristopher C , ,	9/30/2015

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-596

Authorize Sale of 1999 Flusher Truck

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga owns a 1999 Flusher Truck which is surplus to the needs of the Town, and

WHEREAS, the Town of Cairo Highway Department has offered to purchaser said truck for \$8,000.00, and

WHEREAS, State law permits a municipality to sell used equipment and vehicles to another municipality without competitive bidding, and

WHEREAS, this Town Board feels that the offer of the Town of Cairo Highway Department is reasonable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to sell the 1999 Flusher Truck to the Town of Cairo Highway Department for \$8,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to transfer said truck to the Town of Cairo Highway Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-597

Terminations in Youth & Recreation

Sponsored By: Councilmember Wozniak, 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:

Lauren Fuest	5/30/12	14225
Eric Monte	9/25/12	14225
Hannah Welch	6/05/12	14225

Motion by Councilmember Markel; Seconded by Councilmember Wozniak to waive the reading of names for the following two (2) resolutions: 2012-597 and 2012-598. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



19. RESOLUTION 2012-598

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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:

SANITATION DEPARTMENT Laborer \$8.00/hour effective 10/24/12

Sean M. Mueller, Cheektowaga, New York
William A. Thomas, Cheektowaga, New York
Gregory L. Merritt, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour effective 11/7/12

David D. Duncan, Cheektowaga, New York

COMMUNITY DEVELOPMENT Clerk \$10.50/hour effective 11/7/12

Ann M. Sokol, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT

William D. Bascom, Jr. effective 10/11/12
Michael M. Kessler, Jr. effective 10/11/12
David A. Sparbel effective 10/26/12

FACILITIES DEPARTMENT

Daniel M. Szatkowski effective 10/8/12
Drew A. Pijacki effective 10/9/12
Dean M. Mertowski effective 10/9/12
Brendan M. Hammer effective 10/8/12
David W. Cunningham effective 10/7/12
Robert J. Bommer, III effective 10/15/12
Kyle J. Lackie effective 10/9/12
Dennis J. McDonald effective 10/20/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



20. RESOLUTION 2012-599

2013 Program Fees for Youth & Recreation

Sponsored By: Councilmember Wozniak, 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 2012 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, CAMP FLAMINGO & TEEN CLUB

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 644 (\$625)	\$ 771 (\$749)
PER CHILD WEEKLY	\$ 115 (\$112)	\$ 142 (\$138)
SECOND CHILD ALL 6 WEEKS	\$ 625 (\$607)	\$ 751 (\$729)
SECOND CHILD WEEKLY	\$ 110 (\$107)	\$ 136 (\$132)
THREE (3) DAYS PER WEEK	\$ 103 (\$100)	\$112 (\$109)

YOUTH IN TRAINING

RESIDENT	NON-RESIDENT
\$185 (\$180)	\$218 (\$212)

CAMP JI-IK-DO-WAH-GAH/CAMP CRABAPPLE

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 625 (\$607)	\$ 771 (\$749)
PER CHILD WEEKLY	\$ 115 (\$112)	\$ 142 (\$138)
SECOND CHILD ALL 6 WEEKS	\$ 602 (\$584)	\$ 751 (\$729)
SECOND CHILD WEEKLY	\$ 110 (\$107)	\$ 136 (\$132)
THREE (3) DAYS PER WEEK	\$ 103 (\$100)	\$112 (\$109)

ADAPTED RECREATION PROGRAM

	RESIDENT	NON-RESIDENT
OCTOBER - APRIL	\$ 224 (\$217)	\$ 259 (\$251)
SPECIAL OLYMPICS	\$ 30 (\$30)	\$30 (\$30)

TINY TOTS (JOIN THE MIX WITH 5 & 6)

	RESIDENT	NON-RESIDENT
SUMMER PER CHILD	\$59 (\$59)	\$64 (\$63)
SECOND CHILD	\$55 (\$52)	\$59 (\$58)

THREE TO GET READY**(Summer Fun for 3's & 4's)**

	RESIDENT	NON-RESIDENT
SUMMER PER CHILD	\$55 (\$52)	\$60 (\$59)
SECOND CHILD	\$50 (\$47)	\$55 (\$54)

BREAK CLUBS

	RESIDENT	NON-RESIDENT
4 DAYS	\$112 (\$108)	\$124 (\$120)
5 DAYS	\$140 (\$135)	\$155 (\$150)
SINGLE DAY	\$28 (\$27)	\$31 (\$30)

**HOME WORK HELPERS
PER HOUR**

	RESIDENT	NON-RESIDENT
	\$8 (\$7)	\$8 (\$7)

GIRL POWER

	RESIDENT	NON-RESIDENT
	\$40 (\$40)	\$50 (\$50)

GYMNASTICS (Beginners) Fall/Winter/Spring/Summer

	RESIDENT	NON-RESIDENT
2 DAY (12 classes) PER CHILD	\$66 (\$65)	\$76 (\$75)
SECOND CHILD	\$61 (\$60)	\$71 (\$70)

SUMMER (1 DAY, 6 classes)

	RESIDENT	NON-RESIDENT
PER CHILD	\$33 (\$28)	\$43 (\$38)
SECOND CHILD	\$28 (\$23)	\$38 (\$33)

TINY TUMBLERS

	RESIDENT	NON-RESIDENT
SUMMER 3&4YR OLD PER CHILD	\$47 (\$45)	\$57 (\$55)
SECOND CHILD	\$42 (\$40)	\$55 (\$45)

TINY TUMBLERS

	RESIDENT	NON-RESIDENT
FALL/WINTER/SPRING PER CHILD	\$47 (\$45)	\$57 (\$55)
SECOND CHILD	\$42 (\$40)	\$52 (\$55)

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)
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SECOND CHILD	\$60 (\$59)	\$70 (\$69)
ADVANCED GYMNASTICS PRACTICES (per class):		
OPEN TUMBLING	\$5 (\$5)	\$5 (\$5)
JUST A BACK HANDSPRING & FUN WITH FLOOR EXERCISE		
	RESIDENT	NON-RESIDENT
PER CHILD	\$61 (\$60)	\$71 (\$70)
2 ND CHILD	\$56 (\$55)	\$66 (\$65)
PILATES & FLEXIBILITY		
	RESIDENT	NON-RESIDENT
	\$20 --	\$30 --
	\$2 PER CLASS	\$3 PER CLASS
ADULT EXERCISE (CLEVELAND HILL) FULL YEAR (2X A WEEK) WALK IN - \$3 PER DAY		
	RESIDENT	NON - RESIDENT
	\$100	\$110

SWIMMING

	RESIDENT	NON-RESIDENT
SUMMER		
YOUTH	\$38 (\$37)	\$48 (\$47)
SECOND CHILD	\$35 (\$34)	\$45 (\$44)
PARENT/INFANT	\$28 (\$27)	\$38 (\$37)
SECOND CHILD	\$25 (\$24)	\$35 (\$34)
PRE-SCHOOL	\$28 (\$27)	\$38 (\$37)
SECOND CHILD	\$25 (\$24)	\$35 (\$34)
WATER AEROBICS	\$35 (\$34)	\$45 (\$44)
ADULT	\$35 (\$34)	\$45 (\$44)
GUARD START	\$38 (\$37)	\$48 (\$47)
WATER SLIDE	\$ 1 (\$1)	\$ 1 (\$1)
DAILY USER FEE (Maryvale/Dingens)	\$ 7 (\$7)	\$ 7 (\$7)
DAILY USER FEE (Town Pool)	\$ 7 (\$7)	\$ 7 (\$7)
EVENING SWIM LESSONS	\$38	\$48
FALL 2012/ WINTER 2013		
YOUTH	\$38 (\$37)	\$48 (\$47)
SECOND CHILD	\$35 (\$34)	\$45 (\$43)
LIFEGUARD TRAINING	\$136 (\$144)	\$176 (\$184)

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

	RESIDENT	NON-RESIDENT
SUMMER		
YOUTH	\$34 (\$33)	\$44 (\$43)
SECOND CHILD	\$30 --	\$40
ADULT BEGINNERS	\$26 (\$25)	\$31 (\$30)

ADULT INT/ADV	\$30 (\$20)	\$35 (\$35)
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WEE THREE-TWICE THE FUN 2012-13**RUNS - 2ND WEEK OF SEPT TILL END OF MAY BEFORE MEMORIAL DAY**

FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT
PER CHILD	\$455 (\$435)	\$495 (\$460)
SECOND CHILD	\$425 (\$410)	\$465 (\$435)

TEA TIME FOR TWO 2013

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER CHILD	\$73 (\$78)	\$83 (\$88)
SECOND CHILD	\$68 (\$68)	\$78 (\$78)

ART CAMP

RESIDENT	NON-RESIDENT
\$77 (\$77)	\$87 (\$87)

CHEER CAMP

RESIDENT	NON-RESIDENT
\$57 (\$57)	\$62 (\$62)

PUBLIC SKATE

FALL/WINTER GENERAL ADMISSION	\$5 (\$4)
W/ RESIDENT DISCOUNT CARD	
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
NOVICE	\$450 (\$410)	N/A
MITE	\$450 (\$410)	N/A
SQUIRT	\$550 (\$505)	\$700 (\$635)
PEE WEE	\$600 (\$555)	\$750 (\$685)
BANTAM	\$650 (\$605)	\$800 (\$770)
MIDGET	\$750 (\$675)	\$500 (\$545)
	HOUSE	TRAVEL
	\$650(\$610)	N/A
	\$650(\$610)	N/A
	\$750(\$705)	\$900(\$835)
	\$800(\$755)	\$950 (\$885)
	\$850(\$805)	\$1000 (\$935)
	\$950(\$875)	\$950 (\$745)

- \$100 DISCOUNT FOR BALANCE(S) PAID IN FULL BY OCTOBER 15, 2013
- ALL COACHES WILL RECEIVE A \$150.00 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
- THERE WILL BE A \$100.00 LATE FEE FOR ANYONE NOT PAID IN FULL BY NOVEMBER 30TH OF EACH SEASON
- A \$200 NON-REFUNDABLE DEPOSIT IS REQUIRED TO REGISTER

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 (\$75)
PER HOUR AND HALF \$95 (\$95)
PER 2 HOURS \$130 (\$120)

INLINE HOCKEY

SUMMER	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$80 (\$75)	\$110 (\$105)
NOVICE	\$25 (\$20)	\$35 (\$30)
ADULT TEAM	\$885 (\$835)	\$945 (\$895)
JUNIOR A	\$30 (\$25)	\$60 (\$55)

** ADULT INLINE TEAMS ARE RESPONSIBLE FOR PAYMENT OF REFEREES PRIOR TO THE START OF EACH GAME** \$100 DISCOUNT IF PAID IN FULL BY THE TEAMS 1ST GAME

**\$150 for Jerseys (Optional)

HIGH SCHOOL IN LINE \$625 (\$615) \$700 (\$675)

STREET HOCKEY LEAGUE

RESIDENT	NON-RESIDENT
\$225	\$275

INCLUDES REFEREE 80% OF TEAM MUST BE RESIDENTS FOR RESIDENT RATE

YOUTH SOCCER

SUMMER CHILD	RESIDENT	NON-RESIDENT
	\$61 (\$58)	\$77 (\$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 REFeree FEES PRIOR TO THE START OF THE GAME)

*\$100 DISCOUNT IF PAID IN FULL BY THE TEAMS 1ST GAME**

ALL STAR-ALL SPORTS	\$65 (\$65)	\$75 (\$75)
START SMART SOCCER	\$48 (\$45)	\$63 (\$60)
START SMART BASEBALL	\$55 (\$55)	\$65 (\$65)
START SMART BASKETBALL	\$55 (\$55)	\$65 (\$65)
YOUTH BASKETBALL		
FALL/ WINTER PER PARTICIPANT	RESIDENT \$45 (\$40)	NON-RESIDENT \$55 (\$50)
ADULT BASKETBALL PER TEAM	\$150 (\$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)

SUMMER

OUTDOOR LEAGUE \$150 per team (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 (\$70)	\$85 (\$85)

VOLLEYBALL COURT RENTAL

	RESIDENT	NON-RESIDENT
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1 COURT PER TWO HOUR BLOCK \$50 (\$50) \$70 (\$70)

PICNIC PAKS

\$20 (\$20) REFUNDABLE DEPOSIT \$20 (\$20) RENTAL FEE

GYM RENTAL

2 HOUR BLOCK	RESIDENT	NON-RESIDENT
	\$30 (\$30)	\$50 (\$50)

TENNIS COURT RENTAL

1 HOUR BLOCK	RESIDENT	NON-RESIDENT
	\$15 (\$15)	\$30 (\$30)

ADULT SOFTBALL LEAGUES

SUMMER	LEAGUE RESIDENT	LEAGUE 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-	\$190 (\$180)	\$190 (\$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

KICKBALL LEAGUES

SUMMER	LEAGUE RESIDENT	LEAGUE NON-RESIDENT
(CO-ED TUES/THURS)	\$250.00	\$250.00

CHEEKTOWAGA FILM ACADEMY

MON-WED-FRI CLASS	RESIDENTS	NON-RESIDENTS
	\$65	\$75

DIAMOND HAWK YOUTH GOLF

TUESDAYS	RESIDENTS	NON-RESIDENTS
	\$90	\$100

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-600

Reappointments and Appointments to Cheektowaga Conservation Advisory Committee

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, by resolution dated July 2, 1990, the Cheektowaga Town Board adopted Local Law No. 2 of the Year 1990, entitled "A Local Law to create the Cheektowaga Conservation Advisory Council", and

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, the terms of such members of the CCAC expired on October 15, 2012, and

WHEREAS, the existing members of the CCAC have expressed an interest in continuing to serve on the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the CCAC, effective October 15, 2012 to October 15, 2014:

Frederic Beaman, AIA Architect, Chairman
Lawrence Watson, Member
Lorraine Aloisio, Member
Rosalia Becker, Member
Joseph Fischer, Member
Patricia Beaman, Member
Robert Becker, Member

, and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as ex-officio members of the CCAC, effective from October 15, 2012 to October 15, 2014:

Jane Wiercioch, Member, Zoning Board of Appeals
Daniel Ulatowski, Zoning Inspector
John Marriott, Chairman, Planning Board

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-601

Appointment of Director of Community Development (Exempt) Carla A. Kosmerl

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Director of Community Development;
AND

WHEREAS, said position was duly advertised; AND

WHEREAS, this Town Board reviewed applications and conducted interviews for this position; AND

WHEREAS, pursuant to paragraph seven (7) of the Residency Law of the Town of Cheektowaga, this Town Board has determined that by reason of special skills, aptitude and expertise, an appropriate appointment cannot be made to fill the position of Director of Community Development with a domiciliary in the Town of Cheektowaga; AND

WHEREAS, Carla A. Kosmerl applied for said position and meets the necessary requirements; NOW, THEREFORE, BE IT

RESOLVED, that Carla A. Kosmerl of Buffalo, New York, be and hereby is appointed to the position of Director of Community Development effective November 19, 2012, at an annual salary of \$75,000; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Carla A. Kosmerl be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-602

Travel Authorization Building and Plumbing Department

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Occupancy Types and Fire Alarm Requirements (Fire Alarms, Elevators and Sprinkler) Course was held October 24, 2012 in Williamsville, New York; AND

WHEREAS, Fire Inspectors Gerald Sprada and Joseph Ehnes were recommended to attend said course; AND

WHEREAS, the total cost to the Town did not exceed \$590; AND

WHEREAS, these expenses were budgeted by the Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspectors Gerald Sprada and Joseph Ehnes be and hereby were authorized to attend the Occupancy Types and Fire Alarm Requirements (Fire Alarms, Elevators and Sprinkler) Course that was held October 24, 2012 in Williamsville, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



24. RESOLUTION 2012-603

Travel Authorization Building and Plumbing Department, Office of Community Development and Engineering Department

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Annual Niagara Frontier Building Officials Education Conference is being held January 21 through January 23, 2013 in Cheektowaga, New York; AND

WHEREAS, the following employees have been recommended to attend said conference;

