



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Wednesday, January 2, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on January 2, 2013 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. **Motion To:** Enter Into Executive Session to discuss personnel matters relating to the hiring and termination of certain employees

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

3. **Motion To:** Exit Executive Session and Work Session Continues

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

II. Resolution at 6:27 PM



1. RESOLUTION 2013-1

Call for Public Hearing on 2013 Community Development Block Grant/HOME Programs

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$880,000 in Community Development Block Grant funds and approximately \$200,000 in Home Investment Partnership program funds for the 2013 Program Year, and

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

WHEREAS, activities proposed for funding with Program Year 2013 Community Development Block Grant and HOME Program funds have been made available for public review in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 22, 2013 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Bee on Thursday, January 3, 2013.

Notice of Public Hearing
Town of Cheektowaga FY 2013 Annual Plan
Community Development Block Grant / HOME Programs

A public hearing will be held on Tuesday, January 22, 2013 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227 on the Town's Fiscal Year 2013 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs to obtain the views of citizens and interested parties on housing and community development needs in the Town and on the draft Action Plan which has been made available for public review in Cheektowaga Branch Libraries. The Annual Plan outlines housing and community development projects proposed to be funded with FY 2013 CDBG and HOME Program funds. The Town is eligible to receive approximately \$880,000 in CDBG funds and approximately \$200,000 in HOME Investment Partnership Program funds from HUD in 2013. The Town estimates approximately \$200,000 in program income from its revolving housing rehabilitation loan program and \$300,000 in economic development revolving business loan program income will be received. Those wishing to offer comments at the hearing are asked to also submit a written text, which may also be submitted to the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, New York, 14211. Interpreters will be made available at the meetings upon prior request to sign for the hearing impaired. If you need such special arrangements, contact the Cheektowaga Community Development Office at 897-7200, Ext. 6, at least seven (7) business days prior to the hearing. The hearing location is

accessible to the physically disabled.

Attachments:

legalnotice Pub Hearing CD HOME funds 1-22-13 (DOC)

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

III. Work Session Continues at 6:28 PM

IV. Work Session Ends at 6:40 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Monday, January 7, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on January 7, 2013 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	Absent	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Carla A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Kerry Switalski, Senior Services Director

II. Public Comment Period

III. Public Hearing

1. Notice of Hearing for Demolition of 257 Chapel Avenue

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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak

IV. Resolutions



1. RESOLUTION 2013-2

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

HIGHWAY

FROM: 300.5142.4029	Salt	\$105,000.00
300.5110.4186	Topsoil	\$ 16,000.00
300.5142.4029	Salt	\$ 44,000.00
TO: 300.5140.4191	Miscellaneous	\$105,000.00
300.5140.4191	Miscellaneous	\$ 60,000.00

GENERAL FUND

FROM: 100.3120.4321	Data Processing Services	\$ 3,406.83
100.3120.4097	Special Investigations	\$ 1,054.86
100.3510.4221	Gas	\$ 2,898.00
TO: 100.3120.4508	Medical Expenses	\$ 4,461.69
100.3510.4432	Kennel Expenses	\$ 2,898.00

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



2. RESOLUTION 2013-3

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 04, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$ 446,580.50
RISK RETENTION FUND	86,308.57
NYS HOME PROGRAM	
DEBT	279,072.00
HUD HOUSING REHABILITATION FUND	
36,908.00	
SPECIAL DISTRICTS FUND	605,400.34
HIGHWAY FUND	214,568.08
CAPITAL FUND	68,991.52
TRUST & AGENCY FUND	403.21
HUD CDBG FUND	47,288.57
PART TOWN FUND	59,197.01
NYS AFFORDABLE	12,132.00
	<u>\$1,856,849.80</u>

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



3. RESOLUTION 2013-4

Negative SEQR Declaration-3820 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. And renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Carubba & Sons, LLC for the rezoning of 3820 Union Road from MS- Motor Services to CM- General Commercial to permit the continued use of an existing mixed use building for custom shops, retail uses and personal services, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on December 12, 2012 recommended a determination of non-significance as shown on the attached memorandum dated December 12, 2012, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meeting of November 8, 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.

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



4. RESOLUTION 2013-5

Approval of Rezoning of 3820 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Carubba & Sons, LLC petitioned for a rezoning from MS-Motor Service District to CM-General Commercial District for property owned by it and located at 3820 Union Road, Cheektowaga, New York, which property is described in the attached legal description, for an existing mixed use commercial building, 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 Carubba & Sons, LLC for the rezoning from MS-Motor Service District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie 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:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak



5. RESOLUTION 2013-6

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 January 22, 2013 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 January 22, 2013 at 6:45 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by deleting therefrom the following:

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

Table with 3 columns: Stop Signs on, Direction Traffic Stops, At Intersection of. Rows include Mother of Divine Grace Exit, Wojcik Street, etc.

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

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

Table with 3 columns: Stop Signs on, Direction Traffic Stops, At Intersection of. Row includes Buell Avenue.

Old Maryvale Drive	West	Rosary Boulevard
Old Maryvale Drive	West	Heather Road/Danbury Drive
Danbury Drive	East	Heather Road/Old Maryvale Drive
Heather Road	South	Danbury Drive/Old Maryvale Drive
Maryvale Drive	East	Rosary Boulevard
Maryvale Drive	Both	Beach Road
Beach Road	Both	Maryvale Drive
Cedargrove Circle	North	Sandstone Drive
Springfield Drive North	North	Maryvale Drive
Marlene Drive	West	Bernice Drive
Milsom Avenue	Both	Wojcik Street

ARTICLE V. Schedules, Section 235-42, Schedule III: One-Way Streets, shall be amended by *deleting* therefrom the following:

In accordance with the provisions of § 235-14, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
Roadway directly in front of police Headquarters, 3223 Union Road	North	Entire Length

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

Dated: January 7, 2013

ALICE MAGIERSKI

Town Clerk

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



6. RESOLUTION 2013-7

Notice of Hearing for Demolition of 95 Pinehurst Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 95 Pinehurst 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 21, 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 95 Pinehurst Avenue shall be held on the 22nd 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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



7. RESOLUTION 2013-8

Notice of Hearing for Demolition of 38 Barbara Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 38 Barbara Place in the Town of Cheektowaga, has become dangerous and unsafe to the general public and unfit for the purposes for which it may lawfully be used; and

WHEREAS, said building has been inspected and a written report of the condition has been completed by 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 October 31, 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 38 Barbara Place shall be held on the 22nd 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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



8. RESOLUTION 2013-9

Authorize Town Clerk/Receiver of Taxes 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 2013, 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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



9. RESOLUTION 2013-10

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>
Abraham, Richard C. , ,	10/31/2015
Bartel, Richard R , ,	10/31/2015
Bednasz, Kayla N , ,	9/30/2014
Biedron, Seth M , ,	1/31/2013
Bischof, Elyse L , ,	8/31/2015
Blair, Lawrence Vito , ,	10/31/2015
Bugenhagen, Dena H. , ,	10/31/2015
Cino, Nicholas J , ,	8/31/2015
Dimitroff, Russell J , ,	1/31/2016
Dombrowski, Lena K , ,	7/31/2014
Ginley, Brandon G , ,	6/30/2015
Goodheart III, Ronald J , ,	6/30/2015
Guercio, James S , ,	8/31/2015
Harris, Daniel J. , ,	10/31/2015
Harris, Jacob D. , ,	10/31/2015
Hughes, Mary Beth , ,	12/31/2015

Karaszewski, Scott T	, ,	10/31/2015
Kemp, Robert C	, ,	10/31/2015
Koeppel, Charles R	, ,	11/30/2015
Lengen, Joshua K	, ,	10/31/2015
Letourneau, Jean Marie	, ,	7/31/2015
Levitsky, Melissa G	, ,	9/30/2015
Mann, Robert E	, ,	1/31/2016
Marinelli, Colton J.	, ,	7/31/2015
Marts, Andrew W	, ,	10/31/2015
Monat, David M	, ,	6/30/2015
Paul, Nicholas R	, ,	2/28/2015
Pepper, Stephan D	, ,	10/31/2015
Pless, Jason M	, ,	1/31/2016
Rafferty, Jessica L.	, ,	10/31/2015
Reuter, Thomas R	, ,	6/30/2015
Robinson, Alexander B	, ,	6/30/2014
Rochester, Meghan R	, ,	1/31/2014
Rogacki, Shawn E	, ,	8/31/2013
Schilling, Sean M	, ,	11/30/2015
Schmidt, Daniel D	, ,	7/31/2014
Siegel, David L	, ,	10/31/2015
Smeal, Lance E	, ,	10/31/2015
Sorlie, Steven J	, ,	3/31/2013
Stadelmaier, Maegan B	, ,	1/31/2015
Stanley, Brian C	, ,	6/30/2015
Stuart, John M.	, ,	10/31/2015
Stuckey, James P	, ,	10/31/2015
Stuff, Robert J	, ,	6/30/2015
Taylor, Timothy M	, ,	11/30/2015
Wendt, Nicole M	, ,	7/31/2015
Werner, Steven C	, ,	10/31/2015
Zaremba, Shelbey A	, ,	7/31/2014

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



10. RESOLUTION 2013-11

Establish Holidays for 2013

Sponsored By: Supervisor Holtz, Councilmember Markel

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2013:

New Year's Day	January 1, 2013	Tuesday
Martin Luther King, Jr. Day	January 21, 2013	Monday
President's Day	February 18, 2013	Monday
Good Friday	March 29, 2013	Friday
Memorial Day	May 27, 2013	Monday
Independence Day	July 4, 2013	Thursday
Labor Day	September 2, 2013	Monday
Columbus Day	October 14, 2013	Monday
Election Day	November 5, 2013	Tuesday
Veterans Day	November 11, 2013	Monday
Thanksgiving Day	November 28, 2013	Thursday
Day After Thanksgiving	November 29, 2013	Friday
Christmas Eve	December 24, 2013	Tuesday
Christmas Day	December 25, 2013	Wednesday

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



11. RESOLUTION 2013-12

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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



12. RESOLUTION 2013-13

Designate Depositories for 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2013:

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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



13. RESOLUTION 2013-14

Direct Depositories to Accept Supervisor's Facsimile Signature

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

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

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



14. RESOLUTION 2013-15

Authorize Tax Credit for Village of Depew

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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, 2013 provides for a credit of \$440,000.00 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:	James Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak



15. RESOLUTION 2013-16

Authorize Attendance at 2013 Association of Towns Meeting

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Association of Towns of the State of New York 2013 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 17th - 20th, 2013; 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 2013 Training School and Annual Meeting of the Association of Towns, and payments for expenses incurred by said individuals shall be appropriated from the following respective budget lines:

<u>Official/Employee Authorized to Attend</u>	<u>Budget Line Item No.</u>
Town Engineer William Pugh	100.1440.4088
Town Attorney Kevin G. Schenk	100.1420.4088
Director of Administration and Finance Brian M. Krause	100.1315.4088
Town Justice Paul Piotrowski	100.1110.4082

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, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak



16. RESOLUTION 2013-17

Approve Memberships in Various Organizations for Youth & Recreational Services Department for 2013

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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



17. RESOLUTION 2013-18

Establish Hourly Rates for Part-Time Employees

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the salaries of the following Town part-time employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective December 31, 2012:

	HOURLY RATE	TITLE
Justice Court		
BASZCZYNSKI, JILL M	8.25	CLERK PART-TIME
DELANO, FAYE H	8.25	CLERK PART-TIME
MATALONIS, WILLIAM V	8.25	CLERK PART-TIME
SZCZEPANOWSKI, MARY ANN	10.00	CLERK PART-TIME
WITKOWSKI, CHRISTINE A	8.25	CLERK PART-TIME
ZAJDOWICZ, MARY ANN J	9.00	CLERK PART-TIME
Assessors		
MURPHY, KRISTEN M	8.75	CLERK PART-TIME
MURPHY, PAULA R	8.75	CLERK PART-TIME
PIJACKI, MARLEEN A	8.50	CLERK PART-TIME
Town Clerk		
ADAMCZAK, VIRGINIA M	8.50	CLERK PART-TIME
ADAMSKI, EVELYN M	8.50	CLERK PART-TIME
CISKAL, TAMMY J	8.50	CLERK PART-TIME
DABB, MELISSA A	8.50	CLERK PART-TIME
MILLER, PATRICIA M	8.75	CLERK PART-TIME
PANER, NANCY A	8.75	CLERK PART-TIME
RUDNICKI, ELAINE	8.75	CLERK PART-TIME
SISTI, MARGARET M	8.75	CLERK PART-TIME
DAWE, CHELSEA A	8.25	CLERK PART-TIME
GUAY, ASHLEE M	8.25	STUDENT ASSISTANT
Law		
WILES, PATRICIA A	12.25	CLERK PART-TIME
Personnel		
KEHOE, BARBARA N	11.00	CLERK PART-TIME
Building Maintenance		
HADERER, WILLIAM R	8.25	LABORER PART-TIME
LAUBER, WILLIAM W	8.25	LABORER PART-TIME
LEWANDOWSKI, RONALD J	8.75	LABORER PARTTIME
MATECKI, JOHN G	8.25	LABORER PART-TIME
SCHAEFER, CYNTHIA M	9.25	LABORER PART-TIME
SCHEIB, GERALD P	8.25	LABORER PART-TIME
ZAWADZKI, KYLE A	8.25	LABORER PT SEASONAL
Central Garage		
PAGANO, JOVINA	10.25	CLERK PART-TIME
Records		
FEDYNA, JOSEPH S	11.25	CLERK PART-TIME
FETTER, SANDRA J	8.75	CLERK PART-TIME
TRAPPER, IAN D	8.50	CLERK PART-TIME
Police		
BURGETT, JOSHUA J	7.60	CLERK PART-TIME

DOERR, SHEILA M	7.50	CLERK PART-TIME
FEDYNA, CHARLENE L	7.50	CLERK PART-TIME
KURKOWSKI, RITA	8.50	CLERK PART-TIME
PECYNE, KEILEIGH C	7.50	CLERK PARTTIME
REINHEIMER, ELIZABETH J	8.25	CLERK PART-TIME
RICHARDSON, DEANA E	8.25	CLERK PART-TIME
STROUD, MELISSA E	7.65	CLERK PART-TIME
SWIATEK, KRISTEN M	7.75	CLERK PART-TIME
WACIENGA, BARBARA R	8.00	CLERK PART-TIME
ZIELONKA, DENISE	8.00	CLERK PARTTIME
BEEK, MARGARETA E	8.75	SCHOOL CROSSING GUAR
BENKLEMAN, BRENDA L	8.75	SCHOOL CROSSING GUAR
CZERNIAK, MARIE A	8.75	SCHOOL CROSSING GUAR
FISCHER, DAWN M	8.75	SCHOOL CROSSING GUAR
JUSZKIEWICZ, ELAINE A	8.75	SCHOOL CROSSING GUAR
KELLY, ANN M	8.75	SCHOOL CROSSING GUAR
KNOX, PATRICIA A	8.75	SCHOOL CROSSING GUAR
PAGE, ARTHUR F	11.00	SCHOOL CROSSING GUAR
SCHRUEFER, RICHARD J	8.75	SCHOOL CROSSING GUAR
SZARY, JEAN M	8.75	SCHOOL CROSSING GUAR
WACHOWSKI, EMILY	8.75	SCHOOL CROSSING GUAR
BRZYSKI, KELLY A	7.50	STUDENT ASSISTANT
HOCKWATER, JENNA N	7.50	STUDENT ASSISTANT
HOCKWATER, MICHAEL J	7.50	STUDENT ASSISTANT
PECYNE, MADELYN O	7.50	STUDENT ASSISTANT
RUSSILLO, EMILY R	7.50	STUDENT ASSISTANT
SMITH, JESSICA L	7.65	STUDENT ASSISTANT
SPEYER, MATTHEW J	7.50	STUDENT ASSISTANT
STROUD, MATTHEW J.	7.90	STUDENT ASSISTANT
STROUD, SAMANTHA L	7.65	STUDENT ASSISTANT
SZYMANSKI, SEAN T	7.50	STUDENT ASSISTANT
Traffic Maintenance		
DEUSER, DAVID J	9.00	LABORER PART-TIME
Code Enforcement		
FRONCZAK, GENEVIEVE	8.50	CLERK PART-TIME
VARGO, CHERYL A	8.50	CLERK PART-TIME
KOPERA, JOSEPH J	12.50	ZONING INSPECTOR PAR
GILL, GERALD J	13.00	HOUSING INSPECT PT
ROKITKA, LAWRENCE E	13.00	HOUSING INSPECT PT
Highway		
INDELICATO, JOSEPHINE	9.00	CLERK PART-TIME
PAJAK, SUSAN M	9.00	CLERK PART-TIME
Facilities		
MEYERS, JOAN C	11.75	CLERK PART-TIME
BRUNDO, JAMES J	8.25	LABORER PART-TIME
FETTER, ROBERT D	8.25	LABORER PART-TIME
GALLETTA, JOSEPH A	8.50	LABORER PART-TIME
GRIFFIN, RICHARD E	8.50	LABORER PART-TIME
HAUSBERGER, AARON T	8.25	LABORER PART-TIME
HERKEY, NICHOLAS R	8.25	LABORER PART-TIME
KANTOR, PATRICIA	8.50	LABORER PART-TIME
KRAWCZYK, THOMAS L	8.50	LABORER PART-TIME
MACONAGHY JR, CRAIG R	8.25	LABORER PART-TIME
O'NEILL, CHRISTOPHER D	8.25	LABORER PART-TIME
OLEJNICZAK, DANIEL E	8.50	LABORER PART TIME
STUCKE SR, MARK P	8.50	LABORER PART-TIME
SUPERCZYNSKI, MARK D	8.25	LABORER PART-TIME
SZYMCZUK, KAROL J	8.50	LABORER PART-TIME

KLUCK, ALEXANDER W	8.25	LABORER PT SEASONAL
Senior Services		
GALLAGHER, DIANE M	8.50	LABORER PART-TIME
KIEDEL, JANINE M	8.50	LABORER PART-TIME
FOURNIER, MILDRED	8.75	REC ATTEN PT/SEASONA
STIEGLER, LINDA S	10.25	CLERK PART-TIME
KASPRZAK, CHRISTINE M	9.25	RECREATION ATTEN PT
KOLB, LINDA	9.25	REC ATTEN PT/SEASONA
LARGE, BARBARA A	8.75	REC ATTEN PT/SEASONA
PALISTRANT, ALICE J	8.75	REC ATTEN PT/SEASONA
STEPNICK, NANCY A	8.75	REC ATTEN PT/SEASONA
ZULAWSKI, SHIRLEY A	8.75	REC ATTEN PT/SEASONA
BENZINGER, ROBERT T	9.25	VAN DRIVER PT
FARUGIA, JOSEPH P	9.25	VAN DRIVER PT
GABRYSZAK, ALEX J	9.25	VAN DRIVER PT
GEORGE, THOMAS E	9.25	VAN DRIVER PT
GRANAT, JOSEPH E	9.25	VAN DRIVER PT
KRUGER, GARY R	9.25	VAN DRIVER PT
LIEGL, SHAWN P	9.25	VAN DRIVER PT
LUMADUE, JOHN F	9.25	VAN DRIVER PT
MCGEE, CHERYL L	9.25	VAN DRIVER PT
NOWAK, LEONARD T	9.25	VAN DRIVER PT
PINSKI JR, STANLEY P	9.25	VAN DRIVER PT
PRELL, MARY ELLEN	9.25	VAN DRIVER PT
STARK, GENE R	9.25	VAN DRIVER PT
STIEGLER, JOHN D	9.25	VAN DRIVER PT
THOMPSON III, WILLIAM D	9.25	VAN DRIVER PT
WIERZBA, JILL M	9.25	VAN DRIVER PT
ZBYTEK, HARRY W	9.25	VAN DRIVER PT
ALBEE, CATHERINE M	10.25	REC INSTRUCTOR PT
KAWA, KIMBERLY M	13.25	REC INSTRUCTOR PT
Sewer		
BOBECK, AUSTIN J	8.25	LABORER PART-TIME
FISCHER, KEVIN T	8.25	LABORER PART-TIME
LATCHFORD, FRANK A	8.25	LABORER PART-TIME
LATSHAW, JACOB M	8.25	LABORER PT SEASONAL
Main Pump Station		
KLAFFKA, SHERYL A	10.25	CLERK PART-TIME
Sanitation		
KOTRYS, SHARON A	9.00	CLERK PART-TIME
ASHRAF, BRANDON A	8.25	LABORER PART-TIME
BOROWSKI, JUSTIN P	8.25	LABORER PART-TIME
KRZEMIEN, AMANDA M	8.25	LABORER PART-TIME
KRZEMIEN, PATRICIA J	8.25	LABORER PART-TIME
MCGLOIN, MICHAEL J	8.25	LABORER PART-TIME
PIATEK, KEITH E	8.25	LABORER PART-TIME
VANOVERLOOP, KYLE B	8.25	LABORER PART-TIME
MERRITT, GREGORY	8.25	LABORER PT SEASONAL
MUELLER, SEAN M	8.25	LABORER PT SEASONAL
THOMAS, WILLIAM A	8.25	LABORER PT SEASONAL
MERRITT, WILLIAM C J	8.25	LABORER PT SEASONAL
Community development		
WOJCINSKI, PATRICIA F	11.00	REC ATTENDANT PT

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



18. RESOLUTION 2013-19

Notice to Bidders - Clean Up, Grass Cutting & Landscape Work for Various Properties for 2013

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 boarding up/securing structures, minor demolitions, grass cutting and other landscape-related work, and

WHEREAS, when violations are noted, property owners are notified to repair/clean up their properties, 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 2013, 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 Clean-Up and Grass Cutting, Etc. of Various Properties (2013-1) in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until January 30, 2013 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 January 30, 2013 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for Clean-Up and Grass Cutting, Etc. of Various Properties in the Town of Cheektowaga for 2013, said services to include boarding up buildings, minor demolitions, 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 Clean-Up and Grass Cutting, Etc. of Properties for 2013" 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 7, 2013

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



19. RESOLUTION 2013-20

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 2013, 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 (2013-2) in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until January 30, 2013 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 January 30, 2013 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 2013.

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 9, 2013

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



20. RESOLUTION 2013-21

Support Assembly Bill Relating to Contact Information for Foreclosures

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, due to the financial situation of many taxpayers in New York State, a mortgage foreclosure crisis has emerged, causing many citizens to lose their homes, and

WHEREAS, banks foreclose on such properties, leaving them vacant many times, and

WHEREAS, although current State law requires the owner of a property to maintain it, municipalities lack the knowledge to know who to notify when a bank forecloses on such property, and

WHEREAS, State Assemblyman Michael P. Kearns has sponsored legislation in the State Assembly (Bill No. A.00824) which would require mortgage foreclosure plaintiffs to provide contact information through a written notice to the municipality of the entity that is responsible for maintaining the property and to post such information on the vacant dwelling itself, and

WHEREAS, the contact information required by this proposed legislation would greatly assist the Town of Cheektowaga and other municipalities in ensuring that vacant properties are well maintained, thus keeping up the neighborhood, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports Assembly Bill No. 00824, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the State Senate and State Assembly, including Senator Timothy Kennedy, Assemblyman Dennis H. Gabryszak, and Governor Andrew M. Cuomo to adopt said bill, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward certified copies of this resolution to Senator Timothy Kennedy, Assemblyman Dennis H. Gabryszak, Assemblyman Michael P. Kearns and Governor Andrew M. Cuomo.

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



21. RESOLUTION 2013-22

Accept Easements Over Sturm Avenue Paper Street and Rear of Transit Road Property

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

WHEREAS, The Benderson 85-1 Trust is the owner of vacant land on the west side of Transit Road south of Como Park Boulevard (S.B.L. Nos. 114.02-10-16 and 114.02-10-17), and

WHEREAS, the Town Engineer requested a conservation easement and drainage easement over a portion of the rear of said property, including a paper street known as Sturm Avenue, for drainage purposes and for purposes of creating a buffer between the residents of Croydon Avenue and any development of this Transit Road property, and

WHEREAS, David H. Baldauf, Trustee of the Benderson 85-1 Trust, has executed said Conservation Easement and Drainage Easement on behalf of the Benderson 85-1 Trust, and

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

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Conservation Easement and any and all other documents necessary to effectuate the terms of these easements, 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:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak



22. RESOLUTION 2013-23

Accept Conservation Easement Over 2471 Union Road

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, as part of the development of 2471 Union Road, the Town of Cheektowaga has requested a conservation easement from the owner, and

WHEREAS, the said Conservation Easement has been signed and submitted to the Town for approval; and

WHEREAS, the Town Engineer and Town Attorney have tentatively 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, subject to final review and approval from the Town Attorney and Town Engineer; 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:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSENT:	Patricia Jaworowicz, Angela Wozniak



23. RESOLUTION 2013-24

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, 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
ABSENT:	Patricia Jaworowicz, Angela Wozniak



24. RESOLUTION 2013-25

Retain Risk Management and Insurance Consulting Services

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2012; and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$43,500.00 for years 2013 and 2014, and \$44,400.00 for year 2015; and

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

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2013 - 2015, in accordance with the above.

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



25. RESOLUTION 2013-26

Reappointment of Bingo Inspectors

Sponsored By: Councilmember Kaminski, Councilmember Markel

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2013 to December 31, 2013:

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, 2013 for a term of one year:

Thaddeus I. Marciniak, Cheektowaga, New York

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



26. RESOLUTION 2013-27

Reappointment to Traffic Safety Commission

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the term of Cheektowaga Traffic Safety Commission Chairman Richard Zynda expired on December 31, 2012 and

WHEREAS, Richard Zynda has expressed an interest in continuing to serve on the Traffic Safety Commission, and

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

RESOLVED, that Richard Zynda is and hereby are re-appointed as Chairman of the Traffic Safety Commission, effective immediately and terminating on December 31, 2015.

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



27. RESOLUTION 2013-28

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, 2012, 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, 2013 and expiring on December 31, 2013:

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
 Kenneth Speaker, Cheektowaga, New York
 Stanley Blake, Lancaster, New York
 Nelson Oldfield, Cheektowaga, New York
 Richard Zydell, Cheektowaga, New York
 Joseph Reger, Cheektowaga, New York
 Owen Reger, Cheektowaga, New York
 Russell Freund, Depew, New York

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



28. RESOLUTION 2013-29

Reappointment of Zoning Board Member

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the term of Jane Wiercioch as Member of the Zoning Board of Appeals expires on December 31, 2012, and

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

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

RESOLVED, that Jane Wiercioch of Depew, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2013 and terminating on December 31, 2017.

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



29. RESOLUTION 2013-30

Reappointment of Planning Board Member

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the term of Zigmund Kucewicz as Member of the Planning Board expired as of December 31, 2012, and

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

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

RESOLVED, that Zigmund Kucewicz of Depew, New York be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2013 and terminating on December 31, 2017.

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



30. RESOLUTION 2013-31

Reappointment of Member of Board of Assessment Review

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the term of Frank Garcia, Jr., as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2012 , and

WHEREAS, Frank Garcia, Jr. Requested reappointment to said Board, and

WHEREAS, Frank Garcia, Jr. Has satisfactorily served as a member of the Board of Assessment Review and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Frank Garcia, Jr. Be and hereby is reappointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2017.

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



31. RESOLUTION 2013-32

Youth & Recreation Transfers

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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 - \$8.00 - 7140.1630 - Part-time
Jessica Arana

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

Recreation Attendant - \$8.15 - 7140.1614 - Regular Part-time
Matthew Koszuta

Recreation Attendant - \$8.40 - 7140.1614 - Regular Part-time
Paige Melin

Recreation Aide - \$7.40 - 7140.1614 - Part-time
Elizabeth Meyerhofer

Recreation Attendant - \$9.25 - 7140.1630 - Regular Part-time
Lisa Miller

Recreation Aide - \$7.75 - 7140.1630 - Part-time
Gabrielle Padovani

Recreation Aide - \$7.50 - 7140.1630 - Part-time
Karisa Poczciwinski

Recreation Attendant - \$8.10 - 7140.1614 - Regular Part-time
Aaron Tymorek

Recreation Attendant - \$8.35- 7140.1614 - Regular Part-time
Jacqueline Tymorek

Recreation Attendant - \$7.55 - 7140.1614 - Regular Part-time
Daniel Zimmer

Recreation Attendant - \$8.25 - 7140.1614 - Regular Part-time
Samantha Sieg

Recreation Attendant - \$9.00 - 7140.1642 - Regular Part-time
Gary Steltermann

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names to include the following two resolutions: 2013-32 and 2013-33. Motion Carried.

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



32. RESOLUTION 2013-33

Hiring/Termination/Change of Classification of Part-Time/Seasonal Employees

Sponsored By: Councilmember Rogowski, 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:

ASSESSOR'S OFFICE Clerk \$8.00/hour effective 1/9/13
 Mariesa R. Almorabi, Depew, New York

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

POLICE DEPARTMENT
 Rachel Kandefer effective 4/30/12
 Adam Paradowski effective 1/4/13
 Belinda Rogers effective 6/17/12

AND, BE IT FURTHER RESOLVED, that following part-time employees be reclassified to seasonal:

SANITATION DEPARTMENT Laborer \$8.25/hour effective 1/2/13
 Gregory Merritt, Cheektowaga, New York
 Sean Mueller, Cheektowaga, New York
 William Thomas, Cheektowaga, New York

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



33. RESOLUTION 2013-34

Travel Authorization Emergency Services

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the NYSEMA Conference is being held February 12 through February 14, 2013 in Syracuse, New York; AND

WHEREAS, Emergency Services Coordinator Earl Loder has been recommended 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 \$359; AND

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

RESOLVED, that Emergency Services Coordinator Earl Loder be and hereby is authorized to attend the NYSEMA Conference being held February 12 through February 14, 2013 in Syracuse, New York.

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



34. RESOLUTION 2013-35

Travel Authorization Police Department

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the "Comp TIA A+ Certification Part 1" is being held January 7 through January 11, 2013 in Amherst, New York; AND

WHEREAS, Captain James Speyer and Captain Scott Pilat have been recommended to attend said certification; 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 \$3,272; AND

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

RESOLVED, that Captain James Speyer and Captain Scott Pilat be and hereby are authorized to attend the "Comp TIA A+ Certification Part 1" being held January 7 through January 11, 2013 in Amherst, New York.

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

V. Communications

A. Departmental Communications

1. **Building Permits - December 2012**
2. **Minutes: Cheektowaga Traffic Safety Commission - November 20, 2012**

B. General Communications

1. **Notice of Claim: Pace Cleveland as Parent and Natural Guardian of Kai'la Pace, an Infant Vs. Town of Cheektowaga**

2. Notice of Claim: Gary A. Markiewicz Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Kaminski; Seconded by Supervisor Holtz to adjourn the meeting at 7:45 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Tuesday, January 15, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on January 15, 2013 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

Jeneen Lomando-McSkimming, Assessor
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2013-36

Settlement of Litigation - 2331 Union Road, LLC Vs. Town of Cheektowaga

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, 2331 Union Road, LLC commenced an Article 7 proceeding against the Town for Tax Year 2012-13, seeking a reduction in the assessment of properties owned by it located at 2331-2335 Union Road (S.B.L. No. 124.00-6-1.2) 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 2013-37

Settlement of Litigation - Alex G. Schmidt Vs. Town of Cheektowaga

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Alex G. Schmidt 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 him located at 4800 Broadway (S.B.L. No. 104.69-5-9) and 4796 Broadway (S.B.L. No. 104.69-5-10) 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 2013-38

Settlement of Litigation - AMF Bowling Centers, Inc. Vs. Town of Cheektowaga

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, AMF Bowling Centers, Inc. commenced an Article 7 proceeding against the Town for Tax Year 2012-13, seeking a reduction in the assessment of property owned by it located at 1550-1564 Walden Avenue (S.B.L. No. 102.03-2-8) 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



4. RESOLUTION 2013-39

Settlement of Litigation - AMF Bowling Centers, Inc. Vs. Town of Cheektowaga

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, AMF Bowling Centers, Inc. commenced an Article 7 proceeding against the Town for Tax Year 2012-13, seeking a reduction in the assessment of property owned by it located at 3754 Genesee Street (S.B.L. No. 92.13-1-7) 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



5. RESOLUTION 2013-40

Settlement of Litigation - Paul Marinaccio Vs. Town of Cheektowaga

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Tuesday, January 22, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on January 22, 2013 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 A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Chairman
William Pugh, Town Engineer

II. Public Comment Period

III. Public Hearings

1. 2013 Community Development Block Grant/HOME Programs

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

2. Amend Traffic Ordinance

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

3. Demolition of 95 Pinehurst Avenue

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

4. Demolition of 38 Barbara Place

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Patricia Jaworowicz

IV. Resolutions



1. RESOLUTION 2013-41

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

COMMUNITY DEVELOPMENT

FROM: 900.8600.4910 NYS AHC Revenues \$ 75,000.00

TO: 900.8668.4009 Loans from Program \$ 75,000.00

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



2. RESOLUTION 2013-42

Transfer of Funds-2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

HIGHWAY

FROM:300.5141.1951 Seasonal Payroll \$ 30,014.50

TO: 300.5141.1902 Overtime Payroll \$ 30,014.50

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



3. RESOLUTION 2013-43

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 18, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$2,928,951.23
RISK RETENTION FUND	160,384.00
NYS HOME PROGRAM	215.00
DEBT SERVICE FUND	67,785.03
HUD HOUSING REHABILITATION FUND	11,832.00
SPECIAL DISTRICTS FUND	861,031.99
HIGHWAY FUND	413,772.17
CAPITAL FUND	471,092.38
TRUST & AGENCY FUND	6,176.99
HUD CDBG FUND	10,362.69
PART TOWN FUND	103,029.94
NYS AFFORDABLE	2,250.00
	<u>\$5,036,883.42</u>

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



4. RESOLUTION 2013-44

Adopt Amendments to Vehicles and Traffic Ordinance

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on January 22, 2013 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by deleting therefrom the following:

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

Stop Signs on	Direction Traffic Stops	At Intersection of
Mother of Divine Grace Exit	West	Rosary Boulevard
Mother of Divine Grace Exit	North	Danbury Drive

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

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

Stop Signs on	Direction Traffic Stops	At Intersection of
Buell Avenue	East	Service road to 4039 Genesee Street
Old Maryvale Drive	West	Rosary Boulevard
Old Maryvale Drive	West	Heather Road/Danbury Drive
Danbury Drive	East	Heather Road/Old Maryvale Drive
Heather Road	South	Danbury Drive/Old Maryvale Drive
Maryvale Drive	East	Rosary Boulevard
Maryvale Drive	Both	Beach Road
Beach Road	Both	Maryvale Drive
Cedargrove Circle	North	Sandstone Drive

Springfield Drive North	North	Maryvale Drive
Marlene Drive	West	Bernice Drive

ARTICLE V. Schedules, Section 235-42, Schedule III: One-Way Streets, shall be amended by *deleting* therefrom the following:

In accordance with the provisions of § 235-14, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
Roadway directly in front of police Headquarters, 3223 Union Road	North	Entire Length

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



5. RESOLUTION 2013-45

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, 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 furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga for the period of March 1, 2013 to March 1, 2014 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	\$ 745.78
Item 2	Hydraulic Backhoe, Rubber Tire	\$ 744.71
Item 3	Laborers	\$ 835.78
Item 4	Saw (Vermeer Track)	\$ 2.14
Item 5	Saw (Walk Behind)	\$ 1.08
Item 6	Equipment Truck - Type A	\$ 1.08
Item 7	Equipment Truck - Type B	\$ 1.08
Item 8	Shield - 8' X 10'	\$ 1.08
Item 9	Shield - 6' X 16'	\$ 1.08
Item 10	Transport Shield	\$ 1.08
Item 11	Roller, 3 Ton	\$ 1.08
Item 12	Hydraulic Backhoe, 1/3 Yard	\$ 2.14
Item 13	Hydraulic Backhoe, 7/8 Yard	\$1,060.80
Item 14	Hydraulic Backhoe, 1-1/3 Yard	\$ 428.61
Item 15	Hydraulic Backhoe, 2-1/3 Yard	\$ 535.76
Item 16	Dozer, D-3	\$ 2.14
Item 17	Dozer, D-4	\$ 589.34
Item 18	Dozer, D-6	\$ 2.14
Item 19	Front End Loader, 3 Yard	\$ 535.76
Item 20	Landscape Tractor	\$ 1.08
Item 21	Hydraulic Backhoe w/min 4500 lbs.	\$ 2.14
Item 22	Hydraulic Backhoe w/min 7500 lbs.	\$ 2.14
Item 23	Hydraulic Backhoe w/min 8800 lbs.	\$ 2.14
Item 24	Smooth Drum Dirt Roller, 4500 lbs.	\$ 2.14

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 [5 TO 0]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak
ABSENT:	Patricia Jaworowicz



6. RESOLUTION 2013-46

Authorization to Purchase Ammunition

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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 \$25,938.80 From:

Eagle Point Gun/TJ Morris & Son
1707 Third Street
Thorofare, New Jersey 08086

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



7. RESOLUTION 2013-47

Re-Affirm Negative SEQR Declaration - 1755 Dale 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 LBM Construction, Inc. On behalf of the property owner, Niagara Transformer Corp., for the construction of a 45,000 square foot manufacturing building next to Niagara Transformer's existing manufacturing facility, AND

WHEREAS, such manufacturing building will be the first phase of a capital expansion project by Niagara Transformer, Corp., with subsequent phases to include a 20,000 square foot warehouse and an 11,250 square foot accessory office, AND

WHEREAS, Niagara Transformer Corp. Previously submitted a site plan for the construction of a 36,000 square foot building at 1755 Dale Road, AND

WHEREAS, this Board on March 17, 2008 issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for said previous site plan, AND

WHEREAS, the applicant subsequently filed an amended site plan for a smaller manufacturing building and this Board approved such amended site plan on August 16, 2010 as shown on the attached resolution, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on January 16, 2013 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the amended site plan at their meeting of January 10, 2013, 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 changes will not have a significant effect on the environment and therefore re-affirms the Negative Declaration issued for the original project on March 17, 2008 for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the grading/drainage plan
2. The required accessible pedestrian route being re-located further east of the parking area and be constructed of concrete, a minimum of 5 feet in width.
3. Any subsequent building additions shall require site plan approval pursuant to section 260-47.1 of the Zoning Law of the Town of Cheektowaga.

Attachments:

Amended Site Plan 2013 (PDF)

Negative SEQR Declaration Form (PDF)

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



8. RESOLUTION 2013-48

National Recreation & Park Assoc. MOU

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, The National Recreation and Park Association (NRPA) in collaboration with Darden Restaurants/Longhorn Steakhouse is administering the 2013 Great American Trails Program, and

WHEREAS, the Town of Cheektowaga has been selected to receive a \$15,000.00 grant for improvements to the nature trail system at John C. Stiglmeier Park, NOW THEREFORE BE IT,

RESOLVED, that the Supervisor is hereby authorized and directed to execute a Memorandum of Understanding (MOU) between the Town of Cheektowaga and National Recreation and Park Association for acquisition of said funding.

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



9. RESOLUTION 2013-49

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 - 7310.1804 - \$9.25 - Regular Part-time
Deanna Szymkowiak

Recreation Attendant - 7310.1804 - \$9.00 - Regular Part-time
Christine Jedd

Recreation Aide - 7310.1804 - \$7.25 - Part-time
Kelly Zaky 14206

Recreation Aide - 7140.1614 - \$7.25 - Part-time
Daniel Golinski 14225

Recreation Attendant - 7140.1613 - \$7.50 - Regular Part-time
Marcus Rosten 14225

Recreation Attendant - 7310.1804 - \$8.65 - Regular Part-time
Elaine Hawrysiak

Recreation Instructor - 7310.1804 - \$12.25 - Regular Part time
Sherry Maran

Recreation Aide - 7140.1611 - \$7.25 - Part time
Brett Helmbrecht 14206

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following two (2) resolutions: 2013-49; and 2013-50. Motion Carried.

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



10. RESOLUTION 2013-50

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 Dog Control Officer \$10.25/hour effective 1/13/13
Matthew J. Hockwater, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 1/23/13
James K. Stoll, Cheektowaga, New York

BE IT RESOLVED, that the following part-time employee's hourly wage be adjusted as follows:

EMERGENCY SERVICES Natural Disaster Coordinator \$20/hour effective 1/14/13
Earl Loder, Cheektowaga, New York

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

BUILDING AND PLUMBING DEPARTMENT
Cheryl A. Vargo effective 1/26/13

CENTRAL RECORDS MANAGEMENT
Ian D. Trapper effective 1/1/13

AND, BE IT FURTHER RESOLVED, that the following seasonal employees be reclassified to part-time:

SANITATION DEPARTMENT Laborer \$8.25/hour effective 1/14/13
Sean M. Mueller, Cheektowaga, New York

CENTRAL RECORDS Clerk \$8.50/hour effective 1/8/13
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



11. RESOLUTION 2013-51

Authorization of Student Intern (Justice Court)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, Hilary M. Biesik of Depew, New York, a student at Bryant and Stratton College, has requested to participate in the student internship program at the Justice Court; AND

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

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

RESOLVED, that this internship be and hereby is effective January 23, 2013 through May 31, 2013; AND, BE IT FURTHER

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

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2013-51 and 2013-52. Motion Carried

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



12. RESOLUTION 2013-52

Authorization of Student Interns (Police Department)

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, Heather Bello of Hamburg, New York (a student at Hilbert College), Jonathan R. Heisler of Depew, New York (a student at Utica College), and Deana R. Tolleson of Hamburg, 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 Heather Bello of Hamburg, New York, Jonathan R. Heisler of Depew, New York, and Deana R. Tolleson of Hamburg, 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 January 23, 2013 through May 31, 2013; AND, BE IT FURTHER

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

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



13. RESOLUTION 2013-53

Appointment of Maintenance Worker (Non-Competitive/Permanent) Facilities Department/Saturnino J. Arvelo

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Saturnino J. Arvelo, currently a Laborer in the Facilities Department (Buildings and Grounds Division), be and hereby is appointed to the title of Maintenance Worker (Buildings and Grounds Division), effective January 23, 2013.

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



14. RESOLUTION 2013-54

Travel Authorization (Youth & Recreational Services)/Recreation Supervisor Lynn Koszuta

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Recreation and Park Society Conference is being held March 17 through March 19, 2013, in Rochester, New York; AND

WHEREAS, Recreation Supervisor Lynn Koszuta has been recommended 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 \$563.64; AND

WHEREAS, these expenses have been budgeted by the 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 Conference being held March 17 through March 19, 2013, in Rochester, New York.

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



15. RESOLUTION 2013-55

Travel Authorization (Police Department)/Police Chief David Zack, Captain Michael Sliwinski, Captain Michael Isbrandt and Sergeant Lawrence Bauer

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, Preventing and Responding to Active Shooter Incidents - A Critical Issue in Policing Executive Session is being held February 12 through February 14, 2013 in Washington, DC; AND

WHEREAS, Police Chief David Zack, Captain Michael Sliwinski, Captain Michael Isbrandt and Sergeant Lawrence Bauer have been recommended to attend said executive session; AND

WHEREAS, the proper paperwork has been submitted in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,892; 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 Preventing and Responding to Active Shooter Incidents - A Critical Issue in Policing Executive Session being held February 12 through February 14, 2013 in Washington, DC.

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



16. RESOLUTION 2013-56

Travel Authorization (Police Department)/Lieutenant Brian Gould and Sergeant Brian Coons

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Law Enforcement Specific Training at FEMA Center for Domestic Preparedness is being held January 27 through February 1, 2013 in Anniston, Alabama; AND

WHEREAS, Lieutenant Brian Gould and Sergeant Brian Coons 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 \$312; AND

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

RESOLVED, that Lieutenant Brian Gould and Sergeant Brian Coons be and hereby are authorized to attend the Law Enforcement Specific Training at FEMA Center for Domestic Preparedness being held January 27 through February 1, 2013 in Anniston, Alabama.

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

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - November 2012
2. Minutes: Cheektowaga Traffic Safety Commission - December 18, 2012
3. Minutes: Cheektowaga Planning Board - December 13, 2012
4. Minutes: Town Environmental Advisory Committee - December 12, 2012

5. **Minutes: Cheektowaga Conservation Advisory Council - December 6, 2012**
6. **Town of Cheektowaga Emergency Services - Quarterly Report for October to December 2012**

B. General Communications

1. **Notice of Claim: Richard C Reimers Vs. Town of Cheekowaga**
2. **Petition Against Walmart Super Center Received 1/16/13**

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to adjourn the meeting at 7:43 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, February 4, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 4, 2013 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
Robert Brandon, Zoning Board Chairman
Ellen Fischer, Executive Director - Youth Board
Carla A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Chairman
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-57

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 1, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$6,493,831.84
RISK RETENTION FUND	146,393.04
NYS HOME PROGRAM DEBT	757,904.00
HUD HOUSING REHABILITATION FUND	14,487.00
SPECIAL DISTRICTS FUND	6,111,979.07
HIGHWAY FUND	848,699.69
CAPITAL FUND	217,308.90
TRUST & AGENCY FUND	5,896.77
HUD CDBG FUND	11,608.12
PART TOWN FUND	156,262.15
NYS AFFORDABLE	42,625.00
	<hr/>
	\$14,806,995.58

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2013-58

Approval of 2010-2013 Contract with Cheektowaga Police Club, Inc.

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Cheektowaga Police Club, Inc. expired on December 31, 2009, and

WHEREAS, the Town and the Cheektowaga Police Club, Inc. have negotiated and have agreed upon a successor agreement for Years 2010 through 2013; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the successor agreement with the Cheektowaga Police Club for the term January 1, 2010 to December 31, 2013, as presented, and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the respective collective bargaining agreement between the Town of Cheektowaga and the Cheektowaga Police Club, Inc.

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



3. RESOLUTION 2013-59

Call for Public Hearing - Rezoning Request 3393 Union Rd. & 2245 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Benderson Development Company, LLC has made application and requested the rezoning of 3393 Union Road and 2245 Walden Avenue from M1- Light Manufacturing to C- Retail Business for the construction of a 6,000 s.f. retail building and reconstruction of a 10,000 s.f. of an existing retail building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on February 20th 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 20th day of February, at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Benderson Development Company, LLC

for the rezoning of 3393 Union Road and 2245 Walden Avenue from M1- Light Manufacturing to C- Retail Business for a for the construction of a 6,000 s.f. retail building and re-construction of a 10,000 s.f. of an existing retail building.

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

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

LEGAL DESCRIPTION

ALL THAT TRACT AND 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, Range 7 of the Holland Land Company's Survey and being part of Subdivision Lots Nos. 19-24, 103-108, 111-114, All of Subdivision Lot Nos. 109 and 110 and a portion of the beds of Kausel Avenue and Finley Avenue as shown on a map filed in the Erie County Clerk's Office under Cover Number 293, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Subdivision Lot No. 19 with the present easterly highway boundary of Union Road;

Thence along the easterly highway boundary of Union Road the following five (5) courses and distances:

- (1) N01°04'31" E, 24.73 feet;
- (2) N88°55'29" W, 2.30 feet;
- (3) N01°04'31" E, 101.04 feet;
- (4) N 42°55'43" E 25.31 feet;
- (5) N67°49'21"E, 17.01 feet to a point in the existing southerly highway boundary of Walden Avenue;

Thence along the southerly highway boundary of Walden Avenue the following two (2) courses and distances:

- (1) N86°03'58"E, 189.12 feet;
- (2) N82°58'29"E, 54.08 feet to a the extension northerly of the easterly line of Subdivision Lot No. 103;

Thence S01°10'31"W along said extension and the easterly line of Subdivision Lot Nos. 103 and 104, 120.14 feet to a point;

Thence S79°56'55"W, 122.34 feet to a point in the easterly line of Subdivision Lot No. 110;

Thence S01°10'31"W along the easterly line of Subdivision Lot No. 110 and said line extended, 109.73 feet to the centerline of Kausel Avenue;

Thence N88°55'29" W along said centerline of Kausel Avenue, 60.00 feet to the extension southerly of the westerly line of Subdivision Lot No. 109;

Thence N01°10'31"E along the westerly line of Subdivision Lot No. 109 as extended, 78.00 feet to the southeast corner of Subdivision Lot No. 19;

Thence N88°55'29"W, along the southerly line of Subdivision Lot No. 19, 91.86 feet to the Point or Place of Beginning.

Containing 0.99 acre of land, 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 2013-60

Call for Public Hearing on Local Law to Amend the Zoning Law

Sponsored By: Supervisor Holtz, Councilmember Markel

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

WHEREAS, the Petitions Committee has recommended that the Zoning Law be amended:

1. to permit public donation bins on property owned by not-for-profit/community service organizations subject to certain restrictions;
2. to permit beverage container redemption stores in the C-Retail Business District;
3. to require commercial business signs to be removed within 30 days after a business vacates the premises; and
4. to codify the Zoning Board of Appeals interpretations relating to LED signs.

, and

WHEREAS, a draft of such amendments has been prepared by the Town Building Inspections Department, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 4th day of March, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend the Zoning Law In Relation to Public Donation Bins, Beverage Container Redemption Stores, LED Signs and Removal of Commercial Signs", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution and the attached Notice of Hearing to the Erie County Department of Environment and Planning, the City of Buffalo, and the Towns of West Seneca, Amherst and Lancaster, and the Villages of Sloan and Depew.



NOTICE OF PUBLIC HEARING

NOTIICE 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 4th day of MARCH, 2013 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. 2013-1 of the Year 2013, entitled "A Local Law to Amend the Zoning Law In Relation to Public Donation Binds, Beverage Container Redemption Stores, LED

Signs and Removal of Commercial Signs". Following is a synopsis of the proposed Local Law Intro No. 2013-1:



Local Law Intro No. 2013-1A Local Law to Amend the Zoning Law In Relation to Public Donation Bins, Beverage Container Redemption Stores, LED Signs and Removal of Commercial Signs

This local law would amend the Zoning Law of the Town of Cheektowaga as follows:

1. A new subsection 260-31(A)(1)(e) is being created to permit beverage container redemption stores in the C-Retail Business District;
2. A new Section 260-49.1 is being created to permit the use of Public Donation Bins for the benefit of not-for-profit organizations on lots where a "Community Service" (to be defined in Section 260-87) is permitted;
3. Section 260-50.D.(13) will be amended to provide for the removal of signs, frames, mounts and support structures which are in disrepair or abandoned;
4. A new subsection, 260-50.K. is being created to codify the interpretation of the Zoning Board of Appeals permitting Variable Message Signage/Light Emitting Diode (L.E.D.) signage.

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where same may be examined during regular working hours.

Dated: February 4, 2013

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:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



5. RESOLUTION 2013-61

Notice to Bidders - One (1) New and Unused 2013 Self-Propelled Ride-On 1 1/2 Ton Vibratory Tandem Roller

Sponsored By: Councilmember Kaminski, Supervisor Holtz

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New and Unused 2013 Self-Propelled Ride-On 1 1/2 Ton Vibratory Tandem Roller (2013-3) 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 20, 2013 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 Office to open bids on the aforesaid items at a public bid opening on Wednesday February 20, 2013, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1), New and Unused, 2013 Model Self-Propelled Ride-On 1½ Ton Vibratory Tandem Roller 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 20, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at his office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR ONE (1), NEW AND UNUSED, 2013 NEWER MODEL SELF-PROPELLED RIDE-ON 1½ TON VIBRATORY TANDEM ROLLER. Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

ALICE MAGIERSKI, TOWN CLERK

DATE: February 4, 2013
PUBLISHED: February 7, 2013

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



6. RESOLUTION 2013-62

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 (Bid 2013-4) 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 20, 2013 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 20, 2013 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 (Bid 2013-4).

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

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



7. RESOLUTION 2013-63

Notice to Bidders - Work Uniforms

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the purchase of Work Uniforms for the year of 2013 (Bid 2013-5) 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 2013, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 20th day of February, 2013 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 20, 2013 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 2013 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 Magiersk, Town Clerk

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



8. RESOLUTION 2013-64

Notice to Bidders - Limited Use/Limited Access Lift at the Cheektowaga Recreation Center

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the Furnishing and Installation of a Limited Use/Limited Access Lift (Bid 2013-6) at the Town of Cheektowaga Recreation Center to replace the existing unit which is no longer operational, 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 and Installation of a Limited Use/Limited Access Lift at the Cheektowaga Recreation Center, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 20th day of February, 2013 at 11:00 am, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 am, local time, on February 20, 2013. 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 and Installation of one (1) Limited Use/Limited Access (LULA) Elevator and all related work, located in the Town Recreation Center, 2600 Harlem Road, Cheektowaga, New York, for use in accordance with the contract documents, therefore, including specifications, instructions to bidders, etc., prepared by the Town of Cheektowaga Engineering Department and Van Duren Associates, 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 bidder's attention is called to Section 103-d of the General Municipal Law which requires a Bidder's Certificate of Non-Collusion. Such certificate is part of the proposal form and, unless complied with on the form provided, the bid will not be accepted.

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: February 4, 2013

PUBLISHED: February 14, 2013

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



9. RESOLUTION 2013-65

Authorize Highway Superintendent to Maintain Storm Sewer Line

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, Manga Airport, LLC is proposing the construction of a 154-room hotel on property on the east side of Burgess Boulevard in the Town of Cheektowaga, and

WHEREAS, as part of such project, Manga Airport, LLC proposes to install a 42" diameter storm sewer pipe in an existing NYS Department of Transportation ("DOT") ditch located within an existing permanent DOT easement from the southern end of Burgess Boulevard to the U-Crest ditch, and

WHEREAS, the DOT has agreed to approve the piping of this section of ditch provided the Town of Cheektowaga agrees to assume maintenance responsibility for the proposed pipeline, and

WHEREAS, the Superintendent of Highways has no objection to maintaining this proposed segment of 42" diameter storm sewer pipe line as an addition to the current Town Highway Department maintenance responsibilities associated with Burgess Boulevard, and

WHEREAS, the Superintendent of Highways seeks approval from this Town Board to commit to perform such work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Highway Department be and hereby is authorized and directed to maintain the aforesaid 42" diameter pipeline to be installed by Manga Airport, LLC to insure the hydraulic capacity of this storm sewer pipeline owned by the DOT, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with the DOT and/or Manga Airport, LLC for the maintenance of this portion of the storm sewer line.

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



10. RESOLUTION 2013-66

Authorize Purchase of Cured-In-Place Pipelining

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Erie County Division of Purchase issued bid specifications and solicited competitive bids for a two (2) year term agreement for Cured-in-Place Pipelining, Bid No. 212299-002, which was recently awarded to United Survey Inc., AND

WHEREAS, the aforesaid bid specifications enable local governmental and school districts, and specifically names the Town of Cheektowaga, to make purchases through the County bidding procedures, AND

WHEREAS, the Town Engineer has recommended that the Town avail itself of the ability to utilize this bid award and the favorable bid prices for the lining and rehabilitation of various diameter sanitary sewer pipelines within the Town's Consolidated Sanitary Sewer District, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, acting in its capacity as the Board of Managers of the Town Consolidated Sanitary Sewer District, hereby awards the contract for Cured-In-Place Pipelining through Erie County Bid No. 212299-002 to:

United Survey Inc.
25145 Broadway Avenue, Oakwood Village, Ohio 44146.

for the same two (2) year term as awarded by the County of Erie, AND, BE IT FURTHER

RESOLVED, that said award is subject to the review and approval of any contract and insurance requirements by the Town Engineer and Town Attorney, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with United Survey, Inc. for the pipelining services.

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



11. RESOLUTION 2013-67

Over the Edge Program 2013

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Department of Youth and Recreational Services is desirous of holding its Summer Youth Theater Program June 24th 2013 and August 8th 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2013-68

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 1/21/13
Kevin P. Schmitt, Jr., Cheektowaga, New York

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

SEWER MAINTENANCE
Jacob Latshaw effective 10/22/12

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



13. RESOLUTION 2013-69

Appointment of Senior Sewer Maintenance Worker (Non-Competitive/Permanent) Lisa M. Sprada

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, Lisa M. Sprada was appointed by this Town Board to the position of Sewer Maintenance Worker effective August 2, 2011; AND

WHEREAS, Ms. Sprada has successfully completed eighteen (18) months in the title and is eligible to be promoted to the position of Senior Sewer Maintenance Worker; NOW, THEREFORE, BE IT

RESOLVED, that Lisa M. Sprada of Cheektowaga, New York be and hereby is appointed to the position of Senior Sewer Maintenance Worker in the Sewer Maintenance Division under the terms and conditions of the bargaining agreement between the Town and the Town of Cheektowaga Employees Association effective February 2, 2013.

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



14. RESOLUTION 2013-70

Travel Authorization Youth and Recreational Services/Program Coordinator Jillian Gorman-King and Recreation Attendant Deanna Szymkowiak

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Association of New York State Youth Bureaus Youth Leadership Forum is being held February 11 through February 12, 2013, in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King and Recreation Attendant Deanna Szymkowiak have been recommended 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 \$500; AND

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

RESOLVED, that Program Coordinator Jillian Gorman-King and Recreation Attendant Deanna Szymkowiak be and hereby are authorized to attend , the Association of New York State Youth Bureaus Youth Leadership Forum being held February 11 through February 12, 2013, in Albany, New York.

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



15. RESOLUTION 2013-71

Travel Authorization Police Department/Senior Public Safety Dispatcher Paul Hockwater, Public Safety Dispatchers Gary Budzynski, Nadine Majewski and Jeffrey Place

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Active Shooter for Dispatchers Course is being held on February 27, 2013, in Boston, Massachusetts; AND

WHEREAS, Senior Public Dispatcher Paul Hockwater, Public Safety Dispatchers Gary Budzynski, Nadine Majewski and Jeffrey Place 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 \$2,280.46; AND

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

RESOLVED, that Senior Public Dispatcher Paul Hockwater, Public Safety Dispatchers Gary Budzynski, Nadine Majewski and Jeffrey Place be and hereby are authorized to attend the Active Shooter for Dispatchers Course being held on February 27, 2013, in Boston, Massachusetts.

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



16. RESOLUTION 2013-72

Travel Authorization Police Department/Captain James Speyer and Captain Scott Pilat

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Comp TIA A+ Certification Part 2 is being held February 4 through February 8, 2013 in Amherst, New York; AND

WHEREAS, Captain James Speyer and Captain Scott Pilat have been recommended to attend said certification class; 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 \$2,870; AND

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

RESOLVED, that Captain James Speyer and Captain Scott Pilat be and hereby are authorized to attend the Comp TIA A+ Certification Part 2 being held February 4 through February 8, 2013 in Amherst, New York.

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

IV. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the rules to include the following three resolutions: 2013-73; 2013-74 and 2013-75. Motion Carried.



1. RESOLUTION 2013-73

Retain Stenographers for 2013

Sponsored By: Councilmember Markel, Councilmember Rogowski

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 2013 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 2013.

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



2. RESOLUTION 2013-74

Authorize Supervisor to Sign Agreement

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, The court system provides language and sign interpreters in proceedings for persons of Limited English Proficiency and those who are deaf or hard of hearing. In all proceedings parties are provided with interpreters to ensure that they clearly comprehend and are able to participate in legal proceedings; AND

WHEREAS, The New York State Unified Court System (UCS) is committed to ensuring that legal proceedings conducted in New York's courts and court agencies are equally accessible to all persons regardless of an individual's ability to communicate effectively in the spoken English language. Court interpreters serve a fundamental role, the Unified Court System has given a high priority to the development and implementation of selection procedures to ensure that court interpreters have the necessary language proficiency to perform their duties competently and professionally; AND

WHEREAS, the Justice Court will contract with individuals on a per diem basis, as needed, to provide interpreting services ("per diem" court interpreters). Per diem interpreters are not employees of the court system; they are hired for the day and paid a per diem rate. A voucher is submitted with supporting documentation in order for per diem interpreters to receive payment; AND

WHEREAS, the 8th Judicial District maintains a registry of individuals who have successfully completed a written English proficiency screening certification examination and an oral assessment in English and the other languages. The languages for which the court system provides proficiency examinations are:

Albanian,	Greek	Polish	Mandarin
Arabic	Haitian	Creole	Russian
Bengali	Italian	French	Spanish
Cantonese	Korean	Portuguese	Vietnamese

The court system uses this registry as a primary resource for selecting per diem court interpreters in those languages; AND

WHEREAS, by virtue of lack of available "per diem" court interpreters in particular foreign languages, the justice court seeks to create a customer profile with an "over-the-phone" interpretation service provider; AND

WHEREAS, the pricing is based on New York State OGS pricing, Contract PS63093 from, funding has been allocated from budget line #100-1110-4592 for said services, AND

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is authorized to execute all Agreement(s) with Language Line Services for the above services that may be required by the Justice Court, all subject to approval of same by the Town Attorney's Office

Language Line Services, Inc.
1 Lower Ragsdale Drive, Bldg 2
Monterey, CA 93940

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



3. RESOLUTION 2013-75

Approve Submission of FY2013 Annual 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 \$200,815 in HOME Investment Partnership funds for the 2013 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 5, 2012 and January 22, 2013, 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 2013 to the Department of Housing and Urban Development for the 2013 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
2013 Program Year

Town of Cheektowaga

Dispositions	\$ 1,000
Housing Rehabilitation - Single Family Owner-Occupied Units	195,000
Housing Rehabilitation - Multi-Family Owner-Occupied Units	30,000
Inspections	200,326
Rehabilitation Activity Delivery Costs - Staff & other program expenses	6,517
Environmental Hazard Testing (Lead Paint, Asbestos & Mold)	15,000
Weatherization	5,000
Housing Counseling Services	5,000
Domestic Violence Program	9,000
Fair Housing	200
Public Safety - Police Foot Patrols	33,000

Summer Day Camp for Children	21,000
Senior Citizen Services Outreach Assistant Administration	9,000
Contingency B Un-programmed Funds	242,063
	<u>2,425</u>
	774,531

Village of Depew

Sidewalk Replacement	40,000
Public Safety-Police Foot Patrols	19,640
Senior Citizen Van Driver	9,000
Senior Services Center Support Staff	<u>11,000</u>
	79,640

Village of Sloan

Demolitions	20,000
Purchase of playground equipment for parks	4,170
Purchase of recreational equipment for Recreation Center	<u>4,000</u>
	<u>28,170</u>

Total 2013 Anticipated CDBG Allocation 882,341

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

Total Projected Available Funds for CDBG Activities \$ 1,382,341

HOME Investment Partnership Program Funds

First-Time Homebuyers Program: \$ 30,000
 Loans of up to \$5,000 for closing cost & downpayment assistance for First-Time Homebuyers

Community Housing Development Organization (CHDO) disposition costs 5,000

Housing Rehabilitation:
 Funds will be used for rehabilitation of owner-occupied housing units in the Town of Cheektowaga 165,815

Total Projected Available Funds for HOME Activities \$ 200,815

Attachments:

Budget - 2013-Final-Letterhead (DOC)

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

V. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - December 2012**
2. **Minutes: Cheektowaga Public Library - Board of Trustees - January 16, 2013**

B. General Communications

1. **Notice of Claim: Susanna Ramos 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. Time 7:34 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, February 12, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on February 12, 2013 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

II. Resolutions



1. RESOLUTION 2013-76

Adopt Policy on Recording Devices in the Workplace

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, this Town Board previously adopted policies relating to Town employees in the workplace, and

WHEREAS, in order to prevent harassment, secure individual privacy, protect confidential information and foster harmony in the workplace, this Town Board feels that the use of recording devices (video and audio) in the workplace should be prohibited, and

WHEREAS, a policy concerning Recording Devices in the Workplace has been prepared by the Coordinator of Employee Relations, Town Attorney and outside counsel, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the attached "Recording Devices in the Workplace" policy, effective immediately, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward copies of this policy to all Town Department Heads, and BE IT FURTHER

RESOLVED, that a copy of said Policy shall be posted by the Town Department Heads on the bulletin boards in their respective departments.

RECORDING DEVICES IN THE WORKPLACE TOWN OF CHEEKTOWAGA 2/12/13

To prevent harassment, secure individual privacy, protect confidential information, and foster harmony among employees, the Town Council prohibits employee use of cameras, camcorders, tape recorders, the camera and video and audio recording functions of cellular phones, and other recording devices (audio or video) in the workplace.

Accordingly, employees are prohibited from using any such recording device in the workplace, unless specific advanced written authorization has been obtained from the Coordinator of Employee Relations.

Authorization to use a recording device may be granted when the Coordinator of Employee Relations determines that a specific Town business purpose will be served. The Coordinator of Employee Relations must further determine that the use of such a device will not (1) violate the privacy of any employee or other individual, (2) harass or intimidate any employee or other individual, (3) allow the collection of any confidential or private information, (4) disrupt the work process. If authorization is granted by the Coordinator of Employee Relations, all parties to a meeting or conversation (including phone conversation) that is to be recorded must be informed

at its outset that it will be recorded and must be asked to consent to the recording, either in writing or on the recording.

Employees should regard this policy as an explicit statement that the employer does not consent to the video and/or audio recording of any meeting or discussions without prior authorization as discussed above.

Nothing herein shall limit the ability of the Town of Cheektowaga, consistent with controlling law, to make a recording, without prior notice or consent, or to use any recording made without notice or consent in the performance of its duties and responsibilities. Examples of such non-limited use shall include, but not limited to, videotaping a town facility for security camera footage.

Employees with questions about this policy should contact their supervisor or the Coordinator of Employee Relations.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Wednesday, February 20, 2013

6:45 PM

Council Office

I. Call to Order

6:45 PM Meeting called to order on February 20, 2013 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

Patrick Bowen, Engineering Department
Ellen Fischer, Executive Director - Youth Board
Carla A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
Mike Lumadue, Deputy Highway Superintendent
Anthony Romano, Coordinator of Employee Relations
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. Rezoning Request 3393 Union Rd. & 2245 Walden Ave.

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 2013-77

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

SPECIAL DISTRICTS

FROM:	255.8135.4021	MAINTENANCE SUPPLIES	\$1,563.00
	150.1910.2799	APPROPRIATED FUND BALANCE	1,503,135.20
	150.8160.4469	LANDFILL COSTS	19,717.00
	255.8125.4021	MAINTENANCE SUPPLIES	4,489.00
	255.8125.4141	CHEMICALS	3,041.00
TO:	255.8135.4164	GAS,OIL,GREASE	\$1,563.00
	150.8160.2501	MISCELLANEOUS EQUIPMENT	1,503,135.20
	150.8160.4160	DIESEL FUEL	19,715.00
	150.8160.4470	SOLID WASTE MNGMT BOARD	2.00
	255.8125.4163	GAS,OIL,GREASE	2,713.00
	255.8125.4351	RR PROPERTY RENTALS	134.00
	255.8125.4431	EQUIPMENT REPAIRS	4,683.00

PART TOWN

FROM:	800.3620.2770	PERMITS & INSPECTIONS	\$16,672.00
TO:	800.3620.2201	OFFICE EQUIPMENT	\$1,624.00
	800.3620.4071	UNIFORMS	1,240.00
	800.3620.4514	ACQUISITION OF PROPERTIES	9,100.00
	800.3620.4561	CONTRACTED SERVICE	4,708.00

GENERAL FUND

FROM:	100.1410.1971	PT REGULAR	\$3,067.00
	100.1430.4088	TRAVEL TRAINING & CONFERENCES	312.00
	100.1440.4001	OFFICE SUPPLIES	19.00
	100.1625.4217	UTILITIES	19,342.00
	100.1110.4592	CONTRACTED CLERICAL	2,390.75
	100.1220.4088	TRAVEL TRAINING & CONFERENCES	996.00
	100.1320.4145	PROFESSIONAL SERVICES	2,498.00
	100.1355.4323	CONTRACTED	1,297.00
	100.1315.4011	PRINTED FORMS	852.00
	100.3510.4211	ELECTRIC	907.00
	100.5132.4221	GAS	384.00
	100.7110.4022	SUPPLIES	6,958.00
	100.7110.4451	BLDG & GRNDS MAINT & REPAIR	58,300.00
	100.7140.4491	SPECIAL EVENTS	200.00
	100.7310.4681	IN SERVICE TRAINING	2,721.00
	100.7310.4689	YOUTH CONSERVATION CORP	507.00
	100.7550.2040	CRABAPPLE FESTIVAL REVENUE	5,175.00
	100.7550.2039	POLISH FESTIVAL REVENUE	8,883.00
	100.7550.4379	WAR OF 1812 CEMETERY	216.00
	100.7620.4624	SENIOR CENTER PROGRAMS	641.00

	100.1640.4441	EQUIPMENT REPAIR	4,572.00
	100.1640.4161	GASOLINE	14,916.00
	100.1640.4021	MAINTENANCE SUPPLIES	4,566.00
	100.1640.4442	EQUIPMENT REPAIR	3,979.00
	100.3120.2501	POLICE OTHER EQUIPMENT	3,647.00
TO:	100.1410.2201	OFFICE EQUIPMENT	\$153.00
	100.1410.4001	OFFICE SUPPLIES	770.00
	100.1410.4111	PUBLISHING NOTICES	1,651.00
	100.1410.4188	EQUIPMENT RENTAL	493.00
	100.1430.4754	DRUG TESTING	312.00
	100.1440.4325	COPY MACHINE SUPPLIES	19.00
	100.1625.4202	TELEPHONE	19,342.00
	100.1110.4001	OFFICE SUPPLIES	1,784.73
	100.1110.4013	LAW BOOKS	606.02
	100.1220.4001	OFFICE SUPPLIES	996.00
	100.1220.4957	GRANT DEVELOPMENT	2,498.00
	100.1355.2005	OFFICE EQUIPMENT	1,153.00
	100.1355.4082	CONFERENCES & SEMINARS	144.00
	100.1315.4431	MAINTENANCE AGREEMENT	852.00
	100.3510.4221	GAS	907.00
	100.5132.4231	WATER	384.00
	100.7110.2304	EQUIPMENT	6,958.00
	100.7110.2304	EQUIPMENT	58,300.00
	100.7140.4999	CREDIT CARD EXPENSE	200.00
	100.7310.2501	OTHER EQUIPMENT	3,189.00
	100.7310.4693	ADAPTED REC	39.00
	100.7550.4375	CRABAPPLE FESTIVAL	5,175.00
	100.7550.4374	POLISH FESTIVAL	8,883.00
	100.7550.4382	FIREMEN RECOGNITION DAY	216.00
	100.7620.4491	SPECIAL EVENTS	641.00
	100.1640.4443	EQUIPMENT REPAIR	4,572.00
	100.1640.4163	DIESEL PURCHASES	23,461.00
	100.3120.2204	COMPUTER EQUIPMENT	2,692.00
	100.3120.4091	AMMUNITION	755.00
	100.3120.4433	GENESEE STORE FRONT	200.00

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



2. RESOLUTION 2013-78

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 15, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$263,977.07
RISK RETENTION FUND	49,682.58
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	11,267.00
SPECIAL DISTRICTS FUND	923,481.27
HIGHWAY FUND	65,175.48
CAPITAL FUND	174,396.21
TRUST & AGENCY FUND	6,674,011.38
HUD CDBG FUND	315,370.91
PART TOWN FUND	26,778.50
NYS AFFORDABLE HOUSING	27,207.00
	<hr/>
	\$8,531,347.40

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2013-79

Award Contract for Removal of Snow & Ice on 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 Notice to Bidders for Furnishing Equipment and Operators for the Removal of Snow & Ice on Various Properties in the Town of Cheektowaga for the Year 2013 (Bid No. 2013-2 BLD); 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 has recommended that this Town Board award the contract to Concrete Depot 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 2013 be awarded to Concrete Depot of WNY, Inc., 248 North Brier Road, Amherst, New York, 14228, 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 Concrete Depot of WNY, Inc. for the aforesaid services, subject to approval by the Town Attorney.

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



4. RESOLUTION 2013-80

Award of Bid for Clean-Up and Grass Cutting, Etc. of Various Properties

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for Furnishing Equipment and Operators for the Clean Up and Grass Cutting, Etc. Of Various Properties in the Town of Cheektowaga (Bid No. 2013-1 BLD) for the Office of Building Inspections, Housing & Neighborhood Preservation Division for 2011, which bids were duly received and opened on January 30, 2013 by the Town Clerk; and

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

WHEREAS, the Supervising Code Enforcement Officer recommends that the contract for the Furnishing Equipment and Operators for the Clean Up and Grass Cutting, Etc. Of Various Properties in the Town of Cheektowaga be awarded to Gardenville Landscaping and Nursery, LLC for its submission of the lowest bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Furnishing Equipment and Operators for Clean Up and Grass Cutting, Etc. Of Various Properties in the Town of Cheektowaga for 2013 be and hereby is awarded to Gardenville Landscaping and Nursery, LLC, 3069 Clinton Street, West Seneca, New York 14224 for the bid prices listed in its proposal, being the lowest responsible bid meeting the requirements of the specifications for said bid item; and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Gardenville Landscaping and Nursery, LLC for the aforesaid service.

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



5. RESOLUTION 2013-81

Negative SEQR Declaration - 3393 Union Road & 2245 Walden Avenue

Sponsored By: Markel, Kaminski, Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. And renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Benderson Development Co., LLC for the rezoning of 3393 Union Road and 2245 Walden Avenue from M1- Light Manufacturing to C-Retail Business, AND

WHEREAS, the applicant desires to demolish two existing non-conforming retail buildings totaling 10,544 s.f. and construct a new 6,000 s.f. retail building on the premises and re-construct 10,000 s.f. of an existing 15,206 s.f. retail building at 3385 Union Road which is contiguous to the subject properties, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 13, 2013 recommended a determination of non-significance as shown on the attached memorandum dated February 13, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at their meeting of January 10, 2013, 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 Cheektowaga Zoning Board of Appeals granting the necessary area variances.
2. The Town Engineer reviewing and approving the grading /drainage plan.

3. The applicant submit a separate site plan for any combined use of the undefined island areas along his easterly property line.

Attachments:

Final Revised Site Plan_ 3393 Union_2245 Walden (PDF)

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



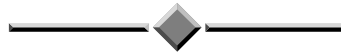
6. RESOLUTION 2013-82

Call for Public Hearing- Special Use Permit Request
Proposed Tim Hortons, 3465 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, THD Group with the permission of the owner Hospitality West, LLC has made application and requested a special use permit to establish an accessory drive through window for a proposed fast food restaurant at 3465 Union Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 4th, 2013 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 4th day of March, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

THD Group

for a special use permit for an accessory drive though window for a proposed fast food restaurant at 3465 Union 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, ERIE COUNTY, STATE OF NEW YORK.

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

BEGINNING at a point on the east line of Union Road, as presently laid out, at its intersection with the northerly line of a certain map filed in the Erie County Clerk's Office under Map Cover No.293; Thence northerly along the present east line of Union Road a distance of 177.70 feet to a point; Thence easterly at an interior angle of 90°38'40" a distance of 110.75 feet to a point of curvature; Thence continuing easterly along a curved line to the right having a

radius of 130.0 feet, and arc distance of 14.41 feet to a point of tangency; Thence continuing easterly along a line tangent to the aforementioned curve a distance of 75.89 feet to a point; Thence southerly at an interior angle of 96°11'09" a distance of 168.13 feet to a point in the north line of said Map Cover 293; Thence westerly at an interior angle of 90°16'02" and running along the north line of said Map Cover 293 a distance of 202.06 feet to the point in the present east line of Union Road, being the point and place of beginning.

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



7. RESOLUTION 2013-83

Call for a Public Hearing on Local Law Intro No. 2013-2 to Amend the Streets and Sidewalks Law

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by Local Law No. 4 of the Year 1991, this Town Board amended Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) with a new Article VI to have the Town share the cost of relaying or repairing sidewalks with the property owner, and

WHEREAS, Section 210-36 currently provides that the Town's share of the cost for relaying or repairing sidewalks shall be "\$40 per five-foot linear block", and

WHEREAS, the cost of concrete has continued to rise; also, the Highway Department has identified a new system to shave/cut a sidewalk so that it does not have to be replaced, and

WHEREAS, based on the above, it has been recommended that this Town Board amend Section 210-36 to provide that the Town's share of the cost to relay or repair a five-foot linear block be 40% of the total cost of relaying or repairing said sidewalk block, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law to Amend the Streets and Sidewalks Law", NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 4th day of March, 2013 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2013-2 of the Year 2013, entitled "A Local Law to Amend the Streets and Sidewalks Law" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 4th day of March, 2013 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2013-2 of the Year 2013, entitled "A Local Law to Amend the Streets and Sidewalks Law". A summary of such Local Law is as

follows:

LOCAL LAW NO. 2013-2 OF THE YEAR 2013

A LOCAL LAW TO AMEND THE STREETS AND SIDEWALKS LAW

This local law would revise Section 210-36 of the Town Code, which provides that the Town will share the cost of relaying or repairing a five-foot linear block of sidewalk from \$40 per block to 40% of the cost to relay or repair a sidewalk block.

A copy of the entire text of Local Law Intro No. 2013-2 is on file in the Town Clerk's Office, where the same may be viewed during regular business hours

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

Dated: February 20, 2013

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



8. RESOLUTION 2013-84

Notice to Bidders - Manhole/Catch Basin Frames and Covers (Bid 2013-7)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, it is in order that bids be advertised for the purchase of Manhole/Catch Basin Frames and Covers for the year of 2013 (Bid 2013-7) 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 Manhole/Catch Basin Frames and Covers for the year of 2013, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 6th day of March, 2013 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 6, 2013 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of Manhole/Catch Basin Frames and Covers for the Sewer Maintenance and Highway Departments.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Manhole/Catch Basin Frames and Covers" and submitted to the Town Clerk prior to bid opening.

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

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

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

Alice Magierski
Town Clerk

DATED: February 20, 2013

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



9. RESOLUTION 2013-85

Notice to Bidders One (1) New and Unused 2013 Model Knuckle Boom Brush Loader and Dump Body (Bid 2013-8)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New and Unused 2013 Model Knuckle Boom Brush Loader and Dump Body 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 March 6, 2013 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 Office to open bids on the aforesaid items at a public bid opening on Wednesday March 6, 2013, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1), New and Unused, 2013 Model Knuckle Boom Brush Loader and Dump Body 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 March 6, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magerski, Town Clerk at his office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR ONE (1), NEW AND UNUSED, 2013 NEWER MODEL KNUCKLE BOOM BRUSH LOADER AND DUMP BODY. 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: February 20, 2013

PUBLISHED :February 21, 2013

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



10. RESOLUTION 2013-86

Notice to Bidders for Demolition with Asbestos Abatement Of 30-32 Euclid Avenue and 75 East End Avenue, Cheektowaga, N.Y. (2013-9)

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 the following referenced properties in the Town of Cheektowaga: 30-32 Euclid Avenue and 75 East End 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 (2013-9) of the structures located on the following referenced properties in the Town of Cheektowaga: 30-32 Euclid Avenue and 75 East End 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, March 6, 2013 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on WEDNESDAY, MARCH 6, 2013 AT 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of structures located at 30-32 Euclid Avenue and 75 East End 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: February 20, 2013

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



11. RESOLUTION 2013-87

Bond Resolution - Sidewalks

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED FEBRUARY 20, 2013, 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 February 20, 2013, 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 February 20, 2013, 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: February 20, 2013

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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



12. RESOLUTION 2013-88

Bond Resolution - Highway Drainage

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED FEBRUARY 20, 2013, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,925,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,925,000 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 \$1,925,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,925,000 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 \$1,925,000 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 February 20, 2013, 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 February 20, 2013, authorizing the construction of drainage improvements on Town highways, stating the estimated maximum cost thereof is \$1,925,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,925,000 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 \$1,925,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,925,000 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 \$1,925,000 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: February 20, 2013

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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



13. RESOLUTION 2013-89

Bond Resolution - Highway Repaving

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED FEBRUARY 20, 2013,
AUTHORIZING THE PARTIAL RECONSTRUCTION AND
RESURFACING OF VARIOUS TOWN HIGHWAYS, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$1,650,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF \$1,650,000 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 \$1,650,000 and said amount is hereby
appropriated for such purpose. The plan of financing includes the issuance of \$1,650,000 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 \$1,650,000 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 February 20, 2013, 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 February 20, 2013, authorizing the partial reconstruction and resurfacing of various Town highways, stating the estimated maximum cost thereof is \$1,650,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,650,000 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 \$1,650,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,650,000 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 \$1,650,000 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 \$1,650,000 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: February 20, 2013

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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



14. RESOLUTION 2013-90

Install Luminaire on Homewood Avenue

Sponsored By: Supervisor Holtz, Councilmember Kaminski

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to install one (1) 100 watt high pressure sodium cobra head street light on the east side of Homewood Avenue on Pole No. 15, Line No. 416, to be mounted on a 22' long bracket arm in accordance with the NYSEG Proposal dated February 8, 2013, at an annual increase to the General Lighting District of \$123.19, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to submit a copy of this resolution to:

Mr. Jack Frost
NYSEG Marketing Department
150 Erie Street
Lancaster, New York 14086-1945

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



15. RESOLUTION 2013-91

Cooperation Agreement for HOME Investment Partnership Program

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

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

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

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

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized to execute a three-year Cooperation Agreement with the Towns of Amherst and Tonawanda for federal Fiscal Years 2014, 2015 and 2016 for the purpose of forming a Consortium to participate in the HOME Investment Partnership Program.

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



16. RESOLUTION 2013-92

Authorize Supervisor to Sign Supplemental Agreement with Greenman Pedersen, Inc. for the Rehabilitation of the Rein Road Bridge

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga was awarded a grant for Federal Highway Bridge Rehabilitation and Replacement (HBRR) Funds to rehabilitate the Rein Road Bridge over Ellicott Creek, PIN 5758.38, which grant is required to be administered in accordance with New York State Department of Transportation guidelines and procedures for Locally Administered Federal Aid Projects, AND

WHEREAS, by resolution dated October 4, 2010 this Town Board authorized the Town Supervisor to execute a Federal Aid Local Project Agreement for the Preliminary Engineering (Design I-VI) phase of said project with the apportionment cost of this project to be at the ratio of 80% Federal funds and 20% non-Federal funds, AND

WHEREAS, under the Procedures for Locally Administered Federal Aid Projects the Town, by resolution dated September 19, 2011, engaged the firm of Abate Associates, Engineers and Surveyors P.C., which firm following a merger is now known as Greenman-Pederson, Inc., for preliminary and final design services, Phases I - IV, AND

WHEREAS, the approved Scope of Services with Greenman Pederson, Inc. did not include any right-of-way tasks which has been determined to be necessary to advance this bridge rehabilitation project design, AND

WHEREAS, the Planning and Coordinating Committee of the Greater Buffalo-Niagara Regional Transportation Council and U.S. Department of Transportation Federal Highway Administration has approved of the need for right-of-way acquisition as a necessary grant funded component of this project eligible for 80% reimbursement with a total component project cost of \$19,195.00 eligible for grant reimbursement in the amount of \$15,356.00, AND

WHEREAS, there is a need to amend the agreement with Greenman Pedersen, Inc. to include ROW tasks for said project, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Greenman Petersen, Inc. dated January 30, 2013, being a ROW Supplemental Agreement providing for Right-of-Way incidentals for the referenced project in an amount not to exceed \$15,704.00, be and hereby is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is directed and authorized to sign said Supplemental Agreement with Greenman Pederson, Inc., AND, BE IT FURTHER

RESOLVED, that the cost of said Supplemental Right-of-Way professional services shall be chargeable to Account #300-9950-8000 of which 80% is eligible for Federal Grant funded reimbursement.

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



17. RESOLUTION 2013-93

Agreement Catholic Charities (YES)

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 upon approval of the Town Attorney, the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2013 through December 31, 2013 with a total payment to Catholic Charities not to exceed the sum of \$56,040.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

RESULT:	ADOPTED [5 TO 0]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSTAIN:	Charles Markel
ABSENT:	Patricia Jaworowicz



18. RESOLUTION 2013-94

Agreement 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 upon approval of the Town Attorney, the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2013 through December 31, 2013 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 [5 TO 0]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Rogowski, Kaznowski, Kaminski, Wozniak
ABSTAIN:	Charles Markel
ABSENT:	Patricia Jaworowicz



19. RESOLUTION 2013-95

Agreement with Public Library

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 upon approval of the Town Attorney, the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2013 through December 31, 2013 with a total payment to Catholic Charities not to exceed the sum of \$56,040.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

RESULT:	WITHDRAWN
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20. RESOLUTION 2013-96

Retain Wendel Duchscherer for GIS Asset Management and Mapping Program

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, by resolution dated April 16, 2007 the Town engaged the firm of Wendel Duchscherer Architects and Engineers to provide professional services associated with the initiation and development of a Geographic Information System (GIS) and Internet mapping system covering a limited portion of the Town's storm and sanitary sewer infrastructure which also included the development of data collection software and staff training, AND

WHEREAS, there is a need to expand upon the previous phases of this program which will ultimately enhance the Town's ongoing Operation and Maintenance Programs providing a detailed mapping and data base of the Town's wastewater collection and storm sewer infrastructure assets, AND

WHEREAS, the Western New York Stormwater Coalition has embarked on a project, funded through a grant issued by the NYSDEC, to develop GIS mapping of the stormwater systems of participating communities throughout the region, and as a participating member of the coalition, the Town is able to avail themselves of these mapping services, and wish to assist them by digitizing the Town's stormwater infrastructure in the southern portion of the Town, AND

WHEREAS, Wendel Duchscherer has submitted a proposal to the Town Engineer dated February 14, 2013 for the continued development of the aforementioned Geographic Information System (GIS) Asset Management and Mapping Program which will expand upon the digitizing effort for the completion of approximately 90% of the Town's drainage system infrastructure 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 \$10,930.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Letter of Agreement with Wendel Duchscherer for the above services, AND, BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from the Town-Wide Drainage District Account No. 400-8140-4581 in the amount of \$8,330.00 and the Consolidated Sanitary Sewer District Account No. 255-8125-4581 in the amount of \$2,600.00.

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



21. RESOLUTION 2013-97

Corrections on Part-Time Wage Resolution

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following corrections be made to resolution 2013-18:

Patricia F. Wojcinski is an employee in the Senior Services department and Catherine M. Albee is a Part-time Recreation Attendant.

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



22. RESOLUTION 2013-98

Authorization of Student Interns (Police Department)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, Teresa Farruggio of Depew, New York (a student at Bryant & Stratton College) and Joseph Lucarelli of Lancaster, New York (a student at Buffalo State 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 Teresa Farruggio of Depew, New York and Joseph Lucarelli of Lancaster, 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 February 21, 2013 through May 31, 2013; AND, BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate these student's 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



23. RESOLUTION 2013-99

Reinstatement of Automotive Mechanic (Non-Competitive/Permanent) Central Garage/Michael J. Maue

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that Michael J. Maue of Depew, New York, be and hereby is reinstated to the title of Automotive Mechanic in the Central Garage 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 February 21, 2013.

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



24. RESOLUTION 2013-100

Travel Authorization (Police Department)/Sergeant Lawrence Bauer and Police Officers David Filipski, Jonathan Ober, Thomas Rogers and Jeffrey Schmidt

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Glock Armorer's Course is being held March 12, 2013 at the State University of New York at Buffalo Police Department - Main Street Campus; AND

WHEREAS, Sergeant Lawrence Bauer and Police Officers David Filipski, Jonathan Ober, Thomas Rogers and Jeffrey Schmidt 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 \$1,264.21; AND

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

RESOLVED, that Sergeant Lawrence Bauer and Police Officers David Filipski, Jonathan Ober, Thomas Rogers and Jeffrey Schmidt be and hereby are authorized to attend the Glock Armorer's Course being held March 12, 2013 at the State University of New York at Buffalo Police Department - Main Street Campus.

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



25. RESOLUTION 2013-101

Travel Authorization (Police Department)/Detective Joseph Crean and Police Officers Jeffrey Schmidt and Michael Striejewske

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the New York Tactical Officers Association Expo and Conference is being held April 23-25, 2013 in Verona, New York; AND

WHEREAS, Detective Joseph Crean, Police Officers Jeffrey Schmidt and Michael Striejewske have 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 \$1,689.97; AND

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

RESOLVED, that Detective Joseph Crean, Police Officers Jeffrey Schmidt and Michael Striejewske be and hereby are authorized to attend the New York Tactical Officers Association Expo and Conference being held April 23-25, 2013 in Verona, New York.

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



26. RESOLUTION 2013-102

Travel Authorization (Accounting Department)/Director of Administration and Finance Brian Krause

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Government Finance Officers Association Annual Conference is being held April 10-12, 2013 in Albany, New York; AND

WHEREAS, Director of Administration and Finance Brian Krause has been recommended to attend said conference; AND

WHEREAS, Director of Administration and Finance Brian Krause has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$846.50; AND

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

RESOLVED, that Director of Administration and Finance Brian Krause be and hereby is authorized to attend the New York State Government Finance Officers Association Annual Conference being held April 10-12, 2013 in Albany, New York.

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 b Councilmember Markel to Waive the Rules to Include the Following Three (3) Resolutions: 2013-103; 2013-104 and 2013-105. Councilmember Wozniak motioned to table Resolution 2013-105. There was no second. Motion Failed.

The three (3) resolutions are included in this meeting.



1. RESOLUTION 2013-103

2013 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 2013 Family Support Service Contract (C 023360 #4) 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



2. RESOLUTION 2013-104

Authorize Supervisor to Execute Grant Application for Housing & Neighborhood Preservation Dept.

