



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, January 4, 2016

6:45 PM

Council Chambers

## I. Pledge of Allegiance

## II. Call to Order

6:45 PM Meeting called to order on January 4, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Absent	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Ellen Fischer, Executive Director - Youth Board  
Stanley Kaznowski, III, Planning Board Chairman  
Carla A. Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney

## III. Invocation

## IV. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Hammer to approve and accept the minutes of the previous meeting. Motion Carried.

## V. Public Comment Period

## VI. Resolutions



## 1. RESOLUTION 2016-1

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 4, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$313,450.86
RISK RETENTION FUND	36,099.62
NYS HOME PROGRAM	0.00
DEBT	279,072.00
HUD HOUSING REHABILITATION FUND	41,618.00
SPECIAL DISTRICTS FUND	274,973.60
HIGHWAY FUND	119,395.70
CAPITAL FUND	84,202.86
TRUST & AGENCY FUND	2,095.69
HUD CDBG FUND	6,389.63
PART TOWN FUND	4,257.87
NYS AFFORDABLE HOUSING	9,405.00
	<hr/>
	\$1,170,960.83

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 2. RESOLUTION 2016-2

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### Call for Public Hearing - Rezoning Request Part of 2055 Walden Avenue

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, CB Design Group, Architects, P.C. with permission of the land owner, Derrick Corporation has made application and requested the rezoning of a portion of 2055 Walden Avenue from to C- Retail Business to M1- Light Manufacturing to permit the conversion of an existing retail building for light manufacturing activities associated with an existing manufacturing facility contiguous to the subject property and located at 590 Duke Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on January 19, 2016 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 January 19, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

CB Design Group, Architects, P.C./Derrick Corporation

For the rezoning of a portion of 2055 Walden Avenue from to C- Retail Business to M1- Light Manufacturing to permit the conversion of an existing retail building for light manufacturing activities associated with an existing manufacturing facility contiguous to the subject property and located at 590 Duke Road.

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

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

Vickie L. Dankowski, TOWN CLERK



All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, and being part of Lot 16, Township 11, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

COMMENCING AT the intersection of the north line of Duke Road (formerly Walden Avenue) (66 feet wide), with the east line of lands recorded in the Erie County Clerk's Office in Liber

2688 of Deeds at Page 192;

RUNNING THENCE: Northerly, along the east line of lands in Liber 2688 of Deeds at Page 192, a distance of 430 feet to a point on the south line of lands conveyed to Derrick Corporation by deed recorded in the Erie County Clerk's Office in Liber 11193 of Deeds at Page 895;

RUNNING THENCE: Southwesterly, along the south line of said Derrick Corporation lands, a distance of 60.64 feet to an angle point therein;

RUNNING THENCE: Westerly, at an interior angle of 169 degrees -48'-22" with the last described line and along the south line of said Derrick Corporation lands, a distance of 321.56 feet to a point;

RUNNING THENCE: Northerly, at an interior angle of 92 degrees-05'-06" with the last described line, a distance of 498.91 feet to a point, said point also being 100.0 feet southerly of the south line of lands recorded in the Erie County Clerk's Office in Liber 5692 of Deeds at Page 543;

RUNNING THENCE: Easterly, at right angles to the last described line, a distance of 539.56 feet to a point on the east line of said Derrick Corporation lands;

RUNNING THENCE: Southerly, along the east line of said Derrick Corporation lands, a distance of 196.85 feet to an angle point therein;

RUNNING THENCE: Southerly, at an interior angle of 179 degrees -33'-45" with the last described line and along the east line of said Derrick Corporation lands, a distance of 305.73 feet to a point;

RUNNING THENCE: Westerly, at right angles to the last described line and along the south line of said Derrick Corporation lands, a distance of 158.0 feet to the POINT OR PLACE OF BEGINNING, containing 6.25 Acres, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



### 3. RESOLUTION 2016-3

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## Call for Public Hearing for Town of Cheektowaga FY 2016 Annual Plan

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town is eligible to receive approximately \$916,326 in Community Development Block Grant funds and approximately \$202,020 in Home Investment Partnership program funds for the 2016 Program Year, and

WHEREAS, the FY 2016 Draft Annual Plan detailing activities proposed for funding with Program Year 2016 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, the Community Development Office and online, and

WHEREAS, the Town is required to hold public hearings to obtain the views and comments of Town residents, public agencies and other interested parties concerning housing and community development needs in the Town, the amounts of assistance expected, and the activities that are proposed to be undertaken with CDBG and HOME funds, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 19, 2016 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 7, 2016.



Notice of Public Hearing  
FY 2016 Annual Plan  
Community Development Block Grant and HOME Programs

A public hearing will be held on Tuesday, January 19, 2016 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227 on the Town's Fiscal Year 2016 Draft Annual Action 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 the draft Annual Action Plan which has been made available for public review in Town Hall, the Community Development Office, Cheektowaga Branch Libraries and online on the Cheektowaga web site. The previously approved FY 2016-2020 Consolidated Plan provides insight into the housing and community needs of the Town and identifies programmatic goals to address those needs. This Annual Action Plan outlines specific housing and community development projects proposed to address those needs and goals and funded with FY 2016 CDBG and HOME Program funds. The Town is eligible to receive an estimated \$916,326 in CDBG funds and approximately \$202,020 in HOME Investment Partnership Program funds from HUD in 2016. Any difference in actual allocations received will be either added to, or deducted from, the Single-Family Rehabilitation Program. The Town also estimates approximately

\$275,000 in CDBG and \$20,000 in HOME program income from its revolving housing rehabilitation loan program and \$250,000 in economic development revolving business loan program income will be received and re-used for those purposes. 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 or signers for the hearing impaired will be made available at the meeting upon prior request. If you need such special arrangements, contact the Cheektowaga Community Development Office at 897-7200, Ext. 7, at least seven (7) business days prior to the hearing. The hearing location is accessible to the physically disabled.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 4. RESOLUTION 2016-4

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### Call for Public Hearing to Amend Traffic Ordinance - Southcrest Avenue

**Sponsored By:** Councilmember Meyers, Councilmember Rogowski

WHEREAS, by resolution dated December 21, 2015 (Resolution 2015-683), this Town Board scheduled a public hearing on proposed amendments to Chapter 235 of the Town Code (Vehicle and Traffic), said public hearing to be held on January 4, 2016, and

WHEREAS, inadvertently, the notice of hearing was not published in the CHEEKTOWAGA BEE, NOW

RESOLVED, that the January 4, 2016 public hearing is cancelled, and BE IT FURTHER

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 19, 2016 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.

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#### **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 19, 2016 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:

SOUTHCREST 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:

SOUTHCREST AVENUE - North side: from east curb line of Union Road to west curb line of Orchard Place

Dated: January 4, 2016

Vickie L. Dankowski, Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 5. RESOLUTION 2016-5

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### Notice To Bidders 2016 Portable Chemical Toilets (2016-1)

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**Sponsored By:** Councilmember Adamczyk, Councilmember 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 (Bid 2016-1), 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 13Th day of January, 2016 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 January 13, 2016 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2016 (Bid 2016-1).

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.

Vickie L. Dankowski, Town Clerk

Date: January 4, 2016

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Christine Adamczyk, Councilmember  
**SECONDER:**   James P. Rogowski, Councilmember  
**AYES:**        Benczkowski, Rogowski, Meyers, Adamczyk, Hammer  
**ABSENT:**      Gerald Kaminski



## 6. RESOLUTION 2016-6

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

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 7. RESOLUTION 2016-7

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### Designate Depositories for 2016

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2016:

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 8. RESOLUTION 2016-8

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### Designation of Official Newspaper

**Sponsored By:** Supervisor Benczkowski, Councilmember Hammer

**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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



9. RESOLUTION 2016-9

Readopt Investment Policy

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

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

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

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

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

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TOWN OF CHEEKTOWAGA

INVESTMENT POLICY

I. SCOPE

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

II. OBJECTIVES

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

III. DELEGATION OF AUTHORITY

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

IV. PRUDENCE

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

in the Town of Cheektowaga to govern effectively.

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

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

V. DIVERSIFICATION

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

VI. INTERNAL CONTROLS

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

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

VII. DESIGNATION OF DEPOSITORIES

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

VIII. COLLATERALIZING OF DEPOSITS

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

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix B to the policy.
2. By an eligible "letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the Town of Cheektowaga for a time not to exceed 90 days with an aggregate value equal to the 140% of the

aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the Town of Cheektowaga for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### IX. SAFEKEEPING AND COLLATERALIZATION

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

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

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the Town of Cheektowaga, will be

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

#### X. PERMITTED INVESTMENTS

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

. Special Time Deposit accounts;

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

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

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

#### XII. PURCHASE OF INVESTMENTS

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

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

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Town Board.

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

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

### XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

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

## Appendix A

<b>BANK</b>	<b>TYPE</b>	<b>ACCOUNT NUMBER</b>	<b>MAXIMU M AMOUNT</b>	<b>TOWN OFFICER</b>
M&T Bank	Joint Bail	XXX5092	200,000	Justice
M&T Bank	Parking	XXX5027	75,000	Justice
M&T Bank	Town Fees	XXX5100	200,000	Justice
M&T Bank	Town Fees	XXX1977	200,000	Justice
Chase	Block Grant	XXXXX3141		Dir. Of Admin & Finance
Chase	Consolidated Savings	XXXXX4217	80,000,00 0	Dir. Of Admin & Finance
Chase	Controlled Disbursement account (Zero balance Account)	XXXXX5888	-	Dir. Of Admin & Finance
Chase	First Niagara Risk Management	XXXXX3827	200,000	Dir. Of Admin & Finance
Chase	JAG Grant	XXXXX7385		Dir. Of Admin & Finance
Chase	Municipal Clearing Checking	XXX5589	3,000,000	Dir. Of Admin & Finance
Chase	NYS Home Program	XXXXX9969		Dir. Of Admin & Finance
Chase	Payroll Checking	XXXXXX3914	\$2,000,00 0	Dir. Of Admin & Finance
Chase	School Tax	XXXXX0376		Town Clerk
M&T Bank	School Tax	XXXXXX4406		Town Clerk
Chase	Tax Collection Savings Account	XXXXX0422		Town Clerk
Chase	Tax Receiver	XXXXX0368		Town Clerk
Chase	Town Clerk	XXXXX0384		Town Clerk
M&T Bank	Town & County Taxes	XXXXXX4414		Town Clerk
M&T Bank	Municipal Money Market Tax Savings	XXXXXXXXXX6489		Town Clerk
Chase	Trust & Agency - Asset Forfeiture	XXXXX9955	500,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Checking	XXXXX9890	7,000,000	Dir. Of Admin & Finance
Chase	Trust & Agency - DARE	XXXXX9963	50,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Library	XXX6144	800,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Pyramid	XXXXX9939	500,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Sewer Drainage	XXXXX9971	500,000	Dir. Of Admin & Finance

Regular Meeting	Minutes	January 4, 2016	
Chase	Cheektowaga Youth & Rec Services	xxxxx8285	Dir. Of Admin & Finance
Chase	NSP Grant	xxxxx6170	Dir. Of Admin & Finance
M&T bank	Investments	xxxxxx2207	Dir. Of Admin & Finance
Citizens	General fund checking	xxxxxx0824	Dir. Of Admin & Finance
M&T bank	Risk Retention fund	xxxxxx0836	Dir. Of Admin & Finance
Chase	HUD Rehab Loan Program	XXXXX2675	Dir. Of Admin & Finance
First Niagara	Money Market Account	XXXXX0455	Dir. Of Admin & Finance
chase	NYS Affordable Housing	XXXXXX5032	Dir. Of Admin & Finance
M&T bank	General - Checking	xxx7346	Dir. Of Admin & Finance
M&T bank	General - Savings	xxxxxx7271	Dir. Of Admin & Finance
MBIA-Class	Debt Reserve Fund	NY-xx-xx73-0001	Dir. Of Admin & Finance
MBIA-Class	General Fund	NY-xx-xx73-0003	Dir. Of Admin & Finance
MBIA-Class	Risk Retention Fund	NY-xx-xx73-0002	Dir. Of Admin & Finance
MBIA-Class	Special Districts Fund	NY-xx-xx73-0004	Dir. Of Admin & Finance

## APPENDIX B

## Schedule of Eligible Securities

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

APPENDIX B

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

“Treasure Strips”.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 10. RESOLUTION 2016-10

### Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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.

Driver/Attendant	Expiration Date
Adolf, Kelsey A	6/30/2018
Albiani-Gross, Daniel J	6/30/2018
Brascoupe, Erie R	6/30/2018
Britzzalero, Joshua D	6/30/2016
Capitano, Angela	7/31/2018
Castello, Anthony W	2/28/2019
Checcino, William S	2/29/2016
Chmielewski, Krystof M	7/31/2018
Daigler, Nathan A	7/31/2018
Derkovitz, Martin T	9/30/2018
Desabrais, Justin A	7/31/2017
Dispenza, Andrew J	11/30/2017
Doherty, Sarah E	1/31/2018
Ehlers, Andrew M	6/30/2018
Ehrig, Stacey A	4/30/2018
Ford, Jr., Christopher J	9/30/2018
Galas, Jacob P	9/30/2018
Gonser, Kevin R	7/31/2018
Hart, Clinton T	4/30/2018
Hughes, Mary Beth	1/31/2019
Kaiser, Tonya E	6/30/2018
Kapulka, Jacob P.	9/30/2018
Kayani, Fraz M	10/31/2018

Kilmer, Kaitlynn R	10/31/2017
Konkle, David N	9/30/2018
Kotei, Christopher K	7/31/2018
Larson, Steven E	3/31/2018
Latta, Keith A	7/31/2018
Lesold, Benjamin L	1/31/2016
Leuer, Michael P	12/31/2018
MacKenzie, Aaron C	2/28/2018
Mallone, Nicole A	2/28/2018
McCann, Stephanie M	9/30/2018
Mock, Dale A	8/31/2018
Moleski, Richard M	9/30/2015
Mondal, Ismahr A	9/30/2018
Osieja, Joseph C	10/31/2018
Pepper, Stephan D	11/30/2018
Pieczynski, Karen S	6/30/2018
Piotrowski, Jessie L	6/30/2018
Schuldes, Adam P	10/31/2018
Skutnik, Steven J	6/30/2018
Smith, Dakota J	1/31/2017
Spoth, Emily J	9/30/2017
Sutton, Shamoy C	9/30/2017
Willard, Mark M	7/31/2018

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

**MOVER:**       James P. Rogowski, Councilmember

**SECONDER:**   Timothy J. Meyers, Councilmember

**AYES:**        Benczkowski, Rogowski, Meyers, Adamczyk, Hammer

**ABSENT:**      Gerald Kaminski



## 11. RESOLUTION 2016-11

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

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

**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 Vickie L. Dankowski, 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 2016, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 12. RESOLUTION 2016-12

### Authorize Tax Credit for Village of Depew

**Sponsored By:** Supervisor Benczkowski, Councilmember Adamczyk

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, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



### 13. RESOLUTION 2016-13

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## Approval of Change Order #1 - Roof Replacement on Town Hall Additions

**Sponsored By:** Councilmember Meyers, Councilmember Rogowski

WHEREAS, the contract for the Roof Replacement on the Town Hall Additions Project was awarded by Town Board Resolution dated June 2, 2014 to Murray Roofing Company, Inc., 600 Cayuga Creek Road, Cheektowaga, New York 14227 in the amount of \$50,000.00, AND

WHEREAS, the Town Engineer has recommended the approval of Change Order No. 1 which provides for replacement of corroded roof drains and roof decking as further detailed in the Change Order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the Roof Replacement on the Town Hall Additions Project in the amount of \$2,100.00 as an addition to the contract be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that the funds for said Change Order No. 1 (final) shall be chargeable to Account #500-1910-2531-5329.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 14. RESOLUTION 2016-14

### Authorize Purchase 2016 Heavy Duty Truck Class 8, Cab-Chassis Type w/Dump Bodies, Snow Plow Equipment

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Highway Department has requested authorization to purchase a 2016 Heavy Duty Truck Class 8, Cab-Chassis Type w/Dump Bodies, Snow Plow equipment as specified in the County of Onondaga Division of Purchase Contract, Bid Ref. #7823, contract period June 24, 2013 through June 23, 2018, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300.5130.2407, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the Purchase of 2016 Heavy Duty Truck Class 8, Cab-Chassis Type w/Dump Bodies, Snow Plow equipment in the amount of \$214,153.00 from:

Kenworth Northeast Group  
100 Commerce Drive  
Buffalo, NY 14218

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 15. RESOLUTION 2016-15

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### Approve Agreement with Lawley Insurance for Loss Control Services

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town's existing Loss Control Services Agreement expired on December 31, 2015, and

WHEREAS, Lawley Insurance has submitted a proposal to provide loss control services to the Town of Cheektowaga for calendar year 2016 at a cost which is lower than the company that provided this service to the Town previously, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to retain the services of Lawley Insurance for Loss Control Services Agreement for calendar year 2016, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Lawley Insurance for these services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 16. RESOLUTION 2016-16

### Retain Risk Management and Insurance Consulting Services

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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, 2015; and

WHEREAS, Holfoth Risk Management has submitted a proposed a three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$46,800.00 for year 2016 \$47,760 for year 2017, and \$48,720 for year 2018; 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 2016 - 2018, in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 17. RESOLUTION 2016-17

### **Authorize Supervisor to agree to settlement with Time Warner for Franchise Fees**

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

WHEREAS, the Town of Cheektowaga has engaged Troy & Banks consulting firm by resolution on November 4, 2013 to audit the Town's utility, telecommunications and cable franchise accounts to determine that we are being properly charged in these billings and receiving the correct payments for franchise fees; AND

WHEREAS, Troy & Banks has presented its findings and calculations on franchise fees owed to the Town to Time Warner Cable for the period of December 31, 2009 to December 31, 2014; AND

WHEREAS, Time Warner Cable has agreed to pay \$420,956 in full settlement of all claims related to the time period under audit, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with Time Warner Cable to accept \$420,956 to settle the matter.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 18. RESOLUTION 2016-18

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### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

FACILITIES DEPARTMENT  
Tyler M. Measer effective 11/23/15

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 19. RESOLUTION 2016-19

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### Youth & Recreation Termination

**Sponsored By:** Supervisor Benczkowski, 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:

Derek Missel	Never worked	14215
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 20. RESOLUTION 2016-20

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### Reappointment of Town Attorney

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

BE IT RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is reappointed as Town Attorney, effective January 1, 2016 to December 31, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 21. RESOLUTION 2016-21

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### Reappointment of Town Engineer

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

BE IT RESOLVED, that Patrick Bowen, of Cheektowaga, New York be and hereby is reappointed as Town Engineer, effective January 1, 2016 to December 31, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



22. RESOLUTION 2016-22

Reappointment of Bingo Inspectors

Sponsored By: Councilmember Hammer, Councilmember Meyers

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2016 to December 31, 2016:

- 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, 2016 for a term of one year:

Thaddeus I. Marciniak, Cheektowaga, New York

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES, ABSENT) and Value (ADOPTED [UNANIMOUS], Linda Hammer, Timothy J. Meyers, Benczkowski, Rogowski, Meyers, Adamczyk, Hammer, Gerald Kaminski)



## 23. RESOLUTION 2016-23

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### Reappointment to Traffic Safety Commission

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the term of Cheektowaga Traffic Safety Commission Chairman Richard Zynda and Member Joseph Gasiewicz expired on December 31, 2015, and

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

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

RESOLVED, that Richard Zynda be and hereby is re-appointed as Chairman of the Traffic Safety Commission and Joseph Gasiewicz is reappointed as Member of the Traffic Safety Commission, effective immediately and terminating on December 31, 2018.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 24. RESOLUTION 2016-24

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### Reappoint Member of Library Board

**Sponsored By:** Councilmember Adamczyk, Councilmember Rogowski

WHEREAS, the term of Deborah E. Cope as Member of the Cheektowaga Public Library Board expired on December 31, 2015, and

WHEREAS, Deborah E. Cope has requested reappointment to the Cheektowaga Library Board, and

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

RESOLVED, that Deborah E. Cope, of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2016 and terminating on December 31, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 25. RESOLUTION 2016-25

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### Reappoint Member of Planning Board

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

WHEREAS, the term of Ruth Casacci as Member of the Planning Board expired as of December 31, 2015, and

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

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

RESOLVED, that Ruth Casacci be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2016 and terminating on December 31, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 26. RESOLUTION 2016-26

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### Reappointments to Veterans Affairs Committee

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**Sponsored By:** Councilmember Rogowski, Councilmember Hammer

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, 2015, 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, 2016 and expiring on December 31, 2016:

Joseph Porempski, Cheektowaga, New York  
Karyn Porempski, 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  
Denise Williams, Cheektowaga, New York  
Richard Zydel, Cheektowaga, New York  
Joseph Reger, Cheektowaga, New York  
Owen Reger, Cheektowaga, New York  
Russell Freund, Depew, New York  
Gary Kruger, Depew  
Kenneth Speaker, Cheektowaga, New York  
Nelson Oldfield, Cheektowaga, New York  
Jerzy Galazka, Cheektowaga, New York  
Mark Hamberger, Cheektowaga, New York  
Director or Representative of Erie County Veterans Service Agency, Buffalo, New York)

,and BE IT FURTHER

RESOLVED, that Councilmember James P. Rogowski (Chairperson of the Veterans Committee) and Councilmember Gerald P. Kaminski, Sr. be and hereby shall serve as the Town Board liaisons to the Veterans Affairs Committee for calendar year 2016.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Linda Hammer, Councilmember  
**AYES:**        Benczkowski, Rogowski, Meyers, Adamczyk, Hammer  
**ABSENT:**      Gerald Kaminski



## 27. RESOLUTION 2016-27

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### Reappointment of Zoning Board Member

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

WHEREAS, the term of John Marriott as Member of the Zoning Board of Appeals expired on December 31, 2015, and

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

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

RESOLVED, that John Marriott of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2016 and terminating on December 31, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 28. RESOLUTION 2016-28

### Appointment of Marriage Officers

**Sponsored By:** Councilmember Hammer, Councilmember Meyers

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

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

WHEREAS, the terms of such marriage officers expired on December 31, 2015, and this Town Board wishes to continue the availability of the services of marriage officers for the benefit of Town taxpayers, NOW, THEREFORE, BE IT

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

Vickie L. Dankowski  
 Cynthia Dauscher  
 Brian Wielinski

,effective January 1, 2016 for a term expiring on December 31, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 29. RESOLUTION 2016-29

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### Appointment of Registrar of Vital Statistics

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**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, the term of office of Registrar of Vital Statistics for the Town of Cheektowaga expired on December 31, 2015, and

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

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

RESOLVED, that Town Clerk Vickie L. Dankowski be and hereby is appointed as the Registrar of Vital Statistics for the Town of Cheektowaga for a term expiring on December 31, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 30. RESOLUTION 2016-30

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### Appointment of Zoning Board Member

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

WHEREAS, there is a vacancy in the position of Member of the Zoning Board of Appeals, and

WHEREAS, Justin P. Young has expressed an interest in serving as Member of the Zoning Board of Appeals, and

WHEREAS, Justin P. Young meets the qualifications for said position and merits appointment, NOW, THEREFORE, BE IT

RESOLVED, that Justin P. Young 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, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 31. RESOLUTION 2016-31

### Travel Authorization Elected Officials

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the 2016 Training School for Newly Elected Town Officials is being held January 6 through January 8, 2016 in Rochester, New York; AND

WHEREAS, Supervisor Diane Benczkowski, Councilmember Linda Hammer and Town Clerk Vickie Dankowski have been recommended to attend said school; 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 \$2,290; AND

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

RESOLVED, that Supervisor Diane Benczkowski, Councilmember Linda Hammer and Town Clerk Vickie Dankowski be and hereby are authorized to attend the 2016 Training School for Newly Elected Town Officials being held January 6 through January 8, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



## 32. RESOLUTION 2016-32

### Travel Authorization - NYS Association of Towns Annual Meeting

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Association of Towns of the State of New York 2016 Training School and Annual Meeting will be held in New York City from February 14<sup>th</sup> - 17<sup>th</sup>, 2016; 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 2016 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 Patrick Bowen	100.1440.4088
Director of Administration and Finance Brian M. Krause	100.1315.4088
Town Justice Paul Piotrowski	100.1110.4082
Town Justice Dennis Gorski	100.1110.4082
Town Attorney Kevin G Schenk	100.1420.4088

And BE IT FURTHER

RESOLVED, that Director of Administration and Finance Brian Krause hereby is designated as the Official Voting Delegate (Town Engineer Patrick Bowen 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski





### 33. RESOLUTION 2016-33

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## Travel Authorization Youth and Recreation

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Association of New York State Youth Bureaus Annual Youth Leadership Conference is being held February 8 through February 9, 2016 in Albany, New York; AND

WHEREAS, Program Coordinator (Youth) Jillian Gorman-King has been recommended to attend said conference; AND

WHEREAS, Executive Director (Youth Board) 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 \$800; AND

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

RESOLVED, that Program Coordinator (Youth) Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus Annual Youth Leadership Conference being held February 8 through February 9, 2016 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski



### 34. RESOLUTION 2016-34

## Removal of Dilapidated Fence and Debris-3303 Harlem Road

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

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3303 Harlem Road, Cheektowaga, New York SBL# 91.09-7-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Joseph Sicurella, 3303 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3303 Harlem Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Meyers, Adamczyk, Hammer
<b>ABSENT:</b>	Gerald Kaminski

## VII. Suspension of Rules

Motion by Councilmember Meyers; Seconded by Councilmember Adamczyk to waive the Rules to Include the Following One (1) Resolution: 2016-35. Motion Carried.



## 1. RESOLUTION 2016-35

### 2016 Minimum wage increase

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Legislature has approved minimum wage increase in 2014, 2015, and 2016 and

WHEREAS, the third of three increases becomes effective January 1, 2016, NOW THEREFORE

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 \$9.00 per hour (regular part-time/part time):

Tammy Bell	-	\$9.00
Matthew Carney	-	\$9.00
Nicholas Gamble	-	\$9.00
Gregory Gyalog	-	\$9.00
Eric Green	-	\$9.00
David Kovatchev	-	\$9.00
Alexis Krueger	-	\$9.00
Keri Murphy	-	\$9.00
Nathan Obstarczyk	-	\$9.00
Julie Pijacki	-	\$9.00
Catherine Rogers	-	\$9.00
Melissa Rossi	-	\$9.00
Jenna Brewer	-	\$9.00
Grace Dalton	-	\$9.00
Leah Hoffman	-	\$9.00
Verliddia Jones	-	\$9.00
Kellie Kaminski	-	\$9.00
Alexandria Makowski	-	\$9.00
Anthone Proctor	-	\$9.00
Molly Wittig	-	\$9.00
Jessica Woods	-	\$9.00
Cassidy Bobeck	-	\$9.00
Jessica Gaffney	-	\$9.00
Danielle Keller	-	\$9.00
Kourtney Killian	-	\$9.00
Morgan Miecznikowski	-	\$9.00
Janelle Thompson	-	\$9.00
Ryan Trapper	-	\$9.00
Brian Wroblewski	-	\$9.00
Kelly Zaky	-	\$9.00
Jared Bulinski	-	\$9.00
Karisa Poczciwinski	-	\$9.00
Ashley Carney	-	\$9.00
Jessica Elston	-	\$9.00
Eric Farinacci	-	\$9.00

Dakota Herkey	-	\$9.00
Tyler Nosal	-	\$9.00
Joseph Swierczynski	-	\$9.00
Jenna Soldaczewski	-	\$9.00
Rebecca Szyjka	-	\$9.00
Theresa Tripi	-	\$9.00
Derek Schenk	-	\$9.00
Maureen Gleason	-	\$9.00
Sheila Doerr	-	\$9.00
Charlene Fedyna	-	\$9.00
Melissa Stroud	-	\$9.00
Brad Bauman	-	\$9.00
Kelly Brzyski	-	\$9.00
Michael J. Hockwater	-	\$9.00
Katherine Lipczynski	-	\$9.00
Emily Russillo	-	\$9.00
Sean Szymanski	-	\$9.00

Motion by Councilmember Rogowski; Seconded by Councilmember Meyers to waive the reading of names for this resolution. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Meyers, Adamczyk, Hammer  
**ABSENT:** Gerald Kaminski

## VIII. Communications

### *A. Departmental Communications*

1. **Minutes:** Cheektowaga Public Library - Board of Trustees - December 9, 2015

### *B. General Communications*

1. **Summons:** Green Tree Servicing, LLC vs. John D. Ross, The Town of Cheektowaga Justice Court & Etal
2. **Summons:** US Bank NA, as Trustee under Pooling & Servicing Agreement dated as of Nov. 1, 2006 Mastr Asset-Backed Securities Trust 2006-HE4 Mortgage Pass-through Certificates, Series 2006-HE-4 vs. Lorrie F. Pitcairn aka Lorrie Weller, The Town of Cheektowaga & Etal
3. **Notice of Claim:** Lucia Marinaccio, Individually and as Parent and Natural Guardian of HD, An Infant vs. Town of Cheektowaga

4. **Notice of Claim: Jacqueline Rusinek vs. Town of Cheektowaga**
5. **Notice of Claim: Mark Wegner vs. Supervisor Mary Holtz; and Councilmember Gerald Kaminski**
6. **Notice of Order, NYSDOT - Amended 45 MPH on Walden Ave between Peppy Pl. and the westerly Depew village Line**
7. **Notice of Order: - NYSDOT as amended 35 MPH on Walden Ave, between Harlem Rd. and Peppy Pl**
8. **Notice of Order: NYSDOT - added Willowlawn Parkway with stop sign on Willowlawn Parkway - entrance from north**

## **IX. Comments**

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

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

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

## **X. Adjournment**

Motion by Councilmember Adamczyk; Seconded by Councilmember Rogowski to adjourn the meeting at 7:45 PM

Vickie L. Dankowski, Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, January 19, 2016

6:45 PM

Council Chambers

## I. Pledge of Allegiance

## II. Call to Order

6:45 PM Meeting called to order on January 19, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Stanley Kaznowski, III, Planning Board Chairman  
Carla A. Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent

## III. Invocation

## IV. Approve Minutes

Motion by Councilmember Meyers; Seconded by Councilmember Hammer to approve the minutes from the last meeting. Motion Carried.

## V. Public Comment Period

## VI. Public Hearings

### 1. Rezoning Request - Part of 2055 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:**           Gerald Kaminski, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## 2. Town of Cheektowaga - CDBG FY 2016 Annual Plan

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:**           Linda Hammer, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## 3. Amend Traffic Ordinance - Southcrest 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:**           Christine Adamczyk, Councilmember  
**SECONDER:**       Linda Hammer, Councilmember  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

# VII. Resolutions



## 1. RESOLUTION 2016-36

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG

FROM:	700.5013.0600	Village of Depew-Housing Rehab.-Single	\$21,363.03
	700.5013.0710	Village of Depew-Rec. Supplies & Equip.	4,000.00
TO:	700.5013.0793	Village of Depew-Senior Citi. Cen. Staff	\$25,363.03

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-37

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 19, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$522,598.48
RISK RETENTION FUND	127,409.53
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	30,376.00
SPECIAL DISTRICTS FUND	298,282.07
HIGHWAY FUND	299,394.12
CAPITAL FUND	1,129,517.69
TRUST & AGENCY FUND	3,327.94
HUD CDBG FUND	219,650.16
PART TOWN FUND	5,472.89
NYS AFFORDABLE HOUSING	1,104.00
	<hr/>
	\$2,637,132.88

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-38

## Award of Bid for Demolition and Asbestos Abatement of 15 Hedwig Avenue (BID 2015-35 LAW)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was advertised for the Demolition and Asbestos Abatement of structures at 15 Hedwig Avenue (BID 2015-35 LAW); and

WHEREAS, bid proposals were received and opened on December 30, 2015 for said demolition and asbestos abatement; and

WHEREAS, the proposals were reviewed by the Town Attorney and Nussbaumer & Clarke, Inc., and based on the proposals submitted, they have recommended that this Town Board award the bid for the demolition and asbestos abatement of the structure at 15 Hedwig Avenue to Empire Building Diagnostics, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition and asbestos abatement of structures located at 15 Hedwig Avenue to:

Empire Building Diagnostics, Inc.,  
786 Terrace Boulevard  
Depew, New York 14043

for the bid price of \$16,640.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Empire Building Diagnostics, Inc., for the aforesaid services, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-39

### Award of Bid - Portable Chemical Toilets 2016 (Bid 2016-1)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on January 13, 2016 AND

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

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for 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	\$3.30 Per day per unit Items I through X
Category B	-	Handicapped Units	\$6.70 Per day per unit Items I and II
Category C	-	Special Events	\$65.00 per day per unit items I through VIII

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-40

### Negative SEQR Declaration - 2240 Harlem Road

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

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, an application was submitted by Studio T3 Engineering, PLLC for the construction of a 22,500 s.f warehouse addition at 2240 Harlem Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 12, 2015, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 14, 2015 recommended a determination of non-significance, AND

WHEREAS, the United States Army Corps of Engineers (USACOE) reviewed the applicants project and has indicated that the wetlands identified on the subject premises are isolated water bodies and not subject to the jurisdiction of the USACOE, as indicated in the attached letter dated December 22, 2015, 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).

Attachments:

USACOE letter (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 6. RESOLUTION 2016-41

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### Negative SEQR Declaration - 6500 Transit Road

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

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, an application was submitted by 6500 Transit Road, LLC for the rezoning of 3.22+/- acres of vacant land at 6500 Transit Road, from M1- Light Manufacturing to CM-General Commercial for the construction of a 18,000 s.f. retail building and a 4,500 s.f. restaurant, 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, the Environmental Advisory Committee at its meetings held on January 6, 2016 recommended a determination of non-significance pursuant to SEQR, AND

WHEREAS, the applicant significantly modified his original site development plan to reduce impacts to natural resources, AND

WHEREAS, the United States Army Corps of Engineers (USACOE), has reviewed the applicant's project and has issued a nationwide wetland permit (NWP) for impacts to 0.069 acres of federal jurisdictional wetlands as shown on the attached dated December 2, 2015, AND

WHEREAS, the NYS Department of Environmental (NYSDEC) has reviewed the subject project and is considering the applicant's request to impact the state 100 foot buffer areas adjacent NYS Wetland LA-9 and the aforementioned 0.069 +/- acres of wetland disturbance, AND

WHEREAS, the NYS Office of Parks Recreation & Historic Preservation reviewed the applicant's project and has determined that the project will not impact archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places, as shown on the attached letter dated February 20, 2015, AND

WHEREAS, the applicant's site plan was further modified to address concerns expressed by the New York State Department of Transportation (NYSDOT), by eliminating a driveway on Transit Road, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of as many trees as practical and replacing all trees displaced on a 1 to 1 ratio consistent with the Town's local law for tree preservation, AND

WHEREAS, The Cheektowaga Town Planning Board has reviewed the applicant's rezoning request and site plan, and have recommended its approval at their meetings of October 8, 2015 and January 14, 2016 respectively, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Environmental Advisory Committee NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act ( SEQRA).

Attachments:

USACOE Nationwide Permit (PDF)

SHPO Letter (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-42

### SEQR Determination for Wastewater Engineering Planning Grant

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

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has been awarded Wastewater Engineering Planning Grant #53713 to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed Wastewater Planning Study which constitutes the collection of basic data and research, and conduct of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18 & 21) and is therefore not subject to review under 6 NYCRR Part 617.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-43

### Accept Site Plan- 2240 Harlem Road VP Supply

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

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, Studio T3 Engineering, PLLC submitted a development review application for the construction of a 22,500 s.f warehouse addition at 2240 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of February 12, 2015 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 drainage/grading plan.

Attachments:

site/ landscape plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-44

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### Accept Site Plan- 6500 Transit Road

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

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, 6500 Transit Road, LLC submitted a development review application for the construction of an 18,000 s.f retail building and a 4,500 s.f. restaurant at 6500 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of January 14, 2016 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 applicant reconstructing that portion of Pfol Road from Transit Road to his proposed westerly most driveway. Said road shall be constructed consistent with the Town's highway specification and approved by the Town Engineer and Highway Superintendent through a town public improvement permit.
2. The Town Engineer reviewing and approving a grading/drainage plan.
3. The Town Planner reviewing and approving a photometric plan for exterior lighting.
4. The applicant providing replacement trees on a 1 to 1 ratio consistent with the section 229-5 of the Town Code.
5. The applicant submitting a special use permit and amended site plan for any accessory drive through window(s) for the proposed restaurant.

Attachments:  
Site/Landscaping Plan (PDF)

**RESULT:**        **ADOPTED [UNANIMOUS]**  
**MOVER:**        James P. Rogowski, Councilmember  
**SECONDER:**    Diane Benczkowski, Supervisor  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-45

### Approve Rezoning of Vacant Land at 6500 Transit Road

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

WHEREAS, **6500 Transit Road LLC** petitioned for a rezoning from **M1-Light Manufacturing District** to **CM-General Commercial District** for 3.22 acres of vacant land owned by 6500 Transit Road and located on the west side of Transit Road and the north side of Ellicott Creek in the Town of Cheektowaga, New York, Cheektowaga, New York, which property is described in the attached legal description, for the construction of an 18,000 s.f. retail building and a 4,500 s.f. restaurant; and

WHEREAS, a public hearing on such petition was held before this Town Board on December 7, 2015 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 **6500 Transit Road LLC** for the rezoning from **M1-Light Manufacturing District** to **CM-General Commercial District** of the property described in the attached legal description be and the same is hereby approved, subject to the following condition:

1. The applicant submitting a special use permit and amended site plan for any accessory drive through window(s) for the proposed restaurant; and
2. 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 this rezoning.

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

Beginning at the point on the south line of Pfohl Road, said point being 275 feet westerly measured along south line of Pfohl Road, from the center line of Transit Road. Thence

southeasterly along a property previously acquired in the fee by the people of the State of New York as delineated on Parcel # 172, Map 190, Part 4, S.H. No. 1334A-1 a distance of 141 feet to a point; Thence Southerly along the property previously acquired in the fee by the people of the State of New York as delineated on Parcel # 1, Map 1, Part 4, S.H. No. 1334A-1 a distance of 193.88 feet to a point ; Thence southerly along the said firs mentioned boundary a distance of 93.93 feet to a point; Thence westerly along a line forming an interior angle of 99°49'05", a distance of 471.94 feet to a point; Thence northerly along a line forming an interior angle of 77°05'42", a distance of 275.79 feet to a point; Thence easterly along a line forming an interior angle of 119°37'23", a distance of 55.02 feet to a point; Thence easterly along a line forming an interior angle of 159°39'07", a distance of 169.11 feet to a point; Thence northerly along a line forming an exterior right angle with previously mentioned line, a distance of 142.49 feet to the point on the south Right of Way of Pfohl Road. Thence easterly along south Right of Way of Pfohl Road 83.23 feet to the Point of Beginning, 3.22 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-46

### Call for a Public Hearing to Amend the Zoning Law

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

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

WHEREAS, the Town Planner and Town Attorney have recommended that Article II of the Zoning Law ("Residence Districts") be amended to eliminate, as a principal permitted use by special permit authorized by the Zoning Board of Appeals in the R-Residence District the following uses:

Windmills and other energy-generating devices

, and

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 1st day of February, 2016 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", and BE IT FURTHER

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

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

◆

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 1st day of February, 2016 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. 2016-1 of the Year 2016, entitled "A Local Law to Amend the Zoning Law". Following is a synopsis of the proposed Local Law Intro No. 2016-1:

#### Local Law Intro No. 2016-1

**A Local Law to Amend the Zoning Law**

The Zoning Law of the Town of Cheektowaga (Chapter 260 of the Town Code) shall be amended by:

1. Deleting Section 260-23.(A)(1)(e)[2]
2. Re-numbering Section 260-23.A.(1)(e)[3] to become Section 260-23(A)(1)(e)[2]

Dated: January 19, 2016

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

VICKIE L. DANKOWSKI, Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-47

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### Notice to Bidders For Asbestos Survey and Related Services for Property Located At 67 A-D Windwood Court (Bid 2016-3 LAW)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

**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 structure(s) located at **67 A-D Windwood Court (BID No. 2016-3 LAW)** is unsafe and recommended that such structure(s) be demolished; and

**WHEREAS**, the owners and/or lienholders of said property were notified to demolish said structure(s) 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 July 7, 2014, concerning said unsafe structure(s) 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 structure(s); 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 and Related Services for property located at **67 A-D Windwood Court** in the Town of Cheektowaga (**Bid 2016-3 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 **67 A-D Windwood Court** shall be due no later than **Wednesday, February 10, 2016 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, February 10, 2016, at 11:00 A.M.**



#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on **Wednesday, February 10, 2016 at 11:00 A.M.** at the Town Hall, 3301 Broadway, Cheektowaga, New York,

for an asbestos survey, asbestos specifications preparation, and air monitoring services for residential property located at **67 A-D Windwood Court, Cheektowaga, New York (BID 2016-3 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.

Vickie L. Dankowski, Town Clerk

Dated: January 19, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-48

## Authorize Purchase of Copy Machine for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, due to heavy usage and age, the Toshiba 523 copy machine presently in the Police Department needs to be replaced; and

WHEREAS, a local vendor, Eagle Systems, Inc., was awarded the New York State Office of General Services Contract (Contract PT66615) for the required equipment, software, and support, and has submitted a proposal to the Town for the purchase of a Toshiba eStudio 657 black and white copier for a total price of \$7,094.00, same being New York State contract pricing; AND

WHEREAS, funding for said copier has been budgeted and is available from Police Department line item number 100-3020-2513; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of Eagle Systems, Inc., and authorizes the purchase of a Toshiba e-Studio 657 copier, software, and product support from:

EAGLE SYSTEMS, INC.  
2421 Harlem Road  
Cheektowaga, New York 14225

as stated in their proposal dated September 1, 2015 in accordance with New York State Contract No. PT66615, said cost to include delivery, surge protector, installation on servers or workstations, and the removal and return of the hard drive on the present copier to the Town of Cheektowaga for destruction, for a total cost not to exceed \$7,094.00; and BE IT FURTHER

RESOLVED, that the cost per copy for service, maintenance and supplies for said copier shall be \$.008 per black and white copy, and shall be added to the existing Town service and supply contract; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from Police Department equipment line item 100-3020-2513; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 14. RESOLUTION 2016-49

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### Authorize Supervisor to Execute Engineering Planning Grant Agreement

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded an \$80,000 grant through the New York State Environmental Facilities Corporation, Engineering Planning Grant Program to evaluate solutions for Sanitary Sewer Overflow issues in the northern portion of Cheektowaga; NOW, THEREFORE, BE IT:

RESOLVED that the Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Cheektowaga's obligations under the Engineering Planning Grant Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-50

### Approve Memberships in Various Organizations for Youth & Recreational Services Department for 2016

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Youth & Recreational Services Department needs to maintain memberships in various organizations in order to effectively operate its programs, and

WHEREAS, the Youth & Recreational Services Department currently maintains memberships in the following organizations/associations:

- ASCAP/ American Society of Composers, Authors & Publishers
- SESAC/Society of European Stage Authors & Composers
- The Association of New York State Youth Bureaus
- Cheektowaga Chamber of Commerce
- National Recreation and Park Association
- NYSPRS/New York State Recreation and Park Society
- WNY Association of Youth Boards
- USA Track and Field
- Metro Buffalo Amateur Softball Association
- WNY Amateur Hockey League
- MNY Midget MOHL
- Ontario Minor Roller Hockey
- US Tennis Association
- Niagara Frontier Recreation and Park Society

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 for the year 2016 and directs that fees for same be paid out of the appropriate department budget line items.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-51

### Approve Purchase One (1) New and Unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Highway Department has requested authorization to purchase one (1) New and Unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox, as specified in New York State OGS Contract PC66582, Award #PGB22792, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300.5130.2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) new and unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox in the amount of \$162,762.00 from:

Altec Industries, Inc.  
33 Inverness Center Pkwy, Suite 110  
Birmingham, AL. 35242

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-52

### Retain Stenographers for Calendar Year 2016

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is 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 2016 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 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-53

### Retain Foreign Language Interpreters 2016

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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, for calendar year 2016, 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 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-54

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### Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**SEWER MAINTENANCE**

Austin J. Bobeck effective 12/27/15

**POLICE DEPARTMENT**

Justin R. Glodowski effective 1/3/16

**OFFICE OF THE TOWN ASSESSOR**

Kimberly D. Gervase effective 1/4/16

**SENIOR SERVICES**

Harry W. Zbytek effective 6/6/15

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-55

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### Appointment of Councilmember

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

**WHEREAS**, as a result of the election of Diane Benczkowski as Supervisor of the Town of Cheektowaga, her position as Councilmember in the Town of Cheektowaga became vacant; and

**WHEREAS**, Dennis A. Smith, Jr. has expressed an interest in serving as Councilmember for the Town of Cheektowaga, and

**WHEREAS**, Dennis A. Smith, Jr. meets all of the qualifications for Councilmember for the Town of Cheektowaga, NOW, THEREFORE, BE IT

**RESOLVED**, that Dennis A. Smith, Jr. of Cheektowaga, New York, be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective January 20, 2016, at a salary established for such position, and BE IT FURTHER

**RESOLVED**, that Dennis A. Smith, Jr. shall serve the unexpired term of Councilmember until December 31, 2016.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 2/1/2016 6:45 PM</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-56

### Appointment of Police Officers (Competitive/Permanent) Andrew J. Nati/Joseph M. Speyer

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

1. Andrew J. Nati, Cheektowaga, New York
2. Joseph M. Speyer, Depew, New York; AND, BE IT FURTHER

RESOLVED, that these officers' seniority be based on the order of their appointment as enumerated above; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective January 18, 2016, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-57

### **Appointment of Senior Clerk Typist (Competitive/Permanent) Town Clerk's Office/Carol E. Driscoll**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the position of Senior Clerk Typist in the Town Clerk's Office; AND

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

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

WHEREAS, Carol E. Driscoll, currently employed as a Senior Clerk Typist in the Building and Plumbing Department, bid on said vacancy and is eligible for transfer to the Town Clerk's Office; NOW, THEREFORE, BE IT

RESOLVED, that Carol E. Driscoll of Cheektowaga, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Town Clerk's Office in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 20, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-58

### **Appointment of Maintenance Worker (Labor/Permanent) Facilities Department (Buildings and Grounds Division)/Aaron T. Hausberger**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

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

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

WHEREAS, Aaron T. Hausberger, of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Aaron T. Hausberger, of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 20, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## VIII. Communications

### *A. Departmental Communications*

1. **Building Permit List - December 2015**
2. **Minutes: Cheektowaga Planning Board - December 10, 2015**

***B. General Communications***

1. **Summons: JP Morgan Chase Bank, NA vs. Michael D. Bell, Cheektowaga Town Court & Etal Premises: 410 Curtiss St., Sloan**
2. **Summons: HSBC Bank USA, NA vs. Richard Gregor as heir at law and next of Kin of Irene M. Fruehauf, The Town of Cheektowaga & Etal Premises: 3 Westland Parkway**
3. **Notice of Claim: Michele Kozak vs. Town of Cheektowaga**

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

Supervisor Benczkowski mentioned that she has appointed Richard Zydel as Town Historian.

***B. Councilmember's Comments******C. Public Comments*****X. Adjournment**

Motion by Councilmember Kaminski; Seconded by Councilmember Rogowski to adjourn the meeting at 8:30 PM.

Vickie L. Dankowski, Town Clerk



DEPARTMENT OF THE ARMY  
 BUFFALO DISTRICT, CORPS OF ENGINEERS  
 1776 NIAGARA STREET  
 BUFFALO, NEW YORK 14207-3199

December 22, 2015

Regulatory Branch

SUBJECT: Department of the Army Application No. LRB-2015-01037

Mr. Lonnie Scriven  
 Harlem Buffalo LLC  
 30 Park Drive  
 Williamsville, New York 14221

Dear Mr. Scriven:

I am writing to you in regard to your recent request for a jurisdictional determination for the property located at 2240 Harlem Road, Town of Cheektowaga, Erie County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

Based upon our evaluation of the subject project site, we have determined that there is no clear surface water connection or ecological continuum between the wetlands on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

I encourage you to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Finally, this letter contains an approved jurisdictional determination (JD) for the subject parcel. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP)

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)

-2-

Regulatory Branch

SUBJECT: Department of the Army Application No. LRB-2015-01037

fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Attn: Jacob Siegrist  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
Phone: 513-684-2699; FAX 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **February 20, 2016**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me by calling 716-879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Heather.L.Adams@usace.army.mil

Sincerely,



Heather Adams  
Biologist

Enclosures

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Harlem Buffalo LLC | File Number: LRB-2015-01037 | Date: 12/22/2015

Attached is: | See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Heather Adams  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207  
716-879-4308  
Heather.L.Adams@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Jacob Siegrist  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
513-684-2699; FAX 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)



**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

COPY

REPLY TO  
ATTENTION OF:

December 2, 2015

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2013-01260, Nationwide Permit No. 36 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 2013-01260.

Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14026

Dear Mr. Pasquale:

This pertains to your application for a Department of the Army permit to impact up to 0.069 acres of Federal wetland for the construction of a commercial development located at 6500 Transit Road, in the Town of Cheektowaga, Erie County, New York.

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit (NWP). However, your project may not conform to all conditions contained in the New York State Department of Environmental Conservation (DEC) Water Quality Certification (WQC) associated with this NWP.

Before you can commence work under this NWP you must obtain an activity specific WQC from the following DEC regional office:

Regional Permit Administrator  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. The conditions of the project specific WQC will supersede the WQC conditions included with the NWP attached to this transmittal. If the project remains unchanged you may commence work under the attached NWP without any further coordination with this office. However, if your project is modified during the DEC review you will need to contact this office to determine if the modified project is still authorized by the attached NWP. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

-2-

COPY

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2013-01260, Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00369/00001.