- Supervising Code Enforcement Officer Thomas Adamczak
- Housing Inspector (Neighborhood Preservation) Lawrence Kensy
- Fire Inspector Gerald Sprada
- Assistant Code Enforcement Officer Mark Radecki
- Housing Inspector Donald Wartinger
- Assistant Code Enforcement Officer Mark Bielefeld
- Housing Inspector Richard Coburn
- Housing Inspector (Part-Time) Gerald Gill
- Housing Inspector (Part-Time) Lawrence Rokitka
- Assistant Plumbing Inspector Gregory Magnuszewski
- Assistant Code Enforcement Officer Donald Bielefeld
- Assistant Code Enforcement Officer Daniel Lelito
- Assistant Code Enforcement Officer Peter Maurer
- Fire Inspector Joseph Ehnes
- Assistant Code Enforcement Officer Dale Parks
- Assistant Code Enforcement Officer Richard Willis
- Senior Engineer Assistant Gail Milburth
- Engineer Assistant Nicholas Edsell; AND

WHEREAS, the total cost to the Town shall not exceed \$5,450; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department, the Office of Community Development, and the Engineering Department; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the Annual Niagara Frontier Building Officials Education Conference being held January 21 through January 23, 2013 in Cheektowaga, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Communications

A. Departmental Communications

1. **Building Permit List - October 2012**
2. **Minutes: Town Environmental Advisory Committee - October 17, 2012**
3. **Minutes: Cheektowaga Conservation Advisory Council - October 4, 2012**
4. **Minutes: Cheektowaga Planning Board - October 11, 2012**
5. **Minutes: Cheektowaga Public Library Board of Trustees - October 22, 2012**
6. **Minutes: Cheektowaga Public Library Board of Trustees - October 17, 2012**

B. General Communications

1. **Summons & Complaint: Brianna Vujcec Vs. Town of Cheektowaga**
2. **Notice of Claim: Arthur Bojanowski Vs. Town of Cheektowaga**
3. **Notice of Claim: Elaine Golimowski Vs. Town of Cheektowaga**
4. **Notice of Claim: Hanover Insurance Group as Subrogee for Scott Enterprises Vs. Town of Cheektowaga**
5. **Notice of Claim: Sylvia Keating Vs. Town of Cheektowaga**
6. **Notice of Claim: Tiffany Waddell Vs. Town of Cheektowaga**
7. **Request to Speak: Kevin Vullo Regarding Street Light on Homewood Avenue**

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Motion To: Adjourn at 7:54 PM

COMMENTS - Current Meeting:

Alice Magierski, Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, November 13, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on November 13, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
Kevin Schenk, Town Attorney

3. Motion To: Enter Into Executive Session to discuss a litigation matter at 6:20 PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

4. Motion To: Exit Executive Session at 6:25 PM and Work Session Continues

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

II. Resolutions at 6:26 PM



1. RESOLUTION 2012-604

Settlement of Litigation - Town Vs Erie County Water Authority

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, on December 3, 2010, Town of Cheektowaga Highway Department snowplow truck #217 sustained damages while plowing snow on Borden Road near Cherrywood Drive, and

WHEREAS, prior to said accident, the Erie County Water Authority has performed work in the Borden Road right-of-way in this area, and

WHEREAS, the Town of Cheektowaga initiated litigation against the Erie County Water Authority for damages sustained to said vehicle, and

WHEREAS, outside counsel to the Town and counsel to the Erie County Water Authority have negotiated a settlement on this matter, and settlement offer is acceptable to the Town Superintendent of Highways and the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant, Town Attorney and/or Supervisor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said litigation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

III. Work Session Continues at 6:27 PM

IV. Work Session Ends at 6:45 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, November 19, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 19, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-605

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 16, 2012 are hereby approved and made a part hereof:

GENERAL FUND	\$3,085,634.24
RISK RETENTION FUND	85,147.35
NYS HOME PROGRAM	2,346.00
HUD HOUSING REHABILITATION FUND	4,053.00
SPECIAL DISTRICTS FUND	879,488.29
HIGHWAY FUND	492,710.68
CAPITAL FUND	528,736.89
TRUST & AGENCY FUND	23,019.84
HUD CDBG FUND	4,774.85
PART TOWN FUND	98,223.37
NYS AFFORDABLE	<u>5,384.00</u>
	\$5,209,518.51

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-606

Award Bid for Disposal of Solid Waste

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga's agreement for the disposal of solid waste expires on December 31, 2012, and

WHEREAS, bid specifications have been prepared for the Tipping of Solid Waste, and

WHEREAS, by resolution dated October 1, 2012, the Town Clerk was directed to publish a Notice to Bidders for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Station and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga and Possibly the Town of West Seneca, and

WHEREAS, sealed bids were received and opened by the Town Clerk at a public bid opening held on October 17, 2012, and

WHEREAS, the proposals were reviewed by the Town Attorney and the Chairman of the Town Highway/Sanitation Committee, and based on proposals submitted, it has been recommended that this Town Board award the bid for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility to Modern Landfill, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility for the Town of Cheektowaga to:

Modern Landfill, Inc.
4746 Model City Road, P.O. Box 209
Model City, NY 14107-0209

as per the terms of its proposal, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Modern Landfill, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 150.8160.4469.

RESULT:	WITHDRAWN
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3. RESOLUTION 2012-607

Call for Public Hearing - Rezoning Request 5050 Transit Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Vern Properties has made application and requested the rezoning of part of 5050 Transit Road from R-Residence to RA-Apartment District for a multifamily apartment complex, with a mixed use office building along Transit Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 3, 2012 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 3rd day of December, 2012 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Vern Properties

for the rezoning of part of 5050 Transit Road from R-Residence to RA-Apartment District for a multifamily apartment complex with a mixed use office building along 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, State of New York being part of Lot 67, Township 11, Range 7 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at a point on the southerly line of lands conveyed to Vern Properties by deed recorded in Liber 11004 of Deeds at page 5972, Parcel 'B', distant 384.00 feet westerly from the westerly boundary line of Transit Road as measured along said southerly line;

THENCE: S-89°-57'-45"-W, along the southerly line of said Parcel 'B', a distance of 631.00 feet to the southwesterly corner thereof;

THENCE: N-00°-02'-15"-W, along the westerly line of lands conveyed to Vern Properties by

deed recorded in Liber 11004 of Deeds at page 5972, Parcel 'A', a distance of 400.00 feet to the northwesterly corner of said Parcel 'A';

THENCE: N-89°-57'-45"-E, along the northerly line of said Parcel 'A', a distance of 515.00 feet to the northeasterly corner thereof;

THENCE: S-00°-02'-15"-E, along the easterly line of said Parcel 'A', a distance of 100.00 feet to the northerly line of said Parcel 'B';

THENCE: N-89°-57'-45"-E, along the northerly line of said Parcel 'B', a distance of 116.00 feet to a point;

THENCE: S-00°-02'-15"-E, through said Parcel 'B', parallel with the westerly boundary line of Transit Road, a distance of 300.00 feet to THE POINT OR PLACE OF BEGINNING contacting 5.53 acres be the same more or less.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



4. RESOLUTION 2012-608

Call for Public Hearing -Rezoning Request 3820 Union Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Carubba & Sons, LLC has made application and requested the rezoning of 3820 Union Road from MS-Motor Services to CM-General Commercial for an existing mixed use commercial building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 3, 2012 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 3rd day of December, 2012 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Carubba & Sons, LLC

for the rezoning of 3820 Union Road from MS Motor Services to CM-General Commercial for an existing mixed use commercial 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. 17, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the west line of Union Road, as a 100 foot road, distant 1230.50 feet northerly, as measured thereon, from its intersection with the south line of said Lot No. 17; running thence westerly parallel with the south line of said Lot No. 17, a distance of 229.05 feet to the southwest corner of lands conveyed to First Priority Mortgage, Inc. by deed recorded in the Erie County Clerk's Office in Liber 10959 of Deeds at page 8599, said corner being the principal point of beginning; thence continuing westerly parallel with the south line of said Lot No. 17, a distance of 636.31 feet to the southeast line of lands now or formerly owned by New York Central Railroad and West Shore Railroad; thence northeasterly along the southeast line

of lands now or formerly owned by New York Central Railroad and West Shore Railroad, 504.67 feet to a point formed by the intersection of a line drawn parallel with the south line of said Lot No. 17 from the east of said Lot No. 17 and distant 250 feet northerly from the point of beginning; thence easterly parallel with the south line of said Lot No. 17 a distance of 210.80 feet to the northwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed recorded in said Clerk's Office in Liber 10959 of Deeds at page 8603; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid, 175 feet to the southwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid; thence westerly parallel with the south line of said Lot No. 17 a distance of 9.05 feet to the northwest corner of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid 75 feet to the principal point of beginning.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-609

Notice to Bidders - Standby Emergency Generators

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, monies have been budgeted in the 2012 Consolidated Sanitary Sewer District for the purchase of standby emergency generators for the Ceil Drive and Fairelm Lane Pump Stations, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and delivery of one (1) 30 kW and one (1) 50 kW Natural Gas Generator in accordance with specifications and contract documents prepared by Nussbaumer & Clarke, Inc., to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 5th day of December, 2012 at 11:00 am, local time, at a public bid opening to be held in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 am, local time, on December 5, 2012. All bids will be publicly opened and read at 11:00 am in the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for the purchase of one (1) 30kW and one (1) 50 kW Natural Gas Generators, and all related work, for use in accordance with the contract documents, therefore, including specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Alice Magierski, Town Clerk.