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to enhance access to Town records; and

WHEREAS, the Town of Cheektowaga wishes to improve access to records maintained by the Housing and Neighborhood Preservation Department; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State 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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Patricia Jaworowicz



3. RESOLUTION 2013-105

Authorize Posting of Job Openings on Town Website

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga wants to hire the best qualified candidates for jobs when openings become available; and

WHEREAS, the Town of Cheektowaga is obligated to follow the New York State Civil Service Law and/or the filling of job vacancies procedures as agreed to and outlined in the various collective bargaining agreements; NOW, THEREFORE, BE IT

RESOLVED, that all job openings for full time, part-time or seasonal employment, excluding those being hired from a New York State Civil Service List or through procedures outlined in the various collective bargaining agreements, to be filled by this Town Board, shall be posted on the Town of Cheektowaga website at least seven (7) calendar days prior to any action being taken by this Town Board to fill said opening; and BE IT FURTHER

RESOLVED, that the following information shall be included with the job posting on the Town's website:

- Department/Location
- Number of Positions being filled
- Job Title
- Brief outline of the Duties of the Position
- Minimum Requirements & Special Qualifications (including residency)
- Starting salary/hourly wages
- Type of position: Full-time, part-time or seasonal
- Work hours/Pass days
- How to apply for the job (including where to obtain the job application)

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

VI. Communications

A. Departmental Communications

1. **Building Permit List - January 2013**
2. **Minutes: Cheektowaga Planning Board - January 10, 2013**
3. **Minutes: Town Environmental Advisory Committee - January 16, 2013**
4. **Minutes: Cheektowaga Traffic Safety Commission - January 15, 2013**

B. General Communications

1. **Notice of Claim: Concordie Adjusters Inc Vs. Town of Cheektowaga**
2. **Notice of Claim: Robert E Przepiora Vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting.
Time: 9:07 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Tuesday, February 26, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on February 26, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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

Patrick Bowen, Engineering Department
Mark Christel, Junior Civil Engineer
John Jaroszewski, General Crew Chief, Parks Division
Michael Lumadue, Deputy Highway Superintendent
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent
David Zack, Chief of Police

II. Resolutions



1. RESOLUTION 2013-106

Authorize Supervisor to Execute Agreement with SUNY Buffalo State

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, many area colleges have student internship programs to provide practical training to their students, and

WHEREAS, the Cheektowaga Police Department has utilized student interns from various area colleges, and has found that the work they perform benefits the Police Department while giving the students hands-on training in the field of law enforcement, and

WHEREAS, SUNY Buffalo State is interested in providing this educational opportunity to its students and has submitted an Affiliation Agreement to the Town for approval by the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned Affiliation Agreement with SUNY Buffalo State, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement in behalf of the Town.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Monday, March 4, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 4, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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, Engineering Department
Carla A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
Michael Lumadue, Deputy Highway Superintendent
Lt. Mark Petruniak, CPD
Captain Scott Pilat, CPD
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Captain James Speyer, CPD
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. Special Use Permit Request Proposed Tim Hortons, 3465 Union Road

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

2. Local Law Intro 2013-1 to Amend the Zoning Law

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

3. Local Law Intro 2013-2 to Amend the Streets and Sidewalks Law

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

IV. Resolutions



1. RESOLUTION 2013-107

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1010.4088	TRAVEL, TRAINING & CONFERENCES	\$2,077.14
	100.1110.1931	VACATION SELLBACK	1,067.00
	100.1110.1971	PT REGULAR	9,492.00
	100.1110.4082	BUSINESS TRAVEL	75.00
	100.1110.4592	CONTRACTED CLERICAL	8,501.00
	100.1910.4711	CONTINGENCY	41,053.00
	100.1220.1971	PT REGULAR	115.00
	100.1315.1901	REGULAR PAYROLL	907.00
	100.1315.1932	SICK SELLBACK	148.00
	100.1355.1911	LONGEVITY	2,750.00
	100.1355.1971	PT REGULAR	2,356.00
	100.1355.4323	ASSESSOR CONTRACTED	1,897.00
	100.1355.4431	MAINTENANCE AGREEMENT	1,524.00
	100.1355.4561	CONTRACTED LEGAL	11,593.00
	100.1910.4711	CONTINGENCY	32,274.00
	100.1410.1902	OVERTIME PAYROLL	292.00
	100.1410.1931	VACATION SELLBACK	2,200.00
	100.1410.1932	SICK SELLBACK	763.00
	100.1410.1971	PT REGULAR	6,889.00
	100.1420.1971	PT REGULAR	1,776.00
	100.1420.2201	OFFICE EQUIPMENT	205.00
	100.1420.4501	CONTRACTED LEGAL	3,144.00
	100.1430.2501	OFFICE EQUIPMENT	2,251.00
	100.1430.4011	PRINTING CONTRACTS	1,500.00
	100.1430.4093	TOWN TRAINING	1,184.00
	100.1430.4751	EMPLOYEE ASSISTANCE	2,747.00
	100.1440.1931	VACATION SELLBACK	375.00
	100.1625.1951	SEASONAL REGULAR	11,911.00
	100.1625.4217	UTILITIES	5,290.00
	100.1640.1901	REGULAR PAYROLL	9,586.00
	100.1640.1902	OVERTIME PAYROLL	5,096.00
	100.1640.1914	SHIFT DIFFERENTIAL	2,209.00
	100.1640.1931	VACATION SELLBACK	1,319.00
	100.1640.1932	SICK SELLBACK	2,754.00
	100.1640.1990	OTHER PAY	1,200.00
	100.1640.4001	OFFICE SUPPLIES	1,074.00
	100.1640.4445	PARKS EQUIPMENT	1,645.00
	100.1640.4446	MAINT. & REPAIR MOTOR EQUIP.	2,300.00
	100.1640.4448	AUTO WASHING	1,605.00
	100.1910.4711	CONTINGENCY	13,586.00
	100.1685.1971	PT REGULAR	3,557.00
	100.1685.4051	RECORDS MANAGEMENT	200.00
	100.1685.4088	TRAVEL, TRAINING & CONFERENCE	106.00

	100.3610.4261	POSTAGE	1.00
	100.5132.4211	ELECTRIC	5,183.00
	100.7110.1951	SEASONAL	33,460.00
	100.7110.1971	PT REGULAR	16,333.00
	100.7140.1914	SHIFT DIFFERENTIAL	1,915.00
	100.7140.1971.1611	PT REGULAR	2,765.00
	100.7140.1971.1614	PT REGULAR	8,595.00
	100.7180.1971.1903	PT REGULAR	9,715.00
	100.7180.1971.1901	PT REGULAR	2,285.00
	100.7310.1971.1803	PT REGULAR	5,010.00
	100.7110.4211	UTILITIES	17,076.00
	100.7620.1971	PT REGULAR	4,995.00
	100.7620.4432	REPAIRS & MAINTENANCE	5,304.00
	100.7620.4624	CENTER PROGRAMS	2,053.00
	100.7620.4627	ACTIVITY GROUPS	851.00
	100.1315.1971	PT REGULAR	1,610.00
	100.1430.4001	OFFICE SUPPLIES	146.00
	100.1430.4088	TRAVEL, TRAINING & CONFERENCE	832.00
	100.1430.4752	PRE-EMPLOYMENT PHYSICAL	530.00
	100.1430.1971	PT REGULAR	370.00
	100.1910.4711	CONTINGENCY	76,551.00
	100.1680.2204	COMPUTER HARDWARE	10,167.00
	100.1680.4088	TRAVEL, TRAINING & CONFERENCE	1,654.00
	100.1680.4146	OUTSOURCING SERVICES	1,020.00
	100.1680.4206	INTERNET SERVICES	1,885.00
TO:	100.1010.1901	REGULAR PAYROLL	\$1,535.78
	100.1010.1911	LONGEVITY	470.00
	100.1010.1931	VACATION SELLBACK	71.36
	100.1110.1901	REGULAR PAYROLL	28,440.00
	100.1110.1902	OVERTIME PAYROLL	5,919.00
	100.1110.1911	LONGEVITY	2,720.00
	100.1110.1932	SICK SELL BACK	132.00
	100.1110.2105	EQUIPMENT	22,977.00
	100.1220.1901	REGULAR PAYROLL	115.00
	100.1315.1902	OVERTIME PAYROLL	907.00
	100.1315.1911	LONGEVITY	15.00
	100.1315.1931	VACATION SELLBACK	133.00
	100.1355.1901	REGULAR PAYROLL	13,172.00
	100.1355.1902	OVERTIME PAYROLL	308.00
	100.1355.1932	SICK SELLBACK	40.00
	100.1355.1990	OTHER PAY	6,600.00
	100.1355.4575	CONTRACTED APPRAISALS	32,274.00
	100.1410.1901	REGULAR PAYROLL	7,709.00
	100.1410.1911	LONGEVITY	2,435.00
	100.1420.1901	REGULAR PAYROLL	2,593.00
	100.1420.1911	LONGEVITY	485.00
	100.1420.1931	VACATION SELLBACK	2,047.00
	100.1430.1901	REGULAR PAYROLL	2,934.00
	100.1430.1911	LONGEVITY	195.00
	100.1430.1931	VACATION SELLBACK	1,053.00
	100.1430.4502	LEGAL	3,500.00
	100.1440.1917	CLOTHING ALLOWANCE	375.00
	100.1625.1902	OVERTIME PAYROLL	4,778.00

100.1625.1911	LONGEVITY	2,800.00
100.1625.1914	SHIFT DIFFERENTIAL	6,395.00
100.1625.1931	VACATION SELLBACK	1.00
100.1625.1932	SICK SELLBACK	166.00
100.1625.1971	PT REGULAR	3,061.00
100.1640.1911	LONGEVITY	2,300.00
100.1640.2502	POOL CARS	40,074.00
100.1685.1901	REGULAR PAYROLL	2,962.00
100.1685.1911	LONGEVITY	300.00
100.1685.4001	OFFICE SUPPLIES	601.00
100.3610.4001	OFFICE SUPPLIES	1.00
100.5010.1901	REGULAR PAYROLL	1,251.00
100.5010.1931	VACATION SELLBACK	3,932.00
100.7110.1901	REGULAR PAYROLL	46,639.00
100.7110.1911	LONGEVITY	3,050.00
100.7110.1932	SICK SELLBACK	104.00
100.7140.1901	REGULAR PAYROLL	12,928.00
100.7140.1911	LONGEVITY	300.00
100.7140.1932	SICK SELLBACK	47.00
100.7180.2055	POOL	12,000.00
100.7310.1901	REGULAR PAYROLL	4,180.00
100.7310.1911	LONGEVITY	750.00
100.7310.1932	SICK SELLBACK	80.00
100.7550.4374	POLISH FESTIVAL	15,613.00
100.7550.4375	CRABAPPLE FESTIVAL	1,463.00
100.7620.1901	REGULAR PAYROLL	12,035.00
100.7620.1911	LONGEVITY	1,100.00
100.7620.1932	SICK SELLBACK	68.00
100.1315.4011	PRINTED FORMS	812.00
100.1430.4502	LEGAL PERSONNEL	2,676.00
100.1670.1901	REGULAR PAYROLL	1,669.00
100.1670.1911	LONGEVITY	900.00
100.1670.1932	SICK SELLBACK	41.00
100.1680.1901	REGULAR PAYROLL	14,320.00
100.1680.1902	OVERTIME PAYROLL	14,747.00
100.1680.1911	LONGEVITY	450.00
100.1680.2202	NETWORK HARDWARE	50,298.00
100.1680.4001	OFFICE SUPPLIES	15.00
100.1680.4431	HARDWARE MAINTENANCE	2,992.00
100.1680.4434	SOFTWARE MAINTENANCE	4,692.00
100.1680.4437	POOLED MAINTENANCE COSTS	1,153.00

SPECIAL DISTRICTS

FROM:	150.8160.1951	SEASONAL REGULAR	\$23,948.00
	150.8160.1971	PT REGULAR	10,243.00
	150.1910.5901	ALLOCATION FOR PFOHL	9,858.00
	255.8125.1902	OVERTIME PAYROLL	5,650.00
	150.8160.2209	OFFICE EQUIPMENT	247.00
	255.8135.1902	OVERTIME PAYROLL	13,265.00
	255.8135.1914	SHIFT DIFFERENTIAL	1,023.00
	255.8135.1931	VACATION SELLBACK	1,275.00
	255.8135.1951	SEASONAL REGULAR	7,978.00
	255.8135.4217	UTILITIES	35,915.00

	400.8140.4430	DETENTION BASIN MAINT.	437.00
TO:	150.8160.1901	REGULAR PAYROLL	\$21,815.00
	150.8160.1902	OVERTIME PAYROLL	10,734.00
	150.8160.1911	LONGEVITY	11,500.00
	255.8125.1911	LONGEVITY	5,650.00
	150.8160.4186	TOLLS	247.00
	255.8135.1901	REGULAR PAYROLL	33,695.00
	255.8135.1911	LONGEVITY	2,850.00
	255.8135.1932	SICK SELLBACK	174.00
	255.8135.4356	BUFFALO SEWER AUTHORITY	22,737.00
	400.8140.4432	MAINTENANCE & REPAIRS	437.00
PART TOWN			
FROM:	800.3620.1901	REGULAR PAYROLL	\$39,620.00
	800.3620.1971	PT REGULAR	5,307.00
TO:	800.3620.1902	OVERTIME PAYROLL	\$3,721.00
	800.3620.1911	LONGEVITY	3,750.00
	800.3620.1931	VACATION SELLBACK	78.00
	800.3620.1932	SICK SELLBACK	289.00
	800.9010.8975	RETIREMENT BUYOUTS	37,089.00
CDBG			
FROM:	700.1010.2431	ACCESS.-BATHROOM AT SEN. CEN.	\$2,504.10
	700.1011.0684	FAIR HOUSING STUDY	3,300.00
	700.1009.0684	FAIR HOUSING STUDY	8,500.00
	700.1006.0684	FAIR HOUSING STUDY	4,322.07
	700.1010.0704	CONTINGENCYUNPROG. FUNDS	1,072.76
	700.1011.0704	CONTINGENCYUNPROG. FUNDS	6,780.36
	700.1012.0704	CONTINGENCYUNPROG. FUNDS	4,001.00
	700.1012.0752	REHAB ACT. DEL.COSTS-STAFF&EXP	10,000.00
	700.1010.0600	SINGLE FAMILY REHAB	13,989.25
TO:	700.1012.0600	HOUSING REHAB-SINGLE FAMILY	\$18,626.17
	700.1012.0750	REHAB ACT.DEL.COSTS-INSPEC.	33,549.18
	700.1012.0795	SENIOR SERVICES OUTREACH ASST.	2,294.19

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



2. RESOLUTION 2013-108

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 1, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$275,825.23
RISK RETENTION FUND	25,856.29
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	1,285.00
SPECIAL DISTRICTS FUND	123,884.55
HIGHWAY FUND	191,953.12
CAPITAL FUND	7,542.15
TRUST & AGENCY FUND	3,646.00
HUD CDBG FUND	113,090.88
PART TOWN FUND	106,473.60
NYS AFFORDABLE HOUSING	25,950.00
	<hr/>
	\$875,506.82

RESULT:	ADOPTED [5 TO 0]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak



3. RESOLUTION 2013-109

Negative SEQR Declaration - 3465 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 THD Group for the construction of a 1,950 s.f restaurant with an accessory drive thru window at 3465 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 13, 2013 recommended a determination of non-significance as shown on the attached memorandum dated February 13, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of December 13, 2012, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval with sufficient room provided for truck delivery movements on premises, 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 Zoning Board of Appeals granting the necessary area variances for the parking setbacks to the interior property lines.
2. The Town Engineer reviewing and approving the drainage/grading plan.
3. The applicant utilizing dark sky compliant parking lot lighting fixtures.

Attachments:

Site Plan 2_25_2013 (PDF)

Location Map (PDF)

EAC Minutes (PDF)

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



4. RESOLUTION 2013-110

Approve Special Use Permit for 3465 Union Road

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 fast food restaurant on property owned by Hospitality West LLC and located at 3465 Union Road, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga (“Zoning Law”); and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of March, 2013 at 6:45 P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Permit; and

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

RESOLVED, that the aforesaid Special Use Permit for a drive through window for a proposed fast food restaurant be and hereby is granted.

LEGAL DESCRIPTION FOR SPECIAL USE PERMIT

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 11, Township 11, and Range 7 of the Holland Land Company’s Survey, being more particularly bounded and described as follows;

BEGINNING at a point on the east line of Union Road, as presently laid out, at its intersection with the northerly line of a certain map filed in the Erie County Clerk’s Office under Map Cover No.293; Thence northerly along the present east line of Union Road a distance of 177.70 feet to a point; Thence easterly at an interior angle of 90°38’40” a distance of 110.75 feet to a point of curvature; Thence continuing easterly along a curved line to the right having a radius of 130.0 feet, and arc distance of 14.41 feet to a point of tangency; Thence continuing easterly along a line tangent to the aforementioned curve a distance of 75.89 feet to a point; Thence southerly at an interior angle of 96°11’09” a distance of 168.13 feet to a point in the north line of said Map Cover 293; Thence westerly at an interior angle of 90°16’02” and running along the north line of said Map Cover 293 a distance of 202.06 feet to the point in the present east line of Union Road, being the point and place of beginning.

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



5. RESOLUTION 2013-111

Approve Rezoning of 3393 Union Road and 2245 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Benderson Development Company, LLC petitioned for a rezoning from M1-Light Manufacturing District to C-Retail Business District for property owned by it and located at 3393 Union Road and 2245 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, for the construction of a 6,000± square foot retail building and re-construction of an existing 10,000± square foot retail building, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of February, 2013 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 Benderson Development Company, LLC for the rezoning from M1-Light Manufacturing District to C-Retail Business District of the property described in the attached legal description for retail use be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT AND 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, Range 7 of the Holland Land Company's Survey and being part of Subdivision Lots Nos. 19-24, 103-108, 111-114, All of Subdivision Lot Nos. 109 and 110 and a portion of the beds of Kausel Avenue and Finley Avenue as shown on a map filed in the Erie County Clerk's Office under Cover Number 293, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Subdivision Lot No. 19 with the present easterly highway boundary of Union Road;

Thence along the easterly highway boundary of Union Road the following five (5) courses and distances:

- (1) N01°04'31" E, 24.73 feet;
- (2) N88°55'29" W, 2.30 feet;
- (3) N01°04'31" E, 101.04 feet;

(4) N 42°55'43" E 25.31 feet;

(5) N67°49'21"E, 17.01 feet to a point in the existing southerly highway boundary of Walden Avenue;

Thence along the southerly highway boundary of Walden Avenue the following two (2) courses and distances:

(1) N86°03'58:E, 189.12 feet;

(2) N82°58'29"E, 54.08 feet to a the extension northerly of the easterly line of Subdivision Lot No. 103;

Thence S01°10'31"W along said extension and the easterly line of Subdivision Lot Nos. 103 and 104, 120.14 feet to a point;

Thence S79°56'55"W, 122.34 feet to a point in the easterly line of Subdivision Lot No. 110;

Thence S01°10'31"W along the easterly line of Subdivision Lot No. 110 and said line extended, 109.73 feet to the centerline of Kausel Avenue;

Thence N88°55'29" W along said centerline of Kausel Avenue, 60.00 feet to the extension southerly of the westerly line of Subdivision Lot No. 109;

Thence N01°10'31"E along the westerly line of Subdivision Lot No. 109 as extended, 78.00 feet to the southeast corner of Subdivision Lot No. 19;

Thence N88°55'29"W, along the southerly line of Subdivision Lot No. 19, 91.86 feet to the Point or Place of Beginning.

Containing 0.99 acre of land, more or less.

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



6. RESOLUTION 2013-112

Award of Bid - One (1) New and Unused 2013 Self-Propelled Ride-On 1 1/2 Ton Vibratory Tandem Roller (Bid 2013-3)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on February 20, 2013, for One (1) New and Unused 2013 Self-Propelled Ride-On 1 1/2 Ton Vibratory Tandem Roller (Bid 2013-3) 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 bid specs for One (1) New and Unused 2013 Self-Propelled Ride-On 1 1/2 Ton Vibratory Tandem Roller be awarded to Admar Supply Company, Inc., 1394 Military Road, Buffalo, NY 14217 at a total bid price of \$24,095.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

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

TABULATION FOR
ONE (1) NEW AND UNSUED 2013 MODEL SLEF PROPELLED RIDE ON 1 1/2 TON
VIBRATORY TANDEM ROLLER

Admar Supply Co., Inc. 1394 Military Road Buffalo, NY 14217	\$24,095.00
Five Star Equipment, Inc. 284 Ellicott Road Orchard Park, NY 14127	\$29,330.00

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



7. RESOLUTION 2013-113

Award of Bid - Baseball & Softball (Bid 2013-4)

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on February 20, 2013 for the furnishing of baseball and softball equipment (Bid 2013-4) 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 2013-February 2014:

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

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

--BSN Sports
P.O. Box 49
Jenkintown, PA 19046

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

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



8. RESOLUTION 2013-114

Award of Bid - Access Lift at the Recreation Center (Bid 2013-6)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Furnishing and Installation of a Limited Use/Limited Access Lift at the Town of Cheektowaga Recreation Center (Bid 2013-6), which bids were duly received and opened on February 20, 2013, AND

WHEREAS, one bid was received and referred to the Town Engineer and to Van Duesen & Associates, project consultant, for analysis, tabulation and report, AND

WHEREAS, said consultant recommends the contract for the Limited Use/Limited Access Lift be awarded to Access Elevator & Lift, 1209 East 2nd Street, Jamestown, New York 14701 for the base bid price of \$59,226.00, AND

WHEREAS, said bid price falls within the projected budget established by the Engineering Department and its consultant, and said bid meets the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the contract with said firm and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from budget line item #100-7110-2304.

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



9. RESOLUTION 2013-115

Adopt Local Law No. 1 of the Year 2013 - a Local Law Relating to Landlord Licensing

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the rental of residential dwellings is a business, and

WHEREAS, residential rental properties may become a haven for criminal and other disruptive activities which impact other property owners in our neighborhoods, and

WHEREAS, this Town Board, under the Town Law of the State of New York, is authorized to regulate an licenses businesses within the Town of Cheektowaga, and

WHEREAS, this Town Board is interested in licensing landlords who rent four (4) or more residential dwelling units with the Town in order to control the adverse effects caused by tenants who engage in illegal activities, and

WHEREAS, a Landlord Licensing Law has been drafted to accomplish this purpose, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 19th day of September, 2011 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties were be given an opportunity to be heard as to whether "A Local Law Relating to Landlord Licensing" should be enacted, and

WHEREAS, this Town Board feels that enactment of this local law would protect the health, safety and general welfare of the Town and its residents, and it is otherwise in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2013, entitled "A Local Law Relating to Landlord Licensing", 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 2013 shall be effective May 1, 2013 after filing same 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.

LANDLORD LICENSING LAW

Section 1. Purpose

The Town of Cheektowaga hereby finds and declares that the rental of four (4) or more non-owner-occupied dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the residents of the Town of Cheektowaga. Four (4) or more

residential non-owner-occupied rental properties may become a haven for various criminal or disruptive activities that can cause disorder in our community and affect the quality of life of others in the Town of Cheektowaga.

The Town Board of the Town of Cheektowaga desires to minimize and control the adverse effects caused by illegal and nuisance activities which may occur at these residential non-owner-occupied rental properties, thereby protecting the health, safety and welfare of our citizens; and preserving the quality of life, property values and the character of neighborhoods and businesses.

It is the purpose of this law to implement a registration requirement for the owners of four (4) or more residential non-owner-occupied rental properties in order to curb criminal activity and disorder on such residential non-owner-occupied rental properties in the Town of Cheektowaga.

Section 2. Definitions.

Criminal Activity - unlawful activity consisting of drug activity, weapons possession, assault, domestic violence, murder, assault, sexual assault, gang activity or other activity proscribed by the Penal Law of the State of New York.

Dwelling - a non-owner-occupied single family, two-family or multi-family dwelling which is rented or for rent.

Dwelling Unit - an individual rental unit in a dwelling

Non-Owner-Occupied Dwelling - a Dwelling which is owned by an owner who does not reside in the dwelling.

Owner/Landlord - the owner or owners of a dwelling, or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or agent.

Police Report - a report issued by a Town Police Officer after said officer has responded to a complaint alleging the occurrence of criminal activity or a public nuisance.

Property Manager - a person or other entity designated by the owner to manage a dwelling on behalf of the owner

Public Nuisance - activities affecting the quality of life of residents of the Town of Cheektowaga, including violations of the Town's Noise Law, alcohol-related incidents or other violations of the Code of the Town of Cheektowaga which are enforced by the Town Police Department.

Renter/Lessee/Tenant - any person who rents a dwelling unit from an Owner in the Town of Cheektowaga.

Town - Town of Cheektowaga, exclusive of the villages of Sloan and Depew.

Section 3. Landlord license; registration requirement.

- a. License required. No person who owns four (4) or more dwelling units in the Town shall allow a dwelling unit to be occupied or rented to another for occupancy unless the owner has first obtained a rental housing business license as hereafter provided.
- b. Exemptions. The provisions of this chapter shall not apply to less than four (4) rental dwelling units, motels; bed-and-breakfast establishments; rooming or boarding houses; hospitals; nursing homes; or other dwelling units which offer or provide medical or nursing services if such units are subject to state or federal licensing or regulations concerning the safety of the users, patients or tenants. A dwelling unit occupied by the owner shall not count in the computation of the total number of dwelling units
- c. Application for license. Within 30 days after the effective date of this law, the owner of four (4) or more dwelling units shall make written application for a rental housing business license to the Town Council Office. Such application shall be on a form furnished by the Town and shall set forth the following information, in addition to other information required by the Town from time to time which the Town deems necessary to administer, enforce and ensure compliance with the provisions of this law. Failure to provide such information shall be grounds to deny a rental housing business license:
 - i. Names, addresses (business and residence) and telephone number(s) (business and residence) of owner;
 - ii. If the owner is an association, limited liability company, partnership, joint tenancy, tenancy in common or tenancy by the entirety, then the name, address and telephone number of each and every owner, member or general partner shall be indicated on the application;
 - iii. If the owner is a corporation, the principal place of business of the corporation must be provided, along with the name, title and residence address of all officers, directors and managing/general agents must be included on the application;
 - iv. If the owner has designated an agent or managing company to assist the owner with the management of the property, then the name, principal residence address, principal business address and telephone number of such agent or managing company must be included on the application;
 - v. It shall be the responsibility of the owner to properly register any change of address, change of agent or change of any other pertinent information with the Town;
 - vi. For purposes of this law, a post office box shall not be accepted as the owner's business or residence address. Furthermore, the dwelling intended to be licensed shall not be accepted as the owner's address unless it is the principal place or residence of the owner;
 - vii. For purposes of this law, if the owner does not reside in or have its place of business in the County of Erie, then the owner must have a property manager located in the County of Erie. If the owner does not reside or have a business located in the County of Erie, then the owner must designate a property manager located in the County of Erie who can accept service of process.
 - viii. The owner shall specify the address to which all notices and invoices for fees are to be forwarded.
- d. No License Application Fee. There is no fee for a rental housing business/landlord license under this law, but any license issued shall be renewed by the owner every two (2) years.
- e. Issuance or denial of license. After receipt of the owner's application for a rental housing business license, the Town Council Office shall review same to ensure said application contains all of the required information. If the application is deemed complete, the Town Council Office, within 30 days, shall forward the owner a Rental Housing Business License. If said application is deemed incomplete, the Town Council Office shall notify

the owner, and the owner shall have 30 days in which to supply the required information. If the required information is not supplied by the owner, the application shall be denied.

- f. Effect of failure to make application or denial of rental housing business license. If the owner does not submit the rental housing business license application or fails to supply all of the information required on the application, the owner shall be subject to the following fines:
 - i. \$500.00 per owner for each 30 day period until an acceptable application is submitted;
- g. Recourse if fine is not paid. If the owner neglects or refuses to pay the fine(s) as stated in subsection f. of this section within 30 days after notification, the Town shall add any such fine(s) onto the owner's property tax bill, and it shall become a lien on the property/dwelling.
- h. Term of license. A rental housing business license issued pursuant to this law shall be valid for a period of two (2) years after its issuance, unless sooner revoked pursuant to this law.
- i. Non-transferability of license. A rental housing business license issued pursuant to this law shall not be transferable to any person who has acquired ownership of a dwelling. A new owner is required to file a new application for a rental housing business license within 30 days after acquiring ownership.

Section 4. Criminal or Public Nuisance Activity Occurring on the Dwelling Property. In the event that a Town Police Officer responds to the dwelling unit for reports of criminal activity or public nuisance activity on the dwelling unit; finds that said activity was engaged in or facilitated by the renter, member of the household, guest or other party under the control of the renter; and issues a police report for same, the Town Council Office shall forward a notice to the owner or property manager stating that there was a Police report of criminal activity or public nuisance activity on the dwelling property. The owner or property manager shall then take appropriate action to notify the tenant to cease any such activity, or evict said tenant. In the event that there is a subsequent incident at the same dwelling unit in the same calendar year relating to activity engaged in, or facilitated by the same renter or a member of his/her household, guest or other party under the control of said renter, the Town Council Office will forward by first class mail a second notice of criminal activity or public nuisance activity to the owner or property manager. Subsequent incidents in the same calendar year at the same dwelling unit will be followed by a notice to the owner or property manager, along with a notice of the imposition of the following fines:

- a. Third incident in the same calendar year- \$50.00 fine;
- b. Fourth incident in the same calendar year- \$100.00 fine;
- c. Fifth incident in the same calendar year- \$500.00 fine;
- d. All further incidents in the same calendar year - \$1,000 fine per incident.

If the owner or property manager submits information to the Town Council Office that it is in the process of evicting the tenant in whose dwelling unit the criminal or public nuisance activity is occurring, future impositions of fines will cease. In the event that the owner neglects or refuses to pay the fine(s) as stated in this section within 30 days after notification, the Town shall add such fine(s) onto the dwelling's property tax bill, and it shall become a lien on the property/dwelling.

Section 5. Crime Free/Crime Prevention Lease Addendum - the owner or property manager of a dwelling under this law is encouraged to utilize a Crime Free/Crime Prevention Lease Addendum, an example of which is annexed to this law, to assist the owner or property manager with the eviction of tenants who continue to conduct criminal or public nuisance activity in the dwelling unit.

Section 6. Tenant Information. The Owner of each dwelling is required to maintain information concerning all of its tenants, including the number and names of all occupants, and

the full address and telephone numbers of all tenants. In the event of criminal or public nuisance activity on the property, the owner or property manager shall cooperate with the Town Police Department by providing this information to the Town Police Department if so requested.

Section 7. Appeals. Any owner or property manager who is notified of a fine under this law shall have the right to appeal the imposition of said fine to the Town Board of the Town of Cheektowaga. A written request for an appeal shall be made by the owner or property manager within 30 days after the date of the communication notifying the owner or property manager of the fine. The Town Board shall schedule a hearing within 30 days after receipt of said request for appeal. The owner or property manager shall appear at the hearing in person and shall have the right to representation by a person of his or her choice. The owner, property manager or his/her representative shall provide sworn testimony at said hearing. An appeal to the Town Board will stay the imposition of the fine until it renders its decision. The Town Board shall thereafter issue its written decision to uphold the fine or rescind the fine.

Section 8. Severability. If a term, part or provision, section, subdivision or paragraph of this law shall be held to be unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining parts, provisions, sections, subdivisions and paragraphs of this law.

Section 9. Applicability. This law shall be applicable to all dwellings located in the Town of Cheektowaga outside of the villages of Depew and Sloan.

Example of Landlord - Tenant Lease Addendum:

A This addendum to the lease executed by and between _____ as Owner/Landlord and _____ as Tenant(s) for leasing of the property at _____, is entered into this _____ day of _____, 20____, and includes the following provisions which are hereby agreed, incorporated into and made a part of said lease:

Any violations of the Ordinances or any other federal, state or local criminal nuisance, or property maintenance statutes, regulations, or ordinances may result in the EVICTION of the tenant who committed, allowed or facilitated the violation.

Tenants and all persons who reside in the leased premises, by assuming possession of the same, agree that the landlord or his agents may release to the Police Department, Fire Department or Building Department information concerning the identity of all occupants.

Tenants who fail to provide the landlord the names of individuals who will be temporarily residing at the dwelling unit more than seven (7) consecutive calendar days may be subject to EVICTION.

Crime Free Agreement

In consideration of the execution or renewal of a lease of the rental unit identified in this lease, Owner (or Owner=s agent or representative) and Resident/Tenant agree as follows:

1. Tenant, any member of the Tenant=s household, a guest or invitee in the dwelling unit or on the common grounds, or any other person in the dwelling unit or on the common grounds invited there in any way by the Tenant or a member of Tenant=s household, shall not engage or in any way be involved in criminal activity, including but not limited to:

a) Drug related criminal activity, meaning the manufacture, sale, distribution or use of a controlled substance, cannabis or methamphetamine (as defined in the New York Compiled Statutes).

b) Facilitate any drug related activity.

c) Prostitution as defined in the New York Compiled Statutes.

d) Criminal street gang activity as defined in the New York Compiled Statutes.

e) Threatening or intimidating actions as prohibited in the New York Compiled Statutes.

f) Assault as prohibited in the New York Compiled Statutes, including but not limited to unlawful discharge of firearms.

g) Any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the Landlord, his agent or other Tenants or involving imminent or actual serious damage as defined in the New York Compiled Statutes.

2. Tenant and every member of the household shall not permit the dwelling unit to be used for criminal activity or to facilitate criminal activity, in the unit or on the common grounds, regardless of whether the individual engaging in such activities is a member of the household, a guest or invitee and regardless of whether the Tenant is present during any such offense.

3. VIOLATION OF ANY OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY, PROVIDED, HOWEVER, A TENANT SHALL NOT BE RETALIATED AGAINST NOR EVICTED WHEN MERELY A VICTIM OF ANY CRIMINAL ACT PROHIBITED HEREIN, BUT SHALL BE RESPONSIBLE FOR THE ACTS OF HIS/HER GUESTS AND HOUSEHOLD MEMBERS. A single violation of any of the provisions hereof shall be deemed a serious violation and material non-compliance with the lease. IT IS UNDERSTOOD AND AGREED THAT A SINGLE VIOLATION SHALL BE GOOD CAUSE FOR IMMEDIATE TERMINATION OF THE LEASE UNDER THE NEW YORK COMPILED STATUTES. Unless otherwise provided by law, proof of violation shall not require criminal conviction, BUT SHALL BE BY A PREPONDERANCE OF THE EVIDENCE.@

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



10. RESOLUTION 2013-116

Call for Public Hearing - Rezoning Request Part of 6386 Transit Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, General Parts, Inc. with the permission of the land owners RMF Holding, Inc. and Lorenz and Sons, Inc has made application and requested the rezoning of vacant land which is part of 6386 Transit Road From NS- Neighborhood Service and R- Residential to C- Retail Business to permit the construction of a proposed 6,526 s.f. retail building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on April 1, 2013 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 1st day of April, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

General Parts, Inc.

For the rezoning of of vacant land which is part of 6386 Transit Road NS- Neighborhood Service and R- Residential to C- Retail Business to permit the construction of a proposed 6,526 s.f. retail building.

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

BY ORDER OF THE TOWN BOARD, of the Town of Cheektowaga, NY

Alice Magierski, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot no. 75, Township 11, Range 7 of the Holland Land Company's survey and described as follows:

BEGINNING at a point at the northeast corner of lands conveyed to RMF Holding Corporation by a deed recorded in the Erie County Clerk's Office in Liber 7221 of deeds at page 283, said point being located in the center line of Transit Road, said line also being the east line of Lot no. 75; running thence southerly along the east line of Lot no. 75 a distance of 105 feet to a point; running thence westerly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed, a distance of 350.01 feet to a point; running

thence southerly along the line parallel with the east line of Lot no. 75 a distance of 48 feet to a point; running thence westerly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 154.99 feet to a point; running thence northerly at an interior angle of 89°05'34" a distance of 153 feet to a point in the north line of lands conveyed to RMF Holding Corporation by aforementioned deed; running thence easterly along the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 250 feet to a point; running thence northerly along a line parallel with the east line of Lot no. 75 a distance of 35 feet to a point; running thence easterly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 250 feet to a point in the east line of Lot no. 75; running thence southerly along the east line of Lot no. 75 a distance of 35 feet to the Point or Place of Beginning.

EXCEPTING THEREFROM that part lying within the bounds of Transit Road (100 feet wide) including those parts appropriated by notices of appropriation recorded in Liber 6235 of deeds at page 257, being Map no. 63, Parcel no. 69 and Liber 6280 of deeds at page 575, being Map no. 62, Parcel no. 68.

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



11. RESOLUTION 2013-117

Notice to Bidders -Topsoil 2013

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town Clerk be and herby is directed to publish a Notice to Bidders for the purpose of furnishing TOPSOIL (BID 2013-10) for the 2013 calendar year 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 20, 2013 at 11:00AM, 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 **TOPSOIL** (BID 2013-10) for the 2013 calendar year to be used by various Departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on March 20, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magerski, Town Clerk at his office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "**TOPSOIL**". 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: March 4, 2013

PUBLISHED: March 7, 2013

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



12. RESOLUTION 2013-118

Authorization to Purchase Training Simulator

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department wishes to purchase the Training Lab and Training Room Simulation System, an interactive use of force and firearms simulation system, which will save the Town money by reducing the amount of ammunition procured as well as training costs of police officers, AND

WHEREAS, the System includes use of force options from verbal commands to deadly physical force with up to 18 participants and over 500 scenarios that can be customized to departmental specifications and locations, AND

WHEREAS, Ti Training Corporation is the sole provider of the Training Lab and Training Room Simulation System at a total cost of \$65,525.00, which includes a one (1) year warranty and three (3) day Master Instructor training course, AND

WHEREAS, the purchase will be funded out of Police Asset Forfeiture line #600-0600-0881, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of the Training Lab and Training Room Simulation System from:

Ti Training Corporation
14998 West 6th Avenue, #500
Golden, Colorado 80401

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



13. RESOLUTION 2013-119

Authorize Agreement with Bluenail Management Solutions

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the Town of Cheektowaga Police Department ("Police Department") is interested in retaining an individual or company to provide Microsoft SharePoint and Access Database Programming and Microsoft SharePoint and Access Database Training (hereinafter referred to as "Programming and Training"), and

WHEREAS, Bluenail Management Solutions, LLC ("Bluenail") has the expertise and qualifications to program and train personnel to efficiently utilize its custom built Microsoft SharePoint and Access Database, and

WHEREAS, the Police Department interviewed Joseph Sabol of Bluenail and is confident that Bluenail can program and train personnel of the Police Department and,

WHEREAS, an agreement between the Town and Bluenail has been reviewed by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement with Bluenail, and BE IT FURTHER

RESOLVED, that funding for the services to be provided shall be appropriated from budget line item number 0100-3120-4321.

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



14. RESOLUTION 2013-120

Approve Usage of Town Park by DefTone Pictures Studios

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, DefTone Pictures Studios, Inc. has approached the Town of Cheektowaga to request permission to utilize a portion of the Cheektowaga Town Park on the evening of Saturday, July 27, 2013 and the early morning of Sunday, July 28, 2013 for filming a portion of a movie entitled "A Grim Becoming", and

WHEREAS, the proposed use of Cheektowaga Town Park on said dates does not interfere with any Town activities on said dates, and

WHEREAS, a Location Agreement was submitted to the Town, and has been reviewed and approved by the Town Attorney, for the use of Cheektowaga Town Park 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 Park, and

WHEREAS, this Town Board feels that this is an exciting opportunity for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the use of Cheektowaga Town Park on Saturday, July 27, 2013 and Sunday, July 28, 2013 for the filming of the movie, A Grim Becoming, 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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2013-121

HOME Program Subrecipient Agreement

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Towns of Cheektowaga, Amherst and Tonawanda have formed a Consortium for the purpose of applying for Entitlement HOME funds from the United States Department of Housing and Urban Development under the HOME Investment Partnership Act, and

WHEREAS, the Town of Amherst has been designated as the lead community on behalf of the Amherst-Cheektowaga-Tonawanda HOME Consortium,

WHEREAS, as lead community, the Town of Amherst, is responsible for the distribution of funds to the subrecipient Consortium communities which manage projects utilizing said HOME funds, and

WHEREAS, the Department of Housing and Urban Development requires the lead community and recipients of HOME funds to execute subrecipient agreements, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subrecipient Agreement with the Town of Amherst, as lead community for the Amherst-Cheektowaga-Tonawanda HOME Consortium, subject to review and approval by the Town Attorney and the Director of Community Development, for the receipt of HOME Investment Partnership Act funds for the Fiscal Year 2013 program year.

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



16. RESOLUTION 2013-122

Agreement with Public Library

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 upon approval of the Town Attorney the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2013 through December 31, 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



17. RESOLUTION 2013-123

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

SANITATION DEPARTMENT
William CJ Merritt effective 2/16/13

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



18. RESOLUTION 2013-124

Travel Authorization (Justice Court)/Clerk to Town Justice Judith Smith and Court Clerks Debra Sadowski and Jeanne Ping

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a District Training for Court Clerks is being held April 26, 2013 at the Erie County Courthouse; AND

WHEREAS, Clerk to Town Justice Judith Smith and Court Clerks Debra Sadowski and Jeanne Ping have been recommended to attend said training; AND

WHEREAS, Town Justices Dennis Delano and Paul Piotrowski have submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$588.08; AND

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

RESOLVED, that Clerk to Town Justice Judith Smith and Court Clerks Debra Sadowski and Jeanne Ping be and hereby are authorized to attend the District Training for Court Clerks being held April 26, 2013 at the Erie County Courthouse.

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



19. RESOLUTION 2013-125

Travel Authorization (Police Department)/Chief David Zack and Captains Michael Isbrandt and Michael Sliwinski

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the 20th Annual CALEO Training Symposium is being held May 22-24, 2013 in Buffalo, New York; AND

WHEREAS, Chief David Zack and Captains Michael Isbrandt and Michael Sliwinski 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 \$807.00; AND

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

RESOLVED, that Chief David Zack and Captains Michael Isbrandt and Michael Sliwinski be and hereby are authorized to attend the 20th Annual CALEO Training Symposium being held May 22-24, 2013 in Buffalo, New York.

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



20. RESOLUTION 2013-126

Travel Authorization (Police Department)/Sergeants Lawrence Bauer and Thomas Allen, Police Officers Kurt Spieler and Jonathan Ober

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Taser Instructor Recertification Course is being held April 30, 2013 at the Amherst Police Department; AND

WHEREAS, Sergeants Lawrence Bauer and Thomas Allen, Police Officers Kurt Spieler and Jonathan Ober 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 \$934.91; AND

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

RESOLVED, that Sergeants Lawrence Bauer and Thomas Allen, Police Officers Kurt Spieler and Jonathan Ober be and hereby are authorized to attend the Taser Instructor Recertification Course being held April 30, 2013 at the Amherst Police Department.

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



21. RESOLUTION 2013-127

Travel Authorization (Police Department)/Detectives David Mossman and James Genson

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, an Intermediate Bloodstain Pattern Analysis Course is being held March 18-22, 2013 at the Erie County Fire Training Tower; AND

WHEREAS, Detectives David Mossman and James Genson 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 \$600.00; AND

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

RESOLVED, that Detectives David Mossman and James Genson be and hereby are authorized to attend the Intermediate Bloodstain Pattern Analysis Course being held March 18-22, 2013 at the Erie County Fire Training Tower.

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



22. RESOLUTION 2013-128

Travel Authorization (Police Department)/Lieutenant Thomas S. Wentland and Detectives David Mossman, Timothy Szymanski and James Genson

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Video Camcorder Techniques for Crime Scenes, Search Warrants, Accidents and Natural Disasters course is being held March 12-14, 2013 at Houghton College; AND

WHEREAS, Lieutenant Thomas S. Wentland and Detectives David Mossman, Timothy Szymanski and James Genson 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 \$1,512.00; AND

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

RESOLVED, that Lieutenant Thomas S. Wentland and Detectives David Mossman, Timothy Szymanski and James Genson be and hereby are authorized to attend the Video Camcorder Techniques for Crime Scenes, Search Warrants, Accidents and Natural Disasters course being held March 12-14, 2013 at Houghton College.

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



23. RESOLUTION 2013-129

Appointment to Position of Councilmember

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a vacancy exists in the position of councilmember/councilman as a result of the resignation of Councilmember Patricia A. Jaworowicz, and

WHEREAS, Diane Benczkowski has expressed an interest in being appointed to fill this vacant position, and

WHEREAS, this Board feels that Diane Benczkowski would be an asset to this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that Diane Benczkowski of Cheektowaga, New York be and hereby is appointed to the position of councilmember/councilman for the Town of Cheektowaga, effective immediately for the unexpired term of Councilmember Patricia A. Jaworowicz, at a salary and with benefits associated with said position.

RESULT:	WITHDRAWN
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V. Communications

A. Departmental Communications

1. **Building Permit List - February 2013**
2. **Minutes: Town Environmental Advisory Committee - February 13, 2013**

B. General Communications

1. **Request to Speak: Jaworowicz Family**
2. **Summons: HSBC Bank USA, NA Vs. Heirs of Darlene J. Davis, Cheektowaga Town Court & Etal**
3. **Summons & Complaint: Ann Augustine 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.
Time: 8:47 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, March 18, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 18, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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
Robert Brandon, Zoning Board Chairman
Carla A. Kosmerl, 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
David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-130

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1910.4709	MANAGEMENT STUDIES	\$5,000.00
	100.1910.4352	ERIE CO. CHARGEBACKS	9,848.00
	100.3020.1902	OVERTIME PAYROLL	16,687.00
	100.3020.1908	TRAINING	16,408.00
	100.3020.1971	PT REGULAR	35,035.00
	100.3020.4022	MAINTENANCE CONTRACTS	6,718.00
	100.3020.4029	SUPPLIES	3,499.00
	100.3020.4431	EQUIPMENT REPAIR	2,332.00
	100.3020.1914	SHIFT DIFFERENTIAL	3,044.00
	100.3120.1907	COURT TIME	123,409.00
	100.3120.1902	OVERTIME PAYROLL	31,631.00
	100.3120.1908	TRAINING	122,449.00
	100.3120.1931	VACATION SELLBACK	105,546.00
	100.3120.1971	PT REGULAR	26,817.00
	100.3120.1914	SHIFT DIFFERENTIAL	2,277.00
	100.3310.1971	PT REGULAR	7,401.00
	100.3510.1971	PT REGULAR	4,019.00
	100.9499.1901	REGULAR PAYROLL	5,845.00
TO:	100.1680.2202	NETWORK HARDWARE	\$14,848.00
	100.3020.1901	REGULAR PAYROLL	92,999.00
	100.3020.1911	LONGEVITY	20,345.00
	100.3020.1917	CLOTHING ALLOWANCE	525.00
	100.3020.1932	SICK SELLBACK	1,031.00
	100.3020.4203	CELLULAR PHONES	4,167.00
	100.3120.1901	REGULAR PAYROLL	350,092.00
	100.3120.1911	LONGEVITY	8,800.00
	100.3120.1932	SICK SELLBACK	7,567.00
	100.3120.1936	HOLIDAY SELLBACK	10,051.00
	100.3120.1989	COMP. TIME SELLBACK	275.00
	100.3310.1901	REGULAR PAYROLL	7,001.00
	100.3310.1911	LONGEVITY	400.00
	100.3510.1901	REGULAR PAYROLL	2,442.00
	100.3510.1911	LONGEVITY	600.00
	100.3510.1932	SICK SELLBACK	977.00
	100.9499.1971	PT REGULAR	5,845.00
PART-TOWN			
FROM:	800.3620.2770	PERMITS AND INSPECTIONS	\$12,000.00
TO:	800.3620.4581	CONSULTING FEES	\$12,000.00

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



2. RESOLUTION 2013-131

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:	300.5142.4029	SALT	\$35,000.00
	300.5150.4162	GASOLINE AND OIL	38,000.00

TO:	300.5140.4191	MISC. EXPENSES	\$73,000.00
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PART TOWN

FROM:	800.1910.2799	APPROPRIATED FUND BALANCE	\$55,000.00
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TO:	800.3620.4321	COMPUTER EXPENSES	\$55,000.00
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



3. RESOLUTION 2013-132

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 15, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$675,861.31
RISK RETENTION FUND	39,561.26
NYS HOME PROGRAM	
DEBT	1,325.00
HUD HOUSING REHABILITATION FUND	2,662.50
SPECIAL DISTRICTS FUND	322,717.23
HIGHWAY FUND	77,539.16
CAPITAL FUND	340,000.63
TRUST & AGENCY FUND	68,612.12
HUD CDBG FUND	16,077.26
PART TOWN FUND	14,279.21
NYS AFFORDABLE HOUSING	12,150.00
	<hr/>
	\$1,570,785.68

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak



4. RESOLUTION 2013-133

Adopt Local Law No. 2 of the Year 2013 - a Local Law to Amend the Zoning Law in Relation to Public Donation Bins, Beverage Container Redemption Stores, L.E.D. Signs and Removal of Commercial Signs

Sponsored By: Supervisor Holtz, Councilmember Markel

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

WHEREAS, the Petitions Committee has recommended that the Zoning Law be amended:

1. to permit public donation bins on property owned by not-for-profit/community service organizations subject to certain restrictions;
2. to permit beverage container redemption stores in the C-Retail Business District;
3. to require commercial business signs to be removed within 30 days after a business vacates the premises; and
4. to codify the Zoning Board of Appeals interpretations relating to LED signs, AND

WHEREAS, a draft of such amendments was prepared by the Town Building Inspections Department, AND

WHEREAS, a public hearing was held on the 20th day of February, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend the Zoning Law In Relation to Public Donation Bins, Beverage Container Redemption Stores, LED Signs and Removal of Commercial Signs", AND

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 2 of the Year 2013, entitled "A Local Law to Amend the Zoning Law in Relation to Public Donation Bins, Beverage Container Redemption Stores, LED Signs and Removal of Commercial Signs", 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 2013 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.

Attachments:

Local Law No 2 of Year 2013 zoning text amendments (DOC)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Markel, Kaznowski, Kaminski, Wozniak
ABSTAIN:	James Rogowski



5. RESOLUTION 2013-134

Adopt Local Law No. 3 of the Year 2013 - a Local Law to Amend the Streets and Sidewalks Law

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by Local Law No. 4 of the Year 1991, this Town Board amended Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) with a new Article VI to have the Town share the cost of relaying or repairing sidewalks with the property owner, AND

WHEREAS, Section 210-36 currently provides that the Town’s share of the cost for relaying or repairing sidewalks shall be “\$40 per five-foot linear block”, AND

WHEREAS, the cost of concrete has continued to rise; also, the Highway Department has identified a new system to shave/cut a sidewalk so that it does not have to be replaced, AND

WHEREAS, based on the above, it has been recommended that this Town Board amend Section 210-36 to provide that the Town’s share of the cost to relay or repair a five-foot linear block be 40% of the total cost of relaying or repairing said sidewalk block, AND

WHEREAS, the Town Attorney prepared a draft of a “Local Law to Amend the Streets and Sidewalks Law”, AND

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 4th day of March, 2013 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties were given an opportunity to be heard, as to whether Local Law Intro No. 2013-2 of the Year 2013, entitled “A Local Law to Amend the Streets and Sidewalks Law” should be enacted, AND

WHEREAS, it is in the public interest to adopt this local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2013, entitled "A Local Law to Amend the Streets and Sidewalks", 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 2013 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. 3 OF THE YEAR 2013**A LOCAL LAW TO AMEND THE STREETS AND SIDEWALKS LAW**

Chapter 236, Article VI, Section 236-10 of the Code of the Town of Cheektowaga, shall be amended to read as follows:

§210-36, Share of costs.

Whenever the Cheektowaga Town Board shall have adopted an order pursuant to §200-a of the Town Law directing the owner(s) of parcels adjoining on any town, county or state highway, along which it is desired that sidewalks be relayed or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

Town Share

40% of the cost per five-foot linear block

Owner's Share

Balance of expense/cost

RESULT:	ADOPTED [5 TO 0]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak



6. RESOLUTION 2013-135

Award of Bid - Work Uniforms (Bid 2013-5)

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, bids were received and publicly opened on February 20, 2013 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)	\$17.31
Item 1B	Work Pants (sizes 46-50)	\$18.99
Item 1C	Work Pants (sizes 52-60)	\$18.99
Item 2A	Shirts (long sleeve, sizes up to 17½)	\$15.26
Item 2B	Shirts (long sleeve, sizes 18 and up)	\$16.71
Item 3A	Chambray Shirts (long sleeve, sizes up to 17½)	\$14.31
Item 3B	Chambray Shirts (long sleeve, sizes 18 and up)	\$15.50
Item 4A	Shirts (short sleeve, sizes up to 17½)	\$14.31
Item 4B	Shirts (short sleeve, sizes 18 and up)	\$15.50
Item 5A	Chambray Shirts (short sleeve, sizes up to 17½)	\$12.62
Item 5B	Chambray Shirts (short sleeve, sizes 18 and up)	\$13.82
Item 6A	Coveralls (long sleeve, sizes 36-46, short - X long)	\$27.53
Item 6B	Coveralls (long sleeve, sizes 48-50, short - X long)	\$27.53
Item 6C	Coveralls (long sleeve, sizes 52-60, short - X long)	\$31.29
Item 7A	Denim Jeans (sizes 28-42)	\$12.79

Item 7B	Denim Jeans (sizes 44-50)	\$14.31
Item 7C	Denim Jeans (sizes 52-56)	\$15.44
Item 8A	Bib Overalls (sizes to 44)	\$22.17
Item 8B	Bib Overalls (sizes 46-50)	\$23.92
Item 8C	Bib Overalls (52-60)	\$26.08
Item 9A	Women's Work Pants (sizes 4-20)	\$13.82
Item 9B	Women's Work Pants (sizes 22-28)	\$15.57

BID ITEM II

Item 1A	High Visibility Jacket (sizes S-XL)	\$46.98
Item 1B	High Visibility Jacket (size 2XL)	\$46.98
Item 1C	High Visibility Jacket (size 3XL)	\$46.98
Item 1D	High Visibility Jacket (size 4XL)	\$46.98
Item 1E	High Visibility Jacket (size 5XL)	\$46.98
Item 1F	High Visibility Jacket (size 6XL)	\$46.98

BID ITEM III

Item 1A	Hooded Pullover Sweatshirt (sizes S-XL)	\$15.47
Item 1B	Hooded Pullover Sweatshirt (size 2XL)	\$20.45
Item 1C	Hooded Pullover Sweatshirt (size 3XL)	\$20.45
Item 1D	Hooded Pullover Sweatshirt (size 4XL)	\$20.45
Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$22.66
Item 2B	Hooded Zipper Sweatshirt (size 2XL)	\$25.51
Item 2C	Hooded Zipper Sweatshirt (size 3XL)	\$25.51
Item 2D	Hooded Zipper Sweatshirt (size 4XL)	\$25.51
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 9.38

Item 3B	Heavy Duty Sweatshirt (size 2XL)	\$12.65
Item 3C	Heavy Duty Sweatshirt (size 3XL)	\$12.65
Item 3D	Heavy Duty Sweatshirt (size 4XL)	\$12.65

BID ITEM IV

Item 1A	Carhartt Bib Overall (sizes 34-48)	\$76.86
Item 2A	Carhartt Bib Overall (size 50)	\$76.86

BID ITEM V

Item 1A	Tee Shirt (sizes M-XL)	\$ 3.66
Item 1B	Tee Shirt (size 2XL)	\$ 5.63
Item 1C	Tee Shirt (size 3XL)	\$ 5.63
Item 1D	Tee Shirt (size 4/5XL)	\$ 5.63
Item 2A	Pocket Tee Shirt (size M-XL)	\$ 5.12
Item 2B	Pocket Tee Shirt (size 2XL)	\$ 6.17
Item 2C	Pocket Tee Shirt (size 3XL)	\$ 6.17
Item 2D	Pocket Tee Shirt (size 4/5XL)	\$ 6.17
Item 3A	Long Sleeve Tee Shirt (size M-XL)	\$ 6.58
Item 3B	Long Sleeve Tee Shirt (size 2XL)	\$ 8.89
Item 3C	Long Sleeve Tee Shirt (size 3XL)	\$ 8.89
Item 3D	Long Sleeve Tee Shirt (size 4/5XL)	\$ 8.89
Item 4A	Long Sleeve Tee Shirt W/Pocket (size M-XL)	\$ 7.80
Item 4B	Long Sleeve Tee Shirt W/Pocket (size 2XL)	\$ 9.65
Item 4C	Long Sleeve Tee Shirt W/Pocket (size 3XL)	\$ 9.65
Item 4D	Long Sleeve Tee Shirt W/Pocket (size 4/5XL)	\$ 9.65

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



7. RESOLUTION 2013-136

Award of Bid - Manhole/Catch Basin Frames and Covers (Bid 2013-7)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of manhole/catch basin frames and covers, which bids were duly received and opened on March 6, 2013, AND

WHEREAS, one bid was received and referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of manhole/catch basin frames and covers be and hereby is awarded to:

Vellano Brothers, Inc.
10 Lancaster Parkway
Lancaster, New York 14086
684-7222

<u>BID ITEM</u>	<u>FRAME & 24" DIA COVER (SET)</u>	<u>UNIT BID PRICE DELIVERED</u>
I	Frame with 24" diameter self-sealing cover "CHEEKTOWAGA SANITARY"	\$239.00 per set
II	Frame with 24" diameter vented cover "CHEEKTOWAGA SANITARY"	\$224.00 per set
III	Frame with 24" diameter solid cover "STORM SEWER"	\$224.00 per set
IVA	Catch basin frame with 26" square cover	\$352.00 per set
IVB	Catch basin frame with 26" square cover	\$167.00 per set

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



8. RESOLUTION 2013-137

Award of Bid - Demolition with Asbestos Abatement Of 30-32 Euclid Avenue and 75 East End Avenue In the Town of Cheektowaga (Bid 2013-9 LAW)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid was advertised for the demolition with asbestos abatement of structures located at 30-32 Euclid Avenue and 75 East End Avenue in the Town of Cheektowaga (Bid 2013-9 LAW); AND

WHEREAS, bid proposals were received and opened on March 6, 2013 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 30-32 Euclid Avenue and 75 East End Avenue to Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, New York 14301 for the total combined price of \$72,000.00, 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]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2013-138

Retain Firm for Project Air Monitoring Services for Controlled Demolition of 95 Pinehurst 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 Demolition of 95 Pinehurst Avenue in the Town of Cheektowaga; AND

WHEREAS, proposals were received and opened on March 13, 2013, 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 Demolition of 95 Pinehurst Avenue in the Town of Cheektowaga to Stohl Environmental, LLC; 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 Demolition of 95 Pinehurst Avenue to

Stohl Environmental, LLC
4169 Allendale Parkway
Blasdell, New York 14219

for the sum of \$1,580.00 (based on an estimate of 5 days for Project Air Monitoring and 25 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 Stohl Environmental, LLC 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



10. RESOLUTION 2013-139

Change Order No. 4 - 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. 4 (Electrical Work) which provides for various enhancements requested by the Police Department and the Town as an addition to the original project scope as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 4 (Electrical Work) for the Police and Court Building Addition and Renovations Project in the amount of \$20,481.11 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 #500-1440-2535-5025.

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



11. RESOLUTION 2013-140

Notice to Bidders - Variable Frequency Drive (VFD) Replacement at the Main Pump Station

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, by resolution dated April 4, 2011, the Town Board engaged the firm of Nussbaumer & Clarke, Inc. to prepare plans, specifications, and bid documents for the installation of replacement variable frequency drives and associated motor control system modifications at the Main Pump Station, AND

WHEREAS, the Town Engineer has advised that plans and specifications have been completed, 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 Variable Frequency Drive (VFD) Replacement at the Main Pump Station (BID 2013-12), 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 17th day of April, 2013 at 11:00 AM at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 a.m., local time, on the 17th day of April, 2013. All bids will be publicly opened and read at 11:00 a.m. at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials and labor for the Variable Frequency Drive Replacement at the Cheektowaga Plant #5 Main Pumping Station (BID 2013-12), and all related work, complete in place, tested, and ready for use in accordance with the contract documents, therefore, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Board of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Alice Magierski, Town Clerk.

Copies of the Drawings and Specifications and Contract Documents may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227. Copies may be purchased from the Town Clerk's Office and can be obtained upon payment of \$50.00 in the form of one (1) check made payable to the Town of Cheektowaga for each copy requested. Neither the Owner nor the Engineer will be responsible for full or partial sets of Contract Documents, including any Addenda, obtained from any other source.

Any bidder returning Drawings and Specifications in good condition within 10 business days following the bid opening will be refunded the full amount of the deposit. Deposit will not be refunded for non-bidders. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classified as non-bidders. Any bidders requesting more than one (1) set of Drawings and Specifications may purchase the excess, but it is understood that these are non-refundable.

A pre-bid meeting will be held at 10:00 a.m., prevailing time, on Wednesday, April 3, 2013 at the Town of Cheektowaga Main Pumping Station #5, 171 Central Boulevard, Cheektowaga, New York. Attendance at the pre-bid meeting is recommended, but is not mandatory.

The work shall be completed within 300 consecutive calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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

By Order of: THE TOWN BOARD OF THE
TOWN OF CHEEKTOWAGA
NEW YORK

Dated: March 18, 2013

Published: March 21, 2013

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



12. RESOLUTION 2013-141

Notice to Bidders - Asbestos Surveys for Properties Located At 38 Barbara Place and 257 Chapel Avenue (Bid 2013-11)

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 38 Barbara Place and 237 Chapel 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 December 17, 2012 (257 Chapel Avenue) and January 17, 2013 (38 Barbara Place) 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 38 Barbara Place and 257 Chapel Avenue in the Town of Cheektowaga (Bid 2013-11); 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 38 Barbara Place and 257 Chapel Avenue shall be due no later than Wednesday, April 3, 2013 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, April 3, 2013 at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, April 3, 2013 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 38 Barbara Place and 257 Chapel 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: 18 March 2013

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



13. RESOLUTION 2013-142

Notice of Hearing for Demolition of 35 Gary Lane

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 35 Gary Lane 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 March 13, 2013; 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 35 Gary Lane shall be held on the 1st day of April, 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



14. RESOLUTION 2013-143

Special Event - Cheektowaga Southside Little League

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 8, 2013, beginning at 11:00 a.m., said parade to begin on William Street from Doyle Fire Hall, left onto Standard Parkway, right onto Wojcik Street into Cheektowaga Southside diamonds, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department 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 8, 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2013-144

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 2013, 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 \$4,987.00, 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 2013, 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 \$4,987.00 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2013-145

Authorize Supervisor to Execute Agreement with Business Automation Services for Integrated Property System

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is in need of a computer software program for Code Enforcement and complaint tracking for the Building Inspections Department and Housing & Neighborhood Preservation Office, 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 \$52,640.00, AND

WHEREAS, the services to be provided by BAS are in addition to and complement the software program developed by BAS and currently in use by the Building Inspection's Department and the Town Clerk's Office, 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. 800.3620.4321.

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



17. RESOLUTION 2013-146

Unsafe-Unsecured/19 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 19 Euclid Avenue, Cheektowaga, New York SBL# 101.60-3-29 that is a danger to the safety of others, and records kept by the Assessor's Office identify Donald Wodarczyk, 24 George Urban Boulevard, Cheektowaga, New York 14225 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 19 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



18. RESOLUTION 2013-147

Unsafe-Unsecured/4-6 Redwood Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4-6 Redwood Drive, Cheektowaga, New York SBL# 91.14-10-12 that is a danger to the safety of others, and records kept by the Assessor's Office identify Joan M. Garrett, 4 Redwood Drive, Cheektowaga, New York 14225 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 4-6 Redwood Drive by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



19. RESOLUTION 2013-148

Approve Agreement with Captains and Lieutenants Association for 2010-2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Cheektowaga Captains and Lieutenants Association, Inc. expired on December 31, 2009, AND

WHEREAS, the Town and the Cheektowaga Captains and Lieutenants Association, Inc. have negotiated and have agreed upon a successor agreement for Years 2010 through 2013; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the successor agreement with the Cheektowaga Captains and Lieutenants Association, Inc. for the term January 1, 2010 to December 31, 2013, as presented, and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the respective collective bargaining agreement between the Town of Cheektowaga and the Cheektowaga Captains and Lieutenants Association, Inc.

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



20. RESOLUTION 2013-149

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:

POLICE DEPARTEMENT Student Assistant \$7.25/hour effective 3/19/13
Miranda Turnbull, Cheektowaga, New York

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

POLICE DEPARTMENT
Angela Geelan effective 3/31/13
Jessica Smith effective 2/23/13

SENIOR SERVICES DEPARTMENT
Debra Geary effective 10/7/11

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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



21. RESOLUTION 2013-150

Appointment of Police Lieutenants (Competitive/Permanent) Police Department/Dana J. Cadwallader, Patrick J. Chludzinski and Anthony M. Filipski

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, three (3) vacancies exist in the position of Police Lieutenant in the Police Department; AND

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

WHEREAS, the existing civil service list was canvassed, interviews conducted and work performance reviews studied; AND

WHEREAS, Dana J. Cadwallader, Patrick J. Chludzinski and Anthony M. Filipski, all currently employed as Police Sergeants in the Police Department, appear on the existing civil service list and meet the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Police Sergeants Dana J. Cadwallader of Cheektowaga, New York, Patrick J. Chludzinski of Cheektowaga, New York and Anthony M. Filipski of Cheektowaga, New York, be and hereby are appointed to the position of Police Lieutenant in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Captains and Lieutenants Association in the Police Department effective March 19, 2013.

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



22. RESOLUTION 2013-151

Appointment of Police Sergeants (Competitive/Permanent) Police Department/James T. Patterson, Jeffrey M. Schmidt and Daniel J. Albrecht

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, three (3) vacancies exist in the position of Police Sergeant in the Police Department; AND

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

WHEREAS, the existing civil service list was canvassed, interviews conducted and work performance reviews studied; AND

WHEREAS, James T. Patterson, Jeffrey M. Schmidt and Daniel J. Albrecht, all currently employed as Police Officers in the Police Department, appear on the existing civil service list and meet the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Police Officers James T. Patterson of Cheektowaga, New York, Jeffrey M. Schmidt of Cheektowaga, New York and Daniel J. Albrecht of Cheektowaga, New York, be and hereby are appointed to the position of Police Sergeant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Cheektowaga Police Club effective March 19, 2013.

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



23. RESOLUTION 2013-152

Travel Authorization (Police Department)/Police Officers Michael McDonough and Scott Scharlau

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the New York State Truck Safety and Education Symposium and Safety Exhibition is being held March 26-27, 2013 in Albany, New York; AND

WHEREAS, Police Officers Michael McDonough and Scott Scharlau 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 \$892.00; AND

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

RESOLVED, that Police Officers Michael McDonough and Scott Scharlau be and hereby are authorized to attend the New York State Truck Safety and Education Symposium and Safety Exhibition being held March 26-27, 2013 in Albany, New York.

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



24. RESOLUTION 2013-153

Travel Authorization (Community Development)/Director of Community Development Carla Kosmerl and Assistant Housing Inspector Dale Marie Parks

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, HUD's In-Depth Overview of Environmental Review Procedures Training Workshop is being held March 20-21, 2013 in New York City, New York; AND

WHEREAS, Director of Community Development Carla Kosmerl and Assistant Housing Inspector Dale Marie Parks have been recommended to attend said training; AND

WHEREAS, Director of Community Development Carla Kosmerl 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 \$1,830.00; AND

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

RESOLVED, that Director of Community Development Carla Kosmerl and Assistant Housing Inspector Dale Marie Parks be and hereby are authorized to attend HUD's In-Depth Overview of Environmental Review Procedures Training Workshop being held March 20-21, 2013 in New York City, New York.

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

IV. Communications

A. Departmental Communications

1. **Building Permit List - February 2013**
2. **Minutes: Cheektowaga Planning Board - February 14, 2013**
3. **Minutes: Cheektowaga Conservation Advisory Council - February 7, 2013**

B. General Communications

1. **Notice of Claim: Allstate Insurance as Subrogee for Richard Misnik**

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

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, April 1, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 1, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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
Carla A. Kosmerl, 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 Hearings

1. Rezoning Request Part of 6386 Transit Road

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

2. Notice of Hearing for Demolition of 35 Gary Lane

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

III. Public Comment Session

IV. Resolutions



1. RESOLUTION 2013-154

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.3020.2513	COMMUNICATION EQUIPMENT	\$3,600.00
	100.9010.8121	SOCIAL SECURITY EMPLOYEE	\$43,177.00
TO:	100.3020.4022	MAINTENANCE CONTRACT	\$3,600.00
	100.9010.5992	ALLOCATED FICA	1,224.00
	100.9010.5995	ALLOCATED FRINGES	\$41,953.00

HIGHWAY

FROM:	300.5141.1901	REGULAR PAYROLL	\$48,042.00
	300.5110.4177	RECEIVERS & PIPE	3,345.00
	300.5110.4178	BLACKTOP	3,554.00
	300.5140.4001	OFFICE SUPPLIES	1,636.00
	300.5140.4071	UNIFORM REPLACEMENT	1,879.00
	300.5140.4190	RENT BARRICADES & FENCE	500.00
	300.5140.4188	RENTAL OF COPIER	908.00
	300.5110.4162	GASOLINE & OIL	1,472.00
	300.5141.1731	LESS LABOR ALLOCATION	183,592.93
	300.5130.1701	LABOR GENERAL	50,959.19
	300.5141.1734	LESS LABOR BRUSH & WEED	4,815.62
	300.5142.1701	LABOR GENERAL	301,611.09
	300.5148.1701	LABOR GENERAL	9,691.42
	300.5141.1737	LESS LABOR IMPROVEMENTS	113,817.74
	300.5130.4462	PARTS & SUPPLIES	11,381.00
	300.5110.4162	GASOLINE & OIL	22,014.00
	300.5110.4207	GPS SERVICES	14,156.00
	300.9501.9211	BOND INTEREST	300,000.00
	300.9501.9131	BOND PRINCIPAL	\$36,589.00
TO:	300.5141.1902	OVERTIME PAYROLL	\$35,122.00
	300.5141.1911	LONGEVITY	10,420.00
	300.5141.1932	SICK SELLBACK	2,500.00
	300.5110.4173	STONE	3,345.00
	300.5150.4177	RECEIVERS & PIPE	3,554.00
	300.5140.4191	MISC. EXPENSES	6,395.00
	300.5110.1701	LABOR GENERAL	183,592.93
	300.5141.1733	LESS LABOR ALLOCATION	50,959.19
	300.5140.1379	CLERICAL	2,203.28
	300.5140.1701	LABOR GENERAL	2,612.34
	300.5141.1735	LESS LABOR SNOW	301,611.09
	300.5141.1736	LESS LABOR OTHER GOV'T	9,691.42
	300.5150.1701	LABOR GENERAL	113,817.74
	300.5130.2407	MISC. HIGHWAY EQUIPMENT	\$384,140.00

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



2. RESOLUTION 2013-155

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 1, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$3,402,264.50
RISK RETENTION FUND	1,088,894.62
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	5,678.00
SPECIAL DISTRICTS FUND	2,405,142.12
HIGHWAY FUND	820,036.61
CAPITAL FUND	23,142.00
TRUST & AGENCY FUND	4,247.84
HUD CDBG FUND	13,456.35
PART TOWN FUND	149,908.16
NYS AFFORDABLE HOUSING	10,530.00
	<u>\$7,923,300.20</u>

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski
ABSTAIN:	Angela Wozniak



3. RESOLUTION 2013-156

Award of Bid - Topsoil (Bid 2013-10)

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 6, 2013 for TOPSOIL (BID 2013-10), 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 reports have been completed, NOW THEREFORE, BE IT

RESOLVED, that the bid for TOPSOIL, be awarded to CTS Contracting Inc., 320 Crabapple Lane, Cheektowaga, NY 14227, for regular, screened or shredded as per bid specifications and to be picked up or 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 2013

CTS Contracting, Inc. 320 Crabapple Lane Cheektowaga, NY 14227 716-668-4444	Regular - \$12.50 Deliv. \$12.50 pick/up
	Screened-\$17.00 Deliv. \$15.00 pick/up
	Shredded-\$17.00 Deliv. \$15.00 pick/up

Bengert Greenhouses. 230 French Road West Seneca, NY 14224 716-823-6114	Regular - \$13.69 Deliv. \$13.00 pick/up
	Screened- \$17.69 \$16.30 pick/up
	Shredded- \$17.69 \$16.30 pick/up

Leo Brenon Topsoil 5530 Killian road North Tonawanda, NY 14120 716-695-1000	Regular - \$17.19 Deliv. \$15.19 pick/up
	Screened-\$18.49 Deliv. \$17.49 pick/up
	Shredded-\$18.49 Deliv. \$17.49 pick/up

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



4. RESOLUTION 2013-157

Award of Bid - Window and Door Replacement at the Anna Reinstein Library

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library, AND

WHEREAS, a Request for Proposals was sent to various contractors for the receipt of bids for window and door replacements to said library, which proposals were duly received by the Engineering Department on March 22, 2013, AND

WHEREAS, said proposals were analyzed and tabulated by the Engineering Department, NOW, THEREFORE, BE IT

RESOLVED, that the contract for window and door replacement at the Anna Reinstein Memorial Library be awarded to:

Raymond E. Kelley
Building Restoration and Specialty Contractors
33 Main Street
Bowmansville, New York 14026

for the bid price of \$27,663.00 (Alternate #2), said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the contract with said firm and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from the library budget, line item No. 15000620344234.

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



5. RESOLUTION 2013-158

Award Contract for Lawn Cutting & Trimming Services (2013)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga owns (twelve) 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 D.A.A.C. Landscaping & Snowplowing; NOW, THEREFORE, BE IT

RESOLVED, that the contract for lawn cutting and trimming services for the twelve (12) Town properties shown on the list in the RFP be and hereby is awarded to D.A.A.C. Landscaping & Snowplowing, 46 Glidden Street, Cheektowaga, New York, 14206, per lawn cutting for 12 properties of \$225.00; 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:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2013-159

Change Order No. 10 - 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. 10 (General Construction Work) which provides for building revisions requested by the Police Department and the Town of Cheektowaga beyond the original project scope as further outlined in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 10 (General Construction Work) for the Police and Court Building Renovations and Addition Project as an addition to the contract of Burgio & Campofelice, Inc. for General Construction Work in the amount of \$68,679.44, 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 Documents on behalf of this Town Board.

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



7. RESOLUTION 2013-160

Notice to Bidders - One (1) New and Unused 2013 Model, Self-Propelled 12 Ton Vibratory Tandem Roller (Bid 2013-14)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New and Unused 2013 Model, Self-Propelled 12 Ton Vibratory Tandem Roller for use by the Highway Department (Bid 2013-14) in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on April 17, 2013 at 11:00 A.M.

Information for bidder 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 be and hereby is directed to publish a Notice to Bidders for One (1) New and Unused 2013 Model, Self-Propelled 12 Ton Vibratory Tandem Roller, AND BE IT FURTHER

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, April 17, 2013 at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of ONE (1) NEW AND UNUSED 2013 MODEL, SELF-PROPELLED 12 TON VIBRATORY TANDEM ROLLER (Bid 2013-14) for the 2013 calendar year to be used by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on April 17, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at his office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "ONE (1) NEW AND UNUSED 2013 MODEL, SELF-PROPELLED 12 TON VIBRATORY TANDEM ROLLER for the 2013". Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

ALICE MAGIERSKI, TOWN CLERK

DATE: April 1, 2013
PUBLISHED: April 4, 2013

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



8. RESOLUTION 2013-161

Notice to Bidders for Controlled Demolition with Asbestos Abatement Of 95 Pinehurst Avenue, Cheektowaga, N.Y. (Bid 2013-13 LAW)

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 at 95 Pinehurst Avenue 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 Controlled Demolition with Asbestos Abatement of the structures located at 95 Pinehurst Avenue, Cheektowaga, New York (Bid 2013-13 LAW); 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, April 17, 2013 at 11:00 A.M.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on WEDNESDAY, APRIL 17, 2013 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 at 95 Pinehurst Avenue in the Town of Cheektowaga, New York (Bid 2013-13 LAW).

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: April 1, 2013

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



9. RESOLUTION 2013-162

Authorize Town Clerk to Issue New/Renewal Ambulance Vehicle Licenses

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth below, providing such ambulance(s) so listed meet(s) the insurance requirements set forth in the Ambulance Ordinance.

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Ford 2002	CZD1824	Medic-1
Chevrolet 2006	GDB7892	Medic-9
Chevrolet 2005	DDG8519	Medic-10
Chevrolet 2003	GAZ9431	Medic-11
Chevrolet 2006	GBA7361	Medic-12
Chevrolet 2005	DDG-8518	Medic-13
Chevrolet 2005	DDG8521	Medic-14
Chevrolet 2001	DRM8076	Medic-16
Chevrolet 2010	FAF1831	Medic-18
Chevrolet2010	FAF1832	Medic-19
Chevrolet 2010	FAF1833	Medic-20
Chevrolet 2010	FAF1834	Medic-21
Chevrolet2010	12518-ET	259
Chevrolet 2010	12519ET	260
Chevrolet 2010	12517ET	261
Chevrolet2010	12793-ET	262
Chevrolet 2010	12777ET	263
Chevrolet 2010	12776ET	264
Chevrolet 2010	12775ET	265
GMC 2011	10202EV	266
GMC2011	10201EV	267
GMC2011	10203EV	268
GMC2011	10204EV	269
GMC 2011	10205EV	270
GMC 2011	10206EV	271
Ford 2010	10243EV	273

Ford 2010	10244EV	274
Ford 2010	10242EV	275
Chevrolet 2011	10253EV	276
Chevrolet 2011	10255EV	277
Chevrolet 2011	10254EV	279
Ford 2004	10250EV	280
Ford 2005	10245EV	282
Ford 2003	10256EV	283
Ford 2006	10246EV	500
Ford 2005	59009JT	501
Ford 1997	10668ET	502
Chevrolet 2008	10664ET	506
Chevrolet 2008	10619ET	507
Chevrolet 2008	12500ET	508
Chevrolet 2007	10617ET	512
Chevrolet 2007	10615ET	514
Chevrolet 2007	10649ET	515
Chevrolet 2007	10618ET	513
Ford 1998	12507ET	519
Chevrolet 2008	12791ET	527
Chevrolet 2008	12790ET	528
Ford 1999	12508ET	530
Ford 1999	12509ET	531
Ford 1996	10663ET	536
GMC 2012	10265EV	537
Ford 2005	10266EV	538
GMC 2012	10249EV	539
GMC 2008	10248EV	540
Ford 2003	10267EV	545
Ford 2003	10607ET	546
Ford 2003	10608ET	547
Ford 1999	10268EV	548
Ford 1999	10625ET	549
Ford 1999	16755ET	564
Ford 1996	10632ET	566
Ford 2005	10629ET	570
Ford 2005	10628ET	571
Ford 2005	10627ET	573
Ford 2006	10614ET	574
Ford 2006	10613ET	575
Ford 2006	10641ET	576
Ford 1993	12667ET	577
Ford 1992	126664ET	578
Ford 1994	12666ET	579
Ford 1997	12663ET	582
Ford 1997	12662ET	584
Ford 2001	10602ET	588

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



10. RESOLUTION 2013-163

Authorization to Use Fund Balances for Capital Items

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town has been working on a plan for upcoming capital projects and ways to fund such projects; and

WHEREAS, the Town Director of Administration and Finance has analyzed the current cash available in the General fund, Highway fund, Part-Town fund and Sewer fund and has determined that there is adequate cash available to fund some of these capital projects from our current fund balances; NOW THEREFORE, BE IT,

RESOLVED, that the Town Board does hereby authorize the use of fund balances for the following capital projects:

GENERAL FUND:

Additional funding for police & court building	\$500,000
Police & Court Landscaping	\$50,000
Dingens Street pool roof replacement	\$33,000
Library (Anna Reinstein) building updates	\$32,000
Senior Center roof replacement	\$185,000
Town Hall partial roof replacement	\$50,500
Town Hall repointing of exterior brick	\$20,000
Town campus infrastructure:	
Campus roadway street lighting	\$50,000
Central Garage South parking lot reconstruction	\$120,000
Highway dept main south parking lot reconstruction	\$240,000
Town Park Cultural Center parking lots	\$100,000
Stiglmeier park comfort station	\$130,000
State mandated handicap pool lifts	\$60,000
Highway building updates:	
Window replacements including steel lintels	\$44,100
Re-skin exterior office facade	\$38,500
Air conditioning in offices	\$37,000
Office vestibule on south side of building	\$8,400
Fire alarm panel n highway garage updated to code	\$18,500

HIGHWAY FUND:

Sidewalks on Losson Rd near Towers Blvd	\$60,000
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SEWER FUND:

Sewer Maintenance Bldg - professional services for planning	\$47,000
Demolish plant 3 facility at Harlem & Clinton	\$87,500

PART TOWN FUND:

Relocate building and plumbing dept offices to Alexander bldg	\$30,000
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2013-164

Renewal of Property Insurance

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town's Property Insurance Coverage expires on March 30, 2013; 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 \$69,845 for the following listed options:

<u>Coverage</u>	<u>Limits</u>	<u>Deductible</u>
Buildings, Contents	\$66,600,000	\$25,000
Contractor's Equipment	\$4,264,858	\$ 2,500
Flood (non Flood Zones)	\$5,000,000	\$25,000
Earthquake	\$1,000,000	\$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 \$13,596:

<u>Limits</u>	<u>Deductible</u>
\$9,622,000	\$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, 2013 to March 30, 2014 for a premium of \$69,845; 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2013-165

Approve Cultural Group Funding for Cheektowaga Patriotic Commission

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town, in its 2013 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 2012 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 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



13. RESOLUTION 2013-166

Approve Purchase of 2013 Milton Cat Backhoe Loader Cat 420F- IT

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Superintendent of the Highway Department is in need of a 2013 Backhoe Loader 420F-IT for use in the Highway Department, and

WHEREAS, the purchase of such equipment is available through Milton Cat, and

WHEREAS, moneys have been appropriated in the Highway Department budget for the purchase said line 300-5130-2407, 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 Milton Cat contains the language required by Section 103-b of the General Municipal Law and otherwise complies with the New York State law, NOW , THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the purchase of one (1) 2013 Backhoe Loader 420F-IT for use by the Highway Department as per the terms of it Municipal Agreement at the cost of \$93,219.00, and BE IT FURTHER

RESOLVED, that the Superintendent, 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 Highway Department budget line 300-5130-2407. Reference Purchase Order 15762.

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



14. RESOLUTION 2013-167

Public Improvement Permit - Burgess Boulevard (Manga Airport, LLC)

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, Manga Airport, LLC, the developer of a proposed hotel on Burgess Boulevard, south of Genesee Street, has submitted plans and specifications, a Public Improvement Permit Application and permit fee for the realignment of a portion of a Town sewer district sanitary sewer trunk line adjacent to the proposed building, AND

WHEREAS, the Town Engineer has reviewed the plans and specifications for the subject modifications and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the proposed sanitary sewer pipeline realignment, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$2,035.25 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:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2013-168

Special Event United Mitochondrial Disease Foundation

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires any one wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, United Mitochondrial Disease Foundation (New York Chapter) has made application to hold a One Mile Walk (for research) at the Cheektowaga Town Park on Saturday, September 21, 2013 from 12:30 p.m. start, registration setup @ 10:00 a.m., the route will be a one mile loop in the park, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department and Youth and Recreational Services Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

- . 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 United Mitochondrial Disease Foundation for the aforementioned One Mile Walk in Cheektowaga Town Park to be held on Saturday, September 21, 2013.

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



16. RESOLUTION 2013-169

Special Events North Cheektowaga Athletic Amateur Association "Baseball Kickoff Parade"

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event; and

WHEREAS, the North Cheektowaga Amateur Athletic Association (NCAAA) has made application to hold its Baseball "Kickoff" Parade on Saturday, June 1st, 2013, 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 1st, 2013 at 11:00 a.m.; BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

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



17. RESOLUTION 2013-170

Unsafe-Unsecured/49 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 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, 13 Nason Pkwy., Buffalo, New York 14218, 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:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2013-171

Unsafe-Unsecured/66 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 66 Westchester Drive, Cheektowaga, New York SBL# 102.37-3-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Barbara Whaley, 66 Westchester Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 66 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



19. RESOLUTION 2013-172

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 Recreation Aide to Recreation Attendant - 7310.1803 - \$7.50 - Regular Part-time
Ashley Carney

Recreation Attendant - 7140.1648 - \$8.25 - Regular Part-time
Ryan Weber

Recreation Attendant - 7140.1633 - \$9.00 - Regular Part-time
Amy Krytus

Recreation Attendant - 7140.1646 - \$8.75 - Regular Part-time
Steven Gasiorek

Recreation Attendant - 7140.1648 - \$8.75 - Regular Part-time
Daniel Kruszynski

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following resolutions: 2013-172 and 2013-173. Motion carried.

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



20. RESOLUTION 2013-173

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:

DOG CONTROL Dog Control Officer \$10.25/hour effective 3/31/13
Andrew Maguda, Cheektowaga, New York

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

SANITATION DEPARTMENT
William Thomas effective 3/12/13
Sean Mueller effective 3/9/13

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



21. RESOLUTION 2013-174

Travel Authorization (Police Department)/Police Officers Michael McDonough and Scott Scharlau

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Empire State Law Enforcement Traffic Safety Conference is being held April 18-19, 2013 in Rochester, New York; AND

WHEREAS, Police Officers Michael McDonough and Scott Scharlau 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 \$293.00; AND

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

RESOLVED, that Police Officers Michael McDonough and Scott Scharlau be and hereby are authorized to attend the Empire State Law Enforcement Traffic Safety Conference being held April 18-19, 2013 in Rochester, New York.

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



22. RESOLUTION 2013-175

Travel Authorization (Police Department)/Sergeants Lawrence Bauer and Jeffrey Schmidt, Police Officers Jonathan Ober and Dennis Kusak, Jr.

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the AR15/M4/M16 Rifle Armorer School is being held May 23-24, 2013 in Little Valley, New York; AND

WHEREAS, Sergeants Lawrence Bauer and Jeffrey Schmidt and Police Officers Jonathan Ober and Dennis Kusak, Jr. 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 \$1,898.30; AND

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

RESOLVED, that Sergeants Lawrence Bauer and Jeffrey Schmidt and Police Officers Jonathan Ober and Dennis Kusak, Jr. be and hereby are authorized to attend the AR15/M4/M16 Rifle Armorer School being held May 23-24, 2013 in Little Valley, New York.

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



23. RESOLUTION 2013-176

Travel Authorization (Police Department)/Lieutenant Steven Berez

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the IPTM Traffic Crash Reconstruction Course is being held May 13-24, 2013 at the Erie County Law Enforcement Training Academy; AND

WHEREAS, Lieutenant Steven Berez 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 \$855.00; AND

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

RESOLVED, that Lieutenant Steven Berez be and hereby is authorized to attend the IPTM Traffic Crash Reconstruction Course being held May 13-24, 2013 at the Erie County Law Enforcement Training Academy.

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



24. RESOLUTION 2013-177

Travel Authorization (Police Department)/Police Officer Troy Blackchief

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the New York Tactical Officers Association Expo and Conference is being held April 23-25, 2013 in Verona, New York; AND

WHEREAS, a resolution was previously passed approving attendance at said training; AND

WHEREAS, Police Chief David Zack has submitted a request for one additional police officer to attend said training; AND

WHEREAS, the additional cost to the Town shall not exceed \$307.99; AND

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

RESOLVED, that Police Officer Troy Blackchief be and hereby is authorized to attend the New York Tactical Officers Association Expo and Conference being held April 23-25, 2013 in Verona, New York.

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



25. RESOLUTION 2013-178

Travel Authorization (Town Clerk's Office)/Town Clerk Alice Magierski, Deputy Town Clerks Vickie Dankowski and Brian Wielinski, Records Manager Lisa-Marie Bolognese

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Town Clerk's Association Conference is being held April 30, 2013 in Buffalo, New York; AND

WHEREAS, Town Clerk Alice Magierski, Deputy Town Clerks Vickie Dankowski and Brian Wielinski, and Records Manager Lisa-Marie Bolognese have been recommended to attend said training; AND

WHEREAS, Town Clerk Alice Magierski 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 \$480.00; AND

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

RESOLVED, that Town Clerk Alice Magierski, Deputy Town Clerks Vickie Dankowski and Brian Wielinski, and Records Manager Lisa-Marie Bolognese be and hereby are authorized to attend the New York State Town Clerk's Association Conference being held April 30, 2013 in Buffalo, New York.

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

V. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - January 2013**
2. **Building Permit List - March 2013**
3. **Minutes: Cheektowaga Traffic Safety Commission - February 19, 2013**

4. **Minutes: Cheektowaga Conservation Advisory Council - March 7, 2013**
5. **Minutes: Town Environmental Advisory Committee - March 13, 2013**

B. General Communications

1. **Notice of Claim: Cheryl A. Lally Vs. Town of Cheektowaga**
2. **Notice of Claim: Kelly Payne Vs. Town of Cheektowaga**
3. **Notice of Claim: Lyn A. Veihdeffer 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 Kaminski to adjourn the meeting. Time 7:35 PM

Vickie Dankowski, Deputy 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, April 9, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on April 9, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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

Anthony Romano, Coordinator of Employee Relations

II. Resolutions



1. RESOLUTION 2013-179

Special Event - Infant of Prague Church 5K Race

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, Infant of Prague Church has made application to hold its " 5K Race" on Saturday, April 13, 2013 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 13, 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

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

Alice Magierski
716-686-3400

Monday, April 15, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 15, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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
Kevin Godzich, General Crew Chief, Central Garage
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
David Zack, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-180

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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

GENERAL FUND

FROM:	100.1315.1901	REGULAR PAYROLL	\$1,060.00
	100.1410.1971	PT REGULAR	25.00
	100.3020.2513	COMMUNICATION EQUIPMENT	2,904.00
	100.3120.1914	SHIFT DIFFERENTIAL	2,298.00
	100.3120.4011	PRINTED FORMS	\$971.00

TO:	100.1315.4011	PRINTED FORMS	\$1,060.00
	100.1410.4001	OFFICE SUPPLIES	25.00
	100.3020.4203	CELLULAR PHONES	5,202.00
	100.3120.2501	POLICE OTHER EQUIPMENT	953.00
	100.3120.4005	COMMUNITY SERVICE	\$18.00

SANITATION

FROM:	150.8160.4469	LANDFILL COSTS	\$72,199.00
	150.8160.4468	COMPOSTING	6,394.00

TO:	150.8173.4444	RECYCLING CONTRACTOR	\$78,593.00
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PART TOWN

FROM:	800.3620.2770	PERMITS & INSPECTIONS	\$12,000.00
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TO:	800.3620.4581	CONSULTING FEES	\$12,000.00
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



2. RESOLUTION 2013-181

Transfer of Funds - 2013

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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

JUSTICE COURT

FROM:	100.1110.3789	MISC. REVENUE	\$18,000.00
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TO:	100.1110.4321	DATA PROCESSING SERVICES	\$18,000.00
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CDBG

FROM:	700.1008.0602	CLEARANCE/DEMOLITION	\$4,849.20
	700.9011.0500	SLOAN-SIDEWALK REPLACEMENT	978.50

TO:	700.1012.0600	HOUSING REHAB.- SINGLE FAMILY	\$5,827.70
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



3. RESOLUTION 2013-182

Warrant

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 15, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$339,195.93
RISK RETENTION FUND	108,411.17
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	275.00
SPECIAL DISTRICTS FUND	155,540.78
HIGHWAY FUND	30,348.81
CAPITAL FUND	3,222.00
TRUST & AGENCY FUND	115.00
HUD CDBG FUND	1,834.56
PART TOWN FUND	1,266.76
NYS AFFORDABLE HOUSING	2,061.00
	<hr/>
	642,271.01

RESULT:	ADOPTED [4 TO 0]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James P. Rogowski, Councilmember
AYES:	Mary Holtz, James P. Rogowski, Charles Markel, Gerald Kaminski
ABSTAIN:	Angela Wozniak
ABSENT:	Stanley Kaznowski



4. RESOLUTION 2013-183

Negative SEQR Decalartion - Part of SBL93.13-10-1.11 and Part of 6386 Transit Rd.