Verification of the applicability of this NWP is valid until March 18, 2017 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Questions pertaining to this matter should be directed to me at 716-879-4346, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [martin.h.crosson@usace.army.mil](mailto:martin.h.crosson@usace.army.mil)

Sincerely,

**SIGNED**

Martin H. Crosson  
Biologist

Enclosures

COPY

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:  
Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14026

File No.: 2013-01260  
File Closed: 12/02/2015  
NWP No.: 39

**Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

APPLICANTS NAME \_\_\_\_\_

Date \_\_\_\_\_

Permittee Telephone Number: \_\_\_\_\_

Project location and affirmed impacts: impact up to 0.069 acres of Federal wetland for the construction of a commercial development located at 6500 Transit Road, in the Town of Cheektowaga, Erie County, New York.

Return completed form to:  
**Mr. David Leput**  
**Regulatory Branch**  
**U.S. Army Corps of Engineers**  
**1776 Niagara Street**  
**Buffalo, NY 14207**













## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643  
www.nysparks.com

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

February 20, 2015

Mr. Tym Zhuk  
Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14206

Re: DEC  
6500 Transit Road Retail Complex  
Town of Cheektowaga, Erie County, NY  
15PR00648

Dear Mr. Zhuk:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

Attachment: SHPO Letter (RES-2016-41 : Negative SEQOR Declaration - 6500 Transit Road)







# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, January 19, 2016

6:45 PM

Council Chambers

## I. Pledge of Allegiance

## II. Call to Order

6:45 PM Meeting called to order on January 19, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Stanley Kaznowski, III, Planning Board Chairman  
Carla A. Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent

## III. Invocation

## IV. Approve Minutes

Motion by Councilmember Meyers; Seconded by Councilmember Hammer to approve the minutes from the last meeting. Motion Carried.

## V. Public Comment Period

## VI. Public Hearings

### 1. Rezoning Request - Part of 2055 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:**           Gerald Kaminski, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## 2. Town of Cheektowaga - CDBG FY 2016 Annual Plan

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:**           Linda Hammer, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## 3. Amend Traffic Ordinance - Southcrest 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:**           Christine Adamczyk, Councilmember  
**SECONDER:**       Linda Hammer, Councilmember  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

# VII. Resolutions



## 1. RESOLUTION 2016-36

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG

FROM:	700.5013.0600	Village of Depew-Housing Rehab.-Single	\$21,363.03
	700.5013.0710	Village of Depew-Rec. Supplies & Equip.	4,000.00
TO:	700.5013.0793	Village of Depew-Senior Citi. Cen. Staff	\$25,363.03

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-37

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 19, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$522,598.48
RISK RETENTION FUND	127,409.53
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	30,376.00
SPECIAL DISTRICTS FUND	298,282.07
HIGHWAY FUND	299,394.12
CAPITAL FUND	1,129,517.69
TRUST & AGENCY FUND	3,327.94
HUD CDBG FUND	219,650.16
PART TOWN FUND	5,472.89
NYS AFFORDABLE HOUSING	1,104.00
	<hr/>
	\$2,637,132.88

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-38

## Award of Bid for Demolition and Asbestos Abatement of 15 Hedwig Avenue (BID 2015-35 LAW)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was advertised for the Demolition and Asbestos Abatement of structures at 15 Hedwig Avenue (BID 2015-35 LAW); and

WHEREAS, bid proposals were received and opened on December 30, 2015 for said demolition and asbestos abatement; and

WHEREAS, the proposals were reviewed by the Town Attorney and Nussbaumer & Clarke, Inc., and based on the proposals submitted, they have recommended that this Town Board award the bid for the demolition and asbestos abatement of the structure at 15 Hedwig Avenue to Empire Building Diagnostics, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition and asbestos abatement of structures located at 15 Hedwig Avenue to:

Empire Building Diagnostics, Inc.,  
786 Terrace Boulevard  
Depew, New York 14043

for the bid price of \$16,640.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Empire Building Diagnostics, Inc., for the aforesaid services, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-39

### Award of Bid - Portable Chemical Toilets 2016 (Bid 2016-1)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on January 13, 2016 AND

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

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for 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	\$3.30 Per day per unit Items I through X
Category B	-	Handicapped Units	\$6.70 Per day per unit Items I and II
Category C	-	Special Events	\$65.00 per day per unit items I through VIII

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-40

### Negative SEQR Declaration - 2240 Harlem Road

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

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, an application was submitted by Studio T3 Engineering, PLLC for the construction of a 22,500 s.f warehouse addition at 2240 Harlem Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 12, 2015, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 14, 2015 recommended a determination of non-significance, AND

WHEREAS, the United States Army Corps of Engineers (USACOE) reviewed the applicants project and has indicated that the wetlands identified on the subject premises are isolated water bodies and not subject to the jurisdiction of the USACOE, as indicated in the attached letter dated December 22, 2015, 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).

Attachments:

USACOE letter (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 6. RESOLUTION 2016-41

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### Negative SEQR Declaration - 6500 Transit Road

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

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, an application was submitted by 6500 Transit Road, LLC for the rezoning of 3.22+/- acres of vacant land at 6500 Transit Road, from M1- Light Manufacturing to CM-General Commercial for the construction of a 18,000 s.f. retail building and a 4,500 s.f. restaurant, 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, the Environmental Advisory Committee at its meetings held on January 6, 2016 recommended a determination of non-significance pursuant to SEQR, AND

WHEREAS, the applicant significantly modified his original site development plan to reduce impacts to natural resources, AND

WHEREAS, the United States Army Corps of Engineers (USACOE), has reviewed the applicant's project and has issued a nationwide wetland permit (NWP) for impacts to 0.069 acres of federal jurisdictional wetlands as shown on the attached dated December 2, 2015, AND

WHEREAS, the NYS Department of Environmental (NYSDEC) has reviewed the subject project and is considering the applicant's request to impact the state 100 foot buffer areas adjacent NYS Wetland LA-9 and the aforementioned 0.069 +/- acres of wetland disturbance, AND

WHEREAS, the NYS Office of Parks Recreation & Historic Preservation reviewed the applicant's project and has determined that the project will not impact archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places, as shown on the attached letter dated February 20, 2015, AND

WHEREAS, the applicant's site plan was further modified to address concerns expressed by the New York State Department of Transportation (NYSDOT), by eliminating a driveway on Transit Road, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of as many trees as practical and replacing all trees displaced on a 1 to 1 ratio consistent with the Town's local law for tree preservation, AND

WHEREAS, The Cheektowaga Town Planning Board has reviewed the applicant's rezoning request and site plan, and have recommended its approval at their meetings of October 8, 2015 and January 14, 2016 respectively, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Environmental Advisory Committee NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act ( SEQRA).

Attachments:

USACOE Nationwide Permit (PDF)

SHPO Letter (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-42

### SEQR Determination for Wastewater Engineering Planning Grant

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

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has been awarded Wastewater Engineering Planning Grant #53713 to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed Wastewater Planning Study which constitutes the collection of basic data and research, and conduct of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18 & 21) and is therefore not subject to review under 6 NYCRR Part 617.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-43

### Accept Site Plan- 2240 Harlem Road VP Supply

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

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, Studio T3 Engineering, PLLC submitted a development review application for the construction of a 22,500 s.f warehouse addition at 2240 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of February 12, 2015 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 drainage/grading plan.

Attachments:

site/ landscape plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-44

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### Accept Site Plan- 6500 Transit Road

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

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, 6500 Transit Road, LLC submitted a development review application for the construction of an 18,000 s.f retail building and a 4,500 s.f. restaurant at 6500 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of January 14, 2016 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 applicant reconstructing that portion of Pfol Road from Transit Road to his proposed westerly most driveway. Said road shall be constructed consistent with the Town's highway specification and approved by the Town Engineer and Highway Superintendent through a town public improvement permit.
2. The Town Engineer reviewing and approving a grading/drainage plan.
3. The Town Planner reviewing and approving a photometric plan for exterior lighting.
4. The applicant providing replacement trees on a 1 to 1 ratio consistent with the section 229-5 of the Town Code.
5. The applicant submitting a special use permit and amended site plan for any accessory drive through window(s) for the proposed restaurant.

Attachments:  
Site/Landscaping Plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-45

### Approve Rezoning of Vacant Land at 6500 Transit Road

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

WHEREAS, **6500 Transit Road LLC** petitioned for a rezoning from **M1-Light Manufacturing District** to **CM-General Commercial District** for 3.22 acres of vacant land owned by 6500 Transit Road and located on the west side of Transit Road and the north side of Ellicott Creek in the Town of Cheektowaga, New York, Cheektowaga, New York, which property is described in the attached legal description, for the construction of an 18,000 s.f. retail building and a 4,500 s.f. restaurant; and

WHEREAS, a public hearing on such petition was held before this Town Board on December 7, 2015 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 **6500 Transit Road LLC** for the rezoning from **M1-Light Manufacturing District** to **CM-General Commercial District** of the property described in the attached legal description be and the same is hereby approved, subject to the following condition:

1. The applicant submitting a special use permit and amended site plan for any accessory drive through window(s) for the proposed restaurant; and
2. 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 this rezoning.

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

Beginning at the point on the south line of Pfohl Road, said point being 275 feet westerly measured along south line of Pfohl Road, from the center line of Transit Road. Thence

southeasterly along a property previously acquired in the fee by the people of the State of New York as delineated on Parcel # 172, Map 190, Part 4, S.H. No. 1334A-1 a distance of 141 feet to a point; Thence Southerly along the property previously acquired in the fee by the people of the State of New York as delineated on Parcel # 1, Map 1, Part 4, S.H. No. 1334A-1 a distance of 193.88 feet to a point ; Thence southerly along the said firs mentioned boundary a distance of 93.93 feet to a point; Thence westerly along a line forming an interior angle of 99°49'05", a distance of 471.94 feet to a point; Thence northerly along a line forming an interior angle of 77°05'42", a distance of 275.79 feet to a point; Thence easterly along a line forming an interior angle of 119°37'23", a distance of 55.02 feet to a point; Thence easterly along a line forming an interior angle of 159°39'07", a distance of 169.11 feet to a point; Thence northerly along a line forming an exterior right angle with previously mentioned line, a distance of 142.49 feet to the point on the south Right of Way of Pfohl Road. Thence easterly along south Right of Way of Pfohl Road 83.23 feet to the Point of Beginning, 3.22 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-46

### Call for a Public Hearing to Amend the Zoning Law

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

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

WHEREAS, the Town Planner and Town Attorney have recommended that Article II of the Zoning Law ("Residence Districts") be amended to eliminate, as a principal permitted use by special permit authorized by the Zoning Board of Appeals in the R-Residence District the following uses:

Windmills and other energy-generating devices

, and

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 1st day of February, 2016 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", and BE IT FURTHER

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

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

◆

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 1st day of February, 2016 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. 2016-1 of the Year 2016, entitled "A Local Law to Amend the Zoning Law". Following is a synopsis of the proposed Local Law Intro No. 2016-1:

#### Local Law Intro No. 2016-1

**A Local Law to Amend the Zoning Law**

The Zoning Law of the Town of Cheektowaga (Chapter 260 of the Town Code) shall be amended by:

1. Deleting Section 260-23.(A)(1)(e)[2]
2. Re-numbering Section 260-23.A.(1)(e)[3] to become Section 260-23(A)(1)(e)[2]

Dated: January 19, 2016

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

VICKIE L. DANKOWSKI, Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-47

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### Notice to Bidders For Asbestos Survey and Related Services for Property Located At 67 A-D Windwood Court (Bid 2016-3 LAW)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

**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 structure(s) located at **67 A-D Windwood Court (BID No. 2016-3 LAW)** is unsafe and recommended that such structure(s) be demolished; and

**WHEREAS**, the owners and/or lienholders of said property were notified to demolish said structure(s) 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 July 7, 2014, concerning said unsafe structure(s) 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 structure(s); 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 and Related Services for property located at **67 A-D Windwood Court** in the Town of Cheektowaga (**Bid 2016-3 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 **67 A-D Windwood Court** shall be due no later than **Wednesday, February 10, 2016 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, February 10, 2016, at 11:00 A.M.**



#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on **Wednesday, February 10, 2016 at 11:00 A.M.** at the Town Hall, 3301 Broadway, Cheektowaga, New York,

for an asbestos survey, asbestos specifications preparation, and air monitoring services for residential property located at **67 A-D Windwood Court, Cheektowaga, New York (BID 2016-3 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.

Vickie L. Dankowski, Town Clerk

Dated: January 19, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-48

## Authorize Purchase of Copy Machine for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, due to heavy usage and age, the Toshiba 523 copy machine presently in the Police Department needs to be replaced; and

WHEREAS, a local vendor, Eagle Systems, Inc., was awarded the New York State Office of General Services Contract (Contract PT66615) for the required equipment, software, and support, and has submitted a proposal to the Town for the purchase of a Toshiba eStudio 657 black and white copier for a total price of \$7,094.00, same being New York State contract pricing; AND

WHEREAS, funding for said copier has been budgeted and is available from Police Department line item number 100-3020-2513; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal of Eagle Systems, Inc., and authorizes the purchase of a Toshiba e-Studio 657 copier, software, and product support from:

EAGLE SYSTEMS, INC.  
2421 Harlem Road  
Cheektowaga, New York 14225

as stated in their proposal dated September 1, 2015 in accordance with New York State Contract No. PT66615, said cost to include delivery, surge protector, installation on servers or workstations, and the removal and return of the hard drive on the present copier to the Town of Cheektowaga for destruction, for a total cost not to exceed \$7,094.00; and BE IT FURTHER

RESOLVED, that the cost per copy for service, maintenance and supplies for said copier shall be \$.008 per black and white copy, and shall be added to the existing Town service and supply contract; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from Police Department equipment line item 100-3020-2513; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 14. RESOLUTION 2016-49

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### Authorize Supervisor to Execute Engineering Planning Grant Agreement

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded an \$80,000 grant through the New York State Environmental Facilities Corporation, Engineering Planning Grant Program to evaluate solutions for Sanitary Sewer Overflow issues in the northern portion of Cheektowaga; NOW, THEREFORE, BE IT:

RESOLVED that the Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Cheektowaga's obligations under the Engineering Planning Grant Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-50

### Approve Memberships in Various Organizations for Youth & Recreational Services Department for 2016

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Youth & Recreational Services Department needs to maintain memberships in various organizations in order to effectively operate its programs, and

WHEREAS, the Youth & Recreational Services Department currently maintains memberships in the following organizations/associations:

- ASCAP/ American Society of Composers, Authors & Publishers
- SESAC/Society of European Stage Authors & Composers
- The Association of New York State Youth Bureaus
- Cheektowaga Chamber of Commerce
- National Recreation and Park Association
- NYSPRS/New York State Recreation and Park Society
- WNY Association of Youth Boards
- USA Track and Field
- Metro Buffalo Amateur Softball Association
- WNY Amateur Hockey League
- MNY Midget MOHL
- Ontario Minor Roller Hockey
- US Tennis Association
- Niagara Frontier Recreation and Park Society

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 for the year 2016 and directs that fees for same be paid out of the appropriate department budget line items.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-51

### Approve Purchase One (1) New and Unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Highway Department has requested authorization to purchase one (1) New and Unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox, as specified in New York State OGS Contract PC66582, Award #PGB22792, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300.5130.2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) new and unused 2016 Overcenter Articulating Aerial Device with Wood Chip Dumpbox in the amount of \$162,762.00 from:

Altec Industries, Inc.  
33 Inverness Center Pkwy, Suite 110  
Birmingham, AL. 35242

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-52

### Retain Stenographers for Calendar Year 2016

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is 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 2016 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 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-53

### Retain Foreign Language Interpreters 2016

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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, for calendar year 2016, 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 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-54

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### Termination of Part-Time/Seasonal Employees

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**SEWER MAINTENANCE**

Austin J. Bobeck effective 12/27/15

**POLICE DEPARTMENT**

Justin R. Glodowski effective 1/3/16

**OFFICE OF THE TOWN ASSESSOR**

Kimberly D. Gervase effective 1/4/16

**SENIOR SERVICES**

Harry W. Zbytek effective 6/6/15

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-55

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### Appointment of Councilmember

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

**WHEREAS**, as a result of the election of Diane Benczkowski as Supervisor of the Town of Cheektowaga, her position as Councilmember in the Town of Cheektowaga became vacant; and

**WHEREAS**, Dennis A. Smith, Jr. has expressed an interest in serving as Councilmember for the Town of Cheektowaga, and

**WHEREAS**, Dennis A. Smith, Jr. meets all of the qualifications for Councilmember for the Town of Cheektowaga, NOW, THEREFORE, BE IT

**RESOLVED**, that Dennis A. Smith, Jr. of Cheektowaga, New York, be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective January 20, 2016, at a salary established for such position, and BE IT FURTHER

**RESOLVED**, that Dennis A. Smith, Jr. shall serve the unexpired term of Councilmember until December 31, 2016.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 2/1/2016 6:45 PM</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-56

### Appointment of Police Officers (Competitive/Permanent) Andrew J. Nati/Joseph M. Speyer

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

1. Andrew J. Nati, Cheektowaga, New York
2. Joseph M. Speyer, Depew, New York; AND, BE IT FURTHER

RESOLVED, that these officers' seniority be based on the order of their appointment as enumerated above; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective January 18, 2016, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-57

### Appointment of Senior Clerk Typist (Competitive/Permanent) Town Clerk's Office/Carol E. Driscoll

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the position of Senior Clerk Typist in the Town Clerk's Office; AND

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

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

WHEREAS, Carol E. Driscoll, currently employed as a Senior Clerk Typist in the Building and Plumbing Department, bid on said vacancy and is eligible for transfer to the Town Clerk's Office; NOW, THEREFORE, BE IT

RESOLVED, that Carol E. Driscoll of Cheektowaga, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Town Clerk's Office in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 20, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-58

### **Appointment of Maintenance Worker (Labor/Permanent) Facilities Department (Buildings and Grounds Division)/Aaron T. Hausberger**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

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

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

WHEREAS, Aaron T. Hausberger, of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Aaron T. Hausberger, of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 20, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## VIII. Communications

### *A. Departmental Communications*

1. **Building Permit List - December 2015**
2. **Minutes: Cheektowaga Planning Board - December 10, 2015**

***B. General Communications***

1. **Summons: JP Morgan Chase Bank, NA vs. Michael D. Bell, Cheektowaga Town Court & Etal Premises: 410 Curtiss St., Sloan**
2. **Summons: HSBC Bank USA, NA vs. Richard Gregor as heir at law and next of Kin of Irene M. Fruehauf, The Town of Cheektowaga & Etal Premises: 3 Westland Parkway**
3. **Notice of Claim: Michele Kozak vs. Town of Cheektowaga**

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

Supervisor Benczkowski mentioned that she has appointed Richard Zydel as Town Historian.

***B. Councilmember's Comments******C. Public Comments*****X. Adjournment**

Motion by Councilmember Kaminski; Seconded by Councilmember Rogowski to adjourn the meeting at 8:30 PM.

Vickie L. Dankowski, Town Clerk



DEPARTMENT OF THE ARMY  
 BUFFALO DISTRICT, CORPS OF ENGINEERS  
 1776 NIAGARA STREET  
 BUFFALO, NEW YORK 14207-3199

December 22, 2015

Regulatory Branch

SUBJECT: Department of the Army Application No. LRB-2015-01037

Mr. Lonnie Scriven  
 Harlem Buffalo LLC  
 30 Park Drive  
 Williamsville, New York 14221

Dear Mr. Scriven:

I am writing to you in regard to your recent request for a jurisdictional determination for the property located at 2240 Harlem Road, Town of Cheektowaga, Erie County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

Based upon our evaluation of the subject project site, we have determined that there is no clear surface water connection or ecological continuum between the wetlands on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

I encourage you to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Finally, this letter contains an approved jurisdictional determination (JD) for the subject parcel. If you object to this JD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP)

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)

-2-

Regulatory Branch

SUBJECT: Department of the Army Application No. LRB-2015-01037

fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Attn: Jacob Siegrist  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
Phone: 513-684-2699; FAX 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **February 20, 2016**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me by calling 716-879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Heather.L.Adams@usace.army.mil

Sincerely,



Heather Adams  
Biologist

Enclosures

Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Harlem Buffalo LLC		File Number: LRB-2015-01037	Date: 12/22/2015
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Heather Adams  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207  
716-879-4308  
Heather.L.Adams@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Jacob Siegrist  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
513-684-2699; FAX 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>_____ Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>
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Attachment: USACOE letter (RES-2016-40 : Negative SEQR Declaration- 2240 Harlem Road)



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

COPY

December 2, 2015

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2013-01260, Nationwide Permit No. 36 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 2013-01260.

Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14026

Dear Mr. Pasquale:

This pertains to your application for a Department of the Army permit to impact up to 0.069 acres of Federal wetland for the construction of a commercial development located at 6500 Transit Road, in the Town of Cheektowaga, Erie County, New York.

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit (NWP). However, your project may not conform to all conditions contained in the New York State Department of Environmental Conservation (DEC) Water Quality Certification (WQC) associated with this NWP.

Before you can commence work under this NWP you must obtain an activity specific WQC from the following DEC regional office:

Regional Permit Administrator  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. The conditions of the project specific WQC will supersede the WQC conditions included with the NWP attached to this transmittal. If the project remains unchanged you may commence work under the attached NWP without any further coordination with this office. However, if your project is modified during the DEC review you will need to contact this office to determine if the modified project is still authorized by the attached NWP. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

-2-

COPY

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2013-01260, Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00369/00001.

Verification of the applicability of this NWP is valid until March 18, 2017 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Questions pertaining to this matter should be directed to me at 716-879-4346, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [martin.h.crosson@usace.army.mil](mailto:martin.h.crosson@usace.army.mil)

Sincerely,

**SIGNED**

Martin H. Crosson  
Biologist

Enclosures

COPY

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:  
Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14026

File No.: 2013-01260  
File Closed: 12/02/2015  
NWP No.: 39

**Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

APPLICANTS NAME \_\_\_\_\_

Date \_\_\_\_\_

Permittee Telephone Number: \_\_\_\_\_

Project location and affirmed impacts: impact up to 0.069 acres of Federal wetland for the construction of a commercial development located at 6500 Transit Road, in the Town of Cheektowaga, Erie County, New York.

Return completed form to:  
**Mr. David Leput**  
**Regulatory Branch**  
**U.S. Army Corps of Engineers**  
**1776 Niagara Street**  
**Buffalo, NY 14207**













## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
Peebles Island, PO Box 189, Waterford, New York 12188-0189  
518-237-8643  
www.nysparks.com

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

February 20, 2015

Mr. Tym Zhuk  
Bella Vista Group  
6495 Transit Road  
Bowmansville, NY 14206

Re: DEC  
6500 Transit Road Retail Complex  
Town of Cheektowaga, Erie County, NY  
15PR00648

Dear Mr. Zhuk:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

Attachment: SHPO Letter (RES-2016-41 : Negative SEQOR Declaration - 6500 Transit Road)

### LANDSCAPE NOTES

- BURLAP MESH MAY BE USED TO COVER SEEDING ON ANY SLOPE EMBANKMENTS STEEP ENOUGH TO IMPEDE THE ESTABLISHMENT OF LAWN AREAS.
- UNLESS RECOMMENDED OTHERWISE BY THE SEED VENDOR OR THE LANDSCAPE CONTRACTOR, PERMANENT GRASS SEEDING SHALL CONSIST OF A MIXTURE OF THE FOLLOWING:
  - KENTUCKY BLUEGRASS = 25% BY WEIGHT (98% MIN. PURITY; 85% MIN. GERMINATION)
  - PENN LAWN RED FESCUE = 25% BY WEIGHT (95% MIN. PURITY; 80% MIN. GERMINATION)
  - TRIPLE CROWN PERENNIAL RYE = 50% BY WEIGHT (95% MIN. PURITY; 90% MIN. GERMINATION)
- HAND-BROADCASTING OR HYDRO-SEEDING AND HYDRO-MULCHING SHALL BE USED TO ESTABLISH ALL NEW LAWN AREAS. IF HAND-BROADCASTING, SEW SEED AT A RATE OF 5 lbs. PER 1000 SQ. FT. RAKE SEED INTO TOP 1/8" OF TOPSOIL, ROLL, AND WATER WITH FINE MIST. WATER SEED AS RECOMMENDED BY SEED VENDOR. UNIFORMLY SPREAD 2 INCHES OF STRAW MULCH OVER ENTIRE SEEDING AREA, AT THE RATE OF 2 TONS PER ACRE, IMMEDIATELY AFTER ROLLING AND WATERING SEEDING AREAS. REMOVE ANY WIND-SWEEP MULCH PILES AS NECESSARY TO PREVENT DAMAGE TO GRASS.
- THE CONTRACTOR SHALL COMPLY WITH THE LATEST NYSDEC PESTICIDE APPLICATION REGULATIONS, OR ELSE USE INTEGRATED PEST MANAGEMENT (IPM) TO AVOID PESTICIDE LEACHING INTO STORMWATER OR GROUNDWATER FROM EXCESS CHEMICAL APPLICATIONS. THE CONTRACTOR SHALL DISPOSE OF UNUSED OR EXCESS PESTICIDES IN CONFORMANCE WITH ALL NYSDEC AND USEPA REGULATIONS. THE CONTRACTOR SHALL AVOID SPRAYING PESTICIDES IN WINDY CONDITIONS OR WHEN RAIN IS FORECAST. SPILL CONTAINMENT BERTS SHALL BE USED AT ALL PESTICIDE STORAGE AREAS AND PESTICIDE TANKS SHALL BE FILLED WITHIN CONTAINMENT AREAS AWAY FROM CATCH BASINS, STORM DRAINS, SWALES, OR DRAINAGE WAYS. ANY PESTICIDES USED SHALL BEAR AN EPA FEDERAL REGISTRATION # AND SHALL BE WARRANTED FOR 5 YEARS.
- TOPSOILING AND SEEDING, HYDROSEEDING, OR SODDING SHALL TAKE PLACE WITHIN 24 HOURS OF FINAL GRADING. SEED SHALL NOT BE BROADCAST DURING CONDITIONS OF HIGH WIND OR EXCESSIVE MOISTURE.
- FERTILIZERS SHALL BE APPLIED ONLY IN THE MINIMUM AMOUNTS REQUIRED BY THE MANUFACTURER. FERTILIZERS SHALL BE COMPLETELY WORKED INTO THE SOIL IMMEDIATELY FOLLOWING APPLICATION TO LIMIT EXPOSURE TO STORMWATER RUNOFF. FERTILIZERS SHALL BE STORED IN A COVERED SHED AND PARTIALLY USED BAGS SHALL BE TRANSFERRED TO A SECURELY-SEALED BIN TO AVOID SPILLS.
- MOW NEWLY SEEDING AREAS FOR THE FIRST THREE (3) TIMES. AT EACH MOWING CUT TO A HEIGHT OF 2 INCHES AFTER GROWTH HAS REACHED APPROXIMATELY 3-1/2 INCHES. APPLY WEED AND FEED AS DIRECTED ON MANUFACTURER'S APPLICATION INSTRUCTIONS AFTER THE SECOND MOWING.
- ALL NEW LAWN AREAS SHALL HAVE A 6 INCH MINIMUM LAYER OF TOPSOIL BEFORE SEEDING.
- ALL NEW LAWN AREAS SHALL BE COMPLETE IN COVERAGE AND VIGOROUS IN GROWTH IN ORDER TO BE ACCEPTABLE. REPAIR, RE-SEED, AND WATER NEW LAWN AREAS AS NECESSARY UNTIL THEY REACH THE LEVEL OF FINAL ACCEPTANCE.

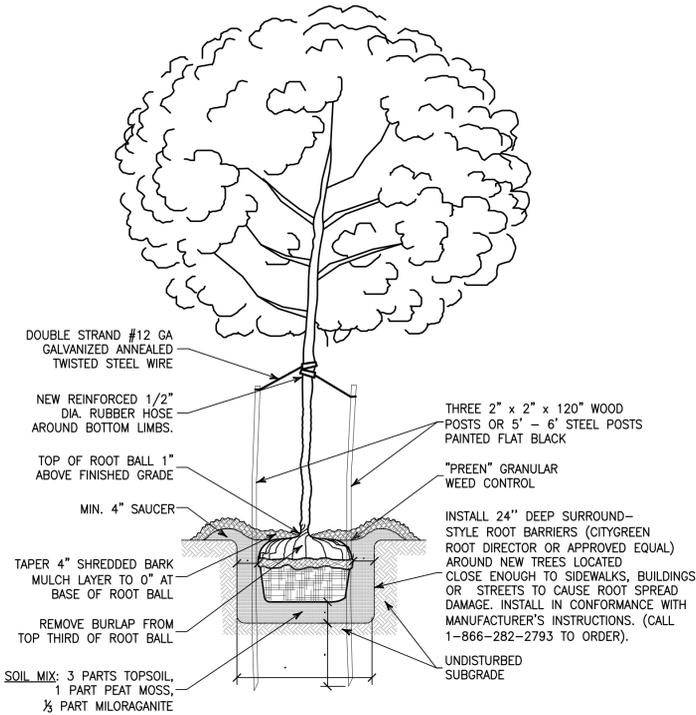
### LEGEND

- EXISTING TREE OR SHRUB TO REMAIN
- EXISTING SIGN
- EXISTING UTILITY POLE
- EXISTING EDGE OF PAVEMENT
- NEW EDGE OF PAVEMENT
- EXISTING CURB
- NEW CURB (6")
- SITE PROPERTY LINE
- ADJACENT PROPERTY LINE
- NEW CONCRETE AREAS
- EXISTING CONCRETE AREAS
- NEW LAWN AREAS

LANDSCAPE	REQUIRED	PROVIDED
EXISTING	15%	22%
PROPOSED	15%	25%

### PLANT LIST: NEW PLANT MATERIAL

KEY	NO.	BOTANICAL NAME	COMMON NAME	SIZE	CONDIT.	REMARKS
TREES						
GT	5	CLEDITSA TRIACANTHOS VAR. INTERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	2 1/2" TO 3" CAL.	WB/B.B.	SPECIMEN SPECIES



### TREE PLANTING DETAIL

SCALE: 1/4" = 1'-0"

### NOTES:

- AT NO TIME SHOULD THE TOP OF THE ROOT BALL BE BELOW GROUND LEVEL.
- WATERING:** WATER THOROUGHLY AT PLANTING TIME, THEN EVERY DAY FOR 1 WEEK, THEN EVERY 2-3 DAYS FOR 5 WEEKS, THEN, ONCE PER WEEK AFTERWARDS AS NECESSARY.
- NEW TOPSOIL SHALL CONFORM TO N.Y.S.D.O.T. SECTION 713-01.

20' WIDE PERPETUAL EASEMENT AND RIGHT OF WAY FOR LEAD TRACK PER LIBER 5706.

PROPOSED 20' WIDE PERPETUAL EASEMENT TO VP SUPPLY FOR EMERGENCY FIRE ACCESS



### SITE LANDSCAPE PLAN

SCALE: 1" = 30'-0"



EXISTING CONCRETE BLOCK & BRICK BUILDING (#2200)

# VP SUPPLY BUILDING ADDITION

## 2240 HARLEM ROAD

### CHEEKTOWAGA, NEW YORK 14225

THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE EXCAVATION & CONSTRUCTION TO ENSURE HE/SHE HAS THE FINAL SET OF DESIGN DOCUMENTS AS ISSUED FOR CONSTRUCTION. THIS PLAN IS CURRENT AS OF THE DATE IT WAS ISSUED. SUBSEQUENT UPDATES OF THIS PLAN BY THE DESIGN ENGINEER DOES NOT AFFORD ANY TRANSFERREES THE RIGHT TO RECEIVE SAID UPDATES, BUT PLACES THE RESPONSIBILITY TO THE TRANSFEREE TO OBTAIN UPDATED PLANS WHICH ARE ISSUED FOR CONSTRUCTION AS THESE MAY DIFFER FROM PREVIOUS PLANS ISSUED FOR PERMIT OR BID.

*Andree Longard*  
 STAMP/SEAL

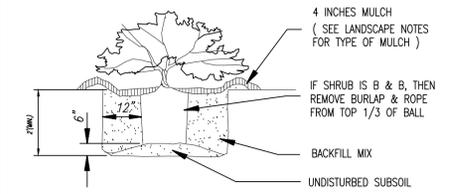
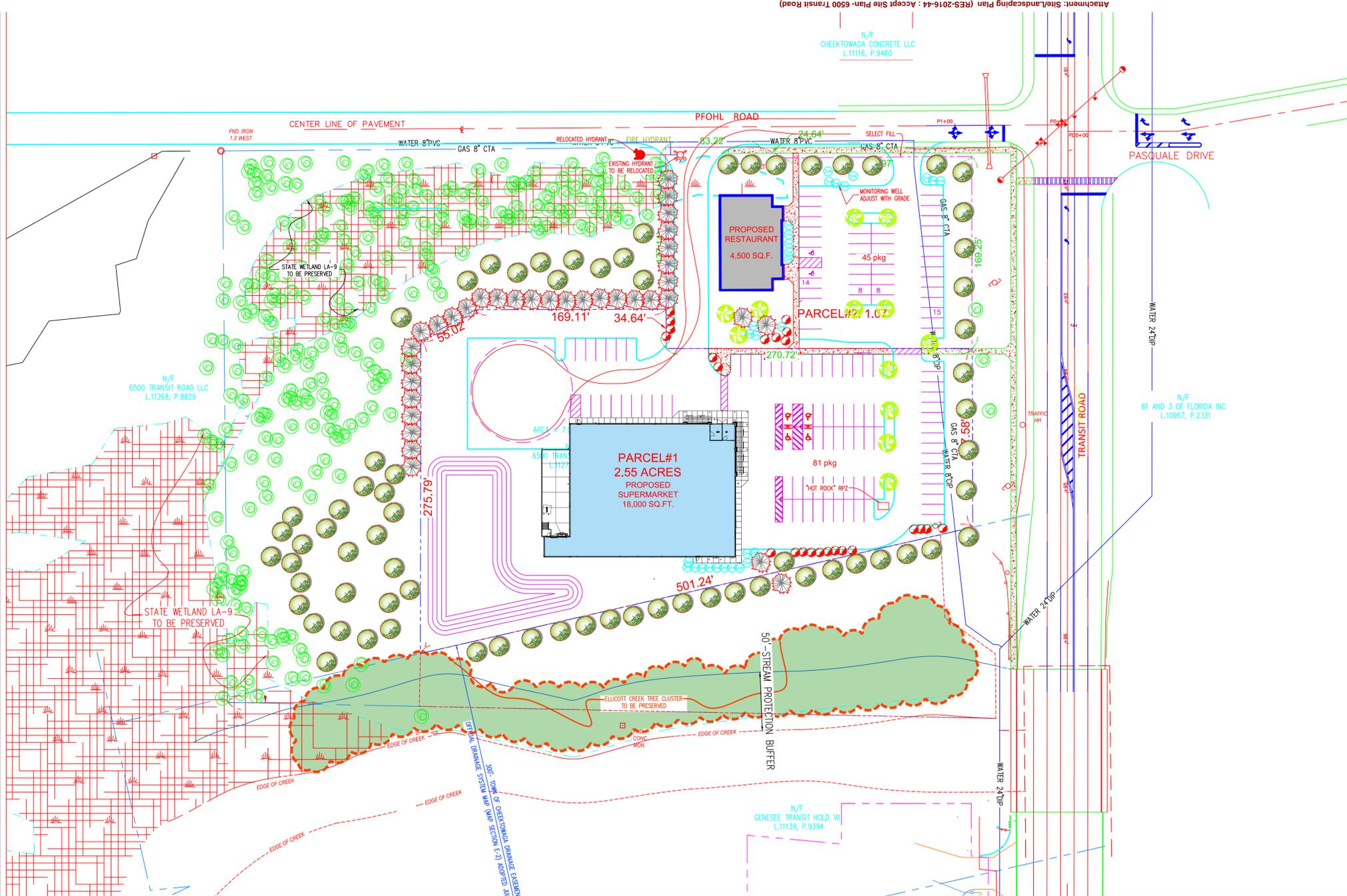
REV. PER FIRE INSPECTOR	1/4/16
ISSUED FOR BID & PERMIT	8/7/15
TOWN SUBMITAL	1/21/15

### SITE LANDSCAPE PLAN

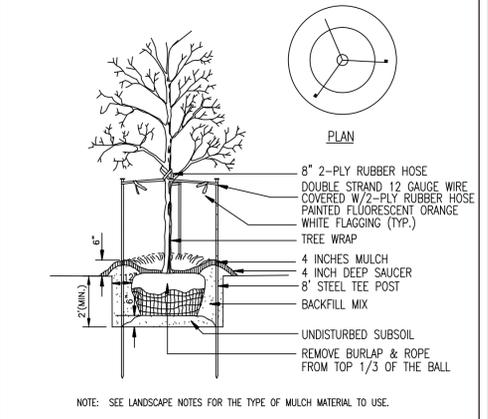


DRAWN BY:AVT  
 CHECKED BY: OST  
 JOB #14-376

SHEET  
 C-4.0



**4 SHRUB PLANTING**



**5 TREE PLANTING**

- NORTHEAST WETLAND HUMMOCK MIX (OR SIMILAR MIX):**  
SPECIFICALLY FOR WET AREAS.
- SCORPUS ATROVIRENS - GREEN BULRUSH
  - JUNCUS EFFLUSUS - SOFT RUSH
  - CAREX VULPINOIDEA - FOX SEDGE
  - LEERSIA ORYZOIDES - RICE CUT GRASS
  - CAREX COMOSA - BEARDED SEDGE
  - CAREX CRINITA - FRINGED SEDGE
  - CAREX LURIDA - SHALLOW SEDGE
  - CAREX LUPELINA - HOP SEDGE
  - VERBENA HSATATA - BLUE VERVAIN
- APPLICATION RATE: 3 POUNDS/ACRE
- NORTHEAST CONSERVATION/WILDLIFE MIX:**  
PROVIDES A NO MAINTENANCE COVER FOR CUT/FILL SLOPES (MITIGATION AREA SIDE SLOPES).
- ANDROPOGON GERARDI - BIG BLUESTEM
  - PANICUM VIRGATUM - SWITCHGRASS
  - CAREX VULPINOIDEA - FOX SEDGE
  - ELYMUS VILLOSIUS - SILKY WILD RYE
  - ASCLEPAS SYRIACA - COMMON MILKWEED
  - PANICUM CLANDESTINUM - DEERTONGUE
  - POLYGONUM PENNSYLVANICUM - SMARTWEED
  - ASTER LAEVIS - SILKY SMOOTH ASTER
  - ASTER UMBELLATUS - FLAT-TOP ASTER
- APPLICATION RATE: 75 POUNDS/ACRE

**6 SEED MIXES FOR WET SWALE and WETLAND AREA**

- ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASE.
- ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
- ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
- ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
- ALL TREES MUST BE GUYPED OR STAKED AS SHOWN IN THE DETAILS.
- ALL PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) OF THE PLANTING AREAS AND LAWN UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
- THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
- THE ARCHITECT SHALL APPROVE THE STAKING LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
- AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCUMULATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
- ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- ALL SHRUB, GROUND COVER AND SEASONAL COLOR ANNUAL PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH HARDWOOD MULCH TO A MINIMUM DEPTH OF FOUR INCHES.
- LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD.
- SAFE, CLEARLY MARKED PEDESTRIAN AND VEHICULAR ACCESS TO ALL ADJACENT PROPERTIES MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
- DURING THE GROWING SEASON ALL ANNUALS SHALL REMAIN IN A HEALTHY, VITAL CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
- ALL PLANT MATERIALS QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
- ALL DISTURBED AREAS ARE TO RECEIVE 4" OF TOP SOIL, MULCH, AND WATER UNTIL A HEALTHY STAND OF GRASS IS OBTAINED. THIS IS EXCLUDING ALL LANDSCAPED ISLANDS AND ENTRANCE AREAS.

**3 CONSTRUCTION NOTES**

**BELLA VISTA GROUP**  
6495 TRANSIT ROAD  
BOWMANVILLE, NY 14026  
Telephone 716 684 9000 EXT.233  
Fax 212 675 4228  
www.bellavistagroup.com

Revisions / Issues

REV#	DATE	DESCRIPTION

Seal

Project Title  
**PROPOSED COMMERCIAL DEVELOPMENT**  
6500 TRANSIT ROAD  
CHEEKTOWAGA NY  
ERIE COUNTY

Job Number **N/A**  
Drawing  
**LANDSCAPING PLAN**

Scale **AS NOTED**  
Drawing Date **12/18/2015**

Designed by: **T. ZHUK**  
Checked by: **C. ANDRZEJEWSKI**

Drawing No.

**C4**

**1 LANDSCAPING PLAN**  
SCALE 1"=40'

SYMBOL	QUANTITY	SCIENTIFIC NAME	COMMON NAME	INSTALLED SIZE	MATURE SIZE	CONDITION
<b>SHADE TREES</b>						
	72	Acer rubrum	'Red Sunset' red maple	2 1/2 - 3" cal.	45'-50' Ht./20'-25' Sprd.	B&B
<b>EVERGREEN TREES</b>						
	4	Malus 'Red Jewel'	'Red Jewel' Crabapple	1 3/4 - 2" cal.	20' Ht./15' Sprd.	B&B
<b>SHRUBS</b>						
	31	Picea pungens	Colorado Spruce	6-7" Ht.	60' Ht./20'-25' Sprd.	B&B
	21	Boxwood	Buxus	24" Ht.	4' Ht./5' Sprd.	B&B
	24	Juniper	Juniperus Chinensis	24" Ht.	5' Ht./6' Sprd.	4 Col. Pot.

**2 LANDSCAPING LEGEND**  
INTSC



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Vickie L. Dankowski  
716-686-3434

Monday, February 1, 2016

6:45 PM

Council Chambers

## I. Pledge of Allegiance

## II. Call to Order

6:45 PM Meeting called to order on February 1, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Stanley Kaznowski, III, Planning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Kerry Peek, Senior Services Director  
Mark Wegner, Highway Superintendent

## III. Invocation

## IV. Approve Minutes

Motion by Councilmember Meyers; Seconded by Councilmember Rogowski to approve the minutes of the last meeting. Motion Carried.

## V. Public Comment Period

## VI. Public Hearing

### 1. 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:**           Gerald Kaminski, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## VII. From the Table



## 1. RESOLUTION 2016-55

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### Appointment of Councilmember

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

**WHEREAS**, as a result of the election of Diane Benczkowski as Supervisor of the Town of Cheektowaga, her position as Councilmember in the Town of Cheektowaga became vacant; and

**WHEREAS**, Dennis A. Smith, Jr. has expressed an interest in serving as Councilmember for the Town of Cheektowaga, and

**WHEREAS**, Dennis A. Smith, Jr. meets all of the qualifications for Councilmember for the Town of Cheektowaga, NOW, THEREFORE, BE IT

**RESOLVED**, that Dennis A. Smith, Jr. of Cheektowaga, New York, be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective January 20, 2016, at a salary established for such position, and BE IT FURTHER

**RESOLVED**, that Dennis A. Smith, Jr. shall serve the unexpired term of Councilmember until December 31, 2016.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## VIII. Resolutions



## 1. RESOLUTION 2016-59

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

FROM:	150.8160.2306	Packers	\$25,676.24
TO:	150.8160.4469	Landfill	\$25,676.24

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-60

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 1, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$3,103,950.41
RISK RETENTION FUND	1,427,331.84
NYS HOME PROGRAM	0.00
DEBT	616,114.97
HUD HOUSING REHABILITATION FUND	11,016.81
SPECIAL DISTRICTS FUND	4,111,226.59
HIGHWAY FUND	655,721.86
CAPITAL FUND	1,082,430.00
TRUST & AGENCY FUND	113,256.59
HUD CDBG FUND	8,183.70
PART TOWN FUND	150,416.49
NYS AFFORDABLE HOUSING	11,275.00
	<hr/>
	\$11,290,924.26

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-61

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## Adopt Amendments to Vehicle and Traffic Law - Southcrest Avenue

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, this Town Board held a public hearing on January 19, 2016 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:

SOUTHCREST 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:

SOUTHCREST AVENUE - North side: from east curb line of Union Road to west curb line of Orchard Place

#### Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-62

### Negative SEQR Declaration -3755 Union Road Texas Roadhouse Restaurant

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

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, an application was submitted by Texas Roadhouse Holdings, LLC for the construction of a 7,163 s.f. restaurant at 3755 Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of December 10, 2015, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on January 6, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-63

### Negative SEQR Declaration 2200-2210 Old Union Road - Rusniaks

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

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, an application was submitted by Bernard Rusiniak for the construction of a 5,664 s.f. storage garage building at 2200-2210 Old Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of November 12, 2015, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on January 6, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-64

### Accept Site Plan - 3755 Union Road Texas Roadhouse Restaurant

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

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, Texas Roadhouse Holdings, LLC submitted a development review application for the construction of a 7,163 s.f. restaurant building at 3755 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of December 10, 2015 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/approving the drainage/grading plan.

Attachments:

EXTERIOR ELEVATIONS (PDF)

landscaping plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-65

### Accept Site Plan 2200-2210 Old Union Road

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

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, Bernard Rusiniak submitted a development review application for the construction of a 5,664 s.f. storage garage building at 2200-2210 Old Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of November 12, 2015 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/approving the drainage/grading plan.
2. The addition of a concrete stub walk from the proposed public walk to the main building entrance as per Chapter 11 of the NYS Building Code.

Attachments:

Rusiniaks-Site Oct. 2015 v2009 (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-66

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### **Bond Resolution Ice Rink Improvements**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED FEBRUARY 1, 2016, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN ICE RINK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,800,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$2,800,000 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 improvements to the Town ice rink, including replacement of the ice chilling system and improvements to locker rooms, bleachers, snow melt pit, dasher boards, lighting and energy savings improvements, and other related or ancillary improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,800,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$2,800,000 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. Bonds of the Town in the principal amount of \$2,800,000 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. 12 (a)(2) 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 1, 2016, 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 1, 2016, authorizing the construction of improvements to the Town ice rink, stating the estimated maximum cost thereof is \$2,800,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,800,000 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 improvements to the Town ice rink, including replacement of the ice chilling system and improvements to locker rooms, bleachers, snow melt pit, dasher boards, lighting and energy savings improvements, and other related or ancillary improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,800,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$2,800,000 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 bonds in the principal amount of \$2,800,000 of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued 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 \$2,800,000 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 1, 2016

Vickie L. Dankowski  
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:**        Diane Benczkowski, Supervisor  
**SECONDER:**   Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-67

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### Notice to Bidders Baseball & Softball Equipment #2016-2

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS it is in order that bids be advertised for the purchase of baseball and softball equipment (Bid # 2016-2) 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 Vickie Dankowski, Town Clerk, and BE IT FURTHER

RESOLVED that sealed bids (Bid #2016-2) will be received on February 17, 2016 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 17, 2016 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and softball equipment.

Information for bidders and specifications may be obtained from the Town Clerk at her office located in the Cheektowaga Town Hall. One bid is to be submitted for the purchase of Baseball and Softball Equipment (or equivalents) as listed in the bid specifications.

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

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

Vickie Dankowski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-68

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### Notice to Bidders - Demolition with Asbestos Abatement of 36 Barbara Place (BID 2016-4 LAW)

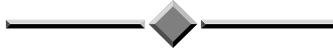
**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, it is in order that bids be advertised for the demolition and asbestos abatement of structures located at **36 Barbara Place, Cheektowaga, New York**; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office with the assistance of Nussbaumer & Clarke, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID 2016-4 LAW ) for the demolition and asbestos abatement of structures located at **36 Barbara Place**, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on **TUESDAY, FEBRUARY 16, 2016, at 11:00 A.M.**



#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on **TUESDAY, FEBRUARY 16, 2016, 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 **36 Barbara Place (BID 2016-4 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.

Vickie L. Dankowski  
Town Clerk

Dated: 1 February 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-69

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### Notice to Bidders - Cheektowaga Town Ice Rink (Bid #2016-05)

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**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, DiDonato Associates, P.C., have completed construction documents (plans and specifications) for the Cheektowaga Town Ice Rink, Plant, Ice Rink Floor and Bleacher Replacement located at 2600 Harlem Road, Cheektowaga, New York, AND

WHEREAS, the completion of said construction documents enables the solicitation of competitive bids in the fields of Ice Rink Construction, General Construction, Electrical Construction, Plumbing Construction and HVAC Construction Work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Cheektowaga Town Ice Rink, Plant, Ice Rink Floor and Bleacher Replacement, located at 2600 Harlem Road, Cheektowaga, NY, said notice to be published in the CHEEKTOWAGA BEE and the BUFFALO NEWS, AND, BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 24th day of February, 2016 at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227.



#### NOTICE TO BIDDERS

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 the 24th day of February, 2016. All bids will be publicly opened and read at 11:00 am at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials and labor for the Cheektowaga Town Ice Rink, Plant, Ice Rink Floor and Bleacher Replacement, 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 the engineering firm DiDonato Associates, Engineering & Architectural Professionals and approved by the Town Board of the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within ten (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 Plans and Specifications may purchase the excess, but it is understood that these are non-refundable.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders 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. The Owner will not be responsible for full or partial sets of Contract Documents, including any Addenda, obtained from any other source. The Architectural Consultant for the project is DiDonato Associates, Engineering and Architectural Professionals, 689 Main Street, Buffalo, NY 14203. Any questions on this project should be referred to: James Wowzynski via email at [jwowzynski@didonato.cc](mailto:jwowzynski@didonato.cc).

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's Office of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk.

The work shall be completed within one hundred fifty 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.