The Contractor's name, title of the proposal, and date and time of the opening shall be clearly marked on the outside of the envelope.

Copies of the Specifications and Contract Documents may be obtained at the Town Hall, Office of the Town Clerk, 3301 Broadway, Cheektowaga, New York 14211.

The bidders' attention is called to Section 103-d of the General Municipal Law, which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the proposal form and unless complied with on the form provided, the bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Owner and in accordance with the law, are herewith reserved.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

Alice Magierski, Town Clerk

DATED: November 19, 2012

PUBLISHED: November 22, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-610

Notice to Bidders - Two Electronic Pump Controllers

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, monies have been budgeted in the 2012 Consolidated Sanitary Sewer District for the purchase of electronic soft start pump controllers for the Rein Road and Holtz Drive Pump Stations, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase and delivery of two (2) Electronic Soft-Start Pump Controllers in accordance with specifications and contract documents prepared by Nussbaumer & Clarke, Inc., to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 5th day of December, 2012 at 11:00 am, local time, at a public bid opening to be held in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 am, local time, on December 5, 2012. All bids will be publicly opened and read at 11:00 am in the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for the purchase of two (2) electronic soft-start controllers and all related work for use in accordance with the contract documents, therefore, including specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227 to the attention of Alice Magierski, Town Clerk.

The Contractor's name, title of the proposal, and date and time of the opening shall be clearly marked on the outside of the envelope.

Copies of the Specifications and Contract Documents may be obtained at the Town Hall, Office of the Town Clerk, 3301 Broadway, Cheektowaga, New York 14227.

The bidders' attention is called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the proposal form and unless complied with on the form provided, the bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Owner and in accordance with law, are herewith reserved.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

Alice Magierski, Town Clerk

DATED: November 19, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-611

Accept Easements and Declaration of Restrictions for Proposed Hotel on Burgess Boulevard

Sponsored By: Markel, Holtz, Kaminski

WHEREAS, as part of the development of the Aloft Hotel on Burgess Boulevard, the Town of Cheektowaga has requested access easements, a modified sanitary sewer easement and a Declaration of Restrictions relating to the height of the proposed hotel, and

WHEREAS, the said documents have been signed and submitted to the Town for approval; and

WHEREAS, the Town Engineer and Town Attorney have tentatively reviewed these documents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced documents, subject to final review and approval by the Town Engineer and Town Attorney, and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to arrange for the filing of such documents in the Erie County Clerk's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-612

Unsafe-Unsecured/132 Ivanhoe 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 132 Ivanhoe Road, New York SBL# 90.68-2-8 that is a danger to the safety of others, and records kept by the Assessor's Office identify Federal Home Loan Mortgage Corp., 5000 Plano Parkway, Carrollton, Texas 75010 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 132 Ivanhoe Road by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well-being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-613

Unsafe-Unsecured/59 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 59 Euclid Avenue, Cheektowaga, New York SBL# 101.60-3-39 that is a danger to the safety of others, and records kept by the Assessor's Office identify Richard R. Shaw II, 154 Angle Road, West Seneca, New York 14224 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 59 Euclid Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well-being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-614

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 Assessor's Office identify James J. Gauthier, 143 Claudette Court, Cheektowaga, New York 14225 and 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-615

Authorize Supervisor to Execute Agreement with Erie County for Senior Nutrition Program

Sponsored By: Supervisor Holtz, Councilmember Kaminski

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 drafted relative to the continuation of the operation of said nutrition programs for the year 2013, 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 2013, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-616

Authorize Supervisor to Execute Agreement with Erie County for Transportation Services for the Elderly

Sponsored By: Supervisor Holtz, Councilmember Kaminski

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 2013, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-617

Authorize Supervisor to Sign Contracts for Concerts and Special Events for 2013

Sponsored By: Supervisor Holtz, Councilmember Kaminski

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, sponsors and recurring vendors for concerts and special events to be held during the year 2013.

FUNDING SOURCE:

0100-7140-4503

0100-7140-4491

0100-7620-4491

0100-7620-4685

0100-7550-4374

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-618

Designation of Broker for Excess Workers Compensation Insurance

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, the Town Board hereby designates First Niagara Risk Management, Inc. and Charles A. Walker Corporation to serve as our Agent/Broker of record with regards to excess workers compensation effective January 1, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-619

Approval of Successor Agreement with Public Safety Dispatchers Association

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association expired on December 31, 2008, and

WHEREAS, the Town and the Town of Cheektowaga Public Safety Dispatchers Association have negotiated and have agreed upon a successor agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the successor agreement with the Town of Cheektowaga Public Safety Dispatchers Association from January 1, 2009 through December 31, 2012, and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association for the term beginning on January 1, 2009 and ending on December 31, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-620

Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, Councilmember Markel

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

COMMUNITY DEVELOPMENT
Pamela A. Walters effective 10/25/12

POLICE DEPARTMENT
Douglas P. Szary effective 8/25/12

FACILITIES DEPARTMENT
Dennis J. McDonald effective 10/21/12

SANITATION DEPARTMENT
Christopher P. Schlegel effective 11/3/12

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for this resolution. Motion Carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-621

Appointment of Ex-Officio Member of the CEDC

Sponsored By: Kaznowski, Holtz, Markel

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, and

WHEREAS, by resolution dated February 7, 1983, this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation which provides that the Directors of the Cheektowaga Economic Development Corporation be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, ex-officio members of the Cheektowaga Economic Development Corporation can also be appointed by the Town Board, and

WHEREAS, Jerome Gabryszak, part-time Community Development Aide in the Office of Community Development for the Town of Cheektowaga, has expressed an interest in serving as an ex-officio member of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED, that Jerome Gabryszak be and hereby is hereby appointed as an ex-officio member of the Cheektowaga Economic Development Corporation, effective immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

IV. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - September 2012**
2. **Minutes: Cheektowaga Planning Board - November 8, 2012**
3. **Minutes: Cheektowaga Traffic Safety Commission - October 16, 2012**

B. General Communications

1. **Summons & Complaint: Christa Misener Vs. the Town of Cheektowaga**
2. **Notice of Claim: Ralph Holtyn Vs. the Town of Cheektowaga**
3. **Notice of Claim: Heather Shipley Vs. the Town of Cheektowaga**
4. **Notice of Claim: Albert and Amy Chavez Vs. the Town of Cheektowaga**

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting at 7:45 PM.

There was a Moment of Silence for Retired Police Officer Joseph Ostempowski and Richard Piontek, Former Cheektowaga Republican Party Chairman, who was very active in the community.