Sponsored By: Councilmember Markel, Councilmember Kaminski

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 General Parts, Inc. For the rezoning of part of 6386 Transit road from R- Residence and NS- Neighborhood Services to C- Retail Business for the construction of a 6,580 s.f. retail building, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 10, 2013 recommended a determination of non-significance as shown on the memorandum dated April 10, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at their meeting of March 14, 2013, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the replacement of trees on a one for one basis for those tree 4 inches or larger being removed, 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 Committee, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing/approving the drainage grading plan.
2. The applicant providing evidence that a perpetual vehicular access easement has been filed allowing for cross access along the northerly property line.
3. The applicant amending its landscaping plan to provide for additional trees.

4. The connecting vehicular access stub be extended to the north property line.

Attachments:

Site Plan (PDF)

Final Building Elevation drawing (PDF)

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



5. RESOLUTION 2013-184

Approval of Rezoning of 6386 Transit Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, General Parts, Inc. petitioned for a rezoning from NS-Neighborhood Services District and R-Residence District to C-Retail Business District for property owned by RMF Holding, Inc. and Lorenz and Sons. Inc., and located at 6386 Transit Road, Cheektowaga, New York, which property is described in the attached legal description, for a proposed 6,526 square foot retail building, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 1st day of April, 2013 at 6:54 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 General Parts, Inc. for the rezoning from NS-Neighborhood Services District and R-Residence District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that any future additions to the development or site plan for this property must be resubmitted to the Town Board to determine that the addition is substantially in agreement with the intent of this rezoning, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above.



LEGAL DESCRIPTION

ALL THAT 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 described as follows:

BEGINNING at a point at the northeast corner of lands conveyed to RMF Holding Corporation by a deed recorded in the Erie County Clerk's Office in Liber 7221 of deeds at page 283, said point being located in the center line of Transit Road, said line also being the east line of Lot no. 75; running thence southerly along the east line of Lot no. 75 a distance of 105 feet to a point; running thence westerly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed, a distance of 350.01 feet to a point; running thence southerly along the line parallel with the east line of Lot no. 75 a distance of 48 feet to a

point; running thence westerly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 154.99 feet to a point; running thence northerly at an interior angle of 89°05'34" a distance of 153 feet to a point in the north line of lands conveyed to RMF Holding Corporation by aforementioned deed; running thence easterly along the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 250 feet to a point; running thence northerly along a line parallel with the east line of Lot no. 75 a distance of 35 feet to a point; running thence easterly along a line parallel with the north line of lands conveyed to RMF Holding Corporation by aforementioned deed a distance of 250 feet to a point in the east line of Lot no. 75; running thence southerly along the east line of Lot no. 75 a distance of 35 feet to the Point or Place of Beginning.

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



6. RESOLUTION 2013-185

Award of Bid for Asbestos Survey For 38 Barbara Place (Bid 2013-11 LAW)

Sponsored By: Councilmember Markel, Councilmember Kaminski

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 structures on property located at 38 Barbara Place have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such structures be demolished and removed; and

WHEREAS, by resolution adopted January 1, 2013 (2013-8), this Town Board ordered that the buildings on said property be either repaired or demolished, and directed that the respective owners or others responsible for the buildings on said 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 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 property, the Town needs to retain a firm to perform an asbestos survey and asbestos abatement plans for same; and

WHEREAS, on March 18, 2013, this Town Board issued a Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Town Attorney has recommended that this Town Board retain Buffalo Environmental Consultants, Inc., d/b/a AFI Environmental to perform said asbestos survey, specifications and project monitoring work with respect to said property for the sum of \$3,300.00, and, if required, a further sum of \$300.00 per day and \$8.00 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 said asbestos survey and abatement work (if necessary) for 38 Barbara Place for the sum of \$3,300.00 and, if required, a further sum of \$300.00 00 per day and \$8.00 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: WITHDRAWN



7. RESOLUTION 2013-186

Notice to Bidders - 2013 Athletic White Stripe (Bid 2013-15)

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 2013, 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 (Bid 2013-15), 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 24th day of April, 2013 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 24, 2013, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2013 (Bid 2013-15).

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 15, 2013

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



8. RESOLUTION 2013-187

Notice to Bidders - 2013 Pool Maintenance Chemicals - (Bid 2013-16)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2013, NOW, THEREFORE BE IT

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

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

RESOLVED, that sealed bids will be received on the 24th day of April, 2013 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 24, 2013, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2013 (Bid 2013-16).

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 15, 2013

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



9. RESOLUTION 2013-188

Call for Public Hearing- Wal- Mart Site Plan Approval 2480 and 2490-2550 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Wal-Mart Real Estate Business Trust has made application and requested site plan approval of an 183,684 s.f. retail building at 2480 and 2490-2550 Walden Avenue,
AND

WHEREAS, the applicant has requested that the Town Board of the Town of Cheektowaga conduct a public hearing on its request for site plan approval to provide additional public participation in the site plan review of its proposed retail supercenter, AND

WHEREAS, while a public hearing is not required pursuant to section 260-47.1 of the Zoning Law of the Town of Cheektowaga, the Town Board may conduct a public hearing to further benefit public participation, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding the site plan approval request by Wal-Mart Real Estate Business Trust on May 6, 2013 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 6th day of May, 2013 at 6:45 P.M., of said day for the purpose of considering the Development Review application of:

Wal-Mart Real Estate Business Trust

for the construction of an 183,684 s.f. retail building at 2480 and 2490-2550 Walden Avenue.

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

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

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie 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; (1) thence southerly along the east line of Lot No. 11, 244.56 feet to the northeast corner of lands conveyed to Lettice J. Lewis by deed recorded in the Erie County Clerk's Office in Liber 262 of Deeds at page 210; (2) thence westerly at right angles to the east line of Lot No. 11 and along the north line of lands so conveyed to Lettice J. Lewis 561 feet to the northwest corner of Lettice J. Lewis' lands; (3) thence southerly along the west line of lands so conveyed to Lettice J. Lewis 151.33 feet to the northeasterly corner of lands conveyed to Johnson, Drake and Piper, Inc. by deed dated July 20, 1956 and recorded in the Erie County Clerk's Office September 17, 1956 in Liber 6057 of Deeds at page 135; (4) thence westerly at right angles to the west line of lands so conveyed to Lettice J. Lewis and along the north line of lands conveyed to Johnson, Drake and Piper, Inc. 197.32 feet to the northwest corner of said last mentioned lands; (5) thence southerly parallel with the west line of lands so conveyed to Lettice J. Lewis and along the westerly line of lands so conveyed to Johnson, Drake and Piper, Inc. 457.84 feet to the north line of Walden Avenue (120 feet wide); (6) thence westerly along the north line of Walden Avenue 836.49 feet to its intersection with 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; (7) thence north along the west line of land so conveyed to Nathan Rovner 986.51 feet to a point 140 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; (8) thence easterly, parallel with the south line of Zoerb Avenue extended easterly 1584.91 feet to the point or place of beginning.

This parcel containing 973,523 Sq.Ft. or 22.349 acres more or less.

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



10. RESOLUTION 2013-189

Notice of Hearing for Demolition of 1182 Walden Avenue and 1192 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, the Supervising Code Enforcement Officer has received information that the buildings located at 1182 Walden Avenue and 1192 Walden Avenue in the Town of Cheektowaga, have become dangerous and unsafe to the general public and unfit for the purposes for which they may lawfully be used; and

WHEREAS, said buildings have been inspected and written reports of the conditions have 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 buildings, and said written reports describe extensive deterioration and damage to the buildings and premises and recommends that the buildings be demolished and removed; and

WHEREAS, the Town Board has fully considered such written reports and has determined that the buildings are dangerous and unsafe to the general public and unfit for the purposes for which they may lawfully be used; NOW THEREFORE BE IT

RESOLVED, that this Town Board accepts the findings and recommendations of Nussbaumer & Clarke, Inc., in reports dated December 12, 2012 (1182 Walden Avenue) and March 13, 2013 (1192 Walden Avenue); 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 buildings 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 buildings, 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 buildings at 1182 Walden Avenue and 1192 Walden Avenue shall be held on the 6th day of May, 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: Gerald Kaminski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaminski, Wozniak
ABSENT: Stanley Kaznowski



11. RESOLUTION 2013-190

Order Calling for a Public Hearing to Install Curbing Along Duke Road

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a written petition dated April 10, 2013 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 Duke Road (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. 16, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows:

Duke Road, south side, from the west side of Union Road westerly a distance of 1,433.20 feet.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on the south side of the portion of Duke Road described above, AND

WHEREAS, said petition has been signed by the owners of real estate fronting or abutting upon the south side of the portion of Duke Road to be improved, to the extent of at least one-half of the entire frontage or bounds on the south side of the portion of said street to be improved, and the resident owners owning 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 \$31,600.00, 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 6th day of May, 2013 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 Duke Road, 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, Rogowski, Markel, Kaminski, Wozniak
ABSENT:	Stanley Kaznowski



12. RESOLUTION 2013-191

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>
Akromas, Nicholas P , ,	2/28/2014
Avery, Steven C , ,	10/31/2013
Bailey, Michael J , ,	12/31/2013
Bartell, Leandra D , ,	11/30/2015
Bates, Charles D , ,	1/31/2015
Betz, Brandyn E , ,	12/31/2015
Biehler, Kaitlyn M , ,	8/31/2014
Burke, Peter J , ,	2/29/2016
Caldwell, Derek J , ,	1/31/2016
Capitano, Angela , ,	6/30/2015
Castello, Anthony W , ,	1/31/2015
Chhum, Phearon , ,	12/31/2015
Clark, Emily A , ,	7/31/2015
Clark, Kristopher A , ,	4/30/2013
Colatosti, Paul M II , ,	3/31/2015
Coon, Santana S , ,	7/31/2013

Coons, Matthew D	, ,	7/31/2015
Curry, Timothy A.	, ,	9/30/2015
Czup, Natalie	, ,	12/31/2015
Denz, Warren M	, ,	12/31/2015
Fitzpatrick, Michael P	, ,	12/31/2015
Fleming, Khalika T	, ,	11/30/2015
Foote, Misha K	, ,	2/28/2015
Frazzini, Brittany H	, ,	6/30/2014
Funk, Craig A	, ,	3/31/2016
Garcia-Casillas, Daniel B	, ,	12/31/2015
Gowanlock, Richard T	, ,	10/31/2015
Guttadauro, Nicholas J.	, ,	2/29/2016
Happ, Douglas J	, ,	9/30/2015
Harper, Nicole J	, ,	12/31/2015
Harris, Caleb D	, ,	12/31/2015
Harrison, Randy S	, ,	12/31/2015
Haulton, Jr, Chirstopher R	, ,	12/31/2015
Hodson, Lynn	, ,	3/31/2013
Hughes, Sharon A	, ,	11/30/2015
Hughey, John A	, ,	11/30/2015
Jones, Micah N	, ,	1/31/2015
Kasper, Benjamin R	, ,	12/31/2014
Kayani, Fraz M	, ,	9/30/2015
Konkle, David N	, ,	9/30/2015
Krisch, Kathryn J	, ,	8/31/2014
Kruse, Justin A	, ,	12/31/2015
Kurtz, Jacob C	, ,	6/30/2015
Lavango, Joseph L	, ,	6/30/2015
Leuer, Michael P	, ,	11/30/2015
Little, Joseph C	, ,	9/30/2015
McGinnis, Eric T	, ,	2/28/2016
Mclvor, Jacob A	, ,	12/31/2015
McLean, Robert E	, ,	1/31/2016
McMahon, Susan M	, ,	12/31/2015
Measer, David C	, ,	11/30/2015
Milks, Douglas E	, ,	12/31/2015
Miller, Joshua D	, ,	12/31/2015

Mills, Nicole R	, ,	7/31/2015
Moleski, Richard M	, ,	9/30/154
Mondschein, Keith D	, ,	10/31/2015
Neuman, Daniel E	, ,	12/31/2015
Null, III, Daniel E	, ,	1/31/2015
Orlowsk, Jr., Robert R	, ,	1/31/2016
Piazza, Charles E	, ,	9/30/2013
Pietrzyk, Katelyn E	, ,	7/31/2015
Polen, Jacob M	, ,	12/31/2015
Powell, Melissa	, ,	11/30/2015
Prackajlo, Jennifer M	, ,	7/31/2013
Reid, Derek M	, ,	7/31/2013
Rich, Frederick A	, ,	12/31/2015
Rider, Robert J	, ,	7/31/2015
Ringer, Zachary I	, ,	6/30/2015
Rivers, Edward A	, ,	12/31/2015
Roth, Randy J	, ,	1/31/2016
Schaefer, Edward W	, ,	11/30/2015
Schieber, Thomas J	, ,	10/31/2015
Schoenhals, Kurt R	, ,	9/30/2015
Schuldes, Adam P	, ,	9/30/2015
Sexton, Kevin J	, ,	9/30/2015
Steff, Lauren E	, ,	6/30/2015
Stith, Joel T	, ,	7/31/2015
Sutherland, Caressa D	, ,	3/31/2014
Then, Scott D	, ,	12/31/2015
Tiranno, Charles J	, ,	1/31/2016
Tribuzzi, Michael J	, ,	2/28/2015
Turner III, Donald R	, ,	9/30/2015
Uplinger, Chad J	, ,	12/31/2015
VanderWeide, Kaitlin L	, ,	4/30/2013
Wall, John T	, ,	12/31/2015
Walsh, William D	, ,	11/30/2015
Wassell, Corey K.	, ,	11/30/2015
White, Michael K	, ,	12/31/2015
Wood, Michelle L	, ,	9/30/2015
Yung, Donald P	, ,	12/31/2015

Zaller, Joseph M , ,

8/31/2015

Zemrac, Christopher E , ,

12/31/2015

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



13. RESOLUTION 2013-192

Accept Proposal of Aurora Architectural Design, P.C. for the Provision of Professional Services for the Proposed Addition and Renovation of the Sewer Maintenance Building

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by Town Board Resolution dated April 1, 2013 the Town Board authorized the use of fund balances for Capital Projects, AND

WHEREAS, a portion of said funds were allocated for professional services for planning an addition and renovation to the existing sewer maintenance building located at 200 Southern Parkway, AND

WHEREAS, the architectural firm of Aurora Architectural Design, P.C. has submitted a proposal to the Town Engineering Department to perform architectural and engineering services required to prepare bidding and construction documents and specifications for the construction of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Aurora Architectural Design, P.C., 1051 Olean Road, East Aurora, New York 14052 dated March 28, 2013 for professional services associated with the preparation of construction drawings, specifications and bid documents for the proposed addition and renovation to the existing sewer maintenance building is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Aurora Architectural Design, P.C. for the provision of said professional services in an amount not to exceed \$26,000.00 which shall be chargeable to Account #500-1440-4225-5325.

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



14. RESOLUTION 2013-193

Authorize Supervisor to Execute Agreement for Pick-Up of Brush, Grindings, and Other Debris

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town Highway Department is responsible for the pickup and disposition of brush grindings, logs, leaves, and soil from various locations within the Town; and

WHEREAS, Zoladz Construction Co., Inc., ("Zoladz") has contacted the Superintendent of Highways with a proposal wherein Zoladz would pick up all brush grindings, logs, leaves, and soil collected by the Highway Department from Highway Department property and dispose of same at no cost to the Town; and

WHEREAS, the Superintendent of Highways has recommended that the Town accept the Contractor's proposal; and

WHEREAS, the Town Attorney's Office has prepared an Agreement regarding said proposal; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid Agreement with Zoladz Construction Co., Inc., under the terms and conditions set forth therein.

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



15. RESOLUTION 2013-194

Direct the Supervisor to Execute Acquisition Mapping Documents for the Rehabilitation of the Rein Road Bridge

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by Resolution 2013-92 dated February 20, 2013, the firm of Greenman Pederson, Inc. was authorized and directed to proceed with professional engineering services for right-of-way incidentals associated with the Rehabilitation of the Rein Road Bridge, PIN 5758.38, which project is being administered in accordance with New York State Department of Transportation guidelines and procedures for Locally Administered Federal Aid Projects, AND

WHEREAS, detailed parcel maps and legal descriptions have been prepared by Greenman Pedersen, Inc. on behalf of the Town for the proposed acquisition of a .02 acre parcel and a .04 acre permanent easement necessary to facilitate this bridge rehabilitation project, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed the legal description and parcel maps for the aforesaid acquisition of property contiguous to the existing Rein Road right-of-way and recommend that the appraisal preparation process proceed, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor, on behalf of this Town Board, is directed and authorized to execute the acquisition mapping documents prepared by Greenman Pederson, Inc. for said project.

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



16. RESOLUTION 2013-195

Authorize Auction of Surplus Materials, Vehicles and Equipment

Sponsored By: Supervisor Holtz, Councilmember Markel

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

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York; and

WHEREAS, Auctions International, Inc. will sell such surplus materials, vehicles and equipment at an online auction; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 11167 Big Tree Road (20A), East Aurora, New York, 14052, to conduct a sale of the surplus Town materials, vehicles and equipment identified on the attached list entitled "Auction Vehicles 2012" at an online 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 an agreement with Auctions International, Inc., subject to approval by the Town Attorney, and any and all documents that may be required to effectuate the sale and/or transfer of said surplus materials, vehicles and equipment.

Attachments:

Auction Vehicles 2012 (PDF)

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



17. RESOLUTION 2013-196

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, NY as per the submitted contract, to conduct a sale of 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.

2013

Make	Equipment	Model	VIN #	Miles	Fleet #
Deere	Wheel Loader	544G	DW544gd545605	13172 hr	H1
Deere	Wheel Loader	544G	dw544gd560738	5611 hr	S1
Deere	Bulldozer	650G	to65ogh757882	4104 hr	22
New	Backhoe	555E	31007313	7615 hr	27
Holland					
Hyster	Roller	C3406	C146c3143n	3700 hr	87
Stone	Roller	SR2500	198251	NA	103
Chevrolet	Pick up	2500HD	1gcgk249le189058	103029	132
Lincoln	Welder	A1093001	c87319166	NA	NA

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



18. RESOLUTION 2013-197

Approve Purchase of 2013 Milton Cat Backhoe Loader Cat 420-IT

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Superintendent of the Highway Department is in need of a 2013 Backhoe Loader 420F-IT for use in the Highway Department, and

WHEREAS, the purchase of such equipment is available through Milton Cat, and

WHEREAS, moneys have been appropriated in the Highway Department budget for the purchase said line 300-5130-2407, AND

WHEREAS, the proposed Purchase Agreement with Milton Cat contains the language required by Section 103-b of the General Municipal law and otherwise complies with the New York State law, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the purchase of One (1) 2013 Backhoe Loader 420F-IT for use by the Highway Department as per the terms of it Municipal Agreement at the cost of \$93,219.00, and BE IT FURTHER

RESOLVED, that the Superintendent, 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 fro the Highway Department budget line 300-5130-2407. Reference Purchase Order 15782.

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



19. RESOLUTION 2013-198

Special Event - All Buick Car Show

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 Buick Club of America, Niagara Frontier Chapter, has made application to hold its "All Buick Car Show" on Saturday, June 29, 2013, from 9:00 a.m to 3:00 p.m. in Cheektowaga Town Park; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Police Department, Highway Department, the Department of Youth and Recreation, and the Facilities Department, and has no objection to same; and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Requirement that application be made at least 60 days prior to the date of the special event;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the Buick Club of America, Niagara Frontier Chapter, to hold its "All Buick Car Show" on Saturday, June 29, 2013 from 9:00 a.m. to 3:00 p.m. in Cheektowaga Town Park. .

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



20. RESOLUTION 2013-199

Special Event - South Cheektowaga Baseball Association

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 South Cheektowaga Baseball Association has made application to hold its End of Season League Picnic in Stiglmeier Park on Saturday, August 3, 2013, from 7:00 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:

- . 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 Cheektowaga Baseball Association for the aforementioned League Picnic event to be held in Stiglmeier Park on Saturday, August 3, 2013.

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



21. RESOLUTION 2013-200

Request for Extension (Residency)/Carla Kosmerl

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, Carla Kosmerl was appointed to the position of the Director of Community Development by this Town Board on November 19, 2012; AND

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

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

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Carla Kosmerl is hereby granted an additional six (6) months from the expiration of the prior resolution until November 19, 2013.

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



22. RESOLUTION 2013-201

Amend Salary of Municipal Records Manager

Sponsored By: Supervisor Holtz, Councilmember Markel

BE IT RESOLVED, that the hourly salary for the title of Municipal Records Manager is adjusted to \$30.988 per hour, effective immediately.

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



23. RESOLUTION 2013-202

Amend Salary for Chief of Police

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Personnel Department performed a salary survey regarding Police Chief base salaries in Towns of similar population and size in Erie County; and

WHEREAS, the survey demonstrated that the Cheektowaga Police Chief's base salary was substantially lower than other base salaries in similar towns in Erie County; and

WHEREAS, Town leadership believes that this important position base salary should be established at a comparable rate with other municipalities; NOW, THEREFORE, BE IT

RESOLVED, that the annual base salary for the Town of Cheektowaga Police Chief is raised to \$121,279, effective immediately.

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



24. RESOLUTION 2013-203

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 - 7310.1803 - \$7.50 - Regular Part-time
Tyler Nosal 14225

Recreation Aide - 7140.1646 - \$7.50 - Part-time
Samantha Wayne 14227

Recreation Attendant -7140.1646 - \$8.25 - Regular Part-time
Joshua Strzelec 14211
Alexis Wayne 14227
Dave Kruszona 14227

Recreation Attendant - 7140.1648 - \$11.25 - Regular Part-time
Scott Gretch

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2013-203 and 2013-204. Motion Carried.

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



25. RESOLUTION 2013-204

Hire/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 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 \$8.25/hour effective 4/2/13
John Gluszek, Cheektowaga, New York

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 \$9.00/hour effective 4/1/13
Nicholas Ruberto, Jr., Depew, New York
Mark Mez, Cheektowaga, New York
Aristotle Bryant, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.00/hour effective 4/16/13
Christian Suszek, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.25/hour effective 4/16/13
Robert Bommer III, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.25/hour effective 5/19/13
Ryan Kowal, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.25/hour effective 5/26/13
Jonathan Heisler, Depew, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.25/hour effective 5/27/13
Eric Tomczak, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$8.50/hour effective 4/2/13
David Cunningham, Depew, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$9.00/hour effective 4/16/13
Dean Mertowski, Cheektowaga, New York

FACILITIES DEPARTMENT (PARKS DIVISION) Laborer \$9.25/hour effective 5/13/13
Drew Pijacki, Cheektowaga, New York

BE IT FURTHER RESOLVED, that all current part-time and seasonal laborers in the Sanitation Department have their hourly salary adjusted to \$9.00 per hour, effective immediately.

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



26. RESOLUTION 2013-205

Appointment of Acting Detective (Police Department)/Eric Broska

Sponsored By: Councilmember Rogowski, Supervisor Holtz

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 Eric Broska of Depew, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective April 22, 2013.

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



27. RESOLUTION 2013-206

Appointment of Secretary to Supervisor/Kimberly Burst

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, there is a vacancy in the position of Secretary to the Supervisor; AND

WHEREAS, this Town Board wishes to transfer Kimberly Burst, currently the Deputy Receiver of Taxes, to this position; NOW, THEREFORE BE IT

RESOLVED, that Kimberly Burst of Depew, New York, be and hereby is transferred to the position of Secretary to the Supervisor in the Supervisor's Office, at her current salary, effective April 16, 2013.

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



28. RESOLUTION 2013-207

Appointment of Police Officers (Competitive/Permanent)/Jay Bartoszek and Bliss Hotchkiss

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, two (2) 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:

- Jay Bartoszek of Cheektowaga, New York
- Bliss Hotchkiss of Cheektowaga, New York

AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective April 18, 2013, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

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



29. RESOLUTION 2013-208

Travel Authorization (Police Department)/Detective Mark Jedd

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the International Association of Auto Theft Investigators 41st Annual Training Seminar is being held May 13-16, 2013 in Niagara Falls, Ontario; AND

WHEREAS, Detective Mark Jedd has 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 \$1,123.69; AND

WHEREAS, these expenses will be reimbursed to the Town by the UUV Grant; NOW, THEREFORE, BE IT

RESOLVED, that Detective Mark Jedd be and hereby is authorized to attend the International Association of Auto Theft Investigators 41st Annual Training Seminar being held May 13-16, 2013 in Niagara Falls, Ontario.

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



30. RESOLUTION 2013-209

Travel Authorization (Police Department)/Police Officers John Duskocz and John Jones

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the 2013 Annual K-9 Seminar is being held May 5-9, 2013 in Penn Yan, New York; AND

WHEREAS, Police Officers John Duskocz and John Jones 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 \$1,260.00; NOW, THEREFORE, BE IT

RESOLVED, that Police Officers John Duskocz and John Jones be and hereby are authorized to attend the 2013 Annual K-9 Seminar being held May 5-9, 2013 in Penn Yan, New York.

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

IV. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Planning Board - March 14, 2013
2. Minutes: Cheektowaga Traffic Safety Commission - March 19, 2013

B. General Communications

1. New York State DOT Designation of Restricted Highway: NY Route 33 Beginning as Its Western Terminus at Elm and Oak Streets and Continuing Easterly to Interstate 90. All in the City of Buffalo and the Town of Cheektowaga in Erie County. Goodell Street to Main

St to Kensington Ave to Grider St. to NY Route 33 NY Route 198 to Kensington Avenue to Harlem Road to NY Route 33. All in the City of Buffalo and the Town of Cheektowaga in Erie County.

2. **Summons: US Bank Trust NA Vs. Veryl L. Man, the Town of Cheektowaga ETAL**
3. **Notice of Claim: Lois M Banks Vs. Town of Cheektowaga**
4. **Notice of Claim: Ronald Folga 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 7:28 PM. There was a Moment of Silence for the Boston Marathon Bombing.

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 6, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 6, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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

Patrick Bowen, Assistant Engineer
Ellen Fischer, Executive Director - Youth Board
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Chairman
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. Wal- Mart Site Plan Approval 2480 and 2490-2550 Walden Avenue

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, Wozniak
ABSENT: Gerald Kaminski

**2. Demolition of 1182 Walden Avenue
and 1192 Walden Avenue**

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski

3. Install Curbing Along Duke Road

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: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski

IV. Resolutions



1. RESOLUTION 2013-210

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.9010.8141	Health Insurance	\$1,733,650.90
	100.9010.8143	Retiree Health Insurance	1,294,479.68
TO:	100.9902.9703	Transfer to Risk Retention	\$3,028,130.58

RISK RETENTION

FROM:	101.1910.5031	Interfund Transfers	\$4,476,512.00
TO:	101.1710.4101	Insurance Premiums	\$173,101.00
	101.1710.4523	Claims Admin.-Work. Comp.	178.00
	101.1710.4525	Claims Admin.-Work. Comp. Assess.	9,799.00
	101.1930.4703	Judgments & Claims-Work. Comp.	136,107.00
	101.1933.4703	Judgments & Claims-Health Ins.	3,972,913.00
	101.1931.4703	Judgments & Claims-Liability	184,414.00

SPECIAL DISTRICTS

FROM:	150.1910.2799	Appropriated Fund Balance	\$1,513,044.00
	150.8160.8141	Health Insurance	270,047.80
	150.8160.8143	Retiree Health Insurance	186,975.90
	255.8125.8141	Health Insurance	115,946.80
	255.8125.8143	Retiree Health Insurance	65,482.00
	255.8135.8141	Health Insurance	105,753.30
	255.8135.8143	Retiree Health Insurance	15,515.80
TO:	150.8160.2501	Misc. Equipment	\$1,513,044.00
	150.9902.9703	Transfer to Risk Retention	457,023.70
	255.8125.9703	Transfer to Risk Retention	302,697.90

HIGHWAY

FROM:	300.9010.8101	Employees Retirement	\$37,536.00
	300.9010.8141	Health Insurance	393,468.36
	300.9010.8143	Retiree Health Insurance	162,631.19
TO:	300.9010.8975	Retirement Buyouts	\$37,536.00
	300.9902.9703	Transfer to Risk Retention	556,099.55

PART TOWN

FROM:	800.9010.8141	Health Insurance	\$99,305.64
	800.9010.8143	Retiree Health Insurance	33,255.15
TO:	800.9902.9703	Transfer to Risk Retention	\$132,560.79

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



2. RESOLUTION 2013-211

Transfer of Funds 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

HUD

FROM: 900.8600.4910 NYS AHC Revenues \$75,000.00

TO: 900.8668.4009 Loans from Program \$75,000.00

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



3. RESOLUTION 2013-212

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 6, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$3,719,151.77
RISK RETENTION FUND	926,888.82
NYS HOME PROGRAM	
DEBT	31,000.00
HUD HOUSING REHABILITATION FUND	21,220.00
SPECIAL DISTRICTS FUND	948,012.65
HIGHWAY FUND	1,224,269.43
CAPITAL FUND	254,690.20
TRUST & AGENCY FUND	16,251.11
HUD CDBG FUND	19,784.79
PART TOWN FUND	121,438.97
NYS AFFORDABLE HOUSING	16,701.00
	<hr/>
	\$7,299,408.74

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



4. RESOLUTION 2013-213

Approve Construction of Curbing Along a Portion of Duke Road

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, a written petition dated April 10, 2013 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 Duke Road (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. 16, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows:
Duke Road, south side, from the west side of Union Road westerly a distance of 1,433.20 Feet.

by the construction and installation of curbing and other necessary related improvements in connection therewith along the entire length on the south side of the portion of Duke Road described above, at a maximum cost of \$31,600.00, and

WHEREAS, a pavement has been heretofore constructed along said portion of Duke Road described in the petition, said petition was signed by the owners of real estate fronting or abutting upon the south side of the portion of Duke Road 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 owning 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 Duke Road described in the petition on May 6, 2013 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 6th day of May, 2013 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 Duke Road,

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 Duke Road, in the Town, as hereinabove referred to in the recitals hereof;
- (c) all the real property fronting or abutting upon the south side of said portion of Duke Road 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 the south side of said portion of Duke Road 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 \$31,600.00, 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 years.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution Approving the Improvement of Duke Road 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:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



5. RESOLUTION 2013-214

Award of Bid for Asbestos Surveys and Air Monitoring Services for Properties Located 38 Barbara Place and 257 Chapel Avenue (Bid 2013-11 LAW)

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 structures on properties located at 38 Barbara Place and 257 Chapel Avenue have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such structures be demolished and removed; and

WHEREAS, by resolution adopted January 1, 2013 (2013-8), this Town Board ordered that the buildings on said properties be either repaired or demolished, and directed that the respective owners or others responsible for the buildings on said 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 to 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 asbestos surveys and asbestos abatement plans for same; and

WHEREAS, on March 18, 2013, this Town Board issued a Notice to Bidders (2013-11 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain Aurora Environmental LLC to perform said asbestos surveys, specifications and project monitoring work for the sum of \$5,592.50, and, if required, a further sum of \$229.00 per day and \$6.95 per sample for additional air monitoring and sampling at the sites; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Aurora Environmental LLC, 1850 Davis Road, West Falls, New York 14170, to perform said asbestos survey and abatement work (if necessary) for 38 Barbara Place and 257 Chapel Avenue for the sum of \$5,592.00 and, if required, a further sum of \$229.00 per day and \$6.95 per sample for additional air monitoring and sampling at the sites; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Aurora 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: WITHDRAWN



6. RESOLUTION 2013-215

Award of Bid - Installation of Replacement Variable Frequency Drives at the Main Pump Station (Bid 2013-12)

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Installation of Replacement Variable Frequency Drives and Associated Motor Control System Modifications at the Main Pump Station, which bids were received and publicly opened on April 17, 2013 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer and to the project consulting engineering firm of Nussbaumer & Clarke, Inc. for analysis, tabulation and report which is contained in a letter from the Town Engineer dated May 1, 2013, AND

WHEREAS, said report recommends that the base bid for the Installation of Replacement Variable Frequency Drives and Associated Motor Control System Modifications at the Main Pump Station, and Alternate Bid Item A which provides for removal and disposal of the decommissioned solar turbine generator and associated equipment be awarded to Ferguson Electric Construction Company, Inc. for their bid proposal for the base bid and bid Alternate A, said bid being the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Installation of Replacement Variable Frequency Drives and Associated Motor Control System Modifications at the Main Pump Station, including the base bid and bid Alternate A, is hereby awarded to:

Ferguson Electric Construction Company, Inc.
333 Ellicott Street
Buffalo, New York 14203

for their bid in the amount of \$780,000 for the base bid including Alternate A, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute the contract with Ferguson Electric Construction Company, Inc. with funding for said project chargeable to Account #500-1440-2062-5228.

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



7. RESOLUTION 2013-216

Award Bid for Controlled Demolition of 95 Pinehurst Avenue (BID 2013-13 LAW)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a bid (2013-13 LAW) was advertised for the controlled demolition of 95 Pinehurst Avenue in the Town of Cheektowaga; and

WHEREAS, bid proposals were received and opened on April 17, 2013 for said controlled 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 controlled demolition of said property to Regional Environmental Demolition, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the controlled demolition of structure(s) located at 95 Pinehurst Avenue, Cheektowaga, New York, to

Regional Environmental Demolition, Inc.
3695 Pine Avenue
Niagara Falls, New York 14301

for the sum of \$19,500.00, 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, Wozniak
ABSENT:	Gerald Kaminski



8. RESOLUTION 2013-217

Award Bid for Purchase of 2013 Self-Propelled 12 Ton Vibratory Tandem Roller (BID #2013-14 HWY)

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by resolution dated April 1, 2013 (Resolution 2013-160), this Town Board issued a Notice to Bidders (2013-14 HWY) for the purchase of One (1) New and Unused 2013 Model, Self-Propelled 12 Ton Vibratory Roller for use by the Highway Department, and

WHEREAS, bid proposals were opened on April 17, 2013, and

WHEREAS, bid proposals were evaluated by the Highway Department, and

WHEREAS, the Superintendent of Highways has recommended that this Town Board award the bid to Five Star Equipment, Inc., the second lowest bidder, for the amount of \$99,800.00 based on the following:

The Roller identified by the lowest bidder, Tracey Road Equipment, did not meet the following critical specifications:

- It had a curb clearance of only 19.5 inches;
- It did not have a Electronic Control Module to monitor the engine proper and vibratory systems;
- It was not equipped with pressure test ports and sampling test ports for the engine, hydraulics and coolant

, and

WHEREAS, although the Roller identified by Five Star Equipment, Inc. had only a clearance of 27.5 inches (rather than the requested 34 inches), this discrepancy/irregularity was inconsequential and was deemed acceptable since it was determined that new road construction typically calls for a minimum clearance of 20 inches, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the discrepancy in the curb clearance in the proposal submitted by Five Star Equipment, Inc. and hereby awards the bid for the purchase of One (1) New and Unused 2013 Model Self-Propelled 12 Ton Vibratory Roller to Five Star Equipment, Inc., 284 Ellicott Road, Orchard Park, NY 14217 for the amount of \$99,800.00, and BE IT FURTHER

RESOLVED, that funding for said purchase shall be appropriated from budget line item number 300-5130-2407, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the award of this bid and the purchase of said equipment.

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



9. RESOLUTION 2013-218

Award of Bid - Athletic White Stripe 2013 (BID 2013-15)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, bids for Athletic White Stripe (BID 2013-15 PKS) were received on April 24, 2013 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 \$.093 per lb.

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



10. RESOLUTION 2013-219

Award of Bid - Pool Chemicals 2013 (BID 2013-16)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, sealed bids were received for Pool Maintenance Chemicals (BID 2013-16 PKS) on April 24, 2013 at a meeting held for said purpose, AND

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

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for Pool Maintenance Chemicals to:

Amrex Chemical Co., Inc.
391 Exchange Street
Buffalo, NY 14204

		FOR	
Category I	-	Bromine	- \$2.30 per lb.
Category II	-	Diatomaceous Earth	- \$.40 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



11. RESOLUTION 2013-220

Award of Bid - Removal and Replacement of the Roof at the Dingens Street Pool

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, existing roof conditions at the Dingens Street Pool House warrant the removal and replacement of said roof, AND

WHEREAS, written proposals were solicited by the Engineering Department to remove the existing roof and replace it with a new ballasted (rubber) roof, AND

WHEREAS, three (3) contractors submitted competitive bids to the Town Engineer whom, after analysis and tabulation, has recommended that the bid for the Roof Removal and Replacement at the Dingens Street Pool be awarded to Murray Roofing Company, Inc. for having submitted the lowest of the three (3) proposals, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Removal and Replacement of the Roof at the Dingens Street Pool House be and hereby is awarded to Murray Roofing Company, Inc., 600 Cayuga Creek Road, Cheektowaga, New York 14227 for the total price of \$31,465.00 (which includes a 20 year warranty), said being the lowest of the three (3) proposals, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be chargeable to Account #500-7180-2531-5329.

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



12. RESOLUTION 2013-221

Call for Public Hearing of Amendments to Dog Ordinance

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the New York State Agriculture & Markets Law contains regulations relating to the licensing and impoundment of dogs, and

WHEREAS, the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) of the Town of Cheektowaga currently contains provisions relating to the impoundment of dogs; in addition, by resolution dated December 6, 2010, fees under the Dog Ordinance were prescribed, and

WHEREAS, the Town Clerk has recommended that the impoundment period for dogs be reduced from five (5) to three (3) days, and that revised impoundment fees be established, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 20th day of May, 2013 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") will be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

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

—◆—

NOTICE OF HEARING

ON PROPOSAL TO

AMEND DOG ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of May, 2013, a public hearing will be held on May 20, 2013 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it may be determined by the Cheektowaga Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance")

shall be amended and changed as follows:

1. Subsection D of §58-9 of the Town Code, Licensing and Identification of Dogs, shall be amended to read as follows:

- D. (i). The owner of any dog impounded by the Town of Cheektowaga shall be entitled to redeem that dog within three (3) business days from the date the dog is impounded provided that the owner produces proof that the dog is licensed and the individual claiming the dog is identified as the owner. No fee will be charged for the first or second impoundments within one (1) year. Fees established by the Town Board will be charged for the third or subsequent impoundments within a one (1) year period.
- (ii) If the dog is unlicensed, the dog will be impounded until such time as the owner has paid any impoundment fees.
- (iii) If it is determined that the dog is in need of a rabies vaccination, the dog will be taken by the Town to a veterinarian for a rabies vaccination, and the owner will be charged the cost of the rabies vaccination plus any applicable impoundment fees.
- (iv) Should the owner come to claim the dog on the third day of the impoundment and the dog is found to be unlicensed and in need of a rabies vaccination, the dog will remain impounded until the vaccination is given and the dog is licensed.

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

Dated: May 6, 2013

ALICE MAGIERSKI
Town Clerk

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



13. RESOLUTION 2013-222

Call for Public Hearing - Rezoning Request 61 Anderson Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Opitma Design and Engineering, PLLC with the permission of the landowner Lee Dee & Sons, LLC has made application and requested the rezoning of part of 61 Anderson from M2- General Manufacturing to CM- General Commercial for the construction of a (4) four story, 13,469 s.f. hotel at 61 and 83 Anderson Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 20, 2013 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 20th day of May, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Optima Design and Engineering, PLLC

for the rezoning of part of 61 Anderson Road from M2- General Manufacturing to CM- General Commercial for the construction of a (4) four story, 13,469 s.f. hotel at 61 and 83 Anderson Road.

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

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, 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 24, Township 11, Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING a point in the centerline of Anderson Road (60' wide) distant 649.00 feet northerly from its intersection with the centerline of Dale Road, formerly known as Walden Avenue (66' wide), said centerline also being the centerline of a private road (100' wide) extending from Old Walden Avenue;

thence northerly along the said centerline of Anderson Road, a distance of 81.75 feet to a point;
thence easterly at an interior angle of 90° 00' 00", a distance of 122.00 feet to a point;
thence northerly at an interior angle of 270° 00' 00", a distance of 68.25 feet to a point;
thence easterly at an interior angle of 90° 00' 00", a distance of 187.50 feet to a point;
thence southerly at an interior angle of 90° 00' 00", a distance of 150.00 feet to a point;
thence westerly at an interior angle of 90° 00' 00", a distance of 309.50 feet to the point or place
of beginning, containing 38,098± square feet or 0.87 acres of land more or less

Attachments:

Legal Description (PDF)

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



14. RESOLUTION 2013-223

Call for Public Hearing - Rezoning Request 93 Maryvale Drive

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Sean Hopkins Esquire for the land owner, For the Love of Cooking, LLC has made application and requested the rezoning of 93 Maryvale Drive from CM- General Commercial to MS- Motor Services for the continued use of an existing motor repair facility, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 20, 2013 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 20th day of May, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Sean Hopkins Esquire

for the rezoning of rezoning of 93 Maryvale Drive from CM- General Commercial to MS- Motor Services for the continued use of an existing motor repair facility,

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

BY ORDER OF THE TOWN BOARD, OF THE 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. 35, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the southerly line of Maryvale Drive (formerly Pine Ridge Road) distant 160 feet west from the east line of Lot No. 35, said east line of Lot No. 35, being

also the west line of Harlem Road as laid out as a 66 foot highway; thence southerly parallel with the east line of Lot No. 35 a distance of 175 feet to a point; thence westerly parallel with Maryvale Drive, a distance of 90 feet to a point; thence northerly parallel with the east line of Lot No. 35 a distance of 175 feet to a point in the southerly line of Maryvale Drive; thence easterly along the southerly line of Maryvale Drive 90 feet to the point or place of beginning.

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



15. RESOLUTION 2013-224

Notice to Bidders-3/4 Ton 4X4 Crew Cab Pickup Vehicle (Or Equivalent) (BID 2013-17)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department wishes to purchase one (1) new and unused 2012, 2013 or 2014 Chevrolet, Ford or Dodge 3/4 ton 4x4 crew cab pickup vehicle (or equivalent) (BID 2013-17), NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said purchase of one (1) new and unused 2012, 2013 or 2014 Chevrolet, Ford or Dodge 3/4 ton 4x4 crew cab pickup vehicle (or equivalent), said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 15th day of May, 2013 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 opened by the Town Clerk of the Town of Cheektowaga on May 15, 2013 at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) New and Unused 2012, 2013 or 2014 Chevrolet, Ford or Dodge ¾ ton 4x4 crew cab pickup Vehicle (or equivalent)(BID 2013-17) for the Cheektowaga Police Department as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) New and Unused 2012, 2013 or 2014 Chevrolet, Ford or Dodge ¾ ton 4x4 crew cab pickup vehicle (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, Wozniak
ABSENT:	Gerald Kaminski



16. RESOLUTION 2013-225

Negative SEQR Declaration - 1849 Harlem Road Reimann & Georger, Corp.

Sponsored By: Councilmember Markel, Supervisor Holtz

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 construction of a 4,000 s.f. warehouse addition to an existing manufacturing facility at 1849 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 1, 2013 recommended a determination of non-significance as shown on the attached memorandum dated May 1, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 14, 2013, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, AND BE IT

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

1. The Town Engineer reviewing and approving the grading/drainage plan.
2. The Zoning Board of Appeals granting the necessary area variance for the building setback.

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



17. RESOLUTION 2013-226

Negative SEQR Declaration - 4635 Union Road Aspire of WNY, Inc

Sponsored By: Councilmember Markel, Supervisor Holtz

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 Young & Wright Architectural on behalf of Aspire of WNY, Inc. For the construction of a building additions totaling 19,900 s.f. in area to an ex existing school building at 4635 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 13, 2013 recommended a determination of non-significance as shown on the attached memorandum dated February 13, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 14, 2013, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that the addition of proper signage and curbing for the proposed one way vehicular routing of traffic as indicated in their memorandum dated February 18, 2013, 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/drainage plan.
2. Revision to the plan to address the Traffic Safety Commission's concerns for maintaining separate bus/passenger vehicle movements.

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



18. RESOLUTION 2013-227

Accept Site Plan - 3063 Harlem Road Holy Sepulchre Cemetery

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 LA Hauer-LaDuca Architect, P.C. on behalf of Diocesan Cemeteries of Buffalo for the construction of a 2,411 s.f. building addition to an existing mausoleum at 3063 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of March 14th, 2013 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.

Attachments:

Site Plan (PDF)

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



19. RESOLUTION 2013-228

Accept Site Plan - 3101 Broadway Cameron Compression Systems

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 Scheid Architectural on behalf of Cameron Compression Systems for the construction of two building additions totaling 3,166 s.f in area at an existing manufacturing facility at 3101 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of MArch 14th, 2013 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



20. RESOLUTION 2013-229

Approve Cultural Group Funding for Various Cultural Groups

Sponsored By: Councilmember Wozniak, Councilmember Markel

WHEREAS, the Town, in its 2013 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 2012 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	\$16,000.00
Cheektowaga Historical Association, Inc.	\$2,050.00
Friends of the Woods, Ltd.	\$800.00
Cheektowaga Garden Club	\$625.00
Cheektowaga Community Chorus, Inc.	\$12,000.00
Arts Society of Cheektowaga	\$1,200.00

And BE IT FURTHER

RESOLVED that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2013 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



21. RESOLUTION 2013-230

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, May 18, 2013 to Sunday, May 19, 2013, in John C. Stiglmeier Park, and

WHEREAS, Section 174-14 of the Code of the Town Of Cheektowaga states that "all parks shall be closed between the hours of sunset and sunrise the following morning and no person shall remain inside any parks during the hours when so closed...", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby permits a waiver of Section 174-14 of the Code of the Town Of Cheektowaga and that said waiver shall be extended to Cub Scout Pack 618 for the use of John C. Stiglmeier Park on May 18-19, 2013, 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



22. RESOLUTION 2013-231

Approve Furniture Purchase for Police Department

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department wishes to purchase furniture for offices in their department; AND,

WHEREAS, OM Workspace, the vendor who has supplied furniture to the Police Department in the past, has submitted a proposal and is under New York State Contract #PC63418, PC63361, PC63362 and PC65685, AND

WHEREAS, the total cost of the furniture is \$69,145.01 and will be paid out of budget line #500-1440-2535-5025, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves the purchase of office furniture for the Cheektowaga Police Department from:

OM Workspace
1999 Mt. Read Boulevard
Rochester, NY 14651

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



23. RESOLUTION 2013-232

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 18th thru August 29th, 2013 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



24. RESOLUTION 2013-233

NYSDEC Year 10 Annual Report

Sponsored By: Supervisor Holtz, Councilmember Markel

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 10 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, 2013, 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 24, 2013 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, together with the Year 10 Annual Report.

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



25. RESOLUTION 2013-234

Preventative Maintenance for Photovoltaic System Maintenance

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, during the month of February 2012, the Town commissioned the start-up and placed four (4) solar energy, photovoltaic rooftop systems into service at the Town Hall, Highway Garage, Facilities Maintenance Garage and at three (3) circular garage structures located at the Main Pump Station, AND

WHEREAS, in order to ensure optimal system performance and energy output, minimize disruptions and to ensure that the equipment and system components perform as required throughout the expected service life, the Town Engineer has recommended that the Town enter into a Preventative Maintenance Contract, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of O'Connell Electric Company, Inc., 830 Phillips Road, Victor, New York 14564 dated January 23, 2013 for photovoltaic system inspection and maintenance, deviation alert monitoring and solar module cleaning to commence on June 1, 2013 and end on May 31, 2014 is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with O'Connell Electric Company, Inc., and the fee per site in the amount of \$1,250.00 shall be chargeable to the following utility accounts:

Highway	100.5132.4211
Facilities	100.7110.4217
Town Hall	100.1625.4217
Main Pump Station	255.8135.4217

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



26. RESOLUTION 2013-235

Chips

Sponsored By: Supervisor Holtz, Councilmember Markel

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 - \$426,977.06

CHIPS State Aid (Revenue) #500-5132-0002-5714 - \$426,977.06

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



27. RESOLUTION 2013-236

Upgrade to Town Fuel Pumps

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Central Garage operates a Veeder Root equipment system manufactured by Fuelmaster fuel management system to provide gasoline for the Town's fleet of vehicles and equipment, and

WHEREAS, due to problems being experienced with the existing system, it is necessary to upgrade the existing fuel management system, and

WHEREAS, Fleischmann Service Corp. is the sole distributor of Fuelmaster Fuel Management Systems in the area and has the only factory-trained and certified technicians in the area for this equipment, and

WHEREAS, Fleischmann Service Corp. has submitted a proposal dated March 18, 2013 to the Central Garage to upgrade the existing Veeder Root System, and

WHEREAS, the General Crew Chief of the Central Garage has reviewed the proposal submitted by Fleischmann Service Corp. and has recommended that the Town accept this proposal, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of Fleischmann Service Corp. to upgrade the existing Veeder Root system for the Central garage at a cost not to exceed \$17,000.00, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from moneys to be transferred to the Capital Projects fund from the General Fund balance.

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



28. RESOLUTION 2013-237

Special Event - National Center for Missing and Exploited Children Ride for Awareness

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 Awareness" through the Town of Cheektowaga on Friday, May 31st, 2013 and stopping for lunch at Cheektowaga Town Park at the anticipated time of 11:50 a.m. until 1:00 p.m.(route schedule is attached); 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 application of the National Center for Missing and Exploited Children for the aforementioned "Ride for Awareness" and lunch in Cheektowaga Town Park, to be held on Friday, May 31st, 2013; 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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



29. RESOLUTION 2013-238

Special Event - War of 1812 Commemoration Ceremony

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 has made application to hold a War of 1812 Cemetery Commemoration Ceremony on Sunday, June 9, 2013 beginning at 11:30 A.M. at the War of 1812 Cemetery on Aero Drive;, 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 for the aforementioned Commemoration Ceremony to be held on Sunday, June 9, 2013.

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



30. RESOLUTION 2013-239

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 5th Annual Crabapple Festival - Celebration of the Town of Cheektowaga June 7th, 8th, and 9th, 2013; 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 5th Annual Crabapple Festival - Celebration of the Town of Cheektowaga to be held on June 7th, 8th and 9th, 2013.

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



31. RESOLUTION 2013-240

Special Event - Polish Festival

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from Friday, July 19th thru Sunday, July 21st, 2013; 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:

- . Submittal of plan for sanitary facilities;
- . Submittal of site plan;
- . Requirement that application be made at least 60 days prior to the date of the special event;
- . 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 Polish-American Arts Festival Committee for the aforementioned Polish Festival to be held in Cheektowaga Town Park from July 19th thru July 21st, 2013.

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



32. RESOLUTION 2013-241

Special Event - Shooting Starz Charity Softball

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 27, 2013 from 8:00 a.m. - 7:00 p.m. (diamonds 1, 3, 4 & 5) 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:

- . 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 Shooting Starz Charity Softball Association for the aforementioned "Coed Charity Softball Tournament" for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 27, 2013.

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



33. RESOLUTION 2013-242

Special Event - German Festival & Car Show

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 Saturday, August 31st and Sunday, September 1st, 2013; 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 Saturday, August 31st and Sunday, September 1st, 2013..

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



34. RESOLUTION 2013-243

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:

Denise Atkisson	8/31/12	14220
Greg Craft	8/03/12	14227
Kyle Polanski	8/22/12	14043
Daniel Zimmer	11/09/12	14225

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2013-243; 2013-244 and 2013-245. Motion carried.

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



35. RESOLUTION 2013-244

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:

Cheektowaga Conservation Corps (CCC)
Seasonal

Laborer - "Level I Participant" - 7310.1816 - \$7.25 - Seasonal

Daniel Wierzba	14212
Matthew Nichy	14043
Maryann Glab	14227
Demetri McCallie	14225
David Nowak	14225
Benjamin Zaccagnino	14206

Laborer - "Level II Participant" - 7310.1816 - \$7.50 - Seasonal

Daniel Eye	14225
James Hanners	14225
Alex Lenhard	14227
Robert Malicki	14227
Robert Rustowicz	14225

Laborer - "Level III Participant" - 7310.1816 - \$7.75 - Seasonal

Christopher Kelley	14215
Michael Tomczak	14227
Christopher Suchan	14227
Tyler Smith	14043
Zachary Uzar	14227

Laborer - "Level IV Participant" - 7310.1816 - \$8.00 - Seasonal

Bradley Vargo	14225
Eric Nash	14206

Laborer - "Level I Supervisor Trainee" - 7310.1816 - \$8.90 - Seasonal

Matthew Lanning	14225
Michael Wrona	14225
Keith Kwiatkowski	14227

Laborer - "Level II Supervisor Trainee" - 7310.1816 - \$9.15 - Seasonal

Christopher Balash	14215
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Laborer - "Level I Youth Leader" - 7310.1811 - \$9.15 - Seasonal

Matthew Eckle	14225
Joshua Galante	14206

Laborer - "Level II Youth Leader" - 7310.1811 - \$9.40 - Seasonal

David Chwojdak	14227
Adam Skowron	14227

Laborer - "Level I Crew Supervisor" - 7310.1811 - \$12.00 - Seasonal

Corey Smith	14043
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Laborer - "Level II Crew Supervisor" - 7310.1811 - \$12.25 - Seasonal

Andrew Samer	14227
Michael Lewandowski	14043
Stephen Pfalzer	14043

Recreation Specialist - "CCC Education Coordinator " - 7310.1811 - \$14.00 - Regular Part Time

Jamie Nash	14206
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Recreation Specialist - "CCC Program Coordinator " - 7310.1811 - \$16.25 - Regular Part Time

Brad Agen	
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Laborer - "Level I Participant" - 7310.1816 - \$7.25 - Seasonal - Alternates

Leah Polvinale	14227
Cody Jeziorski	14227
Kaylee Sandel	14227
Neina Kelly	14211
Jayson Schultz	14211

Laborer - "Level II Participant" - 7310.1816 - \$7.50 - Seasonal - Alternates

Brian Johnson	14227
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Recreation Attendant - 7140.1614 - \$8.25 - Seasonal

Harley Wiertel	14227
Kendal Wiertel	14227

Recreation Attendant - 7310.1804 - \$7.25 - Regular Part-time

Emma Reid	14043
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Recreation Aide - 7140.1614 - \$7.50 - Part-time

Lindsay Cieslinski	
Brandon Koszuta	
Lancelot Melin	

From Recreation Aide to Recreation Attendant - 7140.1633 - \$7.50 - Regular Part-time

Slade Miller	
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Recreation Aide - 7140.1640 - \$7.25 - Part-time

Austin Junik	14206
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Recreation Aide - 7140.1640 - \$7.40 - Part-time

Jared Bulinski	
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Recreation Attendant - 7140.1640 - \$8.50 - Regular Part-time

Eugene Pytlewski	14227
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Recreation Attendant -7140.1636 - \$8.50 - Regular Part-time
Christie Petre 14211

Recreation Attendant -7140.1636 - \$8.00 - Regular Part-time
Adam Barrett 14225

Recreation Attendant -7140.1636 - \$7.60 - Regular Part-time
Emily Bowen 14225

Recreation Attendant -7140.1636 - \$7.75 - Regular Part-time
Andrew Deeds 14211

Recreation Attendant -7140.1636 - \$7.35 - Regular Part-time
Ryan Londos 14043

Recreation Instructor - "Town Park Pool Head Lifeguard Level II, 1st Shift" - 7180.1902 - \$9.54 - Seasonal
Nicholas Coronado 14225

Recreation Instructor - "Dingens Pool Supervisor Level II" - 7180.1902 - \$10.06 - Regular Part-time
Ashley Bajer 14225

Recreation Instructor - "Town Park Pool Head Lifeguard Level I" - 7180.1902 - \$9.36 - Seasonal
Melissa Farruggio 14227

Recreation Instructor - "Maryvale Pool Head Lifeguard" - 7180.1902 - \$9.06 - Regular Part-time
Austin Snyder 14225

Lifeguard "Level IV"- 7180.1903 - \$8.76 - Seasonal

Brad Bauman 14227
Kenneth Carlucci III 14227
Tyler Casillo 14227
Margaret Drzewiecki 14225
Elizabeth Monaco 14225
Jacob Sauer 14227
Lauren Tomaschko 14225
Chelsea Wartinger 14043
Jennifer Weber 14224
Brandon Wheeler 14225
John Zastempowski IV 14227

Lifeguard "Level IV w/WSI"- 7180.1903 - \$8.94 - Seasonal

Anastasia Zarbo 14227

Lifeguard "Level III"- 7180.1903 - \$8.59 - Seasonal

Sharrieff Fareed-Muhammad	14215
Dakota Grantham	14225
Catherine Huber	14225
Samantha Johnston	14227
Michael Keller	14225
Christopher Kiripolsky	14215
Rachel Kuechle	14225
Allison Musial	14225
Mindy Odrobina	14043
Katelin Petranchuk	14227
Michael Zarbo	14227

Lifeguard "Level II"- 7180.1903 - \$8.42 - Seasonal

Samantha Burton	14225
William Dickinson	14225
Julianne Doetterl	14227
Zachary Hermanski	14225
Caitlin Kerling	14225
Dave Kerling	14225
Noah McGhee	14225
Shelby Metzger	14043
Emily Speidel	14225

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



36. RESOLUTION 2013-245

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:

TOWN CLERK'S OFFICE Clerk \$8.50/hour effective 5/13/13
Kathleen Gouba, Sloan, New York

JUSTICE COURT Clerk \$8.25/hour effective 5/7/13
Lynn Imiola, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$14.00/hour effective 5/6/13
Jennifer Martin, Cheektowaga, New York

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 \$9.00/hour effective 4/15/13
Walter Szafraniec, Cheektowaga, New York
David Duncan, Cheektowaga, New York
Daniel Zybczynski, Cheektowaga, New York
John Gersitz, Cheektowaga, New York
Zachary Crabtree, Cheektowaga, New York
David Marchitte, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$8.25/hour effective 6/24/13
Sean Ross, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$8.00/hour effective 5/21/13
Christopher Gentile, Cheektowaga, New York
Eric Gentile, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$8.00/hour effective 5/28/13
Nicholas Kotarski, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$8.00/hour effective 6/24/13
Adam Cartenuto, Cheektowaga, New York
Eric Cartenuto, Cheektowaga, New York

MAIN PUMP STATION Laborer \$8.00/hour

Samuel Wodowski, Cheektowaga, New York

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

SANITATION DEPARTMENT

Daniel Zybczynski effective 4/15/13

David Duncan effective 4/15/13

TOWN CLERK'S OFFICE

Ashley Guay effective 4/27/13

POLICE DEPARTMENT

Antonia Tucker effective 5/3/13

BE IT FURTHER RESOLVED, that Tammy Ciskal, currently a part-time clerk in the Tax Office, have her hourly salary adjusted to \$12.50 per hour, effective 5/7/2013.

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



37. RESOLUTION 2013-246

Termination of Working Crew Chief (William Lawicki)

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, William Lawicki, a Working Crew Chief in the Facilities Department (Parks Division) be and hereby is terminated effective April 12, 2013.

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



38. RESOLUTION 2013-247

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 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 2016, but no later than June 30, 2016:

Debra Liegl
 Donna Luh
 Edward Halady
 Cheryl Moore
 William M. Bush
 Paul Gilden

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



39. RESOLUTION 2013-248

Appointment of Working Crew Chief (Non-Competitive/Permanent) (Parks Division)/John Ciesielski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Facilities Department (Parks Division); AND

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

WHEREAS, John Ciesielski, currently employed as a General Mechanic in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that John Ciesielski of Cheektowaga, New York, be and hereby is appointed to the position of Working Crew Chief in the Facilities Department (Parks Division), pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit effective May 7, 2013.

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



40. RESOLUTION 2013-249

Appointment of Program Coordinator - Youth Board (Temporary) Youth & Recreation/Deanna Szymkowiak

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the position of Program Coordinator - Youth Board in the Youth and Recreation Department; AND

WHEREAS, Deanna Szymkowiak, currently employed as a part-time Recreation Attendant in the Youth and Recreation Department, meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Deanna Szymkowiak of Cheektowaga, New York, be and hereby is appointed to the temporary position of Program Coordinator - Youth Board in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 7, 2013.

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



41. RESOLUTION 2013-250

Travel Authorization (Police Department)/Detective Mark Jedd

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Statewide Work Group is being held April 29-30, 2013 in Albany, New York; AND

WHEREAS, Detective Mark Jedd has 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 \$405.57; AND

WHEREAS, these expenses have been budgeted by the 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 29-30, 2013 in Albany, New York.

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



42. RESOLUTION 2013-251

Travel Authorization (Police Department)/Sergeant Brian Coons

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Background Investigation Training is being held May 13-14, 2013 in Syracuse, New York; AND

WHEREAS, Sergeant Brian Coons has 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 \$642.46; AND

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

RESOLVED, that Sergeant Brian Coons be and hereby is authorized to attend the Background Investigation Training being held May 13-14, 2013 in Syracuse, New York.

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



43. RESOLUTION 2013-252

Travel Authorization (Building & Plumbing Department)/Assistant Code Enforcement Officer Lawrence Kensy and Fire Inspector Joseph Ehnes

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Monroe County Fire Marshals and Inspector Seminar is being held May 15-16, 2013 in West Webster, New York; AND

WHEREAS, Assistant Code Enforcement Officer Lawrence Kensy and Fire Inspector Joseph Ehnes have been recommended to attend said training; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$575.00; AND

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

RESOLVED, that Assistant Code Enforcement Officer Lawrence Kensy and Fire Inspector Joseph Ehnes be and hereby are authorized to attend the Monroe County Fire Marshals and Inspector Seminar being held May 15-16, 2013 in West Webster, New York.

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

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive to rules to include the following two (2) resolutions: 2013-253 and 2013-254. Motion Carried.



1. RESOLUTION 2013-253

Approve Assignment of Contract for Mowing Galleria Detention Basins

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by resolution dated April 2, 2012 (Resolution 2012-178), this Town Board awarded a contract for the mowing of three (3) Galleria Detention basins to Niagara Grass for 2012, 2013 and 2014, and

WHEREAS, Niagara Grass has requested permission from this Town Board to assign said contract to Mowcon Enterprises, LLC for calendar years 2013 and 2014, and

WHEREAS, the Town Engineer has reviewed said request and has recommended that this Town Board approve said assignment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the request of Niagara Grass to assign the contract for the mowing of three (3) Galleria Detention basins to Mowcon Enterprises, LLC for calendar years 2013 and 2014.

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



2. RESOLUTION 2013-254

Award of Bid - One (1) New and Unused 2013 Knuckle Boom Brush Loader and Dump Body (Bid 2013-8)

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on March 6, 2013, for One (1) New and Unused 2013 Knuckle Boom Brush Loader and Dump Body (Bid 2013-8) 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 bid specs for One (1) New and Unused 2013 Knuckle Boom Brush Loader and Dump Body be awarded to Guthrie Heli-Arc, Inc. 8150 Buffalo Road, P.O. Box 506, Bergen, NY 14416 at a total bid price of \$69,972.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

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

TABULATION FOR
ONE (1) NEW AND UNSUED 2013 MODEL KNUCKLE BOOM BRUSH LOADER AND
DUMP BODY

Guthrie Heli-Arc, Inc. 8150 Buffalo Road P.O. Box 506 Bergen, NY 14416 585-494-2600	\$69,972.00
Cyncon Equipment, Inc. 7494 W. Henrietta Road Rush, NY 14543 585-533-2500	\$73,612.00
STS Trailer & Truck Equipment 6495 Transit Road Bowamansville, NY 14206 716-683-2250	\$82,998.00

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

VI. Communications

A. Departmental Communications

1. **Town of Cheektowaga Emergency Services: Quarterly Report for January to March 2013**
2. **Minutes: Cheektowaga Planning Board - April 11, 2013**
3. **Minutes: Cheektowaga Traffic Safety Commission - April 16, 2013**
4. **Minutes: Town Environmental Advisory Council - April 10, 2013**
5. **Drescher & Malecki, LLP: Annual Financial Report for the Town of Cheektowaga, County of Erie for the Fiscal Year Ended 12/31/2012**

B. General Communications

1. **Summons: Bank of America NA Vs. Ronald L. Kaylor, Town of Cheektowaga Premises: 213 Gates Ave.**
2. **Summons: RBS Citizens, NA Vs. Colleen E. Dinitto, Town of Cheekowaga & Etal Premises: 16 Shelby Drive**
3. **Summons & Complaint: Elaine Golimowski Vs. Town of Cheektowaga**
4. **Notice of Claim: Lorraine E. Jezioro Vs. Town of Cheektowaga**
5. **Notice of Claim: Chuck Eashak Vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

There was a Moment of Silence in Memory of the Volunteer Firefighters who lost their lives in West Texas and for all Volunteer Firefighters.

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 8:40 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, May 20, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 20, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Scott Thrun, Dog Warden
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearings

1. Rezoning Request 61 Anderson Road

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski

2. Rezoning Request 93 Maryvale Drive

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski

3. Amendments to Dog Ordinance

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: James P. Rogowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski

IV. Resolutions



1. RESOLUTION 2013-255

Transfer of Funds-2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL FUND

FROM:	100.1415.3500	State Aid Archive	\$25,063.00
	100.1415.3500	SARA Grant	50,000.00
TO:	100.1415.2000	Equipment	\$9,966.00
	100.1415.4001	Contractual Services	15,097.00
	100.1415.4001.1003	Contractual Services Web Archive Grant	50,000.00

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



2. RESOLUTION 2013-256

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 20, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$206,423.29
RISK RETENTION FUND	20,345.62
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	
SPECIAL DISTRICTS FUND	259,714.22
HIGHWAY FUND	127,860.75
CAPITAL FUND	281,890.96
TRUST & AGENCY FUND	13,549.90
HUD CDBG FUND	12,024.20
PART TOWN FUND	27,857.82
NYS AFFORDABLE HOUSING	14,674.46
	<hr/>
	\$964,341.22

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



3. RESOLUTION 2013-257

Amend Resolution Designating Depositories for 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by resolution adopted January 7, 2013 (Resolution 2013-13), this Town Board designated official depositories in the Town of Cheektowaga; and

WHEREAS, HSBC Bank (Cheektowaga Office) was incorrectly listed among said depositories, said bank having ceased operations; and

WHEREAS, First Niagara Bank (Cheektowaga Office) was inadvertently omitted therefrom; NOW, THEREFORE, BE IT

RESOLVED, that said Resolution be and hereby is amended to read as follows:

"BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2013:

First Niagara 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, Wozniak
ABSENT:	Gerald Kaminski



4. RESOLUTION 2013-258

Amend Resolution to Direct Depositories To Accept Supervisor's Facsimile Signature

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by resolution adopted January 7, 2013 (Resolution No. 2013-14), this Town Board designated depositories in the Town of Cheektowaga and requested, authorized and directed said depositories to honor checks, notes, and other instruments for payment of monies against Town funds on deposit in the named depositories, as more particularly described therein; and

WHEREAS, HSBC Bank (Cheektowaga Office) was incorrectly listed among said depositories, said bank having ceased operations; and

WHEREAS, First Niagara Bank (Cheektowaga Office) was inadvertently omitted therefrom; NOW, THEREFORE, BE IT

RESOLVED, that said Resolution be and hereby is amended to read as follows:

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

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



5. RESOLUTION 2013-259

Decision of Amendments to Dog Ordinance

Sponsored By: Councilmember Kaznowski, Councilmember Wozniak

WHEREAS, the New York State Agriculture & Markets Law contains regulations relating to the licensing and impoundment of dogs, and

WHEREAS, the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) of the Town of Cheektowaga currently contains provisions relating to the impoundment of dogs; in addition, by resolution dated December 6, 2010, fees under the Dog Ordinance were prescribed, and

WHEREAS, the Town Clerk has recommended that the impoundment period for dogs be reduced from five (5) to three (3) days, and that revised impoundment fees be established, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 20th day of May, 2013 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens had an opportunity to be heard as to whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") should be amended as provided in the Notice of Hearing, and

WHEREAS, it is in the public interest to adopt the aforesaid proposed amendments to the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) be and hereby is amended as follows:

1. Subsection D of §58-9 of the Town Code, Licensing and Identification of Dogs, shall be amended to read as follows:

- D. (i). The owner of any dog impounded by the Town of Cheektowaga shall be entitled to redeem that dog within three (3) business days from the date the dog is impounded provided that the owner produces proof that the dog is licensed and the individual claiming the dog is identified as the owner. No fee will be charged for the first or second impoundments within one (1) year. Fees established by the Town Board will be charged for the third or subsequent impoundments within a one (1) year period.
- (ii) If the dog is unlicensed, the dog will be impounded until such time as the owner has paid the license fee and any impoundment fees.
- (iii) If it is determined that the dog is in need of a rabies vaccination, the dog will be taken by the Town to a veterinarian for a rabies vaccination, and the owner will be charged the cost of the rabies vaccination plus any applicable impoundment fees.
- (iv) Should the owner come to claim the dog on the third day of the impoundment and the dog is found to be unlicensed and in need of a rabies vaccination, the dog will remain impounded until the vaccination is given and the dog is licensed.

, 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 20th day of May, 2013; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned amendment to the Dog Ordinance shall take effect ten (10) days after such publication, but such amendment shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry into the minutes

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



6. RESOLUTION 2013-260

Adoption of Revised Dog Impoundment Fees

Sponsored By: Councilmember Kaznowski, Councilmember Wozniak

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York Legislature amended the Agriculture & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, amendments were made to the Dog Ordinance of the Town of Cheektowaga (Chapter 58 of the Code of the Town of Cheektowaga), by resolution dated May 20, 2012 relating to the impoundment of dogs, and

WHEREAS, pursuant to subsection D of Section 58-9 of the Code of the Town of Cheektowaga, impoundment fees shall be made by this Town Board, by resolution, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes the following revised impoundment fees for dogs under the Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga), effective immediately:

	<u>Dog is Licensed</u>	<u>Dog is Not Licensed</u>
First Impoundment	\$0	\$10 + \$10 per additional day
Second Impoundment (within 1 year of 1 st impoundment)	\$0	\$20 + \$10 per additional day
Third Impoundment (within 1 year of 1 st impoundment)	\$30 + \$10 per additional day	\$30 + \$10 per additional day
If Veterinary Care Required	Cost of Care	Cost of Care

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



7. RESOLUTION 2013-261

Change Order No. 6 - HVAC Work (Police & Court Building)

Sponsored By: Councilmember Markel, 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. 6 (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. 6 (HVAC Work) for the Police and Court Building Renovations and Addition Project in the amount of \$26,487.77 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 #500-1440-2535-5025.

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



8. RESOLUTION 2013-262

Award of Bid for Asbestos Surveys, Specifications, and Air Monitoring Services for Properties Located At 38 Barbara Place and 257 Chapel Avenue (Bid 2013-11 LAW)

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 structures on properties located at 38 Barbara Place and 257 Chapel Avenue have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such structures be demolished and removed; and

WHEREAS, by resolution adopted January 1, 2013 (2013-8), this Town Board ordered that the buildings on said properties be either repaired or demolished, and directed that the respective owners or others responsible for the buildings on said 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 to 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 asbestos surveys and asbestos abatement plans for same; and

WHEREAS, on March 18, 2013, this Town Board issued a Notice to Bidders (2013-11 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain Aurora Environmental LLC to perform said asbestos surveys, specifications and project monitoring work for the sum of \$5,592.50, and, if required, a further sum of \$229.00 per day and \$6.95 per sample for additional air monitoring and sampling at the sites; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Aurora Environmental LLC, 1850 Davis Road, West Falls, New York 14170, to perform said asbestos survey and abatement work (if necessary) for 38 Barbara Place and 257 Chapel Avenue for the sum of \$5,592.00 and, if required, a further sum of \$229.00 per day and \$6.95 per sample for additional air monitoring and sampling at the sites; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Aurora 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, Wozniak
ABSENT: Gerald Kaminski



9. RESOLUTION 2013-263

Award of Bid - 4X4 Crew Cab Pickup (Bid 2013-17)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) New and Unused 2012, 2013 or 2014 Ford, Chevrolet or Dodge 3/4 Ton 4x4 Crew Cab Pickup Vehicle (Bid 2013-17), for the Police Department and, which bids were duly received and opened at a public bid opening called for that purpose, AND,

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

RESOLVED, that the contract for the furnishing of one (1) New and Unused 2012, 2013 or 2014 Ford, Chevrolet or Dodge 3/4 Ton 4x4 Crew Cab Pickup Vehicle be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225 at a cost of \$28,380.00; said vendor meeting the bidding conditions of the specifications, AND, BE IT FURTHER

RESOLVED, that funds for this purchase will be paid from POLICE ASSET FORFEITURE #600-0600-0881.

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



10. RESOLUTION 2013-264

Award of Bid - Air Conditioning at the Highway Department Building

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town Highway Department building currently has faulty air conditioning units located in the windows of the administrative area and said windows are scheduled to be replaced later this year, AND

WHEREAS, three (3) contractors have submitted competitive bids to the Town Engineer whom, after analysis and tabulation, has recommended that the bid for new air conditioning for the 4425 sq. ft. administrative area at the Highway Department Building be awarded to Northeast Mechanical, Inc. for having submitted the lowest of three (3) proposals, NOW, THEREFORE, BE IT

RESOLVED, that the bid for new air conditioning at the Highway Department Building be and hereby is awarded to Northeast Mechanical, Inc., 139 Sawyer Avenue, Depew, New York 14043 for the total price of \$33,000, said being the lowest of the three (3) proposals, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-2519-5330.

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



11. RESOLUTION 2013-265

Award of Bid - Steel Lintels at the Highway Department Building

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the existing steel lintels above the windows in the administrative area of the Highway Department Building are failing and need to be replaced, AND

WHEREAS, two (2) contractors submitted competitive bids to the Town Engineer whom, after analysis and tabulation, has recommended that the bid to replace 12 steel lintels and related masonry repair at the Highway Department Building be awarded to Raymond E. Kelley, Inc. for having submitted the lowest of two (2) proposals, NOW, THEREFORE, BE IT

RESOLVED, that the bid for steel lintel replacement and related masonry repair be and hereby is awarded to Raymond E. Kelley, Inc., 33 Main Street, Bowmansville, New York 14026 for the total price of \$16,200.00, said being the lowest of the two (2) proposals, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-2529-5330.

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



12. RESOLUTION 2013-266

Notice to Bidders - One (1) 2012 Kawasaki Teryx4 750 4X4 (Bid 2013-18)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department wishes to purchase one (1) new and unused 2012 or Newer Kawasaki Teryx4 750 4x4 (or equivalent) , NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said purchase of one (1) new and unused 2012 or Newer Kawasaki Teryx4 750 4x4 (or equivalent) (Bid 2013-18), said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 29th day of May, 2013 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 opened by the Town Clerk of the Town of Cheektowaga on May 29, 2013 at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) New and Unused 2012 or Newer Kawasaki Teryx4 750 4x4 (or equivalent) (Bid 2013-18) for the Cheektowaga Police Department as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) New and Unused 2012 or Newer Kawasaki Teryx4 750 4x4 (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 P. Rogowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT: Gerald Kaminski



13. RESOLUTION 2013-267

Notice to Bidders - One (1) New & Unused 2013 Model Crawler Dozer Equipped with a Six (6) Way Dozer Blade (BID 2013-19)

Sponsored By: Supervisor Holtz, Councilmember Markel

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New & Unused 2013 Model Crawler Dozer Equipped with a Six (6) Way Dozer Blade (Bid 2013-19) 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 June 5, 2013 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 Office to open bids on the aforesaid items at a public bid opening on Wednesday June 5, 2013, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of ONE (1) NEW AND UNUSED 2013 MODEL, CRAWLER DOZER EQUIPPED WITH A SIX (6) WAY DOZER BLADE (Bid 2013-19) for the 2013 calendar year to be used 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 June 5, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "ONE (1) NEW AND UNUSED 2013 MODEL, CRAWLER DOZER EQUIPPED WITH A SIX (6) WAY DOZER BLADE". Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

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

ALICE MAGIERSKI, TOWN CLERK

DATE: May 20, 2013

PUBLISHED: May 23, 2013

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



14. RESOLUTION 2013-268

Order Replacement of Sidewalks

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 (amended by Local Law No. 3 of the Year 2013), adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before June 17, 2013, in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before June 17, 2013, the Town will cause such sidewalks to be repaired/replaced; will pay \$42.00 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 2, 2013, 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 20, 2013,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **June 17, 2013.**

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 \$42 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 2, 2013. 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 \$63 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 20, 2013

ALICE MAGIERSKI
Town Clerk

Attachments:

Sidewalk list May 6 2013 (DOC)

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



15. RESOLUTION 2013-269

Authorization for Erie County Work Permit for Installation of Sidewalks on a Portion of Losson Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, there is a segment of Losson Road in the vicinity of the intersection of Losson Road and Towers Boulevard where there is no shoulder on either the north or south side of the road, AND

WHEREAS, there are presently no sidewalks along this portion of Losson Road, AND

WHEREAS, in the interest of public safety, this Town Board wishes to install sidewalks along the north and south sides of this portion of Losson Road immediately east and west of the Losson Road/Towers Boulevard/Stiglmeier Park intersection, AND

WHEREAS, Losson Road is a County of Erie highway, AND

WHEREAS, a Work Permit Application has been prepared to request permission from the County of Erie to install sidewalks along this section of Losson Road, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor/Deputy Supervisor be and hereby is authorized and directed to execute this application and all other documents required by the County of Erie to request permission to install sidewalks along the aforementioned portion of Losson Road.

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



16. RESOLUTION 2013-270

Accept Site Plan - 6700 Transit Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by Clarion Hotel for the construction of a 96 car parking area expansion at 6700 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 9, 2013 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.
2. The installation poured in place concrete curbing as shown on the attached site plan.
3. The installation of an accessible concrete sidewalk from the existing public walk to the front lobby door pursuant to the requirements of the NYS Building Code.
4. The installation of additional handicap parking spaces as required by the NYS Building Code.

Attachments:

Site Plan Showing Required Curbing (PDF)

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



17. RESOLUTION 2013-271

Accept Site Plan - 700 Aero Drive

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by David Thompson of Cummins Northeast, LLC for the construction of a 2,000 s.f. building addition to an existing motor service building at 700 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 9, 2013 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



18. RESOLUTION 2013-272

Accept Proposal for Office Furniture Installation

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department is purchasing office furniture and is in need of a contractor to complete the installation, AND

WHEREAS, three (3) proposals were solicited and received from contractors who provide office furniture installation services, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Office Max Workplace Interiors, 1999 Mt. Read Boulevard, Rochester, NY 14615, as submitted to the Police Department, for the installation of office furniture is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the proposal in the amount of \$11,700.00 for shall be chargeable to Account #500-1440-2535-5025.

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



19. RESOLUTION 2013-273

Unsafe-Unsecured/82 Andrews Avenue-Lot

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 82 Andrews Avenue, Cheektowaga, New York SBL# 90.84-2-20 That is a danger to the safety of others, and records kept by the Assessors Office identify June Paradowski, 153 Amherstdale Road, Snyder, New York 14226, as the owner AND

WHEREAS, an inspection of such premises was conducted at 82 Andrews Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



20. RESOLUTION 2013-274

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, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



21. RESOLUTION 2013-275

Unsafe-Unsecured/51 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 51 East End Drive, Cheektowaga, New York SBL# 90.84-1-18 that is a danger to the safety of others, and records kept by the Assessors Office identify Valerie J. Bates, 215 Burke Drive, Cheektowaga, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 51 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, Wozniak
ABSENT:	Gerald Kaminski



22. RESOLUTION 2013-276

Unsafe-Unsecured/313 McNaughton Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 313 McNaughton Avenue, Cheektowaga, New York SBL# 102.06-3-26 that is a danger to the safety of others, and records kept by the Assessors Office identify Kimberly & Carl Koegl, 11375 Broadway Street, Alden, New York 14004, as the owner AND

WHEREAS, an inspection of such premises was conducted at 313 McNaughton Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



23. RESOLUTION 2013-277

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:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



24. RESOLUTION 2013-278

Unsafe-Unsecured/25 Schoedel 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 25 Schoedel Avenue, Cheektowaga, New York SBL# 90.84-3-4 that is a danger to the safety of others, and records kept by the Assessors Office identify Mary Farr, 3961 Acapulco Avenue, Las Vegas, Nevada 89121, as the owner AND

WHEREAS, an inspection of such premises was conducted at 25 Schoedel 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, Wozniak
ABSENT:	Gerald Kaminski



25. RESOLUTION 2013-279

Unsafe-Unsecured/66 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 66 Westchester Drive, Cheektowaga, New York SBL# 102.37-3-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Barbara Whaley, 66 Westchester Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 66 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, Wozniak
ABSENT:	Gerald Kaminski



26. RESOLUTION 2013-280

Special Event - Independence Day Parade and Celebration

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Cheektowaga Patriotic Commission has made application to hold its Independence Day Parade and Celebration on Wednesday, July 3rd, 2013 from 4:00 p.m. - 11:00 p.m.; and Thursday, July 4th, 2013 from Noon - 11:00 p.m. at Town Park , and said Parade to be held on July 4th, 2013 starting at 12:00 p.m., 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:

- . Submittal of plan for sanitary facilities;
- . Submittal of site plan;
- . Submittal of Security Plan;
- . Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Patriotic Commission for said celebration and parade to be held on July 3rd and 4th, 2013; 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 P. Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



27. RESOLUTION 2013-281

Special Event - General 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 21st, 2013 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road Cheektowaga Town Park, 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:

- . 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 General Pulaski Association for the aforementioned parade to be held on Sunday, July 21st, 2013, 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



28. RESOLUTION 2013-282

Special Event - Southline Little League Association 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 South Line Little League has made application to hold its annual Parade on Monday, May 27, 2013, 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 27, 2013; 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 P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



29. RESOLUTION 2013-283

Special Event - Cheektowaga Oldtimers Softball League

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 18th, 2013 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 18th, 2013.

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



30. RESOLUTION 2013-284

Special Event - Cheektowaga Girls Fastpitch Softball 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 1, 2013, from 10:30 a.m. to approximately 11:00 a.m., said parade to begin at ball diamonds, west onto George Urban Boulevard, right on E. Grand, follow onto Grand, left on West Grand, left on George Urban back to softball 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 1, 2013 ; 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Wozniak
ABSENT:	Gerald Kaminski



31. RESOLUTION 2013-285

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:

Brett Helmbrecht	1/25/13	14206
Anthony Overfield	8/19/12	14227
Kendal Wiertel	Never worked	14227

Motion by Councilmember Markel; Seconded by Councilmember Kaznowski to waive the reading of names for the following three (3) resolutions: 2013-285; 2013-286 and 2013-287. Motion Carried.

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



32. RESOLUTION 2013-286

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:

From Laborer - "Level I Participant" to Recreation Attendant - \$7.25 - 7140.1614 - Seasonal
Cody Jeziorski

Lifeguard "Level I" - 7180.1903 - \$8.25 - Seasonal

Samuel Alfonso 14225

Lifeguard "Level I" - 7180.1903 - \$8.25 - Regular Part-time

Ross Bauman 14227

Jeffrey Creighton 14225

Amanda Kiripolsky 14215

Natalie Lane 14215

Ryan Osswald 14225

Jacob Radlich 14225

Michael Terranova 14227

Kyle Tobin 14215

Joseph Weber 14225

Kelsey Wiegert 14211

Alexandria Wnuk 14043

Lifeguard "Level II" - 7180.1903 - \$8.42 - Seasonal

Michaela Barone 14225

Stephanie Reesor 14211

Lifeguard "Level II" - 7180.1903 - \$8.42 - Regular Part-time

Timothy Petranichuk Jr. 14227

Lifeguard "Level I" - 7180.1903 - \$8.25 - Alternates

Ariana D'Agostino 14225

Thomas Fritton 14043

Shelby Gennocro 14225

Grace Leggio 14225

Lifeguard "Level II" - 7180.1903 - \$8.42 - Alternates

Karl Smith 14043

Lifeguard "Level II" - 7180.1903 - \$8.42 - Regular Part-time

Tyler Kunkel

James Rogers

Lifeguard "Level III" - 7180.1903 - \$8.59 - Regular Part-time

Scott Ferer

Lifeguard "Level IV" - 7180.1903 - \$8.76 - Regular Part-time

Dylan Bajer
 Tyler Bajer
 Kari Orłowski

Recreation Specialist "Pool Director" - 7180.1902 - \$19.38 - Regular Part-time

Catherine Giles

Recreation Instructor "Aquatics/Special Events" - 7180.1902 - \$12.24 - Regular Part-time

Sean Kunkel

Recreation Instructor "Town Park Pool 2nd Shift Supervisor" - 7180.1902 - \$10.16 -

Regular Part-time

Danielle Malicki

Recreation Instructor "Town Park Pool 1st Shift Supervisor" - 7180.1902 - \$10.98 -

Regular Part-time

Jeffery Kunkel

Recreation Instructor "Dingens Pool Head Lifeguard" - 7180.1902 - \$9.24 -

Regular Part-time

Nicole Scherrer

Recreation Instructor "Maryvale Pool Head Supervisor" - 7180.1902 - \$10.26 -

Regular Part-time

Caitlin Rieck

Recreation Aide - 7140.1648 - \$7.25 - Part-time

Annie Maran	14227
Bailey Michalski	14227
Erin Ruthenberg	14225

Recreation Attendant - 7140.1645 - \$7.75 - Seasonal

Tyler Welsh	14225
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Recreation Attendant - 7140.1648 - \$7.25 - Seasonal

Cassidy Bobeck	14225
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Recreation Attendant - 7140.1642 - \$7.75 - Seasonal

Sarah Kojm	14215
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Recreation Attendant - 7140.1630 - \$7.75 - Seasonal

Mikayla Pearce	14225
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Recreation Aide - 7140.1645 - \$7.40 - Part-time

Megan Kosciński	14225
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Recreation Aide - 7140.1645 - \$7.25 - Part-time

Tyler Dronckowski	14227
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Recreation Attendant - 7140.1640 - \$7.25 - Regular Part-time

Aaron Stolinski	14227
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Recreation Aide - 7140.1640 & 7140.1611 - \$7.25 - Part-time

Randal Szymkowiak 14227

Recreation Attendant - 7140.1642 - \$8.60 - Seasonal
Courtney Smith 14206

Recreation Aide - 7140.1645 - \$7.25 - Part-time
Jessica Woods 14225

Recreation Aide - 7140.1642 - \$7.25 - Part-time
Gillian Wittig 14043

Recreation Instructor - 7140.1611 - \$11.25 - Regular Part-time
Glenn A. Au

Recreation Instructor - 7140.1639 - \$11.25 - Regular Part-time
Matt Bean

Recreation Attendant - 7140.1611 - \$8.15 - Regular Part-time
Joseph Bodkin

Recreation Attendant - 7140.1611 & 7140.1639 - \$7.75 - Regular Part-time
Eric Farrinacci

Recreation Attendant - 7140.1611 - \$8.00 - Regular Part-time
Eric Fiorello

Recreation Attendant - 7140.1611 - \$8.25 - Regular Part-time
Alex Godzich

Recreation Attendant - 7140.1640 - \$11.45 - Regular Part-time
Eric Godzich

Recreation Attendant - 7140.1639 - \$10.00 - Regular Part-time
Tom Goff

Recreation Attendant - 7140.1640 - \$7.75 - Regular Part-time
Josh Graser

Recreation Attendant - 7140.1611 - \$7.60 - Regular Part-time
Dakota Herkey

Recreation Attendant - 7140.1611 - \$8.00 - Regular Part-time
Jordan Kilijanski

Recreation Attendant - 7140.1611 - \$7.75 - Regular Part-time
Dean Lach

Recreation Attendant - 7140.1636 - \$8.75 - Regular Part-time
Brian Mayle

Recreation Attendant - 7140.1636 - \$9.35 - Regular Part-time
Melisa Petre

Recreation Instructor - 7140.1636 - \$12.65 - Regular Part-time

Anthony Pierino

Recreation Attendant - 7140.1611- \$8.40 - Regular Part-time
Jayson Selbert

Recreation Attendant - 7140.1611- \$7.75 - Regular Part-time
Joseph Swierczynski

Recreation Aide - 7140.1642 - \$7.50 -Part-time
Courtney Wesolowski

Recreation Attendant - 7140.4518 - \$7.25- Alexander Day Camp- Seasonal

Brittany Donovan	14225
Myranda Empric	14215
Emily Ferber	14225
Kaitlyn Kraebel	14227
Lindsay Lennertz	14224
Angelina Rosati	14211
Ashley Schrader	14225
Kelly Sitarski	14224

Recreation Attendant - 7140.4518 - \$7.65- Alexander Day Camp- Seasonal
Amanda Fischer 14227

Recreation Aide - 7140.4518 - \$7.25 - Alexander Day Camp - Part-time

Kirstin Lauer	14227
Morgan Miecznikowski	14225
Robert Pulkownik	14227
Natalie Stack	14225
David Taylor	14215
Mariah Wilson	14225

Recreation Attendant - 7140.1632-\$7.25-Camp Dartwood-Seasonal
Jessica Calandra 14215

Recreation Attendant - 7140.4518 - \$7.50- Alexander Day Camp- Seasonal

Lily Boyd-Gamel	14225
Samantha Poules	14227
Valerie Herman	14225

Recreation Attendant - 7140.1632 - \$7.50 - Camp Dartwood-Seasonal

Rebecca Langa	14043
Carolyn Reczek	14227
Ashley Sokol	14227

Recreation Attendant - 7140.4518 - \$7.75 - Alexander Day Camp - Seasonal

Joshua Fruchtel	14211
Stephen Kelly	14211
Robin Stanley	14225
Kelly Mayer	14225
Theresa Tripi	14227
Jillian Adamczak	14043

Recreation Attendant - 7140.1632 - \$7.75-Camp Dartwood-Seasonal

Joseph Malicki 14043

Recreation Attendant - 7140.4518 - \$8.00 - Seasonal
Meghan Eckle 14225

Transfer from Adapted Recreation Program to Alexander and Dartwood Camps

Recreation Attendant to Recreation Instructor - 7140.1632 "Camp Dartwood Site Director"-
\$9.00 - Regular Part-time
Jessica Szyjka

Recreation Attendant - 7140.4518 - Alexander Day Camps - \$7.75 - Regular Part-time
Martin Acevedo

Recreation Attendant - 7140.4518 - Alexander Day Camps - \$7.50 - Regular Part-time
(Alternate)
Emalee Danner

Recreation Attendant - 7140.4518 - Alexander Day Camps - \$7.50 - Regular Part-time
Ashley Carney
Caitlyn Ferber
Allison Herman
Danielle Keller
Alysia Kent
Tyler Nosal
Nicole Putland
Jenna Soldaczewski
Ryan Trapper
Cerene Usinski

Recreation Aide - 7140.4518 - Alexander Day Camps - \$7.25 - Part-time
Chelsey Balistrieri
Jessica Elston
Austin Hughes
Kourtney Killian
Elizabeth Langa
Michael McGregor
Cassidy Moore
Ashley Spencer
Brian Wroblewski

Recreation Attendant - 7140.1632 - Dartwood Day Camp - \$7.50 - Regular Part-time
Tracey Marlinski

Recreation Attendant - 7140.1632 - Dartwood Day Camp - \$7.75 - Regular Part-time
Kristen Schugardt

Recreation Instructor - 7140.4518 - Alexander Day Camps - \$8.50 - Regular Part-time
Liza Fiorello
Shannon Kelly

Recreation Instructor - 7140.4518 - Alexander Day Camps - \$8.75 - Regular Part-time

Bryan Haxton
Ann Marie Heide

Recreation Instructor - 7140.4518 - Alexander Day Camps - \$9.75 - Regular Part-time
Maribeth Stadelmeyer

Recreation Instructor - 7140.4518 - Alexander Day Camps - \$9.00 - Regular Part-time
Kristen Stadelmeyer

Recreation Instructor - 7140.4518 - Alexander Day Camps - \$9.25 - Regular Part-time
DeYonca Porter

Recreation Specialist - 7140.4518 - Alexander Day Camps - \$11.75 - Regular Part-time
Melissa Nosal

Recreation Specialist - 7140.4518 - Alexander Day Camps - \$14.65 - Regular Part-time
Amy McMahan

Transfer from Adapted Recreation Program to Teen Club

Recreation Instructor - 7310.1814 - Teen Club - \$9.75 - Regular Part-time
Jacquelyn Rieck

Recreation Attendant - 7310.1814 - Teen Club - \$7.50 - Regular Part-time
Sean McCowan

WHEREAS the Youth & Recreational Services Department is in need of replacing its Day Camp Nurse and two 1 to 1 Camp Counselors, and

WHEREAS, multiple attempts to advertise and interview for these positions did not yield qualified candidates residing within the domiciliary of the Town of Cheektowaga, and

WHEREAS, Chapter 25-7 of the Town Code allows for the TOWN to relax residency restrictions for any position of employment requiring special skills, aptitude and expertise and

WHEREAS, all of the above positions require special skills, aptitude and expertise as per code 25-7, NOW, THEREFORE, BE IT

RESOLVED, that, based on the above, this Town Board hereby exempts the following two positions and individuals from Town residency requirement; and hereby appoints them to the following respective positions, effective immediately:

Recreation Instructor "Day Camp Nurse" - 7140.4518 - \$15.00 - Seasonal
Beatrice Quinn 14043

Recreation Attendant (1:1) - 7140.4518 - \$7.25 - Seasonal
Lindsay Lennertz 14224
Kelly Sitarski 14224

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



33. RESOLUTION 2013-287

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:

POLICE DEPARTMENT Police Attendant \$14.00/hour effective 5/20/13
Jacqueline Kishbaugh, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 5/21/13
Matthew Pazderski, Cheektowaga, New York

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 \$9.00/hour effective 4/29/13
Michael Woloszyn, Cheektowaga, New York
Charles Boody, Jr., Cheektowaga, New York
Christopher Borrello, Sloan, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 5/6/13
Michael Cristina, Depew, New York
Marc Beang, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 5/8/13
Deion Zachary, Cheektowaga, New York
Sharrone Johnson, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 5/10/13
David Oryszak, Cheektowaga, New York
Keith Pignatora, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.50/hour effective 5/21/13
Kyle Lackie, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour effective 5/21/13
Bryan Haxton, Cheektowaga, New York
Garrett Pyc, Cheektowaga, New York
Tyler Sajdak, Cheektowaga, New York

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

FACILITIES DEPARTMENT

Aaron Hausburger effective 3/24/13

Brendan Hammer effective 5/1/13

BE IT RESOLVED, that Samuel Wodowski, a seasonal laborer at the Main Pump Station, have his effective date adjusted to 5/20/13; AND

BE IT FURTHER RESOLVED, that Melissa Dabb, currently a part-time Clerk at the Records Center be transferred to the Tax Office at the hourly rate of \$8.50, effective 5/21/13.