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

By Order of: THE TOWN OF CHEEKTOWAGA

Vickie L. Dankowski, Town Clerk  
Bid #2016-05

DATED: February 1, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-70

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### **Notice to Bidders - Replacement of Five (5) Traffic Signals (Bid #2016-06)**

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the engineering firm of DiDonato Associates, P.E., P.C. has completed construction documents (plans & specifications) for the replacement of five (5) traffic signals located within the Town of Cheektowaga (Bid #2016-06), AND

WHEREAS, the completion of said construction documents enables the solicitation of competitive bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the replacement of five (5) traffic signals located within the Town of Cheektowaga, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 24th day of February, 2016 at 11:00 am 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

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 the 24th day of February, 2016. All bids will be publicly opened and read at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials and labor for the Traffic Signal Improvements Project for five (5) intersections 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 the engineering firm of DiDonato Associates, P.E., P.C. and approved by the Town Board of the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within ten (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 Plans and Specifications may purchase the excess, but it is understood that these are non-refundable.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders 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 check made payable to the Town of Cheektowaga for each copy requested. The Owner will not be responsible for full

or partial sets of Contract Documents, including any Addenda obtained from any other source. The Engineering Consultant for the project is DiDonato Associates, Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203. Any questions on this project should be referred to Peter Ringo via email at [pringo@didonato.cc](mailto:pringo@didonato.cc).

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 Vickie Dankowski, Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227.

The work shall be completed within one hundred twenty (120) 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 OF CHEEKTOWAGA

Vickie Dankowski, Town Clerk  
Bid #2016-06

DATED: February 1, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-71

## Authorize Supervisor to Extend Agreement with Baer & Associates, LLC

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, by resolution dated September 7, 2010, the firm of Trautman Associates, Project Architect, was retained to provide professional services during construction for the Addition and Renovations to the Police and Court Building Project, AND

WHEREAS, by resolutions dated February 18, 2015 and July 20, 2015, this Town Board agreed to retain Baer & Associates, LLC for professional services for arbitration support, trial preparation and expert witness services in an amount not to exceed \$25,000, AND

WHEREAS, the arbitration proceeding is complete and additional services above the \$25,000 were required throughout this proceeding for extensive testimony and expert witness services, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to final payment of Baer & Associates, LLC for professional services for arbitration support, trial preparation and expert witness services for the above referenced arbitration in the final amount of \$10,007.50, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute final payment to Baer & Associates for the above services, AND, BE IT FURTHER

RESOLVED, that funding for said professional services shall be chargeable to Account #500-1440-2528-5025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-72

### Authorize Supervisor to Sign Agreement with Bammel Architects for Additional Services at the Town Recreation Center

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

WHEREAS, by Town Board Resolution dated December 7, 2015, this Town Board engaged the firm of Bammel Architects, PC to perform architectural and engineering services associated with the development of a schematic design and preparation of budgetary figures for construction costs associated with the locker rooms and lobby areas and ADA (Americans with Disabilities Act) concerns in the existing Town Recreation Center in the Cheektowaga Town Park, AND

WHEREAS, the initial schematic design study has been completed and budgetary construction costs have been established and this Town Board wishes to further its efforts to enhance the Town Recreation Center, AND

WHEREAS, the next progressive phase of architectural and engineering services for preparation of the construction documents is in order, NOW, THEREFORE, BE IT

RESOLVED, that the architectural firm of Bammel Architects, PC, 6459 West Quaker Street, Orchard Park, NY 14127 be retained for additional services of preparation of construction documents and specifications, for the lump sum not to exceed \$34,475.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Bammel Architects, PC for the provision of said professional services in an amount not to exceed \$34,475.00 (construction documents and administration and cost estimating) which shall be chargeable to an account designated by the Director of Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-73

### Accept Proposal for Emergency Generator Maintenance

**Sponsored By:** Councilmember Meyers, 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 calendar years of 2016-2017 for all 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:

Penn Power Systems  
350 Bailey Avenue  
Buffalo, New York 14210

for their proposal in the amount of \$8,325.00 for 2016 and \$8,325.00 for 2017, being the lowest proposal submitted, AND, BE IT FURTHER

RESOLVED, that \$3,705.00 (2016) and \$3,705.00 (2017) shall be chargeable to the Sewer Maintenance Department, Account #255-8125-2500 and \$3,602.00 (2016) and \$3,602.00 (2017) shall be chargeable to the Facilities Department, Account #100-1625-4432 and \$1,018.00 (2016) and \$1,018.00 (2017) shall be chargeable to the Highway Department, Account #100-5132-4432.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-74

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### Execute Final Contract Acceptance Documents with Ferguson Electric Construction Company, Inc.

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the contract for the Installation of Replacement Variable Frequency Drives and Associated Motor Control System Modifications at the Main Pump Station, including Alternate A, was awarded by Town Board Resolution dated May 6, 2013 to Ferguson Electric Construction Company, Inc. in the amount of \$780,000.00, AND

WHEREAS, the engineering consultant for the project, Nussbaumer & Clarke, Inc. and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with Ferguson Electric Construction Company, Inc., 333 Ellicott Street, Buffalo, New York 14203-1618.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-75

### Designate EMS Board

**Sponsored By:** Councilmember Kaminski, 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 2016 for a term of one year:

REPRESENTING	DESIGNATE
Bellevue	Jack McFarland
Cleveland Hill	Mark Collett
Doyle	Robert Barczak
Forks	Jeffrey Place
Hy-View	Robert Schmitt
Pine Hill	David Reinhardt
Sloan	Al Wieberg
South Line	Todd Roland
U-Crest	Ronald Wanat
Walden	Jack & Kristen Tower
St. Joe's Hospital	Dr. Frank Lee
Chief of Police	Chief David Zack
Dispatch	Paul Hockwater Jr.
Town Board	Supervisor Benczkowski

EX-OFFICIO MEMBERS (non-voting)  
Rural/Metro                      Richard Bartel

and, BE IT FURTHER

RESOLVED, that Robert Schmitt be appointed to serve as Chairman of the EMS Board

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-76

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### Youth & Recreation Termination

**Sponsored By:** Councilmember Kaminski, 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:

Verliddia Jones	11/14/15	14211
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-77

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### Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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 – 7140.1611 - \$9.00 – Part-time

Kira Herkey 14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-78

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

SUPERVISOR'S OFFICE Clerk \$15.00/hour effective 2/18/16  
Deborah Williams, Cheektowaga, New York

ASSESSOR'S OFFICE Clerk \$9.25/hour effective 2/2/16  
Karen J. Statz, Cheektowaga, New York

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

OFFICE OF THE TOWN ASSESSOR  
Amanda J. Murphy effective 1/9/16

SANITATION DEPARTMENT  
Jerome M. Costner, Jr. effective 12/18/15  
Louis A. Hyatt effective 1/16/16  
Keith M. Pignatora effective 1/16/16

POLICE DEPARTMENT  
Rachel L. Kandefer effective 11/2/15

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-79

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### Travel Authorization Police Department

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Glock Armorers' Course is being held March 31, 2016 in Lewiston, New York; AND

WHEREAS, Sergeants Lawrence Bauer and Jeffrey Schmidt, Detective Timothy Szymanski, Police Officers Thomas Rogers and Jonathan Ober, have been recommended to attend said course; AND

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

WHEREAS, the total cost to the Town shall not exceed \$1,290; AND

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

RESOLVED, that Sergeants Lawrence Bauer and Jeffrey Schmidt, Detective Timothy Szymanski, Police Officers Thomas Rogers and Jonathan Ober be and hereby are authorized to attend the Glock Armorers' Course being held March 31, 2016 in Lewiston, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-80

### Travel Authorization Police Department

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Association of Hostage Negotiators – Negotiation Seminar is being held March 1, 2016 in Niagara Falls, Ontario, Canada; AND

WHEREAS, Detective Terence Griffin, and Police Officers Michael McDonough, Scott Scharlau and Kurt Spieler 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 \$372; AND

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

RESOLVED, that Detective Terence Griffin, and Police Officers Michael McDonough, Scott Scharlau and Kurt Spieler be and hereby are authorized to attend the New York State Association of Hostage Negotiators – Negotiation Seminar being held March 1, 2016 in Niagara Falls, Ontario, Canada.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Meyers to waive the Rules to Include the Following (1) Resolution: 2016-81. Motion Carried.
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## 1. RESOLUTION 2016-81

### Hiring of Part-Time Employees (Police Department)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 \$15.25/hour effective 2/2/16  
Kayla Maxon, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$17.35/hour effective 2/2/16  
James Ludtka, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## X. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - December 2015
2. Minutes: Cheektowaga Planning Board - December 10, 2015
3. Minutes: Cheektowaga Planning Board - January 14, 2016
4. Minutes: Cheektowaga Traffic Safety Commission - December 15, 2015
5. Town of Cheektowaga Emergency Services - Quarterly Report for October to December 2015

### B. General Communications

1. Summons: Citimortgage, Inc., vs. Tanya L. Blaszkowiak, Town of Cheektowaga & Etal Premises: 42 Viola Drive

- 2. Notice of Claim: Susan Kelleher vs. Town of Cheektowaga
- 3. Notice of Claim: Claire Pitzonka vs. Town of Cheektowaga
- 4. Request to Speak: Thomas H. Shelberg on behalf of Rusiniak's Service

## **XI. Comments**

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

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

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

## **XII. Adjournment**

Motion by



**FRONT ELEVATION**



**RIGHT ELEVATION**



**REAR ELEVATION**



**LEFT ELEVATION**

EXTERIOR FINISH SCHEDULE			
BUILDING ITEMS	DESCRIPTION	BUILDING ITEMS	DESCRIPTION
WOOD SIDING, TRIM, & WOOD SHUTTERS	PRE-STAINED CEDAR, HENRY POOR LUMBER CEDARTONE TWP #1501 STAIN FORMULA	METAL DOORS AND FRAMES	PAINT #3: SHERWIN WILLIAMS PAINTS, GLOSS BLACK
FRONT ENTRANCE DOORS	METAL DOORS (FAUX WOOD) STEELCRAFT "GRAIN-TECH" (MAPLE FINISH)	BRICK VENEER	CLAYMEX OLD DENVER
TRIM, METAL FLASHING AND GUTTERS	PAINT #1 SHERWIN WILLIAMS PAINTS, GREEN	BRICK VENEER (ALTERNATE)	GENERAL SHALE PHOENIX C6S2
DOWNSPOUTS & SPLIT-FACE CMU	PAINT #2: SHERWIN WILLIAMS PAINTS, #2195 "ROADSIDE" FINISH COLOR TO MATCH PRE-STAINED CEDAR	METAL ROOF	METAL SALES 5V-CRIMP, GALVALUME
		DUMPSTER GATES & BOLLARDS	PAINT #3: SHERWIN WILLIAMS PAINTS, GLOSS BLACK

DISCLAIMER NOTE:  
THE COLORS DEPICTED ON THESE ELEVATIONS ARE FOR GRAPHIC REPRESENTATION PURPOSES ONLY. PLEASE REFER TO MATERIAL BOARD FOR ACTUAL SAMPLE OF COLORS AND TEXTURES



NOTE: Unauthorized, alteration or addition to any survey, drawing, design, specification, plan, or report is a violation of Section 7209, Provision 2 of the New York State Education Law.

NOTE: This survey was prepared without the benefit of an Abstract of Title and is subject to any state of facts that may be revealed by an examination of such.

**GENERAL PROJECT DESCRIPTION**  
 THE PROJECT CONSISTS OF THE CONSTRUCTION OF A +/- 5,664 S.F. METAL BUILDING TO ENCLOSE EMERGENCY TOWING VEHICLES FROM THE ELEMENTS PARTICULARLY WINTER SNOWSTORMS. RUSINIAK'S IS A 4th GENERATION FAMILY OWNED AND OPERATED BUSINESS ASSISTING IN AUTO AND TRUCKS SERVICE, TOWING, COLLISION AND EMERGENCY ROAD SERVICE NEEDS.

THE STORAGE BUILDING WILL BE POSITIONED OVER AN EXISTING REAR PAVED LOT AREA WHERE THE VEHICLES ARE CURRENTLY PARKED. ALTHOUGH THE BUILDING IS PROPOSED ON EXISTING IMPERVIOUS SURFACE AREA, A GRASS DETENTION AREA (1,440 C.F.) IS PROPOSED TO REDUCE FLOW TO CURRENT STORM SYSTEM (PRIVATE + MUNICIPAL) AS THE REAR STORM SYSTEM WATER IS PRESENTLY PUMPED TO THE FRONT CATCH BASINS/ PIPES AND FLOWS TO 'OLD UNION ROAD'.

THE BUILDING IS NOT PROPOSED AS AN OCCUPIED STRUCTURE. THE PROPOSED BUILDING IS BASED ON GROWTH AND IS REQUIRED TO IMPROVE 'READINESS' RESPONSE FOR THE 24 - HOUR EMERGENCY VEHICULAR MAINTENANCE AND TOWING SERVICE.

**Thomas H. Shelberg -Architect**  
 183 Bathurst Drive  
 Buffalo, NY 14210  
 (716) 983 - 1434

**RESOURCE**

ISSUED BY: THOMAS H. SHELBURG R.A.

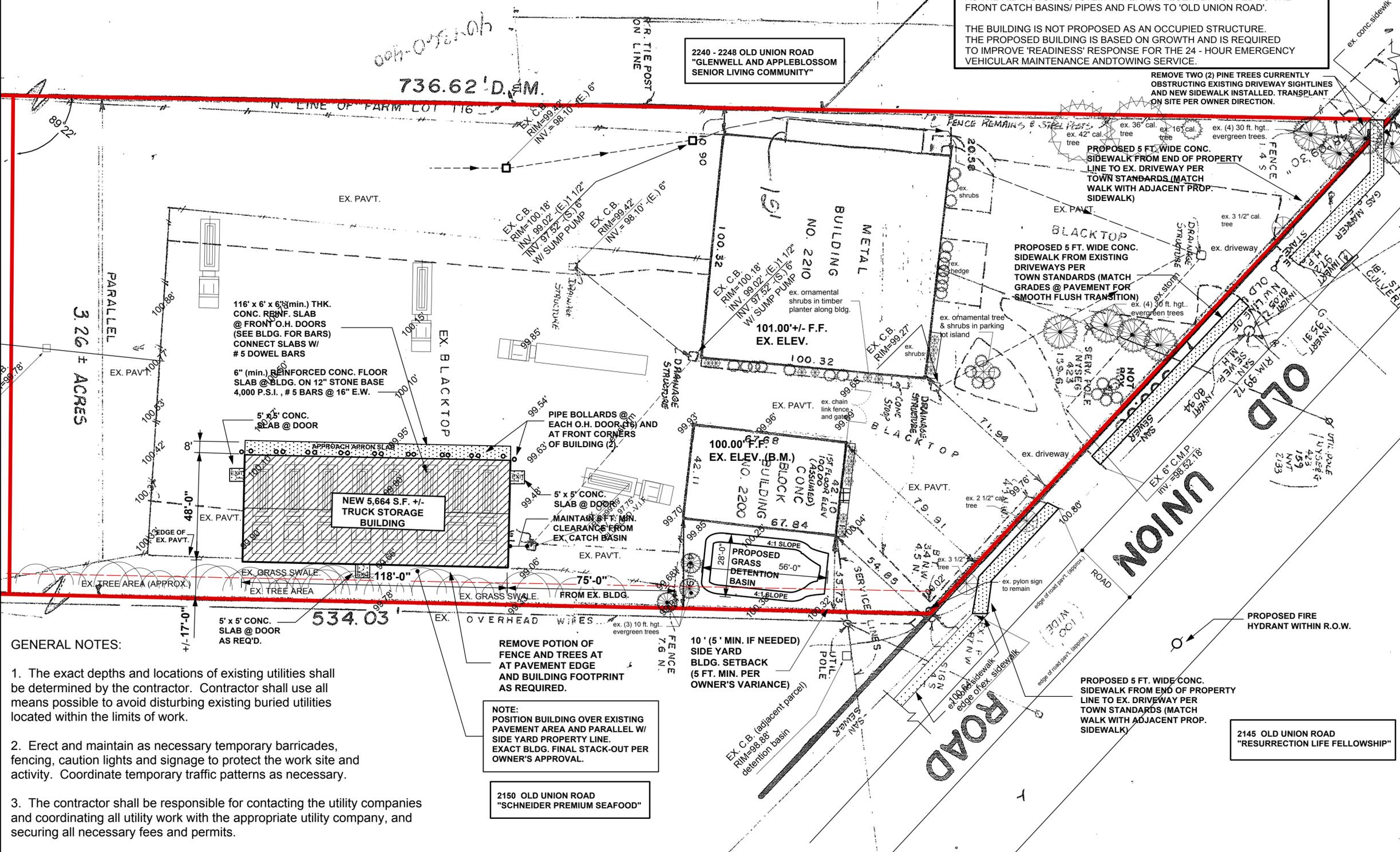
**STORAGE BUILDING ADDITION TO LOT**  
 # 2200 OLD UNION ROAD  
 CHEEKTOWAGA, NEW YORK

**RUSINIAKS**  
 2916 Union Road  
 Cheektowaga, N.Y. 14227  
 (716) 683-3288

DATE: 19 OCTOBER 2015

DOCUMENT STATUS:

PERMIT SET  BID SET  PROGRESS NOT FOR CONSTRUCTION  FINAL FOR CONSTRUCTION



- GENERAL NOTES:**
- The exact depths and locations of existing utilities shall be determined by the contractor. Contractor shall use all means possible to avoid disturbing existing buried utilities located within the limits of work.
  - Erect and maintain as necessary temporary barricades, fencing, caution lights and signage to protect the work site and activity. Coordinate temporary traffic patterns as necessary.
  - The contractor shall be responsible for contacting the utility companies and coordinating all utility work with the appropriate utility company, and securing all necessary fees and permits.
  - Survey and topographic information obtained from a drawing dated 2/04/99 (latest revision) by James Shisler, L.S. . Spot gade elevations by T. Shelberg, R.A. October 2015.
  - The final building construction documents shall be designed, engineered, and be certified by design professional(s) representing the pre-engineered metal building. The general size of the building for site plan purposes was compiled from drawings dated 8/20/2015 by 'Morton Buildings, Inc.'

**SITE PLAN**  
 SCALE : 1" = 30'-0"

NO	REVISIONS DESCRIPTION	DATE

**SITE PLAN C-1**



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Wednesday, February 17, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Call to Order

6:45 PM Meeting called to order on February 17, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Absent	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Stanley Kaznowski, III, Planning Board Chairman  
Earl Loder, Disaster Coordinator  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent

### IV. Invocation

### V. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Hammer to approve the minutes from the last meeting.

### VI. Public Comment Period

### VII. Resolutions



## 1. RESOLUTION 2016-82

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

FROM:	150.1910.2701	Refund of Prior Years Expense	\$41,000.00
TO:	150.8160.2306	Packers-Sanitation	\$41,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 2. RESOLUTION 2016-83

### Transfer of Funds-2016

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG

FROM:	700.1014.0500	Sidewalk Replacement	\$55,610.80
	700.1014.0704	Contingency	3,860.00
TO:	700.1014.0600	Housing Rehab- Single Family	\$55,610.80
	700.1014.0606	Disposition	3,860.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



### 3. RESOLUTION 2016-84

## Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 17, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$501,764.23
RISK RETENTION FUND	61,423.90
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	24,465.00
SPECIAL DISTRICTS FUND	748,815.63
HIGHWAY FUND	379,606.07
CAPITAL FUND	752,344.17
TRUST & AGENCY FUND	7,443,255.00
HUD CDBG FUND	2,334.93
PART TOWN FUND	6,341.35
NYS AFFORDABLE HOUSING	9,972.00
	<hr/>
	\$9,930,322.28

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



#### 4. RESOLUTION 2016-85

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### **Award of Bid for Asbestos Survey and Air Monitoring Services for Property Located at 67 A-D Windwood Court (Bid 2016-3 LAW)**

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

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 **67 A-D Windwood Court** have experienced extensive deterioration and damage, and Nussbaumer & Clarke, Inc. Has determined that said structures are unsafe and recommended that they be demolished and removed; and

WHEREAS, by resolution adopted July 7, 2014, this Town Board ordered that the structures 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 specifications for same; and

WHEREAS, on January 19, 2016, this Town Board issued a Notice to Bidders (Bid 2016-3 LAW) to various asbestos abatement firms and based on proposals submitted, the Town Attorney has recommended that this Town Board retain **Buffalo Environmental Consultants d/b/a AFI Environmental**, to perform said asbestos survey, specifications and project monitoring work for the sum of \$3,300.00, and if required, a further sum of \$240.00 per day and \$7.00 per sample for additional air monitoring and sampling at the site, said proposal being the lowest responsible bid submitted; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Buffalo Environmental Consultants d/b/a AFI Environmental, Post Office Box 4049, Niagara Falls, New York 14304, to perform said asbestos survey and abatement work (if necessary) for 67 A-D Windwood Court, for the sum of \$3,300.00, and if required, a further sum of \$240.00 per day and \$7.00 per sample for additional air monitoring and sampling at the site; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and hereby is directed to execute an agreement with Buffalo Environmental Consultants 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 5. RESOLUTION 2016-86

### Negative SEQR Declaration - 1937 Harlem Road

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

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, an application was submitted by Daniel Mayfield for the rezoning of 1937 Harlem Road from M1- Light Manufacturing to CM- General Commercial to permit the conversion of an existing retail/warehouse building into a mortuary, 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, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of October 8, 2015, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 3, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 6. RESOLUTION 2016-87

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### Negative SEQR Declaration - 135 Buell Road

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

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, an application was submitted by Benderson Development Co., LLC/Trahwen-F, LLC for the construction of a 100,035 s.f. warehouse building at 135 Buell Avenue, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 11, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the applicant prepared a noise impact assessment to address concerns expressed by the Town's Environmental Advisory Committee for potential noise impacts to the two residential dwellings immediately west and contiguous to the project site, AND

WHEREAS, noise impact assessment prepared by Aurora Acoustical Consultants, Inc. has concluded that the subject warehouse project will not cause noise to exceed the maximum allowable decibels pursuant to Chapter 166 of the Town Code, which regulates noise, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 3, 2016 recommended a determination of non-significance, and has recommended that the overhead doors for the loading docks remain closed at all times other than for truck docking, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 7. RESOLUTION 2016-88

### SEQR Determination for Sanitary Sewer Lining Project and EFC Grant/Loan Financing

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are Type II actions and are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has proposed the lining and rehabilitation of the sanitary sewer mainline, manholes and lateral connections throughout the Town's Consolidated Sewer District to reduce inflow and infiltration into the Town sanitary sewer lines, and is seeking funding through the NYS Environmental Facilities Corporation for said project to correct deficiencies in the Town's wastewater collection facilities, as required by the New York State Department of Environmental Conservation Order on Consent; and

WHEREAS, after careful consideration and review of the proposed actions proposed to be taken by the Town of Cheektowaga for the above referenced project, the Town Board, in consultation with representatives from various Town departments and outside consulting engineers, hereby determines that said project is a Type II action under SEQR based on the following criteria in 6 NYCRR Section 617.5(c):

- (1) The project involves the maintenance and repair of existing sanitary sewer lines involving no substantial changes in the sanitary sewer pipeline system;
- (2) The project involves, in limited circumstances, the rehabilitation or reconstruction of some portions of sanitary sewer pipes;
- (29) The project is necessitated by a New York State Department of Environmental Conservation Order on Consent No. R9-20050317-121;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed Town of Cheektowaga Sanitary Sewer Mainline, Manhole and Rehabilitation Project is a Type II action in accordance with 6 NYCRR Section 617.5(c)(1, 2 and 29) and is therefore not subject to review under 6 NYCRR Part 617.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers





## 8. RESOLUTION 2016-89

### Accept Site Plan- 135 Buell Road Benderson Development Co., LLC

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

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 construction of a 100,035 s.f. warehouse building at 135 Buell Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of February 11, 2016 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/approving the drainage/grading plan.
2. The Town Planner reviewing/approving the revised landscaping and photometric plan.
3. The westerly overhead loading dock doors remain closed at all times other than for truck dock deliveries.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 9. RESOLUTION 2016-90

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### **Accept Site Plan- 4945 Genesee Street Sun Communities, Inc.**

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

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, Sun Communities, Inc. Submitted a development review application for an amendment to a previously approved site plan for the re-development of a former manufactured home community at 4945 Genesee Street, commonly known as Hatch Court, AND

WHEREAS, on April 21, 2008 this Town Board previously approved a site plan for (92) ninety two manufactured home lots, AND

WHEREAS, the amended site plan now provides for as maximum of (57) fifty seven manufactured home lots, with a 5,000 s.f. community building and a 1,380 s.f. storage building, AND

WHEREAS, the applicant's amended site plan allows for greater connectivity with the existing manufactured home park to the west allowing for residents to access Genesee Street at points further west, AND

WHEREAS, The Cheektowaga Planning Board has reviewed and commented on the application and site plan at their meeting of January 14, 2016 have recommended approval thereof, AND

WHEREAS, the applicant's site plan requires area variances to be issued by The Cheektowaga Zoning Board of Appeals, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals, previously granted area variances for the originally approved site plan, and will be considering the applicants request for area variances at its meeting scheduled for March 16, 2016, AND

WHEREAS, on April 21, 2008 this Town Board previously issued a determination of Non Significance pursuant to the State Environmental Quality Act (SEQRA) and reaffirms such SEQRA determination for the amended site plan, AND

WHEREAS, this Town Board reserves its future right to manage vehicular access along Genesee Street to include, closing the applicant's existing easterly driveway if warranted, after adequate study and after proper public notice, since a vehicular access easement has been provided for by the contiguous landowner at 4989 Genesee Street, 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 this Town Board approves the proposed site plan subject to:

1. The Town engineer reviewing/approving the drainage/grading plan.
2. The Town Planner reviewing/approving a landscaping and photometric plan.
3. The Town Engineer review /approve the civil plans for adequate potable water and sanitary sewer facilities.
4. The Cheektowaga Zoning Board of Appeals grants the necessary area variances.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 10. RESOLUTION 2016-91

### Adopt Local Law No. 1 of 2016 - A Local Law to Amend the Zoning Law

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

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

WHEREAS, the Town Planner and Town Attorney have recommended that Article II of the Zoning Law ("Residence Districts") be amended to eliminate, as a principal permitted use by special permit authorized by the Zoning Board of Appeals in the R-Residence District the following uses:

Windmills and other energy-generating devices

, and

WHEREAS, a draft of such amendment has been prepared by the Town Attorney, and

WHEREAS, a public hearing was held on the 1st day of February, 2016 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", and

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

RESOLVED, that Local Law No. 1 of the Year 2016, entitled "A Local Law to Amend the Zoning 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. 1 of the Year 2016 shall be effective upon filing same with the Secretary of State, and BE IT FURTHER

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



#### LOCAL LAW NO. 1 OF THE YEAR 2016

#### A Local Law to Amend the Zoning Law

Section 260-23(A)(1)(e) of the Town Code (Zoning Law), R-Residence District, shall be amended to read as follows:

1. Section 260-23.(A)(1)(e)[2] shall be deleted
2. Section 260-23.(A)(1)(e)[3] shall be renumbered Section 260-23.(A)(1)(e)[2]

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer  
**ABSENT:**      Timothy J. Meyers



## 11. RESOLUTION 2016-92

### Approve Rezoning of 1937 Harlem Road

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

WHEREAS, Daniel Mayfield petitioned for a rezoning from M1-Light Manufacturing District to CM-General Commercial District for property owned by DKM Properties WNY, LLC and located at 1937 Harlem Road, Cheektowaga, New York, which property is described in the attached legal description, for the conversion of an existing vacant retail/warehouse building into a mortuary, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of December, 2015 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, the applicant has stated that it will not be part of his business to hold public viewings; the business will be used for the embalming and short-term storage of human remains, 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 Daniel Mayfield for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved, 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 Town of Cheektowaga, County of Erie, and State of New York, being part of Lot 23, Township 11, range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point of the intersection of the easterly line of Harlem Road with the northerly line of Gruner Avenue as conveyed by Clarence P. Hart to the Town of Cheektowaga, by deed recorded in Liber 1504 of deeds at page 302; thence northerly along the easterly line of Harlem Road, 186 feet; thence easterly and parallel with the northerly line of Gruner Avenue, 117.23 feet; thence southerly and parallel with the easterly line of Harlem Road, 186 feet to the northerly line of Gruner Avenue; thence westerly along the northerly line of Gruner Avenue,

117.23 feet to the point or place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 12. RESOLUTION 2016-93

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### Call for Public Hearing - Increase and Improvement of Facilities of the Consolidated Sewer District

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

In the Matter  
of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

ORDER CALLING FOR A PUBLIC  
HEARING TO BE HELD ON  
MARCH 7, 2016

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Sewer District, in the Town (herein referred to as the "District"), has caused Nussbaumer & Clark, Inc., competent engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated January, 2016, for the increase and improvement of facilities of the District, including sewer, manhole and service lateral lining; manhole rehabilitation; and other related work, as described in said report, at the estimated maximum cost of \$20,000,000; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$20,000,000; and

WHEREAS, the Town Board, as lead agency, has duly considered the project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and has determined

that the project is a Type II action and is therefore exempt from the provisions of SEQRA, pursuant to Section 617.5 (c) (11) of the SEQRA regulations;

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 7th day of March, 2016 at 6:45 P.M. (Prevailing Time) to consider said proposed increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Cheektowaga Bee*," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 17, 2016

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

(SEAL)

## Exhibit A

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Cheektowaga, in the County of Erie, State of New York, will meet at the Town Hall, 3301 Broadway, Cheektowaga, New York, on March 7, 2016, at 6:45 P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of the Consolidated Sewer District, including sewer, manhole and service lateral lining; manhole rehabilitation; and other related work, as described in said report, as described in said report, at the estimated maximum cost of \$20,000,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: February 17, 2016  
Cheektowaga, New York

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

By

Vickie L. Dankowski, Town Clerk  
Town of Cheektowaga

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-94

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## Notice to Bidders - Topsoil (Bid #2016-7)

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, it is in order that bids be advertised for the purchase of Topsoil for the 2016 calendar year for use by the Highway Department and various other departments in the Town, AND

WHEREAS, the Engineering Department has completed preparation of bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the purchase of Topsoil, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 2nd day of March, 2016 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 March 2, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the purchase of Topsoil by the Town of Cheektowaga for the calendar year 2016.

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 Topsoil" 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.

Vickie L. Dankowski, Town Clerk  
Bid #2016-7

DATED: February 17, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 14. RESOLUTION 2016-95

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### **Notice to Bidders - Manhole/Catch Basin Frames & Covers (Bid #2016-8)**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the purchase of Manhole/Catch Basin Frames and Covers for the year of 2016 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 2016 calendar year, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 2nd day of March, 2016 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 March 2, 2016 at 11:00 am, 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 for the 2016 calendar year.

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 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.

Vickie L. Dankowski, Town Clerk  
Bid #2016-8

DATED: February 17, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 15. RESOLUTION 2016-96

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### Notice to Bidders - Cold Milling of Various Town Highways (Bid #2016-9)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, it is in order that bids be advertised for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the calendar year 2016, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the Cold Milling of Various Town Highways, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 2nd day of March, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 2, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the calendar year 2016.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Cold Milling of Various Town Highways" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five 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.

Vickie L. Dankowski, Town Clerk

Bid #2016-9

DATED: February 17, 2016

<p><b>RESULT:</b>        <b>ADOPTED [UNANIMOUS]</b></p> <p><b>MOVER:</b>         Diane Benczkowski, Supervisor</p> <p><b>SECONDER:</b>     James P. Rogowski, Councilmember</p> <p><b>AYES:</b>            Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer</p> <p><b>ABSENT:</b>         Timothy J. Meyers</p>
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## 16. RESOLUTION 2016-97

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### Notice to Bidders - Equipment & Operators for Public Works Projects (Bid #2016-10)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga for the period of March 7, 2016 to March 6, 2017, AND

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

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

RESOLVED, that sealed bids will be received on the 2nd day of March, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 2, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga, effective March 7, 2016 to March 6, 2017.

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 of Equipment and Operators for Public Works Projects" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Vickie L. Dankowski, Town Clerk  
Bid #2016-10

DATED: February 17, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 17. RESOLUTION 2016-98

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### Notice to Bidders - Sanitary Sewer Pipe and Fittings (Bid #2016-11)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the furnishing of Sanitary Sewer Pipe and Fittings for the 2016 calendar year, AND

WHEREAS, the Engineering Department has completed preparation of bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Sanitary Sewer Pipe and Fittings, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 2nd day of March, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 2, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the purchase of Sanitary Sewer Pipe and Fittings for the 2016 calendar year.

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 Sanitary Sewer Pipe and Fittings" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw their bid within forty-five 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.

Vickie L. DankowskTown Clerk  
Bid #2016-11

DATED: February 17, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 18. RESOLUTION 2016-99

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### Designation of Records Management Officer

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, Article 57-A, Section 57.19 of the New York State Arts and Cultural Affairs Law, (Local Government Records Management Program) designates that Town Clerks shall serve as the Records Management Officers in Towns, NOW, THEREFORE BE IT

RESOLVED, that Vickie L. Dankowski, as Cheektowaga Town Clerk, is hereby designated as the Town of Cheektowaga's Records Management Officer for the duration of her tenure as Town Clerk.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 19. RESOLUTION 2016-100

### Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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.

Driver/Attendant	Expiration Date
Abraham, Richard C.	11/30/2018
Allen, Miranda J	9/30/2018
Arquette, Michael P	11/30/2018
Balmer, Alexander W	2/28/2018
Bartel, Richard R	11/30/2018
Brice, Christopher D	2/28/2017
Dry, Joseph C	6/30/2018
Harris, Daniel J.	11/30/2018
Harris, Jacob D.	11/30/2018
Hartwig, Luke N	9/30/2018
Hertzog, Haley I	9/30/2018
Kedron, Cody C	7/31/2018
Kirwan, Michael B	6/30/2018
Manfreda, Morgan A	6/30/2018
Mangus, David E	11/30/2018
Mason, Jennifer E	3/31/2016
McFall, Cassidy N	9/30/2018
Measer, David C	12/31/2018
Meidinger, Joshua B	8/31/2017
Rentz, Zoey J	9/30/2018
Schilling, Sean M	12/31/2018
Schmidt, Christopher A	7/31/2016
Siegel, David L	11/30/2018

Smeal, Lance E	2/28/2018
Stuhr, Jason M	6/30/2018
Voos, Natalie D	9/30/2018
Young, Kristopher C	10/31/2018
Yung, Donald P	1/31/2019
Zendano, Pascal K	6/30/2018

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 20. RESOLUTION 2016-101

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### Authorize Supervisor to Execute Agreement for Recycling of Residential Electronics

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Town residents frequently need to dispose of electronics such as televisions, computers, monitors, peripherals (printers, scanners, etc.), and miscellaneous hazardous waste-containing items which cannot be disposed of through the Town's regular recycling program; and

WHEREAS, the Town wishes to implement a residential electronic waste recycling program and collection site to which residents can drop off their used electronics so same may be disposed of in a lawful and environmentally conscientious manner; and

WHEREAS, the County of Erie solicited bids from qualified recycling firms for the collection and recycling of residentially generated waste electronic; and

WHEREAS, New York State General Municipal Law, Section 103, authorizes the purchase by the Town of services 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, thus allowing the Town to "piggyback" on the County of Erie bid;

WHEREAS, the County's bid documents and award contained such provisions; and

WHEREAS, Sunnking, Inc., was a successful bidder and was awarded the bid by the County (Bid #A21428-002; Reference Comm.2E-32 (2015)); NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby approve entering into an Agreement with Sunnking, Inc., for the collection of residential electronics waste, by way of and under Resolution from the Erie County Legislature dated January 29, 2015, Reference Comm. 2E-32 2015 for residentially-generated electronics recycling, under the same terms and conditions specified in Sunnking's Agreement and fee schedule with the County of Erie; and be it FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute all documents necessary to effectuate this Agreement, including registration documents with the NYS Department of Environmental Conservation authorizing the Town of Cheektowaga as an Electronics Recycling Collection Site, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 21. RESOLUTION 2016-102

### Authorize Supervisor to Execute Grant Application for Improvements to Winston/Vegola Neighborhood

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, through the efforts of State Senator Tim Kennedy, \$100,000 in grant monies are available from the Dormitory Authority for the State for New York through the State and Municipal Facilities Program; and

WHEREAS, funds will be allocated to improve drainage in the Winston/Vegola neighborhood, thereby reducing the propensity for future flooding; NOW, THEREFORE BE IT

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 22. RESOLUTION 2016-103

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### Authorize Supervisor to Execute Grant Application for Records Management

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga was awarded a Demonstration Grant, Project Number 0580-16-6228, from the New York State Education Department State Archives Local Government Records Management Improvement Fund to manage electronic records, and

WHEREAS, the Town of Cheektowaga seeks funding from the State Archives for a second year to continue work on this project, NOW, THEREFORE, BE IT

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 23. RESOLUTION 2016-104

### Authorize Supervisor to Execute Agreement with EM Systems, Inc.

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga was awarded a Demonstration Grant, Project Number 0580-16-6228, from the New York State Education Department State Archives Local Government Records Management Improvement Fund, to manage electronic records; and

WHEREAS, the grant award contains funds to retain a consultant to design and engineer a software program to manage electronic records; and

WHEREAS, the Town of Cheektowaga developed a Request for Proposals to seek qualified firms, including Minority and Women Owned Businesses, to perform the scope of work required by the grant; and

WHEREAS, the Town received one response to the Request for Proposals, from EM Systems, Inc., which does not qualify as a Minority and Women Owned Business; and

WHEREAS, the Town of Cheektowaga has applied for and received a waiver exempting the Town from meeting Minority and Women Owned Business goals established as part of the grant award; NOW, THEREFORE BE IT

RESOLVED, that, subject to the Town Attorney's approval of the agreement, the Supervisor be and hereby is authorized and directed to execute an agreement with EM Systems, Inc., 4043 Maple Road, Suite 211, Amherst, New York, 14226, for the aforesaid services, for an amount not to exceed \$284,774.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 24. RESOLUTION 2016-105

### Authorize Agreement with Bluenail Management Solutions, LLC

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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 prepared 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 Management Solutions, LLC for the above services for calendar year 2016; and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 25. RESOLUTION 2016-106

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### **Authorize Purchase of one (1) Ford F-150 Cab Truck for the Sewer Maintenance Department**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2016 Ford F-150 XL Cab Truck, AND

WHEREAS, the Erie County Department of Public Works solicited bids for the purchase of commercial vehicles for use by them, AND

WHEREAS, New York State General Municipal Law, Section 103, authorizes the purchase by the Town of vehicles 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 allowing "piggybacking" off the Erie County Department of Public Works bid, AND

WHEREAS, Erie County's bid documents and award contained such provisions, AND

WHEREAS, a local vendor, Delacy Ford, Inc., was a successful bidder and was awarded the bid by the Erie County Department of Public Works under Contract Number 215200-004, and is an authorized dealer for Ford vehicles, AND

WHEREAS, the Town of Cheektowaga solicited a quotation from Delacy Ford, Inc. for said vehicle, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of one (1) 2016 Ford F-150 XL Cab Truck from:

Delacy Ford, Inc.  
3061 Transit Road  
Elma, NY 14059

through the contract awarded by the Erie County Department of Public Works, Contract Number 215200-004, for the price not to exceed the sum of \$28,989.36, AND, BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from account number 255-8125-2550.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 26. RESOLUTION 2016-107

### Approve Purchase of Two (2) New and Unused 2016 Caterpillar 938M Wheel Loaders

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town Board authorized the purchase of two (2) new and unused 2015 Caterpillar 938K Wheel Loaders from Milton Cat, 4610 East Saile Drive, Batavia, New York, 14020, as specified under New York State OGS Contract PC 65318 at a regular board meeting March 16, 2015, AND

WHEREAS, said New York State OGS Contract PC 65318 has expired and was replaced with a new New York State OGS Contract PC 66988 which runs thru May 18, 2019, AND

WHEREAS, Milton Cat offers a one year trade-in program for said equipment under the aforementioned New York State OGS Contract, AND

WHEREAS, the Highway Department has requested authorization to Trade-in two (2) 2015 Milton Cat 938K Caterpillar Wheel Loaders as specified under the terms of the Milton Cat's trade-in program and New York State OGS Contract PC 66988, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorized to trade-in two (2) Milton Cat 938K Caterpillar Wheel Loaders for two (2) new and unused 2016 Caterpillar 938M Wheel Loaders in the amount of \$27,420.00 from:

Milton Cat  
4610 East Saile Drive  
Batavia, New York 14020

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 27. RESOLUTION 2016-108

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### Retain Technology Services

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, this Town Board previously retained the services of iEvolve Technology, to perform various technical and professional services for the Town of Cheektowaga's Information Technology Department and the Town's technical infrastructure for 2015, and

WHEREAS, the Town is in need of additional professional services from iEvolve Technologies for the year 2016 for the Information Technology and Records Management Department, and

WHEREAS, iEvolve Technologies has submitted a service agreement to perform said work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is directed to execute the aforementioned service agreement and any other documentation necessary to retain the services of iEvolve Technology Services on these matters, and BE IT FURTHER

RESOLVED, that fees for such services shall be appropriated from budget line item number 100-1680-4168, not to exceed \$25,000.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 28. RESOLUTION 2016-109

### Retain Wendel to Provide Professional Services for the Town's GIS System

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

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

WHEREAS, the Town Engineer has recommended that Wendel be retained for 2016 in accordance with their proposal dated February 8, 2016 to provide hosting and maintenance services for the Town's web based GIS System to include annual updates of parcel information, aerial imagery and GPS data management, NOW, THEREFORE, BE IT

RESOLVED, that Wendel be and hereby is retained to provide the above referenced professional services at a cost not to exceed \$2,600.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the professional services proposal with Wendel 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 \$1,300.00 and the Consolidated Sanitary Sewer District Account No. 255-8125-4581 in the amount of \$1,300.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 29. RESOLUTION 2016-110

### Special Event - Infant of Prague Church - Spirit 5K Race

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 Annual " Spirit 5-K Race" on Saturday, April 9th, 2016 beginning at 11:00 A.M. for approximately 50 minutes along the following route: Foisset Ave., Mapleview Rd., Yeager Dr., Union Rd., Clearvale Rd., Burdette Dr., Beach Rd. and Huth Rd; 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 "Spirit 5-K Race" on Saturday, April 9th, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers





## 30. RESOLUTION 2016-111

### Adapted Recreation Campout

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, members of the Department of Youth & Recreational Services' Adapted Recreation Program has requested permission to conduct a sleep-over at the Alexander Community Center on May 6<sup>th</sup> & 7<sup>th</sup>, 2016.

WHEREAS, the Director of Youth and Recreational Services has informed this Board that accommodations can be made for such group to utilize this Town building for a sleep-over, and

WHEREAS, Chapter 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 lounge about or remain in any of the parks during the hours when so closed.  
NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board permit a waiver of Chapter 174-14 of the Code of the Town of Cheektowaga, and that said waiver be extended to the Department of Youth and Recreational Services, BE IT

RESOLVED, that this Town Board hereby authorizes the Department of Youth and Recreational Services' Adapted Recreation Program to utilize the Alexander Community Center for a sleep-over on May 6<sup>th</sup> & 7<sup>th</sup>, 2016, BE IT

RESOLVED, that the Director of Youth and Recreational Services is hereby directed to schedule such sleep-over for a date when such building is available, and BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police and the Parks Division.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 31. RESOLUTION 2016-112

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### Reappointment to Board of Assessment Review

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**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the term of Board of Assessment Review member David Burkhardt expired on September 30, 2015, and

WHEREAS, David Burkhardt requested reappointment 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 reappointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2020.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



### 32. RESOLUTION 2016-113

## Youth & Recreation Termination

**Sponsored By:** Councilmember Kaminski, 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:

Kourtney Killian	12/22/15	14211
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<p><b>RESULT:</b>        <b>ADOPTED [UNANIMOUS]</b></p> <p><b>MOVER:</b>        Gerald Kaminski, Councilmember</p> <p><b>SECONDER:</b>    James P. Rogowski, Councilmember</p> <p><b>AYES:</b>         Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer</p> <p><b>ABSENT:</b>       Timothy J. Meyers</p>
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### 33. RESOLUTION 2016-114

## Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

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

Recreation Attendant – 7140.1664 - \$9.50 – Regular Part-time

Eileen Skowronski 14206

Recreation Aide – 7140.1630 - \$9.00 – Part-time

Joy Kalata 14225

Mackenzie Stroud 14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



### 34. RESOLUTION 2016-115

## Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 \$10.75/hour effective 2/18/16  
Tyler W. Robertson, Cheektowaga, New York

COMMUNITY DEVELOPMENT Clerk \$13.00/hour effective 2/18/16  
Oliada F. Nowicki, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$15.25/hour effective 2/1/16  
Kathleen P. Barry, Cheektowaga, New York

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

POLICE DEPARTMENT  
Jason Dorsey effective 2/6/16  
Kathleen P. Barry effective 1/30/16

BE IT RESOLVED, that the following hourly rate of pay be adjusted as follows:

JUSTICE COURT Clerk \$9.25/hour to \$15.00/hour effective 2/18/16  
Viktoriya V. Vorobyeva, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 35. RESOLUTION 2016-116

### Travel Authorization Emergency Services

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the NYSEMA Winter Conference is being held February 23, 2016 through February 25, 2016 in Syracuse, New York; AND

WHEREAS, Natural Disaster Coordinator Earl Loder has been recommended to attend said conference; 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 \$367; AND

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

RESOLVED, that Natural Disaster Coordinator Earl Loder be and hereby is authorized to attend the NYSEMA Winter Conference being held February 23, 2016 through February 25, 2016 in Syracuse, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 36. RESOLUTION 2016-117

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the New York State Truck Safety and Education Symposium and Safety Exhibition is being held April 5, 2016 through April 6, 2016 in Saratoga Springs, New York; AND

WHEREAS, Police Officers Michael McDonough and Scott Scharlau have been recommended to attend said symposium and exhibition; AND

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

WHEREAS, the total cost to the Town shall not exceed \$884; 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 April 5, 2016 through April 6, 2016 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 37. RESOLUTION 2016-118

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, an Interview and Interrogation Course is being held February 29, 2016 through March 1, 2016 at Niagara University; AND

WHEREAS, Police Officers Thomas LaBelle, Scott Polino, Eric Corcoran, Jennifer Szymborski, Kimberly Zalenski and Sean Trapper 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 \$686.22; AND

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

RESOLVED, that Police Officers Thomas LaBelle, Scott Polino, Eric Corcoran, Jennifer Szymborski, Kimberly Zalenski and Sean Trapper be and hereby are authorized to attend an Interview and Interrogation Course being held February 29, 2016 through March 1, 2016 at Niagara University.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers

## VIII. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to waive the Rules to Include the Following two (2) Resolutions: 2016-119 and 2016-120. Motion carried.



## 1. RESOLUTION 2016-119

### Cooperation Agreement for HOME Investment Partnership Program

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

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 2017, 2018 and 2019 for the purpose of forming a Consortium to participate in the HOME Investment Partnership Program.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 2. RESOLUTION 2016-120

### **Award of Bid for Demolition and Asbestos Abatement of 36 Barbara Place (BID 2016-4 LAW)**

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was advertised for the Demolition and Asbestos Abatement of structures at **36 Barbara Place** (BID 2016-4 LAW); and

WHEREAS, bid proposals were received and opened on February 16, 2016 for said demolition and asbestos abatement; and

WHEREAS, the proposals were reviewed by the Town Attorney and Nussbaumer & Clarke, Inc., and based on the proposals submitted, they have recommended that this Town Board award the bid for the demolition and asbestos abatement of the structures at **36 Barbara Place** to **Metro Contracting & Environmental, Inc.**; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition and asbestos abatement of structures located at **36 Barbara Place** to

**Metro Contracting & Environmental, Inc.  
2939 Lockport Road  
Niagara Falls, New York 14305**

for the bid price of **\$32,388.00**, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with **Metro Contracting & Environmental, Inc.** for the aforesaid services; and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers

## **IX. Communications**

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

1. **Minutes: Cheektowaga Conservation Advisory Council - January 6, 2016**

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

1. **Notice of Claim: Micaiah Abram vs. Town of Cheektowaga**
2. **Notice of Claim: Tiffany Pratt vs. Town of Cheektowaga**
3. **Notice of Claim: Dominique N. Wilson vs. Town of Cheektowaga**

## **X. Comments**

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

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

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

## **XI. Adjournment**

Motion by Councilmember Rogowski; Seconded by Councilmember Adamczyk to adjourn the meeting at 8:00 PM.

Vickie Dankowski, Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, March 7, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Call to Order

6:45 PM Meeting called to order on March 7, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Stanley Kaznowski, III, Planning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Kerry Peek, Senior Services Director  
Mark Wegner, Highway Superintendent

### IV. Invocation

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Meyers. Motion Carried.