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 3, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 3, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	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
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings

1. Rezoning Request 5050 Transit Road - from R-Residential District to RA-Apartment District

COMMENTS - Current Meeting:

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: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

2. Rezoning Request 3820 Union Road from MS-Motor Services to CM-General Commercial

COMMENTS - Current Meeting:

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: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

IV. Resolutions



1. RESOLUTION 2012-622

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following transfer is hereby approved and made part hereof;

HIGHWAY

FROM: 500.5141.9910.5224 Drainage \$21,997.55

TO: 300.5141.190 Overtime Payroll \$21,997.55

GENERAL FUND

FROM: 100.7140.1971.1611 PT Reg Rink Personnel Salaries \$ 3,000.00
 100.7140.1971.1640 PT Reg Inline Skating Salaries \$ 3,000.00
 100.7140.1971.1612 PT Reg Rec Attendants CC Play \$ 150.00
 100.7180.1971.1903 PT Reg Lifeguards Beach & Pool \$ 2,000.00
 100.7310.1971.1803 PT Reg Adapted Rec Salaries \$ 2,500.00
 100.7310.4689 Youth Conservation Corps \$ 1,000.00

TO: 100.7140.1971.1639 PT Reg Hockey Salaries \$ 3,000.00
 100.7140.1971.1639 PT Reg Hockey Salaries \$ 3,000.00
 100.7140.1971.1636 PT Reg Soccer Salaries \$ 150.00
 100.7140.1971.1664 PT Reg Pre-K Salaries \$ 2,000.00
 100.7310.1971.1804 PT Reg Admin.Intern Salaries \$ 2,500.00
 100.7310.4001 Office Supplies \$ 1,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-623

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 30, 2012 are hereby approved and made part hereof;

GENERAL FUND	\$5,025,264.26
RISK RETENTION FUND	16,221.58
NYS HOME PROGRAM	1,163.00
HUD HOUSING REHABILITATION FUND	4,063.00
SPECIAL DISTRICTS FUND	883,115.96
HIGHWAY FUND	838,408.87
CAPITAL FUND	261,528.59
TRUST & AGENCY FUND	123.75
HUD CDBG FUND	4,532.26
PART TOWN FUND	184,965.71
NYS AFFORDABLE	5,988.00
	<hr/>
	\$7,225,374.98

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-624

Award of Bid - Grouting & Cleaning Sanitary Sewers

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, as a result of advertisement, bids were received on November 21, 2012 for the furnishing of equipment & operators for the grouting, cleaning and televising of various sanitary sewers in the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is contained in a letter from the Town Engineer dated November 27, 2012 NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment & operators for the grouting, cleaning and televising of various sanitary sewers for the 2013 calendar year be awarded to:

Sewer Specialty Services Company, Inc.
2462 New Road
Leicester, New York 14481

for submission of the lowest bid meeting the requirements of the specifications in the amount of \$2,700/day for equipment & operators and \$10.00/gallon for grouting agent, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for calendar year 2013 in Account No. 255-8125-4543 for this work.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



4. RESOLUTION 2012-625

Award of Bid - Cold Milling of Various Town Highways

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the contract was awarded for cold milling of various Town highways in the Town of Cheektowaga expired on March 15, 2010, AND

WHEREAS, the contract allows for an annual renewal and cost adjustment based on the Consumer Price Index (CPI) as of July 31, 2012, AND

WHEREAS, the contractor has submitted the required documentation which has been reviewed and approved, NOW, THEREFORE, BE IT

RESOLVED, that the contract for cold milling of various Town highways in the Town of Cheektowaga for the calendar year 2013 be extended for:

Swank Associated Companies, Inc.
200 Hunt Valley Road
New Kensington, PA 15068

for the unit price of \$0.508 per square yard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-626

Award of Bid - Sidewalks

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the contract for the replacement of sidewalks at various locations within the Town of Cheektowaga was awarded on December 20, 2010, AND

WHEREAS, the contract allows for an annual renewal and cost adjustment based on the Consumer Price Index (CPI) as of December 31, 2012, AND

WHEREAS, the contractor has submitted the required documentation which has been reviewed and approved, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the replacement of sidewalks at various locations within the Town of Cheektowaga for the period of January 1, 2013 to December 31, 2013 be extended for Valeri Concrete Construction, Inc., 6297 Wendt Drive, Niagara Falls, New York 14304 for the unit prices of:

Item 1	Replacement of Concrete Sidewalk 4" 6" with 6 X 6 X #10 reinforcing mesh	\$5.23 \$0.10
Item 2	Installation of Concrete Sidewalk 4" 6" with 6 X 6 X #10 reinforcing mesh	\$4.71 \$0.10
Item 3	Replacement of Concrete Driveway Apron	\$6.29
Item 4	Install ADA Handicap Ramps	\$366.59
Item 5	Restoration	\$0.01
Item 6	Installation of Underdrain 4" PVC 6" PVC	\$0.10 \$0.10

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-627

Change Order No. 1 for Demolition of 166 Straley Ave., 1122 Walden Ave., 1272 Walden Ave. & 1280 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the contract for the demolition of properties located at 166 Straley Avenue, 1122 Walden Avenue, 1272 Walden Avenue and 1280 Walden Avenue was awarded to Regional Environmental Demolition, Inc., by resolution adopted August 20, 2012 (Resolution 2012-441) for the contract amount of \$144,000; and

WHEREAS, subsequent to said bid award, and during the demolition work at 166 Straley Avenue, exterior transite siding was discovered which was hidden from view at the time of the asbestos survey and not included in the bid specifications; and

WHEREAS, the removal of said transite siding will cost an additional \$6,200.00; and

WHEREAS, the Town's Consulting Engineer approves of the additional work and recommends the approval of Change Order No. 1 (final) which provides for contract modifications for the removal of the transite siding at 166 Straley Avenue; 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 document with Regional Environmental Demolition, Inc., which provides for an increase to the aforesaid contract in an amount not to exceed \$6,200.00, which shall be chargeable to budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-628

Reject and Readvertise for Bids for Disposal of Solid Waste

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by resolution dated October 1, 2012 (Resolution 2012-525), this Town Board advertised for bids for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga and Possibly the Town of West Seneca, and

WHEREAS, bid proposals were opened on October 17, 2012, and

WHEREAS, based on review of the proposals and bid specifications by the Highway/Sanitation Committee and the Town Attorney, it has been recommended that this Town Board reject all bids received, issue revised specifications and re-bid this matter, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned bids received on October 17, 2012 be and hereby are rejected, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Station and for the Ultimate Disposal of Solid Waste 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 and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, on Wednesday, December 12, 2012 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on **Wednesday, December 12, 2012, at 11:00 A.M.** at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the acceptance of solid waste generated by the Town of Cheektowaga at a transfer station or waste-to-energy facility and the ultimate disposal of such solid waste at a facility approved and permitted by the NYS Department of Environmental Conservation for calendar years 2013-2017 (with renewal options).

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: December 3, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-629

Notice to Bidders Portable Chemical Toilets 2013

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

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 12th day of December, 2012 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 12, 2012 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 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

Date: December 3, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-630

Notice to Bidders - Five (5) 2013 Ford Focus S Sedans

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, it is in order that a Notice to Bidders be advertised for the purchase of five (5) new and unused 2013 Ford Focus S 4-Door Compact Sedans for the motor pool, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said vehicles for the motor pool, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 12th day of December, 2012 at 11:00 am, local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on December 12, 2012 at 11:00 A.M., Local Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of five (5) 2013 new and unused Ford Focus S 4-Door Sedans, or equal, for the motor pool.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Alice Magierski, Town Clerk

DATED: December 3, 2012
PUBLISH: December 6, 2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-631

Accept Site Plan- 225 Como Park Blvd. The Center for Hospice & Palliative Care

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 HHL Architects for the construction of several building additions totaling 2,800 square feet in area to an existing health care facility at 225 Como Park Boulevard, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of September 13, 2012 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-632

Accept Site Plan - 4144 Union Road Save -A-Lot

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by F.J. Wailand Associates, Inc. for the construction of a 1,250 S.F. building addition to an existing retail plaza at 4144 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 8, 2012 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 the drainage plan for the new roof areas.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-633

Accept Site Plan-Part of 1717 Walden Avenue Upstate Niagara Cooperative

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 Pat Weed of Upstate Niagara Cooperative for the construction of a parking area expansion on land which were formerly part of 1717 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of October 11, 2012 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 grading and drainage plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-634

Authorize Supervisor to Execute Agreement with National Grid to Attach Holiday Decorations to Electrical Poles

Sponsored By: Councilmember Wozniak, 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 Town is interested in attaching holiday decorations to National Grid's electrical poles; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with National Grid and any other documents necessary to permit the Town to attach holiday decorations to the electrical poles of National Grid.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-635

Authorize DEC to Conduct Investigation in Colden Court Right-Of-Way

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the NYS Department of Environmental Conservation ("DEC") is conducting an environmental investigation of the former Doro Cleaners property at 3460-3466 Genesee Street utilizing Superfund moneys, and

WHEREAS, as part of the investigation, the DEC wants to enter upon the Colden Court right-of-way to conduct soil borings and install groundwater monitoring wells to collect soil, groundwater, air and soil vapor samples, and