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



34. RESOLUTION 2013-288

Appointment of Police Lieutenant (Competitive/Permanent) Police Department/Brian Coons

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, one (1) vacancy exists in the position of Police Lieutenant in the Police Department; AND

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

WHEREAS, the existing civil service list was canvassed, interviews conducted and work performance reviews studied; AND

WHEREAS, Brian Coons, currently employed as a Police Sergeant 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 Sergeant Brian Coons of Cheektowaga, New York, be and hereby is appointed to the position of Police Lieutenant in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Captains and Lieutenants Association in the Police Department effective May 24, 2013.

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



35. RESOLUTION 2013-289

Travel Authorization (Personnel Department)/Coordinator of Employee Relations Anthony Romano

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Public Employer Labor Relations Association 39th Annual Training Conference is being held July 17-19, 2013 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Anthony Romano has been recommended to attend said training; AND

WHEREAS, Coordinator of Employee Relations Anthony 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 \$1,037.00; AND

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

RESOLVED, that Coordinator of Employee Relations Anthony Romano be and hereby is authorized to attend the New York State Public Employer Labor Relations Association 39th Annual Training Conference being held July 17-19, 2013 in Saratoga Springs, New York.

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



36. RESOLUTION 2013-290

Travel Authorization (Police Department)/Lieutenant Brian Coons

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Social Media for Disaster Response and Recovery course is being held July 9, 2013 in Oriskany, New York; AND

WHEREAS, Sergeant Brian Coons has 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 \$135.46; AND

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

RESOLVED, that Sergeant Brian Coons be and hereby is authorized to attend the Social Media for Disaster Response and Recovery course being held July 9, 2013 in Oriskany, New York.

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



37. RESOLUTION 2013-291

Travel Authorization (Police Department)/Captain James Speyer, Detectives Mark Jedd, Donald Strozyk, Joseph Crean, Timothy Szymanski and Police Officers James Rottger, Christopher Wachowiak and James Reeb

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, an Honor Guard Training is being held June 3-7, 2013 at the University at Buffalo; AND

WHEREAS, Captain James Speyer, Detectives Mark Jedd, Donald Strozyk, Joseph Crean, Timothy Szymanski and Police Officers James Rottger, Christopher Wachowiak and James Reeb 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 \$2,684.64; AND

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

RESOLVED, that Captain James Speyer, Detectives Mark Jedd, Donald Strozyk, Joseph Crean, Timothy Szymanski and Police Officers James Rottger, Christopher Wachowiak and James Reeb be and hereby are authorized to attend the Honor Guard Training being held June 3-7, 2013 at the University at Buffalo.

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



38. RESOLUTION 2013-292

Travel Authorization (Police Department)/Sergeant Lawrence Bauer and Police Officers Thomas Rogers, Jonathan Ober and James Rottger

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the International Association of Law Enforcement Firearms Instructors Master Instructor Development Program is being held June 25-27, 2013 in Erie County, New York; AND

WHEREAS, Sergeant Lawrence Bauer and Police Officers Thomas Rogers, Jonathan Ober and James Rottger 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 \$1,316.00; AND

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

RESOLVED, that Sergeant Lawrence Bauer and Police Officers Thomas Rogers, Jonathan Ober and James Rottger be and hereby are authorized to attend the International Association of Law Enforcement Firearms Instructors Master Instructor Program being held June 25-27, 2013 in Erie County, New York.

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



39. RESOLUTION 2013-293

Travel Authorization (Police Department)/Sergeants Scott Grant, Laurie Ucasz, Thomas Allen, John Wanat, James Patterson, Robert Mullen, Jeffrey Schmidt, Daniel Albrecht and Nathan Frank

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Tactical Leader course is being held June 26, 2013 at the Erie County Fire Training Facilities; AND

WHEREAS, Sergeants Scott Grant, Laurie Ucasz, Thomas Allen, John Wanat, James Patterson, Robert Mullen, Jeffrey Schmidt, Daniel Albrecht and Nathan Frank 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 \$1,180.17; AND

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

RESOLVED, that Sergeants Scott Grant, Laurie Ucasz, Thomas Allen, John Wanat, James Patterson, Robert Mullen, Jeffrey Schmidt, Daniel Albrecht and Nathan Frank be and hereby are authorized to attend the Tactical Leader course being held June 26, 2013 at the Erie County Fire Training Facilities.

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to Suspend the Rules to Include the following (1) resolution: 2013-294. Motion Carried.



1. RESOLUTION 2013-294

Authorize Purchase of GPS Hand Held Units for Town Street Tree Inventory

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga was successful in obtaining a matching grant from the New York State Department of Environmental Conservation for performing a street tree inventory, AND

WHEREAS, the Town was awarded \$25,000.00 by NYSDEC as shown in the attached letter dated November 15, 2012 for its tree inventory project, AND

WHEREAS, as part of the project the Town is in need of two G.P.S. Handheld Collection Units with associated software, to collect street data, AND

WHEREAS, the equipment and required software is on the New York State Office of General Services contract bid list (Trimble - Contract #PT 64163) and (ESRI - Contract # PT63832), AND

WHEREAS, the equipment once utilized for the tree inventory project can also be utilized by the Town Engineering Department and the Town Highway Department for location and collection of existing town infrastructure, AND

WHEREAS, funds for said purchase have been budgeted and are available, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase the aforesaid GPS Units and associated software through the contract awarded by the New York State Office of General Services at a total cost of \$11,022

Attachments:

Grant Award Notice (PDF)

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

VI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - February 2013**
2. **Building Permit List - April 2013**
3. **Minutes: Cheektowaga Public Library - Board of Trustees - April 24, 2013**
4. **Minutes: Town Environmental Advisory Committee - May 1, 2013**

B. General Communications

1. **Notice of Claim: Katherine Donohue Vs. Town of Cheektowaga**
2. **Notice of Claim: Charles J. Koepke Vs. Town of Cheektowaga**
3. **Notice of Claim: Michael Angelo Hair Fashions Vs. Town of Cheektowaga**
4. **Notice of Claim: NYSM Insurance as Subrogee for Thomas J. Macey Vs. Town of Cheektowaga**
5. **Summons: HSBC Bank USA, NA Vs. Michael A. Kelm, Town of Cheektowaga
Premises: 529 Cleveland Drive**
6. **Summons: Citimortgage, Inc. Vs. Erika L. Dura, Town of Cheektowaga Premises: 191
Gates St.**
7. **Amended Summons: HSBC USA, NA Vs. Lisa Frayne, Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

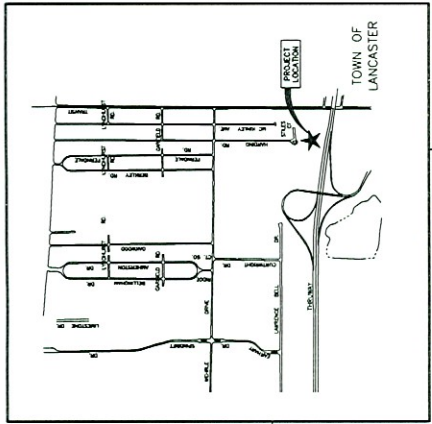
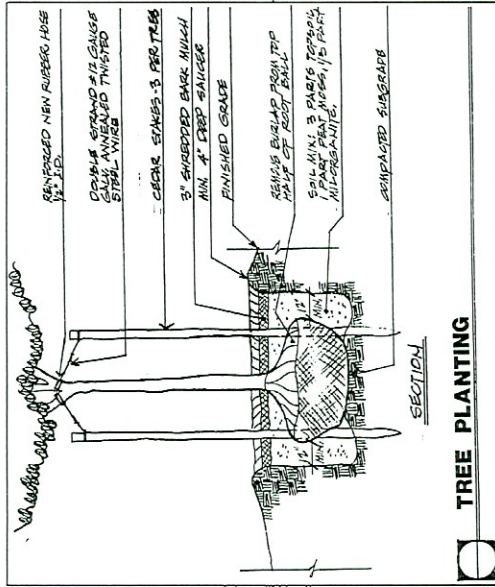
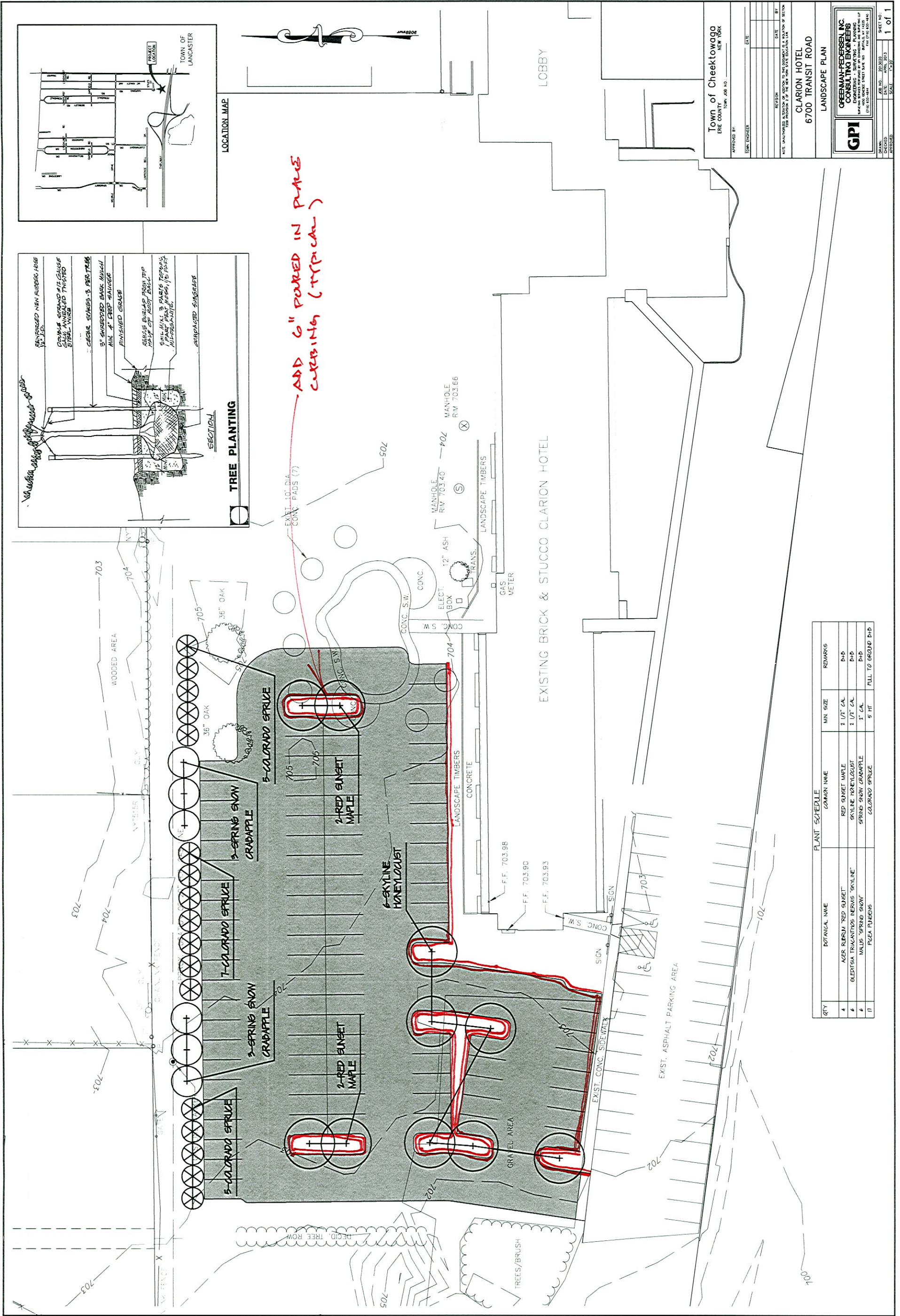
Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to close the meeting at 7:40 PM.

Alice Magierski, Town Clerk

print_key	loc_st_nbr	loc_st_name	loc_mail_st_suff	Blocks (walk)	owner_name
125.09-2-18	388	French	Rd.	4	Blady, Robert & Blady, Deborah
125.09-2-20	11	Mayberry	Dr. W	1	Kane, Lawrence H. & Margaret A.
125.09-2-21	15	Mayberry	Dr. W	4	Rivera, Sharlene
125.09-2-22	19	Mayberry	Dr. W	5	Kerins, Dianne
125.09-2-23	23	Mayberry	Dr. W	10	Gefert, Todd J. & Gefert, Amy M.
125.09-2-24	27	Mayberry	Dr. W	2	Stachowski Mark N & W.
125.09-2-25	31	Mayberry	Dr. W	2	Trznadel Richard J & W.
125.09-2-26	35	Mayberry	Dr. W	5	Simcoe, Bradley M.
125.09-2-28	43	Mayberry	Dr. W	3	Karl, Bernadette
125.09-2-29	47	Mayberry	Dr. W	7	Quagliana Salvatore & Paula M.
125.09-2-30	51	Mayberry	Dr. W	4	Antczak, Virginia P.
125.09-2-31	55	Mayberry	Dr. W	3	Przybylak Michael E & 1
125.09-2-32	59	Mayberry	Dr. W	2	Gillette James E & W.
125.09-2-33	63	Mayberry	Dr. W	4	Majewski Gary V & W.
125.05-6-1	67	Mayberry	Dr. W	4	Paoletta, Michael A.
125.05-6-2	71	Mayberry	Dr. W	6	Amendola Michael & Lisa
125.05-6-3	75	Mayberry	Dr. W	2	Weber, Mark D. & Weber, Donna M.
125.05-6-6	87	Mayberry	Dr. W	6	Kawalerski, Timothy R. & Mang, Van M.
125.05-6-7	91	Mayberry	Dr. W	3	Kujawa, Daryl M. & Catherine
125.05-5-7	91	Fradine	Dr.	7	Richard, Robin
125.05-2-15	122	Mayberry	Dr. W	3	Smigielski Caroline J.
125.05-2-14	118	Mayberry	Dr. W	7	Smigielski, Caroline J.
125.05-2-13	114	Mayberry	Dr. W	8	Pieczynski Daniel J. & Doris M.
125.05-2-8	94	Mayberry	Dr. W	7	Aradio, Dominic & Aradio, Josephine
125.05-2-7	90	Mayberry	Dr. W	4	Zorn, Robert F.

125.05-2-6	86	Mayberry	Dr. W	1	Paner, Joseph R. & Paner, Kristan M
125.05-2-5	82	Mayberry	Dr. W	3	Yohannes, John & Yohannes, Cheryl
125.05-2-4	78	Mayberry	Dr. W	5	Amoia Joseph & W.
125.05-2-3	74	Mayberry	Dr. W	2	Merendino Joseph & W.
125.05-2-2	70	Mayberry	Dr. W	3	Williams, Christian
125.05-2-1	66	Mayberry	Dr. W	6	Christopher, Paula A.
125.09-1-1	62	Mayberry	Dr. W	2	Pantano Anthony
125.09-1-2	58	Mayberry	Dr. W	2	Styn, Darryl R.
125.09-1-5	46	Mayberry	Dr. W	5	Whelan, Paul R. & W.
125.09-1-10	26	Mayberry	Dr. W	2	Torgerson, Norman & W.
125.09-1-11	22	Mayberry	Dr. W	3	Lawrence, Kara A. & Jensen, Kelly S
125.09-1-12	18	Mayberry	Dr. W	4	Budniewski, Robert M. & W.
125.09-1-15	6	Mayberry	Dr. W	3	Lombardo, Santa & Lombardo, Donald Dean

Attachment: Sidewalk list May 6 2013 (RES-2013-268 : Order Replacement of Sidewalks)



ADD 6" POURED IN PLACE CURBING (TYPICAL)

QTY	POTENTIAL NAME	PLANT SCHEDULE	COMMON NAME	MIN. SIZE	REMARKS
4	ACER RUBRA 'RED SUNSET'		RED SUNSET MAPLE	2 1/2' CAL	DHP
6	GLEDITSIA TRIANGULARIS 'SKYLINE'		SKYLINE HONEYLOCUST	2 1/2' CAL	DHP
6	MALUS 'SPRING SNOW'		SPRING SNOW CRABAPPLE	1' CAL	DHP
17	PIZZA FUNGUS		COLORADO SPRUCE	5' HT	FULL TO GROUND DHP

Town of Cheektowaga
ERE COUNTY
NEW YORK

APPROVED BY: _____ DATE: _____
LISA KOSCIUSZKO

REVIEWER: _____ DATE: _____
BY: _____

NOTE: UNAUTHORIZED ALTERATION OF ANY PART OF THIS DOCUMENT IS A VIOLATION OF SECTION 1709, ARTICLE 17 OF THE NEW YORK STATE EDUCATION LAW.

CLARION HOTEL
6700 TRANSIT ROAD
LANDSCAPE PLAN

GPI
GREENMAN-PELSEN INC.
CONSULTING ENGINEERS
ENGINEERING, SURVEYING, PLANNING
1000 WOODSIDE AVENUE, SUITE 100
WEST CHESTER, NY 10998
(518) 532-1000 FAX: (518) 532-1001

DRAWN: _____ DATE: APRIL 2013
CHECKED: _____ DATE: _____
APPROVED: _____ SCALE: 1"=20'

SHEET NO. 1 of 1



ANDREW M. CUOMO
GOVERNOR

JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

NOV 15 2012



Honorable Mary F. Holtz
Supervisor
Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Dear Supervisor Holtz:

On behalf of Governor Cuomo, I want to congratulate you on your successful application to receive funding for an Urban and Community Forestry Project. The Town of Cheektowaga Tree Inventory Project has been approved for a State share of \$25,000.

You are to be commended for your success in this grant process. In total 95 applications were received, evaluated and awarded on a competitive basis. You will soon receive a letter from the DEC's Division of Lands and Forests. The term of the contract will commence upon the signing of the contract. No costs incurred prior to the signing of the contract will be eligible for reimbursement. Please watch for this letter which will advise you of these next steps.

Across the State, it is heartening to see the initiative of municipalities, grassroots organizations and volunteers working in partnership to further improve New York's urban forests. Together we are helping to enhance natural resources for all New Yorkers for generations to come.

Again, I offer my congratulations on your community's successful proposal.

Sincerely,

Joseph J. Martens

c: Daniel Ulatowski ✓

Attachment: Grant Award Notice (RES-2013-294 : Authorize Purchase of GPS Hand Held Units)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

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

~ Minutes ~

Alice Magierski
716-686-3400

Monday, June 3, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on June 3, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	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
Jeneen Lomando-McSkimming, Assessor
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-295

Transfer of Funds - 2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

2012

HIGHWAY FUND

FROM:	300.9010.8101	\$37,536.00
	300.9010.8143	188,219.00
TO:	300.9010.8975	\$37,536.00
	300.9950.8000	188,219.00

PART TOWN FUND

FROM:	800.1910.2799	\$69,368.00
TO:	800.9501.9901	\$69,368.00

GENERAL FUND

FROM:	100.1910.2799	\$1,820,000.00
	100.1910.4591	266,465.00
TO:	100.9950.8729	\$1,820,000.00
	100.1910.4721	266,465.00

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



2. RESOLUTION 2013-296

Transfer of Funds - 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

FROM:	700.9012.0500	Sloan Fire Department HVAC	\$170.00
TO:	700.1012.0600	Housing Rehab Single Family	\$170.00

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



3. RESOLUTION 2013-297

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 3, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$651,254.53
RISK RETENTION FUND	20,292.53
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	17,679.86
SPECIAL DISTRICTS FUND	70,486.82
HIGHWAY FUND	268,198.12
CAPITAL FUND	158,579.60
TRUST & AGENCY FUND	4,516.00
HUD CDBG FUND	36,408.55
PART TOWN FUND	101,133.06
NYS AFFORDABLE HOUSING	24,157.00
	<hr/>
	\$1,352,706.07

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



4. RESOLUTION 2013-298

Award of Bid - One (1) Kawasaki Teryx4 750 4X4 (Bid 2013-18)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) New and Unused 2012 or Newer Kawasaki Teryx4 750 4x4 (or equivalent) (Bid 2013-18) 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 one (1) New and Unused 2012 or Newer Kawasaki Teryx4 750 4x4 (or equivalent) be awarded to Hebel Sales & Service, 6466 Main Road, Pendleton, New York 14094, with said vendor meeting all set bidding conditions of the specifications, AND, BE IT

RESOLVED, that the purchase price will be \$11,995.00, AND, BE IT FURTHER

RESOLVED, that funds are available and will be procured from POLICE ASSET FORFEITURE budget line # 600-0600-0881.

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



5. RESOLUTION 2013-299

Negative SEQR Declaration/Accept Site Plan 2480 & 2490-2550 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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, 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, on October 5, 2012, Wal-Mart Real Estate Business Trust (Wal-Mart) and Benderson Development Company, LLC ("Benderson"), (collectively the Applicants), submitted a Site Plan Letter of Intent ("LOI") for an approximately 183,684+/- square foot Walmart Supercenter (the "Project") on property currently owned by Benderson and located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York ("Project Site") and on March 12, 2013, the Applicants submitted an Amended Site Plan Letter of Intent reflecting changes to the Project developed in conjunction with Town Staff and Advisory Boards (collectively the "Application"), and

WHEREAS, the Applicants have provided information in the LOI and Amended LOI supporting the request for Site Plan Approval for the property located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York, and

WHEREAS, a public hearing on the Application was held before the Town Board on the 6th day of May, 2013 at 6:45 P.M. where the Applicants presented the final design details for the Project, after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory Committee, Traffic Safety Commission and Conservation Advisory Council have reviewed and commented on the Application and have recommended approval thereof; and

WHEREAS, the subject project requires area variances for signage, height of fencing and location of proposed property lines, and which an application is pending before the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, pursuant to the State Environmental Quality Review Act, Article 8 of New York Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have significant adverse environmental impacts; the Applicants prepared Full Environmental Assessment Forms and an Environmental

Assessment Report (“EAR”) associated with the Project to assist the Town Board in reviewing the potential impacts of this request; and

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, Traffic Safety Commission and the Conservation Advisory Council, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA, which is supported by the findings in the attached determination of environmental significance, AND BE IT

FURTHER RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and has made the following determinations with respect to the Applicant’s request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, signs and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project’s vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the traffic signal, Niagara Frontier Transportation Authority bus stop and pedestrian walkways are well-coordinated and will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That the proposed stormwater and drainage facilities will significantly improve site drainage over existing conditions and are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and
- g. That the Project incorporates significant vegetation and landscape buffers which will provide a visual and noise buffer between the Project Site and adjoining residential properties and will significantly increase the amount of vegetation on the Property; and

- h. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and
- i. That the drainage plans for the Project Site minimize the likelihood of ponding, flooding and/or erosion; and
- j. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- k. That the Applicants have taken all steps reasonable and practicable to mitigate any air pollution or objectionable odors that could be generated by the Project, including limiting idling of delivery vehicles on the Project Site and containing refuse in an enclosed compactor; and
- l. That the use of storm water pretreatment will improve the quality of surface water discharge from the Site and the Project is not anticipated to generate significant sanitary sewer discharges; and
- m. That as a result of Project design changes, the Project will be both compatible with surrounding uses and is a significant improvement over existing conditions and the retail use for the Site is consistent with the Town's comprehensive plan for this section of Walden Avenue.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The applicant improve the intersection of Nagel Drive at Walden avenue as shown on the attached sketch titled "Proposed Nagel Drive Widening" dated 3/14/13.
2. The applicant install "emergency break-a-way gates" at the north west and north east building corners to prevent vehicular traffic using the north drive lane during night time hours.
3. The applicant agree to the items listed in the Town's proposed property maintenance agreement.
4. The Cheektowaga Zoning Board of Appeals grants the necessary area variances which are pending.
5. The proposed 15,000 square foot outdoor sales area within the parking field is not approved as part of the site plan.

Attachments:

Elevation Drawing (PDF)
Site Plan (PDF)
Determination of Significance(DOC)

Proposed Nagel Drive Widening

RESULT: WITHDRAWN



6. RESOLUTION 2013-300

Accept Site Plan - 1289 Walden Avenue FedEx

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 _TVGA Consultants on behalf of FedEx for the construction of a 19,200 s.f. parking area expansion along the westerly yard of an existing mail processing facility at 1289 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 9, 2013 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.

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



7. RESOLUTION 2013-301

Call for a Public Hearing to Amend the Brush, Weeds, Obnoxious Growth and Debris Law

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Local Law No. 5 of the Year 2001 of the Town of Cheektowaga, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris" was adopted by the Town Board on October 1, 2001, and

WHEREAS, said law presently requires property owners to keep their grass, etc. cut so that the length does not exceed ten (10) inches, and

WHEREAS, it has been recommended that the Town amend such law to require every property owner to keep their grass, etc. cut so that the height of the grass, etc. does not exceed six (6) inches, and

WHEREAS, the Town Attorney's Office has drafted such amendment, NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 17th day of June, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2013-3 of the Year 2013 entitled "A Local Law to Amend A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 17th day of June, 2013 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2013-3 of the Year 2013, entitled "A Local Law to Amend A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris".

A summary of such Local Law is as follows:

LOCAL LAW INTRO NO. 2013-3 OF THE YEAR 2013

**A LOCAL LAW TO AMEND A LOCAL LAW PERTAINING TO BRUSH, WEEDS,
OBNOXIOUS GROWTH AND DEBRIS**

This local law would revise the first sentence of Section 66-1 of the Town Code, to read as follows:

“Every owner of any area, lot or parcel shall cut, trim or otherwise remove or cause to be cut, trimmed or otherwise removed all grass, weeds, brush or plant growth in excess of six (6) inches.”

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

Dated: June 3, 2013

ALICE MAGIERSKI, Town Clerk

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



8. RESOLUTION 2013-302

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 9, 2013 from one 2:00 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 9, 2013 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2013-303

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 in 2013 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. For 2013, 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 P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



10. RESOLUTION 2013-304

Authorize Municipal Cooperation Agreements with Village of Sloan and Village of Depew

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Village of Sloan and the Village of Depew have requested that the Town of Cheektowaga Highway Department assist them in the paving of certain streets in said municipalities, and

WHEREAS, the Town of Cheektowaga Superintendent of Highways is willing to assist said municipalities as requested, and

WHEREAS, before the Town Superintendent of Highways can provide said services outside of the jurisdiction of the Town Highway District, the Town Board must authorize same, and

WHEREAS, Article 5-G of the General Municipal Law and Section 142-d of the Highway Law authorize this Town Board to enter into agreements with other municipalities to perform this work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute municipal cooperation agreements with the Village of Sloan and Village of Depew to pave designated streets in said municipalities, and BE IT FURTHER

RESOLVED, that moneys received from said municipalities for the provision of the requested services shall be deposited into the proper accounts as determined by the Director of Administration and Finance.

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



11. RESOLUTION 2013-305

Authorization to Enter and Clean House at 66 Westchester Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that property owners maintain their properties in a clean, safe, secure, and sanitary condition so as not to cause a neighborhood blighting problem or adversely affect the public health or safety, AND

WHEREAS, the Town of Cheektowaga received notification that property located at 66 Westchester, Cheektowaga, New York (SBL# 102.37-3-23), a/k/a the "Premises", was and is currently maintained in a manner not in compliance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State, AND

WHEREAS, according to the records kept by the Assessor's Office, Barbara A. Whaley, 66 Westchester Drive, Cheektowaga, New York 14225, is the owner, AND

WHEREAS, an inspection of the Premises was conducted by a representative of the Neighborhood Preservation Office, and a violation order and subsequent Criminal Summons were issued to said property owner stating that unsafe and unsanitary conditions exist therein, and directing said owner to remedy the aforesaid violations, AND

WHEREAS, the property owner has neglected to take the appropriate remedial actions to remedy the violation, AND

WHEREAS, the Honorable Dennis Delano, Cheektowaga Town Justice, on May 8, 2013, adopted an Order granting the Town of Cheektowaga Housing & Neighborhood Preservation Office permission to enter the Premises "for the purpose of cleaning out the interior of the home to bring the residence into compliance with the Town Code", and

WHEREAS, records kept by Neighborhood Preservation Office state that the attorney for said property owner was properly notified pursuant to the Court Order and Section 70-7A.(2.) of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, NOW, THEREFORE, BE IT

RESOLVED, that the Managing Housing Inspector and /or his designee are directed to enter the premises at 66 Westchester Drive, Cheektowaga, New York 14225 with the contractor selected by him, and bring the premises at 66 Westchester Drive, Cheektowaga, New York 14225 into compliance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State as per the Court Order; and BE IT FURTHER

RESOLVED, that all costs incurred by the Town in bringing this property into compliance shall be assessed against the property hereinbefore described, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward Barbara A. Whaley a certified copy of this resolution at 66 Westchester Drive, Cheektowaga, New York 14225, and at 27 Westchester Drive, Cheektowaga, New York 14225, together with a copy of the Court Order.

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



12. RESOLUTION 2013-306

Memorialize NYS Legislature to Amend Real Property Tax Law

Sponsored By: Supervisor Holtz, Councilmember Wozniak

WHEREAS, fiber optic cable located on private property has been considered taxable on the Outside Plant Roll Section 6 assessment under Section 102(i) of the Real Property Tax Law ("RPTL") since the 1980's, and

WHEREAS, this is consistent with the valuation of fiber optic cable located within the public right-of-way (defined as Special Franchise property), and

WHEREAS, 1985 and 1987 amendments to RPTL Section 102(i) were never intended to exclude fiber optic cable or other emerging technology from Outside Plant Roll Section 6, and

WHEREAS, a recent decision from the Appellate Division of the State Supreme Court, First Department, has removed fiber optic cable from Outside Plant Roll Section 6, and

WHEREAS hundreds of millions of dollars in tax base across New York State are in jeopardy of being lost as a result of this court decision; this will create a significant impact on Town, County and School taxes, and

WHEREAS, the Erie County Assessor's Association has requested the New York State Legislature to amend RPTL Section 102(i) to include fiber optic cable as part of Outside Plant Roll Section 6 for tax assessment purposes, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Senate, Assembly and Governor to amend RPTL Section 102(i) to include fiber optic cable as part of the Outside Plant Roll Section 6 for tax assessment purposes, 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 Senator Timothy M. Kennedy, New York State Assemblyman Dennis H. Gabryszak and New York State Governor Andrew M. Cuomo.

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



13. RESOLUTION 2013-307

Place Housing & Neighborhood Preservation Office Under Supervision of Community Development Director

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, currently, the Supervising Code Enforcement Officer supervises and manages the employees of the Housing and Neighborhood Preservation Office, and

WHEREAS, due to the interconnection of the workings and missions of the Housing and Neighborhood Preservation Office and the Community Development Office with economic development and neighborhood preservation activities, this Board feels that it makes sense for the Community Development Director to manage and supervise the employees of the Housing & Neighborhood Preservation Office, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the management and supervision of the Housing and Neighborhood Preservation Office shall be under the control of the Director of Community Development, and BE IT FURTHER

RESOLVED, that the Supervising Code Enforcement Officer be and hereby is directed to provide any necessary assistance and advice to the Director of Community Development with issues relating to the Housing and Neighborhood Preservation Office.

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



14. RESOLUTION 2013-308

Unsafe - Unsecured/11 Normandy Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 11 Normandy Avenue, Cheektowaga, New York SBL# 102.21-1-20 That is a danger to the safety of others, and records kept by the Assessors Office identify Duncan Yelds; Genesis REI, LLC; 1398 Culver Road; Rochester, New York 14609-5342; as the owner AND

WHEREAS, an inspection of such premises was conducted at 11 Normandy 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



15. RESOLUTION 2013-309

Designate EMS Board

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, in order to provide for the provisions of emergency medical services on a uniform basis, this Town Board, on May 7, 1984, adopted an Ambulance Services Ordinance, AND

WHEREAS, said Ordinance provides for the establishment of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town in the implementation of the Ordinance, AND

WHEREAS, the composition of the EMS Board is set forth in Section 52-7 of the Code of the Town of Cheektowaga , AND

WHEREAS, the terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals shall be designated to serve as members of the EMS Board for 2013 for a term of one year:

AGENCY	DELEGATE	ALTERNATE
Bellevue	All Commissioners	
Cleveland Hill	All Commissioners	
Doyle	All Commissioners	
Forks	Paul Hockwater Jr	EMS Officers
Hy-View	Robert Schmitt	
Pine Hill	All Commissioners	
Sloan	Al Wieberg	
South Line	John Wagner	Timothy Kopp
U-Crest	All Commissioners	
Walden	All Commissioners	
St. Joe's Hospital	Dr. Frank Lee	
Chief of Police	Capt. Scott Pilat	
Dispatch	Paul Hockwater Jr.	
Town Board	Supervisor Holtz	
EX-OFFICIO MEMBERS (non-voting)		
Rural/Metro	Richard Bartel	
County EMS	John Adolph	

and, BE IT FURTHER

RESOLVED, that Robert Schmitt be appointed to serve as Chairman of the EMS Board

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



16. RESOLUTION 2013-310

Retain Wendel Engineering to Assist Town with Tree Inventory

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town has been awarded a Urban and Community Forestry State Assistance grant ("DEC Urban Forestry Grant") through the NYS Department of Environmental Conservation for preparing an inventory of trees in the Town rights-of-way, and'

WHEREAS, the Town needs to retain a consultant to assist us with performing the tree inventory, and

WHEREAS, proposals were solicited by the Town Planner, and

WHEREAS, Wendel/Audubon Architecture, Engineering, Surveying & Landscape Architecture ("Wendel") has submitted a proposal to perform this work, and

WHEREAS, Wendel is qualified and meets the State's criteria under the aforementioned grant, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Wendel to assist the Town with preparing a tree inventory under the aforementioned DEC Urban Forestry Grant at a cost not to exceed \$22,780.00, and BE IT FURTHER

RESOLVED, that, subject to review and approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute an agreement with Wendel, and BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item to be identified by the Director of Administration and Finance, with funds to be partially reimbursed from the aforementioned DEC Urban Forestry Grant.

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



17. RESOLUTION 2013-311

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 3/17/13:

Bryan Haxton

3/16/13

14227

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2013-311; 2013-312 and 2013-313. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Angela Wozniak, Councilmember

SECONDER: James P. Rogowski, Councilmember

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



18. RESOLUTION 2013-312

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

Ryan Arne	14043
Bryce Bielanin	14215
Jessie Cecere	14225
Tyler Ditta	14211
Amanda Kraus	14225
Joshua MacTarnaghan	14043
Andrew Meyerhofer	14225
Sara Piwowarski	14043
Michael Sokol	14227
Tyler Sprada	14206

Laborer - "Bathhouse Attendant - Level II" - 7180.1901 - \$7.40 - Seasonal

Nolan Calos	14227
Paul Cianflone	14227
Elizabeth Coffta	14206
Lindsey Fritsch	14215
Samuel Grantham	14225
Kayla Green	14225
Elizabeth Johnston	14227
Noah Radlich	14225
Zachery Russillo	14227
Brandon Seifert	14225
Hayley Wnuk	14043

Laborer - "Bathhouse Attendant - Level III" - 7180.1901 - \$7.60 - Seasonal

Paul A. Nazzarett	14227
Tyler Pawlowski	14225

Laborer - "Bathhouse Attendant - Level IV" - 7180.1901 - \$7.75 - Seasonal

Kelley Astyk	14227
Sarah Kapanek	14206

Recreation Aide - 7140.4518 - Alexander Day Camps - \$7.25 - Part-time

Jessica Gaffney	14225
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Recreation Attendant - 7140.1648 - \$7.75 - Seasonal

Katie Walkowiak	14227
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Recreation Attendant - 7140.1630 - \$7.25 - Regular Part-time

Kaliana Veros	14206
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BE IT FURTHER RESOLVED, the following information be amended as follows:

Recreation Attendant - 7140.1640 - \$7.25 - Regular Part-time - Retro to 5/6/13
Aaron Stolinski 14227

Recreation Attendant
From Mikayla Pearce to Mikayla Bluff-Pearce

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



19. RESOLUTION 2013-313

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 **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 \$9.00/hour effective 5/17/13

Daryll Dunkowski, Cheektowaga, New York

Nicholas Snyder, Cheektowaga, New York

Dante Burnett, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 5/27/13

Mark Carlucci, Depew, New York

SEWER DEPARTMENT Laborer \$8.00/hour effective 6/4/13

Brian Dudek, Cheektowaga, New York

BUILDING & PLUMBING DEPARTMENT Laborer (Tree Inventory Grant) \$10.50/hour effective 6/13/13

Luke Work, Buffalo, New York

Michael Borrelli, Amherst, New York

Mark Hitchcock, Buffalo, New York

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

SANITATION DEPARTMENT

Christopher Borrello effective 5/1/13

John Gersitz effective 4/30/13

Aristotle Bryant effective 5/1/13

Charles Boody, Jr. effective 5/1/13

Nicholas Ruberto, Jr. effective 5/4/13

SEWER DEPARTMENT

Kevin Fischer effective 5/13/13

TOWN CLERK'S OFFICE

Elaine Rudnicki (Retired) effective 6/29/13

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



20. RESOLUTION 2013-314

Travel Authorization (Building & Plumbing Department)/Assistant Code Enforcement Officers Lawrence Kensy and Daniel Lelito

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Western Southern Tier Building Officials Educational Conference is being held September 9 -11, 2013 in Mayville, New York; AND

WHEREAS, Assistant Code Enforcement Officers Lawrence Kensy and Daniel Lelito have been recommended to attend said training; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,030.00; AND

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

RESOLVED, that Assistant Code Enforcement Officers Lawrence Kensy and Daniel Lelito be and hereby are authorized to attend the Western Southern Tier Building Officials Educational Conference being held September 9-11, 2013 in Mayville, New York.

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



21. RESOLUTION 2013-315

Travel Authorization (Building & Plumbing Department)/Fire Inspector Joseph Ehnes

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Fire Alarm Workshop is being held September 21-22, 2013 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Joseph Ehnes has been recommended to attend said training; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$96.00; AND

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

RESOLVED, that Fire Inspector Joseph Ehnes be and hereby is authorized to attend the Fire Alarm Workshop being held September 21-22, 2013 in Montour Falls, New York.

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



22. RESOLUTION 2013-316

Travel Authorization (Building & Plumbing Department)/Fire Inspector Joseph Ehnes

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Fire Sprinkler System Workshop is being held October 5-6, 2013 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Joseph Ehnes has been recommended to attend said training; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$96.00; AND

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

RESOLVED, that Fire Inspector Joseph Ehnes be and hereby is authorized to attend the Fire Sprinkler System Workshop being held October 5-6, 2013 in Montour Falls, New York.

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



23. RESOLUTION 2013-317

Travel Authorization (Building & Plumbing Department)/Fire Inspector Joseph Ehnes

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Fire Sprinkler Plan Review is being held November 9-10, 2013 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Joseph Ehnes has been recommended to attend said training; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$96.00; AND

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

RESOLVED, that Fire Inspector Joseph Ehnes be and hereby is authorized to attend the Fire Sprinkler Plan Review being held November 9-10, 2013 in Montour Falls, New York.

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

IV. Communications

A. Departmental Communications

1. **Building Permit List for May 2013**
2. **Minutes: Cheektowaga Conservation Advisory Council - May 2, 2013**

B. General Communications

1. **Notice of Claim: Vita & Sylvia Antonicelli Vs. Town of Cheektowaga**
2. **Notice of Claim: Cassandra Snow Bell Vs. Town of Cheektowaga**

- 3. Notice of Claim: John Brown Vs. Town of Cheektowaga
- 4. Notice of Claim: Phil Sciolino Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

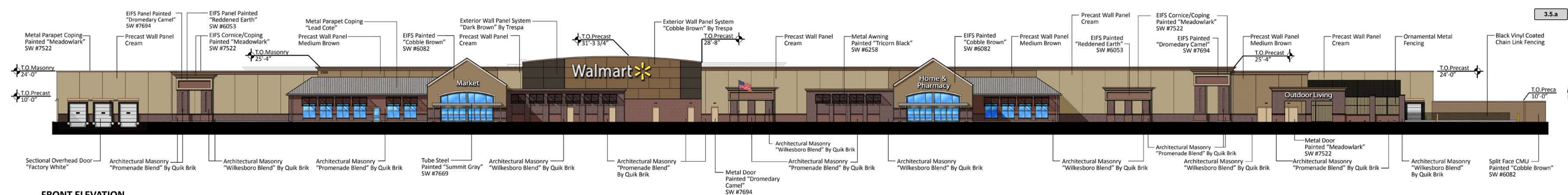
B. Councilmember's Comments

C. Public Comments

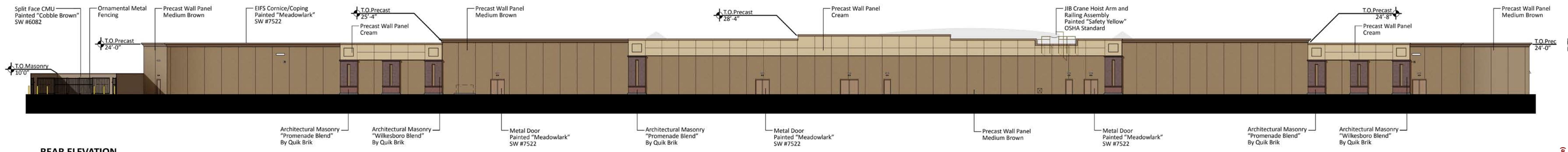
VI. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to adjourn the meeting at 7:31 PM.

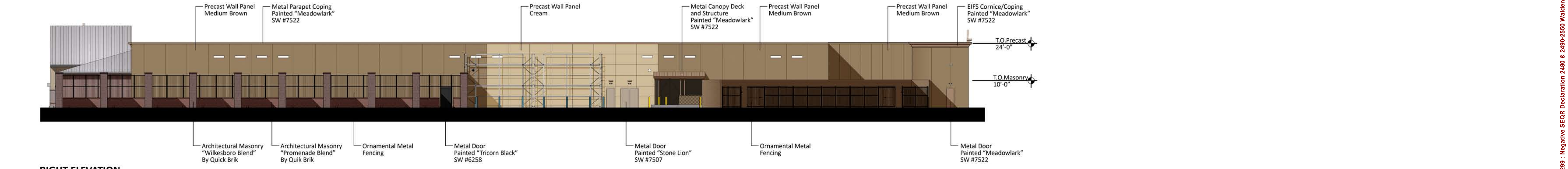
Alice Magierski, Town Clerk



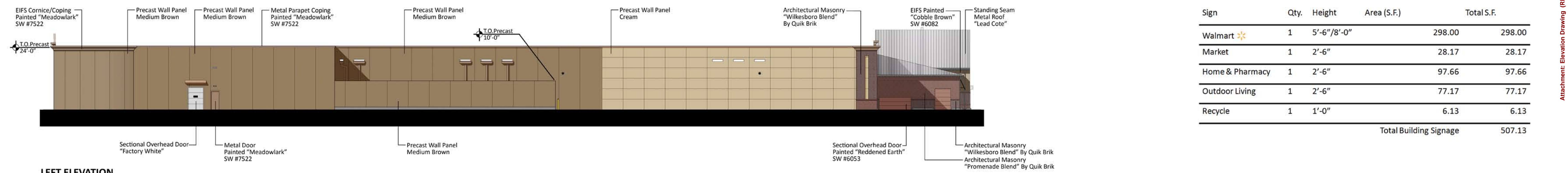
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

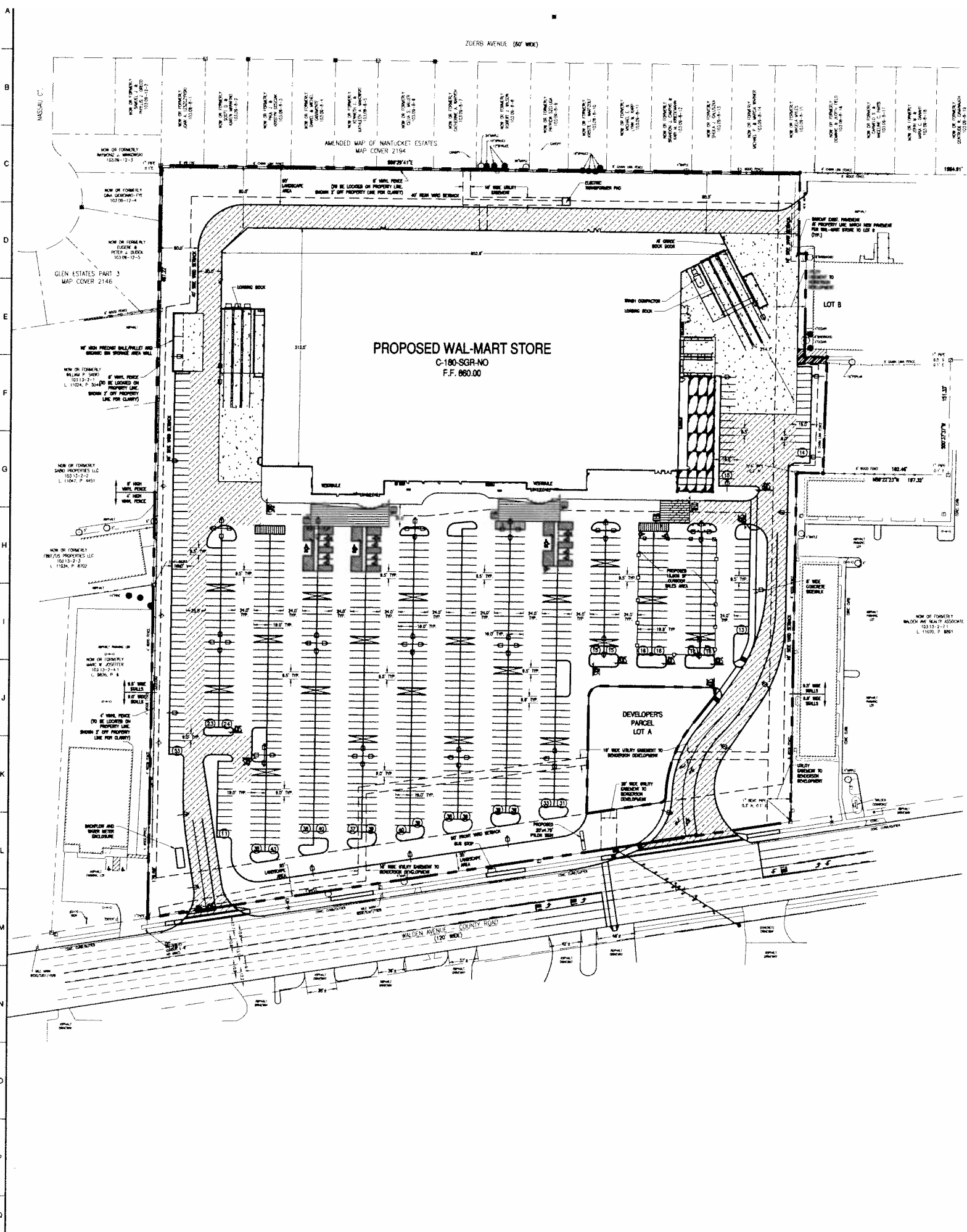
Sign	Qty.	Height	Area (S.F.)	Total S.F.
Walmart	1	5'-6"/8'-0"	298.00	298.00
Market	1	2'-6"	28.17	28.17
Home & Pharmacy	1	2'-6"	97.66	97.66
Outdoor Living	1	2'-6"	77.17	77.17
Recycle	1	1'-0"	6.13	6.13
Total Building Signage				507.13

Attachment: Elevation Drawing (RES-2013-289 - Negative SEQR Declaration 2480 & 2490-2550 Walden Avenue)



Cheektowaga, NY - Store #2586

EXHIBIT A



WAL-MART LOT INFORMATION

ITEM	PROPOSED
FRONT YARD SETBACK (MINIMUM RESIDENTIAL)	GREATER THAN 10'
FRONT YARD SETBACK (MINIMUM COMMERCIAL)	10'
REAR YARD SETBACK (MINIMUM RESIDENTIAL)	10'
REAR YARD SETBACK (MINIMUM COMMERCIAL)	10'
MIN. BLDG HEIGHT (MIN. FT.)	10'
PARKING SPACES - NET SF (SEE NOTE 3 AND 5)	749 SPACES/1,000 SF
MIN. PARKING SHALL BE CONCRETE	10' x 18'
MIN. DRIVEWAY	10'
MIN. DRIVEWAY WIDTH	GREATER THAN 10'
PARKING PROVIDED	GREATER THAN 10'

LOT A LOT INFORMATION

ITEM	PROPOSED
LOT AREA	18,574 SF OR 0.42 AC
BUILDING AREA	TO BE DETERMINED
FRONT YARD SETBACK (MINIMUM RESIDENTIAL)	TO BE DETERMINED
FRONT YARD SETBACK (MINIMUM COMMERCIAL)	TO BE DETERMINED
REAR YARD SETBACK (MINIMUM RESIDENTIAL)	TO BE DETERMINED
REAR YARD SETBACK (MINIMUM COMMERCIAL)	TO BE DETERMINED
MIN. BLDG HEIGHT (MIN. FT.)	TO BE DETERMINED
PARKING PROVIDED	TO BE DETERMINED

LOT B LOT INFORMATION

ITEM	PROPOSED
LOT AREA	307,786 SF OR 7.07 AC
BUILDING AREA	18,574 SF
FRONT YARD SETBACK (MINIMUM RESIDENTIAL)	10'
FRONT YARD SETBACK (MINIMUM COMMERCIAL)	10'
REAR YARD SETBACK (MINIMUM RESIDENTIAL)	10'
REAR YARD SETBACK (MINIMUM COMMERCIAL)	10'
MIN. BLDG HEIGHT (MIN. FT.)	LESS THAN 10'
PARKING PROVIDED	180 SPACES

GENERAL NOTES:

1. ALL PAVEMENT TO BE SPECIFIED AT ALL TIMES EXCEPT WHERE SHOWN OTHERWISE.

SITE ANALYSIS TABLE (GROSS SF)

WALMART (GROSS SF)	183,684 S.F.
PARKING (ASSOCIATE AND CUSTOMER)	762 SPACES
ACCESSIBLE	18 SPACES
TOTAL PARKING	780 SPACES
PARKING FOR LOT A	31 SPACES
TOTAL WAL-MART PARKING	749 SPACES
RATIO	4.08/1,000 S.F.
*CART CORRALS	19 CORRALS / 38 SPACES

SITE ANALYSIS TABLE (NET SF)

WALMART (NET SF) **	149,500 S.F.
PARKING (ASSOCIATE AND CUSTOMER)	762 SPACES
ACCESSIBLE	18 SPACES
TOTAL PARKING	780 SPACES
PARKING FOR LOT A	31 SPACES
TOTAL WAL-MART PARKING	749 SPACES
RATIO	5.01/1,000 S.F.
*CART CORRALS	19 CORRALS / 38 SPACES

NOTES:
 1. TOWN OF CHEEKTOWAGA REQUIRES 5' SPACE FOR EACH LOAD BEARING FOOT OF NET FLOOR AREA.
 2. NET FLOOR AREA IS DETERMINED IN THE TOWN CODE AS GROSS BUILDING FOOTING MINUS SERVICE AREAS, HALLWAYS, ELEVATORS, STAIRWAYS, UTILITY ROOMS, LAMINATES, STONE AND GRANITE COUNTERTOPS AND THE LIKE ARE GENERALLY USED BY CUSTOMERS.
 3. WAL-MART BUILDING AND DRIVEWAY FOOTING = 148,000.
 4. WAL-MART NET DRIVEWAY FOOTING = 148,000.

Store # 2586-04
WALDEN AVENUE
 Town of Cheektowaga
 County of Erie
 State of New York

Walmart Stores, Inc.
 2001 S.E. 10th Street
 Bentonville, AR 72716

Bergmann associates
 c/o engineers // planners

28 East Main Street
 200 First Federal Plaza
 Rochester, New York 14614-1909
 office: 585.232.5135
 fax: 585.232.4652
 www.bergmannpc.com

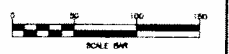
NO.	DATE	DESCRIPTION	BY	CHKD
1	01/10	ISSUE FOR PERMITTING	MM	JOB

SITE PLAN

NOTE: Unauthorised alteration or addition to this drawing is a violation of the New York State Education Law Article 145, Section 700b.

BY: **BERGMANN ASSOCIATES**
 ENGINEER
R. BERGMANN
 ARCHITECT
J. BERGMANN, JR.
 PLANNER
BERGMANN ASSOCIATES
 28 EAST MAIN STREET
 ROCHESTER, NY 14614-1909
 SCALE: 1" = 80'

C100



NOT AFFIRMED: THIS PLAN HAS NOT RECEIVED FINAL APPROVAL OF ALL RELEVANT AGENCIES. THIS PLAN IS SUBJECT TO REVISIONS UNTIL ALL REVISIONS ARE OBTAINED AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE**

This notice is issued by the Town Board of the Town of Cheektowaga (hereinafter “Town Board”), acting as lead agency, in a coordinated environmental impact review, pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as “SEQR”).

The Town Board has determined that the proposal by Walmart Real Estate Business Trust (“Walmart”) and Benderson Development Corporation (“Benderson”)(collectively, the “Applicants”), to construct a 183,0684 sq. ft. ± Walmart Supercenter (the “Project”) and subdivide the 22.347 ± acre parcel to facilitate the Project located at 2480 and 2490-2550 Walden Avenue (“Project Site” or “Site”), will not have a significant adverse impact on the environment; that a negative declaration pursuant to SEQR should be issued; and that no Environmental Impact Statement need be prepared.

Reasons supporting this determination are fully explained below.

- Project Name:** Walmart Supercenter
- Lead Agency:** The Town Board of the Town of Cheektowaga, New York
- SEQR Status:** Type I XX Unlisted: _____
- Location:** 22.347 ± acre property located at 2480 and 2490-2550 Walden Avenue.
Tax Parcel ID # 103.13-2-6.1 and 103.13-2-5
- Landowner:** Benderson Development Corporation
- Zoning District:** CM (General Commercial) and M1 (Light Manufacturing)

Project Description: Wal-Mart proposes to construct an 183,684 +/- sq. ft. Supercenter on a 17.127 +/- acre portion of the larger 22.347 +/- acre parcel currently owned by Benderson. The Supercenter will be comprised of general merchandise and grocery sales areas, a garden center, photo processing, optical and hair care areas and related services. The single-story Supercenter will offer general merchandise, as well as grocery items and prepared foods. A copy of the Amended Site Plan is attached hereto as Exhibit “A”.

The Project Site is located on the north side of Walden Avenue between Nagel Drive and Benbro Drive, bounded to the east and west by a number of commercial developments and bounded to the north by a residential development. Currently the site contains the 122,650 +/- sq. ft. Super Flea on the north side of the property, an 80,452 +/- sq. ft. warehouse on the northeast side of the property, a 3,500 sq. ft. outparcel containing a Manhattan Bagel on the south side of the property, a 32,000 sq. ft. retail building on the east side of the property and a 30,000 sq. ft.

2208725_1

Attachment: Determination of Significance (RES-2013-299 : Negative SEQR Declaration 2480 & 2490-2550 Walden Avenue)

vacant retail building on the west side of the property. The 80,452 +/- sq. ft. warehouse building will remain, so there will be no changes to the 4.77 acre Warehouse Parcel created by the subdivision. All other buildings will be razed, the new 0.449 Future Development Parcel will be created and a new 183,684 sq. ft. Wal-Mart Supercenter will be constructed on the remaining 17 acre parcel.

On August 6, 2012, the Town Board approved a Resolution rezoning a portion of the Project Site to a CM (General Commercial) District. The lots are now zoned CM (General Commercial) District, except for the eastern-most portion of the Project Site (the Warehouse Parcel), which retained its zoning as M1 (Light Manufacturing) to accommodate the existing warehouse. Permitted uses in the CM Zoning District include all those uses permitted in the C (Retail Business) District. § 260-32(A)(1)(a). Within the C District, “retail sales” are a specifically permitted use. § 260-31(A)(1)(b)(1). The CM District is intended to provide for businesses that require outdoor display or storage areas and businesses that, due to their nature, generate large volumes of traffic, result in large number of people gathering and can result in higher levels of noise. § 260-32. There is no proposed change in use for the Warehouse Parcel (the eastern-most warehouse facility).

Reasons Supporting This Determination:

Background

1. The Town Board has broad authority over the Project with discretion to approve or disapprove the Project or to impose appropriate conditions including any conditions necessary to mitigate any potentially adverse environmental impacts associated with the Project. As such, the Town Board declared its intent to act as Lead Agency for purposes of SEQRA.
2. On October 5, 2012 a Letter of Intent providing detailed Project information and an Environmental Assessment Report pursuant to SEQRA were provided to the Town by Walmart. On October 15, 2012, the Town provided a copy of the application materials, including Part 1 of the Environmental Assessment Form along with the Town Board’s Notice of Intent to Act as Lead Agency to the following involved and interested agencies:
 - Erie County DEP - Rachel Chrostowski
 - NYSDOT - Ed Rutkowski
 - NYSDEC - David Denk
 - Forks Fire District - Board of Commissioners
3. It has been more than thirty (30) days since such notice and information was provided and no other involved agency has contested Lead Agency status of the Town Board. Thus, the Town Board has properly been established as Lead Agency for purposes of conducting a coordinated SEQRA review of the Project.

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4. The original application materials were submitted to the Town on October 5, 2012 and amended application materials reflected requested changes to the Project were submitted to the Town on March 12, 2013. The review process for the Project included the involvement of the following Boards or Committees of the Town of Cheektowaga:
- Town of Cheektowaga Planning Board
 - Town of Cheektowaga Environmental Advisory Committee
 - Town of Cheektowaga Conservation Advisory Council
 - Town of Cheektowaga Traffic Safety Commission
 - Town of Cheektowaga Zoning Board of Appeals

In addition, the Traffic Report was reviewed by the New York State Department of Transportation. Further, a Public Hearing on the requested variances was held by the Zoning Board of Appeals on November 21, 2012 & May 15, 2013 and the Town Board held a meeting on the Site Plan Application on May 6, 2013. In addition to meeting with Walmart and conducting a public meeting on the Project, the Town Board has carefully considered the full scope of the Project having reviewed and considered the entire record of proceedings related to the Project including:

- Letter of Intent, application forms and all the exhibits and attachments thereto dated October 5, 2012;
 - Amended Letter of Intent, application materials and all the exhibits and attachments thereto dated March 12, 2013;
 - Full Environmental Assessment Form dated March 11, 2013;
 - Environmental Assessment Report and all the exhibits and attachments thereto;
 - Comments from the Planning Board, Environmental Advisory Committee, Conservation Advisory Committee, Traffic Safety Committee, Town of Cheektowaga Zoning Board of Appeal and the New York State Department of Transportation.
5. The Project requires Site Plan approval, a Sign Variance, minor Sidelot Variances, Fence Height Variance, approval of the Stormwater Pollution Prevention Plan and a tree removal permit.

Environmental Setting

6. The Project Site is located on the north side of Walden Avenue between Union Road and Dick Road within a heavily developed portion of the Town of Cheektowaga which includes a mix of industrial, commercial and residential uses. Residential properties are located to the north and northwest of the Project Site; commercial and industrial uses to the west of the Project Site; and commercial and industrial uses to the east and south of the Project Site. The Project Site is zoned CM (General Commercial) and M1 (Light Manufacturing). Surrounding properties are zoned M1 or R (Residence).

7. The Project site is approximately 22.347 ± acres. Of that, 17.127 ± acres are associated with the Walmart Supercenter, 4.77 ± acres will remain in its existing condition as warehouse use and .449 ± acres will be reserved for future commercial development at the southeast corner of the Project Site. The Project Site is historically been used for retail and some office purposes and currently houses the “Super Flea” market. The Project Site currently consists of significant impervious areas with very limited vegetation and no known wildlife habitat.

Analysis of Impacts to Environmental Resources

Impacts on Surface Water Quality or Quantity

Walmart has prepared a Stormwater Pollution Prevention Plan detailing the proposed stormwater management system for the Project that includes calculations for the existing and post-developed hydraulic conditions. The Project will result in minimal changes to the configuration of the Project Site drainage from the existing to the proposed conditions. Since there will be a significant increase in landscaped areas, there is a 10% decrease in impervious areas on the Project Site. During the rezoning process, the Town requested that the proposed stormwater flow rate be reduced to 20-30% below the existing flow rate. To accommodate this reduction, the Applicant will be installing an underground storage system. Stormwater quality will also be significantly improved over existing conditions through the use of a Vortex VX5000 hydrodynamic separator for stormwater treatment while existing conditions are untreated. Erosion and sediment control measures during construction will be dictated by the measures outlined in the Stormwater Pollution Prevention Plan and will mitigate pollutant loading during construction.

In total, as a result of the increased impervious areas, improved stormwater management systems on the Site and proper erosion and sediment control measures during construction, the Project will not result in any significant adverse impacts on surface water quality or quantity and in fact, will greatly improve conditions now existing on the Project Site.

Impacts on Air Quality

The Project Site is located in a commercial and industrial corridor and is characterized by light industrial activities, retail activities and nearby residential development. Walden Avenue is a 6-lane highway handling significant traffic volumes under existing conditions. Given the existing traffic in the area and the relatively minor increase in traffic volumes associated with the Project as compared to the total traffic volume in the region, there will not be a measurable change in air quality levels.

Relative to diesel vehicles entering the Project Site, they will be limited to five (5) minutes of idling pursuant to New York State Law and Walmart also enforces a three (3) minute idling limit

for its private fleet of trucks. Walmart will also post signs around the loading areas instructing drivers to turn off their engines if they will be idling for more than five (5) minutes.

Odors are also a concern associated with a food service establishments and uncovered outdoor garbage dumpsters. Food preparation within the Walmart Supercenter will be minimal, consisting primarily of support operations for a food tenant and the bakery. Any odors from food preparation should be negligible and should not be detectable beyond the property lines. Relative to odors from waste, a closed compactor unit will be used for solid waste disposal at the Project Site. The unit will be located along the east side of the building adjacent to the loading dock and away from residential properties. Closed compactor units typically do not emit odors detectable at any distance.

Given the location of the Project Site in a busy industrial and commercial corridor, traffic from the Project will not result in any significant increase in air impacts to the area. Relative to site-generated emissions, Walmart will strictly enforce its idling limit upon delivery vehicles and there will be limited odors from operations at the store or waste handling. As a result of the foregoing, it is not anticipated that the Project will have any significant impacts on air quality.

Impacts on Traffic

As expected, impacts to traffic were the most significant concern residents expressed about the Project. Walmart prepared a Traffic Impact Study to document existing traffic conditions and evaluate the estimated future traffic conditions and impacts as a result of the Project. The Traffic Study area included Walden Avenue east of the NYS Thruway between the Walden Galleria Mall and Dick Road. Manual turning movement counts were performed at the following intersections:

- Walden Avenue at the Galleria Mall driveway
- Walden Avenue at the K-Mart driveway
- Walden Avenue with Jim's Truck Stop driveway
- Walden Avenue with Union Road
- Walden Avenue with Nagel Drive
- Walden Avenue with Site driveway #5
- Walden Avenue with Site driveway #4
- Walden Avenue with existing primary site driveway
- Walden Avenue with Site driveway #2
- Walden Avenue with Site driveway #1
- Walden Avenue with Benbro Drive
- Walden Avenue with Dick Road

The trip generation analysis included in the Traffic Impact Study is based on the number of new trips to the roadway network generated by a 185,000 sq. ft. Walmart Supercenter. The report projected 640 additional trips during the weekday evening peak hour and 782 new vehicle trips during the Saturday mid-day peak hour. The estimated trips were based on a worse-case scenario

assuming no deductions for existing trip generating uses on the Site which will be demolished. The trip distribution was based on the current counts of vehicle activity at the studied intersections. Of significant concern were potential impacts to Nagel Drive and the residential development to the north.

The Applicants also address significant concerns about the number of drives with curb cuts along this section of Walden Avenue, the current site has five (5) curb cuts, none of which are controlled. Benderson Development also owns a series of parcels directly across Walden Avenue which also has five (5) curb cuts to the area. The Applicants worked together to coordinate the location of access drives to both developments to provide a shared signal, eliminate half of the curb cuts and improve traffic flow into and out of the Site. In addition, the Applicants reorganized an outparcel (currently Manhattan Bagel) to eliminate the need for a center drive that allowed Walmart to reconfigure the internal traffic flows on the Project Site to minimize internal traffic and pedestrian conflicts.

The Traffic Impact Study identified mitigation measures necessary to minimize adverse impacts on traffic in the area. Further, during the review of the Project by the Town of Cheektowaga Traffic Safety Committee, several minor revisions were made to further improve post-development conditions. The following mitigation measures will be included as part of the Project:

- Construct the primary access driveway to the Project Site on the east side to provide good overall traffic flow for left turns in-to and out-of the Project Site and provide adequate access and turning radii for tractor trailer truck traffic. The driveway will consist of one entry lane and two exit lanes and the center median will be re-striped to provide an exclusive left-turn lane on Walden Avenue for vehicles entering the development from the west.
- Install multi-phase signal at the primary Site driveway on Walden Avenue providing a protective left turn phase for left turns into the driveway.
- Install pedestrian crosswalks, push buttons and signals to cross Walden Avenue at the primary driveway traffic signal and construct a sidewalk from this area to the storefront.
- Construct the west driveway as a full-access driveway with stop sign control on the exit to Walden Avenue and two exit lanes with one right-turn lane and one left-turn lane. This driveway will also accommodate tractor trailers.
- Recommends that the NYSDOT employ signal timing adjustments at the Union Road intersection on Walden Avenue to mitigate the minor impacts of the proposed Project, specifically during the weekday afternoon peak hour.
- Construct a left-turn lane from Nagel Drive to Walden Avenue to allow residents of this neighborhood improved access to Walden Avenue.

The Traffic Impact Analysis and the proposed mitigation measures were thoroughly reviewed by the Town of Cheektowaga Traffic Safety Committee and the NYSDOT. Both entities concurred that the Traffic Impact Study accurately reflected existing and anticipated conditions associated with the Project. Notably, both the Traffic Safety Committee and NYSDOT felt that the signal at the western drive would provide breaks in traffic along Walden Avenue facilitating better

movement into and out of Nagel Drive for residents in that neighborhood. This protection would also allow tractor trailer access to the western access drive to the Project Site.

The Project includes a number of significant traffic mitigation measures that will mitigate adverse impacts associated with the Project. The Project Site is in a highly traveled commercial and industrial corridor and volume generated by the Project is not significant in light of surrounding traffic volumes. Nevertheless, the Project includes mitigation measures that the Town of Cheektowaga and the NYSDOT believe are appropriate to minimize adverse impacts on traffic. As a result, the Project with the proposed mitigation measures is not anticipated to have any significant adverse impacts upon traffic and conditions in the area.

Impacts on Noise Levels

The Project Site is located within an existing commercial corridor along Walden Avenue that includes neighboring residential properties along the north property line and at the northwest corner of the Project Site. Existing noise conditions on the Project Site are typical for commercial/light industrial areas located in close proximity to a major roadway. The Applicant prepared a Noise Impact Study that determined that the dominant noise source at the Project Site is traffic on Walden Avenue. Secondary existing noise sources on the Site include truck deliveries, trash collection and slow plowing, all of which will continue on the Project Site. Other perceptual sources of noises in the area includes local traffic on Nagel Drive and Zoerb Avenue, rail traffic, CSX rail line south of Walden Avenue and airport traffic around the Buffalo Niagara International Airport. During the week, there is continuous traffic and the operation of rooftop units from neighboring developments and a rooftop dust collector at an adjacent printing facility to the west. The Town down-zoned the Project Site from Light Industrial to Commercial which should minimize future industrial noise sources such as that coming from the rooftop dust collector at the printing facility.

The Applicants prepared a Noise Impact Analysis in March 2011 that modeled alternative site plans with different site uses and different configurations. The report concluded that the least environmental impacts to the neighboring residents occurred when the building acted as a sound barrier between noise from Walden Avenue and the neighborhoods to the north and west. The Noise Report established the ambient noise levels at the property lines of the residents and measurements indicate a daytime average level of 50 dba and lowest nighttime level of 44 dba. The Cheektowaga Town Code sets noise limits of 65 dba during the daytime and 50 dba at night.

Since Walmart will be using modern low-noise rooftop units and a parapet wall above the roof surface, the mechanical equipment will not result in any significant noise impacts on adjacent properties. Further, the trash compactor will be located on the eastern portion of the store and will be 139' from the nearest residential receptor. The applicant further modified its two loading dock facilities by extending the height of the loading dock retaining walls to buffer potential loading dock noises from the neighboring residential uses to the north. Finally, with respect to truck traffic, Walmart will be limiting truck traffic behind the store to the hours of 6:00 a.m. to 11:00 p.m. so as not to disturb the adjacent residential properties during sleeping hours.

Even without these mitigation measures, the Noise Study predicted that noise levels from the Project would still be below Cheektowaga Town standards at the residential property lines. In addition to the operational and physical controls, the orientation of the store and the significant vegetative buffer adjacent to the residential properties will significantly reduce noise below existing conditions. During construction, there will be some temporary noise impacts associated with construction activities, however, they will be limited by both duration and hours permitted under the Cheektowaga Town Code.

Through proper Site design, operational controls, engineering controls and physical barriers, the Project and operation will not only meet Town of Cheektowaga noise standards, but will also significantly reduce noise levels over existing conditions. As a result of the foregoing, the Project will not have any significant adverse impacts upon noise levels in the area.

Impacts on Community Resources

The Project Site is located in a heavily developed commercial and light industrial corridor and is serviced by significant utility services. The Project Site is also fully serviced as a result of the existing development located on the Project Site. Since the Project is consistent with the existing scale of development in the area, it is not anticipated that it will have any significant adverse impacts.

The Project is anticipated to use approximately 5,093 gallons of water per day and based on the increase of the water service to 12" in diameter, there is more than adequate supply to meet the demand of the Project. Likewise, there is sufficient volume for fire purposes. However, Walmart's fire protection systems require higher pressures and the store will include a pump to boost pressures to adequate levels. Sanitary sewer has adequate capacity.

All other utilities (ie: gas, electric, telephone, cable) are currently on-site and will be relocated as needed. These utility demands largely replace that which is already being used. No significant improvements are necessary nor impacts associated with the Project.

In light of the foregoing, the Project will not have significant adverse impacts upon public resources in the area.

Impacts on Natural Resources

The Project Site is located in a heavily developed area of the Town of Cheektowaga. There is virtually no existing vegetation on the Project Site and no known wildlife habitat. Further, based on information provided by the NYSDEC Environmental Resource Mapper, there are no rare plants or rare animals within the proposed project area. The Project also includes a significant increase in vegetation on the Project Site.

As a result of the foregoing, the Project will not have any significant adverse impacts on natural resources in the area.

Impacts on Historical, Archeological, Architectural or Aesthetic Resources or Neighborhood Character

The Project Site is located in a heavily developed commercial and light industrial corridor within the Town of Cheektowaga. The Site has been developed for the past 30 years as a commercial development and the Project will not differ significantly from prior uses of the Project Site. Walmart has taken numerous measures to minimize impacts upon adjacent properties.

The proposed Walmart will consist of a single-story 183,684 ± sq. ft. building with a maximum height of approximately 35'. The building is proposed to be located at the rear of the Site with the front facing Walden Avenue. There will be limited parking along the eastern and western property lines to minimize impacts on adjacent residential properties.

Aesthetics were a significant concern of the Town during the review process and the design of the proposed Walmart Supercenter was changed significantly in response to the Town's concerns. This included the use of aesthetically pleasing materials and design elements which render the Project more consistent with the premier commercial developments within the Town of Cheektowaga.

Walmart is also proposing to construct an 8' solid vinyl fence adjacent to the residential properties to help screen the Project from their backyards. Moreover, there is significant berming and vegetation along the boundary with the residential properties which will further screen the Project from them. A 50'-wide buffer area between the store and adjacent residential properties along the northern and western property lines will be part of the Project. The buffer area includes a landscaped berm with 6'-tall Colorado Spruce trees planted 15' on center. In addition, a mix of 12' deciduous trees will be planted in the buffer area. The proposed 50' buffer area adds a significant amount of greenspace to the Project Site (approximately 5% currently and over 15% as proposed) as well as removing the existing parking spaces abutting the residential properties along the northern and western property lines.

The Project will also include landscaped islands throughout the parking lot area and along the majority of the frontage with Walden Avenue. This will significantly improve both environmental and aesthetic conditions of an area that currently is a sea of asphalt.

Since the Project Site has been heavily developed over the past 30+ years, a Phase I Cultural Resource Study was performed on the Project Site and found that there were no areas on site that may contain any areas of historic significance, nor are there any significant cultural resources in the vicinity of the Project Site.

Given the history of commercial and light industrial uses in the vicinity of the Project Site and the goal of the master plan to see increased commercial development of this corridor, the Project

is consistent with existing and future land use and neighborhood character. The Project includes a number of measures which will significantly improve site conditions over the existing status and the downzoning of the Project Site further limits any future adverse impacts associated with light industrial activity at the Project Site. The addition of an aesthetically-pleasing building and significant buffering and vegetation on the Project Site will greatly improve neighborhood character.

Finally, the Project includes downward-facing light standards to minimize light spill onto adjacent properties and limit any disturbance therefrom. Lighting behind the store is limited to downward facing security lights at exit doors.

As a result of the foregoing improvements to the Site as a result of the well-designed Project, it is not anticipated that the Project will have any significant adverse impacts upon historical, archaeological, architectural, aesthetic resources or neighborhood character.

Impacts to Community Services

The Project Site is located in a commercial and light industrial area and the new facilities are consistent with existing uses. Community services include things such as law enforcement, fire and emergency services, bus services and schools. Bus services are provided by the Niagara Frontier Transportation Authority who was consulted by Walmart with respect to the location and coordination of bus stops for the Project.

The operation of a 24-hour Walmart Supercenter should not have a significant adverse impact upon law enforcement resources since this is a redevelopment of an existing site and the surrounding areas and is an existing corridor currently patrolled by the Town of Cheektowaga Police Department. The existing Walmart store at Harlem Road and Walden Avenue generates calls typically associated with minor vehicular accidents and occasionally shoplifting activities. Because the store will operate 24-hour per day, 7 days per week, it will actually improve conditions on the Project Site which is only occupied on the weekends. The Town does not believe that the Project will result in an increase in calls over conditions at its existing store and it does not represent a significant burden upon law enforcement resources.

The Town of Cheektowaga has eleven (11) volunteer fire departments that provide fire protection services. The Forks Fire Department located at 3330 Broadway provides fire protection services to the Project Site. Additional demand for fire and life support services at the proposed Walmart should be negligible and not significantly different than the current level of service demanded by the existing store and existing commercial areas located in the Town.

The Niagara Frontier Transportation Authority currently operates Route 46 to service the portion of Walden Avenue where the Project Site is located. Currently, there is a bus stop adjacent to the Project Site on the north side of Walden Avenue and directly across on the south side of Walden Avenue as well. Walmart will construct a bus shelter on its property near its eastern drive and relocate the bus stop on the south side of Walden Avenue to align with the crosswalk to be

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installed at the signalized entrance to the Project Site. In addition, a sidewalk will be provided from Walden Avenue to the storefront at the entrance to facilitate pedestrian movement to and from the store and the bus stops.

Because the Project will employ many of the same individuals who work at the existing store, additional employment will not be significant, and therefore is unlikely that there will be a substantial increase in demand for public schools as a result of employees working at the store.

Finally, the Project will also generate additional tax revenue associated with the increased assessment for the Project over the existing Super Flea. This will help offset any incremental additional costs associated with the larger store as it relates to existing conditions.

In light of the foregoing, the construction and operation of the proposed Walmart Supercenter will not result in significant additional demands upon community services and therefore no significant adverse impacts are anticipated.

Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the Project. However, a thorough analysis of these potential impacts reveals that where necessary, they have been mitigated to the greatest extent practicable by the design of the Project and that none of these impacts will be significant. Accordingly, it is appropriate that the Town of Cheektowaga Town Board, as Lead Agency, issue a Negative Declaration for the Project.

For Further Information Contact: Daniel J. Ulatowski, AICP, Planner
Building Inspections Office
Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227
(716) 686-3490



Authorized Signature

Supporting Documentation:

- Applicants' Letter of Intent and application forms dated October 5, 2012 and March 12, 2013
- Site Plans
- Site Details
- Final Plat
- Rezoning Map
- ALTA/ASCM Survey
- Landscape Plan
- Utility Plan
- Lighting Plan
- LED Light Fixture 1
- LED Light Fixture 2
- Sign Plans
- Traffic Safety Plan
- Tree Removal Plan
- Demolition Plan

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- Grading and Drainage Plan and Details
- Erosion and Sediment Control Plans
- Line of Sight Section Views
- Architectural Elevation
- Stormwater Management Report and Stormwater Pollution Prevention Plan
- Development Review Application
- Benderson Landowner Authorization
- Letter from Town of Cheektowaga re: pre-existing non-conforming use of the existing warehouse parcel
- Site Management Plan
- Environmental Assessment Review Report
- Full Environmental Assessment Form
- NYSDEC Environmental Resource Mapper
- Traffic Impact Study
- Noise Impact Study
- Soils Report
- Geotechnical Report
- Wetland Investigation Letter Report
- Phase I Archaeological Sensitivity Assessment and Survey
- Fiscal Impacts Associated with Proposed Project

Interested and Involved Agencies:

- Erie County DEP - Rachel Chrostowski
- NYSDOT - Ed Rutkowski
- NYSDEC - David Denk
- Forks Fire District - Board of Commissioners
- Town of Cheektowaga Planning Board
- Town of Cheektowaga Environmental Advisory Committee
- Town of Cheektowaga Conservation Advisory Council
- Town of Cheektowaga Traffic Safety Commission
- Town of Cheektowaga Zoning Board of Appeals



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

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

~ Minutes ~

Alice Magierski
716-686-3400

Monday, June 17, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on June 17, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearing

1. Amend the Brush, Weeds, Obnoxious Growth and Debris Law

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: James P. Rogowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-318

Transfer of Funds-2012

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

RISK RETENTION

FROM:	101.1931.4703	Judgements & Claims-Unemployment	\$197,425.00
	101.1936.4703	Judgements & Claims-Reserve	246,300.00
	101.1910.2798	Approp. Fund Balance	1,617,912.00
TO:	101.1933.4703	Judgements & Claims-Health Claims	\$303,659.00
	101.1932.4703	Judgements & Claims-General Liability	1,757,978.00

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

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



2. RESOLUTION 2013-319

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 17, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$2,753,909.22
RISK RETENTION FUND	752,000.06
NYS HOME PROGRAM	
DEBT	5,619.25
HUD HOUSING REHABILITATION FUND	6,095.00
SPECIAL DISTRICTS FUND	3,246,575.23
HIGHWAY FUND	647,628.67
CAPITAL FUND	403,135.32
TRUST & AGENCY FUND	25,815.62
HUD CDBG FUND	1,253.94
PART TOWN FUND	118,494.16
NYS AFFORDABLE HOUSING	22,764.00
	<hr/>
	\$7,983,290.47

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



3. RESOLUTION 2013-320

Adopt Local Law No. 4 of the Year 2013 - a Local Law to Amend the Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Local Law No. 5 of the Year 2001 of the Town of Cheektowaga, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris" was adopted by the Town Board on October 1, 2001, and

WHEREAS, said law presently requires property owners to keep their grass, etc. cut so that the length does not exceed ten (10) inches, and

WHEREAS, it has been recommended that the Town amend such law to require every property owner to keep their grass, etc. cut so that the height of the grass, etc. does not exceed six (6) inches, and

WHEREAS, the Town Attorney's Office has drafted such amendment, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 17th day of June, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2013-3 of the Year 2013 entitled "A Local Law to Amend A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris" should be enacted, and

WHEREAS, it is the public interest to enact this local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2013, entitled "A Local Law to Amend a Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2013 shall be effective immediately after filing same 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. 4 OF THE YEAR 2013

A LOCAL LAW TO AMEND THE LOCAL LAW PERTAINING TO BRUSH, WEEDS, OBNOXIOUS GROWTH AND DEBRIS

The first sentence of Section 66-1 of the Town Code of the Town of Cheektowaga shall be amended to read as follows:

“Every owner of any area, lot or parcel shall cut, trim or otherwise remove or cause to be cut, trimmed or otherwise removed all grass, weeds, brush or plant growth in excess of six (6) inches.”

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



4. RESOLUTION 2013-321

Award of Bid - One (1) New and Unused 2013 Model, Crawler Dozer Equipped with a Six (6) Way Dozer Blade (Bid 2013-19)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on June 5, 2013, for One (1) New and Unused 2013 Model, Crawler Dozer Equipped with a Six (6) Way Dozer Blade (Bid 2013-19) 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 bid specs for One (1) New and Unused 2013 Model, Crawler Dozer Equipped with a Six (6) Way Dozer Blade be awarded to Southworth Milton, Inc., Milton Cat, 4610 East Saile Drive, Batavia, NY 14020 at a total bid price of \$106,527.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

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

TABULATION FOR
ONE (1) NEW AND UNUSED 2013 MODEL, CRAWLER DOZER EQUIPPED WITH A SIX (6)
WAY DOZER BLADE

Southworth-Milton, Inc. Milton Cat, Inc. 4610 East Saile Drive Batavia, NY 14020 585-815-6200	\$106,527.00
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Five Star Equipment, Inc. 284 Ellicott Road P.O. Box 985 Orchard Park, NY 14127 716-622-2191	\$135,000.00
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RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2013-322

Award Summer Camp Busing 2013

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 2013 summer camp programs, AND

WHEREAS, proposals were received for the provision of said bus transportation services, AND

WHEREAS, First Student, 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 \$7,850.00 for the Department of Youth & Recreational Services' day camp programs to:

--First Student Inc.
45 Anderson Road
Cheektowaga, New York 14225

Line Item Nos.: 7140.4517
7140.4518

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



6. RESOLUTION 2013-323

Negative SEQR Declaration 2480 & 2490-2550 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Kaminski

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, 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, on October 5, 2012, Wal-Mart Real Estate Business Trust (Wal-Mart) and Benderson Development Company, LLC ("Benderson"), (collectively the Applicants), submitted a Site Plan Letter of Intent ("LOI") for an approximately 183,684+/- square foot Walmart Supercenter (the "Project") on property currently owned by Benderson and located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York ("Project Site") and on March 12, 2013, the Applicants submitted an Amended Site Plan Letter of Intent reflecting changes to the Project developed in conjunction with Town Staff and Advisory Boards (collectively the "Application"), and

WHEREAS, the Applicants have provided information in the LOI and Amended LOI supporting the request for Site Plan Approval for the property located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York, and

WHEREAS, a public hearing on the Application was held before the Town Board on the 6th day of May, 2013 at 6:45 P.M. where the Applicants presented the final design details for the Project, after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory Committee, Traffic Safety Committee and Conservation Advisory Council have reviewed and commented on the Application and have recommended approval thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act, Article 8 of New York Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have significant adverse environmental impacts; the Applicants prepared Full Environmental Assessment Forms and an Environmental Assessment Report ("EAR") associated with the Project to assist the Town Board in reviewing the potential impacts of this request; and

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, Traffic Safety Commission and the Conservation Advisory Council, NOW, THEREFORE, BE IT

RESOLVED, this Town Board determines that the project will not have any significant adverse effects on the environment and therefore issues a Negative Declaration for purposes of SEQRA as shown on the attached determination of environmental significance.

Attachments:

Determination of Environmental Significance (PDF)

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



7. RESOLUTION 2013-324

Accept Site Plan- 2480 & 2490-2550 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, the Town Master Plan and neighborhood character, AND

WHEREAS, actions deemed to be major are also referred to the Town Environmental Advisory Committee, pursuant to Chapter 107 of the Town Code; the Town Traffic Safety Commission pursuant to Chapter 36 of the Town Code; and the Town Conservation Advisory Council pursuant to Chapter 9 of the Town Code, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, on October 5, 2012, Wal-Mart Real Estate Business Trust (Wal-Mart) and Benderson Development Company, LLC ("Benderson"), (collectively the Applicants), submitted a Site Plan Letter of Intent ("LOI") for an approximately 183,684+/- square foot Walmart Supercenter (the "Project") on property currently owned by Benderson and located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York ("Project Site") and on March 12, 2013, the Applicants submitted an Amended Site Plan Letter of Intent reflecting changes to the Project developed in conjunction with Town Staff and Advisory Boards (collectively the "Application"), and

WHEREAS, the Applicants have provided information in the LOI and Amended LOI supporting the request for Site Plan Approval for the property located at 2480 Walden Avenue and 2490-2550 Walden Avenue, Cheektowaga, New York, and

WHEREAS, a public hearing on the Application was held before the Town Board on the 6th day of May, 2013 at 6:45 P.M. where the Applicants presented the final design details for the Project, after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory Committee, Traffic Safety Committee and Conservation Advisory Council have reviewed and commented on the Application and have recommended approval thereof; NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, signs and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the traffic signal, Niagara Frontier Transportation Authority bus stop and pedestrian walkways are well-coordinated and will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That the proposed stormwater and drainage facilities will significantly improve site drainage over existing conditions and are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and
- g. That the Project incorporates significant vegetation and landscape buffers which will provide a visual and noise buffer between the Project Site and adjoining residential properties and will significantly increase the amount of vegetation on the Property; and
- h. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and
- i. That the drainage plans for the Project Site minimize the likelihood of ponding, flooding and/or erosion; and
- j. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- k. That the Applicants have taken all steps reasonable and practicable to mitigate any air pollution or objectionable odors that could be generated by the Project, including limiting idling of delivery vehicles on the Project Site and containing refuse in an enclosed compactor; and
- l. That the use of storm water pretreatment will improve the quality of surface water discharge from the Site and the Project is not anticipated to generate significant sanitary sewer discharges; and
- m. That as a result of Project design changes, the Project will be both compatible with surrounding uses and is a significant improvement over

existing conditions and the retail use for the Site is consistent with the Town's comprehensive plan for this section of Walden Avenue.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. ***The Applicant improves the intersection of Nagel Drive at Walden Avenue as shown on the attached sketch titled "Proposed Nagel Drive Widening" dated 3/14/13.***

2. ***The applicant agrees to implement the following site management controls:***

Truck Traffic - Tractor Trailer deliveries will be limited to the hours of 7:00 am to 11:00 pm and all other deliveries are limited to the hours of 5:00 am to 11:00 pm.