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## VII. Public Comment Period

### VIII. Public Hearing

#### 1. Increase and Improvement of Facilities of the Consolidated Sewer District

COMMENTS - Current Meeting:

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

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

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

### IX. Resolutions



## 1. RESOLUTION 2016-121

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG

FROM:	700.1014.0752	Housing Rehab	\$5,784.47
	700.1011.0606	Disposition	9,671.05
TO:	700.1011.0600	Housing Rehab-Single Family	\$15,455.52

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-122

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 7, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$3,426,026.57
RISK RETENTION FUND	946,029.64
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	11,770.00
SPECIAL DISTRICTS FUND	720,128.33
HIGHWAY FUND	615,825.03
CAPITAL FUND	8,740.40
TRUST & AGENCY FUND	4,216.56
HUD CDBG FUND	2,023.16
PART TOWN FUND	132,850.77
NYS AFFORDABLE HOUSING	3,335.00
	<hr/>
	\$5,870,945.46

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-123

## Amend Resolution Relating to Payment Schedule for Planning Board and Zoning Board Members

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

WHEREAS, by resolution dated December 21, 2015 (Resolution 2015-709), the Town Board adopted a revised salary payment schedule for Planning Board and Zoning Board members, and

WHEREAS, this Board wishes to amend the first RESOLVED paragraph of said resolution to read as follows:

RESOLVED, that the paycheck for attending a monthly meeting shall be issued by the Town of Cheektowaga Payroll Department in the last pay period of the month in which the meetings of the Planning Board and Zoning Board are held,

, and BE IT FURTHER

RESOLVED, that members of the Planning Board and Zoning Board must be present for a minimum of 80% of the items on the agenda for their respective meetings in order to qualify as being in attendance for purposes of receiving a salary for said monthly meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-124

### Award of Bid - Baseball & Softball Equipment 2016-2

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening (Bid # 2016-2) on February 17, 2016 for the furnishing of baseball and softball equipment as a result of advertising thereof, and such bids were referred to the Department of Youth & Recreational Services for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, BE IT

RESOLVED that bids be awarded to the lowest responsible bidder meeting specifications, and to be in the best interest of the Town of Cheektowaga for the calendar year February 2016 - February 2017:

Laux Sporting Goods Inc  
25 Pineview Drive  
Amherst, New York 14228

Jim Ludtka Sporting Goods  
2500 Walden Avenue  
Cheektowaga, New York 14225

BSN Sports, Senior Bid Specialist  
P.O. Box 49  
Jenkintown, PA 19046

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-125

### Award of Bid - Cheektowaga Town Ice Rink (Bid #2016-05)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Cheektowaga Town Ice Rink, Plant, Ice Rink Floor and Bleacher Replacement, which bids were duly received and opened on February 24, 2016, AND

WHEREAS, said bids were referred to the Town Engineering Department and DiDonato Associates, Project Architect, and their respective consultants, for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from DiDonato Associates and respective consultants, AND

WHEREAS, said report recommends that the Town Ice Rink contract be awarded to Mollenberg-Betz, Inc., the contract for General Construction Work be awarded to Scrufari Construction Company, Inc., the Mechanical Work contract be awarded to John W. Danforth Company, the Plumbing Work contract be awarded to J.R. Swanson Plumbing Company, Inc. and the contract for Electrical Work be awarded to CIR Electrical Construction Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Ice Rink Work be and hereby is awarded to:

Mollenberg-Betz, Inc.  
300 Scott Street  
Buffalo, New York 14204

at the bid price of \$1,479,500.00 (which includes Alternate No. 1), said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for General Construction Work be and hereby is awarded to:

Scrufari Construction Company, Inc.  
3925 Hyde Park Boulevard  
Niagara Falls, New York 14305

at the bid price of \$271,500.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Mechanical Work be and hereby is awarded to:

John W. Danforth Company  
300 Colvin Woods Parkway  
Tonawanda, New York 14150

at the bid price of \$31,600.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Plumbing Work be and hereby is awarded to:

J.R. Swanson Plumbing Company, Inc.  
413 103rd Street  
Niagara Falls, New York 14304

at the bid price of \$49,500.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Electrical Work be and hereby is awarded to:

CIR Electrical Construction Corporation  
400 Ingham Avenue  
Buffalo, New York 14218

at the bid price of \$18,861.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

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

RESOLVED, that funding for said project(s) shall be chargeable to account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-126

### Award of Bid - Topsoil (Bid #2016-7)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, as a result of advertisement, bids were received on March 2, 2016 for the purchase of topsoil for the 2016 calendar year for use by the Cheektowaga Highway Department and various other departments in the Town, AND

WHEREAS, said bids were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of topsoil be awarded to Bengert Greenhouses for their submission of the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the bid for the purchase of topsoil be and hereby is awarded to:

Bengert Greenhouses  
230 French Road  
West Seneca, New York 14224

for the bid price of:

Item 1	Unscreened/Delivered	\$13.85 per 500 C.Y.
Item 1-A	Unscreened/Pick-Up	\$13.00 Per 500 C.Y.
Item 2	Screened/Delivered	\$17.69 per 3,000 C.Y.
Item 2-A	Screened/Pick-Up	\$16.30 per 3,000 C.Y.

AND, BE IT FURTHER

RESOLVED, that payment for said topsoil shall be chargeable to the appropriate departmental budget line item.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-127

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### **Award of Bid - Cold Milling Various Town Highways (Bid #2016-9)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Cold Milling of Various Town Highways within the Town of Cheektowaga, which bids were duly received and opened on March 2, 2016, AND

WHEREAS, four (4) bids were received and referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Cold Milling of Various Town Highways in the Town of Cheektowaga for the year of 2016 be awarded to:

Donegal Construction Corporation  
1235 Marguerite Lake Road  
Greensburg, PA 15601

for the bid price of \$119,800.00, said being the lowest bid meeting the requirements of the specifications.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-128

### Award of Bid - Equipment & Operators for Public Works Projects (Bid #2016-10)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, as a result of advertisement, bids were received on March 2, 2016 for the furnishing of Equipment and Operators for Public Works Projects in the Town of Cheektowaga, AND

WHEREAS, five (5) bids were referred to the Engineering Department for analysis and tabulation, 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 7, 2016 to March 6, 2017 be awarded to C.M.H. Company, Inc., 12704 North Road, Alden, New York 14004 for submission of the lowest bid meeting the specifications as per the unit prices of:

		<u>Per Hour Rate</u>
	Item 1 Tandem Dump Truck	\$ 79.00
	Item 2 Hydraulic Rubber Tire Backhoe	\$ 75.00
	Item 3 Pavement Saw Cutting Machine	\$ 90.00
	Item 4 Hydraulic Crawler Backhoe (JD-60)	\$
78.00		
	Item 5 Hydraulic Crawler Backhoe (JD-160)	
\$110.00		
	Item 6 Hydraulic Crawler Backhoe (JD-290)	
\$100.00		
	Item 7 Bulldozer	\$105.00
	Item 8 Front End Wheel Loader	\$110.00
	Item 9 1.5 Ton Vibratory Blacktop Roller	\$ 80.00
	Item 10 Hydraulic Crawler Backhoe W/Hammer	\$ 85.00
	Item 11 Smooth Drum Dirt Roller	\$ 95.00
	Item 12 Skilled Laborer	\$ 81.00
	Item 13 Equipment Truck	\$ 4.00
	Item 14 8' X 10' Trench Shield	\$
1.00		
	Item 15 Air Compressor W/Hammers	\$
4.00		
	Item 16 Sewer Line Repair Crew	\$320.00
	Item 17 New Sewer/Water Installation Crew	
\$465.00		
	Item 18 New Sewer Line Installation Crew	\$534.00

AND, BE IT FURTHER

RESOLVED, that payment for work performed under this contract shall be chargeable to the appropriate departmental budgeted line item.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-129

### Award of Bid - Sanitary Sewer Pipe and Fittings (Bid #2016-11)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, as a result of advertisement, bids were received on March 2, 2016 for the furnishing of SDR-35 Sanitary Sewer Pipe and Fittings for the Cheektowaga Engineering Department, AND

WHEREAS, three (3) bids were received and were referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of SDR-35 Sanitary Sewer Pipe and Fittings, Bid Items No. I and II be awarded to:

K & S Contractors Supply, Inc.  
1971 Gunnville Road  
Lancaster, New York 14086

AND, BE IT FURTHER

RESOLVED, that Bid Items No. III, IV and V be awarded to:

HD Supply Waterworks LTD  
1220 Brighton Henrietta Townline Road  
Rochester, New York 14623

for submission of the lowest bids meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account No. 500-1440-4438-5425.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-130

### Negative SEQR Declaration - Part of 2055 Walden Avenue

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

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, an application was submitted by CB Design Group, Architects P.C. with the permission of the landowner, Derrick Corporation for the rezoning of a portion of 2055 Walden Avenue from C- Retail Business to M1- Light Manufacturing to permit the re-use of an existing retail building for light manufacturing/warehousing uses, 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, the Town of Cheektowaga Planning Board recommended approval of the the rezoning request at their meeting of December 10, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 3, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-131

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### Negative SEQR Declaration - 3507 Union Road

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

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, an application was submitted by L & L Management NY, LLC for the re-development of 3507 Union Road, including the demolition of an existing 3,900 s.f. retail/mixed use building and the construction of a two story 5,181 s.f mixed use retail building with (5) apartments, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of September 10, 2016, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council has reviewed the subject project and is recommending the Town Board accept monies in lieu of replacement trees in the amount of \$2,500.00 for those trees that can not be replaced on site, to aid in reforestation efforts elsewhere in the community, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the applicant obtained a Nationwide Wetland Permit from the US Army Corps of Engineers to disturb 0.22+/- acres of Federal Jurisdictional wetlands as shown on the attached correspondence dated January 7, 2015, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 4, 2015 recommended a determination of non-significance, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Traffic Safety Commission, the Conservation Advisory Council 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).

Attachments:  
USACOE wetland permit (PDF)

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-132

### Accept Site Plan-3507 Union Road

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

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, L & L Management NY, LLC submitted a development review application for the re-development of 3507 Union Road, including the demolition of an existing 3,900 s.f. retail/mixed use building and the construction of a two story 5,181 s.f mixed use retail building with (5) apartments, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of September 10, 2015 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/approving the drainage/grading plan
2. The Town Planner reviewing/approving the landscaping plan and photometric plan for exterior lighting.
3. The applicant providing \$2,500.00 for monies in lieu of replacement trees pursuant to section 229-5 of the Town Code for those trees that are not being replaced on site.

Attachments:  
site plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-133

## Approval of Rezoning - 2055 Walden Avenue

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

WHEREAS, Derrick Corporation petitioned for a rezoning from C-Retail Business District to M1-Light Manufacturing District for property owned by it and identified as 2055 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, to permit the conversion of an existing retail building for light manufacturing activities associated with an existing manufacturing facility contiguous to the subject property and located at 590 Duke Road, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of January, 2016 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 Derrick Corporation for the rezoning from C-Retail Business District to M1-Light Manufacturing District of the property described in the attached legal description for property at 2055 Walden Avenue 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 with 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, State of New York, and being part of Lot 16, Township 11, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

COMMENCING AT the intersection of the north line of Duke Road (formerly Walden Avenue) (66 feet wide), with the east line of lands recorded in the Erie County Clerk's Office in Liber 2688 of Deeds at Page 192;

RUNNING THENCE: Northerly, along the east line of lands in Liber 2688 of Deeds at Page 192, a distance of 430 feet to a point on the south line of lands conveyed to Derrick Corporation by deed recorded in the Erie County Clerk's Office in Liber 11193 of Deeds at Page 895;

RUNNING THENCE: Southwesterly, along the south line of said Derrick Corporation lands, a distance of 60.64 feet to an angle point therein;

RUNNING THENCE: Westerly, at an interior angle of 169°-48'-22" with the last described line and along the south line of said Derrick Corporation lands, a distance of 321.56 feet to a point;

RUNNING THENCE: Northerly, at an interior angle of 92°-05'-06" with the last described line, a distance of 498.91 feet to a point, said point also being 100.0 feet southerly of the south line of lands recorded in the Erie County Clerk's Office in Liber 5692 of Deeds at Page 543;

RUNNING THENCE: Easterly, at right angles to the last described line, a distance of 374.15 feet to a point;

RUNNING THENCE: Southerly, at an interior angle of 90°-01'-55 with the last described line, a distance of 199.85 feet to a point;

RUNNING THENCE: Easterly, at an interior angle of 271°-00'-04" with the last described line, a distance of 166.16 feet to a point on the east line of said Derrick Corporation lands;

RUNNING THENCE: Southerly, at an interior angle of 88°-46'-28" with the last described line and along the east line of said Derrick Corporation lands, a distance of 305.73 feet to a point;

RUNNING THENCE: Westerly, at right angles to the last described line and along the south line of said Derrick Corporation lands, a distance of 158.0 feet to the POINT OR PLACE OF BEGINNING, containing 5.49 Acres, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-134

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### Resolution and Order After Public Hearing for Sewer Bonding

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

In the Matter

of the

Increase and Improvement of Facilities of the  
Consolidated Sewer District, in the Town of  
Cheektowaga, in the County of Erie, New York,  
pursuant to Section 202-b of the Town Law

#### RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the “Town”), in the County of Erie, New York, on behalf of the Consolidated Sewer District, in the Town (herein referred to as the “District”), has caused Nussbaumer & Clark, Inc., competent engineers duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District, including sewer, manhole and service lateral lining; manhole rehabilitation; and other related work, as described in said report, at the estimated maximum cost of \$20,000,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on March 7, 2016 at 6:45 o’clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 7th day of March, 2016 at 6:45 o'clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has duly considered the project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and has determined that the project is a Type II action and is therefore exempt from the provisions of SEQRA, pursuant to Section 617.5 (c) (11) of the SEQRA regulations;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$20,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that a careful estimate of the cost of the improvement shall be made and a proposed contract for the improvement shall be prepared and presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$20,000,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially

benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-135

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### **Bond Resolution Approving District Improvements - Replacement of Sanitary Sewers**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,  
NEW YORK, ADOPTED MARCH 7, 2016, APPROPRIATING  
\$20,000,000 FOR THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED SEWER DISTRICT, AND  
AUTHORIZING THE ISSUANCE OF \$20,000,000 BONDS OF  
SAID TOWN TO FINANCE SAID APPROPRIATION

#### Recital

WHEREAS, following a public hearing duly called and held, the Town Board of the Town of Cheektowaga, in the County of Erie, New York (the "Town") has determined that it is in the public interest to increase and improve the facilities of the Consolidated Sewer District (the "District"), and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$20,000,000 for the increase and improvement of facilities of the District, including sewer, manhole and service lateral lining; manhole rehabilitation; and other related work, as described in said report. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$20,000,000. The plan of financing includes the issuance of \$20,000,000 bonds of the Town to finance said appropriation and the assessment, levy and

collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$20,000,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and

redemption of the bonds and any notes issued in anticipation thereof to mature in such year and  
(b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Cheektowaga Bee*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-136

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### **Bond Resolution for Reconstruction and Resurfacing of Various Town Highways**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 7, 2016, AUTHORIZING THE PARTIAL RECONSTRUCTION AND RESURFACING OF VARIOUS TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,280,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$2,280,000 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 \$2,280,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$2,280,000 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. Bonds of the Town in the principal amount of \$2,280,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with

substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "*Cheektowaga Bee*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on March 7, 2016, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Cheektowaga, New York, adopted March 7, 2016, authorizing the partial reconstruction and resurfacing of various Town highways, stating the estimated maximum cost thereof is \$2,280,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,280,000 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 \$2,280,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$2,280,000 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 bonds in the principal amount of \$2,280,000 of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued 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 \$2,280,000 bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 7, 2016

Vickie L. Dankowski  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-137

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### **Bond Resolution Authorizing Drainage Improvements on Town Highways**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 7, 2016, AUTHORIZING THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$760,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$760,000 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 \$760,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$760,000 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. Bonds of the Town in the principal amount of \$760,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with

substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "*Cheektowaga Bee*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on March 7, 2016, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Cheektowaga, New York, adopted March 7, 2016, authorizing the construction of drainage improvements on Town highways, stating the estimated maximum cost thereof is \$760,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$760,000 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 \$760,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$760,000 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 bonds in the principal amount of \$760,000 of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued 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 \$760,000 bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 7, 2016

Vickie L. Dankowski  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-138

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### Bond Resolution Authorizing Bridge Improvements

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 7, 2016, AUTHORIZING THE CONSTRUCTION OF BRIDGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$210,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$210,000 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 of bridge improvements . The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$210,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$210,000 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. Bonds of the Town in the principal amount of \$210,000 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. 10 of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the

amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "*Cheektowaga Bee*," a newspaper having a

general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on March 7, 2016, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Cheektowaga, New York, adopted March 7, 2016, authorizing the construction of bridge improvements, stating the estimated maximum cost thereof is \$210,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$210,000 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 of bridge improvements; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$210,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$210,000 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 bonds in the principal amount of \$210,000 of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) 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 \$210,000 bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 7, 2016

Vickie L. Dankowski  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



19. RESOLUTION 2016-139

Call for Public Hearing to Amend Towing Law (Local Law Intro 2016-2)

Sponsored By: Councilmember Rogowski, Councilmember Adamczyk

WHEREAS, by resolution dated May 16, 1986, the Town Board of the Town of Cheektowaga adopted Local Law No. 2 of the Year 1986 entitled "A Local Law relating to "Vehicles, Removal and Storage" (now known as Chapter 241 of the Code of the Town of Cheektowaga), to regulate the removal and towing of disabled vehicles from the streets in the Town, and

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to revise the rental rates/fees which towing companies can charge for their services to bring them into equity with local and national recommendations, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 21st day of March, 2016 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Bee.

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 21st day of March, 2016 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed Local Law Intro No. 2016-2, entitled "A Local Law to Amend A Local Law relating to Vehicles, Removal and Storage". An abstract of this local law is as follows:

LOCAL LAW INTRO NO. 2016-2 OF THE YEAR 2016
A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO
VEHICLES, REMOVAL AND STORAGE

Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles, Removal and Storage" is proposed to be amended as follows:

1. Subsection B. of Section 241-3.1, Emergency services, shall be amended to read as follows:

§241-3.1.B. Rental rates. Rental rates shall hereafter be established from time to time by Town Board resolution.

2. Subsection A. of Section 241-7, Annual license fee, shall be amended to read as follows:

A. Prior to approval or issuance of a letter of authorization, an authorized Town tower shall remit fee(s) as established by the Town Board by resolution from time to time.

3. Subsection L. of Section 241-9, Required minimum equipment, shall be amended to read as follows:

L. Authorized Town towers will equip a truck or their employees at their expense with a designated cellular telephone or other radio equipment, AS specified by the Chief of Police.

4. Section 241-15, Fee schedule, shall be amended to read as follows:

§241-15. Authorized Town towers shall not charge more than the fees established by the Town Board by resolution from time to time.

5. Section 241-17 shall be amended to read as follows:

§241-17. Audits/receipts

An authorized Town tower shall provide copies of its receipts to the Police Department on a weekly basis. This will be accomplished by providing the Police Department with copies of these receipts no later than the end of business on

Saturday of each week. These receipts shall reflect all towing work done for the Police Department during the previous week.

The Police Department shall conduct a monthly audit of receipts received by all authorized Town towers.

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

Dated: March 7, 2016

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VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-140

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### Call for Public Hearing to Amend the Solid Waste Law - Local Law Intro No. 2016-3

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, various amendments have been made to said law since its adoption, and

WHEREAS, the General Crew Chief of the Sanitation Department has recommended that Town Solid Waste Law be further amended, and

WHEREAS, Local Law Intro No. 2016-3 of the Year 2016 was drafted by the Town Attorney to so amend Chapter 206 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 21st day of March, 2016, at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local law Intro No. 2016-3 of the Year 2016, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.



#### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 21st day of March, 2016 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon a proposed Local Law entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga". A brief summary of this local law is as follows:

#### **Local Law Intro No. 2016-3 of the Year 2016**

A Local Law To Amend the

Solid Waste Law of the Town of Cheektowaga

1. Section 206-3, Definitions, shall be amended to amend the definitions of "Recyclable Container" and "Tote".
2. Subsection C of Section 206-4 of the Town Code ("Solid Waste"), shall be amended to specify that recyclable rubbish shall be placed in recyclable containers with a weight not to exceed 150 pounds.
3. Subsections A and C of Section 206-6 of the Town Code ("Solid Waste") shall be amended to state that totes shall be placed at the right-of-way for collection and removed from the right-of-way after collection.
4. Subsection A of Section 206-7 of the Town Code ("Solid Waste") shall be amended to state that the Town of Cheektowaga will collect all totes from producers of solid waste.

A copy of the entire text of Local Law Intro No. 2016-3 of the Year 2016 is on file in the Town Clerk's Office where it may be viewed during regular business hours.

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

VICKIE L. DANKOWSKI, Town Clerk

Dated: March 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



21. RESOLUTION 2016-141

**Notice to Bidders - Equipment & Operators for the Installation of Cured-in-Place Sanitary Sewer Point Repairs (Bid #2016-12)**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the Furnishing of Equipment & Operators for the Installation of Cured-in-Place Sanitary Sewer Point Repairs in the Town of Cheektowaga for the balance of the 2016 calendar year, AND

WHEREAS, the Engineering Department has completed preparation of bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Equipment & Operators for the Installation of Cured-in-Place Sanitary Sewer Point Repairs in the Town of Cheektowaga, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of March, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 23, 2016 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Equipment and Operators for the Installation of Cured-in-Place Sanitary Sewer Point Repairs in the Town of Cheektowaga for the balance of the 2016 calendar year.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for the Installation of Cured-in-Place Sanitary Sewer Point Repairs" and be submitted to the Town Clerk prior to bid opening.

Vickie L. Dankowski, Town Clerk  
2016-12

DATED: March 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



22. RESOLUTION 2016-142

**Notice to Bidders - One (1) 2016 or Newer High Velocity Sewer Cleaner with 2016 Cab Chassis (Bid #2016-13)**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the furnishing of one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab Chassis for the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab Chassis, 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 March 23, 2016 at 11:00 am at the Town Hall, at which time they will be publicly opened and read.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 23, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab and Chassis.

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.

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.

Vickie L. Dankowski  
Town Clerk  
Bid #2016-13

DATED: March 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



23. RESOLUTION 2016-143

Notice to Bidders - Concrete Installation (Bid #2016-14)

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, it is in order that bids be advertised for Concrete Installation in the Town of Cheektowaga for the 2016 calendar year, AND

WHEREAS, the Engineering Department has prepared specifications for same, 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 Concrete Installation, 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 March, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 23, 2016 at 11:00 am at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for Concrete Installation in the Town of Cheektowaga for the 2016 calendar year.

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 Concrete Installation" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five 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.

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

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

Vickie L. Dankowski  
Town Clerk  
Bid #2016-14

DATED: March 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-144

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### Notice to Bidders - Grass Cutting & Limited Landscaping Services For 2016 (Bid #2016-15)

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**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the Neighborhood Preservation Office, a Division of Community Development, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by cutting their grass, cleaning up debris, etc., and

WHEREAS, the cleaning up of these properties includes grass cutting and related landscaping services, 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 grass cutting and 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 Community Development Office, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2016, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for Grass Cutting and Related Landscape Services for Various Privately-Owned Properties in the Town of Cheektowaga (BID 2016-15) in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until March 23, 2016 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 March 23, 2016 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Grass Cutting and Related Landscape Services for Various Properties in the Town of Cheektowaga for 2016 (Bid #2016-15), said services to include seasonal cleanup and removal of garbage/debris; mowing of grass, standard weed-whacking and removal of grass clippings and/or minor debris; and tree/bush/shrub trimming.

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 Grass Cutting and Related Landscape Services for 2016 (Bid #2016-15)" 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 one thousand dollars (\$1,000.00), 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.

Vickie L. Dankowski, Town Clerk  
2016-15

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



25. RESOLUTION 2016-145

**Notice to Bidders - Town Ice Rink Locker Rooms Improvements (Bid #2016-16)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Bammel Architects, PC have completed construction documents (plans and specifications) for the Cheektowaga Town Ice Rink Locker Rooms Improvements located at 2600 Harlem Road, Cheektowaga, New York, AND

WHEREAS, the completion of said construction documents enables the solicitation of competitive bids in the fields of General Construction, Plumbing Construction, Mechanical (HVAC) Construction and Electrical Construction, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Cheektowaga Town Ice Rink Locker Rooms Improvements located at 2600 Harlem Road, Cheektowaga, New York, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 30th day of March, 2016 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

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 the 30th day of March, 2016. All bids will be publicly opened and read at 11:00 am at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for the Cheektowaga Town Ice Rink Locker Rooms Improvements 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 architecture firm Bammel Architects, P.C. and Critoph Engineering and approved by the Town Board of the Town of Cheektowaga.

Any bidder returning such Plans 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 Plans and Specifications may purchase the excess, but it is understood that these are non-refundable.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders 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. The Owner will not be responsible for full or partial sets of Contract Documents, including any Addenda, obtained from any other source. The Architectural Consultant for the project is Bammel Architects, P.C., 6459 West Quaker Street, Orchard Park, New York 14127. Any questions on this project should be referred to Michael Lukaszewski, RA via email at [ML@bammelarchitects.com](mailto:ML@bammelarchitects.com).

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope marked "Locker Rooms Improvements" and addressed to the Town Clerk's Office of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk.

The work shall be completed within one hundred twenty (120) consecutive calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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

Vickie L. Dankowski, Town Clerk  
2016-16

DATED: March 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-146

### Authorize Supervisor to Execute Subscription Agreement

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

**WHEREAS**, Lexipol, LLC is a nationwide organization producing, among other things, law enforcement policy manuals based on federal and state laws, regulations and law enforcement practices, written by legal and public safety professionals who constantly monitor major court decisions, legislation and emerging trends affecting law enforcement operations; and

**WHEREAS**, Lexipol will take the Town's police policies and merge them into their system's manual, thereby providing the Town's Police Department with a clear, straightforward, professional policy manual with proven, legally defensible content, and addresses issues related to risk management, liability, safety, and best practices for law enforcement agencies; and

**WHEREAS**, the Lexipol Law Enforcement Policy Manual is often cited as a model by courts and law enforcement agencies and has been instrumental in defending agencies against litigation; and

**WHEREAS**, Lexipol, LLC has submitted a proposal for implementation of said services for the Police Department in the amount of \$3,950.00, and budgeted funds are available; **NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board hereby approves said proposal from Lexipol, LLC; and **BE IT FURTHER**

**RESOLVED**, that the Supervisor is hereby authorized to execute the Policy Manual Subscription Agreement subject to approval by the Town Attorney; and **BE IT FURTHER**

**RESOLVED**, that funds shall be appropriated from line item number 100-3020-4022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-147

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### Authorize Supervisor to Execute Grant Application for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

**WHEREAS**, the Town of Cheektowaga Police Department submitted a grant application to the New York State Division of Criminal Justice Services Motor Vehicle Theft and Insurance Fraud Prevention program to continue efforts to reduce instances of motor vehicle theft and insurance fraud; and

**WHEREAS**, the State has awarded the Town \$38,542 in grant monies to enable the Police Department to conduct surveillance and field investigation activities necessary to make arrests involving automobile theft and insurance fraud; NOW, THEREFORE BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-148

### Authorize Supervisor to Execute Agreement with Bolton St. Johns, LLC

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town Board desires to retain a company to provide lobbying services on behalf of the Town to attempt to obtain State funding for various projects and/or legislation to benefit the Town; and

WHEREAS, Bolton St. Johns, LLC has submitted a proposal to the Town to provide such representation at a cost of \$3,000.00 per month for a twelve (12) month period; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves of said Agreement; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute said Agreement, subject to review and approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-149

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### Authorize Execution of Memoranda with Town Unions

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 30. RESOLUTION 2016-150

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### 2016 Community Development Block Grant Annual Action Plan

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is eligible to receive \$905,897 in Community Development Block Grant Funds and \$210,166 in HOME Investment Partnership funds for the 2016 program year from the United States Department of Housing & Urban Development, and

WHEREAS, Public hearings regarding the use of said funds were held on November 2, 2015 and January 19, 2016, and

WHEREAS, the United States Department of Housing & Urban Development reduced CDBG funding in the amount of \$10,429 and increased HOME funding by \$8,146 from the original draft plan that was reviewed by the public, and

WHEREAS, the change in funding was absorbed by the Single Family Housing Rehabilitation activity, the treatment for such funding changes as described in the draft Annual Action Plan reviewed by the public, 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 the 2016 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, and BE IT

FURTHER RESOLVED, that the Supervisor is also authorized to sign the required Sub Recipient Agreements with the Villages of Depew and Sloan, as well as Belmont Housing Resources for WNY, Matt Urban Center, Child & Family Services, and Supportive Services, which are the not-for-profit agencies assigned to carry out the services as outlined in the Annual Action Plan.

Attachments:

Budget - 2016 - Letterhead FINAL (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 31. RESOLUTION 2016-151

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### 2016 Family Support Contract

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney the Supervisor be and hereby is authorized to execute the 2016 Family Support Service Contract in the amount of \$29,855.00, on behalf of the Department of Youth & Recreational Services and the New York State Office for People with Developmental Disabilities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 32. RESOLUTION 2016-152

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### Revise Fee for Taking Photographs

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**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, the Town Clerk's Office processes applications for passports, taxicab drivers' licenses and permits for solicitors/peddlers, and

WHEREAS, as part of said applications, fees are charged for photographs which must accompany the applications, and

WHEREAS, presently, the fee charged for said photographs is \$7.00, and

WHEREAS, the Town Clerk has recommended that the fee for said photographs be increased to \$10.00, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the fee for taking photographs for passports, taxicab driver licenses and solicitor/peddler permits shall be established at \$10.00 per applicant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 33. RESOLUTION 2016-153

## Grant License Over Cochrane Street Right-of-Way

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga is the owner of the Cochrane Street right-of-way, a Town highway maintained by the Town, and

WHEREAS, a building located at 2070 Clinton Street at the corner of Cochrane Street was constructed in the early to mid-1900's, and

WHEREAS, a portion of this building was erected within the Cochrane Street right-of-way, and

WHEREAS, the existing owner is attempting to sell the property and needs to obtain a license agreement from the Town of Cheektowaga over the area where the encroachment is located, and

WHEREAS, the attorney for the seller of 2070 Clinton Street has prepared a license agreement for this property, and

WHEREAS, the Town Superintendent of Highways has reviewed this matter and has determined that the encroachment does not affect the Town right-of-way or public sidewalks along Cochrane Street, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to grant a license to the owners of 2070 Clinton Street, their successors and assigns for the portion of the Cochrane Street right-of-way where the building encroachment exists, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such license agreement on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 34. RESOLUTION 2016-154

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### Hiring/Termination of Part-Time/Seasonal Employees

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 (Buildings and Grounds Division) Laborer \$9.00/hour effective 3/8/2016

Ryan E. Pocobello, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$15.25/hour effective 3/8/16

Nicole A. Gulisano, Cheektowaga, New York

BUILDING AND PLUMBING DEPARTMENT Assistant Code Enforcement Officer \$17.00/hour effective 3/8/16

Roy Weiglein, Cheektowaga, New York

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

SANITATION DEPARTMENT

Richard E. Anderson effective 2/13/16

POLICE DEPARTMENT

Courtney A. Jakubowicz effective 2/27/16

BUILDING AND PLUMBING DEPARTMENT

Roy Weiglein effective 12/31/15

BE IT RESOLVED, that the following part-time employee's effective date of appointment be and hereby is amended:

SUPERVISOR'S OFFICE Clerk \$15.00/hour from effective date of 2/18/16 to 2/29/16

Deborah Williams, Cheektowaga, New York

Motion by Councilmember Adamczyk; Seconded by Councilmember Meyers to waive the reading of names for this resolution. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 35. RESOLUTION 2016-155

### Appointment of Outreach Worker - Senior Citizens (Temporary) Patricia F. Wojcinski

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a temporary vacancy exists in the position of Outreach Worker – Senior Citizens in the Senior Services Department; AND

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

WHEREAS, Patricia F. Wojcinski, currently employed as a part-time Recreation Attendant in the Senior Services Department, applied for said position and meets the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Patricia F. Wojcinski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Outreach Worker – Senior Citizens in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 22, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 36. RESOLUTION 2016-156

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### Travel Authorization Engineering Department

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Managing Floodplain Development Seminar is being held February 22, 2016 through February 26, 2016 in Utica, New York; AND

WHEREAS, Town Engineer Patrick Bowen has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the total cost to the Town shall not exceed \$395; AND

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

RESOLVED, that Town Engineer Patrick Bowen be and hereby is authorized to attend the Managing Floodplain Development Seminar being held February 22, 2016 through February 26, 2016 in Utica, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 37. RESOLUTION 2016-157

## Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the CALEO 23<sup>rd</sup> Annual Training Symposium is being held May 18, 2016 through May 20, 2016 in Buffalo, New York; AND

WHEREAS, Police Chief David Zack, Captain Michael Sliwinski and Captain Michael Isbrandt have requested to attend this symposium; 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 \$750; AND

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

RESOLVED, that Police Chief David Zack, Captain Michael Sliwinski and Captain Michael Isbrandt be and hereby are authorized to attend the CALEO 23<sup>rd</sup> Annual Training Symposium being held May 18, 2016 through May 20, 2016 in Buffalo, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 38. RESOLUTION 2016-158

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the North East International Association of Auto Theft Investigators Annual Training Seminar is being held May 10, 2016 through May 12, 2016 in Ottawa, Canada; AND

WHEREAS, Detective Mark Jedd has 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 \$984.51 which shall be fully reimbursed through the MVITF Grant; 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 North East International Association of Auto Theft Investigators Annual Training Seminar being held May 10, 2016 through May 12, 2016 in Ottawa, Canada.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 39. RESOLUTION 2016-159

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the New York Tactical Officers Association Expo and Conference is being held April 26, 2016 through April 28, 2016 in Verona, New York; AND

WHEREAS, Lieutenant Thomas Gerace, Detective John Skonecki and Police Officers Jonathan Ober and Scott Scharlau, have been recommended to attend said exposition and conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$2,283.96; AND

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

RESOLVED, that Lieutenant Thomas Gerace, Detective John Skonecki and Police Officers Jonathan Ober and Scott Scharlau, be and hereby are authorized to attend the New York Tactical Officers Association Expo and Conference being held April 26, 2016 through April 28, 2016 in Verona, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## X. Suspension of Rules

Motion by Councilmember Hammer; Seconded by Councilmember Kaminski to waive the rules to include the following resolution: 2016-160. Motion Carried.



## 1. RESOLUTION 2016-160

### Award of Bid - Manhole/Catch Basin Frames & Covers (Bid #2016-8)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

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 2, 2016, AND

WHEREAS, three (3) bids were received and referred to the Town Engineer for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of manhole frames and covers be and hereby is awarded to:

<u>BID ITEM</u>	<u>FRAME &amp; 24" DIA COVER (SET)</u>	<u>UNIT BID PRICE DELIVERED</u>
	EJ, USA, Inc. 301 Spring Street P.O. Box 439 East Jordan, MI 49727	
I	Frame with 24" diameter self-sealing cover "CHEEKTOWAGA SANITARY"	\$233.75 per set
II	Frame with 24" diameter solid cover "STORM SEWER"	\$207.90 per set
	K & S Contractor's Supply 1971 Gunnville Road Lancaster, NY 14086	
Alternate IV	Catch basin frame with 26" square cover	\$158.50 per set

AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account #255-8125-4438 for Bid Item No. I and in Account No. 500-5141-9910-5530 for Bid Items No. II and IV.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XI. Communications**

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

1. **Minutes: Cheektowaga Traffic Safety Commission - January 19, 2016**
2. **Minutes: Cheektowaga Planning Board - February 11, 2016**
3. **Minutes: Cheektowaga Conservation Advisory Council - February 4, 2016**

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

1. **Summons & Complaint: Judith Bauer, individually and as Parent and Petitioner for Estate of David Deneke**
2. **Amended Notice of Claim: Judith Bauer, Individually and as Parent and Petitioner of Estate of David Deneke vs. Town of Cheektowaga**
3. **Notice of Claim: Ryan Baer vs. Town of Cheektowaga**
4. **Notice of Claim: Geico General/Timothy Doering vs. Town of Cheektowaga**
5. **Notice of Claim: Eileen Gould vs. Town of Cheektowaga**
6. **Notice of Claim: Wilbert Jones, Jr. vs. Town of Cheektowaga**
7. **Notice of Claim: Rashawn Knox vs. Town of Cheektowaga**
8. **Notice of Claim: Ebony Robinson vs. Town of Cheektowaga**

## **XII. Comments**

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

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

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

## **XIII. Adjournment**

Motion by Councilmember Hammer; Seconded by Councilmember Adamczyk to adjourn the meeting at 7:50 PM

Vickie L. Dankowski, Town Clerk



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

January 7, 2015

Regulatory Branch

SUBJECT: Application No. 2013-00695 Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00363.

Mr. Dinh Le  
8619 Meadow Creek Ct.  
East Amherst, NY 14051

Dear Mr. Le:

This pertains to your application for a Department of the Army (DA) permit to impact 0.22 acres of wetlands in association with the expansion of a medical office located at 3507 Union Road, in the Town of Cheektowaga, Erie County, New York.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 19, 2017 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Attachment: USACOE wetland permit (RES-2016-131 : Negative SEQR Declaration - 3507 Union Road)

-2-

## Regulatory Branch

SUBJECT: Application No. 2013-00695 Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00363.

This affirmation is limited to the attached NWP and associated WQC, and does not obviate the need to obtain any other project specific Federal, state, or local authorization. Specifically, you may need to obtain Article 15 (Protection of Water), Article 24 (Freshwater Wetland), and/or Article 34 (Coastal Erosion Management) authorization from the New York State DEC.

In addition to the general conditions attached to the NWP, your attention is directed to the following Special Conditions which are also appended at the end of the NWP General Conditions:

Administrative:

1. That you are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
2. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee shall allow access to the project site to determine compliance of the conditions of this permit.

Mitigation:

3. That as mitigation for the permanent loss of 0.22 acres of Federal jurisdictional wetlands the applicant has purchased 0.50 credits from the Raymond Road Wetland Mitigation Bank. The executed agreement and verification of funds has been sent to the attention of Ms. Molly Connerton, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207 and the copy of the agreement is contained in the record file.

Construction:

4. To reduce any potential adverse effects on the proposed federally endangered Northern long- trees (woody stems greater than 3 inches Diameter at Breast Height) will not be cut between April 1 and October 30, of any year. If the permittee is unable to adhere to the seasonal tree-cutting restriction, further consultation under Section 7 of the Endangered Species Act will be necessary. The United States Fish and Wildlife Service (USFWS) may be contacted by mail at 3817 Luker Road, Cortland, NY 13045, by fax at (607) 753-9699, or phone at (607) 753-9334. The permittee must also contact the Buffalo District Regulatory Branch in the event adherence to the seasonal tree-cutting restrictions cannot be met.
5. You are responsible for ensuring that the contractor and/or workers executing the

Attachment: USACOE wetland permit (RES-2016-131 : Negative SEQR Declaration - 3507 Union Road)

-3-

Regulatory Branch

SUBJECT: Application No. 2013-00695 Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00363.

activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.

6. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.
7. Exposed bank surfaces shall be mulched until natural vegetation becomes re-established.
8. Disturbance to the wetlands and stream shall be kept to the minimum necessary to complete the project.
9. Siltation barriers (i.e. silt fencing or hay bales) must be installed between the wetlands and the adjoining development and toed-in to prevent siltation into the wetlands. The siltation barriers must be checked periodically to ensure that they are functioning properly and not damaged. Repairs to damaged siltation barriers must be completed promptly, and the siltation barriers must remain in place until the site is stabilized by the re-growth of suitable vegetation. All controls must be completely removed once the area is stabilized.
10. That the mechanical equipment used to execute the work authorized herein shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD) and does not officially confer or decline DA jurisdiction on any of the on-site waters. This letter verifies the location of waters on the site only. Further, this delineation/determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary JDs are not definitive determinations of the presence or absence of areas within regulatory jurisdiction and do not have expirations dates." However, wetlands and waters are dynamic systems whose boundaries change over time. For this reason, I strongly recommend that, if the proposed work is not completed within five years of the date of this letter, the boundaries of waters of the United States be re-evaluated by a qualified wetland biologist. This will ensure that any changes are

-4-

Regulatory Branch

SUBJECT: Application No. 2013-00695 Nationwide Permit No. 39 as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012, New York State Department of Environmental Conservation No. 9-1430-00363.

appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Pursuant to Regulatory Guidance Letter 08-02, any permit application made in reliance on this preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. If you require a definitive response regarding DA jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved JD from this office.

I have enclosed the Preliminary JD Form with this letter. The form identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention so that I may complete our processing of your application.

A copy of this correspondence has been sent to Erik Krull of Wetlands Investigation Co.

Questions pertaining to this matter should be directed to me at 716-879-4304 by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [molly.a.connerton@usace.army.mil](mailto:molly.a.connerton@usace.army.mil)

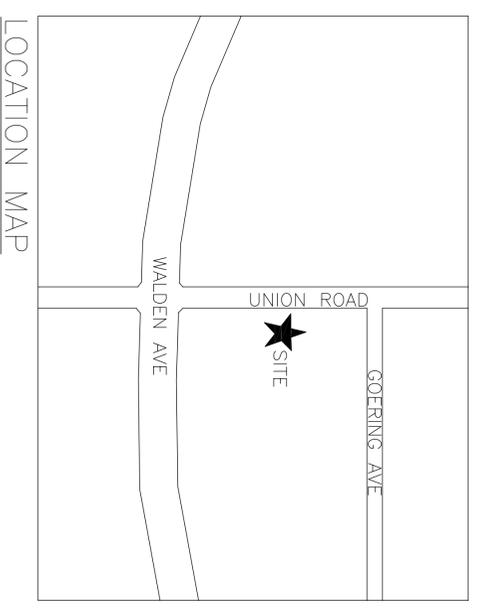
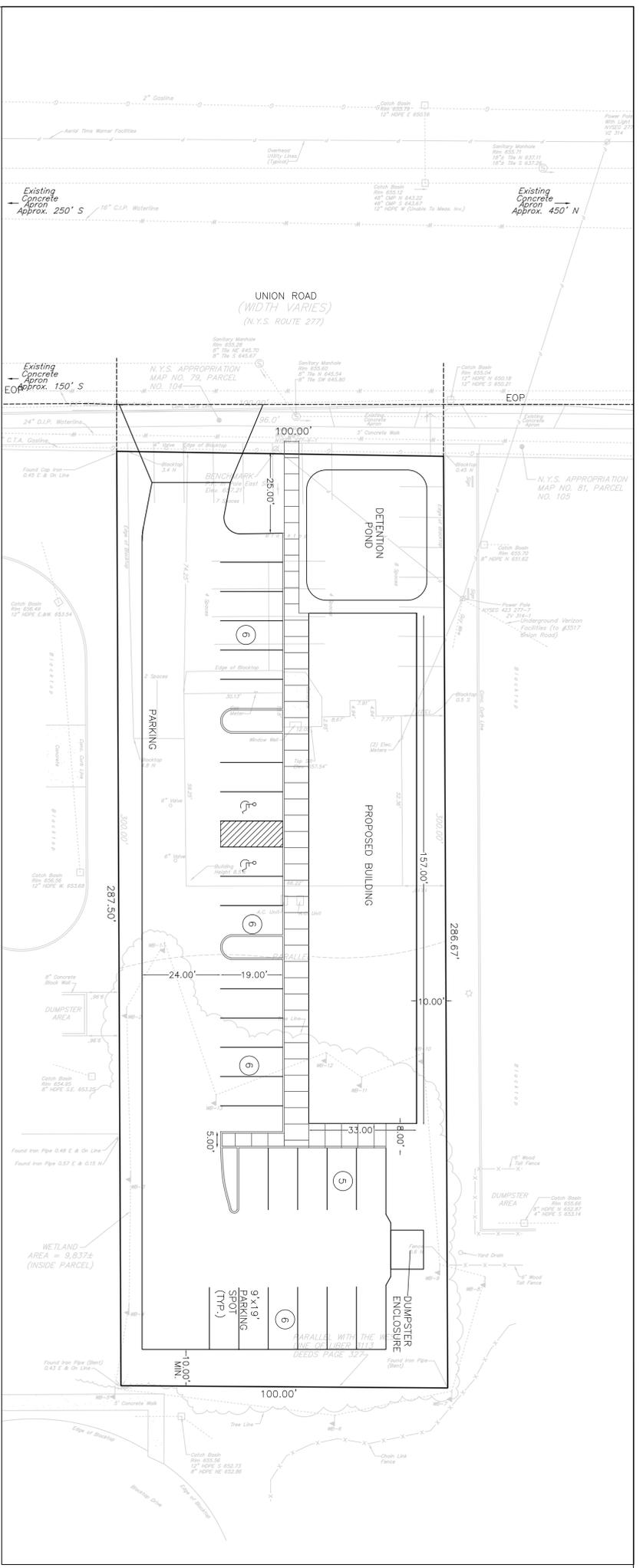
Sincerely,



Molly Connerton  
Biologist

Enclosures

Attachment: USACOE wetland permit (RES-2016-131 : Negative SEQR Declaration - 3507 Union Road)



LOCATION MAP

**SITE DATA**

CURRENT ZONING = C - RETAIL BUSINESS CENTER  
 PROPOSED ZONING = NO CHANGE  
 TOTAL PROPERTY SIZE = 0.66 ACRES  
 WETLANDS = TO BE FILED AND MITIGATED  
 100 YEAR FLOOD PLAN = NONE

REQUIRED	PROVIDED
MIN. FRONT YARD SET BACK	50'
MIN. SIDE YARD SET BACK	10'
MIN. REAR YARD SETBACK	LARGER OF 20' OR BUILDING HEIGHT
MIN. FRONT PARKING SET BACK	25'
MIN SIDE PARKING SET BACK	10'
MIN REAR PARKING SET BACK	10'
PARKING SPACES	28
INTERIOR MAINTAINED GREENSPACE	5%
LANDSCAPING	15%

**NOTES**

- BOUNDARY INFORMATION PROVIDED BY SURVEY DATED 11-12-13 BY WILLIAMS, MACKAY & DEZELS, LLP
- THIS IS NOT A PROPERTY SURVEY

**LEGEND**

Designed By	KOB
Drawn By	KOB
Checked By	MM
Cad File	M 1503

NOTE: UNAUTHORIZED ALTERATION IS A VIOLATION OF SECTION 2009 OF THE EDUCATION LAW

REVISIONS	DATE	BY
REPOSITIONING PROPOSED BLDG.	9/3/15	KOB/MM

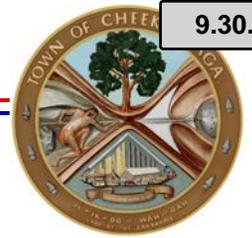
**METZGER CIVIL ENGINEERING, PLLC**  
 8560 MAIN ST.  
 WILLIAMSVILLE, NY 14221  
 PH: 716-633-2601  
 FAX: 716-633-2704

CIVIL ENGINEERING  
 LAND PLANNING  
 SITE DESIGN  
 MUNICIPAL ENGINEERING

**3507 UNION ROAD**  
 TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

**SITE PLAN**

SCALE: 1" = 20'  
 DATE: MAY 18, 2015  
 JOB NO.: M-1503  
 SHEET NO.: S-1



Office of Economic & Community Development

Community Development Block Grant Program Budget

2016 Program Year

CDBG Allocation (estimated) .....	\$	905,897
Projected Revolving Program Income - Housing Rehabilitation .....		275,000
Projected Revolving Program Income - Economic Development .....		<u>250,000</u>
<b>Total Projected Available Funds for CDBG Activities .....</b>	<b>\$</b>	<b><u>1,430,897</u></b>
Housing Rehabilitation - Single Family Owner-Occupied Units .....	\$	131,571
Housing Rehabilitation - Multi-Family Owner-Occupied Units .....		120,000
Housing Rehabilitation – Emergency Program .....		54,000
Housing Rehabilitation – Handicap Accessibility Program .....		6,000
Housing Rehabilitation – Roofing Program .....		10,000
Housing Rehabilitation – Mobile Home Program .....		30,000
Weatherization .....		69,000
Housing Rehabilitation – Sump Pump Grant Program .....		12,000
Housing Rehabilitation – Inflow & Infiltration Grant Program .....		99,000
Rehabilitation Activity Delivery Costs .....		<u>223,869</u>
	Subtotal Housing .....	755,440
First Time Homebuyer Assistance .....		10,000
Housing Counseling Services .....		11,000
Summer Day Camp for Children .....		25,000
Public Safety - Police Foot Patrols .....		33,000
Senior Citizen Services Outreach Assistant .....		9,000
Economic Development (CEDC) .....		228,500
<u>Administration</u> .....		<u>221,457</u>
\$196,957 – Administration		
3,000 – Fair Housing		
21,500 – CEDC Administration		
<u>Drainage &amp; Sewer Improvements:</u>		
<u>Village of Depew (S. Bellevue &amp; S. Ellington Avenues) .....</u>		<u>100,000</u>
\$70,000 – Drainage & Sewer Improvements		
30,000 – Sidewalks		
<u>Village of Sloan (Jackson Street) .....</u>		<u>37,500</u>
\$37,500 – Drainage and Sewer Improvements		
<b>Total Projected Activities to be Funded with CDBG Funds .....</b>	<b>\$</b>	<b><u>1,430,897</u></b>

Attachment: Budget - 2016 - Letterhead FINAL (RES-2016-150 : 2016 Community Development Block Grant Annual Action Plan)

**HOME Investment Partnership Program Budget  
2016 Program Year**

Total 2016 HOME Allocation.....	\$ 210,166
Projected Revolving Program Income .....	<u>20,000</u>
<b>Total Projected Available Funds for HOME Activities .....</b>	<b><u>\$ 230,166</u></b>
First-Time Homebuyers Program.....	\$ 18,000
HOME Administration .....	2,000
HOME Administration – Amherst Consortium.....	9,000
Housing Rehabilitation - Single Family Owner-Occupied Units .....	8,146
Housing Acquisition/Rehabilitation/Resale Program.....	173,020
CHDO Administration Fees.....	<u>20,000</u>
<b>Total Projected Activities to be Funded with HOME Funds.....</b>	<b><u>\$ 230,166</u></b>

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Attachment: Budget - 2016 - Letterhead FINAL (RES-2016-150 : 2016 Community Development Block Grant Annual Action Plan)



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, March 21, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Call to Order

6:45 PM Meeting called to order on March 21, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Carla Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent

### IV. Invocation

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Hammer. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. Local Law Intro 2016-2 - Amend Towing 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:** Christine Adamczyk, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**2. Local Law Intro No. 2016-3 - Amend the Solid Waste 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:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**IX. Presentation****X. Resolutions**



## 1. RESOLUTION 2016-161

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 21, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$160,853.39
RISK RETENTION FUND	39,233.03
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	11,143.80
SPECIAL DISTRICTS FUND	304,351.36
HIGHWAY FUND	157,401.12
CAPITAL FUND	526,191.60
TRUST & AGENCY FUND	29,102.37
HUD CDBG FUND	1,858.16
PART TOWN FUND	142.50
NYS AFFORDABLE HOUSING	4,665.00
	<hr/>
	\$1,234,942.33

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-162

### **Adopt Local Law No. 2 of the Year 2016 - A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, various amendments have been made to said law since its adoption, and

WHEREAS, the General Crew Chief of the Sanitation Department has recommended that the Solid Waste Law be further amended, and

WHEREAS, a draft of such amendments was prepared by the Town Attorney, and

WHEREAS, a public hearing was held on the 21st day of March, 2016 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 Solid Waste Law of the Town of Cheektowaga", and

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

RESOLVED, that Local Law No. 2 of the Year 2016, entitled "A Local Law to Amend the Solid Law of the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 2 of the Year 2016 shall be effective upon filing same with the Secretary of State, and BE IT FURTHER

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



### **LOCAL LAW NO. 2 OF THE YEAR 2016**

#### **A LOCAL LAW TO AMEND THE SOLID WASTE LAW OF THE TOWN OF CHEEKTOWAGA**

**1. Section 206-3. Definitions, shall be amended as follows:**

**The definition of "RECYCLABLE CONTAINER" shall be amended to read as follows:**

#### **RECYCLABLE CONTAINER**

Town authorized container(s) for the storage and collection of recyclable rubbish provided to and/or purchased by property owners in the Town of Cheektowaga to be used for the storage and disposal of recyclable rubbish. All recyclable containers/totes provided by the Town of

Cheektowaga shall remain at the assigned location and shall not be removed from said location

**The definition of "TOTE" shall be amended to read as follows:**

**TOTE**

Town authorized container(s) for the storage and collection of garbage and non-recyclable refuse and rubbish. All totes assigned by the Town of Cheektowaga (not including any totes purchased by the property owner) to each location shall be owned by the Town of Cheektowaga, shall remain at that location and shall not be removed from said location.