WHEREAS, Colden Court is a Town highway, and

WHEREAS, the DEC has requested permission from the Town to conduct its activities in the Colden Court right-of-way, and

WHEREAS, this Town Board wishes to cooperate with the DEC investigation, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the aforementioned request by the DEC to conduct environmental testing in the Colden Court right-of-way, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to approve DEC's request for this matter.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-636

Authorize Purchase of Photocopier for Justice Court

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Justice Court is in need of a photocopy machines; and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number 01649); and

WHEREAS, a local vendor, Eagle Systems, Inc. is a vendor/authorized dealer for Toshiba under said State contract; and

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Toshiba eStudio 4540c and Samsung SCX-5935FN Multi-Functional Copier through said State contract; and

WHEREAS, funds for said purchase have been budgeted and are available from the Justice Court account number 100.1110.2105; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase the aforesaid copy machines through the following contract awarded by the New York State Office of General Services, utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225:

Group No. 22424 - Contract Award Number: 01649
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost of \$22,641.00; and BE IT FURTHER

RESOLVED, that this photocopier shall be added to the list of photocopiers identified and presently covered under the Annual Service & Supply Agreement between Eagle Systems, Inc., and the Town of Cheektowaga (approved by Resolution 2008-46); and BE IT FURTHER

RESOLVED, that the annual cost of service and supplies (toner, drums) (staples excluded) and overages shall be as set forth in the aforesaid Annual Service & Supply Agreement between the Town and Eagle Systems; and BE IT FURTHER

RESOLVED, that money for said purchase shall be appropriated from the Justice Court account number 100.1110.2105.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-637

Unsafe-Unsecured/1182 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 1182 Walden Avenue, Cheektowaga, New York SBL# 101.60-7-19 That is a danger to the safety of others, and records kept by the Assessors Office identify Marcy B. Ford, 85 Laurel Street Buffalo, New York 14209, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1182 Walden Avenue, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-638

Demolition of Garage/Orchard Place 92.17-4-11

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 Orchard Place, Cheektowaga, New York SBL# 92.17-4-11 that is a danger to the safety of others, and records kept by the Assessors Office identify John Kokoszka & Wife, 211 Orchard Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at Orchard Place, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-639

Demolition of Shed/389 Shanley 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 389 Shanley Street, Cheektowaga, New York SBL# 112.67-5-22 that is a danger to the safety of others, and records kept by the Assessors Office identify Edward Kajtoch, 389 Shanley Street, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 389 Shanley Street, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-640

Youth & Recreation Termination

Sponsored By: Councilmember Wozniak, 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:

Sandra Rhoat

7/31/12

14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2012-640 and 2012-641. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



20. RESOLUTION 2012-641

Hiring of Seasonal Employee

Sponsored By: Councilmember Kaznowski, 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:

RECORDS MANAGEMENT Clerk (Temporary) \$8.50/hour effective 11/21/12
Joseph A. Christiano, Depew, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-642

Appointment of Laborer (Labor/Permanent) Highway Department/James P. Hoerner

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Laborer in the Highway Department; AND

WHEREAS, notice of said vacancy is within the Town of Cheektowaga Employees Association; AND

WHEREAS, the TCEA has agreed to waive the posting of said vacancy; AND

WHEREAS, James P. Hoerner, currently employed as a Maintenance Worker I in the Facilities (Parks Division) meets the qualification for appointment; NOW, THEREFORE, BE IT

RESOLVED, that James P. Hoerner 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 December 4, 2012.

RESULT: WITHDRAWN



22. RESOLUTION 2012-643

Travel Authorization Youth and Recreational Services/Program Coordinator Jillian Gorman-King

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureaus and OCFS 8 Features Training is being held December 12 through December 14, 2012 in Syracuse, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has been recommended to attend said training; AND

WHEREAS, Executive Director Ellen Fischer has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, all costs to attend this training will be covered by the New York State Association of Youth Bureaus; 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 and OCFS 8 Features Training being held December 12 through December 14, 2012 in Syracuse, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Conservation Advisory Council - November 1, 2012
2. Minutes: Town Environmental Advisory Committee - October 17, 2012
3. Building Permit List - November 2012

B. General Communications

1. Notice of Claim: Ann Augustine Vs. Town of Cheektowaga

2. **Notice of Claim: Sandra Cenonowski Vs. Town of Cheektowaga**
3. **Notice of Claim: Albert & Amy Chavez Vs. Town of Cheektowaga**
4. **Notice of Claim: Ruth Lee Vs. Town of Cheektowaga**
5. **Designation of Restricted Highway: New York State Department of Transportation - Beginning on Eastbound RT 33 Approximately .5 Mile West of the Harlem Road Overpass and Continuing Easterly for a Distance of 1 Mile. Beginning on Westbound Rt. 33 Approximately .5 Mile East of the Harlem Road Overpass and Continuing Westerly for a Distance of 1 Mile.**

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting.
Time: 7:52 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 11, 2012

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on December 11, 2012 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	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
Jeneen Lomando-McSkimming, Assessor
Mike Lumadue, Deputy Superintendent of Highways
Kevin Schenk, Town Attorney
Daniel J. Ulatowski, Planner
Mark Wegner, Highway Superintendent

II. Enter Executive Session to discuss litigation matters at 6:00 PM

A motion by Councilmember Markel; Seconded by Supervisor Holtz. Motion Carried.

III. Exit Executive Session at 6:35 PM

A Motion was made by Councilmember Kaminski; Seconded by Councilmember Rogowski. Motion Carried.

IV. Resolution at 6:36 pm



1. RESOLUTION 2012-644

Settlement of Litigation - McDonald's Vs. Town of Cheektowaga

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, McDonald's commenced Article 7 proceedings against the Town for Tax Years 2010-11, 2011-12 and 2012-13, seeking a reduction in the assessment of properties owned by it located at 2567 Union Road (S.B.L. No. 113.16-3-2.2) and 2256 Clinton Street (S.B.L. No. 123.76-7-1.12) in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

V. Work Session Continues at 6:37 PM

VI. Work Session Ends at 6:50 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, December 17, 2012

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 17, 2012 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	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Angela Wozniak	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Carla Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
Earl Loder, Disaster Coordinator
John Marriott, Planning Board Chairman
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2012-645

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following transfer is hereby approved and made part hereof;

HIGHWAY

FROM:300.5140.4291	Shade Tree	\$30,000.00
TO: 300.5130.2407	Highway Equipment	\$19,000.00
300.2140.4191	Miscellaneous	\$11,000.00

GENERAL FUND

FROM:100.1355.4411	2012 Petition Filing Refunds	\$ 440.00
TO: 100.1355.4082	2012 Seminars	\$ 440.00
FROM:100.7110.2303	Over the Road Vehicles	\$58,308.00
100.7110.2304	Park Equipment	\$ 5,562.00
TO: 100.7110.4451	Building/Grounds/Maint./Repair	\$58,308.00
100.7110.4451	Building/Grounds/Maint./Repair	\$ 5,562.00
FROM:100.1625.4489	Tool Replacement	\$12,832.47
100.1625.4432	Repairs/Maintenance	\$ 1,560.32
TO: 100.1625.2303	Over the Road Vehicles	\$12,832.47
100.1625.2303	Over the Road Vehicles	\$ 1,560.32
FROM:100.3310.1971	PT. Regular	\$ 5,000.00
TO: 100.3310.1902	Overtime Payroll	\$ 5,000.00
FROM:100.1110.4082	Business Travel	\$ 4,000.00
100.1110.4431	Equipment Maintenance	\$ 3,000.00
TO: 100.1110.4001	Office Supplies	\$ 5,000.00
100.1110.2105	Equipment	\$ 2,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2012-646

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 14, 2012 are hereby approved and made part hereof;

GENERAL FUND	\$4,468,620.25
RISK RETENTION FUND	188,932.90
NYS HOME PROGRAM	624.00
HUD HOUSING REHABILITATION FUND	38,828.50
SPECIAL DISTRICTS FUND	867,540.84
HIGHWAY FUND	472,987.61
CAPITAL FUND	422,085.42
TRUST & AGENCY FUND	4,707.83
HUD CDBG FUND	33,600.62
PART TOWN FUND	174,495.35
NYS AFFORDABLE	19,880.00
	<hr/>
	\$6,692,303.32