Lighting - If within 6 months of store opening the Town receives significant complaints (as determined by the Town) regarding lighting impacts from the Project Site, Wal-Mart will prepare a subsequent lighting analysis and/or mitigation plan.

Refuse - All refuse removal/ servicing of compactors and /or removal of recyclable materials from the premises will occur no sooner than 7:00 am and no later than 9:00 pm.

NFTA Bus Stop on-site - Wal-Mart will maintain the sidewalk and access to the proposed Niagara Frontier Bus Stop on the Project Site which will be located to the north of the sidewalk along Walden Avenue.

Sidewalk and Walkway maintenance - The existing public walk fronting the subject property and the proposed connecting pedestrian route from the proposed bus stop to the store entrance will be maintained free and clear of snow accumulation on a regular basis.

Outside Merchandizing - Outside merchandizing will be conducted in those areas depicted on the merchandizing plan submitted to the Town and made part of this approval. Further, Wal-Mart agrees not to use large, roll-off sized containers for the outdoor storage of goods.

Outdoor speakers - The use of exterior public address speakers for paging personnel will not be utilized nor will other forms of exterior audio be utilized such as exterior music or radio advertising.

3. ***This Resolution shall be effective immediately.***

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



8. RESOLUTION 2013-325

Notice to Bidders - 2014 Chevrolet Tahoes - (Bid 2013-20)

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 Four (4) New and Unused 2014 Chevrolet Tahoe 2WD 4-door Commercial PPV Vehicles (or Equivalent); and Two (2) New and Unused 2014 Chevrolet Tahoe 4WD 4-door Commercial SSV Vehicles (or Equivalent); and One (1) New and Unused 2014 Chevrolet Tahoe 4WD 4-door LS Vehicle (or Equivalent) (Bid 2013-20) by the Town of Cheektowaga Police

RESOLVED, that sealed bids will be received by the Town Clerk on the 26th day of June, 2013 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on Wednesday, June 26, 2013 at 11:00 A.M. at Town Hall, corner of Broadway and Union Roads, for the purchase of Four (4) New and Unused 2014 Chevrolet Tahoe 2WD 4-door Commercial PPV Vehicles (or Equivalent); and Two (2) New and Unused 2014 Chevrolet Tahoe 4WD 4-door Commercial SSV Vehicles (or Equivalent); and One (1) New and Unused 2014 Chevrolet Tahoe 4WD 4-door LS Vehicle (or Equivalent) (Bid 2013-20) as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of Four (4) New and Unused 2014 Chevrolet Tahoe 2WD 4-door Commercial PPV Vehicles (or Equivalent); and Two (2) New and Unused 2014 Chevrolet Tahoe 4WD 4-door Commercial SSV Vehicles (or Equivalent); and One (1) New and Unused 2014 Chevrolet Tahoe 4WD 4-door LS Vehicle (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

Dated: June 17, 2013

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



9. RESOLUTION 2013-326

Notice to Bidders - Five (5) 2014 Ford Focus S Sedans (Bid 2013-21)

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 2014 Ford Focus S 4-Door Compact Sedans for the motor pool (Bid 2013-21), 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 10th day of July, 2013 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 July 10, 2013 at 11:00 am, Local Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of five (5) 2014 new and unused Ford Focus S 4-Door Sedans, or equal, for the motor pool (Bid 2013-21).

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

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

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

Alice Magierski, Town Clerk

DATED: June 17, 2013

PUBLISH: June 20, 2013

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



10. RESOLUTION 2013-327

Designate Town Clerk as Agent for Service of Notices of Claim

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York State Legislature and Governor enacted Chapter 500 of the Laws of 2012 on December 17, 2012, and

WHEREAS, this legislation created a new section, Section 53 of the General Municipal Law, which allows notices of claim to be filed against municipalities in New York State by filing a notice of claim with the Secretary of State, and

WHEREAS, Section 53 of the General Municipal Law also requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for the service of a notice of claim, and

WHEREAS, said certificate must also include the applicable time limit for filing the notice of claim, and the name, post office address and electronic mail address, if available, of an officer or person for the transmittal of notices of claim served upon the Secretary as the town's agent, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga, County of Erie hereby designates Alice Magierski in her capacity as Town Clerk to receive notices of claim, served upon the Secretary of State by mail at 3301 Broadway, Cheektowaga, New York 14227 and email, amagierski@tocny.org and BE IT FURTHER

RESOLVED, that, pursuant to General Municipal Law Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or, in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate, and BE IT FURTHER

RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim, with the town on or before July 14, 2013.

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



11. RESOLUTION 2013-328

Authorize Accounting Department to Remit Payment to Applied Business Systems, Inc.

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town Clerk/Receiver of Taxes and Assessments is charged under State law with the collection of County, Town and School taxes, and

WHEREAS, it is necessary that the Town Clerk engage a firm to assist her with the mailing of tax bills and receipts, and

WHEREAS, the Town Clerk has solicited quotations for said services from several vendors for the 2013-14 School tax bills and 2014 County/Town tax bills, and

WHEREAS, ABS - Applied Business Systems, Inc. has submitted the lowest cost for said services, and

WHEREAS, said services includes postage for the mailing of said bills and receipts, NOW, THEREFORE, BE IT

RESOLVED, that ABS - Applied Business Services be retained to provide said services to the Town Clerk/Receiver of Taxes and Assessments for the 2013-14 School tax bills and 2014 County/Town tax bills, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the payment in advance of audit of claims to ABS - Applied Business Systems, Inc. for said services, after the same has been reviewed and approved by the Town Clerk/Receiver of Taxes and Assessments.

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



12. RESOLUTION 2013-329

Special Event - HSBC Softball 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 HSBC Sports and Social Club has made application to hold its Softball Tournament in Stiglmeier Park on August 17, 2013 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:

- . 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 HSBC Sports and Social Club for the aforementioned Softball Tournament to be held in Stiglmeier Park on August 17, 2013.

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



13. RESOLUTION 2013-330

Special Event - Trooper Jill Farrar-Mattice Memorial 5K 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 28, 2013 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 28, 2013 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2013-331

Special Event - Firefighters Recognition Day

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, Councilmember James Rogowski has made application to hold the Annual Firefighters Recognition Day in the Town of Cheektowaga, Sunday, June 23rd, 2013 and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, Police Department, Highway 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;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Councilmember James Rogowski for the aforementioned Annual Firefighters Recognition Day in the Town of Cheektowaga to be held Sunday, June 23rd, 2013, at Cheektowaga Town Park from dawn to dusk.

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



15. RESOLUTION 2013-332

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 immediately:

Lindsay Cieslinski	5/30/13	14225
Sharrieef Fareed-Muhammad	Never worked	14215
Jada Love	5/04/13	14211

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2013-332, 2013-333 and 2013-334. Motion Carried.

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



16. RESOLUTION 2013-333

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" - 7180.1903 - \$8.25 - Seasonal
Ariana D'Agostino 14225

Lifeguard "Level I" - 7180.1903 - \$8.25 - Part-time
Katie Gramlich 14225

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

Recreation Attendant - 7140.1648 - \$7.75 - Seasonal - Retro to 5/29/13
Katie Walkowiak

From line 7140.1642 - Recreation Aide - Part-time- to lines 7140.1611,7140.1636 and 7140.1639- Retro to 5/20/13
Courtney Wesolowski

From line 7140.4518 to 7310.1801(Alexander Day Camps) - Recreation Aide - Part-time - \$7.25 - Retro to 6/3/13
Jessica Gaffney

From line 7140.4518 to 7310.1801 - "Alexander Day Camp"- Retro to 5/20/13

Recreation Attendant -7310.1801 - \$7.25- Alexander Day Camp- Seasonal
Brittany Donovan 14225
Myranda Empric 14215
Emily Ferber 14225
Kaitlyn Kraebel 14227
Lindsay Lennertz 14224
Angelina Rosati 14211
Ashley Schrader 14225
Kelly Sitarski 14224

Recreation Attendant -7310.1801 - \$7.65- Alexander Day Camp- Seasonal
Amanda Fischer 14227

Recreation Aide -7310.1801 - \$7.25 - Alexander Day Camp - Part-time
Kirstin Lauer 14227
Morgan Miecznikowski 14225
Robert Pulkownik 14227
Natalie Stack 14225
David Taylor 14215

Mariah Wilson 14225

Recreation Attendant -7310.1801 - \$7.50- Alexander Day Camp- Seasonal

Lily Boyd-Gamel 14225

Samantha Poules 14227

Valerie Herman 14225

Recreation Attendant -7310.1801 - \$7.75 - Alexander Day Camp - Seasonal

Joshua Fruchtel 14211

Stephen Kelly 14211

Robin Stanley 14225

Kelly Mayer 14225

Theresa Tripi 14227

Jillian Adamczak 14043

Recreation Attendant -7310.1801 - \$8.00 - Seasonal

Meghan Eckle 14225

Transfer from Adapted Recreation Program to Alexander Day Camps

Recreation Attendant -7310.1801 - Alexander Day Camps - \$7.75 - Regular Part-time

Martin Acevedo

Recreation Attendant -7310.1801 - Alexander Day Camps - \$7.50 - Regular Part-time

(Alternate)

Emalee Danner

Recreation Attendant -7310.1801 - Alexander Day Camps - \$7.50 - Regular Part-time

Ashley Carney

Caitlyn Ferber

Allison Herman

Danielle Keller

Alysia Kent

Tyler Nosal

Nicole Putland

Jenna Soldaczewski

Ryan Trapper

Cerene Usinski

Recreation Aide -7310.1801 - Alexander Day Camps - \$7.25 - Part-time

Chelsey Balistreri

Jessica Elston

Austin Hughes

Kourtney Killian

Elizabeth Langa

Michael McGregor

Cassidy Moore

Ashley Spencer

Brian Wroblewski

Recreation Instructor -7310.1801 - Alexander Day Camps - \$8.50 - Regular Part-time

Liza Fiorello

Shannon Kelly

Recreation Instructor -7310.1801 - Alexander Day Camps - \$8.75 - Regular Part-time
Bryan Haxton
Ann Marie Heide

Recreation Instructor -7310.1801 - Alexander Day Camps - \$9.75 - Regular Part-time
Maribeth Stadelmeyer

Recreation Instructor -7310.1801 - Alexander Day Camps - \$9.00 - Regular Part-time
Kristen Stadelmeyer

Recreation Instructor -7310.1801 - Alexander Day Camps - \$9.25 - Regular Part-time
DeYonca Porter

Recreation Specialist -7310.1801 - Alexander Day Camps - \$11.75 - Regular Part-time
Melissa Nosal

Recreation Specialist -7310.1801 - Alexander Day Camps - \$14.65 - Regular Part-time
Amy McMahon

Recreation Instructor "Day Camp Nurse" - 7310.1801 - \$15.00 - Seasonal
Beatrice Quinn 14043

Recreation Attendant (1:1) - 7310.1801 - \$7.25 - Seasonal
Lindsay Lennertz 14224
Kelly Sitarski 14224

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



17. RESOLUTION 2013-334

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 **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 \$9.00/hour effective 5/22/13
 Sean M. Mueller, Cheektowaga, New York
 William C. J. Merritt, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 6/3/13
 Cody B. Crist, Cheektowaga, New York
 Daniel R. Piccuilla, Jr., Depew, New York

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed 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:

TOWN CLERK'S OFFICE Clerk \$8.50 effective 7/1/13
 Corinne Kiszewski, Cheektowaga, New York

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

SANITATION DEPARTMENT
 Gregory L. Merritt effective 6/1/13

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



18. RESOLUTION 2013-335

Appointment of Library Board Member

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, there is a vacancy in the position of Member of the Cheektowaga Public Library Board as of December 31, 2012, and

WHEREAS, Christine Cywinski has requested appointment to the Cheektowaga Library Board, and

WHEREAS, the Cheektowaga Library Board has recommended that Christine Cywinski be appointed as member of the Cheektowaga Library Board, NOW, THEREFORE, BE IT

RESOLVED, that Christine Cywinski, of Cheektowaga, New York be and hereby is appointed to the position of Member of the Cheektowaga Public Library Board, effective immediately and terminating on December 31, 2017.

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



19. RESOLUTION 2013-336

Appointment of Park Maintenance Worker I (Labor/Temporary)/Facilities Department (Parks Division)/William R. Haderer

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, a temporary vacancy exists in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

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

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

WHEREAS, William R. Haderer applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that William R. Haderer of Cheektowaga, New York, be and hereby is appointed to the temporary position of Park Maintenance Worker I in the Facilities Department (Parks Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 18, 2013.

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



20. RESOLUTION 2013-337

Travel Authorization Police Department (Police Chief David Zack, Captains Scott Pilat and James Speyer, Lieutenants Patrick Chludzinski and Brian Coons, Sergeant Lawrence Bauer)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the 2013 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition is being held October 19 through October 23, 2013 in Philadelphia, Pennsylvania; AND

WHEREAS, Police Chief David Zack, Captains Scott Pilat and James Speyer, Lieutenants Patrick Chludzinski and Brian Coons, and Sergeant Lawrence Bauer have been recommended to attend said exposition; AND

WHEREAS, Police Chief 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 \$5,716.55; AND

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

RESOLVED, that Police Chief David Zack, Captains Scott Pilat and James Speyer, Lieutenants Patrick Chludzinski and Brian Coons, and Sergeant Lawrence Bauer be and hereby are authorized to attend the 2013 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition being held October 19 through October 23, 2013 in Philadelphia, Pennsylvania.

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

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Suspend the Rules to Include the following three (3) resolutions: 2013-338; 2013-339 and 2013-340.
Motion Carried.



1. RESOLUTION 2013-338

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 Pleasant 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 two (2) hydrants are located on North Pleasant Parkway within the project limits and a third 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 13, 2013, 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 two (2) hydrants as part of the main replacement project on North Pleasant 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2013-339

Direct the Supervisor to Execute the Appraisal Review Report for the Rehabilitation of the Rein Road Bridge

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by Resolution ID #6619 dated February 20, 2013, the firm of Greenman Pederson, Inc. was authorized and directed to proceed with professional engineering services for right-of-way incidentals associated with the Rehabilitation of the Rein Road Bridge, PIN 5758.38, which project is being administered in accordance with New York State Department of Transportation guidelines and procedures for Locally Administered Federal Aid Projects, AND

WHEREAS, detailed parcel maps and legal descriptions have been prepared by Greenman Pedersen, Inc. on behalf of the Town for the proposed acquisition of a .02 acre parcel and a .04 acre permanent easement necessary to facilitate this bridge rehabilitation project, and an Appraisal Report and Technical Appraisal Review Report have been prepared concluding that the combined value of the fee parcel and permanent easement parcel total \$1,348.00, AND

WHEREAS, the Town Engineer, Town Attorney and Town Assessor have reviewed the Appraisal and Appraisal Review Report and concur with said report findings, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor, on behalf of this Town Board, is directed and authorized to execute the Report of Technical Appraisal Review, which report is in agreement with and approves of the recommended compensable damages due the property owner.

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



3. RESOLUTION 2013-340

Call for Public Hearing- Special Use Permit and Variance Request For Drive through Window for Proposed Checkers Restaurant - 2563 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Burgermeisters, Inc., with the permission of the owner, Benderson Development Company, has made application and requested a special use permit to establish an accessory drive through window for a proposed fast food restaurant at 2563 Union Road, and

WHEREAS, a variance is required for the distance between the bypass lane and neighboring residential property, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said requests under the provisions of the Zoning Law on July 15, 2013 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 July, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Burgermeisters, Inc.

For a special use permit for an accessory drive though window for a proposed fast food restaurant at 2563 Union Road; and for a variance to reduce the distance between the bypass lane edge of pavement and the neighboring residential use from 75 feet to ten (10) feet.

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, ERIE COUNTY, STATE OF NEW YORK.

Alice Magierski, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO BENDERSON

DEVELOPMENT COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, SAID POINT BEING IN THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 233.29 FEET TO A POINT;

THENCE NORTHERLY AT AN INTERIOR ANGLE OF 81 DEGREES, 59 MINUTES AND 16 SECONDS A DISTANCE OF 73.48 FEET MORE OR LESS TO A POINT;

THENCE WESTERLY AT AN INTERIOR ANGLE OF 90 DEGREES, 35 MINUTES AND 36 SECONDS A DISTANCE OF 15.00 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT AN EXTERIOR ANGLE OF 90 DEGREES, 35 MINUTES AND 36 SECONDS A DISTANCE OF 135.67 FEET MORE OR LESS TO A POINT;

THENCE WESTERLY AT AN INTERIOR ANGLE OF 88 DEGREES, 22 MINUTES AND 30 SECONDS A DISTANCE OF 220.78 FEET MORE OR LESS TO A POINT;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID UNION ROAD AT AN INTERIOR ANGLE OF 90 DEGREES, 03 MINUTES AND 14 SECONDS A DISTANCE OF 170.59 FEET MORE OR LESS TO A POINT;

SAID POINT BEING THE POINT OR PLACE OF BEGINNING, CONTAINING 42,297 SQUARE FEET OF LAND MORE OR LESS.

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

VI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - March 2013**
2. **Minutes: Cheektowaga Planning Board - May 9, 2013**
3. **Minutes: Cheektowaga Traffic Safety Commission - May 21, 2013**
4. **Minutes: Town Environmental Advisory Council - May 29, 2013**

B. General Communications

1. **Notice of Claim: Alfred B. Frenning Vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to close the meeting at 7:25 PM

Alice Magierski, Town Clerk

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE**

This notice is issued by the Town Board of the Town of Cheektowaga (hereinafter “Town Board”), acting as lead agency, in a coordinated environmental impact review, pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as “SEQR”).

The Town Board has determined that the proposal by Walmart Real Estate Business Trust (“Walmart”) and Benderson Development Corporation (“Benderson”)(collectively, the “Applicants”), to construct a 183,684 sq. ft. ± Walmart Supercenter (the “Project”) and subdivide the 22.347 ± acre parcel to facilitate the Project located at 2480 and 2490-2550 Walden Avenue (“Project Site” or “Site”), will not have a significant adverse impact on the environment; that a negative declaration pursuant to SEQR should be issued; and that no Environmental Impact Statement need be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Walmart Supercenter

Lead Agency: The Town Board of the Town of Cheektowaga, New York

SEQR Status: Type I XX Unlisted: _____

Location: 22.347 ± acre property located at 2480 and 2490-2550 Walden Avenue.
Tax Parcel ID # 103.13-2-6.1 and 103.13-2-5

Landowner: Benderson Development Corporation

Zoning District: CM (General Commercial) and M1 (Light Manufacturing)

Project Description: Wal-Mart proposes to construct an 183,684 +/- sq. ft. Supercenter on a 17.127 +/- acre portion of the larger 22.347 +/- acre parcel currently owned by Benderson. The Supercenter will be comprised of general merchandise and grocery sales areas, a garden center, photo processing, optical and hair care areas and related services. The single-story Supercenter will offer general merchandise, as well as grocery items and prepared foods. A copy of the Amended Site Plan is attached hereto as Exhibit “A”.

The Project Site is located on the north side of Walden Avenue between Nagel Drive and Benbro Drive, bounded to the east and west by a number of commercial developments and bounded to the north by a residential development. Currently the site contains the 122,650 +/- sq. ft. Super Flea on the north side of the property, an 80,452 +/- sq. ft. warehouse on the northeast side of the property, a 3,500 sq. ft. outparcel containing a Manhattan Bagel on the south side of the

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property, a 32,000 sq. ft. retail building on the east side of the property and a 30,000 sq. ft. vacant retail building on the west side of the property. The 80,452 +/- sq. ft. warehouse building will remain, so there will be no changes to the 4.77 acre Warehouse Parcel created by the subdivision. All other buildings will be razed, the new 0.449 Future Development Parcel will be created and a new 183,684 sq. ft. Wal-Mart Supercenter will be constructed on the remaining 17 acre parcel.

On August 6, 2012, the Town Board approved a Resolution rezoning a portion of the Project Site to a CM (General Commercial) District. The lots are now zoned CM (General Commercial) District, except for the eastern-most portion of the Project Site (the Warehouse Parcel), which retained its zoning as M1 (Light Manufacturing) to accommodate the existing warehouse. Permitted uses in the CM Zoning District include all those uses permitted in the C (Retail Business) District. § 260-32(A)(1)(a). Within the C District, “retail sales” are a specifically permitted use. § 260-31(A)(1)(b)(1). The CM District is intended to provide for businesses that require outdoor display or storage areas and businesses that, due to their nature, generate large volumes of traffic, result in large number of people gathering and can result in higher levels of noise. § 260-32. There is no proposed change in use for the Warehouse Parcel (the eastern-most warehouse facility).

Reasons Supporting This Determination:

Background

1. The Town Board has broad authority over the Project with discretion to approve or disapprove the Project or to impose appropriate conditions including any conditions necessary to mitigate any potentially adverse environmental impacts associated with the Project. As such, the Town Board declared its intent to act as Lead Agency for purposes of SEQRA.
2. On October 5, 2012 a Letter of Intent providing detailed Project information and an Environmental Assessment Report pursuant to SEQRA were provided to the Town by Walmart. On October 15, 2012, the Town provided a copy of the application materials, including Part 1 of the Environmental Assessment Form along with the Town Board’s Notice of Intent to Act as Lead Agency to the following involved and interested agencies:
 - Erie County DEP - Rachel Chrostowski
 - NYSDOT - Ed Rutkowski
 - NYSDEC - David Denk
 - Forks Fire District - Board of Commissioners
3. It has been more than thirty (30) days since such notice and information was provided and no other involved agency has contested Lead Agency status of the Town Board.

Thus, the Town Board has properly been established as Lead Agency for purposes of conducting a coordinated SEQRA review of the Project.

4. The original application materials were submitted to the Town on October 5, 2012 and amended application materials reflected requested changes to the Project were submitted to the Town on March 12, 2013. The review process for the Project included the involvement of the following Boards or Committees of the Town of Cheektowaga:
 - Town of Cheektowaga Planning Board
 - Town of Cheektowaga Environmental Advisory Committee
 - Town of Cheektowaga Conservation Advisory Committee
 - Town of Cheektowaga Traffic Safety Committee
 - Town of Cheektowaga Zoning Board of Appeals

In addition, the Traffic Report was reviewed by the New York State Department of Transportation. Further, a Public Hearing on the requested variances was held by the Zoning Board of Appeals on November 21, 2012 & May 6, 2013 when the public was allowed to comment on the Project and the Town Board held a public meeting on the Site Plan Application on April 15, 2013. In addition to meeting with Walmart and conducting a public meeting on the Project, the Town Board has carefully considered the full scope of the Project having reviewed and considered the entire record of proceedings related to the Project including:

- Letter of Intent, application forms and all the exhibits and attachments thereto dated October 5, 2012;
 - Amended Letter of Intent, application materials and all the exhibits and attachments thereto dated March 12, 2013;
 - Full Environmental Assessment Form dated March 11, 2013;
 - Environmental Assessment Report and all the exhibits and attachments thereto;
 - Comments from the Planning Board, Environmental Advisory Committee, Conservation Advisory Committee, Traffic Safety Committee, Town of Cheektowaga Zoning Board of Appeals, Town of Cheektowaga Police Department, and the New York State Department of Transportation.
5. The Project requires Site Plan approval, a Sign Variance, minor Sidelot Variances, Fence Height Variance, approval of the Stormwater Pollution Prevention Plan and a tree removal permit.

Environmental Setting

6. The Project Site is located on the north side of Walden Avenue between Union Road and Dick Road within a heavily developed portion of the Town of Cheektowaga which

includes a mix of industrial, commercial and residential uses. Residential properties are located to the north and northwest of the Project Site; commercial and industrial uses to the west of the Project Site; and commercial and industrial uses to the east and south of the Project Site. The Project Site is zoned CM (General Commercial) and M1 (Light Manufacturing). Surrounding properties are zoned M1 or R (Residence).

7. The Project site is approximately $22.347 \pm$ acres. Of that, $17.127 \pm$ acres are associated with the Walmart Supercenter, $4.77 \pm$ acres will remain in its existing condition as warehouse use and $.449 \pm$ acres will be reserved for future commercial development at the southeast corner of the Project Site. The Project Site is historically been used for retail and some office purposes and currently houses the “Super Flea” market. The Project Site currently consists of significant impervious areas with very limited vegetation and no known wildlife habitat.

Analysis of Impacts to Environmental Resources

Impacts on Surface Water Quality or Quantity

Walmart has prepared a Stormwater Pollution Prevention Plan detailing the proposed stormwater management system for the Project that includes calculations for the existing and post-developed hydraulic conditions. The Project will result in minimal changes to the configuration of the Project Site drainage from the existing to the proposed conditions. Since there will be a significant increase in landscaped areas, there is a 10% decrease in impervious areas on the Project Site. During the rezoning process, the Town requested that the proposed stormwater flow rate be reduced to 20-30% below the existing flow rate. To accommodate this reduction, the Applicant will be installing an underground storage system. Stormwater quality will also be significantly improved over existing conditions through the use of a Vortex VX5000 hydrodynamic separator for stormwater treatment while existing conditions are untreated. Erosion and sediment control measures during construction will be dictated by the measures outlined in the Stormwater Pollution Prevention Plan and will mitigate pollutant loading during construction.

In total, as a result of the increased impervious areas, improved stormwater management systems on the Site and proper erosion and sediment control measures during construction, the Project will not result in any significant adverse impacts on surface water quality or quantity and in fact, will greatly improve conditions now existing on the Project Site.

Impacts on Air Quality

The Project Site is located in a commercial and industrial corridor and is characterized by light industrial activities, retail activities and nearby residential development. Walden Avenue is a 6-lane highway handling significant traffic volumes under existing conditions. Given the existing traffic in the area and the relatively minor increase in traffic volumes associated with the Project

as compared to the total traffic volume in the region, there will not be a measurable change in air quality conditions.

Relative to diesel vehicles entering the Project Site, they will be limited to five (5) minutes of idling pursuant to New York State Law and Walmart also enforces a three (3) minute idling limit for its private fleet of trucks. Walmart will also post signs around the loading areas instructing drivers to turn off their engines if they will be idling for more than five (5) minutes.

Odors are also a concern associated with a food service establishments and uncovered outdoor garbage dumpsters. Food preparation within the Walmart Supercenter will be minimal, consisting primarily of support operations for a food tenant and the bakery. Any odors from food preparation should be negligible and should not be detectable beyond the property lines. Relative to odors from waste, a closed compactor unit will be used for solid waste disposal at the Project Site. The unit will be located along the east side of the building adjacent to the loading dock and away from residential properties. Closed compactor units typically do not emit odors detectable at any distance.

Given the location of the Project Site in a busy industrial and commercial corridor, traffic from the Project will not result in any significant increase in air impacts to the area. Relative to site-generated emissions, Walmart will strictly enforce its idling limit upon delivery vehicles and there will be limited odors from operations at the store or waste handling. As a result of the foregoing, it is not anticipated that the Project will have any significant impacts on air quality.

Impacts on Traffic

As expected, impacts to traffic were the most significant concern residents expressed about the Project. Walmart prepared a Traffic Impact Study to document existing traffic conditions and evaluate the estimated future traffic conditions and impacts as a result of the Project. The Traffic Study area included Walden Avenue east of the NYS Thruway between the Walden Galleria Mall and Dick Road. Manual turning movement counts were performed at the following intersections:

- Walden Avenue at the Galleria Mall driveway
- Walden Avenue at the K-Mart driveway
- Walden Avenue with Jim's Truck Stop driveway
- Walden Avenue with Union Road
- Walden Avenue with Nagel Drive
- Walden Avenue with Site driveway #5
- Walden Avenue with Site driveway #4
- Walden Avenue with existing primary site driveway
- Walden Avenue with Site driveway #2
- Walden Avenue with Site driveway #1
- Walden Avenue with Benbro Drive

- Walden Avenue with Dick Road

The trip generation analysis included in the Traffic Impact Study is based on the number of new trips to the roadway network generated by a 185,000 sq. ft. Walmart Supercenter. The report projected 640 additional trips during the weekday evening peak hour and 782 new vehicle trips during the Saturday mid-day peak hour. The estimated trips were based on a worse-case scenario assuming no deductions for existing trip generating uses on the Site which will be demolished. The trip distribution was based on the current counts of vehicle activity at the studied intersections. Of significant concern were potential impacts to Nagel Drive and the residential development to the north. However, given that the majority of the trip distribution is from the west and that traversing the residential neighborhood will be much more burdensome than traveling along Union Road or Dick Road, it is highly unlikely that there will be significant additional traffic volumes on Nagel Drive associated with the Project.

The Applicants also address significant concerns about the number of drives with curb cuts along this section of Walden Avenue, the current site has five (5) curb cuts, none of which are controlled. Benderson Development also owns a series of parcels directly across Walden Avenue which also has five (5) curb cuts to the area. The Applicants worked together to coordinate the location of access drives to both developments to provide a shared signal, eliminate half of the curb cuts and improve traffic flow into and out of the Site. In addition, the Applicants reorganized an outparcel (currently Manhattan Bagel) to eliminate the need for a center drive that allowed Walmart to reconfigure the internal traffic flows on the Project Site to minimize internal traffic and pedestrian conflicts.

The Traffic Impact Study identified mitigation measures necessary to minimize adverse impacts on traffic in the area. Further, during the review of the Project by the Town of Cheektowaga Traffic Safety Committee, several minor revisions were made to further improve post-development conditions. The following mitigation measures will be included as part of the Project.

- Construct the primary access driveway to the Project Site on the east side to provide good overall traffic flow for left turns in-to and out-of the Project Site and provide adequate access and turning radii for tractor trailer truck traffic. The driveway will consist of one entry lane and two exit lanes and the center median will be re-stripped to provide an exclusive left-turn lane on Walden Avenue for vehicles entering the development from the west.
- Install multi-phase signal at the primary Site driveway on Walden Avenue providing a protective left turn phase for left turns into the driveway.
- Install pedestrian crosswalks, push buttons and signals to cross Walden Avenue at the primary driveway traffic signal and construct a sidewalk from this area to the storefront.
- Construct the west driveway as a full-access driveway with stop sign control on the exit to Walden Avenue and two exit lanes with one right-turn lane and one left-turn lane. This driveway will also accommodate tractor trailers.

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- Recommends that the NYSDOT employ signal timing adjustments at the Union Road intersection on Walden Avenue to mitigate the minor impacts of the proposed Project, specifically during the weekday afternoon peak hour.
- Construct a left-turn lane from Nagel Drive to Walden Avenue to allow residents of this neighborhood improved access to Walden Avenue.

The Traffic Impact Analysis and the proposed mitigation measures were thoroughly reviewed by the Town of Cheektowaga Traffic Safety Committee and the NYSDOT. Both entities concurred that the Traffic Impact Study accurately reflected existing and anticipated conditions associated with the Project. Notably, both the Traffic Safety Committee and NYSDOT felt that the signal at the western drive would provide breaks in traffic along Walden Avenue facilitating better movement into and out of Nagel Drive for residents in that neighborhood. This protection would also allow tractor trailer access to the western access drive to the Project Site.

The Project includes a number of significant traffic mitigation measures that will mitigate adverse impacts associated with the Project. The Project Site is in a highly traveled commercial and industrial corridor and volume generated by the Project is not significant in light of surrounding traffic volumes. Nevertheless, the Project includes mitigation measures that the Town of Cheektowaga and the NYSDOT believe are appropriate to minimize adverse impacts on traffic. As a result, the Project with the proposed mitigation measures is not anticipated to have any significant adverse impacts upon traffic and conditions in the area.

Impacts on Noise Levels

The Project Site is located within an existing commercial corridor along Walden Avenue that includes neighboring residential properties along the north property line and at the northwest corner of the Project Site. Existing noise conditions on the Project Site are typical for commercial/light industrial areas located in close proximity to a major roadway. The Applicant prepared a Noise Impact Study that determined that the dominant noise source at the Project Site is traffic on Walden Avenue. Secondary existing noise sources on the Site include truck deliveries, trash collection and slow plowing, all of which will continue on the Project Site. Other perceptual sources of noises in the area includes local traffic on Nagel Drive and Zoerb Avenue, rail traffic, CSX rail line south of Walden Avenue and airport traffic around the Buffalo Niagara International Airport. During the week, there is continuous traffic and the operation of rooftop units from neighboring developments and a rooftop dust collector at an adjacent printing facility to the west. The Town down-zoned the Project Site from Light Industrial to Commercial which should minimize future industrial noise sources such as that coming from the rooftop dust collector at the printing facility.

The Applicants prepared a Noise Impact Analysis in March 2011 that modeled alternative site plans with different site uses and different configurations. The report concluded that the least environmental impacts to the neighboring residents occurred when the building acted as a sound barrier between noise from Walden Avenue and the neighborhoods to the north and west. The

Noise Report established the ambient noise levels at the property lines of the residents and measurements indicate a daytime average level of 50 dba and lowest nighttime level of 44 dba. The Cheektowaga Town Code sets noise limits of 65 dba during the daytime and 50 dba at night.

Since Walmart will be using modern low-noise rooftop units and a parapet wall above the roof surface, the mechanical equipment will not result in any significant noise impacts on adjacent properties. Further, the trash compactor will be located on the eastern portion of the store and will be 139' from the nearest residential receptor. The Applicant further modified its two loading dock facilities by extending the height of the loading dock retaining walls to buffer potential loading dock noises from the neighboring residential uses to the north. Finally, with respect to truck traffic, Walmart will be limiting tractor trailer traffic behind the store to the hours of 7:00 a.m. to 11:00 p.m. and all other deliveries between 5:00 a.m. and 11:00 p.m. so as not to disturb the adjacent residential properties during sleeping hours.

Even without these mitigation measures, the Noise Study predicted that noise levels from the Project would still be below Cheektowaga Town standards at the residential property lines. In addition to the operational and physical controls, the orientation of the store and the significant vegetative buffer adjacent to the residential properties will significantly reduce noise below existing conditions. Also, during construction, there will be some temporary noise impacts associated with construction activities, however, they will be limited by both duration and hours permitted under the Cheektowaga Town Code.

Through proper Site design, operational controls, engineering controls and physical barriers, the Project and operation will not only meet Town of Cheektowaga noise standards, but will also significantly reduce noise levels over existing conditions. As a result of the foregoing, the Project will not have any significant adverse impacts upon noise levels in the area.

Impacts on Community Resources

The Project Site is located in a heavily developed commercial and light industrial corridor and is serviced by significant utility services. The Project Site is also fully serviced as a result of the existing development located on the Project Site. Since the Project is consistent with the existing scale of development in the area, it is not anticipated that it will have any significant adverse impacts.

The Project is anticipated to use approximately 5,093 gallons of water per day and based on the increase of the water service to 12" in diameter, there is more than adequate supply to meet the demand of the Project. Likewise, there is sufficient volume for fire purposes. However, Walmart's fire protection systems require higher pressures and the store will include a pump to boost pressures to adequate levels. Sanitary sewer has adequate capacity.

All other utilities (ie: gas, electric, telephone, cable) are currently on-site and will be relocated as needed. These utility demands largely replace that which is already being used. No significant improvements are necessary nor impacts associated with the Project.

In light of the foregoing, the Project will not have significant adverse impacts upon public resources in the area.

Impacts on Natural Resources

The Project Site is located in a heavily developed area of the Town of Cheektowaga. There is virtually no existing vegetation on the Project Site and no known wildlife habitat. Further, based on information provided by the NYSDEC Environmental Resource Mapper, there are no rare plants or rare animals within the proposed project area. The Project also includes a significant increase in vegetation on the Project Site.

As a result of the foregoing, the Project will not have any significant adverse impacts on natural resources in the area.

Impacts on Historical, Archeological, Architectural or Aesthetic Resources or Neighborhood Character

The Project Site is located in a heavily developed commercial and light industrial corridor within the Town of Cheektowaga. The Site has been developed for the past 30 years as a commercial development and the Project will not differ significantly from prior uses of the Project Site. Walmart has taken numerous measures to minimize impacts upon adjacent properties.

The proposed Walmart will consist of a single-story 183,684 ± sq. ft. building with a maximum height of approximately 35'. The building is proposed to be located at the rear of the Site with the front facing Walden Avenue. There will be limited parking along the eastern and western property lines to minimize impacts on adjacent residential properties.

Aesthetics were a significant concern of the Town during the review process and the design of the proposed Walmart Supercenter was changed significantly in response to the Town's concerns. This included the use of aesthetically pleasing materials and design elements which render the Project more consistent with the premier commercial developments within the Town of Cheektowaga.

Walmart is also proposing to construct an 8' solid vinyl fence adjacent to the residential properties to help screen the Project from their backyards. Moreover, there is significant berming and vegetation along the boundary with the residential properties which will further screen the Project from them. A 50'-wide buffer area between the store and adjacent residential properties along the northern and western property lines will be part of the Project. The buffer area includes

a landscaped berm with 6'-tall Colorado Spruce trees planted 15' on center. In addition, a mix of 12' deciduous trees will be planted in the buffer area. The proposed 50' buffer area adds a significant amount of greenspace to the Project Site (approximately 5% currently and over 15% as proposed) as well as removing the existing parking spaces abutting the residential properties along the northern and western property lines.

The Project will also include landscaped islands throughout the parking lot area and along the majority of the frontage with Walden Avenue. This will significantly improve both environmental and aesthetic conditions of an area that currently is a sea of asphalt.

Since the Project Site has been heavily developed over the past 30+ years, a Phase I Cultural Resource Study was performed on the Project Site and found that there were no areas on site that may contain any areas of historic significance, nor are there any significant cultural resources in the vicinity of the Project Site.

Given the history of commercial and light industrial uses in the vicinity of the Project Site and the goal of the master plan to see increased commercial development of this corridor, the Project is consistent with existing and future land use and neighborhood character. The Project includes a number of measures which will significantly improve site conditions over the existing status and the downzoning of the Project Site further limits any future adverse impacts associated with light industrial activity at the Project Site. The addition of an aesthetically-pleasing building and significant buffering and vegetation on the Project Site will greatly improve neighborhood character.

Finally, the Project includes downward-facing light standards to minimize light spill onto adjacent properties and limit any disturbance therefrom. Lighting behind the store is limited to downward facing security lights at exit doors. The photometric study prepared by the Applicant demonstrates that there will be no light spill onto adjacent properties.

As a result of the foregoing improvements to the Site as a result of the well-designed Project, it is not anticipated that the Project will have any significant adverse impacts upon historical, archaeological, architectural, aesthetic resources or neighborhood character.

Impacts to Community Services

The Project Site is located in a commercial and light industrial area and the new facilities are consistent with existing uses. Community services include things such as law enforcement, fire and emergency services, bus services and schools. The Project was reviewed by the Chief of Police and the Forks Fire Department. Bus services are provided by the Niagara Frontier Transportation Authority who was consulted by Walmart with respect to the location and coordination of bus stops for the Project.

The operation of a 24-hour Walmart Supercenter should not have a significant adverse impact upon law enforcement resources since this is a redevelopment of an existing site and the surrounding areas and is an existing corridor currently patrolled by the Town of Cheektowaga Police Department. The existing Walmart store at Harlem Road and Walden Avenue generates calls typically associated with minor vehicular accidents and occasionally shoplifting activities. Because the store will operate 24-hour per day, 7 days per week, it will actually improve conditions on the Project Site which is only occupied on the weekends. The Town does not believe that the Project will result in an increase in calls over conditions at its existing store and it does not represent a significant burden upon law enforcement resources.

The Town of Cheektowaga has eleven (11) volunteer fire departments that provide fire protection services. The Forks Fire Department located at 3330 Broadway provides fire protection services to the Project Site. The Fire Department reviewed the Site Plan and the proposed fire protection service systems and found that both would allow adequate protection of the facility. Additional demand for fire and life support services at the proposed Walmart should be negligible and not significantly different than the current level of service demanded by the existing store and existing commercial areas located in the Town.

The Niagara Frontier Transportation Authority currently operates Route 46 to service the portion of Walden Avenue where the Project Site is located. Currently, there is a bus stop adjacent to the Project Site on the north side of Walden Avenue and directly across on the south side of Walden Avenue as well. Walmart will construct a bus shelter on its property near its eastern drive and relocate the bus stop on the south side of Walden Avenue to align with the crosswalk to be installed at the signalized entrance to the Project Site. In addition, a sidewalk will be provided from Walden Avenue to the storefront at the entrance to facilitate pedestrian movement to and from the store and the bus stops.

Because the Project will employ many of the same individuals who work at the existing store, additional employment will not be significant, and therefore is unlikely that there will be a substantial increase in demand for public schools as a result of employees working at the store.

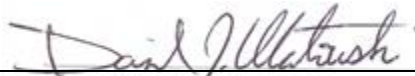
Finally, the Project will also generate additional tax revenue associated with the increased assessment for the Project over the existing Super Flea. This will help offset any incremental additional costs associated with the larger store as it relates to existing conditions.

In light of the foregoing, the construction and operation of the proposed Walmart Supercenter will not result in significant additional demands upon community services and therefore no significant adverse impacts are anticipated.

Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the Project. However, a thorough analysis of these potential impacts reveals that where necessary, they have been mitigated to the greatest extent practicable by the design of the Project and that none of these impacts will be significant. Accordingly, it is appropriate that the Town of Cheektowaga Town Board, as Lead Agency, issue a Negative Declaration for the Project.

For Further Information Contact: Daniel J. Ulatowski, AICP, Planner
 Building Inspections Office
 Cheektowaga Town Hall
 3301 Broadway
 Cheektowaga, New York 14227
 (716) 686-3490



Authorized Signature

Supporting Documentation:

- Applicants' Letter of Intent and application forms dated October 5, 2012 and March 12, 2013
- Site Plans
- Site Details
- Final Plat
- Rezoning Map
- ALTA/ASCM Survey
- Landscape Plan
- Utility Plan
- Lighting Plan
- LED Light Fixture 1
- LED Light Fixture 2
- Sign Plans
- Traffic Safety Plan
- Tree Removal Plan
- Demolition Plan
- Grading and Drainage Plan and Details
- Erosion and Sediment Control Plans

- 13 -

- Line of Sight Section Views
- Architectural Elevation
- Stormwater Management Report and Stormwater Pollution Prevention Plan
- Development Review Application
- Benderson Landowner Authorization
- Letter from Town of Cheektowaga re: pre-existing non-conforming use of the existing warehouse parcel
- Site Management Plan
- Environmental Assessment Review Report
- Full Environmental Assessment Form
- NYSDEC Environmental Resource Mapper
- Traffic Impact Study
- Noise Impact Study
- Soils Report
- Geotechnical Report
- Wetland Investigation Letter Report
- Phase I Archaeological Sensitivity Assessment and Survey
- Fiscal Impacts Associated with Proposed Project

Interested and Involved Agencies:

- Erie County DEP - Rachel Chrostowski
- NYSDOT - Ed Rutkowski
- NYSDEC - David Denk
- Forks Fire District - Board of Commissioners
- Town of Cheektowaga Planning Board
- Town of Cheektowaga Environmental Advisory Committee
- Town of Cheektowaga Conservation Advisory Committee
- Town of Cheektowaga Traffic Safety Committee
- Town of Cheektowaga Zoning Board of Appeals



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

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

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, June 25, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on June 25, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Absent	
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. Resolutions



1. RESOLUTION 2013-341

IPads for Housing

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is in need of 16 Apple iPads for the Housing Department to be able to work on the road, and

WHEREAS, Apple, Inc has submitted a proposal to the Town of Cheektowaga for the purchase of 16 iPads, and

WHEREAS, the Apple iPad is a proprietary product manufactured only by Apple, Inc., and

WHEREAS, Apple, Inc. is registered as a state vendor with state pricing through contract PT65428, and

WHEREAS, Apple, Inc. Of 1 Infinte Loop, Cupernito, CA 95014 has submitted a proposal to the Town of Cheektowaga for such equipment at a unit state contract cost of \$604.00, for a total cost of \$9,664.00, and THEREFORE, BE IT

RESOLVED, that funding for said computer equipment be appropriated from Information Services budget line item no. 0100.1680.2204 and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the proposal submitted by Apple and hereby authorizes and directs the Supervisor to sign same on behalf of the Town,

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



2. RESOLUTION 2013-342

Email Archiving System

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is in need of a software program to better manage and archive Email, and

WHEREAS, Zasio Enterprises, Inc., in a 2011 Needs Assessment submitted to the Town, recommended the utilization of email archiving in an effort to aide the Town in Electronic Management Planning, and

WHEREAS, the development of this software program involves specialized skills and expertise in computer programming and, as such, is not subject to competitive bidding, and

WHEREAS, "Email Archiver" by Metalogix Inc. exceeds all requirements set forth by the Zasio Needs Assessment and the Information Support Services Department, and

WHEREAS, Tri-Delta Resources, Inc., the local distributor of Metalogix software, has submitted the lowest proposal to the Town of Cheektowaga for such a software program and system support at a cost of \$30,697, NOW, THEREFORE, BE IT

RESOLVED, that the lowest quoted price for said computer software program and system support is from Tri-Delta Resources, 15 North Street, Canandaigua, NY 14224, and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the proposal submitted by Metalogix and hereby authorizes and directs the Supervisor to sign same on behalf of the Town, and BE IT FURTHER

RESOLVED, that funding for said computer software program and training proposal shall be appropriated from the State Archives Grant budget line item no. 0100.1415.3500.

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



3. RESOLUTION 2013-343

Acceptance of Employee Handbook

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Town Council is committed to keeping its employees updated regarding government employment related mandates and general employment information, and

WHEREAS, the Town of Cheektowaga Employee Handbook had not been revised in a number of years, and

WHEREAS, such a review and revision of the Town of Cheektowaga Employee Handbook has taken place and the Town Council had an opportunity in June, 2012 to review the revised handbook, its contents, informally accepted and endorsed it, and encouraged all employees to familiarize themselves with its contents, NOW, THEREFORE, BE IT

RESOLVED, for the record, that the Town of Cheektowaga Town Council hereby formally endorses and accepts the 2012 Town of Cheektowaga Handbook, effective as of June 22, 2012, and again encourages all employees to familiarize themselves with its contents.

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

III. Executive Session

- Motion To:** Discuss matters relating to the appointment and termination of employees in Central Records, Sanitation & Town Clerk's Offices and various other employee matters

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

- Motion To:** Exit Executive Session

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: James P. Rogowski

IV. Adjournment

Work Session Ends at 6:49 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 1, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 1, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-344

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 1, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$3,842,822.78
RISK RETENTION FUND	1,268,674.64
NYS HOME PROGRAM	
DEBT	279,072.00
HUD HOUSING REHABILITATION FUND	7,866.00
SPECIAL DISTRICTS FUND	1,081,566.20
HIGHWAY FUND	602,952.72
CAPITAL FUND	579,515.63
TRUST & AGENCY FUND	43,274.21
HUD CDBG FUND	1,697.57
PART TOWN FUND	226,418.13
NYS AFFORDABLE HOUSING	17,040.00
	<hr/>
	\$7,950,899.88

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



2. RESOLUTION 2013-345

Adopt Amendments to Vehicles and Traffic Ordinance

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on January 22, 2013 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by deleting therefrom the following:

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

Stop Signs on	Direction Traffic Stops	At Intersection of
Wojcik Street	Both	Milsom Avenue

ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

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

Stop Signs on	Direction Traffic Stops	At Intersection of
Milsom Avenue	Both	Wojcik Street

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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



3. RESOLUTION 2013-346

Award of Bid - 2014 Chevrolet Tahoes

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of Four (4) New and Unused 2014 Chevrolet Tahoe 2WD 4-door Commercial PPV Vehicles (or Equivalent); and Two (2) New and Unused 2014 Chevrolet Tahoe 4WD 4-door Commercial SSV Vehicles (or Equivalent); and One (1) New and Unused 2014 Chevrolet Tahoe 4WD 4-door LS Vehicle (or Equivalent) 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 Four (4) New and Unused 2014 Chevrolet Tahoe 2WD 4-door Commercial PPV Vehicles (or Equivalent); and Two (2) New and Unused 2014 Chevrolet Tahoe 4WD 4-door Commercial SSV Vehicles (or Equivalent); and One (1) New and Unused 2014 Chevrolet Tahoe 4WD 4-door LS Vehicle (or Equivalent) be awarded to Joe Basil Chevrolet Inc., 5111 Transit Road, Depew, NY 14043, with said vendor meeting all set bidding conditions of the specifications, AND, BE IT

RESOLVED, that the purchase price will be \$216,301.00, AND, BE IT FURTHER

RESOLVED, that funds are available and will be procured from the Police Vehicle Line 100-3120-2303.

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



4. RESOLUTION 2013-347

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 July 15, 2013 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 July 15, 2013 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:

NORTHCREST AVENUE - South side: from east curblin of Union Road to west curblin of Orchard Place

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

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

NORTHCREST AVENUE - North side: from the east curb line of Union Road to the west curb line of Orchard Place

NORTH CREEK DRIVE - South side: entire length

SOUTH CREEK DRIVE - North side: entire length

GEORGE URBAN BOULEVARD - North side: from the west curb line of Mildred Drive to a point fifty (50) feet west

GEORGE URBAN BOULEVARD - North side: from the east curb line of Mildred Drive to a point fifty (50) feet east

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

Dated: July 1, 2013

ALICE MAGIERSKI

Town Clerk

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



5. RESOLUTION 2013-348

Call for Public Hearing - Rezoning Request, Special Use Permit and Variances 4347 & 4395 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Tim Cloe with the permission of the land owners Mark & Jennifer Chojecki and Robert Gray, et al has made application and requested a rezoning of 4347 and 4395 Union Road from R- Residence to C- Retail Business, and which, both properties are currently being utilized as commercial uses, AND

WHEREAS, Tim Cloe has also made application for a special use permit to establish an accessory drive through window to an existing restaurant at 4395 Union Road, AND

WHEREAS, variances are also required for such drive through window for the following reasons:

1. The driveways serving the drive through window are less than (225) feet from the functional area of the intersection of Union Road and Maryvale Drive. Specifically, the Maryvale Road Driveway is (78) feet distant from the intersection and the Union Road driveway is (114) feet distant from the intersection.

2. The minimum length of the drive through vehicle queue lane must accommodate (16) cars, whereas, the applicant's accommodates (6) six.

3. The applicant's lot orientation is such that his rear lot line abuts a residentially zoned side lot line at 965 Maryvale Drive

4. The applicant's drive through lane / bypass lane is less than (75) seventy five feet to the neighboring residentially zoned land at 965 Maryvale Drive, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said requests under the provisions of the Zoning Law on August 5, 2013 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 5th day of August, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Tim Cloe

For the rezoning of 4347 and 4395 Union Road from R- Residence to C- Retail Business and for a special use permit to establish an accessory drive through window for an existing restaurant at

4395 Union Road; and for the following variances from the regulations for accessory drive through windows:

1. The driveways serving the drive through window are less than (225) feet from the functional area of the intersection of Union Road and Maryvale Drive. Specifically, the Maryvale Road Driveway is (78) feet distant from the intersection and the Union Road driveway is (114) feet distant from the intersection.

2. The minimum length of the drive through vehicle queue lane must accommodate 16) cars, whereas, the applicant's accommodates (6) six.

3. The applicant's lot orientation is such that his rear lot line abuts a residentially zoned side lot line at 965 Maryvale Drive.

4. The applicant's drive through lane / bypass lane is less than (75) seventy five feet to the neighboring residentially zoned land at 965 Maryvale Drive.

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, Erie County, State of New York

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

BEGINNING at the point of intersection of the easterly line of Union Road, as now laid out 100 feet wide, with the southerly line of Maryvale Drive as now laid out; thence southerly along said easterly line of Union Road 77.35 feet to the northwest corner of lands conveyed to Louis A. Christ by deed recorded in Erie County Clerk's Office in Liber 3522 of Deeds at Page 313; thence easterly at right angles with said easterly line of Union Road and along the northerly line of lands so conveyed to said Louis A. Christ, 123.16 feet to the southwest corner of land conveyed to Samuel S. Belsito by deed recorded in Erie County Clerk's Office in Liber 6128 of Deeds at page 283; thence northerly along the westerly line of lands so conveyed to Samuel S. Belsito, 102.61 feet to a poin in the southerly line of Maryvale Drive, now laid out, distant 125.46 feet easterly from the point of beginning, as measured along said southerly line of Maryvale Drive; thence westerly along said southerly line of Maryvale Drive 125.46 feet to the point or place of beginning excepting from the above described parcel that parcel acquired by the New York State Department of Transportation as shown on Map 166 as parcel 177. Notice of Appropriation filed in the Erie County Clerk's Office in Liber 9001 of Deeds at page 181, AND

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Cheektowaga, County

of Erie and State of New York, being part of Lot No. 13, Township 11, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the easterly line of Union Road as a 100 foot highway, 45 feet northerly from the intersection of the northerly line of Subdivision Lot No. 1 as shown on a map of Maryvale Gardens filed in the Erie County Clerk's Office under Cover No. 1638 with the easterly line of Union Road as a 100 foot highway; running thence easterly at right angles to the easterly line of Union Road, 240 feet; running thence northerly a distance of 75 feet to a point, 240 feet easterly from the easterly line of Union Road as a 100 foot highway; thence westerly at right angles, 240 feet to the easterly line of Union Road as a 100 foot highway; thence southerly along the easterly line of Union Road as a 100 foot highway, 75 feet to the point or place of beginning.

EXCEPTING therefrom the part conveyed by deed recorded in the Erie County Clerk's Office in Liber 6427 of Deeds at page 97 as re-recorded in Liber 7076 of Deeds at page 644.

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



6. RESOLUTION 2013-349

Notice to Bidders For Asbestos Surveys for Properties Located At 1182 Walden Avenue and 1192 Walden Avenue (Bid No. 2013-22)

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/commercial buildings located at **1182 Walden Avenue and 1192 Walden Avenue in the Town of Cheektowaga** 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 6th day of May, 2013 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 properties located at **1182 Walden Avenue and 1192 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 **1182 Walden Avenue and 1192 Walden Avenue** shall be due no later than **Wednesday, July 17, 2013 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 17, 2013 at 11:00 a.m.**



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on **Wednesday, July**

17, 2013 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for Asbestos Surveys, Asbestos Specifications, and Air Monitoring Services for properties located at **1182 Walden Avenue and 1192 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: July 1, 2013

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



7. RESOLUTION 2013-350

Authorize Supervisor to Execute Application For Justice Assistance Grant (JAG)

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, grant monies are available to select municipalities through the Bureau of Justice Assistance, Edward R. Byrne Justice Assistance Grant; and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$14,930 in funding under this program to enhance various police operations; NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. To be submitted for the purpose of securing this grant; and BE IT FURTHER

RESOLVED, that the Supervisor 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:	James P. Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2013-351

Authorize Supervisor to Execute Agreement with Erie County Water Authority for North Pleasant Parkway

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, North Pleasant Parkway is a Town highway, maintained by the Town Highway Department, and

WHEREAS, in the fall of 2013, the Town will be reconstructing that portion of North Pleasant Parkway between Dingens Street and Bismarck Street, and

WHEREAS, the Erie County Water Authority ("ECWA") was planning on installing a new waterline in the North Pleasant Parkway in the near future, and

WHEREAS, rather than install the water line itself, the ECWA has offered to remit the sum of \$125,000 to the Town if the Town or its contractor would install the waterline along North Pleasant Parkway while the Town reconstructs North Pleasant 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2013-352

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

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, by resolution dated May 6, 2013 this Town Board awarded a contract for the Installation of Replacement Variable Frequency Drives and Associated Motor Control System Modification at the Main Pump Station, AND

WHEREAS, the Town Engineer has recommended that Nussbaumer & Clarke, Inc., the project design consultant, be retained to perform construction phase services as outlined in a proposal dated June 11, 2013, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 as submitted to the Town Engineer for professional services during construction is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. for the provision of professional services during construction, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$23,800.00 shall be chargeable to Account #500-1440-2062-5228.

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



10. RESOLUTION 2013-353

Purchase Play Equipment for Kelly Park

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, The Facilities Department, Parks Division has requested authorization to purchase Playground Equipment for Kelly Park, contract awarded to GameTime by municipal contract as per NYS bill 5525,

WHEREAS, funds for said purchase have been budgeted and are available under account number 500-7110-2412-5309, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of Park Equipment as detailed on the attached quotation for Kelly Park in the amount of \$33,155.71 from:

GameTime
C/O MRC
P. O. Box 106
Spring Lake, NJ 07762

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



11. RESOLUTION 2013-354

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 presently has excess liability insurance which expired on June 30, 2013, and

WHEREAS, the Town Board requested Holfoth Risk Management, the Town's insurance consultant, to solicit proposals for excess liability insurance coverage for 2013-14, and

WHEREAS, Holfoth Risk Management solicited proposals from brokers, 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 \$191,000, 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 continue 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 \$191,000 for the period July 1, 2013 to June 30, 2014, 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2013-355

Approval of an Out of District Agreement by Erie County Sewer District No. 4 at 6386 Transit Road

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, General Parts Inc. proposes to construct a 5946 sq. ft. "Carquest" facility at 6386 Transit Road, which parcel is located within the Town Consolidated Sanitary Sewer District, and the Town's current wastewater collection system does not serve the immediate area of said project, AND

WHEREAS, the project sponsor has requested that Erie County Sewer District No. 4, which agency operates a sanitary sewer main on the east side of Transit Road in the Town of Lancaster, approve an Out-of-District Service Agreement enabling connection to its wastewater collection system, AND

WHEREAS, the Erie County Sewer District No. 4 Board of Managers, at a meeting conducted on April 10, 2013, have approved of the proposed Out-of-District Agreement, NOW, THEREFORE, BE IT

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

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

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

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



13. RESOLUTION 2013-356

Unsafe-Unsecured/336 Beach Rd

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 336 Beach Road, Cheektowaga, New York SBL# 91.15-6-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Tammy Oehmler & Robin Oehmler, 336 Beach Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 336 Beach Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure 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



14. RESOLUTION 2013-357

Unsafe-Unsecured/9 Bigelow Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 9 Bigelow Road, Cheektowaga, New York SBL# 91.06-21-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Richard T. Militello, 9 Bigelow Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 9 Bigelow Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



15. RESOLUTION 2013-358

Unsafe-Unsecured/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, SC 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



16. RESOLUTION 2013-359

Unsafe-Unsecured/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, Depew, 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



17. RESOLUTION 2013-360

Unsafe-Unsecured/69 Fairhaven 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 69 Fairhaven Drive, Cheektowaga, New York SBL# 91.08-6-26 That is a danger to the safety of others, and records kept by the Assessors Office identify Dolores L. Daniel, 69 Fairhaven Drive, Cheektowaga, New York 14225, as the owner AND

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



18. RESOLUTION 2013-361

Unsafe-Unsecured/265 Fonda 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 265 Fonda Drive, Cheektowaga, New York SBL# 91.15-7-4 that is a danger to the safety of others, and records kept by the Assessors Office identify Laura Dannheim & Edward D. Dannheim, 265 Fonda Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 265 Fonda 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



19. RESOLUTION 2013-362

Unsafe-Unsecured/427 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 427 French Road, Cheektowaga, New York SBL# 125.09-10-2.1 That is a danger to the safety of others, and records kept by the Assessors Office identify Scott Janowski, 852 Mill Road, West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 427 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



20. RESOLUTION 2013-363

Unsafe-Unsecured/81 Huth Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 81 Huth Road, Cheektowaga, New York SBL# 91.06-20-10 That is a danger to the safety of others, and records kept by the Assessors Office identify Maureen F. Hyla, 4159 N Buffalo Road, Apt 40-6, Orchard park, New York 14127, as the owner AND

WHEREAS, an inspection of such premises was conducted at 81 Huth Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



21. RESOLUTION 2013-364

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, 84 Greenhill Ter, West Seneca, New York 14224, 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



22. RESOLUTION 2013-365

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 Instructor - 7310.1801 Alexander Day Camp - \$8.25 - Seasonal
Kelly McCulloch 14227

Laborer - "Level II Participant" - 7310.1816 - \$7.50 - Seasonal - Alternate
Timothy Baumgart 14225

Recreation Attendant - 7310.1814 - \$8.00 - Regular Part-time
Cinthia Radomski 14227

Recreation Attendant - 7310.1804 - \$9.75 - Regular Part-time
Christine Jedd

From Recreation Aide to Recreation Attendant - 7140.1645 - \$7.50 - Regular Part-time
Lancelot Melin

From Recreation Aide to Recreation Attendant - 7140.1614 - \$7.40 - Regular Part-time
Elizabeth Meyerhofer

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2013-365 and 2013-366. Motion Carried.

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



23. RESOLUTION 2013-366

Hiring 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:

CENTRAL RECORDS MANAGEMENT Student Intern (Temporary) \$8.50/hour effective 7/1/13 - 8/30/13

Michael F. Krause, Cheektowaga, NY

CENTRAL RECORDS MANAGEMENT Clerk \$9.00/hour effective 7/2/13

Kaitlyn M. Gallagher, Cheektowaga, NY

Linda Karaszewski, Depew, NY

BE IT RESOLVED, that the following individual be and hereby is hired as a **SEASONAL EMPLOYEE**, not to exceed five (5) months in a calendar year, in the department listed and in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$8.00/hour effective 7/2/13

Tyler M. Pocobello, Cheektowaga, NY

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

SANITATION DEPARTMENT

David A. Oryszak, Jr. effective 6/19/13

Sean M. Mueller effective 6/21/13

TOWN CLERK'S OFFICE

Virginia M. Adamczak effective 7/13/13

AND, BE IT FURTHER RESOLVED that the following individual be transferred effective 7/2/13 from Part Time to Seasonal Laborer:

SANITATION DEPARTMENT

Justin P. Borowski, Depew, New York

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



24. RESOLUTION 2013-367

Travel Authorization Police Department/Lieutenant Brian Gould

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the CIT International Conference is being held October 14 through October 16, 2013 in Hartford, Connecticut; AND

WHEREAS, Lieutenant Brian Gould 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 \$1,155; AND

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

RESOLVED, that Lieutenant Brian Gould be and hereby is authorized to attend the CIT International Conference being held October 14 through October 16, 2013 in Hartford, Connecticut.

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



25. RESOLUTION 2013-368

Travel Authorization Police Department/Police Chief David Zack

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the NYSACOP Annual Training Conference is being held July 21 through July 24, 2013 in Lake Placid, New York; AND

WHEREAS, Police Chief David Zack has submitted a request for travel authorization to attend said conference along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$950; AND

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

RESOLVED, that Police Chief David Zack be and hereby is authorized to attend the NYSACOP Annual Training Conference being held July 21 through July 24, 2013 in Lake Placid, New York.

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



26. RESOLUTION 2013-369

Travel Authorization Police Department/Captain Michael Isbrandt and Lieutenant Thomas Wentland

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a seminar entitled, "Force Science" is being held September 30 through October 1, 2013 in Syracuse, New York; AND

WHEREAS, Captain Michael Isbrandt and Lieutenant Thomas Wentland 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 \$1,124.16; AND

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

RESOLVED, that Captain Michael Isbrandt and Lieutenant Thomas Wentland be and hereby are authorized to attend the seminar entitled, "Force Science" being held September 30 through October 1, 2013 in Syracuse, New York.

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

IV. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - April 2013**
2. **Minutes: Cheektowaga Public Library - Board of Trustees - June 5, 2013**
3. **Minutes: Cheektowaga Conservation Advisory Council - June 6, 2013**
4. **Minutes: Cheektowaga Planning Board - June 13, 2013**
5. **Minutes: Town Environmental Advisory Council - June 26, 2013**

B. General Communications

1. Notice of Claim: Gregory Cole Vs. Town of Cheektowaga
2. Notice of Petition: 2331 Union Rd., LLC Vs. Assessor, Board of Assessment Review

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to adjourn the meeting. Time of 7:06 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

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

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, July 9, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on July 9, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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

Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2013-370

Approve Cultural Group Funding for Cheektowaga Cultural Society and Cheektowaga Art Guild

Sponsored By: Councilmember Wozniak, Councilmember Kaznowski

WHEREAS, the Town, in its 2013 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 2012 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves agreement(s) with the cultural and not-for-profit organization(s) listed below for the amount(s) listed, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Art Guild	\$1,200.00
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 2013 Town budget, subject to audit and approval of a properly signed Town voucher.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, July 15, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 15, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Absent	
James P. 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
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings

1. Special Use Permit and Variance Request For Drive through Window for Proposed Checkers Restaurant - 2563 Union Road

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: Stanley Kaznowski, Councilmember
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz

2. Amend Traffic Ordinance

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 P. Rogowski, Councilmember
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz

IV. Resolutions



1. RESOLUTION 2013-371

Transfer of Funds-2013

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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

AHC-900

FROM:	900.8600.4910	NYS AHC Revenues	\$75,000.00
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TO:	900.8668.4009	Loans from Program	\$75,000.00
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James P. Rogowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



2. RESOLUTION 2013-372

Warrant

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 15, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$3,406,231.48
RISK RETENTION FUND	1,430,810.98
NYS HOME PROGRAM	
DEBT	772,587.15
HUD HOUSING REHABILITATION FUND	8,115.00
SPECIAL DISTRICTS FUND	1,449,847.21
HIGHWAY FUND	1,412,691.44
CAPITAL FUND	284,702.94
TRUST & AGENCY FUND	307,883.93
HUD CDBG FUND	1,143.05
PART TOWN FUND	273,850.81
NYS AFFORDABLE HOUSING	8,487.00
	<hr/>
	\$9,356,350.99

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



3. RESOLUTION 2013-373

Adopt Amendments to Vehicles and Traffic Ordinance

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on July 15, 2013 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:

NORTHCREST AVENUE - South side: from east curblineline of Union Road to west curblineline of Orchard Place

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

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

NORTHCREST AVENUE - North side: from the east curb line of Union Road to the west curb line of Orchard Place

NORTH CREEK DRIVE - South side: entire length

SOUTH CREEK DRIVE - North side: entire length

GEORGE URBAN BOULEVARD - North side: from the west curb line of Mildred Drive to a point fifty (50) feet west

GEORGE URBAN BOULEVARD - North side: from the east curb line of Mildred Drive to a point fifty (50) feet east

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 P. Rogowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



4. RESOLUTION 2013-374

Award of Bid - Five (5) 2014 Ford Focus S Sedans (Bid 2013-21)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, bids were received and publicly opened on July 10, 2013 for the purchase of five (5) new and unused 2014 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 July 11, 2013, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the purchase and delivery of five (5) 2014 Ford Focus S 4-Door Sedans be awarded to:

Basil Ford, Inc.
1540 Walden Avenue
Cheektowaga, NY 14225

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$73,900.00, AND, BE IT FURTHER

RESOLVED, that the aforesaid purchase shall be chargeable to Account No. 800-3620-2303.

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



5. RESOLUTION 2013-375

Negative SEQR Declaration - 2001-2013 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, 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, Benderson Development Company, LLC submitted a development review application for the re-development of an existing retail plaza at 2001-2013 Walden Avenue, which includes the demolition of an existing 101,390 s.f. vacant retail building and the construction of a new 94,165 s.f. retail building and a (4) four story, 108 room hotel, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 26, 2013 recommended a determination of non-significance as shown on the attached memorandum dated June 26, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of June 13, 2013, 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.

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



6. RESOLUTION 2013-376

Accept Site Plan- 2001-2013 Walden Avenue Cabela's and Home 2 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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Benderson Development Company, LLC submitted a development review application for the re-development of an existing retail plaza at 2001-2013 Walden Avenue, which includes the demolition of an existing 101,390 s.f. vacant retail building and the construction of a new 94,165 s.f. retail building and a (4) four story, 108 room hotel, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, AND

WHEREAS, the project requires several area variances for size of signs, height of hotel and building setback, AND

WHEREAS, an application is pending before the Cheektowaga Zoning Board of Appeals for such required variances; NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and

- e. That the sites existing drainage facilities are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and
- g. That the Project incorporates adequate vegetation and trees, and will strive to increase the numbers of trees in the community by allowing for the transplanting of displaced trees on neighboring lands; and
- h. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and
- i. That the drainage plans for the Project Site minimize the likelihood of ponding, flooding and/or erosion; and
- j. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- k. That the project is not anticipated to generate air pollution or objectionable odors; and
- l. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- m. The Project will be both compatible with surrounding uses and is a significant improvement over existing conditions and the project is consistent with the Town's comprehensive plan for this section of Walden Avenue.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The Town Engineer approve the modifications to the existing site drainage system and approve the driveway modifications within the Duke Road right of way .
2. The Cheektowaga Zoning Board of Appeals grants the necessary area variances for the project.

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



7. RESOLUTION 2013-377

Notice to Bidders - 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower or Equivalent (BID 2013-23)

Sponsored By: Councilmember Kaminski, Councilmember Kaznowski

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New and Unused, 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower or Equivalent (BID 2013-23) 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 July 31, 2013 at 11:00 A.M.

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

RESOLVED, that the Town Clerk is hereby designated as the office to open bids on the aforesaid items at a public bid opening on Wednesday July 31, 2013, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1), New and Unused, 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower or Equivalent 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 July 31, 2013 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR ONE (1), NEW AND UNUSED, 2013 NEWER MODEL HOLDER c9.92 FOUR WHEEL DRIVE, ARTICULATED STEERING MUNICIPAL TRACTOR, SLOPE MOWER OR EQUIVALENT (BID 2013-23). Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

ALICE MAGIERSKI, TOWN CLERK

DATE: July 15, 2013
PUBLISHED: July 18, 2013

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



8. RESOLUTION 2013-378

Authorize Town Clerk to Sell E-Z Pass Tags

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, the New York State Thruway Authority ("NYSTA") has in place an electronic toll collection system known as E-Z Pass, and

WHEREAS, the NYSTA permits governmental entities to sell E-Z Pass On-The-Go Tags, and

WHEREAS, the Town Clerk has requested permission to sell these E-Z Pass Tags out of her office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Town Clerk's Office to sell the E-Z Pass Tags to the public, and BE IT FURTHER

RESOLVED, that the Supervisor and/or Town Clerk be and hereby are authorized and directed to execute the necessary agreement, application form and all other documents necessary to effectuate an agreement with the NYSTA for the sale of E-Z Pass Tags.

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



9. RESOLUTION 2013-379

Request Buffalo Erie Niagara Land Improvement Corporation to Acquire Properties

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, 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 strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Town of Cheektowaga has recognized the need to address the growing issue of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of using BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby officially requests that BENLIC acquire one or more properties from the list of prioritized properties below:

3048 William Street SBL - 113.16-1-2
44A Windwood Court SBL - 91.14-1-14

, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga has provided the required Maintenance, Disposition and Reuse Plan and Standardized Inspector's Reports for the above properties, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga agrees to pay for fees associated with the foreclosure; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga agrees to maintain the property during the time in which BENLIC holds title to the property; and BE IT FURTHER

RESOLVED, that certified copies of this resolution will be sent to the Chairperson of the Buffalo Erie Niagara Land Improvement Corporations; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

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



10. RESOLUTION 2013-380

Approve Sale of Portion of Jacklyn Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of a paper street known as Jacklyn Road located in the Cedargrove Heights area of Town between 17 Springfield Drive and 18 Springfield Drive, and

WHEREAS, the pavement for this former public road was removed by the Town of Cheektowaga Highway Department in the early 1980's, and

WHEREAS, there are no utility lines located in this right-of-way, and

WHEREAS, said property is excess to the needs of the Town, and

WHEREAS, the current owner and prospective purchaser of 17 Springfield Drive have offered to purchase the westerly one-half of the width of the road, and

WHEREAS, the Town Assessor has placed a value of \$1,218.75 (\$0.65 per square foot) on this property, and

WHEREAS, this Town Board is in agreement to sell this portion of the Jacklyn Road paper street, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the sale of the westerly on-half of Jacklyn Road between 17 Springfield Drive and 18 Springfield Drive for \$1,218.75, and BE IT FURTHER

RESOLVED, that the sale of this property is subject to permissive referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE, the Town's official newspaper.



NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 15, 2013, adopted a resolution authorizing the Town of Cheektowaga to sell the westerly one-half of Jacklyn Road, a paper street (located between 17 Springfield Drive and 18 Springfield Drive), Cheektowaga, New York for \$1,218.75.

A copy of such resolution and contract are on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

DATED: July 15, 2013

ALICE MAGIERSKI, Town Clerk

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



11. RESOLUTION 2013-381

Authorize Auction of Surplus Materials, Vehicles and Equipment

Sponsored By: Councilmember Markel, Councilmember Kaminski

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

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York; and

WHEREAS, Auctions International, Inc. will sell such surplus materials, vehicles and equipment at an online auction; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 11167 Big Tree Road (20A), East Aurora, New York, 14052, to conduct a sale of the surplus Town materials, vehicles and equipment identified on the attached list entitled "Auction Surplus Materials, Vehicles and Equipment 2013 (#2)" at an online 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 an agreement with Auctions International, Inc., subject to approval by the Town Attorney, and any and all documents that may be required to effectuate the sale and/or transfer of said surplus materials, vehicles and equipment.

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



12. RESOLUTION 2013-382

Order Replacement of Sidewalks

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 (amended by Local Law No. 3 of the Year 2013), adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before August 12, 2013, in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before August 12, 2013, the Town will cause such sidewalks to be repaired/replaced; will pay \$42.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before October 15, 2013, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.



NOTICE OF ADOPTION OF ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on July 15, 2013,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **August 12, 2013.**

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 \$42 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before October 15, 2013. 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 \$63 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (**the Town will not pay anything towards your cost**).

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

DATED: July 15, 2013

ALICE MAGIERSKI
Town Clerk

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



13. RESOLUTION 2013-383

Cleveland Hill Usage of Town Park

Sponsored By: Councilmember Rogowski, Councilmember Wozniak

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 19, 2013 to October 15, 2013 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 19, 2013 to October 15, 2013 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:	James P. Rogowski, Councilmember
SECONDER:	Angela Wozniak, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



14. RESOLUTION 2013-384

Creation of Six (6) Part-Time Motor Equipment Operator Positions and Six (6) Seasonal Motor Equipment Operator Positions

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

BE IT RESOLVED, that this Town Board hereby create six (6) part-time Motor Equipment Operator positions and six (6) seasonal Motor Equipment Operator positions pursuant to Civil Service Laws and Rules effective July 16, 2013.

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



15. RESOLUTION 2013-385

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 immediately:

Jillian Adamczak	Never worked	14043
Valerie Herman	Never worked	14225
Austin Junik	Never worked	14206
Kelly Sitarski	Never worked	14224
Nicole Wyzykowski	8/10/12	14206

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2013-385; 2013-386 and 2013-387. Motion Carried.

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



16. RESOLUTION 2013-386

Youth & Recreation Hire/Transfer

Sponsored By: Councilmember Rogowski, Councilmember Wozniak

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

Recreation Attendant - 7140.1613 - \$8.00 - Regular Part-time (retro to 1/22/13)
Marcus Rosten 14225

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



17. RESOLUTION 2013-387

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 **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 \$9.00/hour effective 6/28/13
Jacob A. Glosek, Cheektowaga, New York
Dominique T. Pearsall, Cheektowaga, New York
Jonathan R. Monkelbaan, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 7/01/13
Clifford C. Boivin, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.00/hour effective 7/09/13
Allen Steltermann, Cheektowaga, New York

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed 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:

TOWN CLERK'S OFFICE Clerical \$8.50/hour effective 7/16/13
Kathleen M. Gasiewicz, Depew, New York

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

SANITATION DEPARTMENT
Michael A. Woloszyn effective 7/3/13
Cody B. Crist effective 6/26/13
Sean M. Mueller effective 6/21/13
David A. Oryszak, Jr. effective 6/19/13
Jonathan R. Monkelbaan effective 6/29/13

BE IT RESOLVED, that the following seasonal Laborers be and hereby are paid at the hourly rate of \$9.00 effective 8/5/13:

HIGHWAY DEPARTMENT
Charles S. Boody, Jr., Cheektowaga, New York
Travis P. Chavanne, Cheektowaga, New York

Jonathan M. Egan, Depew, New York
Zachary P. Styn, Cheektowaga, New York

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



18. RESOLUTION 2013-388

Travel Authorization Police Department/Senior Public Safety Dispatcher Paul Hockwater, Public Safety Dispatchers John Czapla, Gary Budzynski, Richard Nowak, Nadine Majewski, Jason Tolsma, Nicholas Mendez

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a Crisis Communication class is being held on September 6, 2013 at the Erie County Fire Training Tower; AND

WHEREAS, Senior Public Safety Dispatcher Paul Hockwater and Public Safety Dispatchers John Czapla, Gary Budzynski, Richard Nowak, Nadine Majewski, Jason Tolsma and Nicholas Mendez have been recommended to attend said class; 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 \$396; AND

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

RESOLVED, that Senior Public Safety Dispatcher Paul Hockwater and Public Safety Dispatchers John Czapla, Gary Budzynski, Richard Nowak, Nadine Majewski, Jason Tolsma and Nicholas Mendez be and hereby are authorized to attend the Crisis Communication class being held on September 6, 2013 at the Erie County Fire Training Tower.

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the rules to include the following one (1) resolution 2013-389. Motion carried



1. RESOLUTION 2013-389

Waiver of Licensing Requirement Under Town Ambulance Services Law

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the Town of Cheektowaga entered into an Agreement for Pre-Hospital Emergency Services with Rural Metro Medical Services, Inc. ("Rural Metro") to provide professional emergency advanced life support and ambulance services for sick and injured persons within the Town of Cheektowaga when so requested through the Town's Dispatch Office, and

WHEREAS, as per the agreement and Chapter 52 of the Code of the Town of Cheektowaga ("Ambulance Services"), drivers and attendants/paramedics of ambulances from Rural Metro must obtain licenses from the Town of Cheektowaga to operate an ambulance or serve as an EMT attendant in an ambulance, and

WHEREAS, attendants/paramedics must also, under New York State law, obtain a certificate/license from New York State to perform their duties, and

WHEREAS, drivers and attendants/paramedics at Rural Metro are [are expected to be] on strike, and, in order to continue to provide emergency medical services to the residents of the Town of Cheektowaga, Rural Metro will be bringing in licensed drivers and attendants/paramedics from other areas and from management to provide these services which unionized employees are out on strike, and

WHEREAS, although these drivers and attendants/paramedics will be fully trained and licensed in accordance with New York State law, there is not adequate time for said drivers and attendants/paramedics to obtain a license from the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that given the exigent circumstances of the strike by Rural Metro employees and the health, safety and general welfare of the residents of the Town of Cheektowaga, this Town Board, during the period of the strike, hereby waives the requirement under the aforementioned Agreement for Pre-Hospital Emergency Services and Chapter 52 of the Town Code ("Ambulance Services") that drivers and attendants/paramedics of ambulances owned by Rural Metro obtain a driver/attendant's license.

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

VI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - May 2013**
2. **Building Permits - June 2013**
3. **Town of Cheektowaga Emergency Services - Quarterly Report for April to June 2013**
4. **Town of Cheektowaga - GASB 45 Disclosure and Expense Report for the FY Ending December 2012 Prepared by Hawley Consulting Group**
5. **Drescher & Malecki, LLP: Auditor Communication Letter**
6. **Drescher & Malecki, LLP - Management Letter**
7. **Drescher & Malecki - Comprehensive Annual Financial Report for the Town of Cheektowaga for the Fiscal Year Ended December 31, 2012**
8. **Drescher & Malecki - Supplement to the Comprehensive Annual Financial Report for the Town of Cheektowaga for the Fiscal Year Ended December 31, 2012**
9. **Drescher & Malecki: Town of Cheektowaga - 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, 2012 and Independent Auditors' Report**
10. **Drescher and Malecki: Town of Cheektowaga, New York - Basic Financial Statements, Required Supplementary Information, Supplemental and Federal Financial Assistance Schedules for the Year Ended December 31, 2012 and Independent Auditors' Report**
11. **Drescher & Malecki: Town of Cheektowaga, New York - New York State Department of Transportation Financial Assistance Schedules for the Year Ended December 31, 2012 and Independent Auditors' Report**

B. General Communications

1. **County of Erie: Certificate and Notice of Highway Restriction: that Portion of Como Park Blvd. Between Indian Road and Transit Will be Restricting Beginning Monday, July 1, 2013 through Approximately Friday, July 12, 2013 (Or Until Complete Weather Permitting), for the Purpose of Milling and Overlaying. the Work Will be Completed by Occhino Paving, and a Flag Person Will be Directing Traffic During the Day.**
2. **Notice of Petition: Buffalo RHM Operating LLC Vs. Assessor, Board of Assessment Review and the Town of Cheektowaga**
3. **Request to Speak: Tony Matuszak**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Rogowski; seconded by Councilmember Kaznowski to adjourn the meeting at 8:28 PM.

Alice Magierski, Town Clerk

Auction Surplus Materials, Vehicles and Equipment 2013 (#2)

1. 1 ton Fisher Gas Salter
2. Jacobsen Turfcut 72 in Cut
3. 7' Box Blade
4. Jacobsen Zero Turn Mower
5. Mott Hammer Knife Mower
6. Mott Hammer Knife Mower
7. Scarifier Box
8. Case Ditching Bucket
9. Three Sewer Buckets
10. Diesel Pump
11. Gas Pump
12. #6 Push Lawnmowers
13. 3 point Rototiller
14. 1 Post Hole Digger With 3 Augers
15. 1983 International Dump VIN # 1HTAA17B6DHB17013
16. 1999 Yamaha ATV VIN # JY44KBW0XXA081543
17. 1989 Ford Tractor VIN # BC24149
18. 2001 Ford Taurus VIN # 1FAFP55201A249719
19. 2003 Ford Crown/Vic VIN # 2FAHP71W43X189810
20. 2001 Ford Taurus VIN # 1FAFP55UX1G112379
21. 2001 Ford Taurus VIN # 1FAFP53U11G167709
22. 2006 Ford Crown/Vic VIN # 2FAHP71W46X149182

TOWN OF CHEEKTOWAGA
Auction Surplus Materials, Vehicles and Equipment 2013 (#2)

23. 2005 Ford Crown/Vic VIN # 2FAHP71W45X149942
24. 2001 Ford Taurus VIN # 1FAFP53U31G210611
25. 1997 Dodge Ram Wagon VIN # 2B5WB35Z6VK530551
26. 2000 Plymouth Neon VIN # 1P3ES46C0YD742718
27. 2000 Plymouth Neon VIN # 1P3ES46C2YD742719
28. 2000 Ford Explorer VIN # 1FMZU73E6YZC68050

BARBADOS DRIVE

(2013)

Address	Block Shaving	comments	Block Removal	comments
274 N Seine (Barbados side)			2	Sunk/lifted
19			1	Tree/sunken
27			2	Crumbled
31			1	Crumbled
35			2	Cracked/tilted
63			4	Cracked/manhole
67			2	Lifted
79			1	Cracked
83			1	Sunken deep
87			2	
91			3	Sunken in middle
99			2	Crack/water plug
247 LeHarve (Barbados side)			1	Tar step
102			1	Slanted
98			3	Tar/cracked
86			7	Tar/railroaded
78			1	Tar patched
48			4	Railroaded
20			3	tar/driveway
240			3	Sunken/manhole
244			1	
252			2	
264			3	Railroad/manhole
268			1	Tar patched
276			3	Lifted/sunken
316			5	Crooked/tree
Total:			61	

Attachment: sidewalks (RES-2013-382 : Order Replacement of Sidewalks)

Victoria Blvd. 6/12/13	Blocks (walk)		Comments
100 Victoria	7		
47 Parkview	1		
74 Victoria	2		
58 Pinewood VICTORIA	5		
52 Victoria	1		
46	4		
36	5		
20	3		
12	4		
8	4		
3	4		
7	4		
19	6		
23	6		
27	5		
33	7		
37	4		
43	4		
47	1		
51	1		
57	4		
63	6		
67	5		Tree
75	3		Small blocks
83	2		
87	3		Tree
91	3		
99	7		
105	2		
111	3		
115	4		Tree
119	3		
65 Markus	4		
110 Victoria	2		
56 Parkview	2		
78 Victoria	1		
74 Victoria	1		
46 Pinewood	2		
16 Victoria	2		
TOTAL	137		



Attachment: sidewalks (RES-2013-382 : Order Replacement of Sidewalks)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

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

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, July 30, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on July 30, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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. Resolutions



1. RESOLUTION 2013-390

Authorization to Enter and Clean Garage at 66 Westchester Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State and the Property Maintenance Code of New York State require that property owners maintain their properties in a clean, safe, secure, and sanitary condition so as not to cause a neighborhood blighting problem or adversely affect the public health or safety; AND

WHEREAS, the Town of Cheektowaga received notification that property located at 66 Westchester, Cheektowaga, New York (SBL# 102.37-3-23), a/k/a the "Premises", was and is currently maintained in a manner not in compliance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State; AND

WHEREAS, according to the records kept by the Assessor's Office, Barbara A. Whaley, 66 Westchester Drive, Cheektowaga, New York 14225, is the owner; AND

WHEREAS, an inspection of the Premises was conducted by a representative of the Neighborhood Preservation Office, and a violation order and subsequent Criminal Summons were issued to said property owner stating that unsafe and unsanitary conditions exist therein, and directing said owner to remedy the aforesaid violations; AND

WHEREAS, the property owner has neglected to take the appropriate remedial actions to remedy the violation; AND

WHEREAS, the Hon. Dennis Delano, Cheektowaga Town Justice, on July 17, 2013, adopted an Order granting the Town of Cheektowaga Housing & Neighborhood Preservation Office permission to enter the garage located on the Premises "for the purpose of cleaning out the garage to bring the garage into compliance with the Town Code regarding maintaining the garage in a clean and sanitary condition;" AND

WHEREAS, records kept by Neighborhood Preservation Office state that the attorney for said property owner was properly notified pursuant to the Court Order and Section 70-7A.(2.) of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; NOW, THEREFORE, BE IT

RESOLVED, that the Managing Housing Inspector and /or his designee are directed to enter the garage located on the Premises at 66 Westchester Drive, Cheektowaga, New York 14225 with the contractor selected by him, and bring the garage located on the Premises at 66 Westchester Drive, Cheektowaga, New York 14225 into compliance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State as per the Court Order; and BE IT FURTHER

RESOLVED, that all costs incurred by the Town in bringing this property into compliance

shall be assessed against the property hereinbefore described, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward to Barbara A. Whaley a certified copy of this resolution at 66 Westchester Drive, Cheektowaga, New York 14225, and at 27 Westchester Drive, Cheektowaga, New York 14225, together with a copy of the Court Order.

Attachments:

Delano, J. Order 7.17.2013 - 66 Westchester (PDF)

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



2. RESOLUTION 2013-391

Authorize Supervisor to Execute Supplemental Agreement No. 1 with NYSDOT for the Rein Road Bridge Rehabilitation Project

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, a Project for the Rehabilitation of the Rein Road Bridge over Ellicott Creek, BIN 2212970 in the Town of Cheektowaga, Erie County, PIN 5758.38 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; AND

WHEREAS, by resolution dated October 4, 2010 this Town Board authorized the Town Supervisor to execute a Federal Aid Local Project Agreement for the Preliminary Engineering (Design I-VI) phase of said project, AND

WHEREAS, the Town of Cheektowaga desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way (Incidentals & Acquisition) phases of the Project, PIN 5758.38, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby approves the above subject project and hereby authorizes the Town of Cheektowaga to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way (Incidentals & Acquisition) phases of the Project or portions thereof, AND, BE IT FURTHER

RESOLVED, that the sum of \$19,195.00 is hereby appropriated from Account No. 300-9950-8000 in addition to \$200,000.00 previously appropriated by Town Resolution No. 2010-579 adopted on October 4, 2010 and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right-of-Way (Incidentals & Acquisition) phases of the Project; AND, BE IT FURTHER

RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way (Incidentals & Acquisition) phases exceeds the amount appropriated, \$219,195.00, the Town of Cheektowaga shall convene a meeting as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, AND, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Cheektowaga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State

Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, AND, BE IT FURTHER

RESOLVED, that a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, AND, BE IT FURTHER

RESOLVED, that this Resolution shall take effect immediately.

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

STATE OF NEW YORK : COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

PEOPLE OF THE STATE OF NEW YORK

Case No.: 11101101
12091628

v.

BARBARA WHALEY,

DEFENDANT

ORDER

Upon the motion of the People of the State of New York for an Order granting the Town of Cheektowaga Housing and Neighborhood Preservation Department permission to enter and clean out the garage located at 66 Westchester, Cheektowaga, NY 14225 due to the defendant's failure to maintain the garage in a clean and sanitary condition, Melissa A. Reese, Esq., Town Prosecutor on behalf of the People of the State of New York, and Barbara Whaley having appeared personally and through her attorney Richard Stanton, Esq.,

And counsel having discussed the matter, it is on consent hereby

ORDERED, that the Town of Cheektowaga Housing and Neighborhood Preservation Department has permission to enter the garage located at 66 Westchester, Cheektowaga, NY 14225 for the purpose of cleaning out the garage to bring the garage into compliance with the Town Code regarding maintaining the garage in a clean and sanitary condition; and it is further

ORDERED, that the Cheektowaga Police Department shall be involved during any clean out procedures, whether done by the defendant or at the direction of the Town of Cheektowaga as it is believed there are firearms and ammunition in the home that require appropriate handling and/or disposal; and it is further

ORDERED, that the Town of Cheektowaga Housing and Neighborhood Preservation Department shall submit this Order to the Cheektowaga Town Board along with a resolution for approval of the garage clean out of 66 Westchester, Cheektowaga, NY 14225.

SO ORDERED

7-17-13.


Honorable Dennis Delano

ENTERED:

Attachment: Delano, J. Order 7.17.2013 - 66 Westchester (RES-2013-390 : Authorization to Enter Garage at 66 Westchester Drive)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

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

~ Minutes ~

Alice Magierski
716-686-3400

Monday, August 5, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on August 5, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Earl Loder, Disaster Coordinator
John Marriott, Planning Board Chairman
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearing

1. Rezoning Request, Special Use Permit and Variances 4347 & 4395 Union Road

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-392

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 5, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$476,362.34
RISK RETENTION FUND	256,968.20
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	1,300.00
SPECIAL DISTRICTS FUND	352,654.69
HIGHWAY FUND	166,933.76
CAPITAL FUND	328,123.19
TRUST & AGENCY FUND	6,610.07
HUD CDBG FUND	19,269.86
PART TOWN FUND	56,898.72
NYS AFFORDABLE HOUSING	
	\$1,665,120.83

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



2. RESOLUTION 2013-393

Negative SEQR Declaration - 2563 Union Road Checkers Restaurant

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 Burgermeisters, Inc. for the construction of a 940 s.f. drive-in restaurant with an accessory drive through window at 2563 Union Road, AND

WHEREAS, the applicant must obtain a special use permit for his/her accessory drive thru window from the Town Board of the Town of Cheektowaga, AND

WHEREAS, the proposed drive thru window bypass lane must be a minimum of (75) seventy five feet from the property line of an adjacent residential use, AND

WHEREAS, the applicant's drive thru by pass lane will be a minimum of (10) ten from the adjacent residential use requiring the Town Board to grant a variance form the setback requirement, pursuant to section 260-48.2 I. Of the Zoning Law of the Town of Cheektowaga, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 26, 2013 recommended a determination of non-significance as shown on the attached memorandum dated June 26, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the special use permit request and site plan at their meetings of May 9, 2013 and June 13, 2013 respectively, 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.