**2. Subsection C. of Section 206-4 shall be amended to read as follows:**

C. (1) Recyclable rubbish shall be placed in recyclable containers or bundled as herein provided.

(2) A recyclable container, when filled, shall not exceed 150 pounds. Glass, metal and plastic recyclables shall have their contents removed, be thoroughly drained of liquid and rinsed prior to being deposited for collection.

**3. Subsections A. and C. of Section 206-6, Placement of containers for collection, shall be amended to read as follows:**

- A. Replace "curbline" with "right-of-way"
- C. Replace "curbline" with "right-of-way"

**4. Subsection A of Section 206-7, Collection and disposal, shall be amended to read as follows:**

- A. The Town of Cheektowaga shall provide for the collection and disposal of all recyclable rubbish, as well as for the collection and disposal of solid waste, which are placed in Town-approved totes or otherwise at the right-of-way at each location in the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-163

## Award Contract for Lawn Cutting and Trimming Services for Town-Owned Properties for 2016

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

**WHEREAS**, the Town of Cheektowaga owns fourteen (14±) residential properties on which the grass needs to be regularly cut; and

**WHEREAS**, a Request for Proposals ("RFP") was issued to have private contractors perform these services; and

**WHEREAS**, proposals were received from three (3) contractors; and

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

**RESOLVED**, that the contract for lawn cutting and trimming services for **2016** for the fourteen (14+-) Town properties shown on the list in the RFP be and hereby is awarded to **Double Diamond Removal Services, 237 Cass Avenue, Cheektowaga, New York 14206**, for the sum of \$445.00 bi-weekly, beginning the week of April 17, 2016 and continuing for the remainder of the 2016 growing season, with the final cut in the week of October 16, 2016, or sooner if individual properties are sold and disposed of by the Town; 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, subject to approval of the Town Attorney; and **BE IT FURTHER**

**RESOLVED**, that the fees for said services shall be appropriated from the following Town budget line items:

Account #800-3620-4561

Account #700-1007-0606

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-164

### Negative SEQR Declaration - 2600 Walden Avenue Kohler Awning

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

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, an application was submitted by Frank Wailand, Agent for Kohler Awning for the construction of a 12,075 s.f. warehouse addition to an existing light manufacturing facility at 2600 Walden Avenue, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 10, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and supports the approval of the project, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 2, 2016 recommended a determination of non-significance, 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 the NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act ( SEQRA).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-165

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### Accept Site Plan- 2600 Walden Avenue Kohler Awning

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

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, Frank Wailand, Agent for Kohler Awning submitted a development review application for a 12,075 s.f. warehouse addition to an existing light manufacturing facility at 2600 Walden Avenue, AND

WHEREAS, the building addition requires an area variance for the building setback along the north property line, for which an application was filed with the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals held a hearing on March 16, 2016 and approved the requested area variance, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of March 10, 2016 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 drainage grading plan.
2. The applicant modifying the landscaping plan to show new colorado spruce trees 15 feet o.c. along the north yard and providing a construction detail for a solid wood board or solid vinyl fence along the north property line.
3. The Town Planner reviewing and approving the modified landscaping plan and a photometric plan for any new exterior lighting.

Attachments:  
amended site plan Kohler (PDF)

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-166

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### Call for Public Hearing to Amend Towing Law (Local Law Intro 2016-4)

**Sponsored By:** Councilmember Rogowski, Councilmember Adamczyk

WHEREAS, by resolution dated May 16, 1986, the Town Board of the Town of Cheektowaga adopted Local Law No. 2 of the Year 1986 entitled "A Local Law relating to "Vehicles, Removal and Storage" (now known as Chapter 241 of the Code of the Town of Cheektowaga), to regulate the removal and towing of disabled vehicles from the streets in the Town, and

WHEREAS, Chapter 241 of the Town Code needs to be amended to revise the annual license fee payable to the Town of Cheektowaga by authorized Town towers; the fee has not been increased since 2003, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 4th day of April, 2016 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Bee.

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### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 4th day of April, 2016 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed Local Law Intro No. 2016-4, entitled "A Local Law to Amend The Annual License Fee in A Local Law relating to Vehicles, Removal and Storage". The text of this local law is as follows:

LOCAL LAW INTRO NO. 2016-4 OF THE YEAR 2016

A LOCAL LAW TO AMEND THE ANNUAL LICENSE FEE IN

A LOCAL LAW RELATING TO VEHICLES, REMOVAL AND STORAGE

Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles, Removal and Storage" is proposed to be amended as follows:

1. Subsection A of Section 241-7, Annual license fee, shall be amended to read as follows:

§241-7.A. Prior to approval or issuance of a letter of authorization, an authorized Town tower shall remit an annual license fee of \$2,500 to the Town.

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

Dated: March 21, 2016

VICKIE L. DANKOWSKI, Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-167

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### Notice to Bidders - Work Uniforms (Bid #2016-17)

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, it is in order that bids be advertised for the purchase of Work Uniforms for the year of 2016 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 2016, 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 April, 2016 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 April 6, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 2016 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.

Vickie L. Dankowski, Town Clerk  
Bid #2016-17

DATED: March 21, 2016

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Diane Benczkowski, Supervisor  
**SECONDER:**   Timothy J. Meyers, Councilmember  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-168

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### Notice to Bidders - One 2016 Conventional Cab & Chassis with Refuse Packer Body (Bid 2016-18)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, it is in order that bids be advertised for the purchase of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body for the Sanitation Department, AND

WHEREAS, the Engineering Department has completed preparation of specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body, 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 April, 2016 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 April 6, 2016 at 11:00 am at the Town Hall, corner of Broadway and Union Roads for the purchase of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body for the Sanitation Department.

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

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

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

Vickie L. Dankowski, Town Clerk  
Bid #2016-18

DATED: March 21, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-169

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### **Authorize Supervisor to Execute Agreement with USDA for Geese Control for 2016**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga is experiencing a problem with Canada 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 2016; and

WHEREAS, the Town Environmental Advisory Committee previously reviewed this application and its impact on the Town and recommended that a determination of non-significance be issued for this program, and this Town Board rendered a Determination of Non-Significance for same; and

WHEREAS, the USDA requires that anyone wishing to have the USDA implement this program on their behalf execute an agreement with the USDA and commit to remit payment to the USDA for this program; and

WHEREAS, the cost of the program proposed for the Town of Cheektowaga is approximately \$4,985.00;

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 2016, NOW, THEREFORE, BE IT

RESOLVED, that, subject to review and approval by the Town Attorney's Office, the Supervisor be and hereby is authorized and directed to execute an agreement with the USDA and all other documents necessary to authorize the USDA to administer its Canada Goose Management Program for the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that moneys not to exceed \$4,985.00 for this program, shall be appropriated from budget line item number 100-7110-4106.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-170

### Authorize Supervisor to Execute Subscription Agreement

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Lexipol, LLC is a nationwide organization producing, among other things, law enforcement policy manuals based on federal and state laws, regulations and law enforcement practices, written by legal and public safety professionals who constantly monitor major court decisions, legislation and emerging trends affecting law enforcement operations; and

WHEREAS, by Resolution 2016-146, adopted March 7, 2016, this Town Board authorized Lexipol to provide the Police Department with a clear, straightforward, professional policy manual with proven, legally defensible content, which addresses issues related to risk management, liability, safety, and best practices for law enforcement agencies; and

WHEREAS, upon completion of the manual, the Police Department will receive and use Daily Training Bulletins to bring the manual into practice through real-life, scenario-based training exercises emphasizing high-risk, low frequency events which may qualify for continuous training certification, as well as manage administration of critical updates consistent with current case law for the Town's policy manual; and

WHEREAS, Lexipol, LLC has submitted a proposal for said subscription services for the initial pro-rated implementation term from April 1, 2016 to December 31, 2016 in the amount of \$10,794.00; for the term January 1, 2017 to December 31, 2017 in the amount of \$13,039.00; and for the term January 1, 2018 to December 31, 2018 in the amount of \$12,588.00, and budgeted funds are available; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves said proposal from Lexipol, LLC; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute the Agreement for Use of Subscription Material Agreement as herein set forth, subject to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that funds shall be appropriated from line item number 100-3020-4022.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-171

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### Authorize Supervisor to Execute Agreement with Department of Veterans Affairs

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

**WHEREAS**, the Department of Veterans Affairs (hereinafter "VA") leases property for clinic locations in areas including, but not limited to Buffalo and Amherst, as well as the Cheektowaga location in the Appletree Business Park at 2875 Union Road in the Town of Cheektowaga; and

**WHEREAS**, said leased properties are under the control of the VA and under proprietary jurisdiction, which grants local civil police agencies full rights to exercise law enforcement functions on VA-leased clinic properties; and

**WHEREAS**, although VA Police Officers are highly trained and experienced meeting most disturbances and other related police functions without the need for civil intervention or assistance, the VA may encounter certain situations that would require the Town of Cheektowaga Police Department's assistance, including, but not limited to:

- Armed hostage taking situations;
- Crimes involving armed robberies of funds, drugs, etc., where individuals
  - committing the crimes leave VA police jurisdiction;
- Vehicle accident investigations involving a VA Police patrol vehicle;
- Providing officers for traffic control to allow emergency vehicle access to a VA leased facility;
- Confirming the identity of wanted subjects, and to arrest and/or detain individuals who have outstanding warrants;
- Providing additional officers when needed to assist with the physical arrest of a violent/disorderly person or persons who pose a serious threat to patients, visitors, medical staff, or themselves;
- Providing assistance in the transportation of prisoners who have been arrested at the VA Medical Center on occasions when there are only two (2) VA police officers on duty;
- Inter-agency support, if necessary, to establish, preserve and control crime scenes or to act as lead investigative agency; and

**WHEREAS**, the Town would also be required to authorize access to the Town's Central Dispatch and patrol units in the field which would necessitate the reprogramming of the VA's Harris radios (at no cost to the Town); and

**WHEREAS**, the Department of Veteran's Affairs has submitted an Agreement outlining in detail agency responsibilities and expectations; **NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board hereby approves the above support agreement; and **BE IT FURTHER**

**RESOLVED**, that the Supervisor is hereby authorized to execute said Agreement or any

other document that may be required for its implementation, upon approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-172

### **Authorize the Supervisor to Sign an Agreement with DiDonato Associates for Additional Services at the Town Ice Rink**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, at a Town Board meeting held on March 7, 2016, the contract for the Cheektowaga Town Ice Rink, Plant, Ice Rink Floor and Bleacher Replacement was awarded to five (5) separate prime contractors, AND

WHEREAS, DiDonato Associates, P.E., P.C., Project Architect, has submitted a proposal for Construction Administration for the duration of the project, NOW, THEREFORE, BE IT

RESOLVED, that the firm of DiDonato Associates, P.E., P.C., 689 Main Street, Buffalo, New York 14203 be retained for the provision of professional services throughout the duration of the project construction for the not to exceed sum of \$64,000.00, in accordance with the proposal dated March 18, 2016, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign an agreement with DiDonato Associates for the provision of Construction Administration for the duration of this project, for the not to exceed sum of \$64,000.00, which shall be chargeable to Account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-173

## Authorize Purchase One (1) 2016 F350 4x4 Crew Cab Truck for Highway Department

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Highway Department has requested authorization to purchase one (1) 2016 F350 4x4 Crew Cab Truck; AND

WHEREAS, the New York State Thruway Authority solicited bids for the purchase of commercial vehicles for use by them; AND

WHEREAS, New York State General Municipal Law, Section 103, authorizes the purchase by the Town of vehicles 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 allowing "piggybacking" off the New York State Thruway Authority bid; AND

WHEREAS, the New York State Thruway Authority's bid documents and award contained such provisions; AND

WHEREAS, a local vendor, Delacy Ford, Inc. was a successful bidder and was awarded the bid by the New York Thruway Authority under Contract Number PC-66774SB, and is an authorized dealer for Ford Vehicles; AND

WHEREAS, the Town of Cheektowaga solicited a quotation from Delacy Ford, Inc. for said vehicle; NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of one (1) 2016 Ford F350 4x4 Crew Cab Truck from:

Delacy Ford, Inc.  
3061 Transit Road  
Elma, NY 14059

through the contract awarded by the New York State Thruway Authority State Contract Number PC-66774SB, for the price not to exceed the sum of \$50,750.00; AND BE IT FURTHER

RESOLVED, that the moneys for said purchase shall be appropriated from account number 300.5130.2407.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 14. RESOLUTION 2016-174

### Approve Extension of Lease for Diamond Hawk Golf Course

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, by Indenture of Lease dated June 11, 2004, the Town of Cheektowaga approved a thirty (30) year lease with Garrett, LLC for the use of Town-owned land for use as a public golf course ("Diamond Hawk"), and

WHEREAS, pursuant to the terms of said lease, the Town of Cheektowaga was required to make a Home Rule Request to the State Legislature to extend the lease an additional ten (10) years, and

WHEREAS, the Town petitioned the State Legislature for Home Rule legislation and same was approved by Chapter 301 of the Laws of 2012, and

WHEREAS, Garrett, LLC has now formally requested the Town to extend the lease for the Diamond Hawk golf course lands for an additional ten (10) years for a total of forty (40) years, and

WHEREAS, the attorney for Garrett, LLC has prepared an Extension of Term of Indenture of Lease and has submitted same to the Town for signature; and said extension document has been approved by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned Extension of Term of Indenture of Lease, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Extension of Term of Indenture of Lease.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 1. RESOLUTION 2016-175

### Appropriation of Funding and Local Match for Wastewater Planning Study Project Under Engineering Planning Grant Program

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded a Wastewater Engineering Planning Grant (#53713) through the New York State Environmental Facilities Corporation to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities, and

WHEREAS, the Town estimates that professional engineering services relative to sanitary sewer metering and the Pre- and Post- Construction studies for this project; and the Town's in-house inspections for illegal sewer connections will cost a total of \$100,000.00,

NOW, THEREFORE, BE IT RESOLVED that the Town of Cheektowaga authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Town of Cheektowaga Wastewater Planning Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town Supervisor shall not exceed \$20,000 based upon a total estimated maximum project cost of \$100,000. The Town Supervisor may increase this local match through the use of in kind services without further approval from the Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-176

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### **Retain Engineering Consultant for Wastewater Engineering Planning Grant Work**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded a \$80,000.00 Wastewater Engineering Planning Grant (#53713) through the New York State Environmental Facilities Corporation to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities, and

WHEREAS, the Town has received a proposal from Nussbaumer & Clarke, Inc. to perform work under the grant at a cost of \$80,000.00 for sanitary sewer metering and the preparation of Pre- and Post- Construction studies for this project; and the Town's match for this grant will be for in-house inspections for illegal sewer connections, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute said proposal on behalf of the Town.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 16. RESOLUTION 2016-177

### Renew Annual Service & Supply Maintenance Agreement with Eagle Systems, Inc.

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Eagle Systems, Inc., presently provides service and supplies for copy machines located in the following Town Departments:

MODEL	SERIAL NUMBER	ID #	DEPARTMENT
TOSHIBA ESTUDI0203L	CQL722769	E4216	POLICE CHIEF
TOSHIBA ESTUD104540C	CMK224232	E0456	TRAFFIC COURT
TOSHIBA ESTUDI0450	CIG845327	E4423	YOUTH RECREATION
TOSHIBA ESTUDI0453	C1L737805	E4263	COUNCIL
TOSHIBA ESTUDI03500C	CCK718720	E4265	ASSESSOR'S OFFICE
TOSHIBA ESTUDI04540C	CMK224302	E0460	CRIMINAL COURT
TOSHIBA ESTUDI05540C	CBC215970	E0341	YOUTH RECREATION
TOSHIBA ESTUDI0356	C2F245851	E0372	ASSESSOR'S OFFICE
TOSHIBA ESTUDI02830C	CX1026925	E0034	SEWER
TOSHIBA ESTUDI03540C	CQH114261	E0283	PARKS LOSSON ROAD
TOSHIBA ESTUDI0355	CPJ917020	E4786	SENIOR CENTER
SAMSUNG 5935	2P3BJIC400080	E0468	CRIMINAL COURT
SAMSUNG 5935	P3BJIC400082	E0650	COURT

and,

WHEREAS, the current Service and Supply Maintenance Agreement expires as of March 25, 2016; and

WHEREAS, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York, has submitted a proposal to renew the service and supply agreement for the above copy machines for a one (1) year period from March 25, 2016 to March 24, 2017, said agreement covering travel, labor, parts, drums & toner cartridges (excluding paper and staples) at a 5% or less increase in the per-copy cost for the new term; and

WHEREAS, the Town Director of Administration and Finance and the Town Attorney recommend that the Town accept Eagle's new proposal; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the proposal of Eagle Systems, Inc., to provide annual service and supplies for the copy machines above set forth for the period March 25, 2016 to March 24, 2017, at the following rates: black and white pages billed quarterly at .0105 per page, color pages billed quarterly at .07931 per page, and Samsung 5935 billed quarterly at .02446 per page, said cost to include travel, labor, parts, drums and toners for said copiers; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Eagle Systems, Inc., for said services.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-178

### Authorization of Student Interns (Police Department)

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Emily Banas and Cody Mayerat, both students at Erie Community College, have requested to participate in the student internship program at the Police Department; AND

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

RESOLVED, that Emily Banas of Blasdell, New York, and Cody Mayerat of East Aurora, 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 Emily Banas' and Cody Mayerat's internships be and hereby are effective March 21, 2016 through June 30, 2016; AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-179

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### Adoption of the Rules of Conduct for the Government and Discipline of the Police Department Policy

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

BE IT RESOLVED, that the Rules of Conduct for the Government and Discipline of the Police Department be and hereby is adopted and shall be filed in the Town Clerk's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-180

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

BUILDING AND PLUMBING DEPARTMENT Assistant Code Enforcement Officer \$17.00/hour effective 3/8/16

Roy Weiglein, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.25/hour effective 3/22/16

John E. Gluszek, Sloan, New York

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

**SUPERVISOR'S OFFICE**

Oliada F. Nowicki effective 12/31/15

Linda King effective 12/31/15

**POLICE DEPARTMENT**

Kyle Krzemien effective 3/8/16

**FACILITIES DEPARTMENT**

John E. Gluszek effective 11/23/15

**BUILDING AND PLUMBING**

Matthew J. Greenberg effective 1/1/16

Motion by Councilmember Meyers; Seconded by Councilmember Kaminski to waive the reading of names for this resolution. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-181

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### **Appointment of Two (2) Principal Engineer Assistants (Competitive/Permanent) Mark J. Christel and Paul G. Piwowarski**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Junior Civil Engineers Paul G. Piwowarski and Mark J. Christel are both currently employed in the Engineering Department; AND

WHEREAS, there are two (2) vacancies in the title of Principal Engineer Assistant; AND

WHEREAS, the Town wishes to transfer Paul G. Piwowarski and Mark J. Christel from the title of Junior Civil Engineer to the title of Principal Engineer Assistant; AND

WHEREAS, the Town of Cheektowaga Employees Association has agreed to waive the posting of said title; NOW, THEREFORE, BE IT

RESOLVED, that Paul G. Piwowarski of Depew, New York, and Mark J. Christel of Depew, New York, be and hereby are appointed to the position of Principal Engineer Assistant in the Engineering Department in compliance with the terms and conditions of the collective bargaining agreement between the Town and the Town of Cheektowaga Employees Association effective March 22, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-182

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### Travel Authorization Accounting Department

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Government Finance Officers Association Annual Conference is being held April 5, 2016 through April 8, 2016, in Albany, New York; 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 \$930.50; 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 5, 2016 through April 8, 2016, in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-183

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### Travel Authorization Community Development

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, an EEA Lead Risk Assessor Recertification is being held on April 15, 2016 in Rochester, New York; AND

WHEREAS, Code Enforcement Officer Richard Willis has been recommended to attend this recertification; 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 \$263.47; AND

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

RESOLVED, that Code Enforcement Officer Richard Willis be and hereby is authorized to attend an EEA Lead Risk Assessor Recertification being held on April 15, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-184

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the 2016 Annual K-9 Seminar is being held May 1, 2016 through May 5, 2016, in Himrod, New York; AND

WHEREAS, Police Officer John Duskocz has 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 \$865; AND

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

RESOLVED, that Police Officer John Duskocz be and hereby is authorized to attend the 2016 Annual K-9 Seminar being held May 1, 2016 through May 5, 2016, in Himrod, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-185

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Statewide MVT & IF Advisory Group Meeting is being held April 19, 2016 through April 20, 2016, in Saratoga Springs, New York; AND

WHEREAS, Detective Mark Jedd has been recommended to attend said meeting; 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 \$317; 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 Statewide MVT & IF Advisory Group Meeting being held April 19, 2016 through April 20, 2016, in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-186

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the New York Association of Hostage Negotiators 11<sup>th</sup> Annual Conference is being held May 18, 2016 through May 20, 2016 in Rochester, New York; AND

WHEREAS, Police Officers Scott Scharlau and Kurt Spieler 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 \$833; AND

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

RESOLVED, that Police Officers Scott Scharlau and Kurt Spieler be and hereby are authorized to attend the New York Association of Hostage Negotiators 11<sup>th</sup> Annual Conference being held May 18, 2016 through May 20, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Meyers to waive the rules to Include the Following Resolution 2016-187. Motion Carried.
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## 1. RESOLUTION 2016-187

### Request Change in Canvas of County Civil Service List for Police Officer

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, by resolution dated April 7, 1975, the Cheektowaga Town Board went on record directing the Erie County Department of Personnel to provide the Town of Cheektowaga with civil service lists for positions within the Town with the names of eligible who are residents of the Town, and

WHEREAS, this Town Board is always seeking the most qualified candidates for the position of police officer in the Town, and is seeking to diversify the police force, and

WHEREAS, the Chief of Police has recommended that this Town Board change our policy and request the Erie County Personnel Department, effective beginning with the new police officer examination scheduled to be held in November of 2016, to supply the Town with a list of eligibles from within the entire County of Erie, and

WHEREAS, if eligible candidates for the position of police officer are recruited from outside the boundaries of the Town of Cheektowaga, this Board would require successful hires to move into the Town of Cheektowaga within six (6) months after the effective date of their hire, NOW, THEREFORE, BE IT

RESOLVED, that, effective beginning with the County civil service examination for police officer being scheduled for November of 2016, this Town Board hereby requests the Erie County Department of Personnel to provide/certify to the Town a list of eligible from such police officer lists who reside throughout Erie County, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to the Erie County Department of Personnel.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Traffic Safety Commission - February 16, 2016

**2. Minutes: Cheektowaga Planning Board - March 10, 2016*****B. General Communications***

1. Notice of Claim: Glen & Sandra Imiola vs. Town of Cheektowaga
2. Notice of Claim: Liberty Mutual Fire Ins. Co. a/s/o Annette Schlau vs. Town of Cheektowaga
3. Notice of Claim: Donna Michalek vs. Town of Cheektowaga
4. Notice of Claim: Larry Thompson vs. Town of Cheektowaga
5. Notice of Intent to File A Notice of Claim: Darryl Mingo vs. Town of Cheekowaga

**XIII. Comments*****A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****XIV. Adjournment**

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to adjourn the meeting at 7:55 PM

Vickie L. Dankowski

Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

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

Vickie L. Dankowski  
716-686-3434

Monday, April 4, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on April 4, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent  
Jeffrey Whiting, Deputy Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Rogowski to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. Amend Towing Law (Local Law Intro 2016-4)

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:** Christine Adamczyk, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Presentation

## X. Resolutions



## 1. RESOLUTION 2016-188

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.7550.2039	Polish Festival Revenue	\$15,081.00
	100.7550.2040	Crabapple Festival Revenue	3,495.00
	100.7550.4379	War of 1812 Cemetery	1,274.00
	100.7550.4382	Fireman Recognition Day	791.00
	100.1220.4957	Grant Development Supervisor	2,715.00
	100.6410.4194	Media and Publicity	341.00
	100.6510.4301	Room Rental Veterans	75.00
	100.7110.4191	Misc. Expense	399.00
	100.7140.4519	After School Programs	798.00
	100.7310.2501	Other Equipment	648.00
	100.1010.4088	Travel, Training & Conference	3,000.00
	100.1010.4188	Equipment Rental	574.00
	100.1010.4001	Office Supplies	336.00
	100.1010.1901	Regular Payroll	2,342.00
	100.1110.2105	Equipment	1,010.00
	100.1315.4011	Printed Forms	337.00
	100.1410.4001	Office Supplies	1,601.00
	100.1420.4013	Law Books	183.00
	100.1910.4711	Contingency	66,309.00
	100.3120.2501	Other Equipment	1,844.00
	100.3120.4011	Printed Forms	1,666.00
	100.3120.4085	Local Education	2,506.00
	100.3120.4091	Police Ammunition	3,225.00
	100.3120.4097	Special Investigation	1,925.00
	100.3310.4471	Traffic Signs	4,485.00
	100.3310.4561	Contracted Services	2,000.00
	100.3310.4185	Flashers, Barricades	113.00
	100.3310.1902	Overtime Payroll	289.00
	100.1430.2501	Office Equipment	1,796.00
	100.1910.4711	Contingency	35,635.00
	100.1625.2303	Over the Road Vehicles	12,193.00
	100.1625.4432	Repairs & Maintenance	3,357.00
	100.1625.4489	Tool Replacement	3,138.00
	100.1625.4071	Uniform Replacement	1,269.00
	100.1625.4001	Office Supplies	131.00
	100.1625.1901	Regular Payroll	16,031.00
	100.1640.4161	Gasoline	11,507.00
	100.1910.4082	Government Business Travel	1,922.00
	100.1910.4083	Private Vehicle Reimbursement	1,382.00
	100.1910.4785	Neighborhood Emergency Assistance	20,000.00
	100.1910.4709	Management Studies	5,000.00
	100.1910.4081	Municipal Association Dues	855.00
	100.1910.4322	Contracted Services Heap	633.00

TO:	100.7550.4374	Polish Festival	\$18,128.00
	100.7550.4375	Crabapple Festival	5,228.00
	100.6410.4195	Events	341.00
	100.6510.4311	Veterans Affairs Committee	75.00
	100.7110.4211	Utilities	399.00
	100.7140.4999	Credit Card Expense	798.00
	100.7310.4001	Office Supplies	648.00
	100.1010.2201	Office Equipment	6,252.00
	100.1110.4001	Office Supplies	1,010.00
	100.1315.2201	Office Equipment	64.00
	100.1315.4001	Office Supplies	273.00
	100.1410.4088	Travel, Training & Conferences	436.00
	100.1410.4431	Equipment Maintenance	1,165.00
	100.1420.2201	Office Equipment	109.00
	100.1420.4001	Office Supplies	74.00
	100.1420.4501	Contracted Legal Services	66,309.00
	100.3120.2303	Over the Road Vehicles	20.00
	100.3120.4008	Awards	5.00
	100.3120.4081	Membership Dues	63.00
	100.3120.4321	Data Processing	11,078.00
	100.3310.4217	Utilities Building Maintenance	5,057.00
	100.3310.4476	Traffic Signal Repairs	1,830.00
	100.1430.4093	Travel, Training & Conferences	448.00
	100.1430.4502	Legal Personnel	35,902.00
	100.1430.4752	Pre-employment Physical	1,081.00
	100.1625.4021	Safety Equipment & Supplies	437.00
	100.1625.4202	Telephone Townwide	12,982.00
	100.1625.4217	Utilities	22,700.00
	100.1640.2502	Pool Cars	11,507.00
	100.1910.4261	Postage	3,304.00
	100.1910.4352	Erie County Chargeback	7,887.00
	100.1910.4706	Real Property Taxes	1,546.00
	100.1910.4911	Emergency Costs	17,055.00

## SPECIAL DISTRICTS

FROM:	990.5182.4212	Electric	\$31,686.00
	400.8140.9201	Bond Interest	69,010.00
	300.9501.9211	Bond Interest	597,342.00
	300.5110.4207	GPS Services	5,276.00
	300.5110.4162	Gasoline	10,020.00
	300.5142.4029	Salt	16,061.00
	255.8135.4581	Contracted Tech. Services	10,285.00
	255.8135.4431	Equipment Repairs	10,811.00
	255.8135.4217	Utilities	15,974.00
	255.8135.2512	Building Improvements	7,349.00
	255.8135.4021	Maintenance Supplies	3,021.00
	255.8135.4142	Chemicals	1,128.00
	255.8135.1951	Seasonal	7,133.00
	255.8125.9101	Bond Principle	160,300.00
	255.8125.9201	Bond Interest	71,952.00
	150.8160.4160	Diesel Fuel	71,097.00
TO:	990.5182.4432	Repairs & Maintenance	\$31,686.00

400.8140.9101	Bond Principle	55,930.00
400.8140.4543	Ditch & Creek Maintenance	5,100.00
400.8140.4432	Maintenance & Repairs	7,980.00
300.9501.9131	Bond Principle	109,960.00
300.5110.4185	Flashers, Barricades	1,874.00
300.5110.4186	Top Soil	74.00
300.5110.4911	Emergency Costs	182,016.00
300.5130.2407	Equipment	334,775.00
255.8135.4356	Buffalo Sewer Authority	55,701.00
255.8125.4702	Buffalo Sewer Authority	1,144.00
255.8125.4581	Consulting Fees	229,805.00
255.8125.4543	Contracted Sewer Repairs	225.00
255.8125.2505	Other Equipment	19.00
255.8125.2550	Over the Road Vehicles	1,058.00
255.8125.4071	Uniforms	1.00
150.8173.4444	Recycling Contractor	63,405.00
150.8173.2105	Equipment	500.00
150.8160.4470	Solid Waste Management Board	1,992.00
150.8160.2501	Office Equipment	5,200.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-189

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### Transfer of Funds-2016

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG

FROM:	900.8600.4910	NYS AHC Revenues	\$112,500.00
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TO:	900.8668.4010	Loans From Program	\$112,500.00
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-190

## Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 4, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$3,164,386.25
RISK RETENTION FUND	938,415.93
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	9,225.00
SPECIAL DISTRICTS FUND	651,588.80
HIGHWAY FUND	573,381.07
CAPITAL FUND	257.39
TRUST & AGENCY FUND	2,288.00
HUD CDBG FUND	1,761.69
PART TOWN FUND	132,508.62
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$5,473,812.75

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-191

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### Amend Resolution Authorizing Agreement for Geese Control for 2016

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by Resolution 2016-169, adopted March 21, 2016, this Town Board approved an agreement with the U.S. Department of Agriculture, Wildlife Services Division ("USDA") for management and funding of the Canada Goose Management Program in the Town of Cheektowaga in 2016; and

WHEREAS, through inadvertence, the dollar amount of the program was stated as \$4,985.00 but the actual amount is \$5,268.00 and same must be corrected; NOW, THEREFORE, BE IT

RESOLVED, that the seventh "WHEREAS" paragraph in Resolution 2016-169 be and hereby is amended to read as follows:

*"WHEREAS, the cost of the program proposed for the Town of Cheektowaga is approximately \$5,268.00; and"*

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-192

### Amend Agreement with Lt. Col. Matt Urban Human Services Center of WNY

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town receives federal HUD HOME funds for the purpose of acquiring and rehabilitating distressed properties, AND

WHEREAS, HUD regulations require that the Town contract with a qualified Community Housing Development Organization (CHDO) to carry out the rehabilitation and sale of such property to an income-qualified first-time homebuyer, AND

WHEREAS, there exists an Agreement between the Town of Cheektowaga and Lt. Col. Matt Urban Human Services Center of WNY for the acquisition, rehabilitation and resale of 18 Stratford Place ; and

WHEREAS, additional rehabilitation work items have been identified for this project; and

WHEREAS, the low bid contractor costs have been submitted in excess of the original budgeted amount; and

WHEREAS, the contract start was delayed and the schedule of performance must be amended; and

WHEREAS, negotiations have been held between representatives of the Town of Cheektowaga and Lt. Col. Matt Urban Human Services Center of WNY; and

WHEREAS, the Director of Community Development has recommended the Town provide \$23,006.00 of additional HUD HOME funds to cover the additional costs of the rehabilitation of the property and amend the schedule of performance, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the attached Amended Exhibit B and Amended Schedule for the Agreement with the Lt. Col. Matt Urban Human Services Center of WNY for the acquisition, rehabilitation and resale of 18 Stratford; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amended agreement with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212 for the property at 18 Stratford Place, subject to review and approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 6. RESOLUTION 2016-193

### Change Order No. 1 for Contract for Demolition and Asbestos Abatement of 36 Barbara Place

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the contract for the Demolition and Asbestos Abatement of structures located at **36 Barbara Place** was awarded to **Metro Contracting & Environmental, Inc.**, by Resolution 2016-120 adopted February 17, 2016, for the contract amount of \$32,388.00 (Bid 2016-4 Law); and

WHEREAS, subsequent to said bid award, the Town was notified that an additional 60 linear feet of asbestos-containing pipe insulation was discovered beneath the first floor level of the rear of the house at 36 Barbara Place, 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 \$4,809.00; 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 Metro Contracting & Environmental, Inc., which provides for an increase to the aforesaid contract in the amount of \$4,809.00, which shall be chargeable to budget line item number 800-0800-0440.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-194

### Award of Bid - Traffic Signal Replacements (Bid #2016-06)

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a Notice to Bidders was published for the receipt of bids for Traffic Signal Replacements within the Town of Cheektowaga, which bids were duly received and opened on February 24, 2016, AND

WHEREAS, two (2) bids were received and referred to the Town Engineer for analysis and tabulation, AND

WHEREAS, five (5) individual traffic signals were bid for replacement in five (5) separate bid items, AND

WHEREAS, the Town has elected not to include the traffic signal replacement located at the Cleveland Hill Fire Hall (Bid Item No. 1 valued at \$90,703.40), NOW, THEREFORE, BE IT

RESOLVED, that the contract for four (4) Traffic Signal Replacements in the Town of Cheektowaga be awarded to:

Ferguson Electric Construction Company, Inc.  
333 Ellicott Street  
Buffalo, New York 14203

for the bid price of \$452,717.55, said being the lowest bid meeting the requirements of the specifications.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-195

### Award of Bid - Sanitary Sewer Point Repairs (Bid #2016-12)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, as a result of advertisement, bids were received on March 23, 2016 for the furnishing of equipment & operators for the installation of cured-in-place sanitary sewer point repairs in the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment & operators for the installation of cured-in-place sanitary sewer point repairs be awarded to:

Sewer Specialty Services Company, Inc.  
2462 New Road  
Leicester, New York 14481

for submission of the lowest bid meeting the requirements of the specifications in the amount of \$3,200.00/day for equipment and operators and the unit prices for the various diameter, material repair lengths stated below:

- |    |   |                 |
|----|---|-----------------|
| 1) | 8" diameter, 2' long point repair materials:  | \$ 650.00 each  |
| 2) | 8" diameter, 4' long point repair materials:  | \$1,300.00 each |
| 3) | 10" diameter, 2' long point repair materials: | \$ 650.00 each  |
| 4) | 10" diameter, 4' long point repair materials: | \$1,300.00 each |
| 5) | 12" diameter, 2' long point repair materials: | \$ 700.00 each  |
| 6) | 12" diameter, 4' long point repair materials: | \$1,400.00 each |

AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in the Consolidated Sewer District Account No. 255-8125-4543 for this work.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 9. RESOLUTION 2016-196

### Award of Bid - High Velocity Sewer Cleaner (Bid #2016-13)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab Chassis for the Sewer Maintenance Department, which bids were duly received and opened at a public bid opening conducted on March 23, 2016, AND

WHEREAS, four (4) bids were received and referred to representatives of the Sewer Maintenance Department and the Engineering Department for evaluation, analysis, tabulation and report, which is detailed in a memo from the Engineering Department dated March 29, 2016, AND

WHEREAS, said evaluation and analysis determined that the low bidder did not meet our specifications, therefore, we are awarding the bid to the second lowest bidder, AND

WHEREAS, said report recommends that the bid for the furnishing of one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab Chassis be awarded to Regional International of WNY for their bid proposal utilizing an International Dura Star Cab and Chassis with a Vactor Ramjet High Velocity Sewer Cleaner, 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 one (1) 2016 or newer High Velocity Sewer Cleaner with 2016 Cab Chassis Vehicle is hereby awarded to:

Regional International of WNY  
2425 Walden Avenue  
Cheektowaga, NY 14225

for their bid in the amount of \$214,372.00, AND, BE IT FURTHER

RESOLVED, that funding for said vehicle purchase shall be chargeable to Account No. 255-8125-2550.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-197

### Award of Bid - Concrete Installation (Bid #2016-14)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, as a result of advertisement, bids were received on March 23, 2016 for concrete installation in the Town of Cheektowaga for the 2016 calendar year, AND

WHEREAS, said bids were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the replacement of sidewalks be awarded to Yarussi Construction, Inc. for their submission of the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the bid for concrete installation in the Town of Cheektowaga be and hereby is awarded to:

Yarussi Construction, Inc.  
5650 Simmons Avenue  
Niagara Falls, New York 14304

for the total bid price of \$762,112.00 for Bid Items 1 thru 8 for the year of 2016, AND, BE IT FURTHER

RESOLVED, that payment for said sidewalks shall be chargeable to the appropriate departmental budget line item.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-198

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### **Award of Bid - Ice Rink Locker Room Improvements (Bid #2016-16)**

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Cheektowaga Town Ice Rink Locker Room Improvements, which bids were duly received and opened on March 30, 2016, AND

WHEREAS, said bids were referred to the Town Engineering Department and Bammel Architects, Project Architect, and their respective consultants for analysis, tabulation and report, which is contained in a letter from Bammel Architects and respective consultants, AND

WHEREAS, said report recommends that the contract for General Construction Work be awarded to Kirst Construction, Inc., the contract for Plumbing Work be awarded to MLP Plumbing & Mechanical, Inc., the contract for HVAC be awarded to John W. Danforth Company and the contract for Electrical Work be awarded to CIR Electrical Construction Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for General Construction Work be and hereby is awarded to:

Kirst Construction, Inc.  
P.O. Box 171  
North Boston, New York 14110

at the bid price of \$427,000.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Mechanical Work be and hereby is awarded to:

John W. Danforth Company  
300 Colvin Woods Parkway  
Tonawanda, New York 14150

at the bid price of \$114,000.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Plumbing Work be and hereby is awarded to:

MLP Plumbing & Mechanical, Inc.  
3198 Union Road  
Cheektowaga, New York 14227

at the bid price of \$172,900.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

RESOLVED, that the contract for Electrical Work be and hereby is awarded to:

CIR Electrical Construction Corporation  
400 Ingham Avenue  
Buffalo, New York 14218

at the bid price of \$91,600.00, said being the lowest bid meeting the requirements of the contract documents, AND, BE IT FURTHER

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

RESOLVED, that funding for said project(s) shall be chargeable to Account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-199

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### Call for a Public Hearing on Local Law Intro No. 2016-5 of the Year 2016 To Amend the Taxicabs Law

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Chapter 23 of the Code of the Town of Cheektowaga, entitled "Taxicabs" was adopted by the Town Board on October 21, 1985, and

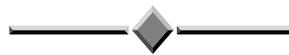
WHEREAS, said law requires anyone who operates a taxicab or similar vehicle-for-hire to obtain a permit from the Town Clerk and to otherwise comply with the other provisions of said law, and

WHEREAS, by Local Law No. 3 of the Year 2015, this Town Board made changes to said law, and

WHEREAS, the Town Clerk and Police Department have recommended that an amendment to this revised law be enacted, 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 18th day of April, 2016 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. 2016-5 of the Year 2016 entitled "A Local Law to Amend the Taxicabs 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 April, 2016 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2016-5 of the Year 2016, entitled "A Local Law to Amend the Taxicabs Law". A summary of such Local Law is as follows:

#### **LOCAL LAW INTRO NO. 2016-5 OF THE YEAR 2016**

#### **A LOCAL LAW TO AMEND THE TAXICABS LAW**

This local law would amend the existing Taxicabs Law (Chapter 223 of the Town Code)

as

follows:

1. Section 223-4.A. of the Town Code ("Taxicabs Law") shall be amended to read as follows:

- A. It shall be unlawful for any owner, driver or employee of any taxicab and/or livery to transport persons 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.

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

April 4, 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-200

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## Notice to Bidders - Town Wide Tree Removal (Bid #2016-19)

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Emerald Ash Borer is an invasive insect responsible for the destruction of over 50 million Ash trees in the U.S. since its discovery in Michigan, AND

WHEREAS, most trees die within 2 to 4 years after becoming infested, AND

WHEREAS, the Town of Cheektowaga has identified Ash trees within the Town's right-of-way and/or Town owned property that are in need of removal, AND

WHEREAS, it is in order that bids be advertised for Town Wide Tree Removal in the Town of Cheektowaga for the calendar year 2016, AND

WHEREAS, the Engineering Department has completed preparation of bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Town Wide Tree Removal in the Town of Cheektowaga for the calendar year 2016, 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 April, 2016 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 April 20, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for Town Wide Tree Removal in the Town of Cheektowaga for the calendar year 2016.

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 Town Wide Tree Removal" 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.

Vickie Dankowski, Town Clerk  
2016-19

DATED: April 4, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-201

### Notice To Bidders - 2016 Pool Maintenance Chemicals (2016-20)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2016 (Bid #2016-20), 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 13th day of April, 2016 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 13, 2016, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2016 (Bid #2016-20).

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.

Vickie L. Dankowski, Town Clerk

Dated: April 4, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 15. RESOLUTION 2016-202

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### Authorize Supervisor to Execute Contracts for the 2016 Crabapple Festival

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga and performers and vendors for the 2016 Annual Crabapple Festival, to be held on June 11th and 12th, 2016, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-203

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### Authorize Supervisor to Execute Contracts for the 38th Annual Polish Festival

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga and performers and vendors for the 38th Annual Polish American Arts Festival, to be held on July 14th, 15th, 16th and 17th, 2016, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-204

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### **Authorize Supervisor to Sign Agreement with Greenman-Pedersen, Inc.**

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**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, as part of the operation and maintenance responsibilities associated with the Town's Consolidated Sanitary Sewer District Facilities, Town buildings, various town-wide infrastructure and major drainage systems, the Town must occasionally rely on engineering consultant technical assistance to resolve problems as they may occur, and has found it beneficial to conduct preventative maintenance inspections to insure efficient facilities operation, AND

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

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

WHEREAS, the engineering consulting firm of Greenman-Pedersen, Inc., has been found qualified to perform such services and their personnel have vast knowledge and experience in the operation of the Town's infrastructure, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for general technical services for calendar years 2016 through 2018, as submitted by the consulting firm of Greenman-Pedersen, Inc. and as recommended by the Town Engineer, is approved and accepted and subject to approval by the Town Attorney, AND, BE IT FURTHER

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

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with Greenman-Pedersen, Inc., 4950 Genesee Street, Cheektowaga, New York 14225.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 18. RESOLUTION 2016-205

### Authorize Supervisor to Execute Grant Application for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the New York State Department of Criminal Justice Services offers a grant program to pay for a maximum of fifty percent (50%) of the cost to purchase Livescan Digital Fingerprint Equipment, and

WHEREAS, the Town of Cheektowaga Police Department's existing Livescan equipment is at the end of its useful life and is in need of replacement,

WHEREAS, necessary matching funds will be provided with funds from the Cheektowaga Police Department's budget lines; NOW, THEREFORE. BE IT

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-206

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### Execute Contract with Village of Depew Ice Rink

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**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, due to scheduled construction at the Cheektowaga Recreation Center it becomes necessary for relocation of Youth & Recreation Department summer programs and

WHEREAS, the Village of Depew Ice Rink is available to house the Department's Inline Hockey and Adult Soccer Programs, NOW THEREFORE BE IT

RESOLVED, that subject to approval by the Town Attorney, the Supervisor be and hereby is authorized to execute a contract between the Town and the Village of Depew for use of the Village Ice Rink from May 1<sup>st</sup>, 2016 to August 18<sup>th</sup>, 2016 and be it FURTHER

RESOLVED, that the Town will reimburse the Village of Depew at a rate of \$140 per two hour block of time utilized for the above mentioned programs.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-207

### Renewal of Property Insurance, Contractors Equipment Insurance and Automobile Physical Damage Insurance

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town's Property Insurance, Contractors Equipment Insurance and Automobile Physical Damage Insurance Coverages expired on March 30, 2015, and

WHEREAS, Lawley Service, Inc., the Town's insurance broker, solicited quotations for the renewal of the these insurance coverages, and

WHEREAS, Lawley Service, Inc. and Holfoth Risk Management, the Town's insurance consultant, have recommended that the Town of Cheektowaga accept the proposal from CNA Insurance Company for \$83,321.63 for the following listed options:

<u>Coverage</u>	<u>Limits</u>	<u>Deductible</u>
Buildings & Contents	\$74,991,941	\$ 25,000
Accounts Receivable	\$ 1,000,000	
Business Interruption	\$ 250,000	
Equipment Breakdown	\$ Included	\$ 25,000
Flood (non Flood Zones)	\$ 5,000,000	\$ 25,000
Earthquake	\$ 1,000,000	\$ 25,000

, and

WHEREAS, Lawley Service, Inc. and Holfoth Risk Management have also recommended that the Town of Cheektowaga accept the proposal from Allianz Global for the following vehicle physical damage insurance for \$17,341.65:

<u>Limits</u>	<u>Deductible</u>
\$3,000,000	\$10,000

, and

WHEREAS, this Town Board wishes to award the above referenced Town's property insurance and Contractors Equipment Insurance to CNA Insurance Company; and Auto Physical Damage insurance to Allianz; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Town's Property insurance and Contractors Equipment insurance as outlined above to CNA Insurance Company (through Lawley Service, Inc.) for the period from March 30, 2016 to March 30, 2017 for a premium of \$83,321.63; and BE IT FURTHER

RESOLVED, that this Town Board hereby awards the Town's Vehicle Physical Property Damage Insurance to Allianz Global (through Lawley Service, Inc.) for the period March 30, 2016 to March 30, 2017 to Allianz Global FOR \$17,341.65, and BE IT FURTHER

Resolved, that Holfoth Risk Management and/or Lawley Service, Inc. be and hereby

is/are directed to bind the above referenced insurance coverages on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-208

### Microsoft Enterprise Renewal Agreement

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the NYS Office of General Services (“OGS”) designated DELL Marketing, LP as the sole provider of Microsoft Enterprise Agreements for the purchase of software licenses (OGS Agreement #PS66134), and

WHEREAS, DELL Marketing, LP is a vendor/authorized dealer for Microsoft Enterprise renewals, and

WHEREAS, the Town of Cheektowaga Department of Information Technology and Records Management is required to maintain the current contract to remain in licensing compliance with Microsoft for Office, Windows, and Server Products, as well as E-mail and Mobile Device Products, and

WHEREAS, through this renewal the Department of Information Technology and Records Management has determined that it is in the best interest to convert licensing from per device to per user, for a large long-term savings to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renews the updated Microsoft Enterprise Agreement license program with Microsoft through the OGS agreement, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to enter into the aforementioned Enterprise Agreement (Agreement #0439500.003) with Microsoft through OGS, subject to approval by the Town Attorney’s office, and BE IT FURTHER

RESOLVED, that moneys for the purchase of the aforementioned software licenses shall be appropriated from budget line item number 100-1680-4321.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-209

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### Recycling of Town Owned Equipment

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**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga Department of Information Technology and Records Management must dispose of obsolete and non-operational electronics including, but not limited to, computers, monitors, printers, copiers, storage devices, and other electronic items, and

WHEREAS, the Town had an agreement with Sunnking, Inc. and said agreement expired on March 3, 2016; and

WHEREAS, Sunnking, Inc., has indicated that it is willing to extend the Agreement for one (1) year at the same price the Town currently pays; AND

WHEREAS, the Director of Information Technology recommends that said Agreement be renewed on the same terms, conditions, and price and approves said renewal; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves the renewal of the Agreement with Sunnking, Inc., under the same terms and conditions set forth in the current Agreement, for a one year term, effective March 3, 2016 to March 3, 2017; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Sunnking, Inc. for these services, subject to approval of the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-210

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### Managed Print Services

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**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, ComDoc, Inc., presently provides comprehensive Managed Print Services focusing around reducing operating costs, maximizing investment of existing printers, improving cost effective toner procurement, and tracking overall print spending of our local printers, and

WHEREAS, ComDoc, Inc. of 55 Amherst Villa Road, Cheektowaga, New York, has submitted a proposal to provide Managed Print Services for all Town Departments for a three (3) year period, said agreement covering travel, labor, parts, & toner cartridges (excluding paper and staples); and

WHEREAS, the Director of Information Technology and Records Management recommends that the Town accept ComDoc's proposal in an effort to demonstrate a cost savings; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the proposal of ComDoc, to provide service and supplies for local Town printers, at a total monthly cost of \$1,141.50 with no additional cost for outside business hours; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with ComDoc, Inc. for said services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-211

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### Youth & Recreation Termination

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**Sponsored By:** Councilmember Kaminski, 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:

Harley Wiertel

8/13/15

14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-212

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### Hiring of Part-Time Employees

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 \$10.75/hour effective 4/5/16  
Ryan M. Szczesniak, Depew, New York

BUILDING AND PLUMBING DEPARTMENT Assistant Code Enforcement Officer \$17.00/hour effective 4/5/16  
Robert W. Latshaw, Cheektowaga, New York  
Gary L. Parks, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-213

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### Appointments to Veterans Affairs Committee

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**Sponsored By:** Councilmember Rogowski, Councilmember Kaminski

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, with the current term expiring on December 31, 2016; AND

WHEREAS, Roger Heymanowski and Jeff Sundquist have been attending meetings of the Veterans Affairs Committee and have expressed interest in being appointed to same; NOW, THEREFORE BE IT

RESOLVED, that Roger Heymanowski, Cheektowaga, New York and Jeff Sundquist, Depew, New York, be and hereby are appointed to the Veterans Affairs Committee, effective immediately and expiring on December 31, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-214

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### Appointment to the Board of Assessment Review

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**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, there is a vacancy on the Board of Assessment Review caused by the resignation of Frank Garcia, Jr., and

WHEREAS, Mary Schemm has requested appointment to said Board and is qualified for said position, NOW, THEREFORE, BE IT

RESOLVED, that Mary Schemm of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-215

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### **Appointment of Assistant Code Enforcement Officer (Temporary) Building & Plumbing Department/Roy Weiglein**

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a temporary vacancy exists in the position of Assistant Code Enforcement Officer in the Building and Plumbing Department; AND

WHEREAS, Roy Weiglein, currently employed with the Town as a part-time Assistant Code Enforcement Officer, 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 in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 5, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-216

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Active Shooter Incidents for Public Safety Communications Seminar is being held April 25, 2016 in Allentown, New York; AND

WHEREAS, Public Safety Dispatchers Carolanne Hackett, Jennifer Kubala, Cristin Wiech and Ashley Arena 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 \$1,583.40; AND

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

RESOLVED, that Public Safety Dispatchers Carolanne Hackett, Jennifer Kubala, Cristin Wiech and Ashley Arena be and hereby are authorized to attend the Active Shooter Incidents for Public Safety Communications Seminar being held April 25, 2016 in Allentown, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

<p>Motion by Councilmember Rogowski; Seconded by Councilmember Meyers to waive the rules to Include the following three (3) resolutions: 2016-217; 2016-218 and 2016-219. Motion Carried.</p>
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## 1. RESOLUTION 2016-217

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### **Authorize Supervisor to Execute Contracts for the 2016 Independence Day Celebration**

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements, etc. between the Town of Cheektowaga and contractors/performers and vendors/licensees for the 2016 Independence Day Celebration, to be held on July 3rd and 4th, 2016, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-218

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### Appointment of Minority Business Officer

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that Brian M. Krause, Director of Administration and Finance, be and hereby is appointed as Minority Business Officer for the Town of Cheektowaga, effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-219

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## Memorialize Federal Government to Not Reduce Clean Water Funding

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**Sponsored By:** Benczkowski, Meyers, Kaminski, Rogowski, Adamczyk, Hammer

WHEREAS, the Town of Cheektowaga is presently under a Consent Order from the New York State Department of Environmental Conservation ("DEC") to reduce the introduction of sewer effluent into Scajaquada Creek during high rain events, and

WHEREAS, the cost to the Town of Cheektowaga to comply with the terms of this Consent Order are very high, and will be a significant burden on the taxpayers of this Town, and

WHEREAS, this Town Board is seeking State and Federal grant and loan assistance to help remedy the situation, and

WHEREAS, the Town of Cheektowaga is looking into whether there will be any Clean Water State Revolving Fund ("CWSRF") moneys available through the Federal government to assist us, and

WHEREAS, the Federal government, in the President's proposed 2017 budget, is proposing to cut \$414 million from the Clean Water State Revolving Fund; this is a 30% reduction in CWSRF dollars, and

WHEREAS, this reduction in the CWSRF could be detrimental to the project to clean up Scajaquada Creek and the Scajaquada Creek Watershed for the Town of Cheektowaga and other municipalities in Western New York, and

WHEREAS, the CWSRF funding is important for the health and well-being of local residents, and

WHEREAS, Senator Charles Schumer is urging Senate appropriators to provide significant and robust funding to the CWSRF in the 2017 budget, and

WHEREAS, this Town Board agrees with Senator Schumer that this CWSRF funding is necessary for our community, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the Federal government to not reduce the CWSRF moneys in the 2017 Federal budget, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to U.S. Senator Charles Schumer, Congressman Brian Higgins, U.S. Senator Kirsten Gillibrand, and President Barack Obama.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XII. Communications**

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

1. Supervisor's Statement of Funds - January 2016
2. Minutes: Cheektowaga Conservation Advisory Council - March 3, 2016

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

1. Notice of Claim: Geico a/s/o Ruby Brown vs. Town of Cheektowaga
2. Notice of Claim: Duane Kaleta vs. Town of Cheektowaga
3. Notice of Claim: John A. Schaefer vs. Town of Cheektowaga
4. Summons: Buffalo Erie Niagara Land Improvement Corporation vs. Town of Cheektowaga & Etal Premises: 83 Roland Street, Sloan

## **XIII. Comments**

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

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

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

## **XIV. Adjournment**

Motion by Councilmember Adamczyk; Seconded by Councilmember Kaminski to adjourn the meeting at 7:35 PM

Vickie L. Dankowski, Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, April 18, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on April 18, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
Dave Longo, General Crew Chief, Sanitation  
Karen Marchese, Coordinator of Employee Relations  
Paul Piotrowski, Town Justice  
Kevin Schenk, Town Attorney  
Kerry Peek, Senior Services Director  
Mark Wegner, Highway Superintendent  
Jeffrey Whiting, Deputy Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Rogowski; Seconded by Councilmember Kaminski to approve the minutes. Motion Carried.