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2012-647

Award of Bid - Two (2) Pump Controllers

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, bids were received on December 5, 2012 for the furnishing and delivery of two (2) Electronic Soft Start Pump Controllers for the Rein Road and Holtz Drive Pump Stations located within the Town's Consolidated Sanitary Sewer District, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is contained in a letter from the Town Engineer dated December 10, 2012, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and delivery of the aforesaid pump station controllers be awarded to:

Volland Electric Equipment Corporation
75 Innsbruck Drive
Cheektowaga, New York 14227

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$27,098.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account No. 225-8125-4438 for this purchase.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



4. RESOLUTION 2012-648

Award of Bid - Standby Generators

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, bids were received on December 5, 2012 for the furnishing and delivery of one (1) 30 Kw and one (1) 50 Kw natural gas powered standby generators for the Ceil Drive and Fairelm Lane Pump Stations located within the Town Consolidated Sanitary Sewer District, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is contained in a letter from the Town Engineer dated December 10, 2012, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and delivery of one (1) 30 Kw and one (1) 50 Kw natural gas standby generators be awarded to:

Kinsley Power Systems
2235 Kenmore Avenue
Buffalo, New York 14207

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$38,840.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account No. 255-8125-4438 for this purchase.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2012-649

Award of Bid - Five (5) 2013 Ford Focus S Sedans

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were received and publicly opened on December 12, 2012 for the purchase of five (5) new and unused 2013 Ford Focus S 4-Door Compact Sedans, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is contained in a letter from the Town Engineer dated December 13, 2012, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the purchase and delivery of five (5) 2013 Ford Focus S 4-Door Sedans be awarded to:

DeLacy Ford Inc.
3061 Transit Road
P.O. Box 437
Elma, NY 14059

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$71,405.00, AND, BE IT FURTHER

RESOLVED, that the aforesaid purchase shall be chargeable to Account No. 1640-2502.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2012-650

Award of Bid - Portable Chemical Toilets 2013

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 12, 2012, 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	\$2.99 per day per unit Items I through X
Category B	-	Handicapped Units	\$4.99 per day per unit Items I and II
Category C	-	Special Events	\$65.00 per day per unit items I through VIII

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



7. RESOLUTION 2012-651

Award of Bid - Tipping of Solid Waste

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga's agreement for the disposal of solid waste expires on December 31, 2012, and

WHEREAS, bid specifications were prepared for the Tipping of Solid Waste, and

WHEREAS, by resolution dated December 3, 2012, the Town Clerk was directed to publish a Notice to Bidders for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Station and for the Ultimate Disposal of Solid Waste for the Town of Cheektowaga, and

WHEREAS, sealed bids were received and opened by the Town Clerk at a public bid opening held on December 12, 2012, and

WHEREAS, the proposals were reviewed by the Town Attorney and the Chairman of the Town Highway/Sanitation Committee, and based on proposals submitted, it has been recommended that this Town Board award the bid for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility to Modern Landfill, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the Tipping of Solid Waste at a Transfer Station or Waste-to-Energy Facility for the Town of Cheektowaga to:

Modern Landfill, Inc.
4746 Model City Road, P.O. Box 209
Model City, NY 14107-0209

as per the terms of its proposal, said bid being the lowest responsible bid (adjusted as per the bid specifications for mileage) meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Modern Landfill, Inc., for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 150.8160.4469.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



8. RESOLUTION 2012-652

Negative SEQR Declaration - 5050 Transit Road

Sponsored By: Councilmember Kaminski, 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 Vern Properties for the rezoning of a portion of 5050 Transit Road from R- Residence to RA- Apartment District for the construction of construction of (44) forty four apartment and the construction of a 15,000 square foot office mixed use neighborhood service building with (12) twelve apartments on the second floor , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on December 12, recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning at their meeting of site plan at their meeting of December 8, 2011 and recommended the approval of the site plan at their meeting of December 13, 2012, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The applicant providing compensatory trees consistent with the Town's Tree Preservation Law
2. The Town Engineer reviewing and approving the drainage/grading plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



9. RESOLUTION 2012-653

Approval of Rezoning of 5050 Transit Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Vern Properties petitioned for a rezoning from R-Residence District to RA-Apartment District for property owned by it and located at 5050 Transit Road, Cheektowaga, New York, which property is described in the attached legal description, for a multi family apartment complex with a mixed use office building along Transit Road, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of December, 2012 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of Vern Properties for the rezoning from R-Residence District to RA-Apartment 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 development or site plan must be resubmitted to the Town Board to determine that the addition is substantially in agreement with the intent of the original 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 TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York being part of Lot 67, Township 11, Range 7 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at a point on the southerly line of lands conveyed to Vern Properties by deed recorded in Liber 11004 of Deeds at page 5972, Parcel 'B', distant 384.00 feet westerly from the westerly boundary line of Transit Road as measured along said southerly line;

THENCE: S-89°-57'-45"-W, along the southerly line of said Parcel 'B', a distance of 631.00 feet to the southwesterly corner thereof;

THENCE: N-00°-02'-15"-W, along the westerly line of lands conveyed to Vern Properties by

deed recorded in L1ber 11004 of Deeds at page 5972, Parcel 'A', a distance of 400.00 feet to the northwesterly corner of said Parcel 'A';

THENCE: N-89°-57'-45"-E, along the northerly line of said Parcel 'A', a distance of 515.00 feet to the northeasterly corner thereof;

THENCE: S-00°-02'-15"-E, along the easterly line of said Parcel 'A', a distance of 100.00 feet to the northerly line of said Parcel 'B';

THENCE: N-89°-57'-45"-E, along the northerly line of said Parcel 'B', a distance of 116.00 feet to a point;

THENCE: S-00°-02'-15"-E, through said Parcel 'B', parallel with the westerly boundary line of Transit Road, a distance of 300.00 feet to THE POINT OR PLACE OF BEGINNING contacting 5.53 acres be the same more or less.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



10. RESOLUTION 2012-654

Accept Site Plan - 2437 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 Carl Hasselback/White Arrow for the construction of a parking area expansion at 2437 Harlem Road,
AND

WHEREAS, the Cheektowaga Zoning Board of Appeals approved a use variance on June 20, 2012, to permit the parking area expansion, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of August 9, 2012 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 grading /drainage plan.
2. The applicant providing poured in place concrete curbing
3. Modifying the refuse enclosure construction detail to provide a concrete floor, and increasing its width to accommodate a refuse service vehicle.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



11. RESOLUTION 2012-655

Accept Site Plan - 1526 Walden Avenue

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 Benderson Development Co., LLC for the construction of a parking area expansion at 1526 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 13, 2012 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 grading and drainage plan.
2. An accessible walk be provided from the public walk to the front of the building
3. An exterior lighting plan be provided to the Building Department for review and approval.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2012-656

Adopt Revised Building Permit and Plumbing Fees

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Law for Administration and Enforcement of Codes of New York State requires that all building, plumbing, etc. fees be as specified in a schedule approved by the Town Board, and

WHEREAS, it has been recommended that the attached Building Permit and Plumbing Fee Schedules be adopted, and

WHEREAS, it is in the public interest to adopt the attached Building Permit and Plumbing Fee Schedules, NOW, THEREFORE, BE IT

RESOLVED, that the attached Building Permit Fee Schedule and Plumbing Fee Schedule be and hereby is adopted, effective January 1, 2013.