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



3. RESOLUTION 2013-394

Negative SEQR Declaration- 61 and 83 Anderson 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 on behalf of the owners, Kabir Group, Inc & Lee Dee & Sons, LLC for the rezoning of a portion of 61 Anderson Road from M2- General Manufacturing to CM- General Commercial for the construction of a (4) four story, 86 room hotel at 61 and 83 Anderson Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 29, 2013 recommended a determination of non-significance as shown on the attached memorandum dated May 29, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of March 14, 2013 and April 11, 2013 respectively, 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 the State Environmental Quality Review Act (SEQRA).

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

V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Markel to suspend the rules to include the following one (1) resolution: 2013-418. Motion Carried.



1. RESOLUTION 2013-418

Accept Site Plan- 61 & 83 Anderson Road Holiday Inn Express

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Optima Design & Engineering, PLLC on behalf of the owners, Kabir Group, Inc. & Lee & Sons, LLC submitted a development review application for the construction of a (4) four story, 86 room hotel at 61 and 83 Anderson Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47.1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That the sites existing drainage facilities are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and

- g. That the Project incorporates adequate vegetation and trees; and
- h. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and
- i. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- j. That the project is not anticipated to generate air pollution or objectionable odors; and
- k. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- l. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

- 1. The Town Engineer review and approve the final grading/drainage plan.
- 2. The owners vegetate the remaining undeveloped portion of the site until such time an amended site plan is filed for the future phase.
- 3. A soil mitigation /reclamation plan is submitted, establishing protocols for disposal and /or mitigation for any suspect soils that are encountered during construction.
- 4. The Cheektowaga Zoning Board of Appeals grant the necessary area variances for the project.

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

VI. Resolutions



1. RESOLUTION 2013-395

Accept Site Plan- 2563 Union Road Checkers Restaurant

Sponsored By: Markel, Wozniak, 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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Burgermeisters, Inc. submitted a development review application for a 940 s.f. drive -in restaurant with an accessory drive through window at 2563 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47.1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That the sites existing drainage facilities are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and
- g. That the Project incorporates adequate vegetation and trees; and
- h. That the fire lanes and emergency access zones and provision of fire hydrants are

acceptable to the Town; and

- i. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- j. That the project is not anticipated to generate air pollution or objectionable odors; and
- k. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- l. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

- 1. The Town Engineer review and approve any modifications to the existing drainage design.
- 2. The proposed (8) eight foot high vinyl fence shall be installed prior to the issuance of a building permit.
- 3. The exterior dining area shall be provided with a protective barrier to safe guard dining patrons consistent with the requirements of section 260-48.1E(1) of the Zoning Law.
- 4. The existing southerly most parking lot light shall be placed on a timer to turn off at 11PM.
- 5. The proposed exterior order board speaker shall be have self adjusting volume consistent with ambient noise conditions and shall not exceed the Town's Noise Law limitations.
- 6. The site plan shall reflect the required (24) foot wide perpetual vehicular access easement along the south property line, consistent with condition number (3) of the original resolution of approval dated 5/21/2007, attached herein. Said easement shall also be filed in the Erie County Clerk's Office after approved by the Town Attorney.
- 7. Exterior dining within the designated dining area shall be prohibited after 11PM.

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



2. RESOLUTION 2013-396

Accept Site Plan- 1402 French Road Exterior Dining Area for Fresh Healthy Cafe'

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, John G. Pasternack submitted a development review application for the establishment of an accessory exterior dining area at 1402 French Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of June 13, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan to permit (5) five dining tables with a total of (10) ten seats.

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



3. RESOLUTION 2013-397

Accept Site Plan- 700 Aero Drive Cummins Northeast, LLC

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, David Thompson of Cummins Northeast, LLC submitted a development review application for the construction of a 2,000 s.f. building addition to an existing motor service facility at 700 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 9, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan with the following condition:

1. The Town Engineer review and approve the drainage /grading plan.

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



4. RESOLUTION 2013-398

Approve Special Use Permit & Variance - 2563 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Burgermeisters, Inc. has applied for a Special Use Permit to establish an accessory drive through window for a proposed restaurant on property owned by Benderson Development, LLC and located at 2563 Union Road, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, Burgermeisters also requested a variance to reduce the distance between the bypass lane edge of pavement and the neighboring residential use from seventy-five (75) feet to ten (10) feet, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of July, 2013 at 6:45 P.M. of said day for the purpose of considering said applications for a Special Permit and variance from the Zoning Law, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Permit and site plan (including the variance); 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 subject to the following conditions:

1. Outside/exterior dining within the designated Dining area shall be prohibited after 11:00 P.M. each night;
2. The exterior dining area shall be provided with a protective barrier to safeguard dining patrons in accordance with Section 260-48.1E(1) of the Zoning Law;
3. The existing southerly most parking lot light shall be placed on a timer to turn off at 11:00 P.M. each night.

, And BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variance relating to the distance between the bypass lane edge of pavement and the neighboring residential use in order to obviate the unnecessary hardship to the applicant caused by the irregular shape of the lot and the adjoining businesses.

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



5. RESOLUTION 2013-399

Approve Rezoning of 61 Anderson Place

Sponsored By: Councilmember Markel, Councilmember Kaminski

WHEREAS, Optima Design and Engineering, P.C. petitioned for a rezoning from M2-General Manufacturing District to CM-General Commercial District for a portion of the property owned by Lee Dee & Sons LLC and Kabir Group, Inc. and located at 61 Anderson Road, Cheektowaga, New York, which property is described in the attached legal description, for the construction of a four-story, 13,469± square foot hotel on property located at 61 and 83 Anderson Road, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of May, 2013 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 Optima Design and Engineering, P.C., LLC for the rezoning from M2-General 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 condition:

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 this rezoning

, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above.



LEGAL DESCRIPTION

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

BEGINNING a point in the centerline of Anderson Road (60' wide) distant 649.00 feet northerly from its intersection with the centerline of Dale Road, formerly known as Walden Avenue (66' wide), said centerline also being the centerline of a private road (100' wide) extending from Old

Walden Avenue;

thence northerly along the said centerline of Anderson Road, a distance of 81.75 feet to a point;
thence easterly at an interior angle of 90° 00' 00", a distance of 122.00 feet to a point;
thence northerly at an interior angle of 270° 00' 00", a distance of 68.25 feet to a point;
thence easterly at an interior angle of 90° 00' 00", a distance of 187.50 feet to a point;
thence southerly at an interior angle of 90° 00' 00", a distance of 150.00 feet to a point;
thence westerly at an interior angle of 90° 00' 00", a distance of 309.50 feet to the point or place
of beginning, containing 38,098± square feet or 0.87 acres of land more or less

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



6. RESOLUTION 2013-400

Award of Bid for Asbestos Surveys, Specifications, and Air Monitoring Services for Properties Located At 1182 and 1192 Walden Avenue (Bid 2013-22 LAW)

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 structures on properties located at 1182 and 1192 Walden Avenue have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such structures be demolished and removed; and

WHEREAS, by resolution adopted April 15, 2013 (Resolution 2013-22), this Town Board ordered that the buildings on said properties be either repaired or demolished, and directed that the respective owners or others responsible for the buildings on said 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 to 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 asbestos surveys and asbestos abatement plans for same; and

WHEREAS, on July 1, 2013, this Town Board issued a Notice to Bidders (2013-22 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain **Stohl Environmental LLC** to perform said asbestos surveys, specifications and project monitoring work for the sum of \$4,625.00 and, if required, a further sum of \$280.00 per day and \$7.50 per unit (sample) for additional air monitoring and sampling at the sites; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains **Stohl Environmental, LLC, 4169 Allendale Parkway, Blasdell, New York 14219**, to perform said asbestos surveys and abatement work (if necessary) for 1182 and 1192 Walden Avenue, for the sum of \$4,625.00 and, if required, a further sum of \$280.00 per day and \$7.50 per sample for additional air monitoring and sampling at the sites; 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



7. RESOLUTION 2013-401

Notice to Bidders - Demolition with Asbestos Abatement of 38 Barbara Place and 257 Chapel Avenue (Bid 2013-24)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of structures located at 38 Barbara Place and 257 Chapel Avenue, Cheektowaga, New York; and

WHEREAS, specifications for same have been prepared by Nussbaumer & Clarke, Inc.,
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (Bid 2013-24 LAW) for the furnishing of equipment, operators and laborers for the demolition of structures located at 38 Barbara Place and 257 Chapel Avenue, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on Wednesday, August 14, 2013 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 14, 2013 at 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of 38 Barbara Place and 257 Chapel Avenue, 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: August 5, 2013

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



8. RESOLUTION 2013-402

Notice to Bidders - 2014 Chevrolet Tahoe for the Disaster Coordinator (Bid 2013-25)

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga desires to lease for a period of four (4) years, with an option to buy, one (1) 2014 model, 4-wheel drive Chevrolet Tahoe 1500 LT for use by the Disaster Coordinator (Bid 2013-25), NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said lease of one (1) 2014 Chevrolet Tahoe 1500 LT, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 21st day of August, 2013 at 11:00 A.M., at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on August 21, 2013 at 11:00 AM at the Town Hall, corner of Broadway and Union Roads, for the four (4) year lease with option to buy of one (1) 2014 model, 4-wheel drive Chevrolet Tahoe 1500 LT (Bid 2013-25).

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: August 5, 2013

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



9. RESOLUTION 2013-403

Notice to Bidders - Two (2) 2014 Cab & Chassis with Refuse Packer Body (Bid 2013-26)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Sanitation Department is in need of two (2) new and unused 2014 Conventional Cab & Chassis with Refuse Packer Body (Bid 2013-26), AND

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

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

RESOLVED, that sealed bids will be received on the 21st day of August, 2013 at 11:00 am, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on August 21, 2013 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) new and unused 2014 Conventional Cab & Chassis with Refuse Packer Body for the Sanitation Department (Bid 2013-26).

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 Magiersk, Town Clerk

DATED: August 5, 2013

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



10. RESOLUTION 2013-404

Call for Public Hearing- Rezoning Request- 1620 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Charles J. Basil has made application, with the permission of the landowner, 1620 Walden Associates, LLC and requested the rezoning of 1620 Walden Avenue from CM- General Commercial to MS- Motor Service for the conversion of an existing warehouse to a motor service/repair facility, accessory to an existing automobile sales facility at 1540 Walden Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 3rd, 2013 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 September, 2013 at 6:45 P.M., of said day for the purpose of considering the application of:

Charles J. Basil

For the rezoning of 1620 Walden Avenue from CM- General Commercial to MS- Motor Service for the conversion of an existing warehouse to a motor service/repair facility, accessory to an existing automobile sales facility at 1540 Walden Avenue.

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

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

Alice Magierski, TOWN CLERK



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 24, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northwest line of Walden Avenue Extension at the southwest corner of lands formerly conveyed to Nathan Rovner by deed dated March 25, 1953 and recorded in the Erie County Clerk's Office, New York in Liber 5293 of Deeds, page 136; thence

northeasterly along the northwesterly line of Walden Avenue Extension, one hundred sixty-five (165) feet; thence northerly parallel with the westerly line of lands so conveyed to Nathan Rovner, two hundred eighty (280) feet; thence westerly at right angles about one hundred fifty-three and fifty-nine hundredths (153.59) feet to the west line of land so conveyed to Nathan Rovner; thence southerly along the west line of lands so conveyed to Nathan Rovner about three hundred forty and thirty hundredths (340.30) feet to the point of beginning.

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



11. RESOLUTION 2013-405

Notice of Hearing for Demolition of 137 David Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at **137 David Avenue (S.B.L. No. 102.21-7-26)** 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 10, 2013; 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 **137 David Avenue** shall be held on the **19th day of August, 2013, 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



12. RESOLUTION 2013-406

Notice of Hearing for Demolition of 107 David Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at **107 David Avenue (S.B.L. No. 102.21-7-17.1)** in the Town of Cheektowaga, County of Erie and State of New York, 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 10, 2013; 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 **107 David Avenue** shall be held on the **19th day of August, 2013, 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



13. RESOLUTION 2013-407

Authorize Supervisor to Execute Agreement with Websedge Ltd. for Film Production for Police Department

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the International Association of Chiefs of Police (IACP) is holding its Annual Conference in Philadelphia on October 19 - 23, 2013; and

WHEREAS, the Cheektowaga Police Department has been selected as one of many law enforcement agencies to appear on International Association of Chiefs of Police (IACP) Television's - Thought Leadership Film Series. The IACP Conference is the largest law enforcement event in the world and IACP serves to raise the visibility of the hard work of leaders in Law Enforcement. The film is an opportunity to disseminate best practices as well as raising the national and international footprint of the Cheektowaga Police Department; and

WHEREAS, Websedge Ltd., has offered to produce such a video, which will include interviews with past and present Police Chiefs, personnel and Town officials, and feature the accomplishments and continuing efforts of our Police Department to provide the highest quality service to our Town, their successful and proven strategies to strengthen police-community relations and work with and protect the full diversity of our Town, preserve and protect life and property through continued training and education, our Police Department's exceptional investigative skills and management of disasters; and

WHEREAS, in addition to a series of news programs to be broadcast at the IACP Conference, the video will be available online for public viewing for one year after the event; and

WHEREAS, the cost of production of the video will be \$22,500.00 and funding is available from drug seizure money, the Police Asset Forfeiture Account; and

WHEREAS, this Town Board feels that this is an exciting opportunity for the Town of Cheektowaga and the Police Department to be recognized internationally for its dedication and service to our Town; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the production of the aforesaid video for use for at the IACP Annual Conference to be held October 19-23, 2013, as more fully described the proposed Agreement with Websedge; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town; and be it further

RESOLVED, that monies for this project shall be appropriated from Asset Forfeiture account number 100-0600-0881.

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



14. RESOLUTION 2013-408

Installation of Windows at the Highway Department Building

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town Highway Department building currently has outdated original windows that date back to 1957 and is in desperate need of replacement, AND

WHEREAS, three (3) contractors have submitted competitive bids to the Town Engineer whom, after analysis and tabulation, has recommended that the bid for new windows be awarded to Raymond E. Kelly, Inc. For having submitted the lowest of three (3) proposals, NOW, THEREFORE, BE IT

RESOLVED, that the bid for new windows at the Highway Department Building be and hereby is awarded to Raymond E. Kelly, Inc. 33 Main Street, Bowmansville, NY 14206 for the total bid price of \$24,950.00, said being the lowest of the three (3) proposals, AND, BE IT FURTHER

RESOLVED, that he Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Raymond E. Kelly, Inc. For the aforesaid project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-2529-5330.

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



15. RESOLUTION 2013-409

Change Order No. 5 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. 5 (Electrical Work) which provides for five (5) extreme weather biometric readers requested by the Police Department as an addition to the original project scope as further detailed in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 5 (Electrical Work) for the Police and Court Building Addition and Renovations Project in the amount of \$8,363.95 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 #500-1440-2535-5025.

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



16. RESOLUTION 2013-410

Authorize National Grid to Add a Luminaire on Cherry Lane to the Town's Lighting Inventory

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, National Grid currently provides a 100 watt H.P.S. street lighting luminaire on Pole 49 R on Cherry Lane not currently included in its Town street lighting facilities inventory, AND

WHEREAS, this Town Board desires to retain the aforesaid street light installation, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to add the referenced installation to the Town's lighting facilities inventory and authorizes the Town Supervisor to execute the associated Schedule SL2 Form resulting in an annual increase to the General Lighting District of \$99.51.

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



17. RESOLUTION 2013-411

Order Replacement of Sidewalks

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 (amended by Local Law No. 3 of the Year 2013), adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before September 3, 2013, in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before September 3, 2013, the Town will cause such sidewalks to be repaired/replaced; will pay \$42.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before November 5, 2013, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.



NOTICE OF ADOPTION OF ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on August 5, 2013,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **September 3, 2013.**

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 \$42 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 November 5, 2013. 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 \$63 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (**the Town will not pay anything towards your cost**).

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

DATED: August 5, 2013

ALICE MAGIERSKI
Town Clerk

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



18. RESOLUTION 2013-412

Special Event - Infant of Prague Church Lawn Fete

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, Infant of Prague Church has made application to hold its Church Lawn Fete on Friday, August 23rd (4:00 p.m. - 12:00 a.m.) and Saturday, August 24th, 2013 (10:00 a.m. - 12:00 a.m.) on Church grounds; and, as a result of this Lawn Fete, they are also requesting a two (2) block street closing (Foisset Avenue from Cleveland Drive to the end of Church property) from Tuesday, August 20th at 8:00 a.m. until Saturday, August 24th 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 Lawn Fete and two (2) block street closing; 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2013-413

Youth & Recreation Transfers

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Recreation Aide to Recreation Attendant - 7310.1801 - \$7.25 - Regular Part-time (retro to 6/23/13)

Jessica Elston
Chelsey Balistrieri
Ashley Spencer

Recreation Aide to Recreation Attendant - 7310.1801 - \$7.25 - Regular Part-time (retro to 6/24/13)

Austin Hughes
Cassidy Moore

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two (2) resolutions: 2013-413 and 2013-414. Motion Carried.

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



20. RESOLUTION 2013-414

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 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 \$14.00/hour effective 8/6/13
Andrea Reed, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$16.10/hour effective 8/6/13
Michael Scanzuso, Cheektowaga, New York

POLICE DEPARTMENT Court Officer I \$15.59/hour effective 8/6/13
Matthew J. Starr, Cheektowaga, New York

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

POLICE DEPARTMENT
Michael McCall effective 6/21/13
Rita Kurkowski effective 8/2/13

TOWN CLERK'S OFFICE
Corinne M. Kiszewski effective 8/3/13

BE IT RESOLVED, that the following employee be transferred as follows:

RECORDS MANAGEMENT TO TOWN CLERK'S OFFICE Clerk \$8.50/hour effective 8/6/13
Linda Karaszewski, Depew, New York

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



21. RESOLUTION 2013-415

Appointment of Public Safety Dispatcher (Competitive/Permanent) Police Department/Christin Wiech

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a vacancy exists in the position of Public Safety Dispatcher in the Police Department; AND

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

WHEREAS, the existing civil service list was canvassed and interviews conducted; AND

WHEREAS, Christin Wiech appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Christin Wiech of Depew, New York, be and hereby is appointed to the position of Public Safety Dispatcher in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Public Safety Dispatchers Association effective August 6, 2013.

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



22. RESOLUTION 2013-416

Travel Authorization Police Department/Advanced Active Shooters Scenario/Lieutenant Brian Coons, Sergeants Lawrence Bauer, Thomas Allen, Jeffrey Schmidt and Police Officers Jonathan Ober and Kurt Spieler

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, "Advanced Active Shooters Scenario" is being held from October 15 through October 17, 2013 in Oriskany, New York; AND

WHEREAS, Lieutenant Brian Coons, Sergeants Lawrence Bauer, Thomas Allen, Jeffrey Schmidt and Police Officers Jonathan Ober and Kurt Spieler have been recommended to attend; 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 \$618; AND

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

RESOLVED, that Lieutenant Brian Coons, Sergeants Lawrence Bauer, Thomas Allen, Jeffrey Schmidt and Police Officers Jonathan Ober and Kurt Spieler be and hereby are authorized to attend, "Advanced Active Shooters Scenario" being held from October 15 through October 17, 2013 in Oriskany, New York.

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



23. RESOLUTION 2013-417

Travel Authorization Police Department/CopTech 2013/Captains James Speyer and Scott Pilat

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, "CopTech 2013" is being held from September 18 through September 20, 2013 in San Antonio, Texas; AND

WHEREAS, Captains James Speyer and Scott Pilat have been recommended to attend;
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 \$586; AND

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

RESOLVED, that Captains James Speyer and Scott Pilat be and hereby are authorized to attend "CopTech 2013" being held from September 18 through September 20, 2013 in San Antonio, Texas.

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

VII. Communications

A. Departmental Communications

1. Building Permit List - July 2013
2. Minutes: Cheektowaga Planning Board - July 11, 2013
3. 2013 Board of Assessment Review Hearing Results

B. General Communications

1. Notice of Claim: Donald Chisolm Vs. Town of Cheektowaga

2. **Notice of Claim: John Damian Vs. Town of Cheektowaga**
3. **Notice of Claim: Belinda Edwards Vs. Town of Cheektowaga**
4. **Notice of Claim: Lindsey Hosmer Vs. Town of Cheektowaga**
5. **Notice of Claim: Christopher Pikula Vs. Town of Cheektowaga**
6. **Notice of Claim: Daniel Scaglione Vs. Town of Cheektowaga**
7. **Notice of Petition: Union Consumer Square Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
8. **Notice of Petition: BG Thruway Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
9. **Notice of Petition: DDRMDT Walden Avenue LLC Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
10. **Notice of Petition: DDRMDT Walden Avenue LLC Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
11. **Notice of Petition: HD Development of Maryland Inc. Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
12. **Notice of Petition: Wegman's Food Market Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
13. **Notice of Petition: DDRMDT Walden Avenue LLC Vs. Town Assessor, Board of Assessment and the Town of Cheektowaga**
14. **Notice of Petition: Verizon New York Inc. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
15. **Notice of Petition: MCI Communications Services Inc. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
16. **Notice of Petition: Carrols Corporation #516 Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
17. **Notice of Petition: Pepsi Bottling Group Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
18. **Notice of Petition: Carrols Corporation #512 Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
19. **Notice of Petition: Holland Motor Express Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
20. **Notice of Petition: McDonald's USA, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
21. **Notice of Petition: RMF Holding Inc. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**

22. **Notice of Petition: Iskalo Properties LLC. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
23. **Notice of Petition: Iskalo Real Estate Partnership Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
24. **Notice of Petition: Goldi Group, Inc., Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
25. **Notice of Petition: Walden Avenue Realty Associates, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
26. **Notice of Petition: NJCC, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
27. **Notice of Petition: CM Scrivner, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
28. **Notice of Petition: 2485 Broadway, LLC and 2065 Harlem Road, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
29. **Notice of Petition: 2745 Broadway, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
30. **Notice of Petition: Buffalo Lube Realty, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
31. **Notice of Petition: 3770 Union Road, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
32. **Notice of Petition: 3775 Broadway, LLC F/K/A/ CM Broadway,, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
33. **Notice of Petition: J-Tag, Inc. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
34. **Notice of Petition: Lockport Properties, LLC. Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
35. **Notice of Petition: 1620 Walden Associates, LLC, Buffalo Walden Dick Road, LLC and Buffalo WVP Associates, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
36. **Notice of Petition: RE Fund Sky Harbor Property LLC for Itself and as Agent-In-Fact for Diane Braniecki, Etal Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
37. **Notice of Petition: Benderson Harlem Associates, LP, the Benderson Family 1968 Trust, the Benderson 85-1 Trust, Delta-Sonic CarwashSystems, Inc., W&D Management Associates, LP, French Borden Associates, LLC, Benderson Properties, Inc. the Randall Benderson 1993-1 Trust, GS Lodging, LLC, Har-Wal Associates, Inc. Walden Project Associates, LLC, MSF Har-Ken, LLC, the Ronald Benderson 1995 Trust, 4908 Transit LLC, Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**

38. **Notice of Petition: Outparcel, LLC and First Berkshire Business Trust Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
39. **Notice of Petition: Niagara Frontier Transportation Authority, McGuire Development Company, Ciminelli Dev Co Inc., Airport Commerce Park, Air Cargo - Buffalo, ECIDA and McGuire Development, Co. LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
40. **Notice of Petition: Idylwood LLC and Morgan Management Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
41. **Notice of Petition: Niagara Mohawk Power Corporation Dba National Grid Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
42. **Notice of Petition: Atlas Self Storage, LLC Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**
43. **Notice of Petition: GCP Parkside Village, LLC for Itself and as Agent-In-Fact for Karl Malkowski, ETAL Vs. Town of Cheektowaga, Assessor and the Board of Assessment Review**

VIII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

IX. Adjournment

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to adjourn the meeting at 8:25 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 26, 2013

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 26, 2013 in the Town Hall Council Conference Room.

ITEM I 93 Maryvale Drive – Proposed rezoning from CM-General Commercial to MS-Motor Service for an existing motor vehicle repair shop

Applicant: For the Love of Cooking, LLC

The attorney for the applicant indicated he cannot reveal the billboard lease contents but did say that the lease is automatically renewed every ten years and his client does not wish to lose the lease. Although there is not much space for landscaping the owner will provide a plan showing some.

This item will remain tabled.

ITEM II 601 Dingens Street – Proposed 6,120 sf pool enclosure

Applicant: Jonathon Bennett, RA/Best Western Inn

The Traffic Safety Commission has recommended driveway consolidation between the hotel and offices to the east. The EAC would recommend issuance of a Negative Declaration provided the applicant can arrive at a driveway consolidation plan acceptable to the Traffic Safety Commission.

**ITEM III 2563 Union Road – 940 sf drive-in style restaurant
Special permit for an accessory drive-thru window**

Applicant: Checkers/Burgermeisters, Inc.

The site is a stone building pad to the south of the Rite Aid at Losson and Union. The only seating will be located outside.

The neighbor to the south and adjacent to this parcel is opposed to anything being built. These sentiments were expressed at the Planning Board meeting. In an effort to allay his fears, the applicant will erect an 8' fence along the property line and place plantings along the fence line. The Planning Board tabled this item.

The Town Engineer will review the drainage to ensure that the neighbor will not be affected.

A queue analysis was completed which shows the site capable of handling 18 spaces, the law requires 16. The applicant has indicated that 8 is a more realistic number.

A variance will be required as the bypass lane will be closer than 75'. There will be 10' of landscaping and the 8' fence as separation. The actual drive-thru lane will be 37' from the property line.

The Planning Board can recommend on the architectural features.

The EAC would recommend a Negative Declaration be issued for this project.

ITEM IV 2001 Walden Avenue – 94,165 sf retail building and a 4 story, 108 room hotel

Applicant: Cabela's/Benderson Development Co.

The site is known as the former Wegman's store next to the Burlington Coat Factory store. The plan is to demolish the former Wegman's store of 101,000 sf and construct a 94,165 sf Cabela's Sporting Goods.

To the west of Burlington, in the area that was formerly Chaser-Pitkin's exterior storage area, a 4 story, 108 room Home 2 Hotel will be constructed.

As part of the project the northerly driveway to Duke Road will be reconfigured to line up with a driveway to the K-Mart parcel. Numerous islands will be created and trees planted. Some of the existing, mature trees that would be lost to the construction work will be removed by Derrick Mfg for placement on their property.

Variances will be required for the height of the hotel, numerous signs and the setback from Duke Road. The Traffic Safety Commission is seeking additional handicapped ramps, handicapped parking and additional pedestrian access.

The EAC would recommend a Negative Declaration be issued for the project subject to the saving of as many mature trees as possible, installation of improvements as recommended by the

Traffic Safety Commission and the connecting of the proposed K-Mart drive to the DDR property (Longhorn).

ITEM V Dick Road – Proposed rezoning from M1-Light Manufacturing to MS-Motor Service for a 15,000 sf repair facility

Applicant: Sean Hopkins, Esquire

The site is on Dick Road to the rear of the Pepsi Cola facility. The site is 5.77 acres in size but has .8 acres of wetlands making more than half the parcel unusable. The building would be occupied by Frey the Wheelman for truck repairs. There will little space for overnight parking due to the space constraints placed on the parcel by the wetlands.

The Traffic Safety Commission has to review the plan and the applicant must submit a topographical drawing.

This item will remain tabled for further review and comment.

ITEM VI 3900-3926 Broadway – Proposed rezoning from M1-Light Manufacturing to MS-Motor Service for an office/warehouse and Truck-rental facility

Applicant: JEG Contracting/Sean Hopkins, Esquire

The parcel is at the northwest corner of Broadway and Dick Road. At present there are two storage buildings, a long office building previously used as a motel and a storage building set to the rear. Half of the office building would be removed and one of the storage buildings up front would be removed.

The facility would be for Budget and involve no truck longer than 24' and no repairing of trucks on the property. Only truck washing will occur. An access easement for properties to the rear will be maintained.

The applicant was informed that the previous owner walked away from the property prior to completing the project and that there may be the need for a yard hydrant.

This item will remain tabled for further review and comment.

ITEM VII 585 Aero Drive – Proposed 7,658 sf addition to an existing union hall

Applicant: Roberts Shackleton & Boy Architects

The addition will use nearly all the available land. Parking is accessed by NFTA owned property and an easement. The proposal shows additional parking to be created on NFTA land.

The EAC will request information on the use of the existing and proposed buildings to determine parking requirements.

This item will remain tabled for further review and comments.

**THE NEXT MEETING WILL BE WEDNESDAY,
July 24, 2013 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 29, 2013

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 29, 2013 in the Town Hall Council Office Conference Room. (CPD absent)

ITEM I 93 Maryvale – Rezoning from CM-General Commercial to MS-Motor Service for an existing repair facility

Applicant: For the Love of Cooking, LLC

The facility is located at Maryvale and Harlem behind the former Ja Fa Fa restaurant. At the present time a transmission repair business operates from there under a 2-year temporary permit. The entire corner is under control of the same owner.

A public hearing was held before the Town Board. There was no opposition.

The committee is awaiting a copy of the billboard lease and a landscaping plan.

This item will remain tabled for further review.

ITEM II 61 Anderson Road – Rezoning from M2-General Manufacturing to CM- General Commercial for a 4 story hotel

Applicant: Optima Design & Engineering

The original project was approved by the Town Board with a different site plan. The owners had originally planned on saving an existing office/warehouse. Now the plan is to demolish them and reconfigure the hotel, improving the site layout. This requires the need to rezone a portion of the land to the south.

The Planning Board has recommended approval.

The elevations show an improved look through the use of masonry. It was suggested to the project engineer that he design and install the utilities for the phase 2 of the project, which may be another hotel. Also the phase 2, which may not be developed for several years, must be vegetated and a barrier of some sort be established to prevent parking on that land.

Variations will be required for the front setback and the rear paving which would be up to the property line.

A public hearing was held before the Town Board. There was no opposition.

Prior to construction the applicant will have to submit a Phase II Environmental Audit of the site.

The EAC would recommend that a Negative Declaration be issued for purposes of SEQR.

III 601 Dingens Street – Proposed 6,120 sf pool enclosure

Applicant: Jonathon Bennett, RA/Best Western Inn

Traffic Safety Commission has requested the owner to consolidate driveways. The TSC and EAC are awaiting a revised drawing.

This item will remain tabled.

IV 2563 Union Road-Site plan-940 sf Drive-in style building and Special Permit for a drive thru window

Checkers/Burgermeisters, Inc.

The site is presently a stone pad located south of the Rite Aid at Union and Losson Roads. This pad was originally intended to accommodate a 7,000 sf building. The proposed 940 sf building/restaurant will serve a drive-thru and walk-up traffic. There will be 24 seats for outside dining, no interior dining, and 18 stacking spaces for the drive-thru.

Proposed hours of operation are 10 am to 1 am during the week and 2 pm to 3 am on weekends.

The project will utilize the latest technology to reduce noise from the speakers and filters for cooking odors. Additional landscaping along the south property line and along the south line of the drive-thru will further shield the adjacent property from noise.

The site is linked to the Rite Aid site and the rear plaza for improved access.

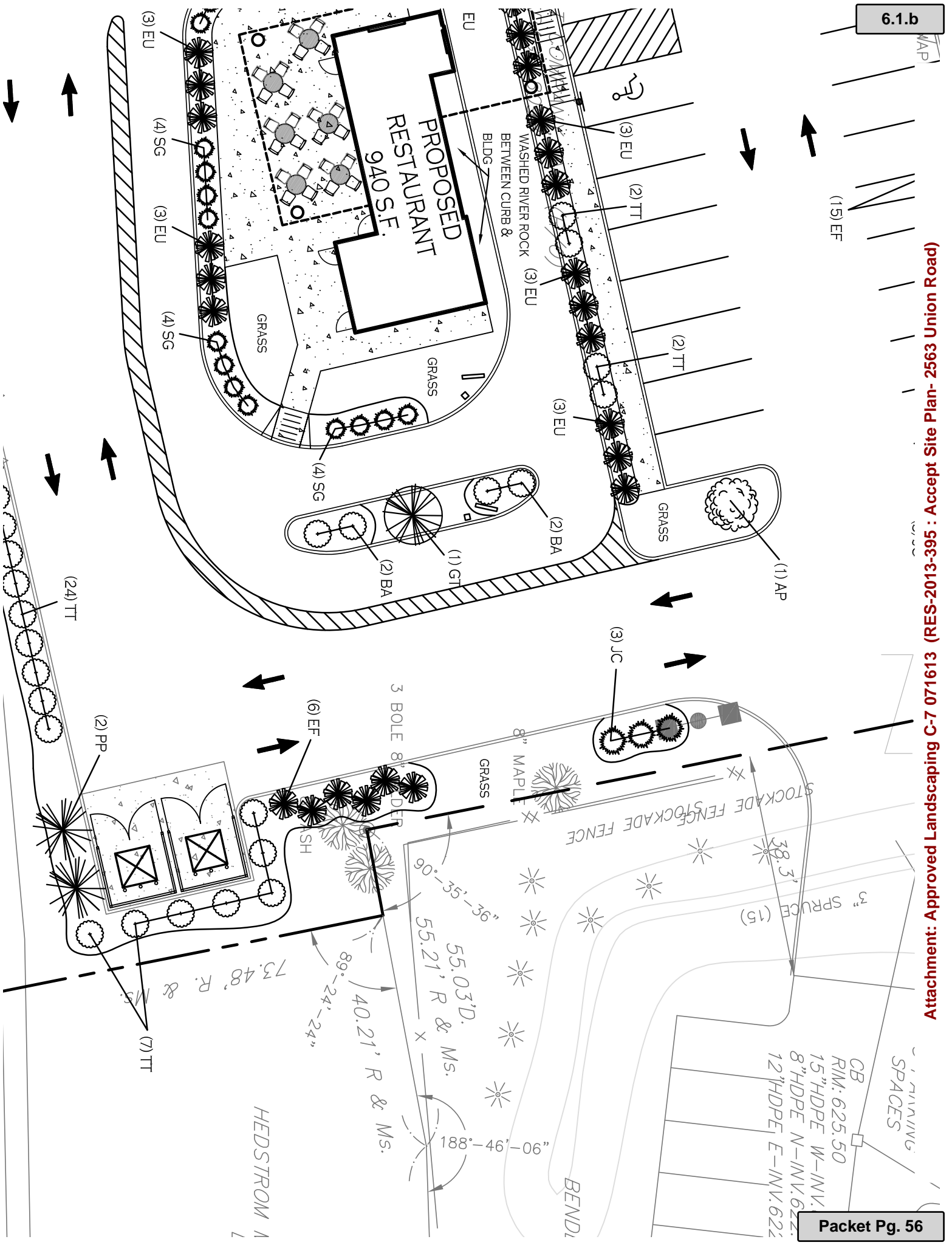
Although public comment is open to June 7, the EAC would recommend that the public hearing be scheduled.

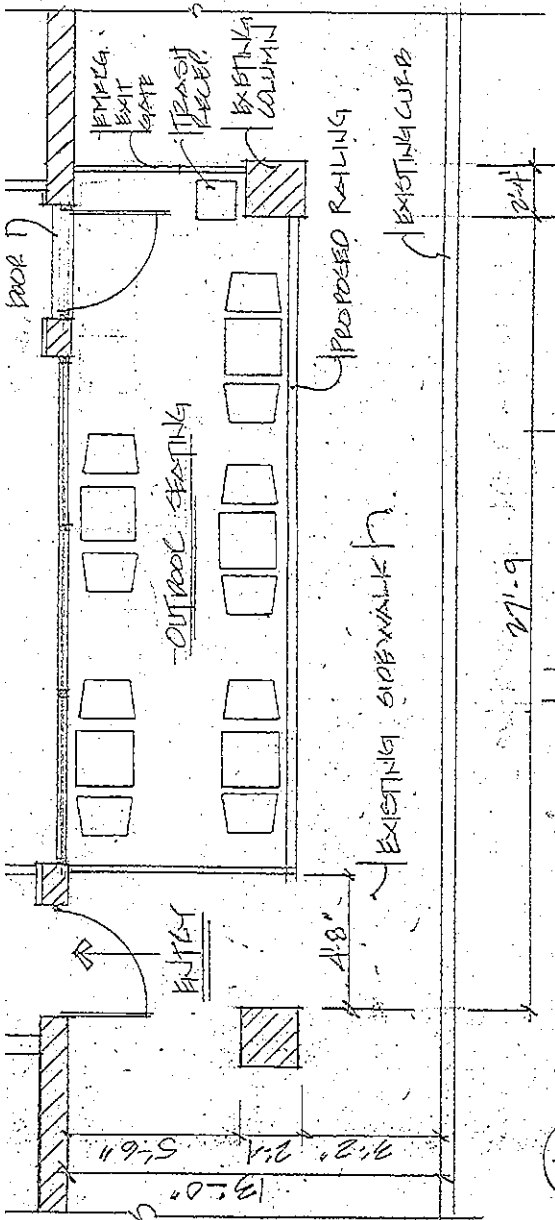
This item will remain tabled for further review.

The project will require site plan approval and a Special permit from the Town Board.

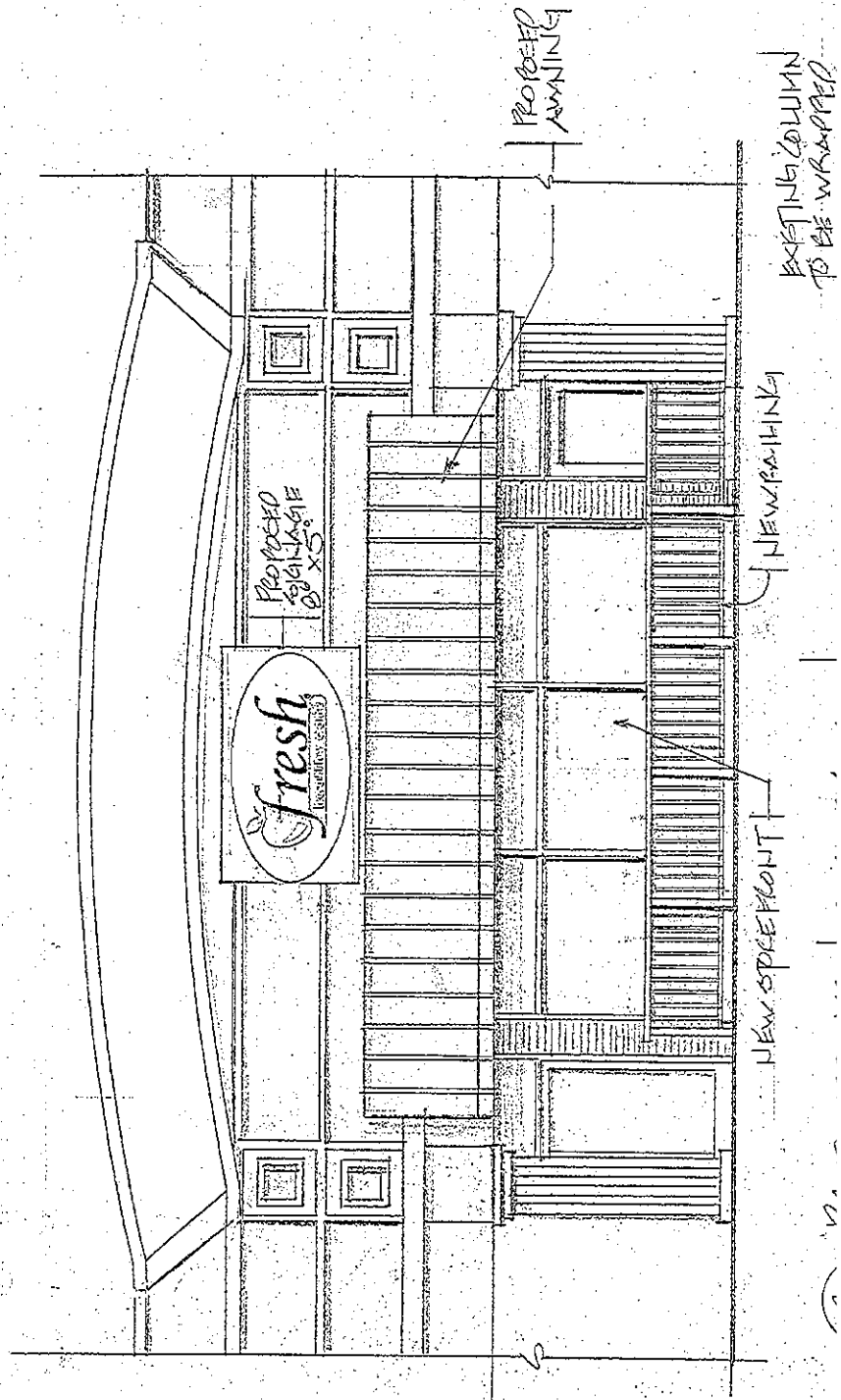
**THE NEXT MEETING OF THE EAC WILL BE HELD
WEDNESDAY June 26, 2013 AT 10:00 A. M. IN THE COUNCIL
CONFERENCE ROOM**

Please note the new date, this was due to a scheduling conflict

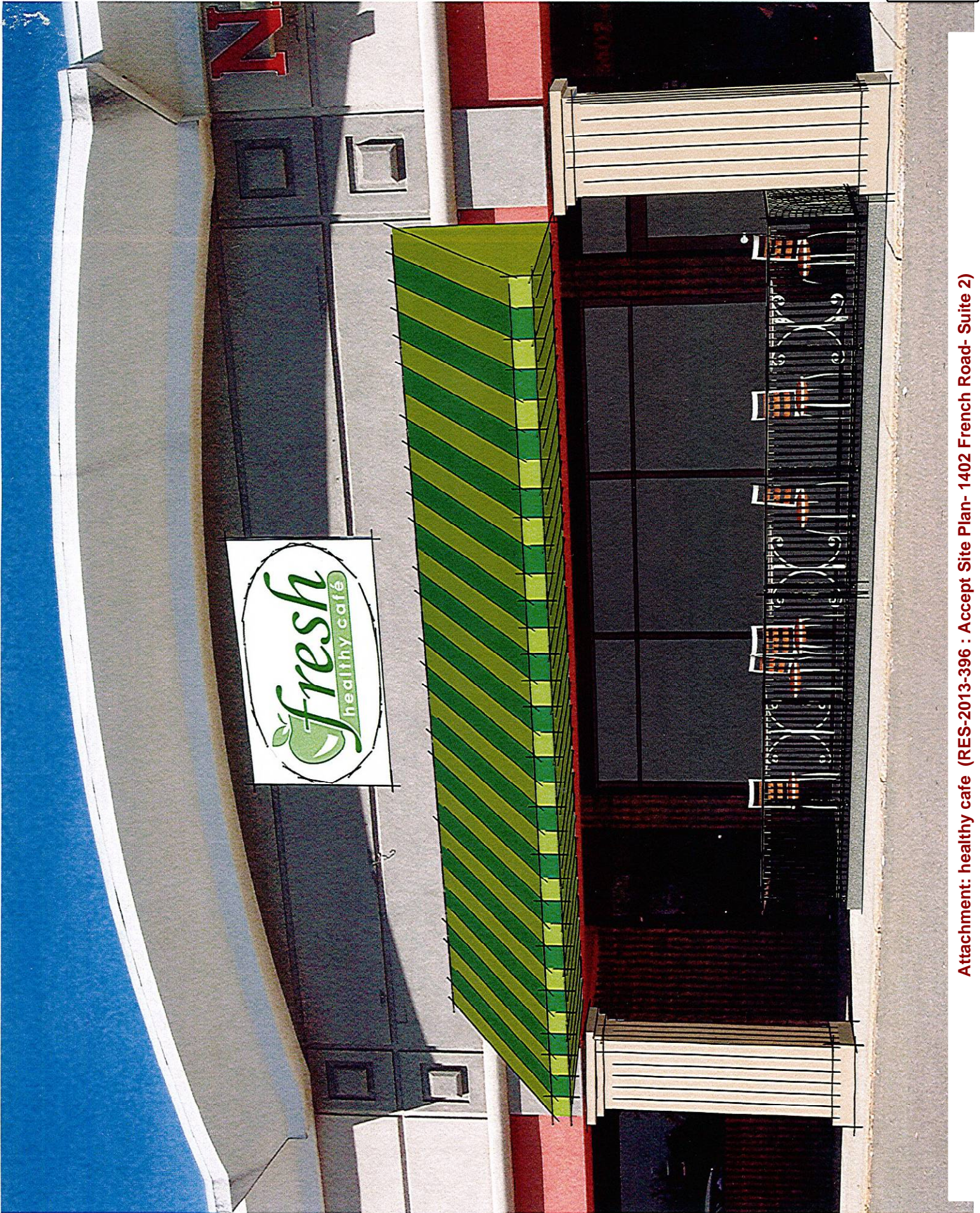




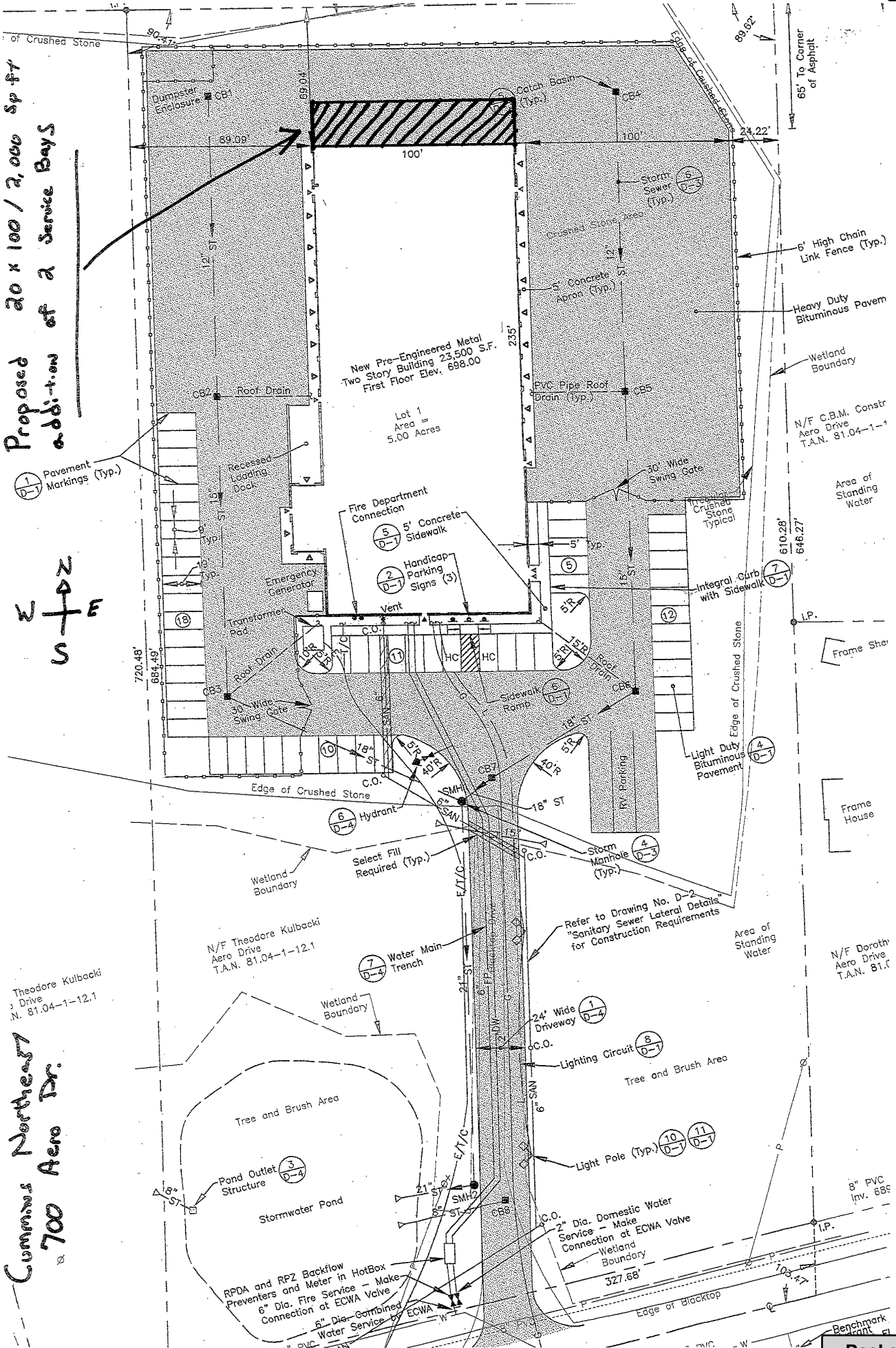
1. PARTIAL FLOOR PLAN & PATIO PLAN
SCALE: 1/4" = 1'-0"



Attachment: healthy cafe (RES-2013-396 : Accept Site Plan- 1402 French Road- Suite 2)



Attachment: healthy cafe (RES-2013-396 : Accept Site Plan- 1402 French Road- Suite 2)



Proposed 20 x 100 / 2,000 sq ft addition of 2 Service Bays



Compass Northeast 700 Aero Dr.

Attachment: 700 Aero Drive Site Plan (RES-2013-397 : Accept Site Plan- 700 Aero Drive)

OEHMAN BLVD.

(2013)

Address			Block Removal	comments
200 Seton (Oehman side)			3	
19			4	Driveway
27			1	
31			1	driveway
47			1	
57			3	Tree
71 (town owned property)			2	
81			3	
85				Trees
101				
104				Cracked/blktop
100				
86				
80				
64				
54				
48				huge tree
44				Tilted/tree
36			4	Drive/crack/crumbly
32			1	Drive/crack/crumbly
20			2	Cracked/liftedl
16			3	Tree
12			4	tree
			1	freebie
111			10	
117			3	
121			3	
127			3	
133			2	
Total:			80	

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)

Oehman Blvd. Cont.			Block Removal	comments
139			10	
145			5	
147			4	
153			4	
161			4	
193			10	
195			8	
197			4	
209			4	
213			4	
217			8	
235			3	
239			7	
245			12	
253			3	
265			3	
271			4	
275			5	
283			2	
287			3	
681 Cleveland (Oehman side)			8	
665 Cleveland (Oehman side)			7	Troidl Optical
288			3	
282			4	
280			1	
276			5	
270			5	
266			8	
252			4	
Total:			152	

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)

Oehman Blvd. Cont.			Blocks Removal	Comments
248			4	
240			2	
238			1	
228			4	
224			3	
206			4	
198			11	
194			1	
186			4	
182			4	
172			4	
168			2	
162			4	
158			1	
150			3	
148			4	
144			2	
138			2	
134			2	
130			6	
122			1	
118			2	
114			3	
TOTAL:			74	(305) gtrns total

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)

BARBADOS DRIVE

(2013)

Address	Block Shaving	comments	Block Removal	comments
274 N Seine (Barbados side)			2	Sunk/lifted
19			1	Tree/sunken
27			2	Crumbled
31			1	Crumbled
35			2	Cracked/tilted
63			4	Cracked/manhole
67			2	Lifted
79			1	Cracked
83			1	Sunken deep
87			2	
91			3	Sunken in middle
99			2	Crack/water plug
247 LeHarve (Barbados side)			1	Tar step
102			1	Slanted
98			3	Tar/cracked
86			7	Tar/railroaded
78			1	Tar patched
48			4	Railroaded
20			3	tar/driveway
240			3	Sunken/manhole
244			2	
252			2	
264			3	Railroad/manhole
268			1	Tar patched
276			3	Lifted/sunken
316			5	Crooked/tree
114 LeHarve (Barbados side)		114 Barbados Dr ? yes	1	
122			2	
126			3	
130			1	manhole
Total:			69	

Walked with Mike Lumadue 6-5-13

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)

BARBADOS DRIVE

(2013)

Address	Block Shaving	comments	Block Removal	comments
138			2	
150			1	
154			2	
158			1	
166			3	
170			1	
174			4	
178			1	
182			1	
Town ROW (186)		<i>Judy - Yes w/ 1/2 11/4/13 - P. 26</i>	5	Open lot
190			1	
194			1	
198			1	
202			3	
206			3	
210			3	
214			2	
222			2	
226			1	
230			1	
234			3	
248			3	
256			1	
260			1	
272			2	
288			2	
296			1	
300			2	
302		<i>304? Yes by Judy</i>	1	
312			2	
Total:			57	

Walked with Mark Wegner 7-23-13

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)

BARBADOS DRIVE

(2013)

Address	Block Shaving	comments	Block Removal	comments
105 Woodgate (Barbados side)			1	
307			4	2 w/manholes.
299			2	
291			1	
283			2	1 w/manhole
271			1	
263			2	1 w/manhole
148 Woodgate (Barbados side)			4	2-handicap ramps?
229			3	
219 Jerome (Barbados side)		<i>yes by July</i> <i>219 Barbados Dr.?</i>	4	1-handicap ramp?
7 Jerome (Barbados side)			4	1-handicap ramp?
4 Jerome (Barbados side)			5	1-handicap ramp?
173			11	On curve/slanted
167			2	
161			3	
153			2	
137			1	
373 Barbados (cor. Barbados)			3	1-handicap ramp?
369			2	
345			2	1 w/manhole
341			2	
337			6	
104		<i>Woodgate Dr?? July-yes</i>	1	
340			4	
344			2	
352			1	
360			5	
364			2	
368			3	
372			2	
Total:			87	(213) grand total

Walked with Mark Wegner 7-23-13

Attachment: Sidewalk list Aug 5 2013 (RES-2013-411 : Order Replacement of Sidewalks)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

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

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, August 13, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on August 13, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Absent	
James P. 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
Marylou Roshia, Esq., Damon Morey, LLP

II. Enter Into Executive Session at 6:00 PM

Motion by Councilmember Kaznowski; Seconded by Councilmember Markel.

To Discuss pending litigation relating to the Police Department
also matters relating to the hiring/termination/appointment of employees.

Motion Carried.

III. Exit Executive Session at 6:25 PM

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski.

Motion Carried.

IV. Resolutions at 6:25 pm



1. RESOLUTION 2013-419

Amend Notice to Bidders for 2014 Chevrolet Tahoe for the Disaster Coordinator (Bid 2013-25)

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, by resolution dated August 5, 2013 (Resolution No. 2013-402) this Town Board authorized and directed the Town Clerk to publish a Notice to Bidders in connection with the lease of one (1) 2014 Chevrolet Tahoe 1500 LT for use by the Disaster Coordinator, notice to be published in the CHEEKTOWAGA BEE with a bid opening to be held on August 21, 2013 at 11:00 AM, AND

WHEREAS, in order to meet the 2014 model year build-out order deadline date, it is necessary to amend the bid opening date, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to republish an amended Notice to Bidders in connection with the proposed vehicle lease with sealed bids to be received and opened by the Town Clerk on the 16th day of August, 2013 at 11:00 AM at a public bid opening to be held in the Council Chambers of Cheektowaga Town Hall.



NOTICE TO BIDDERS (AMENDED)

Sealed proposals will be received by the Town of Cheektowaga on August 16, 2013 at 11:00 AM at the Town Hall, corner of Broadway and Union Roads, for the four (4) year lease with option to buy of one (1) 2014 model, 4-Wheel Drive Chevrolet Tahoe 1500 LT, or equal.

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

This Notice to Bidders shall supersede a previously issued Notice to Bidders for the subject vehicle lease amending the bid opening date from August 21, 2013 to August 16, 2013.

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 Magiersk, Town Clerk

DATED: August 13, 2013

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



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

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

~ Minutes ~

Alice Magierski
716-686-3400

Monday, August 19, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on August 19, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Jeneen Lomando-McSkimming, Assessor
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings at 6:45 PM

1. Demolition of 137 David Avenue

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

2. Demolition of 107 David Avenue

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-420

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 19, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$232,777.94
RISK RETENTION FUND	61,678.88
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	29,886.00
SPECIAL DISTRICTS FUND	419,343.57
HIGHWAY FUND	11,067.88
CAPITAL FUND	229,409.75
TRUST & AGENCY FUND	42,449.23
HUD CDBG FUND	7,775.71
PART TOWN FUND	1,577.04
NYS AFFORDABLE HOUSING	14,325.00
	<hr/>
	\$1,050,291.00

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



2. RESOLUTION 2013-421

Award of Bid - Demolition and Asbestos Abatement Of 38 Barbara Place and 257 Chapel Avenue in the Town of Cheektowaga (Bid 2013-24 LAW)

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:

- Item 1. A two-family residential structure with covered porch and shed at 38 Barbara Place; AND
- Item 2. A one-family residential structure with open porch and one-story detached garage at 257 Chapel Avenue;

(Bid 2013-24 LAW); AND

WHEREAS, one bid proposal was received and opened on August 14, 2013, for said demolitions; AND

WHEREAS, the proposal was reviewed by the Town's Consulting Engineer and the Town Attorney, and based on the sole proposal 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 38 Barbara Place and 257 Chapel Avenue (being Items 1 and 2 respectively in said proposal) to Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, New York 14301 in the following amounts:

Item 1: 28 Barbara Place	\$ 29,000.00
Item 2: 257 Chapel Avenue	\$ 28,800.00

for the total combined price of \$57,800.00, said amounts 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



3. RESOLUTION 2013-422

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 20, 2013, beginning at 6:00 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 Cheektowaga Central School District for the aforementioned Homecoming Parade to be held on Friday, September 20, 2013 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2013-423

Bonfire-Cheektowaga Central/3600 Union Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Cheektowaga Central High School to conduct an open fire on September 17, 2013 (rain date of September 18, 201) 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, Joseph Ehnes, Fire Inspector, has received this application and finds that all requirements have been met and that this application is in compliance with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. 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 Joseph Ehnes, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

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



5. RESOLUTION 2013-424

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, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the John F. Kennedy High School to conduct an open fire on September 27, 2013 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 and Doyle 2 Fire Departments in conjunction with summer youth activities, AND

WHEREAS, Joseph Ehnes, Fire Inspector, has received this application and finds that all requirements have been met and that this application is in compliance with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. 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 Joseph Ehnes, Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

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



6. RESOLUTION 2013-425

Agreement with New Opportunities Community Housing Development Corporation

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, the property located at 48 Westchester Drive 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 desires to provide funding 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 home buyer, 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 acquisition, rehabilitation and resale of 48 Westchester Drive within an amount not to exceed \$94,245, said amount to include related administrative and soft costs. Additional funds may be provided to the low-income home buyer to facilitate an affordable purchase price.

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



7. RESOLUTION 2013-433

Reappointment of Sole Assessor

Sponsored By: Supervisor Holtz, Councilmember Wozniak

WHEREAS, the Municipal Cooperation Agreement between the Town of Cheektowaga and Town of Boston wherein the Town of Cheektowaga utilizes Boston's Assessor, Jeneen Lomando-McSkimming as the Town of Cheektowaga Assessor, expires on September 30, 2013, AND

WHEREAS, this Town Board wishes to appoint Jeneen Lomando-McSkimming as Sole Assessor for the Town of Cheektowaga, effective October 1, 2013, AND

WHEREAS, Jeneen Lomando-McSkimming meets or exceeds the qualification standards for the Office of Assessor by the State Board of Equalization and Assessment, and has successfully completed the prescribed courses of training and education, AND

WHEREAS, by reason of special skills, aptitudes and expertise, an appropriate appointment to the position of Sole Assessor cannot be made to fill such position with a domiciliary of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Jeneen Lomando-McSkimming is hereby appointed to the position of Sole Assessor of the Town of Cheektowaga, commencing on October 1, 2013 and ending on September 30, 2019 AND, BE IT FURTHER

RESOLVED, that Jeneen Lomando-McSkimming be and hereby is exempted from the residency requirements of Chapter 25 of the Code of the Town of Cheektowaga (a/k/a Residency Law") during the term of her appointment.

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



8. RESOLUTION 2013-426

Authorize Supervisor to Execute Municipal Cooperation Agreement with Town of Evans

Sponsored By: Supervisor Holtz, Councilmember Wozniak

WHEREAS, since February 1, 2010, the position of Sole Assessor for the Town of Cheektowaga has been filled through an inter-municipal agreement with the County of Erie and Town of Boston, AND

WHEREAS, the individual acting as part-time Sole Assessor for the Town of Cheektowaga under said agreement was Jeneen Lomando-McSkimming, Town Assessor for the Town of Boston, AND

WHEREAS, said agreement with the Town of Boston expires on September 30, 2013, AND

WHEREAS, this Town Board previously appointed Jeneen Lomando-McSkimming as Sole Assessor for the Town of Cheektowaga, effective October 1, 2013 through September 30, 2019, AND

WHEREAS, representatives from the Town of Cheektowaga have been negotiating a new municipal cooperation agreement with the Town of Evans wherein Jeneen Lomando-McSkimming would serve as the appointed Sole Assessor for the Town of Cheektowaga and the Town of Evans would utilize the services of Cheektowaga Town Assessor Jeneen Lomando-McSkimming to act as their Assessor on a part-time basis, AND

WHEREAS, this Town Board is interested in entering into a municipal cooperation agreement with the Town of Evans to accomplish this, AND

WHEREAS, an agreement has been drafted with the Town of Evans for a term, effective October 1, 2013 to expire on or before September 30, 2019, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a municipal cooperation agreement with the Town of Evans, subject to the approval of same by the Town Attorney.

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



9. RESOLUTION 2013-427

Unsafe-Unsecured/38 Barbara 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 38 Barbara Place, Cheektowaga, New York SBL# 101.28-1-2 that is a danger to the safety of others, and records kept by the Assessor's Office identify Jamie Becht, 693 Ellicott Creek Road, Tonawanda, New York 14150 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 38 Barbara Place by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



10. RESOLUTION 2013-428

Unsafe-Unsecured/51 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 51 East End Avenue, Cheektowaga, New York, SBL# 90.84-1-18 that is a danger to the safety of others, and records kept by the Assessor's Office identify Valerie J. Bates, 215 Burke Drive, Cheektowaga, New York 14215 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 51 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



11. RESOLUTION 2013-429

Unsafe-Unsecured Pool/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 Assessor's Office identify Eric R. Steely, 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2013-430

Unsafe-Unsecured/11 Normandy Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 11 Normandy Avenue, Cheektowaga, New York, SBL# 102.21-1-20 that is a danger to the safety of others, and records kept by the Assessor's Office identify Duncan Yelds, Genesis REI, LLC, 1398 Culver Road, Rochester, New York 14609 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 11 Normandy Avenue by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



13. RESOLUTION 2013-431

Unsafe-Unsecured/121 Pleasant Parkway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 121 Pleasant Parkway, Cheektowaga, New York, SBL# 123.28-1-13 that is a danger to the safety of others, and records kept by the Assessor's Office identify Karyn P. Sajkak, 121 Pleasant Parkway, Cheektowaga, New York 14206 as the owner, AND

WHEREAS, an inspection of such premises was conducted at 121 Pleasant Parkway by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



14. RESOLUTION 2013-432

Amend Hourly Rate of Court Officer I

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

BE IT RESOLVED, that the following employee's hourly wage be adjusted as follows:

POLICE DEPARTMENT Court Officer I from \$15.59 to \$16.03/hour effective 8/6/13
Matthew J. Starr, Cheektowaga, New York

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



15. RESOLUTION 2013-434

Reappointment of Member to the Board of Ethics

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted A Local Law Establishing a Board of Ethics (Local Law No.1 of the year 1993), which was amended by the adoption, on April 4, 1994, of A Local Law Amending the Board of Ethics Law (Local Law No.1 of the year 1994, AND

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics, AND

WHEREAS, the term of member Thomas S. Kulaszewski expired on August 1, 2013, AND

WHEREAS, Mr. Kulaszewski has expressed interest in continuing to serve on said Board of Ethics, NOW, THEREFORE, BE IT

RESOLVED, that Thomas S. Kulaszewski be and hereby is reappointed as member of the Board of Ethics, effective as of August 1, 2013 and terminating on August 1, 2018.

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



16. RESOLUTION 2013-435

Travel Authorization Police Department/Detective David Mossman

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Certified SABIS/Latent Print Examiner: Level III will be held September 16 through September 20, 2013 in Albany, New York; AND

WHEREAS, Sergeant David Mossman has been recommended to attend said class; 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 \$800; AND

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

RESOLVED, that Sergeant David Mossman be and hereby is authorized to attend the Certified SABIS/Latent Print Examiner: Level III being held September 16 through September 20, 2013 in Albany, New York.

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

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Suspend the Rules to Include the following One (1) Resolution: 2013-436. Motion Carried.
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1. RESOLUTION 2013-436

Award of Bid - 2014 Chevrolet Tahoe for the Department of Emergency Services (Bid 2013-25)

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, a Notice to Bidders was previously published for the lease purchase of one 2014 Chevrolet Tahoe, or equal, for use by the Department of Emergency Services, which bids were received and opened on August 16, 2013, AND

WHEREAS, said bids were referred to and reviewed by the Town Engineer, Town Attorney and Coordinator of Emergency Services with the bid analysis being contained in a letter from the Town Engineer dated August 19, 2013, AND

WHEREAS, although Emerling Chevrolet, Inc. Did not include the driver's side mounted spotlight in its bid, this deviation from the bid specifications in minor, and it is in the best interests of the Town to waive this deviation due to the bidder's overall low bid, AND

WHEREAS, it is recommended that the lease purchase of one (1) 2014 Chevrolet Tahoe for use by the Department of Emergency Services be awarded to Emerling Chevrolet, Inc., 9000 Boston State Road, Boston, New York 14025 for a fixed monthly payment of \$976.70 per month, AND

WHEREAS, Section 109-b of the General Municipal Law authorizes the Town to enter into a Lease Purchase Agreement for machinery, equipment or apparatus, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the lease purchase of one (1) 2014 Chevrolet Tahoe, for use by the Department of Emergency Services, be and hereby is awarded to Emerling Chevrolet, Inc. as per the terms of their bid, contingent upon the review and approval of the Municipal Lease Purchase Agreement by the Town Attorney, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the Lease Purchase Agreement and all other documents necessary for the lease purchase of the above referenced vehicle, AND, BE IT FURTHER

RESOLVED, that funds for such monthly payment shall be appropriated from Account #100-1220-4008.

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

VI. Communications

A. General Communications

1. **Notice of Claim: John M Baker Vs. Town of Cheektowaga**
2. **Notice of Claim: Joanne Gozdziaak Vs. Town of Cheektowaga**
3. **Notice of Claim: Nancy M McNally Vs. Town of Cheektowaga**
4. **Notice of Claim: Thomas Nugent Vs. Town of Cheektowaga**
5. **Notice of Petition: Rite Aid Corporation/Eckerd Corp Vs. Assessor, Town of Cheektowaga & ETAL**
6. **Notice of Petition: MVP Airport, LLC, Vs. Assessor of Cheektowaga ETAL**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Wozniak to adjourn the meeting at 6:59 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

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

~ Minutes ~

Alice Magierski
716-686-3400

Tuesday, August 27, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on August 27, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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	Absent	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
Jeneen Lomando-McSkimming, Assessor
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2013-437

Resolution of Litigation - Incident of February 13, 2010

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, as a result of an incident which occurred on February 13, 2010, an action (11-CV-343S) was commenced on February 24, 2011 in the U.S. District Court against the Town; and

WHEREAS, the law firm of Damon Morey (Marylou Roshia, Esq., of counsel) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a resolution with the claimant's attorneys; and

WHEREAS, this litigation resolution is in the best interests of the Town of Cheektowaga;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above referenced resolution of litigation; and the Supervisor, Town Attorney and/or Damon Morey, LLP be and hereby are authorized to execute and procure all papers necessary to effectuate said resolution and compromise of the above mentioned claim.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, September 3, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 3, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Kevin Schenk, Town Attorney
Kerry Switalski, Senior Services Director
Mark Wegner, Highway Superintendent

II. Public Comment Period

III. Public Hearings

1. Rezoning Request- 1620 Walden Ave. from CM General Commercial to MS Motor Service

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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-438

Transfer of Funds

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

GENERAL FUND

FROM:	100.1410.1901	Regular Payroll	\$39,651.00
TO:	100.1220.1901	Regular Payroll	\$39,651.00

HIGHWAY FUND

FROM:	300.1910.2655	Sale of Equipment	\$70,105.00
TO:	300.5130.2407	Misc. Highway Equipment	\$ 7,000.00
	300.5140.4191	Misc. Expenses	63,105.00

HUD CDBG FUND

FROM:	700.1010.0602	Demolition	\$74,215.00
	700.1009.0602	Demolition	30,808.80
TO:	700.1012.0600	Single Family Housing Rehabilitation	\$74,215.00
	700.1012.0602	Demolition	30,808.80

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



2. RESOLUTION 2013-439

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 30, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$ 2,675,472.22
RISK RETENTION FUND	821,705.68
DEBT SERVICE FUND	154,275.00
HUD HOUSING REHABILITATION FUND	5,660.00
SPECIAL DISTRICTS FUND	738,376.25
HIGHWAY FUND	473,643.90
CAPITAL FUND	371,961.59
TRUST & AGENCY FUND	6,954.43
HUD CDBG FUND	264.57
PART TOWN FUND	117,863.72
	<hr/>
	\$ 5,366,177.36

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



3. RESOLUTION 2013-440

Amend Award of Bid - Demolition and Asbestos Abatement Of 38 Barbara Place and 257 Chapel Avenue (Bid 2013-24 LAW)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by Resolution 2013-421 adopted August 19, 2013, this Town Board awarded the bid for the demolition with asbestos abatement of structures located on the following referenced properties in the Town of Cheektowaga:

- Item 1. A two-family residential structure with covered porch and shed at 38 Barbara Place; AND
- Item 2. A one-family residential structure with open porch and one-story detached garage at 257 Chapel Avenue;

(Bid 2013-24 LAW); and

WHEREAS, the first "RESOLVED" clause in said Resolution mistakenly refers to "28 Barbara Place" when in fact the address is 38 Barbara Place, and there is a need to correct such error in the wording of the resolution; NOW, THEREFORE, BE IT

RESOLVED, that the first "RESOLVED" paragraph in Resolution 2013-421 be and is hereby amended to read as follows:

"RESOLVED, that this Town Board hereby awards the bid for the demolition with asbestos abatement of structures on properties located at 38 Barbara Place and 257 Chapel Avenue (being Items 1 and 2 respectively in said proposal) to Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, New York 14301 in the following amounts:

Item 1: 38 Barbara Place	\$ 29,000.00
Item 2: 257 Chapel Avenue	\$ 28,800.00

for the total combined price of \$57,800.00, said amounts being the lowest responsible bid meeting specifications; AND BE IT FURTHER"

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



4. RESOLUTION 2013-441

Award of Bid - One (1) New & Unused 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower or Equivalent (Bid 2013-23)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, a Notice to Bidders was previously published for One (1) New and Unused 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower (Bid 2013-23) for use by the Highway Department which bids were received and opened on July 31, 2013, AND

WHEREAS, said bids were referred to and reviewed by the Highway Superintendent and Town Attorney with the bid analysis being contained in a letter from the Highway Superintendent dated August 29, 2013, AND

WHEREAS, the Superintendent of Highways has recommended that this Town Board award the bid to second lowest bidder Cyncon Equipment Inc., 7494 West Henrietta Road, Rush, NY 14543 for the amount of \$139,939.00 based on the bid specification discrepancy's detailed in the above mentioned attached letter, AND

WHEREAS, it is recommended that the purchase of One (1) New and Unused 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor, Slope Mower for use by the Highway Department be awarded to Cyncon Equipment Inc., 7494 West Henrietta Road, Rush, NY 14543 AND BE IT FURTHER

RESOLVED, that the Town Board hereby awards the bid for the purchase of One (1) New and Unused 2013 Model Holder C9.92 Four Wheel Drive, Articulated Steering Municipal Tractor Slope Mower to Cyncon Equipment Inc., 7494 West Henrietta Road, Rush, NY 14543 for the amount of \$139,939.00, and BE IT FURTHER

RESOLVED, that funding for said purchase shall be appropriated from budget line item 300.513.2407, and BE IT FURTHER,

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the award of this bid and the purchase of said equipment.

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



5. RESOLUTION 2013-442

Accept Site Plan- 4630 Genesee Street Best Western 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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Johnathan Bennett, R.A. Submitted a development review application for a 796 s.f building addition to an existing hotel at 4630 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of November 8, 2013_ and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan.

Subject to the following conditions:

1. The Town Engineer reviews / approves the grading drainage plan
2. The site plan be amended to show the addition of shade trees as requested by the Planning Board and consistent with the town's landscaping specifications.

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



6. RESOLUTION 2013-443

Accept Site Plan- 2605 Harlem Road Sisters of Charity Hospital - St. Joseph Campus

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Kideny Achitects submitted a development review application for a 2,090 s.f building addition to an existing hospital at 2605 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of January 10, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan.

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



7. RESOLUTION 2013-444

Accept Site Plan- 2228 Old 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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, David P. Colins Submitted a development review application for 900 s.f building addition to and existing custom shop storage building at 2228 Old Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of August 8, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan subject to the following condition:

1. The applicant provide (4) four shade trees along the street frontage as requested by the planning board and consistent with the town's specifications for landscaping.

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



8. RESOLUTION 2013-445

Order Calling for Public Hearing to Install Curbing Along Northcrest Avenue

Sponsored By: Kaznowski, Holtz, Kaminski

WHEREAS, a written petition dated September 3, 2013 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 Northcrest Avenue (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. 12, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows:
Northcrest Avenue, both sides, from the east side of Union Road to the west side of Orchard Place.

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 Northcrest Avenue 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 Northcrest Avenue 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 \$99,500.00, 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 16th day of September, 2013 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 Northcrest Avenue, 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:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



9. RESOLUTION 2013-446

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>
Altieri, Rebecca A , ,	10/31/2016
Augustin, Michel Ange , ,	2/29/2016
Barbero, Carlina J , ,	3/31/2016
Barkey, Eric N , ,	3/31/2016
Beaumont, Brianna L , ,	1/31/2016
Belz, Brandon M , ,	6/30/2015
Berst, Collin J , ,	3/31/2016
Bicknell, Sean A , ,	3/31/2016
Bosley, Christopher M , ,	4/30/2016
Brodnicki, Kyle R , ,	1/31/2016
Burke, Melissa A , ,	4/30/2016
Catlin, Amanda R , ,	2/28/2016
Chanthavong, Nancy J , ,	3/31/2016
Clark, Kristopher A , ,	5/31/2016
Covert, Patrick M , ,	6/30/2016
Cruse, Gordon R , ,	3/31/2016

Cuillo, Robert J	, ,	6/30/2016
Doran, Kathleen	, ,	2/29/2016
Escamilla, Natalie	, ,	3/31/2015
Ford, Jr., Christopher J	, ,	1/31/2016
Frank, Rebecca E	, ,	7/31/2015
Goodheart, Kelly C	, ,	6/30/2015
Grenning, Jay A	, ,	6/30/2015
Hall, Sean M	, ,	7/31/2015
Harwood, Douglas D	, ,	4/30/2016
Hodge, Benjamin R	, ,	7/31/2016
Hodges, Debra L	, ,	1/31/2016
Hodson, Lynn	, ,	4/30/2016
Jubert, Bethann M	, ,	8/31/2016
Kapulka, Jacob P.	, ,	1/31/2016
LaBelle, Thomas D	, ,	8/31/2015
Lines, Joel P	, ,	1/31/2014
Lubkowski, Nicholas D	, ,	3/31/2016
Lutz, Emily M	, ,	4/30/2016
Lynch, Richard T	, ,	1/31/2016
Malinowski, Keith R	, ,	1/31/2015
Maroney, Heather L	, ,	7/31/2016
McCrossan, Michael G	, ,	7/31/2016
Melber, Timothy R	, ,	2/29/2016
Meyerhofer, Patricia F	, ,	1/31/2016
Miller, Justin P	, ,	5/31/2016
Newbrgging, Brian H	, ,	1/31/2016
Nielsen , Jeffrey A	, ,	10/31/2016
Piazza, Charles E	, ,	10/31/2016
Rutenkroger, Kristian H	, ,	4/30/2015
Skinner, Jr., Kenneth C.	, ,	2/28/2016
Smith, Bradford D	, ,	9/30/2014
Sorlie, Steven J	, ,	4/30/2016
Stadler, Sara L.	, ,	8/31/2016
Stenzel, Aaron J	, ,	2/28/2015
Streb, Christopher D	, ,	1/31/2015
Suarez, Samuel S	, ,	7/31/2014
Thiemke, Stephen R	, ,	5/31/2016

Torres, Rebecca J	, ,	3/31/2016
VanderWeide, Kaitlin L	, ,	5/31/2016
Venkataraman, Ashwin C	, ,	2/28/2016
Weber, William R	, ,	3/31/2016
Wendt, Nicole M	, ,	2/29/2016
Williams, Eugene A.	, ,	12/31/2013
Windover, Scott P	, ,	5/31/2016
Wissel, John H	, ,	3/31/2016

RESULT: ADOPTED [UNANIMOUS]

MOVER: James P. Rogowski, Councilmember

SECONDER: Charles Markel, Councilmember

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



10. RESOLUTION 2013-447

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 2013-2014 season.

FUNDING SOURCE: 0100.7140.4521

REVENUE SOURCE 0100.7140.2128
0100.0882

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



11. RESOLUTION 2013-448

Authorize Supervisor to Execute Agreement for Assessment Services

Sponsored By: Supervisor Holtz, Councilmember Wozniak

WHEREAS, Emminger, Newton, Pigeon & Magyar, Inc. (hereinafter referred to as "ENPM") presently assists the Town Assessor's Office with the analysis of the assessment of all real estate parcels in the Town, as well as other related matters, and

WHEREAS, the existing agreement with ENPM will expire in August of 2013, and

WHEREAS, ENPM has prepared an agreement to continue their professional assessment services to the Town through September of 2016 (three years), and

WHEREAS, the Town Assessor has recommended that the Town continue to retain the services of ENPM, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to retain the services of Emminger, Newton, Pigeon & Magyar, Inc. from August of 2013 until September of 2016 as per the terms of the proposed agreement, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this agreement with Emminger, Newton, Pigeon & Magyar, Inc. on behalf of the Town, and BE IT FURTHER

RESOLVED, that funding for said professional services shall be appropriated from the Assessor's budget.

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



12. RESOLUTION 2013-449

Authorize Supervisor to Execute Agreement with DXO Communications of Buffalo

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga sends out thousands of pieces of mail each year, and

WHEREAS, presently, these pieces of mail are metered, sorted and distributed by the Town, and

WHEREAS, DXO Communications of Buffalo, Inc. (hereinafter referred to as "DXO") provides mailing, sortation and distribution services in the United States for various customers, and

WHEREAS, DXO has submitted a proposal to the Town to provide meter and presort services on an on-demand basis for all domestic one and two ounce first-class letters and all domestic first-class flats up to 13 ounces, and

WHEREAS, this service is expected to save the Town money, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Service Agreement with DXO for the aforementioned mail services.

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



13. RESOLUTION 2013-450

Authorize Purchase of Five (5) License Plate Readers

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Cheektowaga Police Department was awarded a grant through New York State Division of Homeland Security and Emergency Services FY-09 Buffer Zone Protection Program (Contract #C150896), AND

WHEREAS, the grant totals \$97,582.40 and is earmarked for License Plate Readers, of which the Police Department currently owns three (3) mobile and one (1) stationary License Plate Readers, AND

WHEREAS, the system, which typically captures over 800 license plates in an eight (8) hour period, has the ability to read all license plates, advise the police officer if a vehicle is stolen, the registration is suspended and the registered owner has a warrant, AND

WHEREAS, ELSAG North America, LLC, 205-H Creek Ridge Road, Greensboro, North Carolina 27406 offers New York State Contract pricing under Contract #PC62119 for the purchase of the License Plate Readers, AND

WHEREAS, the total cost for the five (5) License Plate Readers is \$105,437.50, of which \$97,582.40 will be paid by the Buffer Zone Protection Program grant, AND

WHEREAS, the Cheektowaga Police Department will pay the remaining balance of \$7,855.10 from the Police Asset Forfeiture Line #600-0600-0881, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Cheektowaga Police Department to purchase the five (5) License Plate Readers.

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



14. RESOLUTION 2013-451

Approve Section 179D Tax Credits to Trautman Associates

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, Trautman Associates, Architects and Engineers, prepared the plans and specifications for Building Renovations and an addition to the Police and Court Building located at 3223 Union Road, and

WHEREAS, Section 179D of the Internal Revenue Code allows tax exempt government building owners like the Town of Cheektowaga to allocation Section 179D tax deduction credits to a company primarily responsible for designing the building, and

WHEREAS, Trautman Associates has requested that this Town Board agree to allocate Section 179D deductions for the Police and Court Building project to it, and

WHEREAS, since the Town of Cheektowaga cannot avail itself of these tax credits, it is willing to do so for Trautman Associates, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby agrees to allocate the full federal income tax deduction available under Section 179D attributable to the HVAC and hot water and lighting systems to Trautman Associates for their work on the Police and Court Building.

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



15. RESOLUTION 2013-452

Renew Agreement with Mages Risk Management, LLC

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town's Loss Control Services Agreement with Mages Risk Management, LLC expires on October 31, 2013, and

WHEREAS, Mages Risk Management, LLC has indicated that it is willing to extend the contract for two (2) years at the same price as the Town currently pays, and

WHEREAS, Holfoth Risk Management, the Town's Insurance Consultant, has recommended that we renew the agreement with Mages Risk Management, LLC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to extend the Loss Control Services Agreement with Mages Risk Management, LLC until October 31, 2015 at the following rates of pay:

Base Pay	\$21,600
Industrial Hygiene Services	\$125/hour + lab fees (if and when needed)
Special Engineering Projects	\$125/hour (if and when needed)

, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Mages Risk Management, LLC for these services.

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



16. RESOLUTION 2013-453

Villa Maria Rental Agreement for Special Olympics Program 2013 - 2014

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

WHEREAS, the Department of Youth and Recreational Services is desirous of entering into a rental agreement with Villa Maria College for use of its gymnasium and swimming pool for its Special Olympics program and

WHEREAS, Villa Maria has agreed to offer its facilities for a discounted rate of \$80 per hour, NOW, THEREFORE BE IT

RESOLVED, that upon approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute a rental agreement with Villa Maria College for the Youth & Recreational Services Department Special Olympics Basketball & Swim Programs for the 2013 & 2014 season.

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



17. RESOLUTION 2013-454

Unsafe-Unsecured/16A-D Glenwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 16A-D Glenwood Court, Cheektowaga, New York SBL# 91.15-1-15 that is a danger to the safety of others, and records kept by the Assessors Office identify Louis Migliore, 1034 Amherst Street, Buffalo, New York 14216, as the owner AND

WHEREAS, an inspection of such premises was conducted at 16 A-D Glenwood Court, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



18. RESOLUTION 2013-455

Unsafe-Unsecured Gutters/62 Ceil 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 62 Ceil Drive, Cheektowaga, New York SBL# 113.73-2-1 That is a danger to the safety of others, and records kept by the Assessors Office identify James Budzinski, 102 Hamlin Avenue, East Aurora, New York 14052, as the owner AND

WHEREAS, an inspection of such premises was conducted at 62 Ceil 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



19. RESOLUTION 2013-456

Unsafe-Unsecured/67 Laura 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 67 Laura Court, Cheektowaga, New York SBL# 113.64-4-6 that is a danger to the safety of others, and records kept by the Assessors Office identify Timothy Kacprowicz, 67 Laura Court, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 67 Laura 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



20. RESOLUTION 2013-457

Unsafe-Unsecured/36 Peachrow 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 Peachrow Lane, Cheektowaga, New York SBL# 91.06-11-32 that is a danger to the safety of others, and records kept by the Assessors Office identify Clair Loftus, 625 Delaware Avenue, Ste# 304, Buffalo, New York 14202, as the owner AND

WHEREAS, an inspection of such premises was conducted at 36 Peachrow 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



21. RESOLUTION 2013-458

Pool Demolition/30 Vegola 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 Vegola Avenue, Cheektowaga, New York SBL# 91.15-11-22 that is a danger to the safety of others, and records kept by the Assessors Office identify Gary & Karen Ryan, 30 Vegola Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 30 Vegola 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



22. RESOLUTION 2013-459

Demolition of Shed/36 Peachrow 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 Peachrow Lane, Cheektowaga, New York SBL# 91.06-11-32 that is a danger to the safety of others, and records kept by the Assessors Office identify Clair Loftus, 625 Delaware Avenue, Ste# 304, Buffalo, New York 14202, as the owner AND

WHEREAS, an inspection of such premises was conducted at 36 Peachrow 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



23. RESOLUTION 2013-460

Fill and Grade/40 Reo 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 40 Reo Avenue, Cheektowaga, New York SBL# 102.53-4-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Kym McBride, 92 Milburn, Buffalo, New York 14212, as the owner AND

WHEREAS, an inspection of such premises was conducted at 40 Reo 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



24. RESOLUTION 2013-461

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 immediately:

Elizabeth Langa	7/29/13	14043
Kirstin Lauer	7/08/13	14227

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following three (3) resolutions: 2013-461; 2013-462 and 2013-463. Motion carried.

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



25. RESOLUTION 2013-462

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 Attendant - 7140.1614 - \$9.00 - Regular Part-Time
Matthew Koszuta
Samantha Sieg

Recreation Attendant - 7140.1630 - \$9.00 - Regular Part-Time
Lisa Miller

Recreation Attendant - 7140.1614 - \$9.00 - Regular Part-Time
Debra Wright

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



26. RESOLUTION 2013-463

Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

FACILITIES DEPARTMENT

David W. Cunningham effective 7/4/13

Dean M. Mertowski effective 8/13/13

SEWER MAINTENANCE

Brian A. Dudek effective 8/17/13

Adam J. Cartenuto effective 8/20/13

Eric R. Cartenuto effective 8/24/13

Nicholas Kotarski effective 8/24/13

Eric M. Gentile effective 8/28/13

SANITATION DEPARTMENT

Jacob A. Glosek effective 8/24/13

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



27. RESOLUTION 2013-464

Appointment of Student Interns (Police Department)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, Jeremy W. Bauer, a student at Erie Community College, Caitlin M. Bemish and Caitlynn M. Schmidt, both 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 Department is willing to afford them the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Jeremy W. Bauer of Depew, New York, Caitlin M. Bemish of Lancaster, New York, and Caitlynn M. Schmidt 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. Bauer's, Ms. Bemish's and Ms. Schmidt's internships be and hereby are effective September 3, 2013 through December 31, 2013; AND, BE IT FURTHER

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

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



28. RESOLUTION 2013-465

Travel Authorization Police Department/Police Officers David Filipski and Brian Wesoloski

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the ALERT National Conference 2013 is being held September 9 through September 13, 2013 in Austin, Texas; AND

WHEREAS, Police Officers David Filipski and Brian Wesoloski have 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 \$2,408; AND

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

RESOLVED, that Police Officers David Filipski and Brian Wesoloski be and hereby are authorized to attend the ALERT National Conference 2013 being held September 9 through September 13, 2013 in Austin, Texas.

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



29. RESOLUTION 2013-466

Travel Authorization Senior Services/Director of Senior Services Kerry Switalski and Recreation Supervisor Dawn Bellere

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Senior Centers 2013 - Where Do We Go from Here Conference is being held October 2 through October 4, 2013 in Sturbridge, Massachusetts; AND

WHEREAS, Director of Senior Services Kerry Switalski and Recreation Supervisor Dawn Bellere have been recommended to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$1,457; AND

WHEREAS, these expenses have been budgeted by the Department; 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 Senior Centers 2013 - Where Do We Go From Here Conference being held October 2 through October 4, 2013 in Sturbridge, Massachusetts.

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

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - June 2013
2. Building Permits - August 2013
3. Minutes: Cheektowaga Planning Board - August 8, 2013
4. Minutes: Town Environmental Advisory Council - July 24, 2013

5. Minutes: Cheektowaga Conservation Advisory Council - July 18, 2013
6. Minutes: Cheektowaga Public Library - Board of Trustees - July 31, 2013

B. General Communications

1. Notice of Claim: Michael Baker Vs. Town of Cheektowaga
2. Notice of Claim: Dominic J. Corigliano Vs. Town of Cheektowaga
3. Notice of Claim: Jeremy Schwertfegar Vs. Town of Cheektowaga
4. Notice of Claim: Michael F Sebastiano, Jr. Vs. Town of Cheektowaga
5. Notice of Order: New York State - Department of Transportation: on the North Side of Walden Avenue, Between Ridge Park Avenue and Wanda Avenue
6. Notice of Order: New York State - Department of Transportation: 30 MPH on Genesee St. Adjacent to the New Creation Fellowship Academy, from 8:00 AM to 10:00 AM and 2:00 PM to 4:00PM Between a Point West of Donald Drive and West of Beach Road.

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Councilmember Markel; Seconded by Supervisor Holtz to adjourn the meeting.
Time 7:30 PM

Alice Magierski, Town Clerk

TO: Mary Holtz, Supervisor
Town Board Members

FROM: Mark Wegner
Superintendent of Highway

DATE: August 29, 2013

RE: SLOPE MOWER BID

On July 15, 2013 the Highway Department put out a bid for a new Multi - Purpose Slope Mower to replace the 2002 Holder C9700, bids were opened on July 31, 2013 with two bidders involved, one from Cyncon for \$139,939.00 which offered a Holder C9.92 and the other was from Viking Cives for the amount of \$123,090.00 which offered a Viking MB MSV. Due to many steep slopes in the town that needs to be cut by the Highway Department it is important that the Slope Mower meets specs, for efficiency and safety.

Based on the bid results and familiarity of the brand name that Viking Cives represents we requested a demo of the machine that they spec out. We contacted a Viking Cives representative numerous times to arrange for said demo and this demo finally occurred on Tuesday August 27, 2013. Upon demoing the machine it was determined that it was unable to perform the task necessary to safely and properly slope mow the areas that we maintain within the Town.

In addition there are several items in the bid spec that did not meet specifications for safe and effective operational slope mowing as a result could cause machine roll-overs resulting in serious injury. These items are:

1. Due to the many steep slopes in the town we need a mower that is capable to navigate such an incline, the Holder is capable of slopes up to 40 degrees, and the Viking is only capable of 30 degrees.
2. For traction we require outboard planetary gears which the Holder provides, the Viking has wheel motors.
3. We require the machine to be steerable. If a breakdown occurs we need the machine to be capable of movement to make it easier to move the equipment which is provided by the Holder, the Viking machine did not have this capability.
4. We require 4 inch spacers for a wider stance; the Viking machine did not meet specs. The Holder is capable of a wider stance giving it ability to maintain control and the desired path on the steep slopes.
5. The Holder has doors on both sides of the vehicle which is important for safety reason, the Viking has only one door and the cab area was extremely small making it uncomfortable and hard to maneuver around in for the operator.