## VII. Public Comment Period

## VIII. Public Hearings

### 1. Local Law Intro No. 2016-5 of the Year 2016 To Amend the Taxicabs 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.

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Presentation

## X. Resolutions



## 1. RESOLUTION 2016-220

### Warrant

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 18, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$4,825,175.86
RISK RETENTION FUND	952,911.26
NYS HOME PROGRAM	0.00
DEBT	8,000.00
HUD HOUSING REHABILITATION FUND	11,567.50
SPECIAL DISTRICTS FUND	817,670.88
HIGHWAY FUND	493,724.63
CAPITAL FUND	203,764.82
TRUST & AGENCY FUND	4,898.04
HUD CDBG FUND	1,306.23
PART TOWN FUND	103,818.05
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$7,422,837.27

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-221

### Amend Engineering Consultant Agreement to Assist the Town with Sanitary Sewer Overflow

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, in order to formulate a long term plan for the elimination of sanitary sewer wet weather overflows, the Town of Cheektowaga previously retained the firm of Nussbaumer & Clarke, Inc. to assist the Town, AND

WHEREAS, by Town Board Resolution No. 2015-713 dated December 21, 2015, Nussbaumer & Clarke, Inc. was retained to assist the Town through April 30, 2016 with submitting an Inflow/Infiltration Analysis Report and a work plan and schedule to the New York State Department of Environmental Conservation ("DEC") for conducting a Sanitary Sewer System Evaluation Study and Corrective Action Plan in accordance with the revised Schedule A, Items 2.a and 2.b of the DEC Order on Consent No. R9-20050317-12 for the fee not to exceed \$75,000 without further Town Board authorization, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to the Town of Cheektowaga to amend the Professional Services Agreement for said services through April 30, 2016 for additional monies, AND

WHEREAS, the Town Engineer has recommended that this Town Board authorize the additional fee to perform said work, NOW, THEREFORE, BE IT

RESOLVED, subject to review and approval of the proposed amendment to the Professional Services Agreement prepared by Nussbaumer & Clarke, Inc., this Town Board hereby authorizes an additional fee not to exceed \$30,000 to complete said services through April 30, 2016, AND, BE IT FURTHER

RESOLVED, that, upon approval of the aforesaid proposed amendment by the Town Attorney and Town Engineer, the Supervisor be and hereby is authorized and directed to execute said amendment on behalf of the Town of Cheektowaga, AND, BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item number 255-8125-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-222

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## Change Order No. 2 (Final) for the Roof Replacement on the Town Hall Additions Project

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the contract for Roof Replacement on the Town Hall Additions Project was awarded by Town Board Resolution dated June 2, 2014 to Murray Roofing Company, Inc., AND

WHEREAS, the Town Engineer has recommended the approval of Change Order No. 2 (final) which provides for the reworking of the roof over the south entrance walkway to further alleviate standing water, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 (final) for the Roof Replacement on the Town Hall Additions Project in the amount of \$1,455.00 as an addition to the contract be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 2 (final) on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order No. 2 (final) shall be chargeable to Account #500-1910-2531-5329.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-223

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### **Adopt Local Law No. 3 of the Year 2016 - A Local Law to Amend A Local Law Relating to Vehicles, Removal and Storage**

**Sponsored By:** Councilmember Rogowski, Councilmember Adamczyk

WHEREAS, by resolution dated May 16, 1986, the Town Board of the Town of Cheektowaga adopted Local Law No. 2 of the Year 1986 entitled "A Local Law relating to "Vehicles, Removal and Storage" (now known as Chapter 241 of the Code of the Town of Cheektowaga), to regulate the removal and towing of disabled vehicles from the streets in the Town, and

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to revise the rental rates/fees which towing companies can charge for their services to bring them into equity with local and national recommendations, and to increase the annual license fee the authorized Town towers pay the Town, and

WHEREAS, public hearings were held on the 21st day of March, 2016 at 6:45 P.M. and on the 4<sup>th</sup> day of April 2016 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Laws Intro No. 2016-2 and Intro No. 2016-4 of the Year 2016, and

WHEREAS, it is in the public interest to adopt the changes to Chapter 241 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2016, entitled "A Local Law to Amend A Local Law Relating to Vehicles, Removal and Storage", 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 2016 shall be effective upon filing same with the Secretary of State, and BE IT FURTHER

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



#### **LOCAL LAW NO. 3 OF THE YEAR 2016**

#### **A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO VEHICLES, REMOVAL AND STORAGE**

Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles, Removal and

Storage" is amended as follows:

1. Subsection B. of Section 241-3.1, Emergency services, shall be amended to read as follows:

§241-3.1.B. Rental rates. Rental rates shall hereafter be established from time to time by Town Board resolution.

2. Subsection A. of Section 241-7, Annual license fee, shall be amended to read as follows:

A. Prior to approval or issuance of a letter of authorization, an authorized Town tower shall remit an annual license fee of \$2,500 to the Town.

3. Subsection L. of Section 241-9, Required minimum equipment, shall be amended to read as follows:

L. Authorized Town towers will equip a truck or their employees at their expense with a designated cellular telephone or other radio equipment, as specified by the Chief of Police.

4. Section 241-15, Fee schedule, shall be amended to read as follows:

§241-15. Authorized Town towers shall not charge more than the fees established by the Town Board by resolution from time to time.

5. Section 241-17 shall be amended to read as follows:

§241-17. Audits/receipts

An authorized Town tower shall provide copies of its receipts to the Police Department on a weekly basis. This will be accomplished by providing the Police Department with copies of these receipts no later than the end of business on Saturday of each week. These receipts shall reflect all towing work done for the Police Department during the previous week.

The Police Department shall conduct a monthly audit of receipts received by all authorized Town towers

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-224

### Award of Bid - Work Uniforms (Bid #2016-17)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of Work Uniforms for calendar year 2016, which bids were duly received and opened by the Office of the Town Clerk at a public bid opening on April 6, 2016, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing of Work Uniforms for calendar year 2016 is hereby awarded to the respective firms stated below having submitted the lowest bid meeting the requirements of the specifications for the unit prices for individual bid items as stated.

#### BID ITEM I

Dival Safety & Supplies  
1721 Niagara Street  
Buffalo, New York 14207

Item 1A	Work Pants (sizes up to 44)	\$15.50
Item 1B	Work Pants (sizes 46-50)	\$16.85
Item 1C	Work Pants (sizes 52-60)	\$18.75
Item 2A	Shirts (long sleeve, size small - 2X)	\$13.75
Item 2B	Shirts (long sleeve, size 3X)	\$14.85
Item 3A	Chambray Shirts (long sleeve, size small - 2X)	\$14.75
Item 3B	Chambray Shirts (long sleeve, size 3X)	\$15.85
Item 4A	Shirts (short sleeve, size small - 2X)	\$12.95
Item 4B	Shirts (short sleeve, sizes 3X - 5X)	\$14.30
Item 5A	Chambray Shirts (short sleeve, up to 17-1/2 )	\$12.95
Item 5B	Chambray Shirts (short sleeve, size 18 and up)	\$14.30
Item 6A	Coveralls (long sleeve, sizes 36-46, short - 2X long)	\$27.00
Item 6B	Coveralls (long sleeve, sizes 48-50, short - 3X long)	\$29.00

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Item 7A	Denim Jeans (sizes 28-44)	\$13.25
Item 7B	Denim Jeans (sizes 46-50)	\$14.50
Item 7C	Denim Jeans (sizes 52-56)	\$16.50
Item 8A	Bib Overalls (sizes up to 44)	\$22.00
Item 8B	Bib Overalls (sizes 46-50)	\$24.00
Item 8C	Bib Overalls (sizes 52-60)	\$26.00
Item 9A	Women's Work Pants (sizes 4-14)	\$14.50
Item 9B	Women's Work Pants (sizes 16-22)	\$15.50

**BID ITEM II**

## Dival Safety Equipment

Item 1A	High Visibility Jacket (sizes S-XL)	\$43.00
Item 1B	High Visibility Jacket (size 2XL)	\$43.00
Item 1C	High Visibility Jacket (size 3XL)	\$43.00
Item 1D	High Visibility Jacket (size 4XL)	\$43.00
Item 1E	High Visibility Jacket (size 5XL)	\$43.00
Item 1F	High Visibility Jacket (size 6XL)	\$43.00

**BID ITEM III**

## DiVal Safety Equipment

Item 1A	Hooded Pullover Sweatshirt (sizes S-XL)	\$13.27
Item 1B	Hooded Pullover Sweatshirt (size 2XL)	\$16.87
Item 1C	Hooded Pullover Sweatshirt (size 3XL)	\$19.97
Item 1D	Hooded Pullover Sweatshirt (size 4XL)	\$22.87
Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$18.75
Item 2B	Hooded Zipper Sweatshirt (size 2XL)	\$21.75
Item 2C	Hooded Zipper Sweatshirt (size 3XL)	\$22.95

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Item 2D	Hooded Zipper Sweatshirt (size 4XL)	\$24.50
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 8.45
Item 3B	Heavy Duty Sweatshirt (size 2XL)	\$11.35
Item 3C	Heavy Duty Sweatshirt (size 3XL)	\$12.95
Item 3D	Heavy Duty Sweatshirt (size 4XL)	\$14.95

**BID ITEM IV**

The Liberty Store  
5 East Genesee Street  
Auburn, New York 13021

Item 1A	Insulated Bib Overall (sizes 34-48)	\$54.62
Item 2A	Insulated Bib Overall (size 50)	\$56.62

**BID ITEM V**

The Liberty Store

Item 1A	Tee Shirts (sizes M-XL)	\$ 3.89
Item 1B	Tee Shirts (size 2XL)	\$ 6.07
Item 1C	Tee Shirt (size 3XL)	\$ 6.98
Item 1D	Tee Shirt (size 4/5XL)	\$ 6.98
Item 2A	Pocket Tee Shirt (size M-XL)	\$ 5.79
Item 2B	Pocket Tee Shirt (size 2XL)	\$ 6.99
Item 2C	Pocket Tee Shirt (size 3XL)	\$ 7.99
Item 2D	Pocket Tee Shirt (size 4/5XL)	\$ 7.99
Item 3A	Long Sleeve Tee Shirt (size M-XL)	\$ 6.99
Item 3B	Long Sleeve Tee Shirt (size 2XL)	\$ 9.05
Item 3C	Long Sleeve Tee Shirt (size 3XL)	\$ 9.05
Item 3D	Long Sleeve Tee Shirt (size 4/5 XL)	\$ 9.24
Item 4A	Long Sleeve Tee Shirt W/Pocket (size M-XL)	\$ 8.52

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Item 4B	Long Sleeve Tee Shirt W/Pocket (size 2XL)	\$10.52
Item 4C	Long Sleeve Tee Shirt W/Pocket (size 3XL)	\$11.52
Item 4D	Long Sleeve Tee Shirt W/Pocket (size 4/5XL)	\$11.92

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-225

### Award of Bid - Pool Maintenance Chemicals 2016 (2016-20)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on April 13, 2016 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	\$2.35 per lb.
Category II	Diatomaceous Earth-	\$ .45 per lb.
Category III	Sodium Bicarbonate	\$ .36 per lb.
Category IV	Soda Ash	\$ .35 per lb.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-226

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### **Notice to Bidders - Demolition with Asbestos Abatement of 67 A-D Windwood Place (BID 2016-21 LAW)**

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, it is in order that bids be advertised for the demolition and asbestos abatement of structures located at **67 A-D Windwood Place, Cheektowaga, New York**; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office with the assistance of Nussbaumer & Clarke, Inc.; NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID 2016-21 LAW ) for the demolition and asbestos abatement of structures located at **67 A-D Windwood Place, Cheektowaga, New York**, 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, MAY 11, 2016 at 11:00 A.M.**



#### **NOTICE TO BIDDERS**

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on **WEDNESDAY, MAY 11, 2016 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 **67 A-D WINDWOOD PLACE (BID 2016-21 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.

Vickie L. Dankowski  
Town Clerk

Dated: 18 April 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-227

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### Notice to Bidders - Roycroft Pump Station Storm Pump Improvements (Bid #2016-22)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, Nussbaumer & Clarke, Inc. has completed Construction Documents (detailed drawings and technical specifications) for the Roycroft Pump Station Storm Pump Improvements located at 489 Roycroft Boulevard, AND

WHEREAS, the completion of said Construction Documents enables the solicitation of competitive bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Roycroft Pump Station Storm Pump Improvements located at 489 Roycroft Boulevard, Cheektowaga, New York, said notice to be published in the CHEEKTOWAGA BEE and the BUFFALO NEWS, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 11th day of May, 2016 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

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 the 11th day of May, 2016. 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 Roycroft Pump Station Storm Pump Improvements and all related work, complete in place, tested, and ready for use in accordance with the contract documents, therefore, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk, and marked "Roycroft Pump Station Storm Pump Improvements".

The Contractor's name, title of the proposal and date and time of the opening shall be clearly marked on the outside of the envelope.

Each proposal shall be accompanied by a certified check or bid bond in the amount of five percent (5%) of the amount of the bid, and shall be in the form and subject to the

conditions provided for in the Instructions to Bidders.

Copies of the Drawings and Specifications and Contract Documents may be purchased at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 upon payment of a \$50.00 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 ten (10) days following the bid opening will be refunded the full amount of the deposit. Non-bidders will not be refunded. 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.

**BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.**

A pre-bid meeting will be held at 10:00 am on April 28, 2016 commencing at the Town of Cheektowaga Roycroft Pump Station, located at 489 Roycroft Boulevard, Cheektowaga, NY. Attendance at the pre-bid meeting is recommended, but is not mandatory.

The right to reject any and all bids, negotiate changes with the low bidder, 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: TOWN OF CHEEKTOWAGA

Vickie Dankowski, Town Clerk  
2016-22

DATED: April 18, 2016

PUBLISHED: April 21, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-228

### Call for Public Hearing - 35, 45 and 101 French Road Rezoning Request C- Retail Business and CM- General Commercial to M1- Light Manufacturing

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

WHEREAS, Benderson Development Co., LLC with the permission of the owner, First Berkshire Business Trust has made application and requested the rezoning of 35, 45 and 101 French Road from C-Retail Business and CM-General Commercial to M1-Light Manufacturing, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 2, 2016 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 May 2, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Benderson Development Co., LLC

for the rezoning of 35, 45 & 101 French Road from C- Retail Business and CM- General Commercial to M1-Light Manufacturing for the redevelopment of an existing retail plaza into a warehouse /office development. Such redevelopment will include the demolition of some existing retail buildings and the construction of two new warehouse buildings for a total building area of 371,679 square feet; for existing building area to be maintained and new building area to be constructed.

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

VICKIE L. DANKOWSKI, TOWN CLERK



All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, being parts of Lots 113 and 114, bounded and described as follows:

Commencing at the intersection of the south line of Lot 294 and the east line of Union Road being 66 foot wide;

Thence N 01° 39' 17" E along the east line of said Union Road a distance of 310.00 feet to the point of beginning;

Thence S 87° 52' 43"E, a distance of 200.00 feet;

Thence N01° 39' 17" E, a distance of 227.40 feet;

Thence S 87° 52' 43"E, a distance of 88.03 feet;

Thence N 02° 07' 17" E, a distance of 180.00 feet;

Thence N 87° 52' 43"W, a distance of 229.97 feet to the east line of Union Road as established by Map 17 R-2, Parcel 24 of the New York State Department of Public Works;

Thence along the aforesaid east line of Union Road N 13° 53' 32"E, a distance of 30.76 feet;

Thence continuing along the aforesaid east line of Union Road N 03° 57' 42" E, a distance of 173.56 feet;

Thence N 51° 50' 41" E, a distance of 204.80 feet;

Thence N 05° 54' 16" E, a distance of 248.30 to the southerly line of French Road as now laid out;

Thence N 55° 22' 01" E, and along said southerly line of French Road, a distance of 189.30 feet;

Thence N 49° 39' 56" E, and along said southerly line of French Road, a distance of 301.39 feet;

Thence N 55° 09' 17" E, and along said southerly line of French Road, a distance of 280.12 feet to the westerly line of lands now or formally Schafer Construction Inc. by deed filed in the Erie County Clerk's office in Liber 11136 at page 3678;

Thence S 21° 45' 18" E and along the said westerly line of Schafer Construction Inc., a distance of 122.39 feet to the southwesterly corner of said Schafer Construction Inc.;

Thence S 88° 15' 33"E and along the southerly line of said Schafer Construction Inc., a distance of 210.60 feet to the southeasterly corner of Schafer Construction Inc.;

Thence the following two courses and distances along the easterly line of Schafer Construction Inc.; N 01° 24' 18" E, a distance of 105.04 feet and N 31° 39' 15" W, a distance of 150.25 feet to the said southerly line of French Road;

Thence easterly along said French Road on a curve to the right with a radius of 1095.82 feet, an arc distance of 146.96 feet to the westerly line of now of formally Martin Bauchan by deed filed in the Erie County Clerk's office in Liber 10916 at page 4157;

Thence S 01° 34' 37" W and along said westerly line Martin Bauchan and Garden Village Apartments LP by deed filed in the Erie County Clerk's office in Liber 11075 at page 2031, a distance of 700.91 feet;

Thence S 88° 25' 23" E, and along said Garden Village Apartments LP a distance of 10.00 feet;

Thence S 01° 34' 37" W, and along the westerly line of said Garden Village Apartments LP and Burchfield Village Patio by deed filed in the Erie County Clerk's office in Liber 11060 at page 6459 a distance of 780.31 feet to the northeast corner of Union Square West Seneca by deed filed in the Erie County Clerk's office in Liber 11116 at page 2568;

Thence N 87° 52' 43" W and along the north line of said Union Square West Seneca and Garden Village Plaza LP by deed filed in the Erie County Clerk's office in Liber 10114 at page 18 a distance of 665.07 feet;

Thence S 46° 38' 46" W and along the southwesterly line of said Garden Village Plaza LP and others, a distance of 332.97 feet to the Northeast corner of Candice Lynn Castricone by deed filed in the Erie County Clerk's office in Liber 11009 at page 3028;

Thence N 87° 52' 43" W and along the north line of said Candice Lynn Castricone, a distance of 270.26 feet to the east line of Union Road being 66 feet wide;

Thence N 01° 39' 17" E and along the aforesaid east line of Union Road, a distance of 60.00 feet to the true point or place of beginning.

Containing 25.91 acres of land more or less.

EXCEPTING therefrom the following parcel of land:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town Cheektowaga, County of Erie and the State of New York, being parts of Lots 113 and 114, Town of Cheektowaga, Township 10, Range 7, bounded and described as follows:

Commencing at the intersection of the east line of Union Road as established by Map 17 R-2, Parcel 24 of the New York State Department of Public Works and the southerly line of an easement to the Erie County Water Authority by deed filed in the Erie County Clerk's office in Liber 7656 at page 606;

Thence N 40° 17' 56" E and along the southerly line of said Erie County Water Authority's easement, a distance of 207.81 feet to the point of beginning;

Thence N 40° 17' 56" E and continuing along the southerly line of said Erie County Water Authority's easement, a distance of 171.33 feet:

Thence S 49° 42' 04" E, a distance of 70.00 feet;

Thence S 40° 17' 56" W, a distance of 171.33 feet;

Thence N 49° 42' 04" W, a distance of 70.00 feet to the southerly line of said Erie County Water Authority's easement being the true point or place of beginning

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-229

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### Call for Public Hearing - 782 Aero Drive

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

WHEREAS, Alvin C. Hoddick, III has made application and requested the rezoning of 782 Aero Drive from M1- Light Manufacturing to MS- Motor Service, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 2, 2016 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 May 2, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Alvin C. Hoddick, III

for the rezoning of rezoning of 782 Aero Drive from M1- Light Manufacturing to MS- Motor Service to permit the construction of a 7,000 s.f. building addition to an existing lawful non conforming collision repair shop.

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

VICKIE L. DANKOWSKI, TOWN CLERK



All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the south line of lands conveyed by Joseph Foisset and Mary Foisset, his wife, to Albert Ryley by deed recorded on June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, said point being 801.95 feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, 68.07 feet to a point; running thence southerly 554.9 feet to the northerly line of Aero Drive, laid out as a highway 70 feet wide; thence in a southwesterly direction along said northerly line of Aero Drive, 70 feet to a point; thence northerly and parallel with the westerly line of Lot No. 77, a distance of 570.75 feet to the point or place of beginning, AND

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. 81, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the southerly line of lands conveyed to Albert Ryley by deed dated June 11, 1952, which deed was recorded in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, which point of beginning is the northeast corner of lands conveyed to Ronald Lipp and Carol Lipp his wife, by Mary Ylmar by deed recorded in said Clerk's Office in Liber 8851 of Deeds at Page 330 and which point of beginning is also the northwest corner of lands conveyed to Syracuse Supply Company by Paul M. Pfohl, Fidelis E. Pfohl, Joseph Pfohl and Richard Pfohl, doing business as Pfohl Enterprises by deed recorded in said Clerk's Office in Liber 7603 of Deeds at Page 93; running thence easterly and along the north lines of lands so conveyed to Syracuse Supply Company, 58.35 feet to a point, which point is the northeast corner of lands so conveyed to Syracuse Supply Company and which point is also the northwest corner of Parcel II of lands conveyed to Syracuse Supply Company by Sadie M. Moran by deed recorded in said Clerk's Office in Liber 7603 of Deeds at Page 85; continuing thence easterly and along the north line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 48.63 feet to the northeast corner of said Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran; thence southerly and along the east line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 529.99 feet to a point in the northerly line of Aero Drive; running thence westerly along the northerly line of Aero Drive and along the south lines of lands so conveyed to Syracuse Supply Company by Sadie M. Moran and by Paul M. Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl, 110 feet to point, which is the southeast corner of lands so conveyed to Ronald Lipp and Carol Lipp as aforesaid; running thence northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, 554.90 feet to the place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-230

### Authorize Supervisor to Execute Agreement for Pick-up of Brush Grindings, and Other Debris

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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 Highway 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-231

### Authorize Supervisor to Execute Grant Application for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the United States Department of Justice offers a Bulletproof Vest Partnership grant that pays a maximum of fifty percent (50%) of the cost to purchase National Institute of Justice Body armor for Cheektowaga Police Officers, AND

WHEREAS, the Cheektowaga Police Department Police Officers are required to wear bulletproof vests in the performance of their duties and must replace their vests every five (5) years, AND

WHEREAS, necessary matching funds will be provided with funds from the Cheektowaga Police Department's budget line #100-3120-2501; NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Police Department be and hereby is authorized and directed to complete the necessary application and forms to be submitted for the purpose of securing this grant, AND BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-232

## Authorize Supervisor to Sign Agreement with DiDonato Associates for Additional Services at the Town Ice Rink

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, at a Town Board meeting held on March 7, 2016, the contract for the Cheektowaga Town Ice Rink , Plant, Ice Rink Floor and Bleacher Replacement was awarded to five (5) separate prime contractors, AND

WHEREAS, DiDonato Associates, P.E., P.C., Project Architect, has submitted a proposal for full time project site representation and Special Inspection Testing (NYS Department of State, Division of Code Enforcement and Administration requirement), AND

WHEREAS, due to the complexity of this specialized project, the time sensitive requirements for project completion, and protection for potential liquidated damages, it is recommended that this proposal be accepted, NOW, THEREFORE, BE IT

RESOLVED, that the firm of DiDonato Associates, P.E., P.C., 689 Main Street, Buffalo, New York 14203 be retained for the provision of full time project site representation and special inspections testing throughout the duration of the project construction for the not to exceed sum of \$59,372.00 in accordance with the proposal dated April 4, 2016, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign an agreement with DiDonato Associates for the provision of full time project site representation and special inspection testing for the duration of this project for the not to exceed sum of \$59,372.00, which shall be chargeable to Account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-233

### Authorize Supervisor to Sign Agreement with Greenman-Pedersen, Inc.

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, as part of the operation and maintenance responsibilities associated with the Town's Consolidated Sanitary Sewer District Facilities, Town buildings, various town-wide infrastructure and major drainage systems, the Town must occasionally rely on engineering consultant technical assistance to resolve problems as they may occur, and has found it beneficial to conduct preventative maintenance inspections to insure efficient facilities operation, AND

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

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

WHEREAS, the engineering consulting firm of Greenman-Pedersen, Inc., has been found qualified to perform such services and their personnel have vast knowledge and experience in the operation of the Town's infrastructure, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for general technical services for calendar years 2016 through 2018, as submitted by the consulting firm of Greenman-Pedersen, Inc. and as recommended by the Town Engineer, is approved and accepted and subject to approval by the Town Attorney, AND, BE IT FURTHER

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

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with Greenman-Pedersen, Inc., 4950 Genesee Street, Cheektowaga, New York 14225.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 15. RESOLUTION 2016-234

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### Authorize Municipal Cooperation Agreement with Village of Sloan

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Village of Sloan requested that the Town of Cheektowaga Highway Department assist them in the paving of Boll Street 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 to pave Boll Street 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-235

### Establish Rental Rates and Fee Schedule for Towing of Vehicles

**Sponsored By:** Councilmember Rogowski, Councilmember Adamczyk

WHEREAS, by resolution dated April 18, 2016, this Town Board adopted Local Law No. 3 of the Year 2016, entitled "A Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage", and

WHEREAS, pursuant to said local law, Section 241-3.1.B of the Town Code was amended to provide that rental rates would be established from time to time by Town Board resolution, and

WHEREAS, Section 241-15 was also amended to provide that the Fee schedule (fees to be charged by authorized Town towers) would also be established by the Town Board by resolution from time to time, NOW, THEREFORE, BE IT

RESOLVED, that the rental rates to be established under Section 241-3.1.B. of the Town Code be and hereby are established as follows:

#### RENTAL RATES (to be paid by Town)

Wrecker/flatbed (incl operator) for vehicle up to 10,000 lbs	\$95/hr
Wrecker (incl operator) for vehicle 10,001-25,999 lbs	\$150/hr
Wrecker (incl operator) for vehicle 26,000-80,000 lbs	\$250/hr
Extra person on Wrecker	\$75/hr

, and BE IT FURTHER

RESOLVED, that the Fee schedule authorized pursuant to Section 241-15 of the Town Code be and hereby is established as follows:

#### A. PASSENGER VEHICLES & LIGHT TRUCKS (vehicles up to 10,000 lbs) [also to include motorcycles, snowmobiles, ATVs and other such motorized vehicles]:

Standard tow (dolly wheels, etc.) or flatbed service	\$132
Additional fees for labor, recovery and winching:	
- Truck with driver, ¼ hour increments	\$35
- Truck with driver (full hour)	\$132
- Administrative fee (letter fee)	\$30
- Storage (per 24-hr day)	\$35

#### B. MEDIUM DUTY TOW (10,001 – 25,999 lbs)

Hourly rate	\$195
Additional laborer(s) (hourly per person)	\$84

Storage (per 24-hour day)	\$60
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**C. HEAVY-DUTY TOW (26,000 lbs & Up)**

Hourly rate	\$295
Additional laborer(s) hourly per person	\$85
Storage (per v24-hr day)	\$60

**D. CLEAN UP DEBRIS FROM ROADWAY FOR ACCIDENTS**

Labor (per ½ hr)	\$25
Speedy dry/Dry-all (per bag)	\$9.95
Disposal of contaminated material (exceeding 3 bags)	20% above market price

**E. AFTER HOUR RELEASE**

Releasing after 5 p.m. weekdays or other than required Business hours on Saturday, Sunday & Holidays	\$72
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, and BE IT FURTHER

RESOLVED, that the above referenced rental rates and fee schedule shall be effective upon the filing of Local Law No. 3 of the Year 2016 with the Secretary of State.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-236

### Public Improvement Permit - Intersection Improvements at Nagel Drive and Walden Avenue (Wal-Mart Store, Inc.)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the Wal-Mart Store, Inc. has submitted plans and specifications, Public Improvement Permit Application, and permit fee for improvements to the intersection of Nagel Drive and Walden Avenue to add a turn lane in the southbound direction, AND

WHEREAS, the Town Engineer has reviewed the plans and specifications for the subject improvements and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the aforesaid intersection improvements, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,763.00 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-237

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### Retain Engineering Consultant for Wastewater Engineering Planning Grant Work

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded a \$80,000.00 Wastewater Engineering Planning Grant (#53713) through the New York State Environmental Facilities Corporation to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities, and

WHEREAS, the Town has received a proposal from Nussbaumer & Clarke, Inc. to perform work under the grant at a cost of \$80,000.00 for sanitary sewer metering and the preparation of Pre- and Post- Construction studies for this project; and the Town's match for this grant will be for in-house inspections for illegal sewer connections, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute said proposal on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-238

### Retain Engineering Consultant to Assist Town with Sanitary Sewer Overflow

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, in order to formulate a long term plan for the elimination of sanitary sewer wet weather overflows as mandated under NYSDEC Order on Consent No. R9-20050317-12, and revised Schedule A dated December 22, 2014, the Town of Cheektowaga previously retained the firm of Nussbaumer & Clarke, Inc. to assist the Town, AND

WHEREAS, the current agreement with Nussbaumer & Clarke, Inc. to assist the Town with the elimination of sanitary sewer wet weather overflows and NYSDEC Order on Consent related work expires April 30, 2016, AND

WHEREAS, the Town Engineer and Town Attorney solicited qualifications based proposals from five engineering consultants to provide professional engineering services relating to the NYSDEC Order on Consent for the Abatement of Sanitary Sewer Overflows, and reviewed said submittals, AND

WHEREAS, based on the qualifications and wage rates provided in their proposal dated April 4, 2016, the Town Engineer has recommended that this Town Board retain Nussbaumer & Clarke, Inc. to perform said services, NOW, THEREFORE, BE IT

RESOLVED, subject to review and approval of the Proposal for Professional Services prepared by Nussbaumer & Clarke, Inc., this Town Board hereby retains Nussbaumer & Clarke, Inc. to perform said services for the period of May 1, 2016 through December 31, 2016 at an initial cost not to exceed \$45,000.00, excluding grant related work, without further Town Board authorization, and, BE IT FURTHER

RESOLVED, that the Town reserves the right to extend the agreement for the period of January 1, 2017 through December 31, 2017, using the 2017 wage rates provided in the referenced proposal, at an initial cost not to exceed \$150,000.00, excluding grant related work, without further Town Board authorization, and, BE IT FURTHER

RESOLVED, that, upon approval of the aforesaid proposal by the Town Attorney and Town Engineer, the Supervisor be and hereby is authorized and directed to execute said proposal on behalf of the Town of Cheektowaga, and, BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item number 255-8125-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 20. RESOLUTION 2016-239

### Approve Cultural Group Funding for Cheektowaga Community Symphony Orchestra, Cheektowaga Patriotic Commission and Cheektowaga Garden Club

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town, in its 2016 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 2015 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	\$18,000.00
Cheektowaga Patriotic Commission	\$20,500.00
Cheektowaga Garden Club	\$625.00

And BE IT FURTHER

RESOLVED that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2016 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-240

### SPECIAL EVENT - "Walk for Water"

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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, Xylem, Inc. has made application to hold its "Walk for Water" on Wednesday, May 18th, 2016 beginning at 11:30 a.m. and ending at 1:30 p.m. along the Town's Bike Path from the entrance at St. Felix to Stradtman Avenue, and

WHEREAS, this Board has reviewed the aforementioned application, which has been approved by the Facilities Department, Police Department, Highway 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: 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 Xylem, Inc. for their "Walk for Water" event to be held on Wednesday, May 18th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-241

### **SPECIAL EVENT - Cheektowaga Girls Fastpitch Softball Parade**

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 League has made application to hold a parade on Saturday, May 21, 2016 from 11:00 a.m. to approximately 12:00 p.m., said parade to begin at Lions Pavilion in Cheektowaga Town Park, proceed to park entrance at Central Boulevard, to Harlem Road, to Greenleaf Lane and back to the Lions Pavilion, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, Highway Department and the Facilities Department, and has no objection to same; and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Requirement that application be made at least 60 days prior to the date of the special event;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the Cheektowaga Girls Fastpitch Softball League for the aforementioned parade, to be held on Saturday, May 21, 2016 ; BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-242

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### Youth & Recreation Termination

**Sponsored By:** Councilmember Kaminski, 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:

Jared Bulinski

1/11/16

14206

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-243

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### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Crossing Guard \$10.00/hour effective 4/1/16  
Gary H. Sieckarek, Cheektowaga, NY

POLICE DEPARTMENT Police Attendant \$17.35/hour effective 4/19/16  
Matthew J. Hockwater, Cheektowaga, NY

ASSESSOR'S OFFICE Clerk \$9.00/hour effective 4/19/16  
Patricia D. Lemmo, Cheektowaga, NY

POLICE DEPARTMENT Dog Control Officer \$10.75/hour effective 4/19/16  
Trevor J. Krzemien, Cheektowaga, NY

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 \$9.25/hour effective 5/2/16  
Justin L. Struzik, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$9.25/hour effective 4/19/16  
Gregory L. Merritt, Cheektowaga, NY  
Richard E. Anderson, Cheektowaga, NY  
Marc P. Beang, Cheektowaga, NY  
Andrew P. Babcock, Cheektowaga, NY  
Andrew J. Miller, Cheektowaga, NY  
Nicolas E. Krawczyk, Cheektowaga, NY  
Nicholas A Ruberto, Jr., Cheektowaga, NY

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

SANITATION DEPARTMENT  
Gaylon A. Snyder effective 3/19/16

ASSESSOR'S DEPARTMENT  
Annette K. Rogers effective 1/10/16

POLICE DEPARTMENT  
Shaun R. Turner effective 3/19/16

OFFICE OF THE TOWN ATTORNEY  
Patricia A. Wiles effective 5/13/15

Motion by Councilmember Meyers; Seconded by Councilmember Rogowski to waive the reading of names for this resolution. Motion Carried.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Diane Benczkowski, Supervisor  
**SECONDER:**       Timothy J. Meyers, Councilmember  
**AYES:**            Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



**25. RESOLUTION 2016-244**

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**Creation of Six (6) Assistant Code Enforcement Officers Part Time (Non-Competitive)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that this Town Board hereby create six (6) part-time Assistant Code Enforcement Officers pursuant to Civil Service Laws and Rules effective April 19, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-245

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### Appointment of Library Board Member

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**Sponsored By:** Councilmember Rogowski, Councilmember Kaminski

WHEREAS, Phyllis O'Donnell resigned from her position as Member of the Cheektowaga Public Library Board, and

WHEREAS, Angela M. Yates of Cheektowaga has expressed an interest in serving on the Cheektowaga Library Board, and

WHEREAS, the Cheektowaga Library Board of Trustees has recommended that Angela M. Yates be appointed as member of the Cheektowaga Library Board, NOW, THEREFORE, BE IT

RESOLVED, that Angela M. Yates, 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, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-246

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### Travel Authorization Housing and Preservation

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**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Fire Marshals and Inspectors Seminar is being held October 18, 2016 through October 21, 2016 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Joseph Ehnes been recommended to attend said seminar; 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 \$343.16; 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 Marshals and Inspectors Seminar being held October 18, 2016 through October 21, 2016 in Montour Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-247

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### Travel Authorization Youth and Recreational Services

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**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Association of New York State Youth Bureaus and Boards Directors' Training and Annual Conference is being held May 4, 2016 through May 5, 2016 in Saratoga Springs, New York; AND

WHEREAS, Program Coordinator (Youth) Jillian Gorman-King 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 \$100; AND

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

RESOLVED, that Program Coordinator (Youth) Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus and Boards Directors' Training and Annual Conference being held May 4, 2016 through May 5, 2016 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-248

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Navigator 2016 is being held April 27, 2016 through April 29, 2016 in Washington, D.C; AND

WHEREAS, Public Safety Dispatchers John Czapla and Brian Rogowski 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 \$2,778.92; AND

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

RESOLVED, that Public Safety Dispatchers John Czapla and Brian Rogowski be and hereby are authorized to attend Navigator 2016 being held April 27, 2016 through April 29, 2016 in Washington, D.C.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 30. RESOLUTION 2016-249

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## Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the FBINAA Conference 2016 is being held July 23, 2016 through July 26, 2016; AND

WHEREAS, Lieutenants Thomas Gerace and Brian Gould 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 \$3,371.90; AND

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

RESOLVED, that Lieutenants Thomas Gerace and Brian Gould be and hereby are authorized to attend the being held the FBINAA Conference 2016 is being held July 23, 2016 through July 26, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 31. RESOLUTION 2016-250

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Security Assessment Seminar is being held May 9, 2016 through May 13, 2016 in Louisville, Kentucky; AND

WHEREAS, Lieutenant Brian Coons and Sergeant Lawrence Bauer 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 \$2,645.55; AND

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

RESOLVED, that Lieutenant Brian Coons and Sergeant Lawrence Bauer be and hereby are authorized to attend a Security Assessment Seminar being held May 9, 2016 through May 13, 2016 in Louisville, Kentucky.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 32. RESOLUTION 2016-251

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Background Investigations for Police Applicants seminar is being held May 5, 2016 through May 6, 2016 in Greece, New York; AND

WHEREAS, Lieutenant Patrick Chludzinski, Sergeant James Patterson, and Police Officers Jose Domenech, Brian Wesoloski, and Troy Blackchief 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 \$1,883.26; AND

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

RESOLVED, that Lieutenant Patrick Chludzinski, Sergeant James Patterson, and Police Officers Jose Domenech, Brian Wesoloski, and Troy Blackchief be and hereby are authorized to attend a Background Investigations for Police Applicants seminar being held May 5, 2016 through May 6, 2016 in Greece, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 33. RESOLUTION 2016-252

## Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the NHTSA Region 2 Child Passenger Safety Technical Conference is being held May 10, 2016 through May 12, 2016 in Lake Placid, New York; AND

WHEREAS, Police Officers Paul Nazzarett and Scott Scharlau 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 \$943; AND

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

RESOLVED, that Police Officers Paul Nazzarett and Scott Scharlau be and hereby are authorized to attend the NHTSA Region 2 Child Passenger Safety Technical Conference being held May 10, 2016 through May 12, 2016 in Lake Placid, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Hammer; Seconded by Councilmember Meyers to waive the Rules to Include the Following four (4) Resolutions: 2016-253; 2016-254; 2016-255 and 2016-256. Motion Carried.
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## 1. RESOLUTION 2016-253

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### Adopt Local Law No. 4 of the Year 2016 - A Local Law to Amend the Taxicabs Law

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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, subsequent amendments have been made to said law since its adoption; and

WHEREAS, the Town Clerk and Police Department have recommended that the Taxicab Law be further amended; and

WHEREAS, a draft of such amendment was prepared by the Town Attorney; and

WHEREAS, a public hearing was held on the 18th day of April, 2016 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 Taxicabs Law of the Town of Cheektowaga"; and

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

RESOLVED, that Local Law No. 4, which is set forth herein, be and same is hereby enacted; and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2016 shall be effective upon filing same with the Secretary of State; and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy in her office and one (1) certified copy with the State of New York.