Attachments:

buildingpermitfees 2013 (DOC)

plumbing fees 2013 (DOC)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2012-657

Change Order No. 2 for Demolition of 166 Straley Ave., 1122 Walden Ave., 1272 Walden Ave. & 1280 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the contract for the demolition of properties located at 166 Straley Avenue, 1122 Walden Avenue, 1272 Walden Avenue and 1280 Walden Avenue was awarded to Regional Environmental Demolition, Inc., by resolution adopted August 20, 2012 (Resolution 2012-441) for the contract amount of \$144,000; and

WHEREAS, subsequent to said bid award, and during the demolition work at 1280 Walden Avenue, an additional 2,300 square feet of asbestos-containing plaster was discovered which was hidden from view at the time of the asbestos survey and not included in the bid specifications; and

WHEREAS, the removal of said asbestos-containing plaster will cost an additional \$13,800.00; and

WHEREAS, the Town's Consulting Engineer approves of the additional work and recommends the approval of Change Order No. 2 which provides for contract modifications for the removal of said material at 1280 Walden Avenue; 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. 2 document with Regional Environmental Demolition, Inc., which provides for an increase to the aforesaid contract in an amount not to exceed \$13,800.00, which shall be chargeable to budget line item number 800-0800-0440.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2012-658

Notice of Hearing for Demolition of 257 Chapel Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 257 Chapel 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 December 3, 2012; 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 257 Chapel Avenue shall be held on the 7th day of January, 2013 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to serve said Notice of Hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



15. RESOLUTION 2012-659

Establishment of Town Board Meeting Dates in 2013

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2013 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 7th, 22nd
- February 4th, 20th
- March 4th, 18th
- April 1st, 15th
- May 6th, 20th
- June 3rd, 17th
- July 1st, 15th
- August 5th, 19th
- September 3rd, 16th
- October 7th, 21st
- November 4th, 18th
- December 2nd, 16th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Cheektowaga Bee, Buffalo News and Metro Source, and BE IT FURTHER

RESOLVED, that the above meeting dates shall be posted on the Town's website.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



16. RESOLUTION 2012-660

Establish Work Session Dates for 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2013 at 6:00 P.M. on the following dates:

- January 2nd, 15th, 29th
- February 12th, 26th
- March 12th, 26th
- April 9th, 30th
- May 14th, 28th
- June 11th, 25th
- July 9th, 30th
- August 13th, 27th
- September 10th
- October 1st, 15th, 29th
- November 12th, 26th
- December 10th, 30th

, 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, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Cheektowaga Bee, Buffalo News and the Metro Source, and BE IT FURTHER

RESOLVED, that the above Work Session dates shall be posted in the Town's website.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



17. RESOLUTION 2012-661

Approve Purchase of Groundmaster 7210 Polar Trac System

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, The Facilities Department Building & Grounds Division, has requested authorization to purchase one (1) 2012 Groundmaster 7210- Polar Trac System (Snowblower), as specified in New York State OGS Contract PC64358B, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 100-1625-2303, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2012 Groundmaster 7210- Polar Trac System, in the amount of \$39,392.76 from

Grassland Equipment & Irrigation Corp.
315 Commerce Boulevard
Liverpool, New York 13088

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2012-662

Approve Purchase of (Two) 2 Caterpillar 938K

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Highway Department has requested authorization to purchase two (2) 2013 Caterpillar 938K, as specified in New York State OGS Contract PC65318, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of two (2) 2013 Caterpillar 938K in the amount of \$312,848.00 from:

Milton Cat
4610 East Saile Drive
Batavia, NY 14020

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2012-663

Approve Purchase of Cameras in the Highway Department

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Highway Department has requested authorization to purchase indoor & outdoor cameras with labor, as specified in New York State OGS Contract PT63104, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5140-4191, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of indoor & outdoor cameras with labor in the amount of \$43,804.36 from:

SimplexGrinnell
6850 Main Street Suite 3
Amherst, NY 14221

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



20. RESOLUTION 2012-664

Approve Purchase 2013 Ford F-250 XL Crew Cab 4WD 6.75' Box with Snow Plow Package

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Highway Department has requested authorization to purchase a 2013 Ford F-250 XL Crew Cab 6.75' Box with Snow Plow Package, as specified in New York State OGS Contract PC65855, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of a 2013 Ford F-250 XL Crew Cab 4WD 6.75' Box with Snow Plow Package in the amount of \$29,693.50 from:

Van Bortel Ford
71 Marsh Road
East Rochester, NY 14445

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



21. RESOLUTION 2012-665

Approve Purchase 2013 Ford F-250 XL Crew Cab 4WD

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Highway Department has requested authorization to purchase a 2013 Ford F-250 XL Crew Cab 4WD 6.75' Box, as specified in New York State OGS Contract PC65855, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of a 2013 Ford F-250 XL Crew Cab 4WD 6.75' Box in the amount of \$29,397.40 from:

Van Bortel Ford
71 Marsh Road
East Rochester, NY 14445

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



22. RESOLUTION 2012-666

Approve Extension of Pre-Hospital Emergency Services Agreement with Rural/Metro Medical Services

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, by resolution dated December 21, 2009, the Town Board of the Town of Cheektowaga awarded an Agreement for Pre-Hospital Emergency Services with Rural Metro Medical Services, Inc. for ambulance services for emergencies which are called into the Cheektowaga Dispatch Office for 2010-11; and

WHEREAS, such agreement expired on December 31, 2011, but contained a provision for renewal for two (2) one-year periods upon the recommendation of the Emergency Medical Services Board ("EMS Board") and approval of the Town; and

WHEREAS, the EMS Board has recommended the approval of a renewal of the aforementioned agreement for calendar year 2013; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the renewal of the aforementioned Agreement for Pre-Hospital Emergency Services with Rural Metro Medical Services, Inc. for calendar year 2013 on the same terms and conditions as set forth in said agreement; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Memorandum of Extension of said Agreement, subject to approval by the Town Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



23. RESOLUTION 2012-667

Unsafe-Unsecured/69 Birkdale 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 69 Birkdale Road, Cheektowaga, New York SBL# 91.06-7-37 that is a danger to the safety of others, and records kept by the Assessors Office identify Melanie Bainbridge, 69 Birkdale Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 69 Birkdale Road, by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



24. RESOLUTION 2012-668

Unsafe-Unsecured/168 Harris 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 168 Harris Court, Cheektowaga, New York SBL# 92.17-10-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Charles A. Schmidt Jr. & Rachael R. Schmidt, 168 Harris Court, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 168 Harris 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



25. RESOLUTION 2012-669

Adapted Recreation Winter Camping Trip

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of renting campground facilities known as YMCA Camp Weona (Hyde Lodge) a winter weekend camp for participants with disabilities, from February 22, 2013 through February 24, 2013.

WHEREAS, YMCA Camp Weona (Hyde Lodge) is willing to rent such facilities to the Town of Cheektowaga provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$21 per night, per person.

RESOLVED that upon approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute and agreement with YMCA for the renting the aforementioned campground facilities, and BE IT FURTHER

RESOLVED that the Cheektowaga Youth and Recreational Services Department, as in the past, seek reimbursement from any appropriate state and charitable source, in addition to any camper fees to cover the necessary costs of said activity.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



26. RESOLUTION 2012-670

Youth & Recreation Termination

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and herby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Melanie Mikołajczyk

11/16/12

14225

Motion by Councilmember Rogowski; seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2012-670; 2012-671 and 2012-672. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Angela Wozniak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz



27. RESOLUTION 2012-671

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and hereby are hired and/or transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide - 7140.1630 - \$7.25 - Part-time

Jocelyn Strohm	14225
Janielle Thompson	14211

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



28. RESOLUTION 2012-672

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, 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 \$8.00/hour effective 1/2/13
Brendan M. Hammer, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT
Nicholas A. Ruberto, Jr. effective 12/1/12

FACILITIES DEPARTMENT
David D. Duncan effective 11/15/12
Jeremy W. Ross effective 11/18/12
John E. Gluszek effective 11/3/12

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



29. RESOLUTION 2012-673

Appointment of Automotive Mechanic Crew Chief (Non-Competitive/Permanent)/Central Garage/Thomas J. Carney

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Automotive Mechanic Crew Chief in the Central Garage; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit; AND

WHEREAS, Thomas J. Carney, currently employed as an Automotive Mechanic in the Central Garage, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Thomas J. Carney of Depew, New York, be and hereby is appointed to the position of Automotive Mechanic Crew Chief in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective December 18, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz

IV. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - October 2012**
2. **Minutes: Cheektowaga Planning Board - November 8, 2012**
3. **Minutes: Cheektowaga Public Library - Board of Trustees - November 28, 2012**
4. **Minutes: Cheektowaga Traffic Safety Commission - November 20, 2012**

B. General Communications

1. **Summons & Complaint: Joshua E. Hostuttier Vs. Town of Cheektowaga**
2. **Notice of Claim: Daniel Augustyn Vs. Town of Cheektowaga**
3. **Notice of Claim: Kathleen H. Powers Vs. Town of Cheektowaga**

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

There was a Moment of Silence for the students and staff from Newtown, Connecticut.

Motion by Supervisor Holtz; seconded by Councilmember Markel to adjourn the meeting at 7:32 PM.

Alice Magierski, Town Clerk