For these reasons we have decided to go with the Holder C9.92 machine meeting the specs necessary for efficiency and safety. Thank you for your time on this matter.

Sincerely,

Mark D. Wegner
Superintendent of Highway



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, September 16, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 16, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
John Marriott, Planning Board Chairman
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearing

1. Install Curbing Along Northcrest Avenue

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: Stanley Kaznowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-467

Transfer of Funds-2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

FROM:	990.1910.2681	Light Standard Damages	\$2,683.00
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TO:	990.5182.4432	Repairs & Maintenance	\$2,683.00
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2013-468

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 16, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$313,430.39
RISK RETENTION FUND	64,226.21
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	3,340.00
SPECIAL DISTRICTS FUND	166,947.10
HIGHWAY FUND	38,147.08
CAPITAL FUND	454,204.26
TRUST & AGENCY FUND	9,052.29
HUD CDBG FUND	
PART TOWN FUND	3,035.90
NYS AFFORDABLE HOUSING	5,010.00
	<hr/>
	\$1,057,393.23

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



3. RESOLUTION 2013-469

Approval of the Improvement of Northcrest Avenue by the Construction and Installation of Curbing

Sponsored By: Kaznowski, Kaminski, Holtz

WHEREAS, a written petition dated September 3, 2013 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 Northcrest Avenue (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. 12, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows:
Northcrest Avenue, both sides, from the east side of Union Road to the west side of Orchard Place.

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 Northcrest Avenue described above, at a maximum cost of \$99,500.00, and

WHEREAS, a pavement has been heretofore constructed along said portion of Northcrest Avenue described in the petition, said petition was signed by the owners of real estate fronting or abutting upon either side of the portion of Northcrest Avenue 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 owning 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 Northcrest Avenue described in the petition on September 16, 2013 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 16th day of September, 2013 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 Northcrest Avenue,

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 Northcrest Avenue, 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 Northcrest Avenue 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 Northcrest Avenue 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 \$99,500.00, 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 record a certified copy of this Resolution Approving the Improvement of Northcrest Avenue 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:	Stanley Kaznowski, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2013-470

Notice to Bidders For Asbestos Survey for Property Located At 137 David Avenue (BID 2013-27 LAW)

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 a written report stating that the buildings located at 137 David Avenue are unsafe and recommended that such buildings be demolished; and

WHEREAS, the owner and/or lienholder of said property were notified to demolish the buildings on said property, and no action for demolition has been taken to date; and

WHEREAS, a hearing was held in front of this Board on August 19, 2013 concerning said unsafe buildings and the requested demolition; and

WHEREAS, the Town of Cheektowaga needs to take action to demolish the buildings 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 said buildings; 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 for property located at 137 David Avenue in the Town of Cheektowaga (Bid 2013-27); 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 Survey, Specifications and Air Monitoring Services for 137 David Avenue shall be due no later than Wednesday, September 25, 2013 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, September 25, 2013, at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, September 25, 2013, 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 property located at 137 David Avenue, Cheektowaga, New York (BID 2013-27).

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 September 2013

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



5. RESOLUTION 2013-471

Notice of Hearing for Demolition of 19 Euclid Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 19 Euclid Avenue in the Town of Cheektowaga (S.B.L. No. 101.60-3-29) 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 10, 2013; 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 7th day of October, 2013, 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



6. RESOLUTION 2013-472

Authorize Supervisor to Execute Grant Application For Tactical Team Training for Police Department

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the New York State Division of Homeland Security and Emergency Services - Office of Counter Terrorism has grant monies available through the FY2013 Tactical Team Targeted Grant Program; and

WHEREAS, the Cheektowaga Police Department seeks funding to advance the capabilities of their tactical team; 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 Division of Homeland Security and Emergency Services for the purpose of securing this grant; and BE IT FURTHER

RESOLVED, that the Supervisor and Chief of Police 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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2013-473

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 P. Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



8. RESOLUTION 2013-474

Authorize Purchase of Computer Equipment

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga's current server infrastructure requires HP Blade servers for compatibility; AND

WHEREAS, the Town needs to replace six obsolete Hewlett-Packard Blade servers that have reached the end of functional use; AND

WHEREAS, with the replacement of the obsolete servers, the Town will be able to reduce its Blade Server footprint from six current servers down to four, saving on power, cooling, and resources while consolidating several licenses; AND

WHEREAS, CDW-G of 230 Milwaukee Ave., Vernon Hills, IL 60061, holds the New York State Contract (Contract PT65350, Award NEG - 22103 E, Group 75350) for said equipment and has submitted a proposal to the Town at the State contract total cost of \$34,126.35; AND

WHEREAS, funding for said computer equipment is available from Information Services budget line item number 100.1680.2204; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of CDW-G and authorizes the purchase of Four (4) HP BL 460C GEN 8 10 GB FLB CTO BLADE Servers with all necessary and associated networking and equipment from:

CDW-G
230 Milwaukee Ave.
Vernon Hills, IL 60061

in accordance with their proposal dated 8/26/2013 for the total cost of \$34,126.35 ; and be it FURTHER

RESOLVED, that funding for said equipment, software and ancillary equipment shall be appropriated from budget line item number 100.1680.2204; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents necessary to effectuate the purchase of the aforementioned equipment.

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



9. RESOLUTION 2013-475

Memorialize New York State to Enact Legislation Relating to Mortgage Foreclosure of Vacant Properties

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, there are number of vacant properties in the Town of Cheektowaga which are vacant/abandoned and going through mortgage foreclosure, and

WHEREAS, under existing laws, it can take mortgage lenders 2+ years to finalize mortgage foreclosures, and

WHEREAS, in the meantime, the house is vacant and utilities are shut off, causing deterioration of the house and

WHEREAS, this negatively affects other properties in the neighborhood, and

WHEREAS, legislation is pending in the State Assembly (Bill No. A-8103) which would create a special part of New York State Supreme Court to handle mortgage foreclosures affecting vacant/abandoned homes, enabling lenders to expedite the proceedings, thus allowing homes to be sold and be occupied again, and

WHEREAS, this Board feels that this legislation may assist us with controlling deterioration of vacant properties in the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Senate, Assembly and Governor to support this legislation, 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, New York State Senator Timothy Kennedy and Governor Andrew Cuomo.

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



10. RESOLUTION 2013-476

Bonfire-Cleveland Hill/105 Maplevue Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Cleveland Hill High School to conduct a open fire on October 4, 2013 on the property located at 105 Maplevue 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 requirements 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2013-477

Fill and Grade/46 Awood 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 46 Awood Place, Cheektowaga, New York SBL# 91.18-1-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Cynthia Gabryszak, 46 Awood Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 46 Awood 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



12. RESOLUTION 2013-478

Remove Collapsed Gutters/35 Hedwig Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 35 Hedwig Avenue, Cheektowaga, New York SBL# 102.53-3-27 that is a danger to the safety of others, and records kept by the Assessors Office identify Edith Brodfuehrer, 35 Hedwig Avenue, Cheektowaga, New York 14211, as the owner AND

WHEREAS, an inspection of such premises was conducted at 35 Hedwig Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



13. RESOLUTION 2013-479

Remove Tarp from Roof/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 and 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2013-480

Safeguard Gutters/62 Ceil 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 62 Ceil Drive, Cheektowaga, New York SBL# 113.73-2-1 that is a danger to the safety of others, and records kept by the Assessors Office identify James Budzinski, 102 Hamlin Avenue, East Aurora, New York 14052, as the owner AND

WHEREAS, an inspection of such premises was conducted at 62 Ceil 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



15. RESOLUTION 2013-481

Unsafe-Unsecured/169 Garland Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 169 Garland Avenue, Cheektowaga, New York SBL# 113.63-2-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Norman Kazmierczak & Wife, 169 Garland Avenue, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 169 Garland Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



16. RESOLUTION 2013-482

Unsafe-Unsecured/717 Maplevue 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 717 Maplevue Road, Cheektowaga, New York SBL# 80.19-9-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Anne Barcelona, 5685 Broadway, Lancaster, New York 14086, as the owner AND

WHEREAS, an inspection of such premises was conducted at 717 Maplevue 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



17. RESOLUTION 2013-483

Unsafe-Unsecured/42 Parktrail 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 42 Parktrail Lane, Cheektowaga, New York SBL# 114.18-3-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Dennis Kimmith, 42 Parktrail Lane, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 42 Parktrail 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



18. RESOLUTION 2013-484

Reappointment to Board of Assessment Review

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the term of Debra S. Liegl as a Member of the Board of Assessment Review will expire on September 30, 2013, and

WHEREAS, Debra S. Liegl has requested reappointment to said Board and is qualified for said position; NOW, THEREFORE, BE IT

RESOLVED, that Debra S. Liegl of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Cheektowaga Board of Assessment Review, effective October 1, 2013 and terminating on September 30, 2018.

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



19. RESOLUTION 2013-485

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 Instructor - 7140.1664 - \$10.40 - Regular Part time (Retro to 9/12/13)
Joy Donnelly-Smith 14206

Recreation Attendant - 7140.1630 - \$10.00 - Regular Part-time (Retro to 9/3/13)
Lisa Miller

Recreation Aide to Recreation Attendant - 7140.1640 - \$7.40 - Regular Part-time
Jared Bulinski

Transfer from Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803

Regular Part-time

Ashley Carney
Emalee Danner
Caitlyn Ferber
Liza Fiorello
Allison Herman
Ann Marie Heide
Alysia Kent
Danielle Keller
Shannon Kelly
Sean McGowan
Amy McMahan
Melissa Nosal
Tyler Nosal
DeYonca Porter
Jenna Soldaczewski
Kristen Stadelmeyer
Maribeth Stadelmeyer
Rebecca Szyjka
Ryan Trapper

Transfer from Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803

Part-time

Jessica Elston
Jessica Gaffney
Kourtney Killian
Ashley Spencer
Natalie Stack
Brian Wroblewski

Transfer from Camp Dartwood 7140.1632 to Adapted Recreation Program 7310.1803

Regular Part-time

Jessica Malek
Tracey Marlinski

Transfer from Teen Club 7310.1814 to Adapted Recreation Program 7310.1803Regular Part-time

Jacquelyn Rieck

Transfer from Alexander Day Camps 7310.1801 to Adapted Recreation Program 7310.1803Seasonal to Regular Part-time - Recreation Attendant

Lily Boyd-Gamel
Brittany Donovan
Emily Ferber
Amanda Fischer
Angelina Rosati
Theresa Tripi

Transfer from Camp Dartwood 7140.1632 to Adapted Recreation Program 7310.1803Seasonal to Regular Part-time - Recreation Attendant

Carolyn Reczek

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following two resolutions: 2013-485 and 2013-486. Motion carried.

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



20. RESOLUTION 2013-486

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:

JUSTICE COURT (Drug Court) Clerk \$15.00/hour effective 9/17/13
Mary Ann Zajdowicz, Depew, NY 14043

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

SANITATION DEPARTMENT
Mark P. Mez effective 8/31/13
Deion M. Zachery effective 8/31/13

JUSTICE COURT (Drug Court) Clerk
Charles T. Szymborski effective 9/19/13

BUILDING AND PLUMBING DEPARTMENT
Luke D. Work effective 8/23/13
Michael P. Borrelli effective 8/10/13
Mark A. Hitchcock effective 8/23/13

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



21. RESOLUTION 2013-487

Transfer of Park Maintenance Worker I (Facilities Department) to Laborer (Highway Department)/James P. Hoerner

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that James P. Hoerner of Cheektowaga, New York be and hereby is transferred to the title 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 September 9, 2013.

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



22. RESOLUTION 2013-488

Appointment of Motor Equipment Operator-A (Non-Competitive/Permanent) Sewer Maintenance Department/Michael A. Lewandowski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-A in the Sewer Maintenance Department; AND

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

WHEREAS, Michael A. Lewandowski, currently employed as a Senior Sewage Maintenance Worker in the Sewer Maintenance Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael A. Lewandowski of Depew, New York, be and hereby is appointed to the position of Motor Equipment Operator-A in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 17, 2013.

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



23. RESOLUTION 2013-489

Travel Authorization Building and Plumbing Department/Planner Daniel J. Ulatowski

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the New York Upstate Chapter American Planning Association/ASLA Annual Conference is being held September 26 through September 27, 2013 in Schenectady, New York; AND

WHEREAS, Planner Daniel J. Ulatowski has been recommended to attend said conference; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$347; AND

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

RESOLVED, that Planner Daniel J. Ulatowski be and hereby is authorized to attend the New York Upstate Chapter American Planning Association/ASLA Annual Conference being held September 26 through September 27, 2013 in Schenectady, New York.

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

V. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - August 21, 2013

B. General Communications

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting.
Time: 7:15 PM.

Alice Magierski, Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, October 1, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on October 1, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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. Resolutions



1. RESOLUTION 2013-490

Special Event - Cleveland Hill 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 5, 2013, 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 5, 2013, 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, October 7, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 7, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
William Pugh, Town Engineer
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings

1. Demolition of 19 Euclid Avenue

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

IV. Resolutions



1. RESOLUTION 2013-491

Transfer of Funds-2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

GENERAL

FROM:	100.1410.1255	Town Clerk Fees	\$525.00
	100.7140.1971.1615	Pt. Reg. Rec. Instructor Aid to Youth	100.00
	100.7140.1971.1615	Pt. Reg. Rec. Instructor Aid to Youth	700.00
	100.7140.1971.1612	Pt. Reg. Rec. Attendants C.C. Play	1,000.00
	100.7140.1971.1636	Pt. Reg. Soccer Salaries	1,200.00
	100.7140.1971.1640	Pt. Reg. Inline Skating	3,500.00
	100.7140.1971.1642	Pt. Reg. Tennis Salaries	1,400.00
	100.7140.1971.1654	Pt. Reg. Basketball Salaries	1,300.00
	100.7140.1971.1815	Pt. Reg. Outdoor Basketball Salaries	1,300.00
	100.7310.1971.1803	Pt. Reg. Adapted Rec. Program	4,400.00
	100.7180.1971.1901	Pt. Reg. Bathhouse Attendants-Beach	8,000.00
	100.7140.1971.1645	Pt. Reg. Sports Rotation Salaries	6,000.00
	100.7310.1971.1803	Pt. Reg. Adapted Rec. Program	1,000.00
	100.7310.1971.1816	Pt. Reg. Youth Conservation Corps.	2,000.00
	100.7310.1971.1816	Pt. Reg. Youth Conservation Corps.	1,600.00
TO:	100.1410.4001	Office Supplies	\$525.00
	100.7140.1971.1624	Pt. Reg. Polish Festival Support	100.00
	100.7140.1971.1627	Pt. Reg. Volleyball Salaries	700.00
	100.7140.1971.1627	Pt. Reg. Volleyball Salaries	1,000.00
	100.7140.1971.1633	Pt. Reg. Softball Salaries	1,200.00
	100.7140.1971.1639	Pt. Reg. Hockey Salaries	3,500.00
	100.7140.1971.1646	Pt. Reg. Sports Camp Salaries	1,400.00
	100.7140.1971.1646	Pt. Reg. Sports Camp Salaries	1,300.00
	100.7140.1971.1646	Pt. Reg. Sports Camp Salaries	1,300.00
	100.7310.1971.1801	Pt. Reg. Alexander Day Camp	4,400.00
	100.7310.1971.1804	Pt. Reg. Administrative Interns	8,000.00
	100.7310.1971.1804	Pt. Reg. Administrative Interns	6,000.00
	100.7310.1971.1804	Pt. Reg. Administrative Interns	1,000.00
	100.7310.1971.1804	Pt. Reg. Administrative Interns	2,000.00
	100.7310.1971.1811	Pt. Reg. Youth Cons. Corps Supervisor	1,600.00

PART TOWN

FROM:	800.3620.2770	Permits & Inspections	\$73,900.00
TO:	800.3620.2303	Over the Road Vehicles	\$73,900.00

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



2. RESOLUTION 2013-492

Warrant

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 7, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$282,990.56
RISK RETENTION FUND	28,756.62
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	8,217.42
SPECIAL DISTRICTS FUND	457,529.86
HIGHWAY FUND	351,402.37
CAPITAL FUND	409,176.82
TRUST & AGENCY FUND	2,618.66
HUD CDBG FUND	16,189.48
PART TOWN FUND	2,912.67
NYS AFFORDABLE HOUSING	20,400.00
	<hr/>
	\$1,580,194.46

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



3. RESOLUTION 2013-493

Award of Bid - 2014 Cab & Chassis with Refuse Packer Body (Bid 2013-26)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) new and unused 2014 Conventional Cab & Chassis with Refuse Packer Body Vehicles for the Town Sanitation Department (Bid 2013-26), which bids were duly received and opened at a public bid opening conducted on August 21, 2013, AND

WHEREAS, said bids were referred to representatives of the Town's Sanitation Department, Central Garage and Engineering Department for evaluation, analysis, tabulation and report which is detailed in a letter from the Town Engineer dated September 27, 2013, AND

WHEREAS, said report recommends that the bid for the furnishing of two (2) new and unused 2014 Conventional Cab & Chassis with Refuse Packer Body Vehicles be awarded to Fleet Maintenance Inc. for their bid proposal utilizing a Freightliner Model No. 114SD Conventional Cab & Chassis with McNeilus Refuse Body, said bid being the lowest bid meeting all the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of two (2) 2014 Conventional Cab & Chassis with Refuse Packer Body Vehicles is hereby awarded to:

Fleet Maintenance Inc.
67 Ransier Drive, West Seneca, New York 14224

for their bid in the amount of \$401,282.00 for the two (2) above described Cab & Chassis with Refuse Packer Body Vehicles, AND, BE IT FURTHER

RESOLVED, that funding for said vehicle purchase shall be chargeable to Account No: 15-8160-2306.

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



4. RESOLUTION 2013-494

Award of Bid for Asbestos Survey and Air Monitoring Services for Property Located at 137 David Avenue (Bid 2013-27 LAW)

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 structures on property located at 137 David Avenue have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said buildings are unsafe and recommended that such structures be demolished and removed; and

WHEREAS, by resolution adopted August 5, 2013 (2013-405), this Town Board ordered that the buildings on said property be either repaired or demolished, and directed that the respective owner(s) or others responsible for the buildings on said 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 said 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 plans for same; and

WHEREAS, on September 16, 2013, this Town Board issued a Notice to Bidders (Bid 2013-27 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain Aurora Environmental LLC to perform said asbestos survey, specifications and project monitoring work for the sum of \$2,591.50, and, if required, a further sum of \$249.00 per day and \$6.95 per sample for additional air monitoring and sampling at the site; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Aurora Environmental LLC, 1850 Davis Road, West Falls, New York 14170, to perform said asbestos survey and abatement work (if necessary) for 137 David Avenue for the sum of \$2,591.50 and, if required, a further sum of \$249.00 per day and \$6.95 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 Aurora 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



5. RESOLUTION 2013-495

Accept Site Plan- 4455 Genesee Street

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Scott Schuler submitted a development review application for a parking area expansion at 4455 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of September 12, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan subject to the following conditions:

1. The Town Engineer review and approve the drainage grading plan.

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



6. RESOLUTION 2013-496

Accept Site Plan- 4990 Transit Road

Sponsored By: Councilmember Kaminski, Councilmember Markel

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Penny Armitage, R.A. on behalf of Beck Financial Group submitted a development review application for the conversion of an existing dwelling into an administrative office at 4990 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That water supply and sewage disposal facilities will meet the demands of the Project; and
- f. That the Project incorporates adequate vegetation and trees; and
- g. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and

- h. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- i. That the project is not anticipated to generate air pollution or objectionable odors; and
- j. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- k. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The Town Engineer review and approve the grading/drainage plan.
2. The owner provide a perpetual vehicular access easement along his/her north and south property lines.

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



7. RESOLUTION 2013-497

Call for Public Hearing - 2014 Benefit Basis Budget

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2014 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 29th day of October, 2013 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 17, 2013.



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 29, 2013 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 7, 2013
Published: October 17, 2013

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



8. RESOLUTION 2013-498

Call for Public Hearing - 2014 Preliminary Ad Valorem Budget

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 2014, 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 1, 2013, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 5:30 P.M. on the 29th day of October, 2013, 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 17, 2013, 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, 2014, 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 1, 2013.

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 29th day of October, 2013 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 7, 2013
Published: October 17, 2013

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



9. RESOLUTION 2013-499

Notice to Bidders - Pick Up Truck (Bid 2013-28)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Sewer Maintenance Department is in need of a new pick-up truck, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 23, 2013 at 11:00 am at the Town Hall, at which time they will be publicly opened and read aloud.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 23, 2013 at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) 2014 Chevrolet Silverado 1500, 1WT 4WD Standard Box, Double Cab Pick-Up Truck, or equal, for use by the Sewer Maintenance Department (Bid 2013-28).

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

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

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

Alice Magierski
Town Clerk

DATED: October 7, 2013

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



10. RESOLUTION 2013-500

Notice to Bidders - Two (2) Pick-Up Trucks (Bid 2013-29)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, the Facilities Department is in need of two (2) new pick-up trucks, 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 Facilities Department, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 23, 2013 at 11:00 am, at the Town Hall, at which time they will be publicly opened and read aloud.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 23, 2013 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) 2014 Chevrolet Silverado 2500 HD Regular Cab, Long Box WT 4 WD Pick-Up Trucks, or equal, for use by the Facilities Department (Bid 2013-29).

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

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

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

Alice Magierski
Town Clerk

DATED: October 7, 2013

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



11. RESOLUTION 2013-501

Notice to Bidders - 2013 or 2014 Ford Transit Connect Vehicle (Bid 2013-30)

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 One (1) New and Unused 2013 or 2014 Ford Transit Connect XLT Van (or Equivalent) for use by the Cheektowaga Police Department, Animal Control Division (Bid 2013-30)

RESOLVED, that sealed bids will be received by the Town Clerk on the 16th day of October, 2013 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.



NOTICE TO BIDDERS

Sealed proposals will be received and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, October 16th, 2013 at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of One (1) New and Unused 2013 or 2014 Ford Transit Connect XLT Van (or Equivalent) for use by the Cheektowaga Police Department, Animal Control Division, as specified. (Bid 2013-30)

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of One (1) New and Unused 2013 or 2014 Ford Transit Connect XLT Van (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

Dated: October 7th, 2013

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



12. RESOLUTION 2013-502

Notice to Bidders - Furnishing of Refuse Collection Totes (BID NO. 2013-31 LAW)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, this Town Board desires to advance the implementation of a Town Wide Recycling Collection Roll Out Tote Program to enhance recycling 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 Recycling Collection Totes and Lids (BID NO. 2013-31 LAW), said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of October, 2013 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 23, 2013 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 35, 65 and 95 Gallon Recycling Totes, and Lids for Recycling 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 Recycling Totes and Lids" 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: October 7, 2013

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



13. RESOLUTION 2013-503

Notice to Bidders for the Collection and Disposal of Recyclable Materials (BID NO. 2013-32 LAW)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town's agreement for the Collection and Disposal of Recyclable Materials expires on March 31, 2014, and

WHEREAS, the Town wishes to continue to have an outside contractor collect and dispose of recyclable materials left at curbside by Town residents for the term commencing on April 1, 2014 and ending on March 31, 2019 (with an option for another five (5) year renewal), NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders (BID NO. 2013-32 LAW) in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that the Town Clerk is directed to open sealed bids for the Collection and Disposal of Recyclable Materials at a public bid opening to be held on the 23rd day of October, 2013 in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York 14227.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids are sought and requested for the collection and disposal of recyclable materials for the Town of Cheektowaga for the term April 1, 2014 through March 31, 2019 (5 Years), with an option to renew the contract for another Five (5) Years.

Sealed proposals must be filed with the Town Clerk's Office no later than October 23, 2013 at 11:00 A.M., at which time they will be publicly opened by a representative of the Town Clerk's Office.

Information for bidders and specifications may be obtained at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 during regular business hours (Monday through Friday, 9:00 A.M. to 4:30 P.M.).

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

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, may waive any informalities, make an award to other than the lowest bidder or reject any and all bids should it be in the best interests of the Town.

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

Dated: October 7, 2013

Alice Magierski, Town Clerk

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



14. RESOLUTION 2013-504

Authorize Purchase of Copy Machines

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, due to heavy usage and age, copy machines in the Supervisor's Office/Accounting Department, Law Department, Town Clerk's Office and Community Development/Housing Department are experiencing frequent breakdowns requiring frequent service calls and maintenance; and

WHEREAS, Erie 1 Board of Cooperative Educational Services ("BOCES") solicited bids for the purchase of photocopiers for use by them, school districts and municipalities in the Western New York area; and

WHEREAS, the New York State General Municipal Law, Section 103, authorizes the purchase by the Town of said photocopiers under contracts let by any other agency of the State, provided said contract was let in a manner that constituted competitive bidding consistent with State Law, and further provided that provision was made in the bid documents enabling municipalities to utilize said bid award, thereby eliminating the need for competitive bidding by the Town and thus allowing "piggybacking" off the BOCES' bid; and

WHEREAS, the BOCES' bid documents and award contained such provisions; and

WHEREAS, a local vendor, Eagle Systems, Inc., was a successful bidder and was awarded the bid by BOCES (BOCES Bid #CE060713C) and is an authorized dealer for Toshiba copiers under said contract; and

WHEREAS, the Town of Cheektowaga solicited quotations from Eagle Systems to purchase copy machines for the abovementioned Town departments; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase copy machines shown on the following list through the contract awarded by Erie 1 Board of Cooperative Educational Services ("BOCES"), Bid #CE060713C, utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225, at a total cost not to exceed \$35,686.00, said cost including delivery, surge protectors, installation on servers or workstations, and removal and return of the hard drives on the present copiers to the Town of Cheektowaga for destruction; and BE IT FURTHER

RESOLVED, that the cost per copy for maintenance and supplies for said copiers for a guaranteed two-year period, commencing on the date of installation of said copiers, will be \$0.008 per black and white copy and \$0.006 per color copy; and BE IT FURTHER

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents and maintenance agreements with Eagle Systems, Inc., to effectuate the purchase subject to the review and approval of same by the Town Attorney.

DEPARTMENT	TOSHIBA COPIER MODEL	PRICE
Supervisor/ Accounting	eStudio 5540c	\$7,136.00
Law	eStudio 656	\$5,445.00
Town Clerk	eStudio 5540c	\$9,551.00
Housing	eStudio 3055c	\$4,552.00
Community Development	eStudio 5540c	\$9,002.00

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



15. RESOLUTION 2013-505

Purchase Play Equipment for Alexander Community Center

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, The Facilities Department, Parks Division has requested authorization to purchase Playground Equipment for Alexander Community Center, contract awarded to GameTime by municipal contract as per NYS bill 5525,

WHEREAS, funds for said purchase have been budgeted and are available under account number 100-7110-2304 - \$34,959.20, 100-7140-4025 - \$1,000.00, 100-7140-4464 - \$1,000.00, 100-7140-4517 - \$1,000.00, 100-7140-4518 - \$1,000.00, 100-7140-4601 - \$2,000.00, 100-7310-2501 - \$4,000.00, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of Park Equipment as detailed on the attached quotation for Alexander Community Center in the amount of \$44,959.20 from:

GameTime
C/O MRC
P. O. Box 106
Spring Lake, NJ 07762

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



16. RESOLUTION 2013-506

Unsafe-Unsecured/85 Beryl Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 85 Beryl Drive, Cheektowaga, New York SBL# 91.18-4-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Daniel Hosler, 3220 Seneca Street, West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 85 Beryl Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



17. RESOLUTION 2013-507

Unsafe-Unsecured Pond/5 Coralwood 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 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 Mischler, 150 S Roosevelt Road, Apt #2083, Mesa, AZ 85202, 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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2013-508

Proclaim "Freedom from Workplace Bullies Week"

Sponsored By: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

WHEREAS, the Town of Cheektowaga has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, this 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 Supervisor and Council of the Town of Cheektowaga hereby proclaim October 20 - 26, 2013, "Freedom from Workplace Bullies Week."

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



19. RESOLUTION 2013-509

Opposition to Closing of Children's Psychiatric Center

Sponsored By: Holtz, Rogowski, Kaznowski, Markel, Kaminski, Wozniak

WHEREAS, the State Office of Mental Health has unveiled a sweeping plan to consolidate and reduce the number of state-run psychiatric hospitals from 24 to 15 over a three year period. Plans include the closing of all children's psychiatric centers and inpatient units including the West Seneca Children's Psychiatric Center and combining these units into "Centers of Excellence" generally designed to serve adult patients with significant mental disorders, not children. Many of these adult patients are individuals designated through the criminal justice system; and

WHEREAS, institutionalization of children in these "Centers of Excellence" will require the sharing of facilities and services with adult psychiatric patients. Children currently in residence at the West Seneca Children's Psychiatric Center are between the age of 4 years and 18 years of age and are at high risk for future institutionalization without the proper care and treatment. The resulting exposure of these children at risk at the proposed "Centers of Excellence" to adult influence and circumstances beyond their control is both unhealthy and dangerous; and

WHEREAS, the closure of children's centers, similar to the Children's Psychiatric Center located in West Seneca, will result in many children from other areas of the state being housed in institutions far away from their homes, in Utica, Buffalo or Albany, thus creating unacceptable hardships for families expecting to stay in contact with their children serviced by these distant "institutions." Accommodations for these children at risk should be made in all regions of the state in order to allow families to stay connected; NOW THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board acknowledges the importance of maintaining an adequate and safe environment for our citizens and especially for children at risk; and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board opposes the combining of children's psychiatric services in "Centers of Excellence" with adult patients and supports the retention of separate "Centers of Excellence" exclusively for children in comfortable and park like settings similar to those found at the Western New York Children's Psychiatric Center located in West Seneca, New York; and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board requests that the appropriate Senate and State Legislature Committees convene and seek public comment and input regarding the State Office of Mental Health's sweeping plan; and that the Senate and Assembly consider the creation of separate "Centers of Excellence for Children's Care" at sites located across New York State, including at the Western New York Children's Psychiatric Center located in West Seneca; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Senator Timothy M. Kennedy, Assemblyman Dennis H. Gabryszak, and Governor Andrew M. Cuomo, requesting their attention and assistance in retaining as a "Center of Excellence for Children's Care," the Western New York Children's Psychiatric Center located in West Seneca, New York, rather than closing and abandoning another state facility.

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



20. RESOLUTION 2013-510

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 Thursday, October 31, 2013 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 Thursday, October 31, 2013 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



21. RESOLUTION 2013-511

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:

Ryan Arne	8/18/13	14043
Kelly Astyk	8/15/13	14227
Ashley Bajer	8/24/13	14225
Christopher Balash	8/23/13	14215
Chelsea Balistieri	8/16/13	14225
Michaela Barone	8/19/13	14225
Adam Barrett	8/17/13	14225
Brad Bauman	8/15/13	14227
Ross Bauman	8/15/13	14227
Bryce Bielanin	8/15/13	14215
Cassidy Bobeck	8/16/13	14225
Emily Bowen	8/17/13	14225
Derek Bull	4/16/13	14225
Samantha Burton	8/15/13	14225
Jessica Calandra	8/16/13	14215
Nolan Calos	8/15/13	14227
Kenneth Carlucci III	8/14/13	14227
Tyler Casillo	8/21/13	14227
Jessie Cecere	8/12/13	14225
Paul Cianflone	8/16/13	14227
Elizabeth Coffta	8/23/13	14206
Nicholas Coronado	8/27/13	14225
Ariana D'Agostino	8/16/13	14225
Andrew Deeds	8/17/13	14211
William Dickinson	8/16/13	14225
Tyler Ditta	8/14/13	14211
Julianne Doetterl	8/24/13	14227
Tyler Dronckowski	8/19/13	14227
Margaret Drzewiecki	8/15/13	14225
Matthew Eckle	8/22/13	14225
Meghan Eckle	8/16/13	14225
Myranda Empric	8/16/13	14215
Daniel Eye	8/21/13	14225
Melissa Farrugio	8/27/13	14227
Lindsey Fritch	8/16/13	14215
Thomas Fritton	Never Worked	14043
Joshua Fruchtel	8/16/13	14225
Joshua Galante	8/30/13	14206
Shelby Gennocro	Never Worked	14225
Maryann Glab	8/23/13	14227
Katie Gramlich	8/14/13	14225
Dakota Grantham	8/23/13	14225

Samuel Grantham	8/22/13	14225
Kayla Green	8/17/13	14225
James Hanners	8/14/13	14225
Zac Hermanski	8/18/13	14225
Catherine Huber	8/16/13	14225
Austin Hughes	8/16/13	14225
Cody Jeziorski	8/11/13	14227
Brian Johnson	8/23/13	14227
Elizabeth Johnston	8/24/13	14227
Samantha Johnston	8/24/13	14227
Sarah Kapanek	8/16/13	14206
Michael Keller	8/15/13	14225
Christopher Kelley	8/23/13	14215
Neina Kelley	Never Worked	14211
Stephen Kelly	8/16/13	14211
Caitlin Kerling	8/15/13	14225
David Kerling Jr.	8/16/13	14225
Amanda Kiripolsky	8/16/13	14215
Christopher Kiripolsky	8/16/13	14215
Megan Kocinski	8/15/13	14225
Raena Koppel	8/16/13	14225
Kaitlyn Kraebel	8/16/13	14227
Rachel Kuechle	8/14/13	14225
Amanda Kraus	8/17/13	14225
Keith Kwiatkowski	8/23/13	14227
Rebecca Langa	8/16/13	14043
Grace Leggio	Never Worked	14215
Alex Lenhard	8/23/13	14227
Lindsay Lennertz	8/16/13	14224
Ryan Londos	8/17/13	14043
Joshua MacTarnaghan	8/16/13	14043
Joseph Malicki	8/16/13	14043
Robert Malicki	Never Worked	14206
Annie Maran	8/16/13	14227
Demetri McCallie	8/20/13	14225
Kelly McCulloch	8/27/13	14227
Noah McGhee	8/16/13	14225
Shelby Metzger	8/15/13	14043
Andrew Meyerhofer	8/18/13	14225
Bailey Michalski	8/21/13	14227
Morgan Miecznikowski	8/16/13	14225
Liz Monaco	8/18/13	14225
Cassidy Moore	8/16/13	14225
Allison Musial	8/20/13	14225
Eric Nash	8/23/13	14206
Paul Nazzairet III	8/15/13	14227
Matthew Nichy	8/30/13	14043
David Nowak	8/23/13	14225
Mindy Odrobina	8/18/13	14043
Kari Orłowski	8/8/13	14225
Ryan Osswald	8/20/13	14225
Tyler Pawłowski	8/15/13	14225
Katelin Petrančuk	8/16/13	14227
Timothy Petrančuk Jr.	8/16/13	14227

Christie Petre	8/17/13	14211
Sara Piwowarski	8/15/13	14043
Leah Polvinale	8/23/13	14227
Samantha Poules	8/16/13	14227
Robert Pulkownik	8/16/13	14227
Nicole Putland	8/16/13	14225
Jacob Radlich	7/31/13	14225
Noah Radlich	8/14/13	14225
Stephanie Reesor	8/16/13	14211
Emma Reid	8/20/13	14043
Caitlin Rieck	8/24/13	14225
Marcus Rosten	8/26/13	14225
Zachery Russillo	8/16/13	14227
Robert Rustowicz	8/16/13	14225
Andrew Samer	8/23/13	14227
Kaylee Sandel	8/23/13	14227
Jacob Sauer	8/23/13	14227
Jayson Schultz	Never Worked	14211
Ashley Schrader	8/16/13	14225
Kristen Schugardt	8/16/13	14043
Brandon Seifert	8/16/13	14225
Adam Skowron	8/23/13	14227
Corey Smith	8/30/13	14227
Courtney Smith	7/6/13	14206
Karl Smith	Never Worked	14043
Tyler Smith	8/16/13	14043
Austin Snyder	8/24/13	14225
Ashley Sokol	8/16/13	14227
Michael Sokol	8/22/13	14227
Tyler Sprada	8/21/13	14206
Emily Speidel	8/16/13	14225
Robyn Stanley	8/16/13	14225
Josh Strzelec	8/16/13	14211
Christopher Suchan	8/30/13	14227
David Taylor	8/16/13	14215
Kyle Tobin	8/16/13	14215
Lauren Tomaschko	8/16/13	14225
Michael Tomczak	8/22/13	14227
Cerene Usinski	8/16/13	14225
Zachary Uzar	8/23/13	14227
Bradley Vargo	8/23/13	14225
Katie Walkowiak	8/16/13	14227
Chelsea Wartinger	8/16/13	14043
Alexis Wayne	8/16/13	14227
Samantha Wayne	8/16/13	14227
Jennifer Weber	8/15/13	14225
Joseph Weber	8/14/13	14225
Brandon Wheeler	8/15/13	14225
Kelsey Wiegert	8/15/13	14211
Harley Wiertel	8/19/13	14227
Daniel Wierzba	8/23/13	14212
Mariah Wilson	8/16/13	14225
Alexandria Wnuk	8/14/13	14043
Hayley Wnuk	8/21/13	14043

Tyler Welsh	8/21/13	14225
Jessica Woods	8/19/13	14225
Michael Wrona	8/23/13	14225
Benjamin Zaccagnino	8/22/13	14206
Anastasia Zarbo	8/16/13	14227
Michael Zarbo	8/16/13	14227
John Zastempowski IV	8/9/13	14227

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the reading of names for the following three (3) resolutions: 2013-511; 2013-512 and 2013-513. Motion carried.

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



22. RESOLUTION 2013-512

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 Alexander Day Camps 7310.1801 to Adapted Recreation Program - 7310.1803
Recreation Instructor Seasonal to Recreation Specialist Regular Part-time - \$15.00
Beatrice Quinn

Lifeguard I Seasonal to Lifeguard I Regular Part-time - 7180.1903 - \$8.25
Samuel Alfonso

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



23. RESOLUTION 2013-513

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:

OFFICE OF THE TOWN ASSESSOR Clerk \$8.50/hour effective 10/2/13
Danette D. Brzozowski, Sloan, New York
Amanda J. Murphy, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 10/8/13
Justin H. Griner, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$16.10/hour effective 10/7/13
Brian E. Bailey, Sr., Depew, New York

RECORDS CENTER Senior Clerk Typist (Grant) \$15.00/hour effective 10/8/13
Sandra J. Fetter, Sloan, New York
Joseph S. Fedyna, Cheektowaga, New York
Evelyn Adamski, Cheektowaga, New York

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

POLICE DEPARTMENT
Joshua J. Burgett effective 9/22/13
Jeffrey A. Jacobs effective 9/1/13

SANITATION DEPARTMENT
Daniel R. Piccuilla, Jr. effective 9/5/13
David A. Marchitte effective 5/7/13
Zachary W. Crabtree effective 9/14/13
Walter Szafraniec effective 9/14/13

FACILITIES DEPARTMENT
Christian S. Suszek effective 9/15/13
Robert J. Bommer, III effective 9/17/13
Ryan J. Kowal effective 8/9/13
Garrett M. Pyc effective 5/21/13

ACCOUNTING DEPARTMENT
Jaclyn P. Eckel effective 8/23/13

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



24. RESOLUTION 2013-514

Appointment to Board of Assessment Review

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, there is a vacancy on the Board of Assessment Review caused by the resignation of Steven Adamski, and

WHEREAS, David Burkhardt requested appointment to said Board and is qualified for said position, NOW, THEREFORE, BE IT

RESOLVED, that David Burkhardt of Depew, 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, 2015.

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



25. RESOLUTION 2013-515

Appointment of Zoning Board Member

Sponsored By: Markel, Holtz, Kaznowski

WHEREAS, there is a vacancy in the position of member of the Zoning Board of Appeals, and

WHEREAS, Steven Adamski has applied for said position and meets the qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Steven Adamski of Cheektowaga, New York be and hereby is appointed to the position of Member of the Zoning Board of Appeals, effective immediately and terminating on December 31, 2015.

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



26. RESOLUTION 2013-516

Creation of One (1) Senior Clerk Typist (Seasonal) and Three (3) Senior Clerk Typist (Part Time) Positions

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that this Town Board hereby create one (1) Seasonal Senior Clerk Typist position and three (3) Part-Time Senior Clerk Typist positions pursuant to Civil Service Laws and Rules effective October 8, 2013.

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



27. RESOLUTION 2013-517

Appointment of Park Maintenance Worker I (Labor/Permanent) Facilities Department (Parks Division)/Marc R. Slazak

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

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

WHEREAS, Marc R. Slazak, currently an Automotive Mechanic in the Central Garage, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Marc R. Slazak of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I in the Facilities Department (Parks Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 28, 2013.

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



28. RESOLUTION 2013-518

Travel Authorization Youth and Recreational Services (Executive Director Ellen Fischer)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Association of New York State Youth Bureaus Directors Training and Conference is being held October 23 through October 25, 2013 in Albany, New York; AND

WHEREAS, Executive Director Ellen Fisher 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 \$600; AND

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

RESOLVED, that Executive Director Ellen Fischer be and hereby is authorized to attend the Association of New York State Youth Bureaus Directors Training and Conference being held October 23 through October 25, 2013 in Albany, New York.

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



29. RESOLUTION 2013-519

Travel Authorization Police Department/Public Safety Dispatchers Raymond Heron, Kevin Cross, Richard Renner, David Maguda and Robert Rackl

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Active Shooter Incidents for Public Safety Communications training is being held October 15, 2013 at the Genesee County Sheriff's Office; AND

WHEREAS, Public Safety Dispatchers Raymond Heron, Kevin Cross, Richard Renner, David Maguda and Robert Rackl 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 \$1,035; AND

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

RESOLVED, that Public Safety Dispatchers Raymond Heron, Kevin Cross, Richard Renner, David Maguda and Robert Rackl be and hereby are authorized to attend the Active Shooter Incidents for Public Safety Communications training being held October 15, 2013 at the Genesee County Sheriff's Office.

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



30. RESOLUTION 2013-520

Travel Authorization Police Department/Police Officers Thomas Rogers and Paul Nazzarett

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the LEOTTA Social Media Investigations for Investigators and Analysts is being held November 20 through November 21, 2013 in Columbus, Ohio; AND

WHEREAS, Police Officers Thomas Rogers and Paul Nazzarett have 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 \$926; AND

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

RESOLVED, that Police Officers Thomas Rogers and Paul Nazzarett be and hereby are authorized to attend the LEOTTA Social Media Investigations for Investigators and Analysts being held November 20 through November 21, 2013 in Columbus, Ohio.

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



31. RESOLUTION 2013-521

Travel Authorization Police Department/Police Officers Sean Trapper and Daniel Clifford

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, Conducting Complete Traffic Stops training is being held October 16 through October 17, 2013 in Syracuse, New York; AND

WHEREAS, Police Officers Sean Trapper and Daniel Clifford 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 \$259; AND

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

RESOLVED, that Police Officers Sean Trapper and Daniel Clifford be and hereby are authorized to attend Conducting Complete Traffic Stops training being held October 16 through October 17, 2013 in Syracuse, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, 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 two (2) resolutions. 2013-522 and 2013-523. Motion Carried.
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1. RESOLUTION 2013-522

Accept Proposal for Emergency Generator Maintenance

Sponsored By: Councilmember Rogowski, Councilmember Kaminski

WHEREAS, a regularly scheduled Preventative Maintenance Program for Town owned emergency generator systems is required to ensure proper operation during an emergency, AND

WHEREAS, the Town Engineering Department has solicited quotations from various vendors to fulfill an annual Preventative Maintenance Program for the Fall of 2013 and Spring/Fall of 2014 calendar years for all Town owned emergency generator systems located at various Town owned facilities, including the Town Hall, Police Department, Senior Citizens Center, Highway Department, Central Garage and at numerous sewer district facilities, NOW, THEREFORE, BE IT

RESOLVED, that the contract for preventative maintenance be awarded to:

Kinsley Power Systems
2235 Kenmore Avenue
Tonawanda, NY 14207

for the submission of their proposal of \$1,368.00 for 2013 and \$5,040.00 for 2014, being the lowest proposal submitted, AND, BE IT FURTHER

RESOLVED, that \$460.00 (2013) and \$1,654.00 (2014) shall be chargeable to the Sewer Maintenance Department Account #255-8125-2500 and \$712.00 (2013) and \$2,697.00 (2014) shall be chargeable to the Facilities Department Account #100-1625-4432 and \$196.00 (2013) and \$689.00 (2014) shall be chargeable to the Highway Department Account #100-5132-4432.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2013-523

Bonfire-Maryvale School/1050 Maryvale Drive

Sponsored By: Councilmember Markel, 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 Maryvale High School to conduct a open fire on October 15, 2013 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 requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Maryvale High School and the recommendations of 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:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

VI. Communications

A. Departmental Communications

1. Town of Cheektowaga 2014 Tentative Budget
2. Town of Cheektowaga 2014 Tentative Benefit Basis Budget
3. Building Permit List - September 2013
4. Minutes: Cheektowaga Planning Board - September 12, 2013
5. Minutes: Cheektowaga Conservation Advisory Council - September 5, 2013
6. Minutes: Cheektowaga Traffic Safety Commission - July 16, 2013
7. Minutes: Town Environmental Advisory Committee - September 18, 2013
8. Minutes: Cheektowaga Public Library - Board of Trustees - September 18, 2013

B. General Communications

1. Notice of Claim: Barbara Hales vs. Town of Cheektowaga & Etal
2. Notice of Claim: Mattie Malbory vs. Town of Cheektowaga
3. Notice of Claim: Dennis B. Thomas II vs. Town of Cheektowaga
4. Summons & Complaint: Premises - 44 Allison Drive -JP Morgan Chase Bank, NA - vs. Daniel Pizarro, Valerie Pizarro, the Town of Cheektowaga & Etal
5. Summons & Complaint: Premises - 621 Mt. Vernon Rd. - HSBC Bank USA, NA vs. David A. Holdsworth & Etal

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to adjourn the meeting at 7:19 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, October 21, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 21, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Absent	
James P. 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

Patrick Bowen, Assistant Town Engineer
Brian Krause, Director of Finance and Administration
Kevin Schenk, Town Attorney
Jeffrey Whiting, Deputy Town Attorney

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-524

Transfer of Funds-2013

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

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

FROM:	800.3620.2770	Permits and Inspections	\$4,552.00
TO:	800.3620.2201	Office Equipment	\$4,552.00
GENERAL			
FROM:	100.9501.9211	Bond Interest	\$22,132.00
	100.3120.4031	Prisoner Meals	10,000.00
	100.1415.4001.1003	Archive Grant	50,000.00
	100.1415.3500	SARA Grant	24,032.00
	100.1415.3500	State Aid Archive	34,702.00
TO:	100.1315.2201	Office Equipment	\$7,136.00
	100.1410.2201	Office Equipment	9,551.00
	100.1420.2201	Office Equipment	5,445.00
	100.3120.2501	Other Equipment	10,000.0
	100.1415.3500	SARA Grant	50,000.00
	100.1415.4001	Contractual Services	24,032.00
	100.1415.2000	Equipment	10,420.00
	100.1415.1901	Payroll	12,558.00
	100.1415.8000	Employee Benefits	3,857.00
	100.1415.4500	Supplies & Equipment	7,867.00

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



2. RESOLUTION 2013-525

Warrant

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 21, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$4,516,672.58
RISK RETENTION FUND	1,145,936.07
NYS HOME PROGRAM	
DEBT	26,110,749.97
HUD HOUSING REHABILITATION FUND	4,800.00
SPECIAL DISTRICTS FUND	979,747.94
HIGHWAY FUND	585,785.18
CAPITAL FUND	288,945.93
TRUST & AGENCY FUND	108,946.98
HUD CDBG FUND	2,182.25
PART TOWN FUND	232,634.43
NYS AFFORDABLE HOUSING	5,175.00
	<hr/>
	\$33,981,576.33

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



3. RESOLUTION 2013-526

Amend Resolution 2013-504 - Authorize Purchase of Copy Machines

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

WHEREAS, by Resolution 2013-504, this Town Board authorized the purchase of copy machines from Eagle Systems, Inc., by "piggybacking" off BOCES' bid #CE060713C and authorized the Town Supervisor to enter into a maintenance and supply agreement for said copiers; and

WHEREAS, the Resolution mistakenly stated the model numbers of the copiers being purchased for the Supervisor/Accounting Department, the Town Clerk's Office, and Community Development, and mistakenly stated the cost per copy during the guaranteed two-year period of the maintenance and supply agreement; NOW, THEREFORE, BE IT

RESOLVED, that the list of copiers referred to in the first "RESOLVED" paragraph in Resolution 2013-504 be and hereby is amended to read as follows:

"DEPARTMENT	TOSHIBA COPIER MODEL	PRICE
Supervisor/ Accounting	eStudio 5540ct	\$7,136.00
Law	eStudio 656	\$5,445.00
Town Clerk	eStudio 6540ct	\$9,551.00
Housing	eStudio 3055c	\$4,552.00
Community Development	eStudio 5540ct	\$9,002.00 "

and BE IT FURTHER

RESOLVED, that the second "RESOLVED" paragraph in Resolution 2013-504 be and is hereby amended to read as follows:

"RESOLVED, that the cost per copy for maintenance and supplies for said copiers for a guaranteed two-year period, commencing on the date of installation of said copiers, will be \$0.008 per black and white copy and \$0.06 per color copy; and BE IT FURTHER...."

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



4. RESOLUTION 2013-527

Amend Notice to Bidders - 2013 or 2014 Ford Transit Connect Vehicle (Bid 2013-30)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, by resolution dated October 7, 2013 (Resolution No. 2013-501) this Town Board authorized and directed the Town Clerk to publish a Notice to Bidders in connection with the Purchase of One (1) New and Unused 2013 or 2014 Ford Transit Connect XLT Van (or Equivalent) for use by the Police Department, Animal Control Division (Bid 2013-30), with the notice to be published in the CHEEKTOWAGA BEE with a bid opening to be held on October 16, 2013 at 11:00 AM, AND

WHEREAS, inadvertently, the Notice to Bidders was not published in the CHEEKTOWAGA BEE; as such, the bid opening date needed to be delayed so that an Amended Notice to Bidders could be published in the CHEEKTOWAGA BEE, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish an amended Notice to Bidders in connection with the proposed purchase of this vehicle, with sealed bids to be received and opened by the Town Clerk on the 30th day of October, 2013 at 11:00 AM at a public bid opening to be held in the Council Chambers of Cheektowaga Town Hall.



NOTICE TO BIDDERS (AMENDED)

Sealed proposals will be received by the Town of Cheektowaga on October 30, 2013 at 11:00 AM at the Town Hall, corner of Broadway and Union Roads, for the Purchase of a 2013 or 2014 Ford Transit Connect XLT Van (or Equivalent) for use by the Cheektowaga Police Department, Animal Control Division.

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

This Notice to Bidders shall supersede a previously issued Notice to Bidders for the subject vehicle purchase amending the bid opening date from October 16, 2013 to October 30, 2013.

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

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

Alice Magierski, Town Clerk

DATED: October 21, 2013

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



5. RESOLUTION 2013-528

Negative SEQR Declaration - 585 Aero Drive International Union of Painters

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 Roberts Shackleton & Boy for the construction of a 7,658 s.f. building addition to an existing training facility at 585 Aero Drive, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 16, 2013 recommended a determination of non-significance as shown on the attached memorandum dated October 16, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of June 13, 2013, 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 the State Environmental Quality Review Act (SEQRA).

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



6. RESOLUTION 2013-529

Negative SEQR Declaration - 590 Duke Road Derrick Manufacturing Corp.

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 Scheid Architectural on behalf of Derrick Manufacturing Corp. for the construction of a 57,600 s.f. building addition to an existing manufacturing facility at 590 Duke Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 16, 2013 recommended a determination of non-significance as shown on the attached memorandum dated October 16, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of October 10, 2013, 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 the State Environmental Quality Review Act (SEQRA).

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



7. RESOLUTION 2013-530

Negative SEQR Declaration- 4990 Transit Road Beck Financial Group

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 Penny Armitage, R.A. for the conversion of an existing dwelling into an administrative office at 4990 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 21, 2013 recommended a determination of non-significance as shown on the attached memorandum dated August 21, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of September 12, 2013, 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 the State Environmental Quality Review Act (SEQRA).

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



8. RESOLUTION 2013-531

Negative SEQR Declaration - 1620 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 Charles J. Basil with the permission of the land owner, Walden Avenue Distributors for the rezoning of 1620 Walden Avenue from CM-General Commercial to MS- Motor Services re-use of an existing warehouse for a motor service facility, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 16, 2013 recommended a determination of non-significance as shown on the attached memorandum dated October 16, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of July 11, 2013, 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 the State Environmental Quality Review Act (SEQRA).

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



9. RESOLUTION 2013-532

Accept Site Plan- 585 Aero Drive International Union of Painters

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Roberst Shackleton & Boy submitted a development review application for the construction of a 7,658 s.f. building addition to an existing training facility at 585 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Project's vehicular access and circulation, will function efficiently and without significant off-site impacts; and
- b. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- c. That water supply and sewage disposal facilities will meet the demands of the Project; and
- d. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- e. That the project is not anticipated to generate air pollution or objectionable odors; and
- f. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- g. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The Town Engineer review and approve the grading/drainage plan.

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



10. RESOLUTION 2013-533

Accept Site Plan- 590 Duke Road Derrick Manufacturing Corp.

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Scheid Architectural on behalf of the owner, Derrick Manufacturing Corp. submitted a development review application for a 57,600 s.f. building addition to an existing manufacturer, at 590 Duke road, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings are well-designed and will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways, pavement surfaces, dividers and traffic controls are well-designed and the Site will function efficiently and without significant off-site impacts; and
- c. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- d. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and
- e. That the sites existing drainage facilities are adequate to meet the demands of the Project; and
- f. That water supply and sewage disposal facilities will meet the demands of the Project; and

- g. That the Project incorporates adequate vegetation and trees; and
- h. That the fire lanes and emergency access zones and provision of fire hydrants are acceptable to the Town; and
- i. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- j. That the project is not anticipated to generate air pollution or objectionable odors; and
- k. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
- l. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The Town Engineer review and approve the grading/drainage plan.

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



11. RESOLUTION 2013-534

Accept Site Plan- 3465 Genesee Street Urban Amigone Funeral Home

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Vincent Amigone submitted a development review application for the construction of a 1,500 s.f. building addition to an existing funeral home at 3465 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of October 10, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan.

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



12. RESOLUTION 2013-535

Accept Site Plan- 1620 Walden Avenue Basil Ford

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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Charles J. Basil submitted a development review application for the conversion of an existing warehouse at 1620 Walden Avenue into a motor service facility, AND

WHEREAS, the Town of Cheektowaga Planning Board, Environmental Advisory and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Project's vehicular access and circulation, will function efficiently and without significant off-site impacts; and
- b. That the proposed parking exceeds Town requirements as it relates to the number of spaces for off-street parking and loading and will meet the demands of the Project; and
- c. That the proposed pedestrian walkways will maximize the safety and efficiency of pedestrian movements on the Site; and
- d. That water supply and sewage disposal facilities will meet the demands of the Project; and
- e. That the Project incorporates adequate vegetation and trees; and
- f. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
- g. That the project is not anticipated to generate air pollution or objectionable odors; and
- h. That the quality of surface water and sanitary sewer discharges will not be degraded as

a result of the project; and

- I. The Project will be both compatible with surrounding uses and the project is consistent with the Town's comprehensive plan.

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



13. RESOLUTION 2013-536

Approval of Rezoning of 1620 Walden Avenue

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 1620 Walden Avenue Distributors Associates, LLC and located at 1620 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, for the re-use of an existing warehouse for a motor service facility, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of September, 2013 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 Charles Basil for the rezoning from CM-General Commercial District to MS-Motor Services District of the property described in the attached legal description for a reuse of a warehouse for a motor service facility be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that any future additions to the development or site plan must be resubmitted to the Town Board to determine whether the addition is substantially in agreement wit the intent of this rezoning and site plan approval, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 24, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northwest line of Walden Avenue Extension at the southwest corner of lands formerly conveyed to Nathan Rovner by deed dated March 25, 1953 and recorded in the Erie County Clerk's Office, New York in Liber 5293 of Deeds, page 136; thence northeasterly along the northwesterly line of Walden Avenue Extension, one hundred sixty-five

(165) feet; thence northerly parallel with the westerly line of lands so conveyed to Nathan Rovner, two hundred eighty (280) feet; thence westerly at right angles about one hundred fifty-three and fifty-nine hundredths (153.59) feet to the west line of land so conveyed to Nathan Rovner; thence southerly along the west line of lands so conveyed to Nathan Rovner about three hundred forty and thirty hundredths (340.30) feet to the point of beginning.

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



14. RESOLUTION 2013-537

Call for Public Hearing -Rezoning of 3900 & 3926 Broadway

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Column Development, Inc. With the permission of the owner, Alden State Bank has made application and requested the rezoning of 3900 and 3926 Broadway from M1-Light Manufacturing to MS- Motor Service for the conversion of an existing office and accessory warehouse to a truck rental facility, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 18, 2013 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 18th day of November 2013 at 6:45 P.M., of said day for the purpose of considering the application of:

Column Development, Inc

for the rezoning of 3900 and 3926 Broadway from M1- Light Manufacturing to MS-Motor Service for the conversion of an existing office and accessory warehouse to a truck rental facility.

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY

Alice Magierski, TOWN CLERK

LEGAL DESCRIPTION PARCEL I

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 2, Township 11, Range 7 of the Holland Land Company Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 39 is known as part of subdivision Lots 37, 38, 39 and 40, bounded and described as follows: BEGINNING at a point in the northerly line of New Broadway Road a distance of 113.71 feet southwesterly from the intersection of the westerly line of Dick Road (formerly Schoolhouse Road) as now located and the northerly line of New Broadway Road as presently laid out (said present intersection being 67.24 feet further westerly of the previous intersection due to the latest taking by P.S.C. 4094 and described in part of Map 1, Parcel 1), said point of beginning also being the southeast corner of premises heretofore conveyed by the grantor to W. Eugene

Franklin, George Donald Franklin and Joan M. Way by deed recorded in the Erie County Clerk's Office in Liber 9465 of Deeds at page 620; thence northerly at an interior angle of 70° 33' 15" and along the easterly line of the aforesaid conveyance a distance of 342.72 feet to the south line of lands conveyed to Angelo M. Fatta and Elmer Gerbracht by deed recorded in the Erie County Clerk's Office in Liber 9415 of Deeds at page 132; thence easterly and along the south line of the aforesaid Fatta-Gerbracht lands a distance of 80.45 feet to the westerly line of Dick Road as now laid out; thence southerly along the westerly line of Dick Road a distance of 261.49 feet to an iron pipe on the westerly line of the above taking by P.S.C. 4094 as described in Map 1, Parcel 1; thence southwesterly along the southwesterly line of said taking a distance of 67.0 feet to the northerly line of New Broadway Road; thence westerly along the northerly line of New Broadway Road a distance of 113.71 feet to the point and place of beginning.

LEGAL DESCRIPTION PARCEL II

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 2, Township 11, Range 7 of the Holland Land Company's Survey and according to a Map filed in the Erie County Clerk's Office under Cover No. 39 is known as part of Subdivision Lot 40, bounded and described as follows:

BEGINNING at a point in the northerly line of New Broadway Road a measured distance of 483.89 feet and a recorded distance of 483.60 feet from the intersection of the northerly line of New Broadway Road with the westerly line of Sublot 34 as shown on said Map, said point of beginning being the southeast corner of lands conveyed to Gaeton Solmaine by Deed recorded in the Erie County Clerk's Office in Liber 3322 of Deeds at page 344; running thence northerly parallel with the westerly line of Sublot 40 and along the easterly line of the lands formerly owned by said Solmaine a measured distance of 301.90 feet; thence easterly at an interior angle of 92° a distance of 0.43 feet; thence northerly at an exterior angle of 90° 20' 40" a distance of 55.01 feet; thence easterly at an interior angle of 92° 01' 02" a distance of 62.08 feet; thence southerly at an interior angle of 85° 20' 10" a distance of 342.72 feet to the northerly line of New Broadway Road, at a point which is 57.79 feet easterly from the place of beginning; thence westerly along the northerly line of New Broadway Road a distance of 57.79 feet to the point and place of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 2, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the westerly property line of lands conveyed to W. Eugene Franklin, George Donald Franklin and Joan M. Way by deed as recorded in the Erie County Clerk's Office in Liber 9465 Page 620, said point being 301.90 feet northerly from the intersection of said westerly property line of W. Eugene Franklin, et al, with the northerly line of New Broadway; thence westerly at an exterior angle of 89° 39 minutes 20 seconds 100 feet along the northerly property line of lands conveyed to Gaeton Solmaine by deed as recorded in the Erie County Clerk's Office Liber 3322 Page 344; thence northerly at an interior angle of 88° 43.05 feet; thence easterly at an interior angle of 92 degrees 19.50 feet; thence northerly at an exterior angle of 82 degrees 41 minutes 06 seconds 43.98 feet; thence easterly at an interior angle of 83 degrees 08 minutes 10 seconds 106.07 feet; thence southerly at an interior angle of 96 degrees 49 minutes 56 seconds 32.00 feet along the westerly property line of lands conveyed to Angelo M. Fatta and Elmer Gerbracht by deed recorded in the Erie County Clerk's Office in Liber 9415 Page 132; thence westerly at an interior angle of 84 degrees 23 minutes 40 seconds 24.79 feet along the northerly property line of Liber 9465 Page 620 of Deeds; thence southerly at an exterior angle of 92 degrees 01 minutes 20 seconds 55.01 feet along the westerly line of Liber 9465 page 620 of Deeds; thence westerly at an interior angle of 90 degrees 20 minutes 40 seconds a distance of 0.43 feet to the point and place of beginning.

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



15. RESOLUTION 2013-538

Notice To Bidders -Custodial Supplies for 2014, 2015, 2016 (Bid 2013-33)

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 2014, 2015 and 2016 (Bid 2013-33), NOW THEREFORE BE IT

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

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

RESOLVED, that sealed bids will be received on the 13th day of November, 2013 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 November 13, 2013 at 11:00 AM at Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2014, 2015, and 2016 (Bid 2013-33).

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James P. Rogowski, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT: Mary Holtz



16. RESOLUTION 2013-539

Authorize Supervisor to Execute Grant Application for License Plate Readers for Police Department

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, grant monies are available to municipalities through the State Farm Insurance Companies Foundation; and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of funding from this philanthropic program to enhance various police operations; NOW, THEREFORE, 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:	James P. Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



17. RESOLUTION 2013-540

Authorize Purchase of Copy Machines for Police Department

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

WHEREAS, due to heavy usage and age, copy machines in the Police Department are experiencing frequent breakdowns requiring frequent service calls and maintenance; and

WHEREAS, Erie 1 Board of Cooperative Educational Services ("BOCES") solicited bids for the purchase of photocopiers for use by them and school districts and municipalities in the Western New York area; and

WHEREAS, the New York State General Municipal Law, Section 103, authorizes the purchase by the Town of said photocopiers under contracts let by any other agency of the State, provided said contract was let in a manner that constituted competitive bidding consistent with State Law, and further provided that provision was made in the bid documents enabling municipalities to utilize said bid award, thereby eliminating the need for competitive bidding by the Town and thus allowing "piggybacking" off the BOCES' bid; and

WHEREAS, the BOCES' bid documents and award contained such provisions; and

WHEREAS, a local vendor, Eagle Systems, Inc., was a successful bidder and was awarded the bid by BOCES (BOCES Bid #CE060713C) and is an authorized dealer for Toshiba copiers under said contract; and

WHEREAS, the Town of Cheektowaga Police Department solicited quotations from Eagle Systems to purchase copy machines for the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase copy machines shown on the following list through the contract awarded by Erie 1 Board of Cooperative Educational Services ("BOCES"), Bid #CE060713C, utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225, at a cost of \$9,846.00, said cost including delivery, surge protectors, and installation on servers or workstations, and an additional \$400.00 for the removal and return of the hard drives on the present copiers to the Town of Cheektowaga for destruction, for a total cost not to exceed \$10,246.00; and BE IT FURTHER

RESOLVED, that the cost per copy for maintenance and supplies for said copiers for a guaranteed two-year period, commencing on the date of installation of said copiers, will be \$0.08 per black and white copy and \$0.06 per color copy; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from equipment lines 100-3020-4029 (\$9,846.00 copiers) and 100-1320-4431 (\$400.00 removal of hard drives) from the Police Department budget; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents and maintenance agreements with Eagle Systems, Inc., to effectuate the purchase subject to the review and approval of same by the Town Attorney.

DEPARTMENT	TOSHIBA COPIER MODEL	PRICE
Police	eStudio 356	\$3,389.00
Police	eStudio 5540c	\$6,857.00

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



18. RESOLUTION 2013-541

Approve New License Issuing Agent Agreement with DEC

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, the Town of Cheektowaga has sold conservation (hunting and fishing) licenses on behalf of the NYS Department of Environmental Conservation ("DEC") for a number of years, and

WHEREAS, the NYSDEC DECALS System will be starting a new License Issuing Agent Agreement commencing on December 1, 2013 with a new vendor for its services, and

WHEREAS, the DEC is requiring all towns in New York State to renew their previous agreements to enable them to continue selling conservation licenses on behalf of the DEC, and

WHEREAS, the new agreement has been reviewed by the Town Clerk and Town Attorney and has been found acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned agreement between the DEC and the Town of Cheektowaga commencing on December 1, 2013, and BE IT FURTHER

RESOLVED, that the Town Clerk and/or Town Supervisor be and hereby are authorized to execute this agreement in behalf of the Town.

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



19. RESOLUTION 2013-542

Approve Use of Fuel Cards Through NYS Contract

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, on occasion, Town employees, including members of the Cheektowaga Police Department, travel outside of the Town boundaries for training seminars and other matters, and

WHEREAS, when these officers and employees are out of Town with a Town vehicle, they may need to purchase gasoline for their vehicles, and

WHEREAS, presently, when gasoline is purchased out of town, the officer/employee must pay full price, including sales tax, for the gasoline, and

WHEREAS, New York State Office of General Services has awarded a statewide contract (Contract Group 79008, Award 22445 (Fuel Card Services) which is available for use by all governmental agencies in New York State, and

WHEREAS, pursuant to this contract, Fuel Cards can be utilized at retail fuel locations throughout New York State and nationwide for fuel supplied by multiple companies; fuel discounts and deduction of applicable taxes are thus applied to the fuel purchases, and

WHEREAS, the Town of Cheektowaga wishes to avail itself of this State Contract, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to utilize New York State OGS Contract Group 79008, Award 22445 (Fuel Card Services) for police officers and other Town employees to obtain fuel cards to purchase fuel when they are out of town on Town business

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



20. RESOLUTION 2013-543

Asbestos Testing & Monitoring Contract for 1007 Walden

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property at 1007 Walden Avenue was acquired in connection with a project funded with Neighborhood Stabilization grant funds provided by the New York State Housing Finance Agency and the Department of Housing & Urban Development, AND

WHEREAS, in accordance with NEW YORK state law said property must be tested for asbestos materials prior to demolition, AND

WHEREAS, air quality monitoring must also be conducted during the removal of any asbestos found, AND

WHEREAS, proposals for said air quality testing and monitoring services at said location were also solicited by the Office of Community Development pursuant to procurement guidelines adopted by the Town Board and regulations governing the Neighborhood Preservation and Community Development Block Grant Programs, AND

WHEREAS, the Director of Community Development has recommended that a contract for professional testing and air quality monitoring services at 1007 Walden Avenue be awarded to Environmental Educational Associates, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a contract with Environmental Educational Associates, Inc., 346 Austin Street, Buffalo, New York 14207 to perform necessary asbestos testing and air quality monitoring services at 1007 Walden Avenue, Cheektowaga, New York, for a fee not to exceed \$2,870.00, said cost to be charged to the Community Development Block Grant Program.

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



21. RESOLUTION 2013-544

Unsafe-Unsecured/36 Barbara 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 36 Barbara Place, Cheektowaga, New York SBL# 101.28-1-3 that is a danger to the safety of others, and records kept by the Assessors Office identify HSBC Bank USA, NA, 2929 Walden Avenue, Depew, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 36 Barbara Place, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



22. RESOLUTION 2013-545

Unsafe-Unsecured/67A-D Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 67A-D Windwood Court, Cheektowaga, New York SBL# 91.14-2-21 that is a danger to the safety of others, and records kept by the Assessors Office identify Fred Leo and Wife, 50 Constitution Avenue, West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted at 67 A- D Windwood Court, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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



23. RESOLUTION 2013-546

Unsafe-Unsecured/1581 East 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 East 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, 537 Rowley Road, Depew, New York 14043, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1581 East 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:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



24. RESOLUTION 2013-547

Special Event - South Line Fire Co. Halloween Parade

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, South Line Volunteer Fire Company has made application to hold their Annual Halloween Parade on Saturday, October 26, 2013 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 26, 2013 at 7:00 PM, 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 P. Rogowski, Councilmember
AYES:	Rogowski, Markel, Kaznowski, Kaminski, Wozniak
ABSENT:	Mary Holtz



25. RESOLUTION 2013-548

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:

David Chwojdak	10/3/13	14227
Matthew Lanning	10/3/13	14225
Michael Lewandowski	10/3/13	14043
Michael McGregor	8/16/13	14227
Stephen Pfalzer	10/3/13	14043

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for the following three (3) resolutions: 2013-548; 2013-549 and 2013-550. Motion Carried.

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



26. RESOLUTION 2013-549

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 - 7140.1611 - Part-time - \$7.25
Nicolas Schuler 14227

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



27. RESOLUTION 2013-550

Termination/Amendment of Part-Time/Seasonal Employees

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

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

SANITATION DEPARTMENT

Dominique Pearsall effective 10/1/13

Marc P. Beang effective 10/5/13

Michael J. Cristina effective 10/5/13

Sharrone M. Johnson effective 10/5/13

Keith Pignatora effective 10/12/13

BE IT FURTHER RESOLVED, that the following employees' appointment dates be amended as follows:

OFFICE OF THE TOWN ASSESSOR Clerk \$8.50/hour

Danette D. Brzozowski effective date from 10/2/13 to 9/17/13

Amanda J. Murphy effective date from 10/2/13 to 9/19/13

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



28. RESOLUTION 2013-551

Travel Authorization (Police Department)/Lieutenant Brian Gould

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, the 2013 National Alliance on Mental Illness - New York State Educational Conference is being held November 15 through November 17, 2013 in Albany, New York; AND

WHEREAS, Police Lieutenant Brian Gould 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 \$128; AND

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

RESOLVED, that Lieutenant Gould is authorized to attend the 2013 National Alliance on Mental Illness - New York State Educational Conference being held November 15 through November 17, 2013 in Albany, New York.

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

IV. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - July 2013**
2. **Town of Cheektowaga Emergency Services: Quarterly Report for July to September 2013**
3. **Minutes: Cheektowaga Traffic Safety Commission on September 17, 2013**

B. General Communications

1. **Notice of Claim: Roger & Michelle Comier, individually and as Parents and Natural Guardian of Mishayla Cormier 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 Markel to adjourn the meeting at 7:08pm

Alice Magierski, Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, October 29, 2013

5:30 PM

Council Office

I. Call to Order

5:30 PM Meeting called to order on October 29, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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. Public Portion

III. Public Hearings at 5:30 PM

1. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Brian Krause, Director of Finance and Administration
Kevin Schenk, Town Attorney
Kerry Switalski, Senior Services Director

2. 2014 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: James P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

3. 2014 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: James P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Enter Into Executive Session

At 6 PM motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to discuss matters relating to the discipline, hiring/termination/appointment of employees. Motion Carried.

V. Exit Executive Session

At 6:10 PM a motion by Supervisor Holtz; Seconded by Councilmember Markel to exit Executive Session. Motion Carried.

VI. Resolution at 6:12 PM

1. **Additional Attendees**

Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney



2. RESOLUTION 2013-552

Approve Snow and Ice Removal Agreement with Erie County for 2013-2016

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, the Town's current agreement with the County of Erie for the removal of snow and ice on certain County roads expired on August 31, 2013, and

WHEREAS, the County of Erie has submitted to the Town Of Cheektowaga a snow and ice removal contract for a three (3) year period, from September 1, 2013 to August 31, 2016, and

WHEREAS, said agreement is acceptable to the Town Superintendent of Highways,
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement with the County of Erie for snow and ice removal on behalf of the Town Of Cheektowaga.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, November 4, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 4, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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 Gould, Lieutenant Cheektowaga Police
Paul Hockwater, Sr. Dispatcher
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

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2013-553

Transfer of Funds-2013

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

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

HUD

FROM: 900.8600.4910 NYS AHC Revenues \$75,000.00

TO: 900.8668.4009 Loans from Program \$75,000.00

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



2. RESOLUTION 2013-554

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 4, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$4,531,084.31
RISK RETENTION FUND	970,325.79
NYS HOME PROGRAM	15,314.00
DEBT	
HUD HOUSING REHABILITATION FUND	28,302.73
SPECIAL DISTRICTS FUND	943,225.22
HIGHWAY FUND	1,403,687.53
CAPITAL FUND	523,647.53
TRUST & AGENCY FUND	1,324.31
HUD CDBG FUND	2,586.73
PART TOWN FUND	204,730.28
NYS AFFORDABLE HOUSING	39,781.00
	<hr/>
	\$8,664,009.43

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



3. RESOLUTION 2013-555

Adopt Benefit Basis Budget for 2014

Sponsored By: Holtz, Kaznowski, Rogowski, Markel, Kaminski, Wozniak

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 29th day of October, 2013 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 2014.

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



4. RESOLUTION 2013-556

Adopt Ad Valorem Budget for 2014

Sponsored By: Holtz, Kaznowski, Rogowski, Markel, Kaminski, Wozniak

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 2014 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, 2014, and a public hearing was conducted there on October 29, 2013 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, 2014.

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



5. RESOLUTION 2013-557

Award of Bid - 2014 Chevrolet Silverado1500 Pick-Up Truck (Bid No. 2013-28)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 2014 Chevrolet Silverado 1500, 1WT 4WD Standard Box, Double Cab Pick-Up Truck for the Sewer Maintenance Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, two (2) bids were received and referred to the Engineering Department for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the furnishing of one (1) new and unused 2014 Chevrolet Silverado Pick-Up Truck be awarded to:

Emerling Chevrolet Inc.
9000 Boston State Road
Boston, New York 14025

for their total bid in the amount of \$26,052.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #255-8125-2550 and #255-8125-2500.

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



6. RESOLUTION 2013-558

Award of Bid - Two (2) 2014 Ford F-250 XL, 4X4, Regular Cab Pick-Up Trucks (Bid 2013-29)

Sponsored By: Councilmember Kaminski, Councilmember Markel

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) 2014 Chevrolet Silverado 2500 HD Regular Cab, Long Box WT 4WD Pick-Up Trucks, or equal, for the Facilities Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, only one (1) bid was received which was from a Ford dealer for two (2) 2014 Ford F-250 XL, 4X4, Regular Cab Pick-Up Trucks, which are equivalent to the Chevrolet Silverado, AND

WHEREAS, said bid was referred to the Engineering Department for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the furnishing of two (2) new and unused 2014 Ford F-250 XL, 4X4, Regular Cab Pick-Up Trucks be awarded to:

Basil Ford Inc.
1540 Walden Avenue
Cheektowaga, New York 14225

for their total bid in the amount of \$45,552.00, 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 and #7110-2303.

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



7. RESOLUTION 2013-559

Award of Bid - Ford Transit Connect Vehicle (Bid 2013-30)

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the purchase of one (1) New and Unused 2013 or 2014 Ford Transit Connect Vehicle (or Equivalent) for use by the Police Department Animal Control Division, 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 purchase of one (1) new and unused 2013 Ford Transit Connect Vehicle (or Equivalent) be awarded to Basil Ford Inc., 1540 Walden Avenue, Cheektowaga, NY 14225, with said vendor meeting all set bidding conditions of the specifications, AND, BE IT

RESOLVED, that the purchase price will be \$20,850.00, AND, BE IT FURTHER

RESOLVED, that funds are available and will be procured from Budget Line 100-1640-2509.

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



8. RESOLUTION 2013-560

Change Order No. 1 for Contract for Demolition of 257 Chapel Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the contract for the Demolition and Asbestos Abatement of 257 Chapel Avenue was awarded to Regional Environmental Demolition, Inc. by Resolution 2013-421, adopted August 19, 2013 (and subsequently amended for correction by Resolution 2013-440 adopted September 3, 2013) for the contract amount of \$28,800.00 (Bid 2013-24 Law); and

WHEREAS, subsequent to said bid award, the Town was notified that an additional 350 square feet of asbestos-containing Transite Siding was found on the second floor of the structure, which was not observable at the time of the pre-demolition asbestos survey and not included in bid specifications for demolition; and

WHEREAS, the removal and proper disposal of said asbestos material will cost an additional \$1,469.55; and

WHEREAS, the Town's agent, Nussbaumer & Clarke, Inc., recommends the approval of Change Order No. 1 (final) which provides for contract modifications for the removal of said asbestos- containing materials; 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 the amount of \$1,469.55, 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



9. RESOLUTION 2013-561

Call for Public Hearing - Rezoning Request Part of 1669 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Benderson Development Co., LLC has made application and requested the rezoning of a portion of 1669 Walden Avenue from CM- General Commercial to MS- Motor Service for the construction of a 15, 000 s.f. vehicle repair facility with collision services, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 18th, 2013 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 18th day of November, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Benderson Development, Co., LLP

for the rezoning of a portion of 1669 Walden Avenue from CM- General Commercial to MS- Motor Service for the construction of a 15,000 s.f. vehicle repair facility with collision services

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

BY ORDER OF THE TOWN BOARD, Town of Cheektowaga, NY

Alice Magierski, TOWN CLERK



LEGAL DESCRIPTION

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 24, Township 11, Range 7 of the Holland Land Company's Survey, described as follows;

Commencing at a point in the northerly line of Dale Road at the intersection of the said northerly line of Dale Road and the Easterly line of map cover 372, thence

easterly along said northerly line of Dale road a distance of one hundred eighty and fifty-six hundredths feet (180.56') to the point or place of beginning;

Thence continuing easterly along said northerly line of Dale road a distance of two hundred thirty-one and fourteen hundredths feet (231.14') to a point in the easterly line of Randall Benderson 1993-1 Trust by Liber 10904 and Page 8690;

Thence northerly and forming an interior angle of 71°58'27" and along said easterly line of Randall Benderson 1993-1 trust a distance of two hundred thirty-six and forty-nine hundredths feet (236.49') to a point;

Thence westerly forming an interior angle of 91°32'52" a distance of two hundred nineteen and eighty-five hundredths feet (219.85') to a point;

Thence southerly forming an interior angle of 88°27'29" a distance of one hundred seventy and ninety hundredths feet (170.90') to the point or place of beginning. Containing 1.03 acres of land more or less.

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



10. RESOLUTION 2013-562

Call for a Public Hearing to Amend the Taxicab Law

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Chapter 23 of the Code of the Town of Cheektowaga, entitled "Taxicabs" was adopted by the Town Board on October 21, 1985, and

WHEREAS, said law requires anyone who operates a taxicab or similar vehicle-for-hire to obtain a permit from the Town Clerk and to otherwise comply with the other provisions of said law, and

WHEREAS, the Town Clerk and Police Department have recommended that this law be repealed and that a new Taxicab Law be enacted, and

WHEREAS, the Town Attorney's Office has drafted a new Taxicab Law, and

WHEREAS, the Petitions Committee has reviewed this draft law and has recommended approval of same, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 18th day of November, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2013-4 of the Year 2013 entitled "A Local Law to Amend the Taxicab Law" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 18th day of November, 2013 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2013-4 of the Year 2013, entitled "A Local Law to Amend the Taxicab Law". A summary of such Local Law is as follows:

LOCAL LAW INTRO NO. 2013-4 OF THE YEAR 2013

A LOCAL LAW TO AMEND THE TAXICAB LAW

This local law would repeal the existing Taxicabs Law and replace it with a new Taxicab Law which would generally require owners and drivers of taxicabs and/or liveries which operate on public highways located in the Town of Cheektowaga to obtain licenses from the Town Clerk and to pay the requisite fees for said licenses.

Procedures are established in the event of a denial of an owner's or driver's license.

Rules are established for the operation of taximeters in the taxicab/livery.

In addition, general rules are established for the operation of taxicabs/liveries within the corporate limits of the Town of Cheektowaga.

Violations of this law and punishable by fines established in said law.

A copy of the entire text of the proposed new "Taxicab Law" is on file in the Town Clerk's Office, where same can be viewed during regular business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE
COUNTY, November 4, 2013

ALICE MAGIERSKI, Town Clerk

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



11. RESOLUTION 2013-563

Issue Notice of Request for Proposals for the Furnishing of Pre-Hospital Emergency Services

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the Town's Agreement for Pre-Hospital Emergency Services expires on December 31, 2013, and this Board needs to issue a Request for Proposals for a new agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to publish a Notice of Request for Proposals for the Furnishing of Pre-Hospital Services to the Town of Cheektowaga for the Years 2014 and 2015 (with two one-year renewals), said notice to be published in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on the 20th day of November, 2013, at her office in said Town Hall.

Proposals shall be submitted in triplicate in a sealed envelope plainly marked on the outside "Proposal for Pre-Hospital Emergency Services" and submitted to the Town Clerk prior to bid opening.

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

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

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

Alice Magierski, Town Clerk

DATED: November 4, 2013



NOTICE OF REQUEST FOR PROPOSALS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on Wednesday, November 20, 2013 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Pre-Hospital Emergency Services to the Town of Cheektowaga for the term of two years covering the period of January 1, 2014 to December 31, 2015, with two consecutive renewal years.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Proposal for Pre-Hospital Emergency Services" and submitted to the Town Clerk prior to bid opening.

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

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

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

ALICE MAGIERSKI, Town Clerk

DATED: November 4, 2013

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



12. RESOLUTION 2013-564

Approve Upgrade of and Maintenance Agreement for Town Telephone System

Sponsored By: Supervisor Holtz, Councilmember Kaminski

WHEREAS, in order to obtain this maintenance agreement, an upgrade of the telephone system is necessary in order to bring it up to manufacturer specifications, and

WHEREAS, the manufacturer, Digium, works with only one vendor, nexaComm, to perform upgrades of its product; as such, a sole source situation exists which creates an exception to competitive bidding, and

WHEREAS, nexaComm has submitted a proposal to upgrade the Town's telephone system and to provide maintenance for three (3) years at a total cost of \$26,190.00, and

WHEREAS, the Town's Department of Information Support Services has reviewed this proposal and has recommended that this Town Board accept same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the above referenced proposed agreement with nexaComm, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the aforementioned upgrade and maintenance agreement, and BE IT FURTHER

RESOLVED, that funds for this upgrade and maintenance agreement shall be appropriated from budget line item number 100-1625-4205.

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



13. RESOLUTION 2013-565

Award Contract for Workers' Compensation Claims Administration

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is self-insured for purposes of Workers' Compensation insurance, and

WHEREAS, the Town of Cheektowaga retains an outside consultant to administer the Town's self-insured Workers' Compensation program, and

WHEREAS, the Town's existing contract for Workers' Compensation Administration has expired, and

WHEREAS, the Town's Insurance Consultant issued a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services, and

WHEREAS, proposals were received and evaluated by Holfoth Risk Management, the Town's insurance consultant, and

WHEREAS, this Board also reviewed and discussed the proposals submitted, NOW, THEREFORE, BE IT

RESOLVED, that the Contract for Workers' Compensation Self-Insured Claims Administration be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2013 and terminating on October 31, 2016 for the following fees:

11/1/13 - 10/31/14	\$37,500
11/1/14 - 10/31/15	\$39,000
11/1/15 - 10/31/16	\$40,500

, with miscellaneous services and fees as stated in the proposal from First Niagara Risk Management, Inc.

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



14. RESOLUTION 2013-566

Authorize Supervisor to Sign Contract with Consulting Firm Perform Updated Utility Audit

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has previously engaged Troy & Banks consulting firm to audit the Town's utility, telecommunications and cable franchise accounts to determine that we are being properly charged in these billings; AND

WHEREAS, many changes have occurred in the telecommunication and utility industry over the past four to five years that there remains ample opportunity for problems to arise and the Town is interested updating this audit since the last audit in 2007 to determine that the billings are correct and proper; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a current contract with Troy & Banks consulting firm to perform an updated utility audit.

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



15. RESOLUTION 2013-567

Authorize Supervisor to Execute Agreements for Purchase of Multi-Function Copier/Printer Machine for Justice Court

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Justice Court is in need of a Multi-Functional Copier/Printer; and

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems for a Samsung SCX-5935FN Multi-Functional Copier/Printer; 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 Multi-Functional Copier/Printer through the following local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225;

at a total cost of \$1,184.00; 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.

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:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2013-568

Authorize Supervisor to Sign Agreement With Nussbaumer & Clarke, Inc. for Professional Services for the Construction of a Roof Covering Over the Firing Range

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, in August of 2012 preliminary drawings were prepared by Nussbaumer & Clarke, Inc. for a roof covering to be placed over the firing range located on Scott Place, AND

WHEREAS, said preliminary drawings established a construction budget for said roof covering, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to the Town of Cheektowaga Engineering Department to perform engineering services required to prepare bidding and construction documents and specifications for the construction of said roof covering, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219 for professional services associated with the preparation of construction drawings, specifications and bid documents for the proposed roof covering at the firing range on Scott Place is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. for the provision of said professional services in an amount not to exceed \$13,900.00, which shall be chargeable to Account #500-1440-2063-5227.

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



17. RESOLUTION 2013-569

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 subject to approval by the Town Attorney, 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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2013-570

Authorize Supervisor to Sign Contracts for Concerts and Special Events for 2014

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, performers, sponsors and recurring vendors for concerts and special events to be held during the year 2014.

FUNDING SOURCE:

0100-7140-4503

0100-7140-4491

0100-7620-4491

0100-7620-4685

0100-7550-4374

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



19. RESOLUTION 2013-571

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:

Erica Au	04/07/13	14225
Mikayla Bluff-Pearce	10/17/13	14225
Sarah Kojm	10/17/13	14225

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



20. RESOLUTION 2013-572

Youth & Recreation Hiring

Sponsored By: Councilmember Wozniak, Councilmember Rogowski

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

Recreation Aide - 7140.1630 - \$8.00 - Part-time

Gabriel Amato	14225
Jordan Soldaczewski	14225

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



21. RESOLUTION 2013-573

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 **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 \$9.00/hour
Gregory L. Merritt, Cheektowaga, New York effective 10/15/13
Nicholas N.A. Ruberto, Jr., Depew, New York effective 10/15/13
Earnest L. Vann, III., Cheektowaga, New York effective 10/16/13
Derek R. Dalka, Cheektowaga, New York effective 10/16/13
Andrew P. Babcock, Cheektowaga, New York effective 10/21/13
Eddie N. Fields, Cheektowaga, New York effective 10/21/13

SEWER MAINTENANCE Laborer \$8.25/hour effective 11/4/13
Joseph G. Rohloff, 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:

ASSESSOR'S OFFICE Clerk \$8.50/hour effective 10/22/13
Kara N. Oxley, Cheektowaga, New York
Kimberly D. Gervase, Depew, New York

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

SANITATION DEPARTMENT
Nicholas M. Snyder effective 10/19/13
William C.J. Merritt effective 10/24/13
Darryl J. Dunkowski effective 10/19/13
Mark A. Carlucci effective 10/26/13
Dante J. Burnett effective 10/16/13

MAIN PUMP STATION
Samuel W. Wodowski effective 10/17/13

FACILITIES DEPARTMENT
Bryan C. Haxton effective 10/13/13
Jonathan R. Heisler effective 10/18/13
Kyle J. Lackie effective 10/21/13

Drew A. Pijacki effective 10/12/13
Tyler J. Sajdak effective 10/16/13
Eric J. Tomczak effective 10/28/13
Kyle A. Zawadzki effective 10/26/13

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



22. RESOLUTION 2013-574

Appointment of Student Intern (Police Department)/Zachary A. Machmer

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, Zachary A. Machmer, a student at Medaille College, 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 Zachary A. Machmer of Pine City, 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 Zachary A. Machmer's internship be and hereby is effective September 1, 2013 through December 31, 2013; 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:	James P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to Waive the Rules to Include the Following three (3) resolutions: 2013-575; 2013-576 and 2013-577.
Motion Carried



1. RESOLUTION 2013-575

Travel Authorization (Engineering Department)/Assistant Town Engineer Patrick Bowen

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the 25th Annual Fall Bridge Conference Association for Bridge Construction and Design is being held November 15, 2013 in Cheektowaga, New York; AND

WHEREAS, Assistant Town Engineer Patrick Bowen has been recommended to attend said conference; AND

WHEREAS, Town Engineer William Pugh has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$155; AND

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

RESOLVED, that Assistant Town Engineer Patrick Bowen be and hereby is authorized to attend the 25th Annual Fall Bridge Conference Association for Bridge Construction and Design being held November 15, 2013 in Cheektowaga, New York.

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



2. RESOLUTION 2013-576

Call for Public Hearing for Community Development 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 2014 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 18, 2013 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.



Notice of Public Hearing
Town of Cheektowaga FY 2014 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 18, 2013 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2014 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 2013, the Town received \$929,383 in CDBG funds and \$214,008 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. Although not likely, CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Town of Cheektowaga Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

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



3. RESOLUTION 2013-577

Termination of Employee

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, by letter dated May 10, 2013, Keith Wesolek was notified that, pursuant to Article 19, Section 19(b) of the Agreement between the Town of Cheektowaga and the Public Safety Dispatchers (PSD Agreement), the Town determined that it may subject him to disciplinary action; and

WHEREAS, in accordance with provisions of Section 75 of the Civil Service Law and the Agreement between the Town of Cheektowaga and the Public Safety Dispatchers (PSD Agreement), a written election was signed by said Keith Wesolek and dated May 11, 2013, whereby said Keith Wesolek chose to reserve his right to proceed by binding arbitration under Article 19 of the PSD Agreement instead of pursuant to the provisions of Section 75 and 76 of the New York State Civil Service Law; and

WHEREAS, by letter dated October 25, 2013 Keith Wesolek was notified that the Town would be terminating him from employment with the Town of Cheektowaga based on certain charges set forth in that letter; NOW, THEREFORE BE IT

RESOLVED, that the employment and services of Keith Wesolek by the Town of Cheektowaga are hereby terminated, effective November 4, 2013.