#### LOCAL LAW NO. 4 OF THE YEAR 2016

#### A LOCAL LAW TO AMEND THE TAXICABS LAW

**1. Section 223-4.A. of the Town Code ("Taxicabs Law") shall be amended to read as follows:**

- A. It shall be unlawful for any owner, driver or employee of any taxicab and/or livery to transport persons 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>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-254

### Authorize Supervisor to Execute Grant Application for Police

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Walmart Foundation Community Grant offers financial support for programs that benefit the youth of Cheektowaga, AND

WHEREAS, the Cheektowaga Police Department conducts the Do the Right Thing Program, which recognizes and honors Cheektowaga youth who have been nominated by their school teachers and other community members for performing exemplary actions in our Town, AND

WHEREAS, the Walmart Foundation Community Grant wishes to award one thousand dollars (\$1,000.00) to the Cheektowaga Police Department's Do the Right Thing Program, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Police Department be and hereby is authorized and directed to complete the necessary application and forms to be submitted for the purpose of securing this grant, AND BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-255

## Award of Bid - 2016 Contract Grass Cutting for Privately-Owned Properties in the Town of Cheektowaga (BID 2016-15)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, in order to enforce New York State and Local Property Maintenance Codes, the Town of Cheektowaga Office of Neighborhood Preservation has been requested to procure grass cutting and trimming, removal of the accumulated debris on various privately-owned parcels in the Town of Cheektowaga (Bid 2016-15); and

WHEREAS, in accordance with the Procurement Policy of the Town of Cheektowaga, the Office of Neighborhood Preservation issued a Notice to Bidders for Furnishing Equipment and Operators for Grass Cutting and Related Landscape Services for Various Properties in the Town of Cheektowaga for the 2016; and

WHEREAS, responses to said bid request were referred to the Director of Community Development and Town Attorney for analysis, tabulation and report; and

WHEREAS, based on the proposals submitted, the Director of Community Development has recommended that this Town Board award the contract for Furnishing Equipment and Operators for Grass Cutting and Related Landscape Services for Various Properties in the Town of Cheektowaga for 2016 to Double Diamond Removal Services, 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 Grass Cutting and Trimming, Removal of the Accumulated Debris on Select Parcels in the Town of Cheektowaga for the Calendar Year 2016 be awarded to Double Diamond Removal Services, Inc., 237 Cass Avenue, Cheektowaga, New York, 14206, for the prices listed in its proposal, said amount being the lowest responsible bid meeting the requirements of the specifications for said services; and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-256

### Appointment of Civil Officer

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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 a civil officer 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 resolution, appointed Frank Krisnosky, as a civil officer of the Town of Cheektowaga, for a term expiring December 31, 2016; and

WHEREAS, Mr. Krisnosky has informed the Town that, effective April 30, 2016, he will no longer be able to act as a civil officer; and

WHEREAS, Michael Shea, 2467 Seneca Street, West Seneca, New York 14210, has the requisite knowledge and experience from serving as such in other localities, and is desirous of filling the unexpired term of Frank Krisnosky; NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to the authority granted by Town Law Section 20(1)(a), Michael Shea, 2467 Seneca Street, West Seneca, New York, be and hereby is appointed as civil officer of the Town, possessing all the powers of a constable in civil actions and proceedings only, for the unexpired term Frank Krisnosky, said term to expire on December 31, 2016; and BE IT FURTHER

RESOLVED, that said Civil Officer shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XII. Communications**

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

1. Supervisor's Statement of Funds - February 2016
2. Building Permit List - January 2016
3. Quarterly Report - Town of Cheektowaga Emergency Services - January to March 2016

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

1. Notice of Claim: Susan & Louis DeMaioribus vs. Town of Cheektowaga
2. Notice of Claim: Service Master of WNY vs. Town of Cheektowaga
3. Order to Show Cause: Mark Wegner vs. Town of Cheektowaga
4. Summons: JPMorgan Chase Bank, NA vs. Nannette Brown, The Town of Cheektowaga & Etal Premises: 91 Reo Avenue
5. Summons: HSBC Bank USA, NA vs. Janeen Roscoe, The Town of Cheektowaga & Etal Premises: 99 Jackson Avenue
6. Summons: HSBC Bank USA, NA vs. Michelle V. Brown-Stevenson, Town of Cheektowaga & Etal Premises: 1570 Kensington Avenue
7. Summons: US Bank Trust, NA vs. Michael J. Nowak, The Town of Cheektowaga Justice Court & Etal Premises: 203 Culver Rd., Buffalo

## **XIII. Comments**

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

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

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

## **XIV. Adjournment**

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

Vickie L. Dankowski, Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, May 2, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on May 2, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Kerry Peek, Senior Services Director  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent

### V. Recognition

May 1 - May 7, 2016 recognized as Municipal Clerk's Week

### VI. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Meyers to approve the minutes. Motion Carried.

## VII. Public Comment Period

### VIII. Public Hearings

#### 1. Rezoning of 35, 45 and 101 French Road C- Retail Business and CM- General Commercial to M1- Light Manufacturing

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:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

#### 2. Rezoning of- 782 Aero Drive - from M1 District to MS District

COMMENTS - Current Meeting:

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

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

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Presentation

## X. Resolutions



## 1. RESOLUTION 2016-257

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM:	100.1420.1901	Regular Payroll	\$2,195.00
	100.1420.1971	PT Regular	6,893.00
	100.1910.4711	Contingency	7,327.00
	100.7140.1971.1633	PT Regular	1,026.00
	100.7140.1971.1636	PT Regular	444.00
	100.7140.1971.1639	PT Regular	880.00
	100.7140.1971.1648	PT Regular	1,048.00
	100.7140.4464	Pre-K Expense	1,118.00
	100.7140.1971.1815	PT Regular	568.00
	100.7140.1971.1646	PT Regular	20.00
	10.7180.1971.1902	PT Regular	613.00
	100.7310.1902	Overtime Payroll	1,020.00
	100.7310.1971.1801	PT Regular	1,202.00
	100.7310.1971.1804	PT Regular	1,077.00
	100.1415.3500	State Aid Archive	10,675.00
	100.1010.1901	Regular Payroll	3,600.00
	100.1110.1971	PT Regular	36,820.00
	100.1110.4592	Contracted Clerical	10,940.00
	100.1220.4001	Office Supplies	2,539.00
	100.1320.4145	Professional Services	11,680.00
	100.1355.1951	Seasonal Regular	9,300.00
	100.1355.1902	Overtime Payroll	360.00
	100.1410.1971	PT Regular	1,629.00
	100.1420.1971	PT Regular	1,096.00
	100.1440.1901	Regular Payroll	67,133.00
	100.1440.1902	Overtime Payroll	3,041.00
	100.1440.1931	Vacation Sellback	1,009.00
	100.1440.1932	Sick Sellback	1,748.00
	100.1440.4042	Maps Engineering	1,500.00
	100.1440.4325	Copy Machine Supplies	1,473.00
	100.1355.4575	Contracted Appraisals	90,436.00
	100.1625.1901	Regular Payroll	5,452.00
	100.1640.1901	Regular Payroll	856.00
	100.1410.1971	PT Regular	801.00
	100.1680.1901	Regular Payroll	4,099.00
	100.1910.4711	Contingency	26,847.00
	100.1685.1902	Overtime Payroll	3,195.00
	100.1685.1917	Clothing Allowance	16.00
	100.3020.1914	Shift Differential	1,801.00
	100.3020.4029	Supplies	1,396.00
	100.3020.4093	Training & Conferences	5,142.00
	100.3120.1902	Overtime Payroll	205,385.00
	100.3120.1907	Court Time	19,454.00

	100.3120.1908	Training	72,830.00
	100.3120.1931	Vacation Sellback	13,016.00
	100.3510.1902	Overtime Payroll	1,432.00
	100.7110.1951	Seasonal Regular	31,771.00
	100.7140.1971.1614	PT Regular	9140.00
	100.7140.4500	Supplies & Equipment	2,574.00
	100.7310.1971.1814	PT Regular	3,329.00
	100.7620.1971	PT Regular	5,151.00
	100.9010.8101	Employees Retirement	125,663.00
	100.9501.9211	Bond Interest Transfer	545,855.00
	100.9010.8111	Police Retirement	558,655.00
	100.7140.1971.1630	PT Regular	6,129.00
	100.7140.1971.1627	PT Regular	163.00
TO:	100.1420.4501	Contracted Legal Services	\$16,415.00
	100.7140.1971.1611	PT Regular	1,143.00
	100.7140.1971.1632	PT Regular	157.00
	100.7140.1971.1640	PT Regular	197.00
	100.7140.1971.1645	PT Regular	550.00
	100.7140.1971.1654	PT Regular	132.00
	100.7140.1971.1664	PT Regular	2,926.00
	100.7180.1971.1903	PT Regular	612.00
	100.7310.1971.1803	PT Regular	3,299.00
	100.1415.1971	PT Regular	10,675.00
	100.1010.1990	Other Pay	3,600.00
	100.1110.1901	Regular Payroll	32,740.00
	100.1110.1902	Overtime Payroll	14,424.00
	100.1110.1932	Sick Sellback	596.00
	100.1220.1911	Longevity	950.00
	100.1220.1931	Vacation Sellback	454.00
	100.1220.1932	Sick Sellback	1,135.00
	100.1315.1901	Regular Payroll	1,336.00
	100.1315.1902	Overtime Payroll	9,153.00
	100.1315.1931	Vacation Sellback	114.00
	100.1315.1932	Sick Sellback	1,077.00
	100.1355.1901	Regular Payroll	1,059.00
	100.1355.1917	Clothing Allowance	125.00
	100.1355.1932	Sick Sellback	27.00
	100.1355.1971	PT Regular	8,448.00
	100.1355.5882	Special District Allocation	1.00
	100.1410.1901	Regular Payroll	1,629.00
	100.1420.1931	Vacation Sellback	1,096.00
	100.1440.4594	P.I.P. Consultants Eng.	166,338.00
	100.1440.5882	Special District Allocation	2.00
	100.1625.1931	Vacation Sellback	1.00
	100.1625.1951	Seasonal Regular	5,451.00
	100.1640.1911	Longevity	700.00
	100.1640.1971	PT Regular	156.00
	100.1670.1901	Regular Payroll	784.00
	100.1670.1932	Sick Sellback	17.00
	100.1680.1902	Overtime Payroll	14,131.00
	100.1680.1914	Shift Differential	136.00
	100.1680.4146	Outsourcing Services	14,107.00
	100.1680.4202	Telephone	275.00

100.1680.4204	Communications	366.00
100.1680.4207	GPS Services	204.00
100.1680.4431	Equipment Maintenance	1,727.00
100.1685.1901	Regular Payroll	1,377.00
100.1685.1911	Longevity	150.00
100.1685.1931	Vacation Sellback	1,674.00
100.1685.4001	Office Supplies	10.00
100.3020.1901	Regular Payroll	74,829.00
100.3020.1908	Training	4,011.00
100.3020.1911	Longevity	7,475.00
100.3020.1932	Sick Sellback	8,412.00
100.3020.4203	Cellular Phones	25,902.00
100.3120.1901	Regular Payroll	95,821.00
100.3120.1911	Longevity	11,850.00
100.3120.1914	Shift Differential	2,312.00
100.3120.1918	Education	1,600.00
100.3120.1932	Sick Sellback	6,520.00
100.3120.4321	Data Processing	3,330.00
100.3310.1901	Regular Payroll	3,223.00
100.3310.1932	Sick Sellback	996.00
100.3310.1951	Seasonal Regular	7,798.00
100.3310.2303	Over the Road Vehicles	64,945.00
100.3510.1901	Regular Payroll	414.00
100.3510.1932	Sick Sellback	1,018.00
100.7110.1901	Regular Payroll	14,604.00
100.7110.1902	Overtime Payroll	15,235.00
100.7110.1911	Longevity	920.00
100.7110.1914	Shift Differential	137.00
100.7110.1932	Sick Sellback	875.00
100.7140.1901	Regular Payroll	5,874.00
100.7140.1902	Overtime Payroll	113.00
100.7140.1932	Sick Sellback	19.00
100.7180.2055	Pool	12,000.00
100.7310.1901	Regular Payroll	3,232.00
100.7310.1932	Sick Sellback	97.00
100.7620.1901	Regular Payroll	4,068.00
100.7620.1914	Shift Differential	5.00
100.7620.1932	Sick Sellback	1,078.00
100.9010.5995	Allocated Fringes	81,615.00
100.9010.8143	Retirees Medical Insurance	36,027.00
100.9499.1901	Regular Payroll	2,723.00
100.9499.1931	Vacation Sellback	4,651.00
100.9499.1971	PT Regular	647.00
100.9501.9131	Bond Principle Transfer	1,104,510.00

## SPECIAL DISTRICTS

FROM:	150.8160.1902	Overtime Payroll	\$28,251.00
	150.8160.1951	Seasonal Regular	9,905.00
	150.8160.4160	Diesel Fuel	3,880.00
	150.8160.8975	Retirement Buyout	28,846.00
	255.8125.4353	Erie County Sewer District 4	34,560.00
	255.8135.1902	Overtime Payroll	15,208.00
	255.8135.8101	Employee Retirement	7,013.00
	255.8125.1901	Regular Payroll	250.00

	255.8135.1951	Seasonal Payroll	969.00
TO:	150.8160.1901	Regular Payroll	\$28,343.00
	150.8160.1932	Sick Sellback	68.00
	150.8160.1971	PT Regular	13,625.00
	150.8160.8101	Employee Retirement	12,681.00
	150.8160.8143	Retiree Medical Insurance	16,165.00
	255.8125.4581	Consulting Fees	12,364.00
	255.8125.8121	Social Security	2,705.00
	255.8125.8975	Retirement Buyout	19,491.00
	255.8135.1901	Regular Payroll	5,723.00
	255.8135.1932	Sick Sellback	1,112.00
	255.8135.8143	Retiree Medical insurance	11,993.00
	255.9010.8975	Retirement Buyout	3,393.00
	255.8125.8141	Medical Insurance	250.00
	255.8135.1914	Shift Differential	969.00
HIGHWAY			
FROM:	300.5141.1917	Clothing Allowance	\$4,175.00
	300.5141.1951	Seasonal Regular	19,379.00
TO:	300.5141.1902	Overtime Payroll	\$7,370.00
	300.5141.1911	Longevity	2,890.00
	300.5141.1932	Sick Sellback	1,847.00
	300.5141.1971	PT Regular	8,346.00
	300.9010.8121	Social Security	3,101.00
PART TOWN			
FROM:	800.3620.1901	Regular Payroll	\$45,299.00
TO:	800.3620.1902	Overtime Payroll	\$31,727.00
	800.3620.2201	Office Equipment	771.00
	800.9010.8143	Retiree Medical Insurance	12,801.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-258

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### Transfer of Funds-2016

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM: 100.1680.4202 Townwide Telephone \$25,000.00

TO: 100.1680.4206 Internet \$25,000.00

**SPECIAL DISTRICTS**

FROM: 255.1910.2665 Sale of Equipment \$34,250.00

TO: 255.8125.2550 Over the Road Vehicles \$34,250.00

**CDBG**

FROM: 700.1012.0602 Clearance/Demolition \$75.78

TO: 700.1013.0603 Environmental Hazard Testing \$75.78

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-259

## Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 2, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$4,549,877.65
RISK RETENTION FUND	1,282,134.91
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	8,800.00
SPECIAL DISTRICTS FUND	1,554,606.63
HIGHWAY FUND	546,470.20
CAPITAL FUND	552,143.23
TRUST & AGENCY FUND	3,742.75
HUD CDBG FUND	17,255.11
PART TOWN FUND	143,065.43
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$8,658,095.91

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-260

### Amend Resolution 2016-224 - Award of Bid - Work Uniforms

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by Town Board Resolution #2016-224, dated April 18, 2016, the Town Board awarded the bid for the purchase of work uniforms for Town employees to two bidders, namely; Dival Safety & Supplies and The Liberty Store, AND

WHEREAS, after said award of bid the Engineering Department was notified that one of the bidders did not meet the requirements of the specification on two of the items that they were awarded, AND

WHEREAS, after further review by the Town Attorney it has been decided that it is in the best interest of the Town to award the bid for Bid Item No. III, Items 2A to 2D and Items 3A to 3D to the second lowest bidder who met the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that Bid Item No. III, Items 2A to 2D and 3A to 3D are hereby awarded to The Liberty Store, 5 East Genesee Street, Auburn, New York 13021 for the unit prices as stated:

Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$20.89
Item 2B	Hooded Zipper Sweatshirt (size 2XL)	22.89
Item 2C	Hooded Zipper Sweatshirt (size 3XL)	26.89
Item 2D	Hooded Zipper Sweatshirt (size 4XL)	27.89
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 9.99
Item 3B	Heavy Duty Sweatshirt (size 2XL)	13.64
Item 3C	Heavy Duty Sweatshirt (size 3XL)	13.95
Item 3D	Heavy Duty Sweatshirt (size 4XL)	14.85

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-261

### **Award of Bid - 2016 Cab & Chassis with Refuse Packer Body (Bid 2016-18)**

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body for the Town's Sanitation Department, which bids were duly received and opened at a public bid opening conducted on April 6, 2016, 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 report to the Town Board, AND

WHEREAS, said report recommends that the bid for the furnishing of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body be awarded to Fleet Maintenance Inc. for their bid proposal utilizing a Freightliner Model No. 114SD Conventional Cab & Chassis with a McNeilus Refuse Body, said bid being the lowest bid meeting all the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing of one (1) 2016 Conventional Cab & Chassis with Refuse Packer Body is hereby awarded to:

Fleet Maintenance Inc.  
67 Ransier Drive  
West Seneca, New York 14224

for their bid in the amount of \$212,689.00, AND, BE IT FURTHER

RESOLVED, that funding for said vehicle purchase shall be chargeable to Account No: 150-8160-2306.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-262

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### Award Summer Camp Busing 2016

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**Sponsored By:** Councilmember Kaminski, 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 2016 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 \$9,795.00 for the Department of Youth & Recreational Services' day camp programs to:

--Fisher Bus Service  
5175 Southwestern Blvd.  
Hamburg, New York 14075

Line Item Nos.: 7140.4517  
7140.4518

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-263

### Approval of Change Order No. 1 - Equipment & Operators for Public Works Projects

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the contract for Equipment and Operators for Public Works Projects, based on hourly rates for certain pieces of equipment, was awarded by Town Board Resolution dated March 7, 2016 to C.M.H. Company, Inc., 12704 North Road, Alden, New York 14004, AND

WHEREAS, the Town has received a Violation Notice from the New York State Department of Environmental Conservation for an illegal discharge at the Sewer Maintenance Garage, AND

WHEREAS, the Town Engineer has recommended that C.M.H. Company, Inc., under the aforesaid contract, perform the work necessary to correct the aforementioned illegal discharge, AND

WHEREAS, materials will be purchased separately under County Contract, AND

WHEREAS, the additional cost to perform this work is estimated at \$34,900.00 beyond the original scope of the project as further detailed in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for Equipment and Operators for Public Works Projects in the amount of \$34,900.00, as an addition to the original contract for the aforementioned Public Works Project, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be appropriated from a budget line from the Director of Finance, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said Change Order No. 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-264

### Approval of Technology Upgrades to Town Owned and Maintained Sanitary Sewer Pump Stations

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga has nine (9) sanitary sewer pump stations throughout the Town-wide sanitary sewer district, AND

WHEREAS, all pumps and control equipment in the aforementioned stations are Flygt Products, AND

WHEREAS, in 2004 the Town had Xylem Water Solutions USA, Inc. install a radio telemetry based software system called Aquaview, which supports Flygt Products, in our pump stations, AND

WHEREAS, the purpose of the Aquaview software was to remotely communicate information back to our Sewer Maintenance Department to better manage and service the equipment at these stations, AND

WHEREAS, the Aquaview Software is now outdated and will no longer be able to be upgraded and serviced after 2017, AND

WHEREAS, the Town is in need to upgrade the nine (9) pump stations to a Flygt Cloud based SCADA Software System, AND

WHEREAS, Xylem Water Solutions USA, Inc. submitted a quote to the Town to upgrade to the Flygt Cloud based SCADA System in the amount of \$109,601.60, AND

WHEREAS, Xylem Water Solutions USA, Inc. is a sole source company to offer technology support for Flygt Products in New York State and has submitted the proper paperwork to the Town to support such, NOW, THEREFORE, BE IT

RESOLVED, that Xylem Water Solutions USA, Inc., 600 Mile Crossing Boulevard, Suite 3, Rochester, New York 14624 be approved to install said software upgrades for the quoted price of \$109,601.60, AND, BE IT FURTHER

RESOLVED, that funding for said upgrade work shall be appropriated from a budget line from the Director of Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 9. RESOLUTION 2016-265

### Authorize Municipal Cooperation Agreement with Village of Depew

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, Keicher Road is a public highway located in both the Town of Cheektowaga and the Village of Depew, AND

WHEREAS, the Town of Cheektowaga has designated the Town portion of Keicher Road for resurfacing in the spring of 2016, AND

WHEREAS, the Village of Depew requested that the Town of Cheektowaga Highway Department assist them in the paving the portion of Keicher Road 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 Depew to pave Keicher Road 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-266

### **SPECIAL EVENT - War of 1812 Commemoration Ceremony**

**Sponsored By:** Councilmember Rogowski, Councilmember Kaminski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the War of 1812 Cemetery Committee has made application to hold its War of 1812 Cemetery Commemoration Ceremony on Sunday, June 12th, 2016 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 Committee for the aforementioned Ceremony to be held on Sunday, June 12th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-267

### **SPECIAL EVENT - Volunteer Firefighters Recognition Day**

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event; and

WHEREAS, Councilmember Christine Adamczyk has made application to hold the annual Firefighters Recognition Day in the Town of Cheektowaga on Sunday, June 26th, 2016; 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 Christine Adamczyk for the aforementioned annual Firefighters Recognition Day in the Town of Cheektowaga to be held on Sunday, June 26, 2016, at Cheektowaga Town Park from dawn to dusk; and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign vendor contracts with respect to equipment rental for said Volunteer Firefighters Recognition Day.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-268

### Clean-Up Debris/109 Ivanhoe Road

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

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 109 Ivanhoe Road, Cheektowaga, New York SBL# 90.68-3-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Bella Roses Building Management, Inc. 2527 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 109 Ivanhoe Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 13. RESOLUTION 2016-269

### Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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 Attendant – 7140.1636 - \$9.00 – Regular Part-time

Eric Wilson 14043

Recreation Aide – 7140.1640 - \$9.00 – Part-time

Donovan Boshier 14043

Austin Dzimian 14225

Recreation Attendant – 7140.1613 - \$9.25 – Regular Part-time

Kayla Green 14225

Recreation Attendant – 7140.1646 - \$9.25 – Regular Part-time

Andrew Meyerhofer 14225

Samantha Wayne 14227

Recreation Instructor – 7140.1646 - \$10.00 – Seasonal

Joshua Strzelec 14211

Recreation Instructor – 7140.1636 – \$10.00 – Seasonal

Andrew Deeds 14211

Motion by Councilmember Rogowski, seconded by Councilmember Kaminski to waive the reading of names for the following (2) two resolutions: 2016-269, 2016-270. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-270

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### Hiring/Termination of Part-Time/Seasonal Employees

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

INFORMATION TECHNOLOGY and RECORDS MANAGEMENT Clerk \$9.25/hour effective 5/3/16

Krysta M. Siwek, 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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour effective 5/3/16

Joshua P. Kaier, Cheektowaga, New York

Samuel J. Khoury, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.25/hour effective 5/3/16

Brandon A. Day, Cheektowaga, New York

Randy J. Walker, Cheektowaga, New York

Noah A. McGhee, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$9.00/hour effective 5/23/16

Sean F. Ross, Cheektowaga, New York

Paul A. Nazzarett, Cheektowaga, New York

Kobe J. Walenka, Cheektowaga, New York

Eric R. Cartenuto, Cheektowaga, New York

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

COMMUNITY DEVELOPMENT

Diane M. Farugia effective 12/4/12

POLICE DEPARTMENT

Charlene L. Fedyna effective 4/22/16

BE IT RESOLVED, that the following name be corrected as follows:

POLICE DEPARTMENT Crossing Guard \$10.00/hour effective 4/1/16  
From Gary H. Sieckarek to Gary H. Sieczkarek, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-271

### Travel Authorization Senior Services

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the New York State Office for the Aging 2016 Senior Citizens' Day is being held May 10, 2016 in Albany, New York; AND

WHEREAS, Senior Services Director Kerry Peek has been invited to attend said event; AND

WHEREAS, Senior Services Director Kerry Peek has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$205; AND

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

RESOLVED, that Senior Services Director Kerry Peek be and hereby is authorized to attend the New York State Office for the Aging 2016 Senior Citizens' Day being held May 10, 2016 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Hammer; Seconded by Councilmember Rogowski to waive the Rules to Include the Following Resolution: 2016-272. Motion Carried.
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## 1. RESOLUTION 2016-272

### Extend Agreement for Pre-Hospital (Ambulance) Emergency Services

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town's Agreement for Pre-Hospital Emergency Services with Rural/Metro Corporation d/b/a/ Rural Metro Medical Services expired on December 31, 2015; and

WHEREAS, by Resolution 2015-689, adopted December 21, 2015, this Town Board extended said Agreement for a term of six (6) months, to and including June 30, 2016, pending the negotiation of an updated Agreement; and

WHEREAS, there is a need to again extend said Agreement pending further negotiations; NOW, THEREFORE, BE IT

RESOLVED, that the Town's Agreement with Rural/Metro /Corporation d/b/a Rural Metro Medical Services for Pre-Hospital Emergency Services be and hereby is further extended on its same terms and conditions for a period of six (6) months, commencing July 1, 2016 and expiring on December 31, 2016; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amendment to the existing Agreement with Rural/Metro Corporation d/b/a/ Rural Metro Medical Services, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. **Supervisor's Statement of Funds - March 2016**
2. **Minutes: Cheektowaga Planning Board - April 14, 2016**
3. **Minutes: Cheektowaga Traffic Safety Commission - March 15, 2016**
4. **Minutes: Cheektowaga Conservation Advisory Council - April 7, 2016**

***B. General Communications***

1. Notice of Claim: Glenn Burge vs. Town of Cheektowaga
2. Summons: Ditech Financial LLC FKA Green Tree Servicing LLC, vs. Dawn Rousseau, Town of Cheektowaga & Etal Premises: 70 Euclid Avenue, Cheektowaga
3. Summons and Complaint: Lucia Marinaccio, Individually and as Parent and NG of HD, an infant vs. Town of Cheektowaga

**XIII. Comments**

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

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

***C. Public Comments***

**XIV. Adjournment**

Motion by Councilmemeber Rogowski, Seconded by Councilmember Kaminski to adjourn the meeting at 8:15 PM.

Vickie L. Dankowski, Town Clerk



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-257**

**Transfer of Funds-2015**

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

GENERAL

FROM:	100.1420.1901	Regular Payroll	\$2,195.00
	100.1420.1971	PT Regular	6,893.00
	100.1910.4711	Contingency	7,327.00
	100.7140.1971.1633	PT Regular	1,026.00
	100.7140.1971.1636	PT Regular	444.00
	100.7140.1971.1639	PT Regular	880.00
	100.7140.1971.1648	PT Regular	1,048.00
	100.7140.4464	Pre-K Expense	1,118.00
	100.7140.1971.1815	PT Regular	568.00
	100.7140.1971.1646	PT Regular	20.00
	10.7180.1971.1902	PT Regular	613.00
	100.7310.1902	Overtime Payroll	1,020.00
	100.7310.1971.1801	PT Regular	1,202.00
	100.7310.1971.1804	PT Regular	1,077.00
	100.1415.3500	State Aid Archive	10,675.00
	100.1010.1901	Regular Payroll	3,600.00
	100.1110.1971	PT Regular	36,820.00
	100.1110.4592	Contracted Clerical	10,940.00
	100.1220.4001	Office Supplies	2,539.00
	100.1320.4145	Professional Services	11,680.00
	100.1355.1951	Seasonal Regular	9,300.00
	100.1355.1902	Overtime Payroll	360.00
	100.1410.1971	PT Regular	1,629.00
	100.1420.1971	PT Regular	1,096.00
	100.1440.1901	Regular Payroll	67,133.00
	100.1440.1902	Overtime Payroll	3,041.00
	100.1440.1931	Vacation Sellback	1,009.00
	100.1440.1932	Sick Sellback	1,748.00
	100.1440.4042	Maps Engineering	1,500.00
	100.1440.4325	Copy Machine Supplies	1,473.00
	100.1355.4575	Contracted Appraisals	90,436.00
	100.1625.1901	Regular Payroll	5,452.00
	100.1640.1901	Regular Payroll	856.00
	100.1410.1971	PT Regular	801.00
	100.1680.1901	Regular Payroll	4,099.00
	100.1910.4711	Contingency	26,847.00
	100.1685.1902	Overtime Payroll	3,195.00
	100.1685.1917	Clothing Allowance	16.00
	100.3020.1914	Shift Differential	1,801.00
	100.3020.4029	Supplies	1,396.00
	100.3020.4093	Training & Conferences	5,142.00
	100.3120.1902	Overtime Payroll	205,385.00

	100.3120.1907	Court Time	19,454.00
	100.3120.1908	Training	72,830.00
	100.3120.1931	Vacation Sellback	13,016.00
	100.3510.1902	Overtime Payroll	1,432.00
	100.7110.1951	Seasonal Regular	31,771.00
	100.7140.1971.1614	PT Regular	9140.00
	100.7140.4500	Supplies & Equipment	2,574.00
	100.7310.1971.1814	PT Regular	3,329.00
	100.7620.1971	PT Regular	5,151.00
	100.9010.8101	Employees Retirement	125,663.00
	100.9501.9211	Bond Interest Transfer	545,855.00
	100.9010.8111	Police Retirement	558,655.00
	100.7140.1971.1630	PT Regular	6,129.00
	100.7140.1971.1627	PT Regular	163.00
TO:	100.1420.4501	Contracted Legal Services	\$16,415.00
	100.7140.1971.1611	PT Regular	1,143.00
	100.7140.1971.1632	PT Regular	157.00
	100.7140.1971.1640	PT Regular	197.00
	100.7140.1971.1645	PT Regular	550.00
	100.7140.1971.1654	PT Regular	132.00
	100.7140.1971.1664	PT Regular	2,926.00
	100.7180.1971.1903	PT Regular	612.00
	100.7310.1971.1803	PT Regular	3,299.00
	100.1415.1971	PT Regular	10,675.00
	100.1010.1990	Other Pay	3,600.00
	100.1110.1901	Regular Payroll	32,740.00
	100.1110.1902	Overtime Payroll	14,424.00
	100.1110.1932	Sick Sellback	596.00
	100.1220.1911	Longevity	950.00
	100.1220.1931	Vacation Sellback	454.00
	100.1220.1932	Sick Sellback	1,135.00
	100.1315.1901	Regular Payroll	1,336.00
	100.1315.1902	Overtime Payroll	9,153.00
	100.1315.1931	Vacation Sellback	114.00
	100.1315.1932	Sick Sellback	1,077.00
	100.1355.1901	Regular Payroll	1,059.00
	100.1355.1917	Clothing Allowance	125.00
	100.1355.1932	Sick Sellback	27.00
	100.1355.1971	PT Regular	8,448.00
	100.1355.5882	Special District Allocation	1.00
	100.1410.1901	Regular Payroll	1,629.00
	100.1420.1931	Vacation Sellback	1,096.00
	100.1440.4594	P.I.P. Consultants Eng.	166,338.00
	100.1440.5882	Special District Allocation	2.00
	100.1625.1931	Vacation Sellback	1.00
	100.1625.1951	Seasonal Regular	5,451.00
	100.1640.1911	Longevity	700.00

100.1640.1971	PT Regular	156.00
100.1670.1901	Regular Payroll	784.00
100.1670.1932	Sick Sellback	17.00
100.1680.1902	Overtime Payroll	14,131.00
100.1680.1914	Shift Differential	136.00
100.1680.4146	Outsourcing Services	14,107.00
100.1680.4202	Telephone	275.00
100.1680.4204	Communications	366.00
100.1680.4207	GPS Services	204.00
100.1680.4431	Equipment Maintenance	1,727.00
100.1685.1901	Regular Payroll	1,377.00
100.1685.1911	Longevity	150.00
100.1685.1931	Vacation Sellback	1,674.00
100.1685.4001	Office Supplies	10.00
100.3020.1901	Regular Payroll	74,829.00
100.3020.1908	Training	4,011.00
100.3020.1911	Longevity	7,475.00
100.3020.1932	Sick Sellback	8,412.00
100.3020.4203	Cellular Phones	25,902.00
100.3120.1901	Regular Payroll	95,821.00
100.3120.1911	Longevity	11,850.00
100.3120.1914	Shift Differential	2,312.00
100.3120.1918	Education	1,600.00
100.3120.1932	Sick Sellback	6,520.00
100.3120.4321	Data Processing	3,330.00
100.3310.1901	Regular Payroll	3,223.00
100.3310.1932	Sick Sellback	996.00
100.3310.1951	Seasonal Regular	7,798.00
100.3310.2303	Over the Road Vehicles	64,945.00
100.3510.1901	Regular Payroll	414.00
100.3510.1932	Sick Sellback	1,018.00
100.7110.1901	Regular Payroll	14,604.00
100.7110.1902	Overtime Payroll	15,235.00
100.7110.1911	Longevity	920.00
100.7110.1914	Shift Differential	137.00
100.7110.1932	Sick Sellback	875.00
100.7140.1901	Regular Payroll	5,874.00
100.7140.1902	Overtime Payroll	113.00
100.7140.1932	Sick Sellback	19.00
100.7180.2055	Pool	12,000.00
100.7310.1901	Regular Payroll	3,232.00
100.7310.1932	Sick Sellback	97.00
100.7620.1901	Regular Payroll	4,068.00
100.7620.1914	Shift Differential	5.00
100.7620.1932	Sick Sellback	1,078.00
100.9010.5995	Allocated Fringes	81,615.00
100.9010.8143	Retirees Medical Insurance	36,027.00
100.9499.1901	Regular Payroll	2,723.00

	100.9499.1931	Vacation Sellback	4,651.00
	100.9499.1971	PT Regular	647.00
	100.9501.9131	Bond Principle Transfer	1,104,510.00
<b>SPECIAL DISTRICTS</b>			
FROM:	150.8160.1902	Overtime Payroll	\$28,251.00
	150.8160.1951	Seasonal Regular	9,905.00
	150.8160.4160	Diesel Fuel	3,880.00
	150.8160.8975	Retirement Buyout	28,846.00
	255.8125.4353	Erie County Sewer District 4	34,560.00
	255.8135.1902	Overtime Payroll	15,208.00
	255.8135.8101	Employee Retirement	7,013.00
	255.8125.1901	Regular Payroll	250.00
	255.8135.1951	Seasonal Payroll	969.00
TO:	150.8160.1901	Regular Payroll	\$28,343.00
	150.8160.1932	Sick Sellback	68.00
	150.8160.1971	PT Regular	13,625.00
	150.8160.8101	Employee Retirement	12,681.00
	150.8160.8143	Retiree Medical Insurance	16,165.00
	255.8125.4581	Consulting Fees	12,364.00
	255.8125.8121	Social Security	2,705.00
	255.8125.8975	Retirement Buyout	19,491.00
	255.8135.1901	Regular Payroll	5,723.00
	255.8135.1932	Sick Sellback	1,112.00
	255.8135.8143	Retiree Medical insurance	11,993.00
	255.9010.8975	Retirement Buyout	3,393.00
	255.8125.8141	Medical Insurance	250.00
	255.8135.1914	Shift Differential	969.00
<b>HIGHWAY</b>			
FROM:	300.5141.1917	Clothing Allowance	\$4,175.00
	300.5141.1951	Seasonal Regular	19,379.00
TO:	300.5141.1902	Overtime Payroll	\$7,370.00
	300.5141.1911	Longevity	2,890.00
	300.5141.1932	Sick Sellback	1,847.00
	300.5141.1971	PT Regular	8,346.00
	300.9010.8121	Social Security	3,101.00
<b>PART TOWN</b>			
FROM:	800.3620.1901	Regular Payroll	\$45,299.00
TO:	800.3620.1902	Overtime Payroll	\$31,727.00
	800.3620.2201	Office Equipment	771.00
	800.9010.8143	Retiree Medical Insurance	12,801.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 2, 2016,  
and that the same is a correct and true transcript of such original  
resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Thursday, May, 5, 2016.

(Seal)

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-258**

**Transfer of Funds-2016**

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

**GENERAL**

FROM: 100.1680.4202 Townwide Telephone \$25,000.00

TO: 100.1680.4206 Internet \$25,000.00

**SPECIAL DISTRICTS**

FROM: 255.1910.2665 Sale of Equipment \$34,250.00

TO: 255.8125.2550 Over the Road Vehicles \$34,250.00

**CDBG**

FROM: 700.1012.0602 Clearance/Demolition \$75.78

TO: 700.1013.0603 Environmental Hazard Testing \$75.78

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

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in said *County of Erie*, on Monday, May, 2, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 5, 2016.

(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-259**

**Warrant**

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 2, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$4,549,877.65
RISK RETENTION FUND	1,282,134.91
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	8,800.00
SPECIAL DISTRICTS FUND	1,554,606.63
HIGHWAY FUND	546,470.20
CAPITAL FUND	552,143.23
TRUST & AGENCY FUND	3,742.75
HUD CDBG FUND	17,255.11
PART TOWN FUND	143,065.43
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$8,658,095.91

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 2, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 5, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-260**

**Amend Resolution 2016-224 - Award of Bid - Work Uniforms**

WHEREAS, by Town Board Resolution #2016-224, dated April 18, 2016, the Town Board awarded the bid for the purchase of work uniforms for Town employees to two bidders, namely; Dival Safety & Supplies and The Liberty Store, AND

WHEREAS, after said award of bid the Engineering Department was notified that one of the bidders did not meet the requirements of the specification on two of the items that they were awarded, AND

WHEREAS, after further review by the Town Attorney it has been decided that it is in the best interest of the Town to award the bid for Bid Item No. III, Items 2A to 2D and Items 3A to 3D to the second lowest bidder who met the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that Bid Item No. III, Items 2A to 2D and 3A to 3D are hereby awarded to The Liberty Store, 5 East Genesee Street, Auburn, New York 13021 for the unit prices as stated:

Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$20.89
Item 2B	Hooded Zipper Sweatshirt (size 2XL)	22.89
Item 2C	Hooded Zipper Sweatshirt (size 3XL)	26.89
Item 2D	Hooded Zipper Sweatshirt (size 4XL)	27.89
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 9.99
Item 3B	Heavy Duty Sweatshirt (size 2XL)	13.64
Item 3C	Heavy Duty Sweatshirt (size 3XL)	13.95
Item 3D	Heavy Duty Sweatshirt (size 4XL)	14.85

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

SS:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 2, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 5, 2016.

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Meyers

**RESOLUTION 2016-261**

**Award of Bid - 2016 Cab & Chassis with Refuse Packer Body  
(Bid 2016-18)**

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body for the Town's Sanitation Department, which bids were duly received and opened at a public bid opening conducted on April 6, 2016, 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 report to the Town Board, AND

WHEREAS, said report recommends that the bid for the furnishing of one (1) new and unused 2016 Conventional Cab & Chassis with Refuse Packer Body be awarded to Fleet Maintenance Inc. for their bid proposal utilizing a Freightliner Model No. 114SD Conventional Cab & Chassis with a McNeilus Refuse Body, said bid being the lowest bid meeting all the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing of one (1) 2016 Conventional Cab & Chassis with Refuse Packer Body is hereby awarded to:

Fleet Maintenance Inc.  
67 Ransier Drive  
West Seneca, New York 14224

for their bid in the amount of \$212,689.00, AND, BE IT FURTHER

RESOLVED, that funding for said vehicle purchase shall be chargeable to Account No: 150-8160-2306.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
 Erie County  
 Office Of The Clerk Of The  
 Town of Cheektowaga

(Seal)

SS:

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*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
 Town on Thursday, May, 5, 2016.

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-262**

**Award Summer Camp Busing 2016**

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 2016 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 \$9,795.00 for the Department of Youth & Recreational Services' day camp programs to:

--Fisher Bus Service  
5175 Southwestern Blvd.  
Hamburg, New York 14075

Line Item Nos.: 7140.4517  
7140.4518

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-263**

## Approval of Change Order No. 1 - Equipment & Operators for Public Works Projects

WHEREAS, the contract for Equipment and Operators for Public Works Projects, based on hourly rates for certain pieces of equipment, was awarded by Town Board Resolution dated March 7, 2016 to C.M.H. Company, Inc., 12704 North Road, Alden, New York 14004, AND

WHEREAS, the Town has received a Violation Notice from the New York State Department of Environmental Conservation for an illegal discharge at the Sewer Maintenance Garage, AND

WHEREAS, the Town Engineer has recommended that C.M.H. Company, Inc., under the aforesaid contract, perform the work necessary to correct the aforementioned illegal discharge, AND

WHEREAS, materials will be purchased separately under County Contract, AND

WHEREAS, the additional cost to perform this work is estimated at \$34,900.00 beyond the original scope of the project as further detailed in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for Equipment and Operators for Public Works Projects in the amount of \$34,900.00, as an addition to the original contract for the aforementioned Public Works Project, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be appropriated from a budget line from the Director of Finance, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said Change Order No. 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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Office Of The Clerk Of The  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-264**

## Approval of Technology Upgrades to Town Owned and Maintained Sanitary Sewer Pump Stations

WHEREAS, the Town of Cheektowaga has nine (9) sanitary sewer pump stations throughout the Town-wide sanitary sewer district, AND

WHEREAS, all pumps and control equipment in the aforementioned stations are Flygt Products, AND

WHEREAS, in 2004 the Town had Xylem Water Solutions USA, Inc. install a radio telemetry based software system called Aquaview, which supports Flygt Products, in our pump stations, AND

WHEREAS, the purpose of the Aquaview software was to remotely communicate information back to our Sewer Maintenance Department to better manage and service the equipment at these stations, AND

WHEREAS, the Aquaview Software is now outdated and will no longer be able to be upgraded and serviced after 2017, AND

WHEREAS, the Town is in need to upgrade the nine (9) pump stations to a Flygt Cloud based SCADA Software System, AND

WHEREAS, Xylem Water Solutions USA, Inc. submitted a quote to the Town to upgrade to the Flygt Cloud based SCADA System in the amount of \$109,601.60, AND

WHEREAS, Xylem Water Solutions USA, Inc. is a sole source company to offer technology support for Flygt Products in New York State and has submitted the proper paperwork to the Town to support such, NOW, THEREFORE, BE IT

RESOLVED, that Xylem Water Solutions USA, Inc., 600 Mile Crossing Boulevard, Suite 3, Rochester, New York 14624 be approved to install said software upgrades for the quoted price of \$109,601.60, AND, BE IT FURTHER

RESOLVED, that funding for said upgrade work shall be appropriated from a budget line from the Director of Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-265**

## Authorize Municipal Cooperation Agreement with Village of Depew

WHEREAS, Keicher Road is a public highway located in both the Town of Cheektowaga and the Village of Depew, AND

WHEREAS, the Town of Cheektowaga has designated the Town portion of Keicher Road for resurfacing in the spring of 2016, AND

WHEREAS, the Village of Depew requested that the Town of Cheektowaga Highway Department assist them in the paving the portion of Keicher Road 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 Depew to pave Keicher Road 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Rogowski, Councilmember Kaminski

**RESOLUTION 2016-266**

**SPECIAL EVENT - War of 1812 Commemoration Ceremony**

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 Committee has made application to hold its War of 1812 Cemetery Commemoration Ceremony on Sunday, June 12th, 2016 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 Committee for the aforementioned Ceremony to be held on Sunday, June 12th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Councilmember Kaminski

**RESOLUTION 2016-267**

**SPECIAL EVENT - Volunteer Firefighters Recognition Day**

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 Christine Adamczyk has made application to hold the annual Firefighters Recognition Day in the Town of Cheektowaga on Sunday, June 26th, 2016; 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 Christine Adamczyk for the aforementioned annual Firefighters Recognition Day in the Town of Cheektowaga to be held on Sunday, June 26, 2016, at Cheektowaga Town Park from dawn to dusk; and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign vendor contracts with respect to equipment rental for said Volunteer Firefighters Recognition Day.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Supervisor Benczkowski

**RESOLUTION 2016-268**

**Clean-Up Debris/109 Ivanhoe Road**

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 109 Ivanhoe Road, Cheektowaga, New York SBL# 90.68-3-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Bella Roses Building Management, Inc. 2527 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 109 Ivanhoe Road, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-269**

**Youth & Recreation Hiring**

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 Attendant – 7140.1636 - \$9.00 – Regular Part-time

Eric Wilson 14043

Recreation Aide – 7140.1640 - \$9.00 – Part-time

Donovan Boshier 14043

Austin Dzimian 14225

Recreation Attendant – 7140.1613 - \$9.25 – Regular Part-time

Kayla Green 14225

Recreation Attendant – 7140.1646 - \$9.25 – Regular Part-time

Andrew Meyerhofer 14225

Samantha Wayne 14227

Recreation Instructor – 7140.1646 - \$10.00 – Seasonal

Joshua Strzelec 14211

Recreation Instructor – 7140.1636 – \$10.00 – Seasonal

Andrew Deeds 14211

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-270**

## Hiring/Termination of Part-Time/Seasonal Employees

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:

INFORMATION TECHNOLOGY and RECORDS MANAGEMENT Clerk \$9.25/hour effective 5/3/16  
Krysta M. Siwek, 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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour effective 5/3/16  
Joshua P. Kaier, Cheektowaga, New York  
Samuel J. Khoury, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.25/hour effective 5/3/16  
Brandon A. Day, Cheektowaga, New York  
Randy J. Walker, Cheektowaga, New York  
Noah A. McGhee, Cheektowaga, New York

SEWER MAINTENANCE Laborer \$9.00/hour effective 5/23/16  
Sean F. Ross, Cheektowaga, New York  
Paul A. Nazzarett, Cheektowaga, New York  
Kobe J. Walenka, Cheektowaga, New York  
Eric R. Cartenuto, Cheektowaga, New York

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

COMMUNITY DEVELOPMENT  
Diane M. Farugia effective 12/4/12

POLICE DEPARTMENT  
Charlene L. Fedyna effective 4/22/16

BE IT RESOLVED, that the following name be corrected as follows:

POLICE DEPARTMENT Crossing Guard \$10.00/hour effective 4/1/16  
From Gary H. Sieckarek to Gary H. Sieczkarek, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Supervisor Benczkowski

**RESOLUTION 2016-271**

**Travel Authorization Senior Services**

WHEREAS, the New York State Office for the Aging 2016 Senior Citizens' Day is being held May 10, 2016 in Albany, New York; AND

WHEREAS, Senior Services Director Kerry Peek has been invited to attend said event; AND

WHEREAS, Senior Services Director Kerry Peek has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$205; AND

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

RESOLVED, that Senior Services Director Kerry Peek be and hereby is authorized to attend the New York State Office for the Aging 2016 Senior Citizens' Day being held May 10, 2016 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/02/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-272**

## Extend Agreement for Pre-Hospital (Ambulance) Emergency Services

WHEREAS, the Town's Agreement for Pre-Hospital Emergency Services with Rural/Metro Corporation d/b/a/ Rural Metro Medical Services expired on December 31, 2015; and

WHEREAS, by Resolution 2015-689, adopted December 21, 2015, this Town Board extended said Agreement for a term of six (6) months, to and including June 30, 2016, pending the negotiation of an updated Agreement; and

WHEREAS, there is a need to again extend said Agreement pending further negotiations; NOW, THEREFORE, BE IT

RESOLVED, that the Town's Agreement with Rural/Metro /Corporation d/b/a Rural Metro Medical Services for Pre-Hospital Emergency Services be and hereby is further extended on its same terms and conditions for a period of six (6) months, commencing July 1, 2016 and expiring on December 31, 2016; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amendment to the existing Agreement with Rural/Metro Corporation d/b/a/ Rural Metro Medical Services, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 2, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 5, 2016.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, May 16, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on May 16, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
Kevin Schenk, Town Attorney

### V. Recognition

Kevin Schenk, Town Attorney, was recognized for his many years of service to the Town of Cheektowaga.

### VI. Approve Minutes

Motion by Councilmember Adamczyk; Seconded by Councilmember Rogowski to approve the minutes. Motion Carried.

## **VII. Public Comment Period**

## **VIII. Public Hearings**

## **IX. Presentation**

Recreation Center named in Honor of Kenneth J. Meyers, in recognition of his many years of service to the Town of Cheektowaga and our community.

## **X. Resolutions**



## 1. RESOLUTION 2016-273

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.3120.1931	Vacation Sellback	\$54,565.00
	100.3120.1936	Holiday Sellback	23,795.00
	100.9010.1111	Police Retirement	120,000.00
	100.9010.8101	Employee Retirement	300,449.00
TO:	100.3120.1901	Regular Payroll	\$433,952.00
	100.3120.1902	Overtime Payroll	38,481.00
	100.3120.1907	Court Time	21,841.00
	100.3120.4908	Training	4,535.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-274

### Transfer of Funds-2016

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

CDBG			
FROM:	700.1014.0600	Housing Rehab.-Single Family	\$1,388.72
	700.1014.0600	Housing Rehab.-Single Family	15,000.00
TO:	700.1013.0603	Environmental Hazard Testing	\$1,388.72
	700.1014.0603	Environmental Hazard Testing	15,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-275

#### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 16, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$240,574.82
RISK RETENTION FUND	73,341.42
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	51,273.00
SPECIAL DISTRICTS FUND	260,754.13
HIGHWAY FUND	41,711.81
CAPITAL FUND	760,936.54
TRUST & AGENCY FUND	14,489.68
HUD CDBG FUND	2,318.43
PART TOWN FUND	3,726.96
NYS AFFORDABLE HOUSING	3,858.00
	<hr/>
	\$1,452,984.79

Warrant amended to show Board did not approve payment to Fair and Impartial Policing, LLC for training. Voucher number 160565 for the amount of \$16,251.13 was deducted from Trust and Agency Fund.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-276

### Amend Award of Summer Camp Busing

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED, that the following resolution information be amended as follows(original resolution #2016-262):

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 2016 summer camp programs, AND

WHEREAS, proposals were received for the provision of said bus transportation services, AND

WHEREAS, Fisher Bus Service has submitted the lowest responsible quotation for the provision of bus transportation services, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the contract for the provision of bus transportation at a cost of \$9,795.00 for the Department of Youth & Recreational Services' day camp programs to:

--Fisher Bus Service  
5175 Southwestern Blvd.  
Hamburg, New York 14075

Line Item Nos.: 7140.4517  
7140.4518

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-277

### Award of Bid - Town Wide Tree Removal (Bid #2016-19)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, as a result of advertisement, bids were received on April 20, 2016 for Town Wide Tree Removal in the Town of Cheektowaga, AND

WHEREAS, four (4) bids were received and referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Town Wide Tree Removal in the Town of Cheektowaga be awarded to:

Schneck's Tree Removal, Inc.  
2861 Southwestern Boulevard  
Orchard Park, New York 14127

for submission of the lowest bid meeting the specifications in the amount of \$88,825.00, AND, BE IT FURTHER

RESOLVED, that funding for said Town Wide Tree Removal shall be appropriated from a budget line from the Director of Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-278

### Award of Bid - Roycroft Pump Station Storm Pump Improvements (Bid #2016-22)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Roycroft Pump Station Storm Pump Improvements located at 489 Roycroft Boulevard, which bids were duly received and opened on May 11, 2016, AND

WHEREAS, three (3) bids were received and referred to the Town Engineer for analysis and tabulation, NOW THEREFORE, BE IT

RESOLVED, that the contract for the Roycroft Pump Station Storm Pump Improvements be awarded to:

STC Construction Inc.  
63 Zoar Valley Road  
Springville, New York 14141

for the total bid price with Alternates 1 and 2 of \$352,400.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the funding for said improvements shall be chargeable to Account No: 500.1440.4438.5531.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-279

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### Order Calling for Public Hearing to Install Curbing Along Clover Place

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a written petition dated May 10, 2016, 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 Clover Place (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. 17, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows: Clover Place, both sides, from the east side of Pinehurst Avenue to the southwest corner of 4016 Union Road (on the north side of Clover Place) and the northwest corner of 244 Clover Place (on the south side of Clover 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 Clover Place described above, and

WHEREAS, said petition has been signed by the owners of real estate fronting or abutting upon both sides of the portion of Clover Place 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 \$126,487.92, 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 June 2016 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 Clover Place, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-280

### SEQR Determination for Winston Ave. Culvert Replacement

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

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are Type II actions and are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has proposed the replacement of an existing drainage culvert near Winston Avenue east of Vegola Avenue, AND

WHEREAS, the existing twin 36 Inch diameter pipe culvert will be replaced with a new 3'x6' precast concrete box culvert, AND

WHEREAS, after careful consideration and review of the proposed actions proposed to be taken by the Town of Cheektowaga for the above referenced project, the Town Board, in consultation with representatives from various Town departments, hereby determines that said project is a Type II action under SEQR based on the following criteria in 6 NYCRR Section 617.5(c):

- (1) The project involves the replacement, rehabilitation of a structure in kind ;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed Winston Avenue Culvert Replacement Project is a Type II action in accordance with 6 NYCRR Section 617.5(c)( 2) and is therefore not subject to review under 6 NYCRR Part 617.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-281

### Negative SEQR Declaration - 510 Ellicott Road

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

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

WHEREAS, an application was submitted by Tommaso Briatico, Architect for Bruce Hora, land owner for the construction of a 5,000 s.f. building addition to an existing warehouse/storage building at 510 Ellicott Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 14, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-282

### Negative SEQR Declaration - 3733-3755 Union Road LA Fitness

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

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

WHEREAS, an application was submitted by Michael Delisanti, Architect for LA Fitness, for the demolition of 42,700 s.f. of vacant retail space and the construction of a new 37,080 s.f. health club at 3733-3755 Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 14, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-283

### Accept Site Plan-510 Ellicott Road

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

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, Tommaso Bratico, Architect on behalf of Bruce Hora, land owner submitted a development review application for an amendment to a previously approved site plan for a building addition to an existing warehouse/storage building at 510 Ellicott Road, AND

WHEREAS, on January 20, 2015 this Town Board approved a site plan for a 3,000 s.f. building addition for which the building addition was not constructed, AND

WHEREAS, the applicant desires to modify his project by increasing the size of the proposed building addition to 5,000 s.f in area, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the application at their meeting of April 14, 2015 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/approving the grading/drainage plan.
2. The Town Planner reviewing /approving a photometric plan for any new exterior lighting.