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

V. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds - August 2013**
2. **Building Permit List - October 2013**
3. **Minutes: Cheektowaga Conservation Advisory Council - October 3, 2013**
4. **Minutes: Cheektowaga Planning Board - October 10, 2013**
5. **Minutes: Cheektowaga Traffic Safety Commission - October 15, 2013**

B. General Communications

1. **Summons & Complaint: David Augustyn vs. Town of Cheektowaga**
2. **Summons & Complaint: Albert Chavez and Amy Chavez, Individually and as Husband and Wife vs. Town of Cheektowaga, & Etal**
3. **Notice of Claim: James E. Torbicki vs. Town of Cheektowaga**
4. **Summons & Mortgage Complaint: Premises - 83 Midland Drive - US Bank National Association Etal vs. Michael Shepker, the Town of Cheektowaga & Etal**
5. **Summons & Mortgage Complaint - Premises: 159 Tudor Rd. - Deutsche Bank National Trust Company vs. Town of Cheektowaga & Etal**

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, there is a Moment of Silence for Marleen Pijacki, former employee of the Assessor's Office.

Alice Magierski, Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, November 18, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 18, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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 A. Kosmerl, Director of Community Development
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Jeffrey Whiting, Deputy Town Attorney

II. Public Comment Period

III. Public Hearings

1. Rezoning of 3900 & 3926 Broadway

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

2. Rezoning Request Part of 1669 Walden Ave.

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

3. Local Law Intro 2013-4 - Amend the Taxicab Law

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: James P. Rogowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

4. Community Development Funds

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:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-578

Warrant

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 18, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$196,413.80
RISK RETENTION FUND	48,116.28
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	19,546.00
SPECIAL DISTRICTS FUND	181,237.12
HIGHWAY FUND	66,890.17
CAPITAL FUND	386,695.63
TRUST & AGENCY FUND	10,619.33
HUD CDBG FUND	43.59
PART TOWN FUND	4,753.35
NYS AFFORDABLE HOUSING	16,458.00
	<hr/>
	\$930,773.27

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



2. RESOLUTION 2013-579

Amend Resolution 2013-540 - Authorize Purchase of Copy Machines for Police Department

Sponsored By: Councilmember Kaznowski, Councilmember Kaminski

WHEREAS, by Resolution 2013-540, this Town Board authorized the purchase of copy machines for the Police Department from Eagle Systems, Inc., by "piggybacking" off BOCES' bid #CE060713C, and authorized the Town Supervisor to enter into a maintenance and supply agreement for said copiers; and

WHEREAS, the Resolution mistakenly stated the cost per black and white copy for maintenance and supplies for said copiers during the guaranteed two-year period of the maintenance and supply agreement; NOW, THEREFORE, BE IT

RESOLVED, that the second "RESOLVED" paragraph in Resolution 2013-540 be and is hereby amended to read as follows:

"RESOLVED, that the cost per copy for maintenance and supplies for said copiers for a guaranteed two-year period, commencing on the date of installation of said copiers, will be \$0.008 per black and white copy and \$0.06 per color copy; and BE IT FURTHER...."

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



3. RESOLUTION 2013-580

Call for Public Hearing - Rezoning Request 2409 Union Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Dr. Lisa M. Reinhardt with the permission of the landowner, Mary Jane Boncaldo has made application and requested the rezoning of 2409 Union Road from NS-Neighborhood Services and RA- Apartment District to CM- General Commercial to convert an existing medical office into a veterinary hospital, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 2, 2013 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 December, 2013 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Dr. Lisa M. Reinhardt

for the rezoning of 2409 Union Road from NS-Neighborhood Services and RA- Apartment District to CM- General Commercial to convert an existing medical office into a veterinary hospital.

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 61, township 10, Range 7 of the Holland Land Company's Survey described as follows:

Beginning at the point of intersection of the easterly line of Union Road with the north line of lands conveyed to John Ast by deed recorded in Erie County Clerk's Office in Liber 83 of Deeds page 186; thence northerly along the easterly line of Union Road two hundred and two

tenths (203.2) feet to the south line of lands appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 7130 of Deeds Page 426;thence easterly at an interior angle of 90° and along the south line of lands appropriated by the People of the State of New York by Notice of Appropriation aforesaid sixty-five (65) feet more or less to the southerly bounds of Slate Bottom Creek; thence easterly along the southerly bounds of the Slate Bottom Creek as it winds and bends, to its intersection with the east line of lot No.61; thence south along the east line of Lot No. 61, three hundred twenty-three (323) feet more or less to a point which is one hundred eighty-one two hundredths (181.02) feet north of the southeast corner of said Lot No. 61, said point also being the northeast corner of lands so conveyed to John Ast by deed aforesaid: thence west along the north line of lands so conveyed to John Ast by deed aforesaid six hundred seventy-seven and fifty hundredths (677.50) feet to the point of beginning.

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



4. RESOLUTION 2013-581

Notice of Hearing for Demolition of 66 Westchester Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 66 Westchester Drive in the Town of Cheektowaga (S.B.L. No. 102.37-3-23) 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 30, 2013; 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 2nd day of December, 2013 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



5. RESOLUTION 2013-582

Notice to Bidders For Asbestos Survey for Property Located At 19 Euclid Avenue (BID 2013-34 LAW)

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 a written report stating that the building located at 19 Euclid Avenue is unsafe and recommended that such building be demolished; and

WHEREAS, the owners and/or lienholders of said property were notified to demolish the building on said property, and no action for demolition has been taken to date; and

WHEREAS, a hearing was held in front of this Board on October 7, 2013 concerning said unsafe building and the 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 said 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 for property located at 19 Euclid Avenue in the Town of Cheektowaga (Bid 2013-34 LAW); 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 Survey, Specifications and Air Monitoring Services for 19 Euclid Avenue shall be due no later than Wednesday, December 4, 2013 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, December 4, 2013 at 11:00 a.m.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on Wednesday, December 4, 2013, 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 property located at 19 Euclid Avenue, Cheektowaga, New York (BID 2013-34 LAW).

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: 18 November 2013

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



6. RESOLUTION 2013-583

Rejection of Bids and Issuance of New Notice to Bidders - Furnishing of Recycling Collection Totes (BID NO. 2013-35 LAW)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, this Town Board desires to advance the implementation of a Town Wide Recycling Collection Roll Out Tote Program to enhance recycling collection operations, and

WHEREAS, by resolution dated October 7, 2013 (Resolution 2013-502), this Town Board issued a Notice to Bidders for the Furnishing of Recycling Collection Totes and Lids (BID NO. 2013-31 LAW), and

WHEREAS, bids were duly opened on the 23rd day of October, 2013, and

WHEREAS, grant funding may be available to reimburse the Town for a portion of the totes, but, in order to qualify for said funding, the Town needs to revise the bid specification and issue a new Notice to Bidders, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned bids received on October 23, 2013 for the Furnishing of Recycling Collection Totes and Lids (BID NO. 2013-31) 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 Furnishing of Recycling Collection Totes and Lids (BID NO. 2013-35 LAW), said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 27th day of November, 2013 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 November 27, 2013 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 35, 65 and 95 Gallon Recycling Totes, and Lids for Recycling Totes.

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

The Town of Cheektowaga strongly encourages NYS-approved MWBE companies to submit bid proposals for this project and, as part of the bid specifications, will utilize New

York State Standard Contract Appendices A and B (Standard Clauses for All New York State Contracts).

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing, Delivery, Assembly and Town Wide Distribution of Recycling Totes and Lids" 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: November 18, 2013

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



7. RESOLUTION 2013-584

Establish Salaries of Town Officials and Employees 2013

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be increased by 2%, effective January 1, 2013:

Town Engineer
Director of Administration & Finance
Accountant
Executive Director Youth & Recreation
Town Attorney
Clerk of Justice Court
Clerk to Town Justice
Director of Community Development
Council Office Clerk Stenographer
Administrative Assistant (Town Board)
Municipal Administrative Assistant Legal
Secretary to the Supervisor's office
Deputy Town Clerk
Deputy Superintendent of Highways
Director of Senior Services
Coordinator of Employee Relations
Employee Relations Administrative Clerk
Principal Personnel Clerk

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



8. RESOLUTION 2013-585

Establish Salaries of Town Officials and Employees 2014

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2014:

Town Engineer	\$95,133
Director of Administration & Finance	91,043
Accountant	65,787
Executive Director Youth & Recreation	74,285
Town Attorney	97,481
Clerk of Justice Court	55,603
Clerk to Town Justice	42,980
Director of Community Development	86,031
Council Office Clerk Stenographer	50,197
Administrative Assistant (Town Board)	50,197
Municipal Administrative Assistant Legal	52,647
Deputy Town Clerk	48,570
Deputy Superintendent of Highways	81,798
Director of Senior Services	74,285
Secretary to the Supervisor's office	57,977
Coordinator of Employee Relations	89,385
Employee Relations Administrative Clerk	53,874
Principal Personnel Clerk	50,992
Disaster Coordinator	23,800

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



9. RESOLUTION 2013-586

Establish 2014 Program Fees for Youth and 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 2013 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	\$ 663 (\$644)	\$ 794 (\$771)
PER CHILD WEEKLY	\$ 119 (\$115)	\$ 146 (\$142)
SECOND CHILD ALL 6 WEEKS	\$ 644 (\$625)	\$ 774 (\$751)
SECOND CHILD WEEKLY	\$ 114 (\$110)	\$ 140 (\$136)
THREE (3) DAYS PER WEEK	\$ 106 (\$103)	\$115 (\$112)

YOUTH IN TRAINING

RESIDENT	NON-RESIDENT
\$191 (\$185)	\$225 (\$218)

CAMP JI-IK-DO-WAH-GAH/CAMP CRABAPPLE

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$ 644 (\$625)	\$ 794 (\$771)
PER CHILD WEEKLY	\$ 119 (\$115)	\$ 146 (\$142)
SECOND CHILD ALL 6 WEEKS	\$ 620 (\$602)	\$ 774 (\$751)
SECOND CHILD WEEKLY	\$ 114 (\$110)	\$ 140 (\$136)
THREE (3) DAYS PER WEEK	\$ 106 (\$103)	\$115 (\$112)

ADAPTED RECREATION PROGRAM

	RESIDENT	NON-RESIDENT
OCTOBER - APRIL	\$ 231 (\$224)	\$ 267 (\$259)
SPECIAL OLYMPICS	\$ 52 (\$32)	\$52 (\$32)

TINY TOTS (JOIN THE MIX WITH 5 & 6)

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD	\$60 (\$59)	\$65 (\$64)
SECOND CHILD	\$56 (\$55)	\$60 (\$59)

THREE TO GET READY**(Summer Fun for 3's & 4's)**

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD	\$56 (\$55)	\$61 (\$60)
SECOND CHILD	\$51 (\$50)	\$56 (\$55)

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
\$10 (\$8)	\$10 (\$8)

GIRL POWER

RESIDENT	NON-RESIDENT
\$45 (\$40)	\$55 (\$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**SUMMER/FALL/WINTER/SPRING - 12 CLASSES**

	RESIDENT	NON-RESIDENT
PER CHILD	\$70 (\$70)	\$80 (\$80)
SECOND CHILD	\$65 (\$65)	\$75 (\$75)

INTRO TO ADVANCED GYMNASTICS

PER CHILD	\$70	(\$65)	\$80	(\$75)
SECOND CHILD	\$65	(\$60)	\$75	(\$70)

ADVANCED GYMNASTICS

PRACTICES (per class):

OPEN TUMBLING	\$5	(\$5)	\$5	(\$5)
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JUST A BACK HANDSPRING & FLOOR EXERCISE & TUMBLING

	RESIDENT	NON-RESIDENT
PER CHILD	\$66 (\$61)	\$76 (\$71)
2 ND CHILD	\$61 (\$56)	\$71 (\$66)

PILATES & FLEXIBILITY

	RESIDENT	NON-RESIDENT
	\$20 --	\$30 --
	\$2 PER CLASS	\$3 PER CLASS

ADULT EXERCISE (CLEVELAND HILL)

FULL YEAR (2X A WEEK)

RESIDENT	NON - RESIDENT
\$100	\$110

WALK IN - \$3 PER DAY

SWIMMING - SUMMER-FALL-WINTER

		RESIDENT	NON-RESIDENT
YOUTH		\$39 (\$38)	\$49 (\$48)
CHILD	\$36 (\$35)	\$46 (\$45)	SECOND
PARENT/INFANT		\$29 (\$28)	\$39 (\$38)
SECOND CHILD		\$26 (\$25)	\$36 (\$35)
PRE-SCHOOL		\$29 (\$28)	\$39 (\$38)
SECOND CHILD		\$26 (\$25)	\$36 (\$35)
WATER AEROBICS		\$39 (\$35)	\$49 (\$45)
ADULT		\$39 (\$35)	\$49 (\$45)
GUARD START		\$39 (\$38)	\$49 (\$48)
WATER SLIDE		\$ 1 (\$1)	\$ 1 (\$1)
DAILY USER FEE (Maryvale/Dingens)	\$ 7 (\$7)	\$ 7 (\$7)	\$ 7 (\$7)
DAILY USER FEE (Town Pool)	\$ 7 (\$7)	\$ 7 (\$7)	\$ 7 (\$7)
EVENING SWIM LESSONS		\$39 (\$38)	\$49 (\$48)

FALL 2014/ WINTER 2015

YOUTH	\$39	(\$38)	\$49	(\$48)
SECOND CHILD	\$36	(\$35)	\$46	(\$45)

LIFEGUARD TRAINING

\$137	(\$136)	\$177	(\$176)
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Pool utilization for instructional groups will be charged \$30 per hour for 10 or less patrons. Five dollars more will be charged for every person above 10 in number. Rental availability subject to approval by the Pool Director.

INSTRUCTIONAL TENNIS

SUMMER	RESIDENT	NON-RESIDENT
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YOUTH	\$35	(\$34)	\$45	(\$44)
SECOND CHILD	\$30	--	\$40	---

WEE THREE-TWICE THE FUN 2014-15**RUNS - 2ND WEEK OF SEPT TILL END OF MAY BEFORE MEMORIAL DAY**

FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT
PER CHILD	\$457 (\$455)	\$497 (\$495)
SECOND CHILD	\$432 (\$425)	\$472 (\$465)

TEA TIME FOR TWO 2014

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER CHILD	\$73 (\$78)	\$83 (\$88)
SECOND CHILD	\$68 (\$68)	\$78 (\$78)

ART CAMP

RESIDENT	NON-RESIDENT
\$82 (\$77)	\$92 (\$87)

CHEER CAMP

RESIDENT	NON-RESIDENT
\$62 (\$57)	\$67 (\$62)

PUBLIC SKATE

FALL/WINTER		
GENERAL ADMISSION	\$5	(\$4)
	W/ RESIDENT DISCOUNT CARD	
CHILDREN 3 AND UNDER	FREE	(FREE)
CHILDREN 4 TO 15	\$3	(\$2)
ADULTS 16 AND UP	\$4	(\$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	\$55 (\$50)	\$75 (\$70)
SECOND CHILD	\$45 -	\$65 -

ICE HOCKEY

FALL/ WINTER	RESIDENT	NON-RESIDENT
	HOUSE TRAVEL	HOUSE TRAVEL
NOVICE	\$450 (\$450) N/A	\$650(\$650) N/A
MITE	\$450 (\$450) N/A	\$650(\$650) N/A
SQUIRT	\$550 (\$550) \$700 (\$700)	\$750(\$750) \$900(\$900)
PEE WEE	\$600 (\$600) \$750 (\$750)	\$800(\$800) \$950 (\$950)
BANTAM	\$650 (\$650) \$800 (\$800)	\$850(\$850) \$1000 (\$1000)

MIDGET	\$750	(\$750)	\$545	(\$545)	\$950	(\$950)	\$700	(\$700)
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- \$100 DISCOUNT FOR BALANCE(S) PAID IN FULL BY OCTOBER 15, 2014
- 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 \$185 (\$180) 5:00pm-11:00pm
M-F

All day Sat and Sun and Holidays

NON-PRIME \$160 (\$155) 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	(\$130)

INLINE HOCKEY

SUMMER	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$80 (\$80)	\$110 (\$110)
NOVICE	\$25 (\$25)	\$35 (\$35)
ADULT TEAM	\$885 (\$885)	\$945 (\$945)
JUNIOR A	\$30 (\$30)	\$60 (\$60)
INLINE GOALIE	\$40 -	\$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 (\$625)	\$700 (\$700)
MIDGET 18U & 16U	\$625 -	\$700 -

STREET HOCKEY LEAGUE

RESIDENT	NON-RESIDENT
\$225 (\$225)	\$275 (\$275)

INCLUDES REFEREE 80% OF TEAM MUST BE RESIDENTS FOR RESIDENT RATE

STREET HOCKEY FESTIVAL

RESIDENT	NON-RESIDENT
\$110	\$135

YOUTH SOCCER

SUMMER CHILD	RESIDENT	NON-RESIDENT
	\$61 (\$61)	\$77 (\$77)

ADULT INDOOR SOCCER 2014

ADULT, JUNIORS, MIDGET	\$560 (\$560)	\$625 (\$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	\$75 (\$65)	\$85 (\$75)
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START SMART SOCCER	\$48 (\$48)	\$63 (\$63)
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START SMART BASEBALL	\$60 (\$55)	\$70 (\$65)
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START SMART BASKETBALL	\$60 (\$55)	\$70 (\$65)
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YOUTH BASKETBALL

FALL/ WINTER PER PARTICIPANT	RESIDENT \$50 (\$40)	NON-RESIDENT \$60 (\$50)
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ADULT BASKETBALL

PER TEAM	\$150 (\$150)
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**ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

**TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

VOLLEYBALL (teams pay referee fees each week)

INDOOR FALL/ WINTER SESSIONS I & II (Monday, Thursday & Friday)
\$250 per team (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	\$60 (\$50)	\$80 (\$70)
LIGHTS	\$90 (\$80)	\$105 (\$95)

13 WEEK SERIES

NO LIGHTS	\$475 (\$450)	\$700 (\$675)
LIGHTS	\$775 (\$750)	\$950 (\$925)

Additional games added to 13-week series are charged at the regular 2-hour block rate

SOCCER / FOOTBALL FIELD RENTAL

PER TWO HOUR TIME BLOCK	RESIDENT \$70 (\$70)	NON-RESIDENT \$85 (\$85)
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VOLLEYBALL COURT RENTAL

	RESIDENT	NON-RESIDENT
1 COURT PER TWO HOUR BLOCK	\$50 (\$50)	\$70 (\$70)

PICNIC PAKS

\$20 (\$20) REFUNDABLE DEPOSIT	\$20 (\$20) RENTAL FEE
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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	\$360 (\$345)	\$440 (\$425)
WOMEN'S	\$360 (\$345)	\$440 (\$425)
MEN'S	\$360 (\$345)	\$440 (\$425)
MEN'S OVER 40	\$360 (\$345)	\$440 (\$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 (\$250)	\$250 (\$250)

CHEEKTOWAGA FILM ACADEMY

MON-WED-FRI CLASS	RESIDENTS	NON-RESIDENTS
	\$75 (\$65)	\$85 (\$75)

DIAMOND HAWK YOUTH GOLF

TUESDAYS	RESIDENTS	NON-RESIDENTS
	\$90 (\$90)	\$100 (\$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 P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



10. RESOLUTION 2013-587

Negative SEQR Declaration - 16 Zoerb Avenue & 3557 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 Benderson Development Company, LLC for the demolition of an existing dwelling at 16 Zoerb Avenue for the expansion of an existing parking area at 3557 Union Road, which is a contiguous property, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 16, 2013 recommended a determination of non-significance as shown on the attached memorandum dated October 16, 2013, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of November 14, 2013, 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 Committee NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act (SEQRA).

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



11. RESOLUTION 2013-588

Accept Site Plan- 16 Zoerb Avenue & 3557 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, the Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Benderson Development Co, LLC submitted a development review application for the demolition of an existing dwelling at 16 Zoerb Avenue for the construction of a parking area expansion accessory to 3557 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of November 14, 2013 and have recommended approval thereof, NOW THEREFORE BE IT,

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan, subject to:

1. The Town Engineer reviewing and approving the grading/drainage plan.

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



12. RESOLUTION 2013-589

Authorize Purchase of Upgrade to Payroll System Software

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town currently utilizes software from KVS Information Systems, Inc., specifically designed for use by governmental entities for payroll preparation, withholding tax reporting and related payroll accounting requirements, etc.; and

WHEREAS, an upgrade to the software is available which will provide enhanced and highly efficient components to the present system such as remote time entry and time clock integration, applicant tracking and employee self-service, salary and position tracking, etc., and

WHEREAS, since this computer software system and maintenance involve professional services, they are exempt from competitive bidding under New York State law, and

WHEREAS, this purchase will enable the Town to better track and manage these functions; and

WHEREAS, KVS Information Systems, Inc., 821 Maple Road, Williamsville, New York, 14221, has submitted a proposal for said enhancement, which will include setup, conversion, training, support, maintenance, and all updates and backups of the system for four years as follows:

Year 1 - \$ 83,000 initial conversion fee
 \$ 77,307 service and additional support
Year 2 - \$ 77,307.50
Year 3 - \$ 77,307.50
Year 4 - \$ 77,307.50

and

WHEREAS, funds are available for said purchase; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of the aforesaid software, together with ancillary services as more particularly stated in the proposal of KVS Information Systems, Inc., dated October 31, 2013; and BE IT FURTHER

RESOLVED, that funding for said purchase shall be appropriated from budget line item 100.1680.4321; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all agreements and related documents necessary to effectuate said purchase from KVS Information Systems, Inc., subject to approval by the Town Attorney.

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



13. RESOLUTION 2013-590

Authorize Attendance at 2014 Association of Towns Meeting

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Association of Towns of the State of New York 2014 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 16th - 19th, 2014; 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 2014 Training School and Annual Meeting of the Association of Towns, and payments for expenses incurred by said individuals shall be appropriated from the following respective budget lines:

<u>Official/Employee Authorized to Attend</u>	<u>Budget Line Item No.</u>
Town Engineer William Pugh	100.1440.4088
Town Attorney Kevin G. Schenk	100.1420.4088
Director of Administration and Finance Brian M. Krause	100.1315.4088
Town Justice Paul Piotrowski	100.1110.4082
Town Justice Dennis Delano	100.1110.4082

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 the above referenced budget line numbers.

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



14. RESOLUTION 2013-591

Authorize Supervisor to Execute Application for Forestry Grant

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

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 an Urban and Community Forestry Grant to develop a Large Community Tree Management Plan in an amount not to exceed \$50,000, 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 Management Plan Project.

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



15. RESOLUTION 2013-592

Unsafe-Unsecured/22 Gruner 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 22 Gruner Road, Cheektowaga, New York SBL# 113.01-1-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert M. Schultz, 2164 Jefferson Avenue, Naples, FI 34112, as the owner AND

WHEREAS, an inspection of such premises was conducted at 22 Gruner 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



16. RESOLUTION 2013-593

Unsafe-Unsecured/88 Kendale 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 88 Kendale Road, Cheektowaga, New York SBL# 90.08-3-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Steven Hodkin & Wife, 1231 Graff Road, Attica, New York 14011, as the owner AND

WHEREAS, an inspection of such premises was conducted at 88 Kendale 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



17. RESOLUTION 2013-594

Reappointment of Civil Officers

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, pursuant to Section 20(1)(a) of the Town Law of the State of New York, this Town Board has the authority to appoint civil officers who possess the powers and duties of Constables in civil actions and proceedings; and

WHEREAS, the Town has a police department duly established pursuant to law; and

WHEREAS, there is a need to appoint civil officers to assist landlords with eviction proceedings initiated in the Cheektowaga Justice Court; and

WHEREAS, the Town Board of the Town of Cheektowaga, a duly constituted Town of the First Class, by prior resolutions, appointed Frank Krisnosky, Walter Geising (of Esquire Process Service, LLC) and Monique Geising (of Esquire Process Service, LLC) as civil officers of the Town of Cheektowaga, each possessing the powers and duties of a constable in civil actions and proceedings only, for terms expiring on December 31, 2013; and

WHEREAS, the appointment of civil officers has been well-received by the residents of the Town of Cheektowaga and has proved to be beneficial to the Town; and

WHEREAS, the aforesaid civil officers have requested that their appointments be renewed for a three (3) year term, NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to the authority granted by Town Law Section 20(1)(a), Frank Krisnosky, 2194 Colvin Boulevard, Tonawanda, New York 14150, Walter Geising of Esquire Process Service, LLC, P.O. Box 337, Lackawanna, New York 14218, and Monique Geising of Esquire Process Service, LLC, P.O. Box 337, Lackawanna, New York 14218, be and hereby are re-appointed as civil officers of the Town, possessing all the powers of a constable in civil actions and proceedings only, for terms expiring on December 31, 2016; and BE IT FURTHER

RESOLVED, that said Civil Officers shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings.

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



18. RESOLUTION 2013-595

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 11/19/13
Jeffrey A. Jacobs, Cheektowaga, New York

OFFICE OF THE TOWN ASSESSOR Clerk \$8.50/hour effective 11/29/13
Kimberly D. Gervase, Depew, New York

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

SENIOR SERVICES

Barbara A. Large effective 11/1/13
William Thompson, III effective 11/8/13

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



19. RESOLUTION 2013-596

Travel Authorization Council Office/Councilmembers-Elect Diane Benczkowski and Timothy Meyers

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the 2014 Training School for Newly Elected Town Officials is being held January 8 through January 10, 2014 in Rochester, New York; AND

WHEREAS, Councilmembers-Elect Diane Benczkowski and Timothy Meyers have requested authorization to attend said training school; AND

WHEREAS, the total cost to the Town shall not exceed \$881.00; AND

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

RESOLVED, that Councilmembers -Elect Diane Benczkowski and Timothy Meyers be and hereby are authorized to attend the 2014 Training School for Newly Elected Town Officials being held January 8 through January 10, 2014 in Rochester, New York.

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

V. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - October 16, 2013

B. General Communications

1. Notice of Claim: Karen A. Schlager vs. Town of Cheektowaga
2. Notice of Claim: Floyd Scheifla vs. 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 Rogowski to adjourn the meeting at 7:50 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, November 26, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on November 26, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Absent	
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
Diane Benczkowski, Councilmember-Elect
Joseph Emminger, Emminger, Newton, Pigeon and Maygar

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

COMMENTS - Current Meeting:

Discussion: Assessment litigation matters and matters relating to the discipline, hiring/termination/appointment of employees.

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

4. Motion To: Exit Executive Session at 6:37PM

COMMENTS - Current Meeting:

Work Session Continues

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

II. Resolution at 6:38 PM



1. RESOLUTION 2013-597

Amend Notice to Bidders - Furnishing of Recycling Collection Totes (BID NO. 2013-35 LAW)

Sponsored By: Councilmember Kaminski, Supervisor Holtz

WHEREAS, by resolution dated November 18, 2013 (Resolution 2013-583) this Town Board authorized and directed the Town Clerk to publish a Notice to Bidders in connection with the Furnishing, Delivery, Assembly and Town Wide Distribution of 35, 65 and 95 Gallon Recycling Totes, and Lids for Recycling Totes; and

WHEREAS, the Notice to Bidders needed to be changed to allow bidders additional time in which to submit bid proposals, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to republish an amended Notice to Bidders in connection with the furnishing of Recycling Collection Totes and Lids, with sealed bids to be received and opened by the Town Clerk on the 4th day of December, 2013 at 11:00 A.M. at a public bid opening to be held in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS
(AMENDED)

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on Wednesday, December 4, 2013, 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 35, 65 and 95 Gallon Recycling Totes, and Lids for Recycling Totes.

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

This Notice to Bidders shall supersede a previously issued Notice to Bidders for the Furnishing, Delivery, Assembly and Town Wide Distribution of 35, 65 and 95 Gallon Recycling Totes, and Lids for Recycling Totes (Resolution 2013-583), amending the bid opening date from November 27, 2013 to December 4, 2013.

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

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

Alice Magierski
Town Clerk

DATED: November 26, 2013

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, December 2, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 2, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Kevin Schenk, Town Attorney
Michael Sliwinski, Captain, Police Department
James Speyer, Captain, Police Department
Mark Wegner, Highway Superintendent
David Zack, Chief of Police

II. Public Comment Period

III. Public Hearings

1. Rezoning Request 2409 Union Road

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

2. Demolition of 66 Westchester Drive

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-598

Transfer of Funds-2013

Sponsored By: Mary Holtz, Stanley Kaznowski

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

FROM:	100.7140.1971.1611	Pt. Reg. Rink Personnel	\$2,500.00
	100.7140.1971.1648	Pt. Reg. Arts & Crafts Rotation	4,000.00
	100.7140.1971.1613	Pt. Reg. Rec. Playgrounds Supervisor	500.00
	100.7140.1971.1613	Pt. Reg. Rec. Playgrounds Supervisor	2,000.00
	100.7140.1971.1614	Pt. Reg. Rec. Playground Attendant	3,000.00
	100.7140.1971.1630	Pt. Reg. Gymnastics Salaries	1,000.00
	100.7140.1971.1631	Pt. Reg. Cedargrove Camp Salaries	180.60
	100.7140.1971.1632	Pt. Reg. Dartwood Camp Salaries	250.00
	100.7140.1971.1642	Pt. Reg. Tennis Salaries	1,700.00
	100.7180.1971.1901	Pt. Reg. Lifeguards-Beach & Pool	4,000.00
	100.7310.1971.1814	Pt. Reg. Teen Center Initiative	2,000.00
	100.7310.1971.1816	Pt. Reg. Youth Conservation Corps	600.00
	100.7140.4540	Inline Skating Expense	3,500.00
TO:	100.7140.1971.1639	Pt. Reg. Hockey Salaries	\$2,500.00
	100.7140.1971.1639	Pt. Reg. Salaries	4,000.00
	100.7140.1971.1627	Pt. Reg. Volleyball Salaries	500.00
	100.7310.1971.1803	Pt. Reg. Adapted Rec. Program	2,000.00
	100.7310.1971.1803	Pt. Reg. Adapted Rec. Program	3,000.00
	100.7310.1971.1803	Pt. Reg. Adapted Rec. Program	1,000.00
	100.7140.1971.1611	Pt. Reg. Rink Personnel	180.60
	100.7310.1971.1801	Pt. Reg. Alexander Camp Salaries	250.00
	100.7140.1971.1654	Pt. Reg. Basketball Salaries	1,700.00
	100.7180.1971.1902	Pt. Reg. Supervisors-Beach & Pool	4,000.00
	100.7140.1971.1664	Pt. Reg. Pre-K Salaries	2,000.00
	100.7310.1971.1811	Pt. Reg. Youth Cons. Corp. Supv.	600.00
	100.7310.2501	Other Equipment	3,500.00

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



2. RESOLUTION 2013-599

Warrant

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 2, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$182,585.64
RISK RETENTION FUND	51,172.88
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	6,519.00
SPECIAL DISTRICTS FUND	232,715.39
HIGHWAY FUND	181,275.28
CAPITAL FUND	359,644.58
TRUST & AGENCY FUND	7,768.09
HUD CDBG FUND	20,480.44
PART TOWN FUND	3,524.74
NYS AFFORDABLE HOUSING	12,345.00
	<hr/>
	\$1,058,031.04

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



3. RESOLUTION 2013-600

Adopt Local Law No. 5 of the Year 2013 - A Local Law to Amend the Taxicab Law

Sponsored By: James P. Rogowski, Charles Markel

WHEREAS, Chapter 223 of the Code of the Town of Cheektowaga, entitled "Taxicabs" was adopted by the Town Board on October 21, 1985, and

WHEREAS, said law requires anyone who operates a taxicab or similar vehicle-for-hire to obtain a permit from the Town Clerk and to otherwise comply with the other provisions of said law, and

WHEREAS, the Town Clerk and Police Department have recommended that this law be repealed and that a new Taxicab Law be enacted, and

WHEREAS, the Town Attorney's Office has drafted a new Taxicab Law, and

WHEREAS, the Petitions Committee has reviewed this draft law and has recommended approval of same, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 18th day of November, 2013 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2013-4 of the Year 2013 entitled "A Local Law to Amend the Taxicab Law" should be enacted, and

WHEREAS, it is the public interest to enact this local law, NOW, THEREFORE, BE IT

RESOLVED, that this existing Taxicabs Law be and hereby is repealed, and BE IT FURTHER

RESOLVED, that Local Law No. 5 of the Year 2013, entitled "A Local Law to Amend the Taxicab Law", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 5 of the Year 2013 shall be effective immediately after filing same 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 INTRO NO. 5 OF THE YEAR 2013
A LOCAL LAW TO AMEND THE TAXICAB LAW**

A. Chapter 223 of the Code of the Town of Cheektowaga, entitled "Taxicabs" be and hereby is repealed.

B. A new Chapter 223, entitled "Taxicabs" be and hereby is enacted as follows:

1. LEGISLATIVE FINDINGS:

It is hereby declared that the taxicab and the livery business is a vital part of the transportation facilities of the Town of Cheektowaga, and that its regulation is necessary to preserve peace, good order and safety for the inhabitants of the town.

2. DEFINITIONS:

As used in this chapter, the following terms shall have the meanings indicated:

Driver: Any person driving a taxicab or livery upon the public highways for hire.

Motor Vehicle: Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, vehicles which run only upon rails or tracks, snowmobiles as defined in article forty-seven of the New York Vehicle and Traffic Law and all-terrain vehicles as defined in article forty-eight-B of the New York Vehicle and Traffic Law.

Livery: Any motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation.

Owner: A person owning or controlling one or more taxicabs and/or livery vehicles and driving or causing any such vehicle to be driven upon the public highways for hire.

Person: Includes an individual, a partnership, any unincorporated association, a corporation and any other legal entity.

Taxicab: Any vehicle, as defined in the Vehicle and Traffic Law of the State of New York, licensed to operate on the highways of the State of New York and engaged in the business of carrying passengers for hire, having a seating capacity of less than eight persons and not operated on a fixed route.

Taximeter: A mechanical instrument or device by which the charge for hire of a taxicab may be mechanically calculated either for the distance traveled or waiting time, or both, and upon which such charge is indicated by means of figures.

Town: The Town of Cheektowaga, excluding the Greater Buffalo International Airport, the Village of Sloan and those portions of the Village of Depew within the Town of Cheektowaga.

3. PERMIT REQUIREMENT:

A. It shall be unlawful for any owner, driver or employee of any taxicab and/or livery to engage in the business of transporting persons for hire in a taxicab or livery from, to, or within the Town without having first obtained and having then in force an owner's permit, as hereinafter provided.

B. Every owner's permit issued hereunder shall be issued for one (1) year from the date of approval of the application.

4. APPLICATION PROCEDURE FOR TAXICAB OWNERS:

A. Every person who desires to operate a taxicab or taxicabs and/or livery owned or controlled by that person, upon the public highways within the Town, shall file with the Town Clerk a written application, verified under oath, stating:

1. The name and address of the owner of the taxicab or taxicabs and/or livery, specifying, in the case of any partnership, unincorporated association or other legal entity, the name and address of each member thereof, and, in the case of any corporation, the name and address of each officer, director and stockholder thereof.

2. The number of vehicles to be operated, a description of each such vehicle, including the make, model, color, passenger capacity, year of manufacture and motor number thereof, and the size of the tires, the make, type and number or other descriptive designation of the taximeter, state registration number and proof of inspection.

3. The location of any and all depots and terminals proposed to be used by the owner.

B. If the Town Clerk shall find that all the required forms and documents have been completed and submitted and that the owner is qualified, then the Town Clerk, upon receipt of proof of insurance against public liability for each taxicab and/or livery showing the amounts of coverage, which amounts shall be at least the minimum amount required under New York State law for personal injuries to each person per accident, for total personal injuries for each accident and for property damage and which insurance shall be maintained in full force during the period covered by the permit, and upon receiving payment of the proper fee, shall issue a permit stating the name and address of the owner, the date of the issuance thereof, the number of vehicles the owner is authorized to operate, and the number of the license plate assigned to each vehicle.

C. Any permit issued here may be renewed annually for additional periods of one year each from the expiration date upon the filing of an application containing all the information required herein.

D. Every owner issued a permit pursuant to this Chapter who shall desire to add to the number of taxicabs and/or liveries then being operated shall file with the Town Clerk a new written application, under oath, providing all the information required as described in paragraph A hereinabove.

E. If the Town Clerk shall find that the addition of such taxicab(s) and/or livery meets all

requirements, then he/she shall issue an owner's permit stating the name and address of the applicant, the numbers of the license plate assigned to such vehicles and the date of issuance thereof.

F. The owner's permit issued hereunder shall not be transferable to any other person.

5. FEES FOR OWNER'S PERMIT:

A. The fee for a taxicab owner's permit and a livery owner's permit shall be the sum of \$25.00 per year for each vehicle and/or \$200.00 for a fleet of up to ten (10) vehicles. For replacing a lost permit, the fee shall be \$10.00. In case of the sale or disuse for taxicab and/or livery purposes of any permitted taxicab and/or livery, the holder of the taxicab and/or livery permit may have the same transferred to another vehicle owned by him, with the approval of the Town Clerk and the payment of a transfer fee of \$15.00.

6. APPLICATION PROCEDURE FOR TAXICAB AND LIVERY DRIVERS:

A. Each owner shall provide a list of all vehicle operators who will be operating the taxicab(s) and/or livery(ies), as the case may be, that have a permit issued pursuant to this Chapter along with a copy of the drivers' licenses for all such operators and two passport size photos of each driver.

B. Each driver will be required to complete an application that will be provided by the Town Clerk's Office and shall also have a background check completed by the Town Police Department.

C. Upon approval by the Town Clerk of the application and approval by the Town Police Department of the background check, each driver shall be issued a Taxicab/Livery Driver Permit Identification Card.

D. Each driver shall carry his/her Taxicab/Livery Driver Permit Identification Card with him/her at all times while operating a taxicab/livery within the Town.

E. Each owner shall take all necessary steps to update that list of drivers whenever drivers are added or deleted. Under no circumstances shall an owner allow anyone to operate any of owner's taxicabs and/or liveries for the purpose of transporting persons for hire from, to, or within the Town who has not completed the application process set forth herein and who has not been issued a Taxicab/Livery Driver Permit Identification Card.

F. Every driver's Permit Identification card issued hereunder shall be issued for one (1) year from the date of approval of the application.

7. FEES FOR DRIVER'S PERMIT:

A. The fee for a taxicab/livery driver's Permit Identification Card shall be the sum of \$25.00 per year for each driver. For replacing a lost driver's permit, the fee shall be \$10.00. Driver's permits are non-transferable.

B. In any case where an owner has paid for and been issued a taxicab/livery owner's permit to operate a taxicab or taxicabs and/or livery owned by that person and that person is also seeking to obtain a taxicab/livery driver's Permit Identification Card to operate that vehicle, the fee for the taxicab/livery driver's Permit Identification Card for that owner shall be waived.

8. APPLICATION TO TOWN BOARD FOR REVIEW OF ACTION DENYING A PERMIT

A. Any applicant who shall have been denied an owner's and/or operator's permit under this chapter may apply to the Town Board for a review of the action of the Town Clerk, as hereinafter provided:

1. Such application to the Town Board shall be in writing, signed and acknowledged by the applicant, and shall state the ground or grounds on which the applicant claims that the determination of the Town Clerk was erroneous.
2. Such application shall be filed with the Town Clerk by the applicant within 20 days after notice of denial of his license by the Town Clerk has been mailed to him or delivered to him in person.
3. Upon the filing of such application, the Town Board shall hold a hearing thereon pursuant to the provisions set forth in subparagraph B herein below.
4. At such hearing, the Town Board shall consider the applicant's application upon the record before the Town Clerk in connection with the Town Clerks consideration thereof, and, in its discretion, may receive new or additional evidence in support thereof or in opposition thereto.
5. The Town Board, after such hearing, may affirm the action of the Town Clerk or direct the Town Clerk to issue a proper permit pursuant to this chapter.

B. Whenever it shall be provided herein that a hearing shall or may be held by the Town Board with respect to any matter:

1. Such hearing shall be held on a date and at a place and hour designated by the Town Board.
2. The Town Clerk shall give notice thereof, stating the name and address of the applicant or license holder concerned, the subject matter of the hearing, and the date, place and hour thereof designated therefor, by mailing a copy thereof to the applicant or license holder concerned, at the address shown upon the most recent application of such applicant or licensee, at least 10 days before such hearing.
3. The applicant or license holder involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.
4. All witnesses shall be sworn and examined under oath.

9. OPERATION OF TAXIMETERS:

A. No taxicab or livery shall be used for hire unless it has a taximeter that is in full compliance with all applicable local and state statutes, rules and regulations and has an official seal from the appropriate authorizing authority.

B. No taximeter shall be operated from either rear wheel of such vehicle, and the figures thereon shall be illuminated and visible to the passenger from the rear seat of the vehicle.

C. No taximeter shall be operated unless said taximeter and speedometer are in proper working

condition.

D. It shall be unlawful to change the size of the front wheels or tires of a taxicab or livery or the gears operating the taximeters, or to change said instrument from one vehicle to another.

E. All taximeters shall have an intact cover and gears and no person shall or allow the use of a taximeter on which the seal has been broken.

10. GENERAL RULES OF OPERATION:

A. No taxicab or livery driver shall leave his vehicle without shutting off the radio.

B. No driver shall blow his horn, shout or use a loud tone to solicit a fare.

C. No driver shall idle the motor of his vehicle excessively at any time.

D. It shall be the duty of each taxicab driver to keep a record of the point of origin and point of destination of all trips made and the charge made therefor, and to file the same with the owner of the taxicab and such records shall be preserved for at least six months and shall be made available for inspection by the Police Department during said period.

E. It shall be the duty of each livery vehicle driver to have a printed form that provides the date, time and location of each pick-up, the name, address and telephone number of each person(s) being transported, the destination each person is being transported to and the price being charged for the transportation service.

F. The numbered permit assigned to each vehicle by the Town Clerk must be affixed to the vehicle in a conspicuous place and cannot be transferred to another vehicle.

G. Each taxicab operated hereunder shall have a permanently affixed roof light and shall bear on the outside of each door the word "TAXI."

H. No taxicab or livery driver shall solicit passengers except when sitting in the driver's compartment of such taxicab or livery, as the case may be, or while standing immediately adjacent thereto, nor in a loud or annoying tone or voice nor by sign nor in any manner annoy, obstruct the movement of or follow any person for the purpose of soliciting patronage.

I. No taxicab or livery driver shall stop to pick up any additional passengers while proceeding to the destination of any passenger then occupying the taxicab or livery, as the case may be, without the consent of all such passengers.

J. No taxicab or livery driver shall permit more persons to be carried in his taxicab or livery, as the case may be, than the number for which he has seating facilities.

K. Every taxicab and livery driver, as soon as practicable after his taxicab or livery, as the case may be, is emptied of passengers, shall carefully search his vehicle for any property left there by any passenger, and if he shall find any such property, he shall as soon as reasonably practical deliver it to the Police Department in Cheektowaga.

L. The interior and exterior of all vehicles operated pursuant to the chapter shall be clean and sanitary at all times.

11. VIOLATIONS:

A. Violation of any of the provisions of this chapter shall be punishable by a fine of not to exceed \$500.00 for each offense. Each day in which violations of these provisions occur shall constitute a separate offense. Should an owner or a driver be convicted of three violations of this chapter within any eighteen (18) month period, then the permit granted to such owner or operator pursuant to this chapter may be suspended or revoked.

B. It shall be a violation for any taxicab and/or livery owner to have a taxicab or livery operating within the Town while having a revoked or suspended permit and for any taxicab or livery driver to operate a taxicab and/or livery within the Town while having a revoked or suspended permit. Each time a taxicab or livery owner or driver operates a taxicab and/or a livery within the Town while having a revoked or suspended permit shall constitute a separate offense. Such offenses shall be punishable by a fine not to exceed \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for the third offense.

RESULT:	WITHDRAWN
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4. RESOLUTION 2013-601

Award of Bid - Collection and Disposal of Recyclable Materials (Bid 2013-32)

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, the Town's agreement for the Collection and Disposal of Recyclable Materials expires on March 31, 2014, and

WHEREAS, the Town wishes to continue to utilize an outside contractor to collect and dispose of recyclable materials left at curbside by Town residents for the term commencing on April 1, 2014 and ending on March 31, 2019 (with an option for another five (5) year renewal), and

WHEREAS, by resolution dated October 7, 2013 (Resolution 2013-503), this Board issued a Notice to Bidders for the Collection and Disposal of Recyclable Materials (Bid 2013-32), and

WHEREAS, bids were opened on October 23, 2013, and

WHEREAS, bids were tabulated by the Town Attorney, and

WHEREAS, the Sanitation Committee met to review the proposals, and it has been determined that Allied Waste Services of North America, LLC, d/b/a Allied Waste Services of Buffalo/Republic Services of Buffalo was the lowest responsible bidder for the Collection and Disposal of Recyclable Materials on an every other week basis for the following prices in 2014:

\$25.20 per unit per year
\$10.00 per ton rebate

, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Collection and Disposal of Recyclable Materials on an every other week basis be and hereby is awarded to Allied Waste Services of North America, LLC, d/d/a Allied Waste Services of Buffalo/Republic Services of Buffalo, effective April 1, 2014, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement and any other documents with Allied Waste Services of North America, LLC, d/b/a Allied Waste Services of Buffalo/Republic Services of Buffalo to effectuate the terms of this bid.

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



5. RESOLUTION 2013-602

Change Work Session Date and Establish First Town Board Meeting for 2014

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, by resolution dated December 17, 2012 (Resolution 2012-660), this Town Board established Work Session Dates for 2013, and

WHEREAS, the Work Session scheduled for Monday, December 30, 2013 needs to be rescheduled, and

WHEREAS, the first Town Board meeting date for 2014 needs to be established, NOW

RESOLVED, that the December 30, 2013 Work Session date is hereby rescheduled to January 2, 2014 at 6:00 P.M. in the Town Hall Council Conference Room, and BE IT FURTHER

RESOLVED, that the first Town Board meeting date for 2014 be and hereby is established for Monday, January 6, 2014 at 6:45 P.M. in the Town Hall Council Chambers, 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 and Town Board meeting dates shall be posted in the Town's website.

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



6. RESOLUTION 2013-603

Establish Salaries of Town Officials and Employees 2014

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2014:

Deputy Town Engineer	\$73,004
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2013-604

Notice to Bidders - Demolition with Asbestos Abatement of 1182-1192 Walden Avenue (BID 2013-36 LAW)

Sponsored By: Charles Markel, Stanley Kaznowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of structures located at 1182-1192 Walden Avenue, Cheektowaga, New York; and

WHEREAS, specifications for same have been prepared by Nussbaumer & Clarke, Inc.;
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID 2013-36 LAW) for the furnishing of equipment, operators and laborers for the demolition of structures located at 1182-1192 Walden Avenue, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on Wednesday, December 11, 2013 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 11, 2013, at 11:00 A.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of structures located at 1182-1192 Walden Avenue (BID 2013-36 LAW), 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: 2 December 2013

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



8. RESOLUTION 2013-605

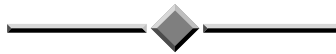
Notice to Bidders - 2013 Hollow Coring Aerator (Bid 2013-37)

Sponsored By: James P. Rogowski, Stanley Kaznowski

WHEREAS, the Facilities Department is in need of one (1) 2013 Redexim Verti-Core II, Model 1600, Hollow Coring Aerator, or equal, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) 2013 Redexim Verti-Core II, Model 1600, Hollow Coring Aerator, or equal, for the Facilities Department, said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on December 11, 2013 at 11:00 am, at the Town Hall, at which time they will be publicly opened and read aloud.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on December 11, 2013 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) Redexim Verti-Core II, Model 1600, Hollow Coring Aerator, or equal, for use by the Facilities Department. (BID 2013-37)

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 2, 2013

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



9. RESOLUTION 2013-606

Notice to Bidders 2014 Portable Chemical Toilets (Bid 2013-38)

Sponsored By: Mary Holtz, James P. Rogowski

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 11th day of December, 2013 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 11, 2013 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2014 (Bid 2013-38).

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 2, 2013

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



10. RESOLUTION 2013-607

SEQR Declaration - Urban Forestry Grant Application

Sponsored By: Charles Markel, Gerald Kaminski

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 Town Board of the Town of Cheektowaga is seeking an Urban Forestry Grant through the New York State Department of Environmental Conservation for the preparation of a town wide urban forest management plan, AND

WHEREAS, this Town Board has determined that the if the Town is successful in obtaining the subject grant, prior to adopting a town wide policy/plan for the management of the Town's Urban Forest, such policy/plan adoption will be considered a Type One action pursuant to section 617.4 of the SEQRA regulations, AND

WHEREAS, if the Town is successful in obtaining the grant proceeds, a coordinated SEQR review will be conducted by the Town of Cheektowaga with all involved agencies during the Forest Management Plan preparation, AND

WHEREAS, prior to any adoption by this Town Board of such resource management plan, a determination of environmental significance will be made pursuant to section 617.7 of the SEQR regulations, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines seeking grant funding for a town wide urban forest management plan will not have a significant effect on the environment for purposes of the State Environmental Quality Review Act (SEQRA).

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



11. RESOLUTION 2013-608

Authorize Supervisor to Execute Agreement with Erie County for Senior Nutrition Program

Sponsored By: Mary Holtz, Gerald 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 2014, 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 2014, 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



12. RESOLUTION 2013-609

Authorize Supervisor to Execute Agreement with Erie County for Transportation Services for the Elderly

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, the Town of Cheektowaga, in concert with the County of Erie, has been for years 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 2014, 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



13. RESOLUTION 2013-610

Authorize Purchase of Copy Machine for Engineering Department

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, due to heavy usage and age, the copy machine in the Engineering Department is experiencing many breakdowns requiring frequent service calls and maintenance; and

WHEREAS, Erie 1 Board of Cooperative Educational Services ("BOCES") solicited bids for the purchase of photocopiers for use by them, school districts and municipalities in the Western New York area; and

WHEREAS, the New York State General Municipal Law, Section 103, authorizes the purchase by the Town of said photocopiers under contracts let by any other agency of the State, provided said contract was let in a manner that constituted competitive bidding consistent with State Law, and further that provision was made in the bid documents enabling municipalities to utilize said bid award, thereby eliminating the need for competitive bidding by the Town and thus allowing "piggybacking" off the BOCES' bid; and

WHEREAS, the BOCES' bid documents and award contained such provisions; and

WHEREAS, a local vendor, Eagle Systems, Inc., was a successful bidder and was awarded the bid by BOCES (BOCES Bid #CE060713C) and is an authorized dealer for Toshiba copiers under said contract; and

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems to purchase a copy machine for the Engineering Department; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase a Toshiba eStudio 3055c copy machine through the contract awarded by Erie 1 Board of Cooperative Educational Services ("BOCES"), Bid #CE060713C, utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225, at a total cost not to exceed \$4,524.00, said cost including delivery, surge protector, installation on servers or workstations, and removal and return of the hard drive on the present copier to the Town of Cheektowaga for destruction; and BE IT FURTHER

RESOLVED, that the cost per copy for maintenance and supplies for said copier for a guaranteed two-year period, commencing on the date of installation of said copier, will be \$0.008 per black and white copy and \$0.06 per color copy; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from equipment line items in said department's budget; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents and maintenance agreements with Eagle Systems, Inc., to effectuate the purchase subject to the review and approval of same by the Town Attorney.

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



14. RESOLUTION 2013-611

Demolition of Shed/19 Sunset Road

Sponsored By: Charles Markel, Stanley Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 19 Sunset Road, Cheektowaga, New York SBL# 113.16-4-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas E. Luczak and Eleanor P. Oliver, 74 Williamsburg Lane, Lancaster, New York 14086, as the owner AND

WHEREAS, an inspection of such premises was conducted at 19 Sunset 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



15. RESOLUTION 2013-612

Remove/Paint Graffiti-22 Gruner Road

Sponsored By: Charles Markel, Stanley Kaznowski

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 22 Gruner Road, Cheektowaga, New York SBL# 113.01-1-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert M. Schultz, 2164 Jefferson Avenue, Naples, FL 34112, as the owner AND

WHEREAS, an inspection of such premises was conducted at 22 Gruner 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



16. RESOLUTION 2013-613

Creation of Code Enforcement Officer (Part-Time)

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that this Town Board hereby creates the position of Code Enforcement Officer (Part Time) pursuant to Civil Service Laws and Rules effective December 3, 2013.

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



17. RESOLUTION 2013-614

Appointment of Police Sergeant (Competitive/Permanent) Christopher Geelan

Sponsored By: James P. Rogowski, Stanley Kaznowski

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

WHEREAS, candidates from the existing Erie County Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Police Officer Christopher Geelan be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Police Officer Christopher Geelan of Cheektowaga, New York be and hereby is appointed to the position of Police Sergeant in the Police Department effective December 3, 2013.

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



18. RESOLUTION 2013-615

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Mary Holtz, Stanley 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:

COMMUNITY DEVELOPMENT Clerk \$10.50/hour effective 12/3/13
 Laura N. Fasciana, Cheektowaga, New York

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

SANITATION DEPARTMENT
 Clifford C. Boivin effective 10/29/13
 Derek R. Dalka effective 11/16/13
 Eddie N. Fields effective 11/15/13
 Nicholas A. Ruberto, Jr. effective 11/16/13
 Earnest L. Vann, III effective 11/15/13

SEWER MAINTENANCE
 Sean F. Ross effective 11/25/13
 Christopher D. Gentile effective 10/28/13

BE IT FURTHER RESOLVED, that the following effective date of the following be and hereby is amended as follows:

OFFICE OF THE TOWN ASSESSOR Clerk amend effective date from 11/29/13 to 10/29/13
 Kimberly D. Gevase, Cheektowaga, New York

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

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the Rules to Include the Following Resolution: 2013-616. Motion Carried



1. RESOLUTION 2013-616

Notice of Hearing for Demolition of 191 Evergreen Place

Sponsored By: Charles Markel, Stanley Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 191 Evergreen Place in the Town of Cheektowaga (S.B.L. No. 91.20-7-3) 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 25, 2013; 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 16th day of December, 2013 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

VI. Communications

A. Departmental Communications

1. **Building Permit - November 2013**
2. **Minutes: Cheektowaga Planning Board - November 14, 2013**

B. General Communications

1. **Notice of Claim: Justin Berner vs. Town of Cheektowaga**
2. **Notice of Claim: Tina Farkas vs. Town of Cheektowaga**
3. **Notice of Claim: Nicholas B. Horvath vs. Town of Cheektowaga**
4. **Notice of Claim: Alberta Koons vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

There was a Moment of Silence for Mrs. Joanne Ludtka, wife of Jack Ludtka. A motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting at 7:20 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 10, 2013

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on December 10, 2013 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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
Timothy Meyers, Councilmember-Elect
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2013-617

Settlement of Assessment Litigation - Various Benderson Company Properties

Sponsored By: James P. Rogowski, Angela Wozniak

WHEREAS, Benderson Development Co., Inc. and its related companies. commenced Article 7 proceedings against the Town for Tax Years 2009-2010, 2010-2011, 2011-20012, 2012-13 and 2013-14, seeking reductions in the assessment of properties owned by them located at various locations shown on the attached list 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.

BENDERSON DEVELOPMENT CO., INC. and RELATED COMPANIES

<u>SBL #</u>	<u>Address</u>	<u>Owner</u>
102.03-3-30.1	Thruway Plaza	Har-Wal Associates, Inc.
102.04-1-19.11	Duke Road	Benderson Development Co., Inc.
103.10-6-49	Walden Avenue	Walden-Dick Associates
103.10-6-49./B	2914-2918 Walden Ave	W & D Management Associates, LP
103.10-7-14.1/B	88 Benbro Dr	Nathan Benderson & 1
102.04-1-19.12	2021 Walden Ave	First Berkshire Business Trust
102.16-2-2.1	2245 Walden Ave	Benderson Properties, Inc.
102.16-2-7.11	2275-2295 Walden Ave	Delta Sonic Carwash Systems
103.14-4-1	2911-2951 Walden Ave	The Randall Benderson 1993-1 Trust
102.16-2-4.11	3385 Union Rd	Benderson Development Co., Inc.
102.04-1-1.1	1775-1785 Walden Ave	Walden Project Assoc., LLC, et al.
102.03-2-1.121	1526 Walden Ave	The Randall Benderson 1993-1 Trust
91.78-3-1.11	2861-2887 Harlem Rd	Benderson Harlem Associates
102.04-1-17.1	2001-2013 Walden Ave	Buffalo WVP Associates, LLC
102.03-2-9	1620 Walden Ave	1620 Walden Associates, LLC
103.14-2-21.1	2799 Walden Ave	Buffalo Walden Dick
80.62-2-1	3818-3846 Harlem Rd	MSF Har-Ken, LLC
124.02-2-12.11	101 French Rd	First Berkshire Business Trust
115.17-1-31.2	4934 Transit Rd	Benderson 85-1 Trust
115.17-1-28.1	4900 Transit Rd	4908 Transit, LLC
114.02-10-16	Transit Rd	Ronald Benderson, et al, as Trustees
114.02-10-17	Transit Rd	Ronald Benderson, et al., as Trustees

125.12-10-22	French Rd	French Borden Associates, LLC
115.17-1-31.4	4910 Transit Rd	Benderson 85-1 Trust
92.17-4-34.1	Dick Rd	Ronald Benderson & Eugene Belis, Trustees
92.18-17-23.21	2090 George Urban Blvd	Dick Rd Blend-All Hotel Development, et al
92.03-1-19.11	4243-4271 Genesee St	4342 GS Associates, LLC
92.13-4-9.12	909 Dick Rd	Dick Road Outparcel, LLC

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



2. RESOLUTION 2013-618

Revise Notice to Bidders for Demolition with Asbestos Abatement Of 1182-1192 Walden Avenue, Cheektowaga, New York (BID NO. 2013-36 LAW)

Sponsored By: Charles Markel, Stanley Kaznowski

WHEREAS, by resolution dated December 2, 2013, a Notice to Bidders for the Demolition with Asbestos Abatement of the structures located at 1182-1192 Walden Avenue in the Town of Cheektowaga was issued, with an opening date of December 11, 2013; and

WHEREAS, the Town Attorney is preparing an Addendum (No. 1) to the existing specifications for said demolition to reschedule the opening date of said bids; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves Addendum No. 1 to the Specifications for the Demolition of 1182-1192 Walden Avenue; and BE IT FURTHER

RESOLVED, that said bid opening is hereby rescheduled to Friday, December 27, 2013, 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 Friday, December 27, 2013 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 December 2, 2013, this Town Board directed that bid proposals for the Demolition with Asbestos Abatement of Structures located at 1182-1192 Walden Avenue (BID 2013-36 LAW) were due by December 11, 2013.

The Town of Cheektowaga is issuing Addendum No. 1 to the bid specifications for this project for a Controlled Demolition with Asbestos in Place of 1182 Walden Avenue, and the Demolition of 1192 Walden Avenue, 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 Friday, December 27, 2013, at 11:00 a.m. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the Controlled Demolition with Asbestos in Place of the structure located at 1182 Walden Avenue and the Demolition of 1192 Walden 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 Hall.

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

Alice Magierski
Town Clerk

Dated: December 9, 2013

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, December 16, 2013

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 16, 2013 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
James P. 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

Ellen Fischer, Executive Director - Youth Board
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Public Comment Period

III. Public Hearings

1. Demolition of 191 Evergreen Place

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 P. Rogowski, Councilmember
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

IV. Resolutions



1. RESOLUTION 2013-619

Transfer of Funds-2013

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that the following transfer is hereby approved and made part hereof;

GENERAL

FROM:	100.3120.4097	Special Investigations-DB	\$2,000.00
	100.3120.4099	Special Investigations-VGN	2,000.00
TO:	100.3120.4085	Local Education Expenses	\$4,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



2. RESOLUTION 2013-621

Amend Resolution for Purchase of Copy Machine for Engineering Department

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, by Resolution adopted December 2, 2013 (Resolution 2013-610), this Town Board authorized the purchase of a copy machine for the Town's Engineering Department; and

WHEREAS, the cost of said copier was stated to be \$4,524.00 when, in fact, the cost is \$4,724.00; and

WHEREAS, it is necessary to correct this typographical error; NOW, THEREFORE, BE IT

RESOLVED, that the first "RESOLVED" paragraph in Resolution 2013-610 is hereby amended and shall read as follows:

"RESOLVED, that this Town Board agrees to purchase a Toshiba eStudio 3055c copy machine through the contract awarded by Erie 1 Board of Cooperative Educational Services ("BOCES"), Bid #CE060713C, utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225, at a total cost not to exceed \$4,724.00, said cost including delivery, surge protector, installation on servers or workstations, and removal and return of the hard drive on the present copier to the Town of Cheektowaga for destruction; and BE IT FURTHER."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



3. RESOLUTION 2013-620

Warrant

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 16, 2013 are hereby approved and made part hereof;

GENERAL FUND	\$6,498,740.95
RISK RETENTION FUND	71,943.17
NYS HOME PROGRAM	
DEBT	
HUD HOUSING REHABILITATION FUND	1,793.00
SPECIAL DISTRICTS FUND	1,397,085.59
HIGHWAY FUND	1,042,836.83
CAPITAL FUND	549,084.49
TRUST & AGENCY FUND	45,412.42
HUD CDBG FUND	29,773.21
PART TOWN FUND	218,918.03
NYS AFFORDABLE HOUSING	23,652.74
	<hr/>
	\$9,879,240.43

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



4. RESOLUTION 2013-622

Amend Resolution for Authorization to Purchase Computer Equipment

Sponsored By: Mary Holtz, Charles Markel

WHEREAS, by Resolution adopted September 16, 2013 (Resolution 2013-474) this town board authorized the purchase of replacement blade servers for the Town's DISS department; and

WHEREAS, the cost of said blade servers was stated to be \$34,126.35; and

WHEREAS, these blade servers will now be included into a discounted package price offered by Hewlett-Packard combining several additional components necessary for this project valued at \$101,866 if purchased individually; and

WHEREAS, the new purchase price will be \$52,558.00 and adheres to New York State Contract pricing under OGS Contract PT64150; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of CDW-G and authorizes the purchase of Four (4) HP BL 460C GEN 8 10 GB FLB CTO BLADE Servers, HP C7000 Chassis, and (2) HP FlexFabric 10/24 Port Interconnect Modules from

CDW-G
230 Milwaukee Ave.
Vernon Hills, IL 60061

in accordance with their proposal dated 12/11/2013 for the total cost of \$52,558.00 ; And be it FURTHER

RESOLVED, that funding for said equipment, software and ancillary equipment shall be appropriated from budget line item number 100.1680.2204; AND BE IT FURTHER

RESOLVED that Resolution 2013-474 is hereby modified to include the additional equipment and additional cost \$18,431.65; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents necessary to effectuate the purchase of the aforementioned equipment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



5. RESOLUTION 2013-623

Award of Bid for the Furnishing of Pre-Hospital (Ambulance) Emergency Services

Sponsored By: James P. Rogowski, Stanley Kaznowski

WHEREAS, the Town's existing Agreement for Pre-Hospital Emergency Services (for ambulance services for emergencies when called into the Cheektowaga Dispatch Office) expires on December 31, 2013; and

WHEREAS, by resolution dated November 4, 2013 (Resolution 2013-563), this Town Board requested proposals for a new agreement for Pre-Hospital Emergency Services; and

WHEREAS, proposals were duly received by this Town Board at a bid opening on November 20, 2013 for pre-hospital emergency services, and such proposals were referred to the Emergency Medical Services Board for analysis, tabulation, and report; and

WHEREAS, such analysis, tabulation, and report has been completed; NOW, THEREFORE, BE IT

RESOLVED, that the contract be awarded to Rural/Metro Medical Services, 481 William Gaiter Parkway, Buffalo, New York, 14215, being the best responsible proposal meeting the requirements set forth in the Request for Proposals referred to herein, for the period January 1, 2014 to December 31, 2015, with two (2) consecutive renewal years for 2016 and 2017 at the option of the Town; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute an agreement and any other documents that may be necessary for said services, subject to approval by the Town Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



6. RESOLUTION 2013-624

Award of Bid - Custodial Supplies for 2014, 2015, 2016 (Bid 2013-33)

Sponsored By: Mary Holtz, James P. Rogowski

WHEREAS, bids were received on November 13, 2013 for the Supplying of Custodial Supplies for 2014, 2015 and 2016 , AND

WHEREAS, said bids were referred to the Town of Cheektowaga Facilities Department, Parks Division for analysis, tabulation and report, AND

RESOLVED, that the contract for the Supplying of Custodial Supplies for the fiscal years 2014, 2015, and 2016 be awarded to the following at the total bid price listed below:

		<u>TOTAL BID PRICE</u>	<u>VENDOR</u>
CATEGORY I	Paper Products	\$55.49 Inc./Del.	Dobmeier
CATEGORY II	Polyethylene Liners	\$48.93 Inc./Del.	Dobmeier
CATEGORY III	Cleaner/Disinfectant	\$255.58 Inc./Del.	Corr Distributors
CATEGORY IV	Cleaner/Polishers	\$65.80 Inc./Del.	Dobmeier

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



7. RESOLUTION 2013-625

Award of Bid for Asbestos Survey and Air Monitoring Services for Property Located at 19 Euclid Avenue (Bid 2013-34 LAW)

Sponsored By: Charles Markel, Stanley 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 on property located at 19 Euclid Avenue has experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. determined that said structure unsafe and recommended that such structure be demolished and removed; and

WHEREAS, by resolution adopted October 7, 2013, this Town Board ordered that the building on said property be either repaired or demolished, and directed that the respective owner(s) or others responsible for the building on said 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 said 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 plans for same; and

WHEREAS, on November 18, 2013, this Town Board issued a Notice to Bidders (Bid 2013-34 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain Aurora Environmental LLC to perform said asbestos survey, specifications and project monitoring work for the sum of \$3,412.50, and, if required, a further sum of \$259.00 per day and \$6.95 per sample for additional air monitoring and sampling at the site; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Aurora Environmental LLC, 1850 Davis Road, West Falls, New York 14170, to perform said asbestos survey and abatement work (if necessary) for 19 Euclid Avenue for the sum of \$3,412.50, and, if required, a further sum of \$259.00 per day and \$6.95 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 Aurora 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



8. RESOLUTION 2013-626

Award of Bid - Furnishing, Delivery Assembly and Town-Wide Distribution of Recycling Totes and Lids (Bid 2013-35 LAW)

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, by resolution dated November 18, 2013 (Resolution 2013-597), this Town Board issued a Notice to Bidders for the Furnishing, Delivery, Assembly and Town-Wide Distribution of 35 Gallon, 65 Gallon and 95 Gallon Recycling Totes and Lids for Recycling Totes, AND

WHEREAS, through an addendum issued by the Town Attorney and approved by this Board by Resolution 2013-597, the date for the opening of bids for these recycling totes was postponed from November 27, 2013 to December 4, 2013, AND

WHEREAS, only one bid was duly received on December 4, 2013, AND

WHEREAS, said bid was referred to the Town Attorney for review and the Town Attorney determined that such bid met bid specifications, AND

WHEREAS, said report recommends that the bid for the Furnishing, Delivery, Assembly and Town Wide Distribution of 35 Gallon, 65 and 95 Gallon Recycling Totes and Lids for Recycling 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 the contract for the Furnishing, Delivery, Assembly and Town Wide Distribution of 35 Gallon, 65 Gallon and 95 Gallon Recycling Totes and Recycling Lids is hereby awarded to:

Rehrig Pacific Company
1738 West 20th Street
Erie, PA 16502

for their bid in the amount of \$1,920,495.00, 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	35 Gallon Tote	Up to 4,000	\$36.80 each
No. 2	65 Gallon Tote	Up to 10,000	\$42.05 each
No. 3	95 Gallon Tote	Up to 30,000	\$46.54 each
No. 4	Lids for 95 Gallon Totes	Up to 3,000	\$15.50 each
No. 5	Tote Distribution/Assembly	Up to 35,000	\$ 3.75 each
No. 6.a.	Additional 35 Gallon Totes	Up to 500	\$36.80 each
No. 6.b.	Additional 65 Gallon Totes	Up to 500	\$42.05 each
No. 6.c.	Additional 95 Gallon Totes	Up to 500	\$46.54 each

AND, BE IT FURTHER

RESOLVED, that funding for said purchase shall be chargeable to Account #150-8160-2501

RESULT:	ADOPTED [5 TO 0]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Markel, Kaznowski, Kaminski, Wozniak
ABSTAIN:	James P. Rogowski



9. RESOLUTION 2013-627

Award of Bid - Hollow Coring Aerator (Bid 2013-37)

Sponsored By: James P. Rogowski, Stanley Kaznowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 2013 Redexim Verti-Core II, Model 1600 Hollow Coring Aerator for use by the Facilities Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, two (2) bids were received and referred to the Engineering Department for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the furnishing of one (1) new and unused 2013 Redexim Verti-Core II, Model 1600 Hollow Coring Aerator be awarded to:

Moffett Turf Equipment, Inc.
33 Thruway Park Drive
West Henrietta, NY 14586-9794

for their total bid in the amount of \$21,925.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #100-7110-2304.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



10. RESOLUTION 2013-628

Award of Bid - Portable Chemical Toilets for 2014 (Bid 2013-38)

Sponsored By: Mary Holtz, James P. Rogowski

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 11, 2013, AND

WHEREAS, Modern Corp., which was the lowest bidder for Category B (Handicapped Units), has declined the award for such bid, and

WHEREAS, Ball Toilet & Septic Services has agreed to lower its price for Category B to \$5.12 per day per unit, 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	\$3.46 Per day per unit Items I through X
Category B	-	Handicapped Units	\$5.12 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 P. Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



11. RESOLUTION 2013-629

Adoption of Scaffolding Safety Policy

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that the attached Scaffolding Safety Policy be and hereby is adopted by this Town Board effective December 17, 2013.

Attachments:

scaffolding policy 2013 (DOC)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



12. RESOLUTION 2013-630

Authorize Supervisor to Execute Agreement with Erie County Water Authority for Northcrest Avenue

Sponsored By: Mary Holtz, Gerald Kaminski

WHEREAS, Northcrest Avenue is a Town highway, maintained by the Town Highway Department, and

WHEREAS, in the fall of 2013, the Town began reconstructing that portion of Northcrest Avenue between Union Road and Orchard Place, and

WHEREAS, a contractor for the Erie County Water Authority ("ECWA") was installing a new water line in the Northcrest Avenue right-of-way, and

WHEREAS, rather than restore the road surface, since the Town was going to reconstruct the road, the Erie County Water Authority offered to remit the sum of \$19,820.32 to the Town if the Town or its contractor would restore the pavement in the area where the water line was installed while we were reconstructing Northcrest Avenue, 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



13. RESOLUTION 2013-631

Authorize Supervisor to sign Contract with Palladian

Sponsored By: James P. Rogowski, Angela Wozniak

WHEREAS, since 2008 The Department of Youth & Recreational Services has been a program provider with Palladian Muscular Skeletal Health and

WHEREAS, customers whose employers participate in Palladian administered programs will be able to apply benefits toward registration fees for several Youth & Recreational Services children's fitness programs, NOW THEREFORE BE IT,

RESOLVED, that subject to approval by the Town Attorney, Supervisor Mary Holtz be and hereby is authorized to sign a two year re-credentialing agreement between the Town and Palladian Muscular Skeletal Health.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



14. RESOLUTION 2013-632

Authorize Purchase of Computer Equipment

Sponsored By: Mary Holtz, Charles Markel

WHEREAS, the Town of Cheektowaga's current server infrastructure requires a Storage Area Network (SAN) for data storage; AND

WHEREAS, the Town needs to replace its existing Hewlett-Packard MSA SAN Server that has reached max capacity and is approaching end of functional use; AND

WHEREAS, with the replacement of the obsolete SAN, the Town will be able to reduce its data storage footprint, saving on power, cooling, and resources while adding additional layers of redundancy and data protection; AND

WHEREAS, CDW-G of 230 Milwaukee Ave., Vernon Hills, IL 60061, holds the New York State Contract (Contract PT60953, Award 188184, Group 75023) for said equipment and has submitted a proposal to the Town at the State contract cost of \$23,045.10 For equipment and software and \$19,943.86 For five years of support and services, for a total of \$42,998.96; AND

WHEREAS, funding for said computer equipment will be taken from Information Services budget line item number 100.1680.2204 (\$23,045.10) and 100.1680.4431 (\$19,943.86); NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of EMC through CDW-G and authorizes the purchase of one EMC VNX5200 Storage Area Network Server with all necessary and associated networking and equipment from:

CDW-G
230 Milwaukee Ave.
Vernon Hills, IL 60061

in accordance with their proposal 1005834432 dated 12/11/2013 for the total cost of \$42,998.96; and be it FURTHER

RESOLVED, that funding for said equipment, software and ancillary equipment shall be appropriated from budget line item number 100.1680.2204 (\$23,045.10) and 100.1680.4431 (\$19,943.86); AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents necessary to effectuate the purchase of the aforementioned equipment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



15. RESOLUTION 2013-633

Authorize Purchase of Computer Software

Sponsored By: Mary Holtz, Charles Markel

WHEREAS, the Town of Cheektowaga's Datacenter houses critical data for The Town and Police Department that must be protected and readily available; AND

WHEREAS, the Town currently uses PhDVirtual as its provider for snapshots of critical servers and data; AND

WHEREAS, the Town is implementing a Disaster Recovery site that will require our currently owned PHDLicenses to be upgraded to the full disaster recovery version to offer full protection; AND

WHEREAS, PhDVirtual of 1880 JFK Blvd, Philadelphia PA 19103 is the exclusive provider of this software, and has submitted a proposal to the Town at a state/local government price of \$10,000 for software and \$7,120 for three years of maintenance for a total cost of \$17,120; AND

WHEREAS, funding for said software equipment is available from Information Services budget line item number 100.1680.4434; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of PhDVirtual through its partner Tri-Delta Resources, and authorizes the purchase of Five (5) upgraded Recovery Management Suite licenses and three years of maintenance and support through:

Tri-Delta Resources
15 North Street
Canandaigua, NY 14424

in accordance with their proposal dated 12/3/2013 for the total cost of \$17,120 ; and be it FURTHER

RESOLVED, that funding for said software shall be appropriated from budget line item number 100.1680.4434; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents necessary to effectuate the purchase of the aforementioned equipment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



16. RESOLUTION 2013-634

Authorize Sewer Maintenance Department to Purchase Pumps

Sponsored By: Charles Markel, Gerald Kaminski

WHEREAS, the Town Sewer Maintenance Department routinely employs trailer mounted pumping equipment in the operation and maintenance of sanitary sewer district infrastructure, AND

WHEREAS, the Town Sewer Maintenance Department Operations Management Staff, and the Town Engineer have recommended that four (4) new trailer mounted diesel automatic priming pumps be purchased to replace existing pumps in its inventory which have been in service over 35 years, NOW, THEREFORE, BE IT

RESOLVED, that the Sewer Maintenance Department be and hereby is authorized to purchase two (2) 4" diesel and two (2) 6" diesel Dri-Prime portable trailer mounted pumps manufactured by Xylem Dewatering Solutions Inc., Godwin Pumps of America, with level transducer, flowmeter, silenced enclosure and remote monitoring and control components as specified in the General Services Administration Federal Supply Service Bid Award, Contract Number GS-07F-9491G from Xylem, 8039 Oak Orchard Road, Batavia, New York 14020, AND, BE IT FURTHER

RESOLVED, that funds for said purchase in the total amount not to exceed \$168,654.60 have been budgeted in the 2013 Consolidated Sanitary Sewer District Budget and shall be chargeable to Account Numbers 255-8125-4543 and 255-8125-4438.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



17. RESOLUTION 2013-635

Unsafe Branch on Tree-91 David Avenue

Sponsored By: Charles Markel, Stanley 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 91 David Avenue, Cheektowaga, New York SBL# 102.21-7-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Wells Fargo Bank, N.A., 3476 Stateview Blvd., Fort Mills, SC 29715, as the owner AND

WHEREAS, an inspection of such premises was conducted at 91 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, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



18. RESOLUTION 2013-636

Unsafe Siding/97 Isabelle Road

Sponsored By: Charles Markel, Stanley 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 Hayden, 5041 Tuscarora Road, Niagara Falls, New York 14394, 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:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



19. RESOLUTION 2013-637

Unsecured/69 Birkdale Road

Sponsored By: Charles Markel, Stanley 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



20. RESOLUTION 2013-638

Retain Stenographers for 2014

Sponsored By: Mary Holtz, Charles 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 2014 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 2014.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



21. RESOLUTION 2013-639

Retain Foreign Language Interpreters 2014

Sponsored By: Mary Holtz, Charles Markel

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 2014.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



22. RESOLUTION 2013-640

2014 Minimum Wage Increase

Sponsored By: James P. Rogowski, Angela Wozniak

WHEREAS, the New York State Legislature has approved minimum wage increases in 2014, 2015, and 2016 and

WHEREAS, the first increase becomes effective January 1, 2014, NOW THEREFORE BE IT

RESOLVED that the following individuals be and hereby are elevated as follows so as to comply with the new minimum wage law as it affects the existing workforce pay structure of those earning less than \$8.00 per hour (regular part-time/part-time):

Brittany Donovan	-	\$8.00
Jessica Elston	-	\$8.00
Emily Ferber	-	\$8.00
Jessica Gaffney	-	\$8.00
Daniel Golinski	-	\$8.00
Kourtney Killian	-	\$8.00
Angelina Rosati	-	\$8.00
Erin Ruthenberg	-	\$8.00
Nicolas Schuler	-	\$8.00
Ashley Spencer	-	\$8.00
Natalie Stack	-	\$8.00
Aaron Stolinski	-	\$8.00
Jocelyn Strohm	-	\$8.00
Randal Szymkowiak	-	\$8.00
Janelle Thompson	-	\$8.00
Kaliana Veros	-	\$8.00
Gillian Wittig	-	\$8.00
Brian Wroblewski	-	\$8.00
Kelly Zaky	-	\$8.00
Lillith Boyd-Gamel	-	\$8.15
Jared Bulinski	-	\$8.15
Ashley Carney	-	\$8.15
Emalee Danner	-	\$8.15
Eric Farinacci	-	\$8.15
Caitlyn Ferber	-	\$8.15
Amanda Fischer	-	\$8.15
Joshua Graser	-	\$8.15
Dakota Herkey	-	\$8.15
Allison Herman	-	\$8.15
Danielle Keller	-	\$8.15
Alysia Kent	-	\$8.15
Brandon Koszuta	-	\$8.15
Dean Lach	-	\$8.15

Tracey Marlinski	-	\$8.15
Sean McCowan	-	\$8.15
Lancelot Melin	-	\$8.15
Elizabeth Meyerhofer	-	\$8.15
Slade Miller	-	\$8.15
Tyler Nosal	-	\$8.15
Gabrielle Padovani	-	\$8.15
Karisa Poczciwinski	-	\$8.15
Carolyn Reczek	-	\$8.15
Jenna Soldaczewski	-	\$8.15
Derek Schenk	-	\$8.15
Joseph Swierczynski	-	\$8.15
Rebecca Szyjka	-	\$8.15
Ryan Trapper	-	\$8.15
Theresa Tripi	-	\$8.15
Courtney Wesolowski	-	\$8.15
Martin Acevedo	-	\$8.25
Jessica Arana	-	\$8.30
Eric Fiorello	-	\$8.30
Jordan Kilijanski	-	\$8.30
Cindy Radomski	-	\$8.30
Aaron Tymorek	-	\$8.40
Joseph Bodkin	-	\$8.45
Alex Godzich	-	\$8.55
Dave Kruszona	-	\$8.55
Jennifer Laffrado	-	\$8.55
Ryan Weber	-	\$8.55
Jacqueline Tymorek	-	\$8.65
Paige Melin	-	\$8.70
Jayson Selbert	-	\$8.70
Liza Fiorello	-	\$8.80
Timothy Isch	-	\$8.80
Lauren Miller	-	\$8.80
Eugene Pytlewski	-	\$8.80
Samuel Alfonso	-	\$9.00
Ross Bauman	-	\$9.00
Jeffrey Creighton	-	\$9.00
Ariana D'Agostino	-	\$9.00
Natalie Lane	-	\$9.00
Steven Gasiorek	-	\$9.05
Ann Marie Heide	-	\$9.05
Daniel Kruszynski	-	\$9.05
Amanda Maconaghy	-	\$9.05
Brian Mayle	-	\$9.05

Elaine Hawrysiak	-	\$9.15
Tyler Kunkel	-	\$9.18
James Rogers	-	\$9.18
Amanda Cendrowski	-	\$9.20
Hilary Peacock	-	\$9.20
Amy Bowen	-	\$9.30
Matthew Koszuta	-	\$9.30
Amy Krytus	-	\$9.30
Jessica Malek	-	\$9.30
Sam Sieg	-	\$9.30
Gary Steltermann	-	\$9.30
Kristen Stadelmeyer	-	\$9.30
Michael Wojcicki	-	\$9.30
Debra Wright	-	\$9.30
Scott Ferer	-	\$9.36
Dylan Bajer	-	\$9.55
Tyler Bajer	-	\$9.55
Erica Orłowski	-	\$9.55
Katherine Tomaschko	-	\$9.55
Nicole Scherrer	-	\$9.74
Joelle Gretch	-	\$9.75
Susan Mayle	-	\$9.75
DeYonca Porter	-	\$9.75
Melisa Petre	-	\$9.85
Robert Swiatkowski	-	\$9.90
Lynne Butts	-	\$10.25
Christine Jedd	-	\$10.25
Jacquelyn Rieck	-	\$10.25
Maribeth Stadelmeyer	-	\$10.25
Kathleen Carnall	-	\$10.50
Lisa Miller	-	\$10.50
Thomas Goff	-	\$10.50
Danielle Malicki	-	\$10.66
Joy Donnelly-Smith	-	\$10.90
Sandra Suwalski	-	\$11.55
Glenn A. Au	-	\$11.75
Matthew Bean	-	\$11.75
Scott Gretch	-	\$11.75

Michele Radlich	-	\$11.80
Ann Sheldon	-	\$11.80
Eric Godzich	-	\$11.95
Melissa Nosal	-	\$12.25
Nancy Fumerelle	-	\$12.30
Sherry Maran	-	\$12.75
Anthony Pierino	-	\$13.15
Amy McMahon	-	\$15.15
Beatrice Quinn	-	\$15.50
Roger Newhouse	-	\$19.05
Catherine Giles	-	\$19.88

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Angela Wozniak, Councilmember
SECONDER:	James P. Rogowski, Councilmember
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



23. RESOLUTION 2013-641

Reappointment of Town Attorney

Sponsored By: Mary Holtz, Stanley Kaznowski

BE IT RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is reappointed as Town Attorney, effective January 1, 2014 to December 31, 2015.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



24. RESOLUTION 2013-642

Reappointment of Town Engineer

Sponsored By: Mary Holtz, Gerald Kaminski

BE IT RESOLVED, that William R. Pugh, of Cheektowaga, New York be and hereby is reappointed as Town Engineer, effective January 1, 2014 to December 31, 2015.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



25. RESOLUTION 2013-643

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Mary Holtz, Stanley Kaznowski

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 (Grant Position) Senior Clerk Typist \$15/hour effective 12/17/13
Carol Brunner, Depew, New York

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed 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:

RECORDS MANAGEMENT Clerk (Temporary) \$8.75/hour effective 12/17/13
Maureen E. Gleason, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT
Allen K. Steltermann effective 12/7/13

COMMUNITY DEVELOPMENT
Laura N. Fasciana effective 12/3/13

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to waive the reading of names for this resolution. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Stanley Kaznowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak



26. RESOLUTION 2013-644

Travel Authorization (Community Development, Building and Neighborhood Preservation, Engineering Department) "Niagara Frontier Building Officials Education Conference"

Sponsored By: Mary Holtz, Stanley Kaznowski

WHEREAS, the Niagara Frontier Building Officials Education Conference is being held January 27 through January 29, 2014 in Cheektowaga, New York; AND

WHEREAS, the following employees have been recommended to attend said conference:

Supervising Code Enforcement Officer Thomas Adamczak
Assistant Code Enforcement Officer Mark Bielefeld
Housing Inspector Richard Coburn
Assistant Plumbing Inspector Gregory Magnuszewski
Assistant Code Enforcement Officer Donald Bielefeld
Housing Inspector (Neighborhood Preservation) Lawrence Kensy
Fire Inspector Gerald Sprada
Assistant Code Enforcement Officer Mark Radecki
Housing Inspector Donald Wartinger
Housing Inspector (Part Time) Gerald Gill
Housing Inspector (Part Time) Lawrence Rokitka
Assistant Code Enforcement Officer Peter Maurer
Fire Inspector Joseph Ehnes
Assistant Code Enforcement Officer Daniel Lelito
Zoning Inspector (Part Time) Joseph Kopera
Assistant Code Enforcement Officer Dale Parks
Assistant Code Enforcement Officer Richard Willis
Senior Assistant Engineer Gail Milburth
Engineer Assistant Nicholas Edsell; AND

WHEREAS, a request for travel authorization along with the proper paperwork has been submitted in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$5,225; AND

WHEREAS, these expenses have been budgeted by the Departments; NOW,
THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the Niagara Frontier Building Officials Education Conference being held January 27 through January 29, 2014 in Cheektowaga, New York.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Stanley Kaznowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to waive the rules to include the following one (1) resolution: 2013-645. Motion Carried.



1. RESOLUTION 2013-645

Appointment of Assistant Code Enforcement Officer Part-Time (Temporary) Roy Weiglein

Sponsored By: Mary Holtz, Stanley Kaznowski

WHEREAS, a temporary vacancy exists in the position of Code Enforcement Officer in the Building and Plumbing Department; AND

WHEREAS, the Town Board will underfill the position as Assistant Code Enforcement Officer (Part-Time/Temporary); AND

WHEREAS, Roy Weiglein meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Roy Weiglein of Cheektowaga, New York, be and hereby is appointed to the temporary position of Assistant Code Enforcement Officer (Part-Time) in the Building and Plumbing Department at the hourly rate of \$17.00 effective December 18, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Rogowski, Markel, Kaznowski, Kaminski, Wozniak

VI. Communications

A. Departmental Communications

1. **Minutes: Cheektowaga Conservation Advisory Council - November 7, 2013**
2. **Minutes: Town Environmental Advisory Council - October 16, 2013**

B. General Communications

1. **Notice of Claim: Robert W. Jankowski vs. Town of Cheektowaga**
2. **Notice of Claim: Scott E. Janus vs. Town of Cheektowaga**
3. **Notice of Claim: Michael A. Lewandowski vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

Motion by Councilmember Kaznowski; seconded by Supervisor Holtz to close the meeting in memory of Colin Wegner, 20 year old son of Highway Superintendent Mark Wegner, and also Mr. Julian Polanski, WWII veteran and longtime community volunteer.

Alice Magierski, Town Clerk

TOWN OF CHEEKTOWAGA

SCAFFOLDING SAFETY

Introduction

This Occupational Safety and Health standard (29 CFR 1926.451) contains specific requirements for the design, construction and use of scaffolds to protect employees from scaffold-related hazards.

Scaffolds are elevated work areas and may be erected from the ground up, attached to ladders or suspended from above. Scaffold-related incidents can have severe or catastrophic consequences. Since scaffolds are elevated work areas, the Town of Cheektowaga *Fall Protection Program* applies whenever scaffolding will be used at a worksite.

Program Highlights

- Scaffolding requirements for erection and safeguarding.
- Training must address the hazards associated with scaffold use.
- Scaffolding inspection documentation must be maintained with the project/job file.

Program Details***Scaffold Requirements***

Scaffolds must be erected on sound, rigid and firm footing capable of carrying the maximum intended load without settling, shifting or displacement. All components must be capable of supporting at least four (4) times the maximum intended load.

Guardrails, mid rails and toe boards must be installed on all open sides and ends of all scaffolding used by Town personnel. In work areas where Town or other employees may pass underneath the scaffolding, screens with ½" maximum openings must extend from the toe board to the guardrail.

All planking must be of Scaffold Grade or equivalent for the type of wood in use. Planking must overlap a minimum of 12" when unsecured. Scaffold planks must extend over their end supports not less than 6" or more than 12".

When scaffolding is used in the immediate proximity of electrical power/power lines, it must be blanketed to prevent accidental electrocution.

All scaffolds used by Town personnel must be inspected prior to use. Any defective scaffolding/accessories must be repaired immediately or replaced before using the scaffolding.

Training

TOWN OF CHEEKTOWAGA

Town personnel must be trained in and familiar with the following:

- The nature of hazards associated with scaffolds (i.e., electrical hazards, fall hazards, hazards from falling objects and moving materials).
- The installation of systems to protect personnel from falling and falling objects.
- The proper use of scaffolds, as well as maximum loads and load carrying capacities.
- The importance of housekeeping and material storage on scaffolds.
- The methods of inspecting scaffolds prior to daily use.

Inspection

The Department Head must familiarize him/herself with the specific safety requirements for Scaffolding and Fall Protection.

When scaffolding is rented, all inspection documentation from the rental firm must be maintained with the project/job file.

Scaffolding must be inspected on a daily basis by the Town worksite supervisor. Personnel working on scaffolds must keep all guardrails, mid rails, screens, and toe boards in place

Additional Information

Refer to the applicable OSHA Construction (29 CFR 1916.451) and General Industry (29 CFR 1910.28) Standards for your specific scaffolding requirements.

EXHIBIT 1

TOWN OF CHEEKTOWAGA

SCAFFOLDING SAFETY CHECKLIST

Date: _____ Worksite: _____

Scaffolding is: Rented provided by General Contractor
 Customer Town equipment

1. Scaffold footing or anchorage is sound, rigid and capable of carrying the maximum intended load without displacement or settling. yes no
- 2 Scaffold can support, without failure, a load four (4) times the maximum intended load. yes no
3. Scaffold is maintained in a safe condition. yes no
4. Scaffold is equipped with the following: toe boards yes no
guardrails yes no
mid rail yes no
screening yes no
5. Scaffold legs or uprights plumb and braced securely to prevent swaying or displacement. yes no
6. Scaffold has an access ladder or equivalent safe access. yes no
7. Scaffold in use is within the immediate proximity of power lines. yes no
8. Scaffold locking devices in good condition and secured. yes no
9. Tools, materials or debris accumulated on scaffold planking. yes no
10. Tag line provided and used for hoisting tools/materials. yes no
11. Town employees provided with and using personal fall protection. yes no
12. If scaffolding is provided by the general, customer or another contractor, have the previous scaffold inspections been reviewed yes no

If yes, by whom: _____

Name of person completing the checklist: _____