Attachments:  
revised site plan 2016.A1.2 (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 12. RESOLUTION 2016-284

### Accept Site Plan- 3733-3755 Union Road LA Fitness

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

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, Michael Delisanti, Architect on behalf of LA Fitness /DLC Management Corp. Submitted a development review application for the re-development of retail space within an existing retail plaza at 3733-3755 Union Road, AND

WHEREAS, the applicant desires to demolish 42,700 s.f. of vacant retail space and construct a new 37,080 s.f. health club, AND

WHEREAS, the land owner, DLC Management Corp has agreed to permit perpetual vehicular access along its neighboring westerly property line with 3729 Union Road, as shown on the attached correspondence, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the application at their meeting of April 14, 2015 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 applicant finalizing its vehicular access easement with its neighbor at 3729 Union Road.

Attachments:

15040A SP-1.0 Site Render (PDF)

Agreement for Vehicular Access to and from 3729 Union Road (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





13. RESOLUTION 2016-285

Notice to Bidders - Manhole Rehabilitation (Bid #2016-23)

Sponsored By: Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for Sanitary Sewer Manhole Rehabilitation in 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 Sanitary Sewer Manhole Rehabilitation in the Town of Cheektowaga, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 8th day of June, 2016 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 8, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for Sanitary Sewer Manhole Rehabilitation in the Town of Cheektowaga.

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 Sanitary Sewer Manhole Rehabilitation" 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.

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

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

Vickie L. Dankowski  
Town Clerk

DATED: May 16, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-286

### Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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.

Name	Expiration Date
Abbott, Kari L	1/31/2019
Ames, Bryan L	9/30/2018
Atkinson, Joseph A	1/31/2018
Battaglia, Stephen D	2/28/2017
Beverly, Faith	1/31/2019
Caldwell, Derek J	2/28/2019
Chapin, Colin M	1/31/2019
Checcino, William S	3/31/2019
Coureen, Liam M	1/31/2018
Cruse, Gordon R	4/30/2019
Denz, Aaron M	1/31/2018
Denz, Warren M	1/31/2019
Dimitroff, Russell J	2/28/2019
Dole, Michael A	10/31/2018
Doyle, Christian C	1/31/2019
Drewiega, Brook L	10/31/2018
Eckert, Sean E	1/31/2019
Frieh, Katherine A	1/31/2019
Gooding, Joshua D	9/30/2018
Gray, Michael C	9/30/2018
Hankey, Daniel J.	10/31/2017
Harper, Nicole J	1/31/2019
Hayman, Jonathan E	2/28/2019
Hoffman, Tiffany M	6/30/2017

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Hughes, Sharon A	12/31/2018
Hycner, Alexander J	2/28/2019
Irish, Kory C	2/28/2019
Jahrling, Dominick E	5/31/2017
Karaszewski, Scott T	11/30/2018
Keem, Thomas M	1/31/2019
Khalid, Kanza	2/28/2018
Koeppel, Charles R	12/31/2018
Lanighan, Amy C	2/28/2019
Lenegan, Alexander S	2/28/2019
Lesold, Benjamin L	2/28/2019
Luscher, Donald E Jr	1/31/2019
Lynch, Richard T	7/31/2017
Mann, Robert E	2/28/2019
McLean, Robert E	2/28/2019
McMahon, Susan M	1/31/2019
Melber, Timothy R	3/31/2019
Milks, Douglas E	1/31/2019
Miller, Joshua D	1/31/2019
Mondschein, Keith D	11/30/2018
Neuman, Matthew J	7/31/2016
Newbrgging, Brian H	8/31/2019
Noworyta, John M	7/31/2015
Orlowski, Jr., Robert R	2/28/2019
Parker, Dylan J	1/31/2019
Poulson, Ashley L	8/31/2017
Powell, Melissa	12/31/2018
Probst, Brandon M	2/28/2019
Pytlik, Sr, David P	10/31/2018
Renik, Justin D	1/31/2019
Richardson, Michael	7/31/2017
Rivers, Edward A	1/31/2019
Roth, Randy J	2/28/2019
Rozell, Cory E	1/31/2019
Schaefer, Edward W	12/31/2018
Stadler, Sara L.	4/30/2019
Stites, James K	7/31/2018
Stuart, John M.	11/30/2018
Stuckey, James P	11/30/2018
Then, Scott D	1/31/2019
Tiranno, Charles J	2/28/2019
Washington, Jeffrey J	1/31/2018
Wasierski, Matthew J	1/31/2019
Wirfel, Melissa M	1/31/2019
Yasav, Jenna L	1/31/2017
Zemrac, Christopher E	1/31/2019
Zimmerman, Christian J	1/31/2019

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-287

### Authorize Supervisor to Sign Agreement with SJB Services for Special Inspections at the Town Ice Rink

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by Town Board Resolution dated April 4, 2016, contracts for the Cheektowaga Town Ice Rink Locker Room Improvements were awarded to four (4) separate prime contractors, AND

WHEREAS, the New York State Department of State, Division of Code Enforcement and Administration, requires special inspections during the duration of construction to be provided by an independent firm engaged by the owner, said testing to include, but not be limited to, soils and foundations, cast-in-place concrete, masonry and structural steel, AND

WHEREAS, the Engineering Department solicited and received proposals from two (2) professional testing agencies in order to meet the aforesaid Special Inspections Program requirements, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with SJB Services, Inc. for the provision of professional services in the field of Special Inspections in an amount not to exceed \$11,008.00, which shall be chargeable to Account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-288

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

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, by resolution dated May 16, 2016 this Town Board awarded a contract for Upgrades and Improvements at the Roycroft 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 May 13, 2016, Task No. 1, 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 general services during construction 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 agreement with Nussbaumer & Clarke, Inc. for the provision of general services during construction, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$13,160.00 shall be chargeable to Account No: 255.8125.4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-289

### Authorize Supervisor to Execute Enrollment Form with NRG Curtailment Solutions, Inc.

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, New York Independent System Operator ("NYISO"), the operator of New York's electricity grid, supports demand support programs to deal with electricity demands during periods of high demand; and

WHEREAS, previously, the Town of Cheektowaga, by Resolutions, 2008-426, 2008-499, and 2014-458, executed enrollment forms with Energy Curtailment Specialists, Inc., now known as NRG Curtailment Solutions, Inc., in order to take advantage of the money available through programs to businesses that can reduce some or all of their electric requirement for a few hours each year when the electric grid is unstable, through the "Operation Save New York" program; and

WHEREAS, this program, with no cost to the Town, has resulted in payments to the Town of thousands of dollars in savings; and

WHEREAS, two additional contingency programs, the Distribution Load Relief Program ("DLRP") and the Commercial System Relief Program ("CSR"), designed to strengthen service and reliability by enhancing our current program and provide full loading and testing of the emergency generators and electrical switching facilities at the Town's Wastewater Pump Station and Stiglmeier Park, are available and will enable the Town to possibly reap larger rewards; and

WHEREAS, the Town is committed to saving money by reducing the use of electricity wherever possible; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an enrollment form with NRG Curtailment Solutions, Inc., formerly known as Energy Curtailment Specialists, Inc., for enrollment in the DLRP and CSR programs, for a five (5) year term (5 periods).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-290

### Authorize Supervisor to Execute License Agreement with True Vine Christian Center Church

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

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 12, 2016 from 1:00 p.m. to 5:00 p.m. for their Children's Day Celebration; and

WHEREAS, True Vine Christian Center Church has offered to mow the grass on the vacant lot in order to accommodate the church festivities on June 12, 2016, and to clean up the property after the event; and

WHEREAS, the Town Attorney's Office has prepared a License Agreement with True Vine Christian Center Church, setting forth the terms and conditions under which the church may use said Town property; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a License Agreement with True Vine Christian Center Church on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-291

### Authorize Agreement with Bellevue Fire District

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, Bellevue Fire District located at 511 Como Park Boulevard sustained property damage as a result of Winter Storm Knife in November of 2014, AND

WHEREAS, Bellevue Fire District has received FEMA Assistance in repairing said property damage, AND

WHEREAS, Bellevue Fire District has a need to resurface the Fire Hall parking lot upon completion of said property damage work, AND

WHEREAS, Bellevue Fire District has requested assistance from the Town of Cheektowaga with resurfacing the Fire Hall parking lot, AND

WHEREAS, Bellevue Fire District has agreed to pay for the cost of materials and town force account labor for this project, AND

WHEREAS, Article 5-G of the General Municipal Law and section 142-b of the Highway Law permit the Town of Cheektowaga to authorize the use of town equipment and personnel to assist a fire district, NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby authorizes the Town Highway Department to assist Bellevue Fire District with the lot resurfacing, AND BE FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Bellevue Fire District for this project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-292

### Authorize Municipal Cooperation Agreement with Village of Sloan

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Village of Sloan requested that the Town of Cheektowaga Sewer Maintenance Department assist them in the sanitary sewer television inspection of Jackson Avenue in said municipality, AND

WHEREAS, the Town Engineer or Sewer Maintenance General Foreman are willing to assist said municipality as requested, AND

WHEREAS, before the Town Engineer or Sewer Maintenance General Foreman can provide said services outside of the jurisdiction of the Town, 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 a municipal cooperation agreement with the Village of Sloan to perform the television inspection of the sanitary sewers on Jackson Avenue in said municipality, NOW, BE IT FURTHER

RESOLVED, that money received from said municipality for the provision of the requested service shall be deposited into the proper account as determined by the Director of Administration and Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



21. RESOLUTION 2016-293

Authorize Sale of 16, 18, & 20 Randolph Avenue

Sponsored By: Councilmember Hammer, Councilmember Rogowski

WHEREAS, the property located at 16, 18, and 20 Randolph Avenue in the Town of Cheektowaga was acquired for the purpose of demolishing vacant deteriorated homes and building of new residential housing for sale to income-eligible buyers, and

WHEREAS, Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. (MUC), a not-for-profit a Housing and Urban Development Department (HUD) qualified Community Housing Development Organization (CHDO), has agreed to purchase the properties located at 16, 18, and 20 Randolph Avenue from the Town of Cheektowaga, for the purchase price of \$1.00, for the purpose of building new residential housing and selling said homes to income-eligible homebuyers. The proceeds of the sale of said homes will be utilized by MUC for future acquisition rehabilitation/new construction residential home projects as required by HUD regulation, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to effectuate the transfer of 16, 18, and 20 Randolph Avenue to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., 1081 Broadway Street, Buffalo, New York 14212, subject to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of 16, 18, and 20 Randolph Avenue is subject to Permissive Referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE, the Town's official newspaper; and BE IT FURTHER

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

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NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on September 21, 2015, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 16, 18, and 20 Randolph Avenue, Cheektowaga, New York to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. For \$1.00.

A copy of such resolution is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

DATED: May 16, 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



22. RESOLUTION 2016-294

Authorize Sale of 1007 Walden Avenue

Sponsored By: Councilmember Hammer, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga acquired the property located at 1007 Walden Avenue through the New York State Neighborhood Stabilization Program (NSP) grant under the American Recovery Act of 2009 to assist in the redevelopment of abandoned and foreclosed homes, and

WHEREAS, as part of the redevelopment plan of the area, the structure was demolished based on its condition, and

WHEREAS, the adjacent property at 1005 Walden Avenue was rehabilitated under the same New York State Neighborhood Stabilization Program (NSP) grant and sold to income eligible First Time Homebuyers (Eddie M. & Linda M. Robinson) under the program requirements, and

WHEREAS, the property at 1007 Walden Avenue is too small to build a new structure and shares a common driveway with 1005 Walden Avenue, and

WHEREAS, said property at 1007 Walden Avenue is excess to the needs of the Town and has no value, and

WHEREAS, the Director of Community Development has recommended that the Town sell the parcel to the property owners of 1005 Walden Avenue for \$1.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and other documents necessary to effectuate the sale of 1007 Walden Avenue for \$1.00, and BE IT FURTHER

RESOLVED, that the sale of 1007 Walden Avenue is subject to permissive referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum on the CHEEKTOWAGA BEE, the Town's official newspaper.

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NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that on May 16, 2016, the Town Board of the Town of Cheektowaga adopted a resolution authorizing the Town of Cheektowaga to sell vacant property located at 1007 Walden Avenue, Cheektowaga, New York for \$1.00 to Eddie M. Robinson and Linda M. Robinson.

A copy of such resolution, offer and sale documents 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: 16 May 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-295

### Approve Lease with Board of Elections for Use of Town Buildings on Primary Day and Election Day

**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, the Town of Cheektowaga is the owner of the following buildings:

- 222 Autumnwood Drive (Dartwood Community Center)
- 3459 Broadway (Cheektowaga Senior Citizens Center)

and

WHEREAS, the Erie County Board of Elections has requested the use of these buildings on Presidential Primary Day (April 19, 2016), Federal Primary Day (June 28, 2016), Primary Day (September 13, 2016) and Election Day (November 8, 2016) for polling locations, and

WHEREAS, the Director of the Facilities Department and the Director of the Senior Services Department have no objection to the use of such buildings, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute lease(s) with the Board of Elections for use of the above referenced Town buildings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-296

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### Installation of Backflow Preventer (RZP) @ Town Park Recreation Center

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, there is need for a new water service, including the installation of the required backflow preventer (RPZ) at the Town Park Recreation Center, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal in the amount of \$5,650.00 to prepare the necessary documentation for the new water service and RPZ application, NOW THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute said proposal with Nussbaumer & Clarke, Inc. dated May 5, 2016 for said services, AND, BE IT FURTHER

RESOLVED, that funding for these services shall be appropriated from budget line item number 500.7110.2432.5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-297

### NYSDEC Year 13 Annual Report

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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 13 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, 2016, AND

WHEREAS, the 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 27, 2016 for inclusion in the final report to be submitted to the NYSDEC, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute the Municipal Compliance Certification Form for submission to the NYSDEC with the Year 13 Annual Report.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-298

### Establish Accounts for Consolidated Local Streets and Highway Improvement Program (CHIPS)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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 portions 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 account be and hereby are established:

#500.5132.0002.5714 -\$462,164.23

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-299

### Approve Cultural Group Funding for Cheektowaga Art Guild and Cheektowaga Cultural Society

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town, in its 2016 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 2015 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 2016 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-300

### SPECIAL EVENT - South Line Little League Parade

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 Association has made application to hold its annual "Baseball Parade" on Monday, May 30, 2016, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers Boulevard, then to North Seine Drive, and ending at the South Line Little League baseball diamonds; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Police Department, the Department of Youth and Recreation, 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 South Line Little League Association for the aforementioned "Baseball Parade", to be held on Monday, May 30, 2016; and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-301

### **SPECIAL EVENT - General Pulaski Association Annual Parade**

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 17th, 2016 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road to 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 of the Niagara Frontier for the aforementioned parade to be held on Sunday, July 17th, 2016 and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 30. RESOLUTION 2016-302

### SPECIAL EVENT - Shooting Starz Charity Softball Tournament

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 23rd, 2016 from 8:00 a.m. - 8:00 p.m, 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 Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 23rd, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 31. RESOLUTION 2016-303

### Name Recreation Center in Honor of Kenneth J. Meyers

**Sponsored By:** Benczkowski, Kaminski, Rogowski, Hammer, Adamczyk

WHEREAS, Kenneth ("Kenny") J. Meyers began his public service as an elected official (Councilman) for the Town of Cheektowaga in 1970 and served as a Councilman until 1975; from 1976 until 1983, he served as Supervisor for the Town of Cheektowaga, and

WHEREAS, during his tenure as a Town Board member, the Town of Cheektowaga experienced economic growth with the construction of residential subdivisions and commercial development, turning the Town of Cheektowaga into a first class Town with over 100,000 residents, and

WHEREAS, Kenneth J. Meyers was instrumental in developing and enhancing the recreational activities in the Town, and spearheaded the construction of the Cheektowaga Recreation Center in Town Park in 1974, and

WHEREAS, in 1976, Kenneth J. Meyers helped to form the Cheektowaga Bicentennial Commission to celebrate our nation's 200<sup>th</sup> Anniversary; the Cheektowaga Bicentennial Commission then continued on for the past 40 years as the Cheektowaga Patriotic Commission, and

WHEREAS, after his departure as an elected official for the Town of Cheektowaga, Kenneth J. Meyers became the Town's first Town Electrician, saving the Town hundreds of thousands of dollars in consultant fees and enhancing the electrical systems of various Town buildings, and

WHEREAS, after his retirement from the Town of Cheektowaga, Kenneth J. Meyers continued his civic involvement in our community and his church, NOW, THEREFORE, BE IT

RESOLVED, that, in recognition of his many years of service to the Town of Cheektowaga and our community, this Town Board names the Cheektowaga Recreation Center at Town Park the "Kenneth J. Meyers Cheektowaga Recreation Center."

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSTAIN:</b>	Timothy J. Meyers



## 32. RESOLUTION 2016-304

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### Fitness in the Park - YMCA

**Sponsored By:** Councilmember Kaminski, 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 21<sup>st</sup> thru August 25<sup>th</sup>, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 33. RESOLUTION 2016-305

## Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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 Attendant – 7140.1613 - \$9.00 – Regular Part-time

Danielle Szymkowiak 14227

Lifeguard – 7180.1903 - \$10.00 – Regular Part-time

Tyler Ditta 14211  
 Nicole Frigioni 14225  
 Felicia Magnuszewski 14043  
 Jacob Miller 14225  
 Dante Peters 14225  
 Tyler Post 14043  
 James Purpura 14225  
 David Steiner 14225

Lifeguard – 7180.1903 - \$10.00 – Seasonal

Morgan Blake 14225  
 Shannon Borowiak 14227  
 Frederick Drzewiecki, III 14225  
 Emma Eisenhardt 14211  
 Lilly Eisenhardt 14211  
 Jenna Erwin 14212  
 Nicholas Hahn 14225  
 Zachary Jones 14225  
 Caremine Seemueller 14215  
 Madeline Wnuk 14043

Lifeguard “Senior Lifeguard” – 7180.1903 - \$10.40 – Regular Part-time

Robert Love 14225  
 Noah Radlich 14225  
 Alyssa Reesor 14211  
 Benjamin Sullivan 14225

Lifeguard “Senior Lifeguard” – 7180.1903 - \$10.40 – Seasonal

Justin Brackna 14225  
 Lennon Cavanaugh-Gordon 14215  
 Connor Karek 14225  
 Kevin Lopez-Rodriguez 14225  
 Colleen Wilkie 14043

Lifeguard “Head Lifeguard Trainee” – 7180.1903 - \$10.60 – Regular Part-time

Dylan Bajer 14225  
 Ariana D’Agostino 14225  
 Natalie Lane 14215

Ryan Osswald 14225

Lifeguard "Head Lifeguard Trainee" – 7180.1903 - \$10.60 – Regular Part-time – Effective 5/23/16

Bradley Bauman

Lifeguard "Head Lifeguard Trainee" – 7180.1903 - \$10.60 – Seasonal

Ross Bauman	14227
Dakota Grantham	14225
Zachary Hermanski	14225
Samantha Johnston	14227
Amanda Kiripolsky	14215
Katelin Petranchuk	14227
Kyle Tobin	14215
Lauren Tomaschko	14225
Chelsea Wartinger	14043
Joseph Weber	14225
Kelsey Wiegert	14211
Alexandria Wnuk	14043
John Zastempowski, IV	14227

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

Recreation Instructor – 7140.1636 - \$10.00 – Seasonal – Retro to 4/19/16

Andrew Deeds

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to waive Reading of Names for the following (3) three resolutions: 2016-305, 2016-306, 2016-307. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 34. RESOLUTION 2016-306

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## Youth & Recreation Termination

**Sponsored By:** Councilmember Kaminski, 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:

Amy Godzich	8/14/14	14227
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 35. RESOLUTION 2016-307

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.25/hour  
 Tyler M. Measer, Cheektowaga, New York effective 5/17/16  
 Tyler M. Elis, Cheektowaga, New York effective 6/29/16

FACILITIES DEPARTMENT (Parks Division) Laborer \$10.25/hour  
 Michael W. Kowal, Cheektowaga, New York effective 6/6/16  
 Ryan J. Kowal, Cheektowaga, New York effective 5/17/16

FACILITIES DEPARTMENT (Parks Division) \$9.00/hour  
 Alexander E. Wodarczyk, Cheektowaga, New York effective 5/17/16

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

POLICE DEPARTMENT  
 Ryan M. Szczesniak effective 4/5/16  
 Brad J. Bauman effective 5/22/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 36. RESOLUTION 2016-308

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### Creation of Positions for Civil Service Job Inventory

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that this Town Board hereby create the following positions pursuant to Civil Service Laws and Rules effective May 17, 2016:

- One (1) Computer Support Technician
- Forty (40) Recreation Instructors (Regular Part Time)
- Ten (10) Recreation Specialists (Regular Part Time)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 37. RESOLUTION 2016-309

### Termination of Interim Supervising Code Enforcement Officer Carla Kosmerl

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by resolution dated November 5, 2012 (Resolution 2012-601), Carla A. Kosmerl was appointed to the position of Director of Community Development, and

WHEREAS, by resolution dated June 3, 2013 (Resolution 2013-307), the management and supervision of the Housing & Neighborhood Preservation Office was placed under the supervision of the Director of Community Development, and

WHEREAS, by resolution dated August 4, 2014 (Resolution 2014-446), the Town Board appointed Director of Community Development Carla A. Kosmerl as Interim Supervising Code Enforcement Officer (a/k/a Supervising Building & Plumbing Inspector, a/k/a Supervising Building Inspector, a/k/a Town Building Inspector) to enforce various Town Codes and to administer the Office of Building Inspections and the Housing & Neighborhood Preservation Office, and

WHEREAS, this Town Board previously appointed Richard Coburn to the position of Supervising Code Enforcement Officer, effective May 17, 2016, NOW, THEREFORE, BE IT

RESOLVED, that Carla A. Kosmerl be and hereby is terminated from the position of Interim Supervising Code Enforcement Officer and is removed from managing and supervising the Housing & Neighborhood Preservation Office effective May 17, 2016, and BE IT FURTHER

RESOLVED, that the salary of the Director of Community Development shall be established at \$86,000 per year, effective May 17, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 38. RESOLUTION 2016-310

### **Appointment of Clerk Typist (Competitive/Permanent) Office of the Town Clerk (Dawn B. DePronio)**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Clerk Typist in the Office of the Town Clerk; AND

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

WHEREAS, Dawn B. DePronio, currently a Laborer in the Sewer Maintenance Department, bid on said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dawn B. DePronio, of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Office of the Town Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement effective June 1, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 39. RESOLUTION 2016-311

## Appointment of Two (2) Computer Support Technicians (Competitive/Permanent) Department of Information Technology and Records Management (Joseph S. Fedyna and Lawrence Godzich)

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, two (2) vacancies exist in the title of Computer Support Technician in the Department of Information Technology and Records Management; AND

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

WHEREAS, a current civil service list for said title has been established; AND

WHEREAS, Joseph S. Fedyna, currently employed as a provisional Computer Support Technician, is eligible for permanent appointment to said title; AND

WHEREAS, Lawrence Godzich, currently a Technical Support Services Specialist, is also eligible for appointment to said title; NOW, THEREFORE, BE IT

RESOLVED, Joseph S. Fedyna of Cheektowaga, New York, and Lawrence Godzich of Cheektowaga, New York, be and hereby are appointed to the positions of Computer Support Technician in the Department of Information Technology and Records Management, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 17, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 40. RESOLUTION 2016-312

### **Appointment of Plumber (Non-Competitive/Permanent) Facilities Department (Buildings and Grounds) David J. Surdej**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the title of Plumber in the Facilities Department (Buildings and Grounds Division); AND

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

WHEREAS, David J. Surdej, currently employed as a Laborer in the Highway Department, bid on said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David J. Surdej of West Seneca, New York, be and hereby is appointed to the position of Plumber in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 9, 2016.

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Kaminski, Meyers, Adamczyk, Hammer
<b>ABSTAIN:</b>	James P. Rogowski



## 41. RESOLUTION 2016-313

### Appointment of Pump Operator (Provisional) Main Pump Station (Joseph J. Alba)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Pump Operator in the Main Pump Station; AND

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

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

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

WHEREAS, a current civil service list is not in existence; AND

WHEREAS, Joseph J. Alba applied for said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph J. Alba of Cheektowaga, New York, be and hereby is appointed to the provisional position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective 5/26/16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 42. RESOLUTION 2016-314

### Appointment of Supervising Code Enforcement Officer (Provisional) Richard C. Coburn

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, there is a vacancy in the position of Supervising Code Enforcement Officer,  
and

WHEREAS, said title is in the competitive class of civil service, and

WHEREAS, said position was advertised and candidates were interviewed, and

WHEREAS, a current civil service list does not exist for said title, and

WHEREAS, Richard C. Coburn, currently employed with the Town of Cheektowaga as an Assistant Code Enforcement Officer, applied for said position and meets the requirements for provisional appointment to said title, NOW, THEREFORE, BE IT

RESOLVED, that Richard C. Coburn of Depew, New York be and hereby is appointed to the provisional title of Supervising Code Enforcement Officer, effective May 17, 2016 at the annual salary of \$72,000.00, and BE IT FURTHER

RESOLVED, that Richard C. Coburn, as Supervising Code Enforcement Officer, shall manage and supervise the Office of Building Inspector and the Housing & Neighborhood Preservation Office, and BE IT FURTHER

RESOLVED, that, as Supervising Code Enforcement Officer (a/k/a Supervising Building & Plumbing Inspector, a/k/a Supervising Building Inspector, a/k/a Town Building Inspector), he is authorized to administer and enforce various Town Codes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 43. RESOLUTION 2016-315

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## Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Human Source Intelligence: Recruiting, Controlling and Using Confidential Informants Training is being held on May 23, 2016 in Rochester, New York; AND

WHEREAS, Detectives Kevin Schmitt, Michael Pilat and John Skonecki 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 \$835.92; AND

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

RESOLVED, that Detectives Kevin Schmitt, Michael Pilat and John Skonecki be and hereby are authorized to attend the Human Source Intelligence: Recruiting, Controlling and Using Confidential Informants Training being held on May 23, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 44. RESOLUTION 2016-316

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Aerosol Subject Restraint Instructor Course is being held May 19, 2016 through May 20, 2016 in Rochester, New York; AND

WHEREAS, Sergeants John Wanat and Daniel Albrecht 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 \$987.14; AND

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

RESOLVED, that Sergeants John Wanat and Daniel Albrecht be and hereby are authorized to attend the Aerosol Subject Restraint Instructor Course being held May 19, 2016 through May 20, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 45. RESOLUTION 2016-317

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Online Social Networking (OSN) Seminar being sponsored by the National Computer Forensics Institute is being held August 1, 2016 through August 5, 2016 in Hoover, Alabama; AND

WHEREAS, Detective James Genson has 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, there shall be no cost to the Town for Detective Genson to attend said seminar; AND

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

RESOLVED, that Detective James Genson be and hereby is authorized to attend the Online Social Networking (OSN) Seminar being sponsored by the National Computer Forensics Institute being held August 1, 2016 through August 5, 2016 in Hoover, Alabama.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Communications

### A. Departmental Communications

1. **Drescher & Malecki LLP: Annual Financial Report Update Document for the Town of Cheektowaga, County of Erie for the Fiscal Year Ended 12/31/2015**

### B. General Communications

1. **Notice of Claim: Thomas Blaszkiewicz vs. Town of Cheektowaga**
2. **Notice of Claim: Jeanette Mazurkiewicz vs. Town of Cheektowaga**

3. Notice of Claim: Donna Michalek vs. Town of Cheektowaga
4. Notice of Claim: Suzanne Reimer vs. Town of Cheektowaga
5. Notice of Claim: Mark Wegner vs. Town of Cheektowaga & Etal
6. Summons: Mark Wegner vs. Town of Cheektowaga & Etal

## **XII. Comments**

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

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

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

## **XIII. Adjournment**

Motion by Councilmember Hammer, Seconded by Councilmember Kaminski to adjourn the meeting at 8:00 PM.

Vickie L. Dankowski, Town Clerk



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-273**

**Transfer of Funds-2015**

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

GENERAL

FROM:	100.3120.1931	Vacation Sellback	\$54,565.00
	100.3120.1936	Holiday Sellback	23,795.00
	100.9010.1111	Police Retirement	120,000.00
	100.9010.8101	Employee Retirement	300,449.00
TO:	100.3120.1901	Regular Payroll	\$433,952.00
	100.3120.1902	Overtime Payroll	38,481.00
	100.3120.1907	Court Time	21,841.00
	100.3120.4908	Training	4,535.00

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-274**

**Transfer of Funds-2016**

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

CDBG			
FROM:	700.1014.0600	Housing Rehab.-Single Family	\$1,388.72
	700.1014.0600	Housing Rehab.-Single Family	15,000.00
TO:	700.1013.0603	Environmental Hazard Testing	\$1,388.72
	700.1014.0603	Environmental Hazard Testing	15,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-275**

**Warrant**

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 16, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$240,574.82
RISK RETENTION FUND	73,341.42
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	51,273.00
SPECIAL DISTRICTS FUND	260,754.13
HIGHWAY FUND	41,711.81
CAPITAL FUND	760,936.54
TRUST & AGENCY FUND	14,489.68
HUD CDBG FUND	2,318.43
PART TOWN FUND	3,726.96
NYS AFFORDABLE HOUSING	3,858.00
	<hr/>
	\$1,452,984.79

Warrant amended to show Board did not approve payment to Fair and Impartial Policing, LLC for training. Voucher number 160565 for the amount of \$16,251.13 was deducted from Trust and Agency Fund.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

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in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-276**

## Amend Award of Summer Camp Busing

BE IT RESOLVED, that the following resolution information be amended as follows(original resolution #2016-262):

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 2016 summer camp programs, AND

WHEREAS, proposals were received for the provision of said bus transportation services, AND

WHEREAS, Fisher Bus Service has submitted the lowest responsible quotation for the provision of bus transportation services, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the contract for the provision of bus transportation at a cost of \$9,795.00 for the Department of Youth & Recreational Services' day camp programs to:

--Fisher Bus Service  
5175 Southwestern Blvd.  
Hamburg, New York 14075

Line Item Nos.: 7140.4517  
7140.4518

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
 Erie County  
 Office Of The Clerk Of The  
 Town of Cheektowaga

(Seal)

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in said *County of Erie*, on Monday, May, 16, 2016,  
 and that the same is a correct and true transcript of such original  
 resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
 Town on Thursday, May, 19, 2016.

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-277**

**Award of Bid - Town Wide Tree Removal (Bid #2016-19)**

WHEREAS, as a result of advertisement, bids were received on April 20, 2016 for Town Wide Tree Removal in the Town of Cheektowaga, AND

WHEREAS, four (4) bids were received and referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Town Wide Tree Removal in the Town of Cheektowaga be awarded to:

Schneck's Tree Removal, Inc.  
2861 Southwestern Boulevard  
Orchard Park, New York 14127

for submission of the lowest bid meeting the specifications in the amount of \$88,825.00, AND, BE IT FURTHER

RESOLVED, that funding for said Town Wide Tree Removal shall be appropriated from a budget line from the Director of Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-278**

**Award of Bid - Roycroft Pump Station Storm Pump Improvements (Bid #2016-22)**

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Roycroft Pump Station Storm Pump Improvements located at 489 Roycroft Boulevard, which bids were duly received and opened on May 11, 2016, AND

WHEREAS, three (3) bids were received and referred to the Town Engineer for analysis and tabulation, NOW THEREFORE, BE IT

RESOLVED, that the contract for the Roycroft Pump Station Storm Pump Improvements be awarded to:

STC Construction Inc.  
63 Zoar Valley Road  
Springville, New York 14141

for the total bid price with Alternates 1 and 2 of \$352,400.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the funding for said improvements shall be chargeable to Account No: 500.1440.4438.5531.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-279**

## Order Calling for Public Hearing to Install Curbing Along Clover Place

WHEREAS, a written petition dated May 10, 2016, 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 Clover Place (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. 17, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows: Clover Place, both sides, from the east side of Pinehurst Avenue to the southwest corner of 4016 Union Road (on the north side of Clover Place) and the northwest corner of 244 Clover Place (on the south side of Clover 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 Clover Place described above, and

WHEREAS, said petition has been signed by the owners of real estate fronting or abutting upon both sides of the portion of Clover Place 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 \$126,487.92, 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 June 2016 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 Clover Place, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

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in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original  
resolution and the whole thereof.

(Seal)

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Thursday, May, 19, 2016.

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Rogowski

**RESOLUTION 2016-280**

## SEQR Determination for Winston Ave. Culvert Replacement

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are Type II actions and are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has proposed the replacement of an existing drainage culvert near Winston Avenue east of Vegola Avenue, AND

WHEREAS, the existing twin 36 Inch diameter pipe culvert will be replaced with a new 3'x6' precast concrete box culvert, AND

WHEREAS, after careful consideration and review of the proposed actions proposed to be taken by the Town of Cheektowaga for the above referenced project, the Town Board, in consultation with representatives from various Town departments, hereby determines that said project is a Type II action under SEQR based on the following criteria in 6 NYCRR Section 617.5(c):

- (1) The project involves the replacement, rehabilitation of a structure in kind ;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed Winston Avenue Culvert Replacement Project is a Type II action in accordance with 6 NYCRR Section 617.5(c)( 2) and is therefore not subject to review under 6 NYCRR Part 617.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Rogowski

**RESOLUTION 2016-281**

**Negative SEQR Declaration - 510 Ellicott Road**

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, an application was submitted by Tommaso Briatico, Architect for Bruce Hora, land owner for the construction of a 5,000 s.f. building addition to an existing warehouse/storage building at 510 Ellicott Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 14, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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Town on Thursday, May, 19, 2016.

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Rogowski

**RESOLUTION 2016-282**

## Negative SEQR Declaration - 3733-3755 Union Road LA Fitness

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, an application was submitted by Michael Delisanti, Architect for LA Fitness, for the demolition of 42,700 s.f. of vacant retail space and the construction of a new 37,080 s.f. health club at 3733-3755 Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 14, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

SS:

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Town on Thursday, May, 19, 2016.

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Rogowski, Supervisor Benczkowski

**RESOLUTION 2016-283**

**Accept Site Plan-510 Ellicott Road**

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, Tommaso Bratico, Architect on behalf of Bruce Hora, land owner submitted a development review application for an amendment to a previously approved site plan for a building addition to an existing warehouse/storage building at 510 Ellicott Road, AND

WHEREAS, on January 20, 2015 this Town Board approved a site plan for a 3,000 s.f. building addition for which the building addition was not constructed, AND

WHEREAS, the applicant desires to modify his project by increasing the size of the proposed building addition to 5,000 s.f in area, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the application at their meeting of April 14, 2015 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/approving the grading/drainage plan.
2. The Town Planner reviewing /approving a photometric plan for any new exterior lighting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Thursday, May, 19, 2016.

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

Bruce Hora

510 ELlicOTT ROAD  
CHEEKTOwAGA,  
NEW YORK 14227

WAREHOUSE  
ADDITION

510 ELlicOTT ROAD  
CHEEKTOwAGA,  
NEW YORK 14227

PROJECT No. 201551

NOTES:

- FOR REFERENCE INFORMATION SEE TOPOGRAPHIC BOUNDARY SURVEY PREPARED BY LAWRENCE J. ZYGAL, PLS. PC DATED FEBRUARY 25, 2014 AND IDENTIFIED AS JOB NO. 14009. INCLUDED WITH THIS SET OF SITE PLANS.
- ALL CONSTRUCTION SHALL CONFORM TO TOWN OF CHEEKTOwAGA STANDARDS AND NEW YORK STATE CODE REQUIREMENTS, AS WELL AS THE LATEST A.S.T.M., A.C.I. AND A.S.T.M. STANDARDS, WHERE CODES OVERLAP, THE CONTRACTOR SHALL COMPLY WITH THE MORE STRINGENT CODE.
- WHERE A SPECIFIC MANUFACTURER'S PRODUCT IS CALLED OUT ON THIS SHEET OR ANY OTHER PLAN IN THIS SET OF DRAWINGS, THE CONTRACTOR MUST COMPLY WITH THE MANUFACTURER'S LATEST PRINTED INSTRUCTIONS AND RECOMMENDATIONS FOR INSTALLATION.
- ANY TEMPORARY TRAFFIC CONTROL AND WARNING SIGNS USED DURING CONSTRUCTION SHALL CONFORM TO N.Y.S.D.O.T. MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- THE CONTRACTOR SHALL MAINTAIN ACCESSIBLE PASSAGEWAYS FOR TRAFFIC AND PEDESTRIANS TO EXISTING BUSINESS WHICH WILL REMAIN IN OPERATION THROUGHOUT THE DURATION OF THE CONSTRUCTION.
- ANY CAST-IN-PLACE CONCRETE SHALL CONFORM TO N.Y.S.D.O.T. STANDARD SPECIFICATIONS (SECTION 601), USE CLASS 'C' FOR STRUCTURAL SLABS, USE CLASS 'D' FOR SIDEWALKS AND ALL OTHER GENERAL PURPOSE CONCRETE PAVEMENT ON SITE. CEMENT USED TO PRODUCE CONCRETE SHALL CONFORM WITH BOTH ACI 318 AND A.S.T.M. C1157. CONCRETE SHALL HAVE A SLUMP OF NO MORE THAN 5" AND AN AIR ENTRAPMENT OF 4-6%.
- ALL CONCRETE CURBS, SIDEWALKS, APRONS, AND PADS SHALL BE CURED USING A PIGMENTED CURING COMPOUND CONFORMING TO A.S.T.M. C309.
- ANY DEVIATION FROM ANY PLANS IN THIS DRAWING SET SHALL REQUIRE APPROVAL OF DESIGN ENGINEER AND THE TOWN OF CHEEKTOwAGA PLANNING AND BUILDING DEPARTMENTS, AS WELL AS THE APPROPRIATE UTILITY COMPANIES AND SERVICE PROVIDERS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYING ALL NECESSARY FEES AND OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF CONSTRUCTION. CONTACT TOWN OF CHEEKTOwAGA BUILDING DEPARTMENT (688-3587) FOR INSTRUCTIONS, PERMIT APPLICATIONS, AND FEES.

NOTES

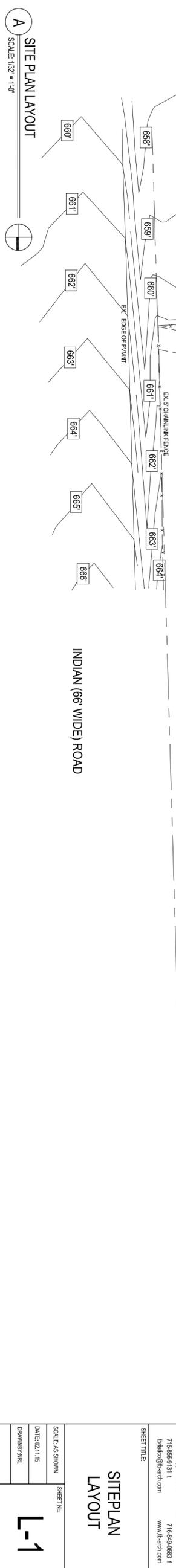
CODE AND SITE DATA

TOTAL PARCEL: 0.79 ACRES ( 34,533 SQ. FT.)  
ZONED: M1 (LIGHT MANUFACTURING)

BUILDING SET BACK	REQUIRED	PROVIDED
FRONT	50'-0"	0'-2" ***
SIDE	10'-0"	1'-2" ***
REAR	20'-*	248'9"
LANDSCAPE TOTAL PARCEL	REQUIRED 15%	PROVIDED 23% ***
PARKING PROPOSED HANDICAP	REQUIRED 4 SPACES 1 SPACES	PROVIDED 4 SPACES 1 SPACES

LEGEND

- x — x — x — NEW SIGN
- x — x — x — EXISTING FENCE
- x — x — x — EXISTING EDGE OF PAVEMENT
- x — x — x — NEW EDGE OF PAVEMENT
- x — x — x — EXISTING CURB
- x — x — x — NEW CURB
- x — x — x — SITE PARCEL PROPERTY/ R.O.W. LINES
- x — x — x — ADJACENT PROPERTY/ R.O.W. LINES
- x — x — x — EXISTING UTILITY POLE
- x — x — x — NEW PARKING SPACE COUNT
- x — x — x — EXISTING CONCRETE AREAS
- x — x — x — NEW CONCRETE AREAS
- x — x — x — NEW ASPHALT PAVEMENT AREAS



520 ELlicOTT ROAD  
3813 BRODWAY INC.  
REPUTED OWNER  
LIBER 11117 OF DEEDS AT PAGE 410

500 ELlicOTT ROAD  
JOHN J. AND MICHAEL F. JR. SEBASTIANO  
REPUTED OWNERS  
LIBER 11200 OF DEEDS AT PAGE 5337

3848 BROADWAY, 5' CHAINLINK FENCE  
ANNE-MARIE WINEGAR  
REPUTED OWNER  
LIBER 11206 OF DEEDS AT PAGE 2542

3840 BROADWAY  
EMMA BRUKUS  
REPUTED OWNER  
LIBER 7693 OF DEEDS AT PAGE 91

3844 BROADWAY  
GERALD C. HARLACH JR.  
REPUTED OWNER  
LIBER 11171 OF DEEDS AT PAGE 8776

A SITE PLAN LAYOUT  
SCALE: 1/32" = 1'-0"

PROJECT ARCHITECT:  
**TOMMASO BRIATICO ARCHITECTS**  
ARCHITECTURE • PLANNING • DESIGN  
120 W. Tupper Street  
Baldie, NY 14011  
716-565-9131 |  
tbratiko@tbratico.com |  
www.tbratico.com

SHEET TITLE:  
**SITEPLAN LAYOUT**

SCALE: AS SHOWN  
DATE: 02.11.15  
DRAWN BY: ARE

SHEET No.  
**L-1**



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Rogowski, Supervisor Benczkowski

**RESOLUTION 2016-284**

**Accept Site Plan- 3733-3755 Union Road LA Fitness**

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, Michael Delisanti, Architect on behalf of LA Fitness /DLC Management Corp. Submitted a development review application for the re-development of retail space within an existing retail plaza at 3733-3755 Union Road, AND

WHEREAS, the applicant desires to demolish 42,700 s.f. of vacant retail space and construct a new 37,080 s.f. health club, AND

WHEREAS, the land owner, DLC Management Corp has agreed to permit perpetual vehicular access along its neighboring westerly property line with 3729 Union Road, as shown on the attached correspondence, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the application at their meeting of April 14, 2015 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 applicant finalizing its vehicular access easement with its neighbor at 3729 Union Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

SS:

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---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



No.	Description	Date
- REVISIONS		

**UNION CONSUMER SQUARE**  
3775 UNION RD, CHEEKTOWAGA

DLC MANAGEMENT CORP.  
TARRYTOWN, NEW YORK 10591

**SITE LAYOUT PLAN**

**LAUER-MANGUSO & ASSOCIATES ARCHITECTS**  
4080 Ridge Lea Road  
Buffalo, N.Y. 14228  
(716) 837 - 0833

Date: 02/25/16 Drawing No. SP-1.0  
 Drawn By: MPD  
 Checked By: MPD  
 Job Number: 15040A



May 2, 2016

Via email: [DUlatowski@tocny.org](mailto:DUlatowski@tocny.org)

Daniel J. Ulatowski. AICP – Town Planner  
 Town of Cheektowaga Office of Building Inspections  
 275 Alexander Avenue -Second Floor  
 Cheektowaga, New York 14211

Re: Union Consumer Square Shopping Center – Easement with Property at 3729 Union Road

Dear Mr. Ulatowski:

I am writing to confirm that the property owner is aware of the town's desire that an easement be entered into for perpetual vehicle access to the Union Consumer Square Shopping Center from the adjacent property located at 3729 Union Road.

We endorse the option "2" presented to the owner and will work to create the easement.

Very truly yours,

Patrick J. Tandy  
 Senior Vice President – Construction  
 DLC Management Corp.  
 A/A/F Union Consumer Improvements, LLC

Cc: M. Delisanti (via email: [MDelisanti@lauer-manguso.com](mailto:MDelisanti@lauer-manguso.com))  
 File

DLC MANAGEMENT CORP.  
 CORPORATE OFFICE  
 580 WHITE PLAINS ROAD  
 TARRYTOWN, NY 10591

914.631.3131 T  
 914.631.6533 F  
 866.DLC.MGMT  
[WWW.DLCMGMT.COM](http://WWW.DLCMGMT.COM)

Attachment: Agreement for Vehicular Access to and from 3729 Union Road (RES-2016-284 : Accept Site Plan- 3733-3755 Union Road)



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Councilmember Kaminski

**RESOLUTION 2016-285**

**Notice to Bidders - Manhole Rehabilitation (Bid #2016-23)**

WHEREAS, it is in order that bids be advertised for Sanitary Sewer Manhole Rehabilitation in 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 Sanitary Sewer Manhole Rehabilitation in the Town of Cheektowaga, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 8th day of June, 2016 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 June 8, 2016 at 11:00 am, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for Sanitary Sewer Manhole Rehabilitation in the Town of Cheektowaga.

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 Sanitary Sewer Manhole Rehabilitation" 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.

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

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

Vickie L. Dankowski  
Town Clerk

DATED: May 16, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

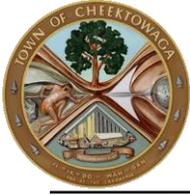
This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original  
resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Thursday, May, 19, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Rogowski, Councilmember Meyers

**RESOLUTION 2016-286**

## Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

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.

Name	Expiration Date
Abbott, Kari L	1/31/2019
Ames, Bryan L	9/30/2018
Atkinson, Joseph A	1/31/2018
Battaglia, Stephen D	2/28/2017
Beverly, Faith	1/31/2019
Caldwell, Derek J	2/28/2019
Chapin, Colin M	1/31/2019
Checcino, William S	3/31/2019
Coureen, Liam M	1/31/2018
Cruse, Gordon R	4/30/2019
Denz, Aaron M	1/31/2018
Denz, Warren M	1/31/2019
Dimitroff, Russell J	2/28/2019
Dole, Michael A	10/31/2018
Doyle, Christian C	1/31/2019
Drewiega, Brook L	10/31/2018
Eckert, Sean E	1/31/2019
Frieh, Katherine A	1/31/2019
Gooding, Joshua D	9/30/2018
Gray, Michael C	9/30/2018
Hankey, Daniel J.	10/31/2017
Harper, Nicole J	1/31/2019
Hayman, Jonathan E	2/28/2019
Hoffman, Tiffany M	6/30/2017

Hughes, Sharon A	12/31/2018
Hycner, Alexander J	2/28/2019
Irish, Kory C	2/28/2019
Jahrling, Dominick E	5/31/2017
Karaszewski, Scott T	11/30/2018
Keem, Thomas M	1/31/2019
Khalid, Kanza	2/28/2018
Koeppel, Charles R	12/31/2018
Lanighan, Amy C	2/28/2019
Lenegan, Alexander S	2/28/2019
Lesold, Benjamin L	2/28/2019
Luscher, Donald E Jr	1/31/2019
Lynch, Richard T	7/31/2017
Mann, Robert E	2/28/2019
McLean, Robert E	2/28/2019
McMahon, Susan M	1/31/2019
Melber, Timothy R	3/31/2019
Milks, Douglas E	1/31/2019
Miller, Joshua D	1/31/2019
Mondschein, Keith D	11/30/2018
Neuman, Matthew J	7/31/2016
Newbrgging, Brian H	8/31/2019
Noworyta, John M	7/31/2015
Orlowski, Jr., Robert R	2/28/2019
Parker, Dylan J	1/31/2019
Poulson, Ashley L	8/31/2017
Powell, Melissa	12/31/2018
Probst, Brandon M	2/28/2019
Pytlik, Sr, David P	10/31/2018
Renik, Justin D	1/31/2019
Richardson, Michael	7/31/2017
Rivers, Edward A	1/31/2019
Roth, Randy J	2/28/2019
Rozell, Cory E	1/31/2019
Schaefer, Edward W	12/31/2018
Stadler, Sara L.	4/30/2019
Stites, James K	7/31/2018
Stuart, John M.	11/30/2018
Stuckey, James P	11/30/2018
Then, Scott D	1/31/2019
Tiranno, Charles J	2/28/2019

Washington, Jeffrey J	1/31/2018
Wasierski, Matthew J	1/31/2019
Wirfel, Melissa M	1/31/2019
Yasav, Jenna L	1/31/2017
Zemrac, Christopher E	1/31/2019
Zimmerman, Christian J	1/31/2019

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original  
resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Thursday, May, 19, 2016.

(Seal)

---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-287**

**Authorize Supervisor to Sign Agreement with SJB Services for Special Inspections at the Town Ice Rink**

WHEREAS, by Town Board Resolution dated April 4, 2016, contracts for the Cheektowaga Town Ice Rink Locker Room Improvements were awarded to four (4) separate prime contractors, AND

WHEREAS, the New York State Department of State, Division of Code Enforcement and Administration, requires special inspections during the duration of construction to be provided by an independent firm engaged by the owner, said testing to include, but not be limited to, soils and foundations, cast-in-place concrete, masonry and structural steel, AND

WHEREAS, the Engineering Department solicited and received proposals from two (2) professional testing agencies in order to meet the aforesaid Special Inspections Program requirements, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with SJB Services, Inc. for the provision of professional services in the field of Special Inspections in an amount not to exceed \$11,008.00, which shall be chargeable to Account #500-7110-2432-5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Nickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Councilmember Kaminski

**RESOLUTION 2016-288**

**Authorize Supervisor to Sign Agreement with Nussbaumer & Clarke, Inc. for General Services during Construction**

WHEREAS, by resolution dated May 16, 2016 this Town Board awarded a contract for Upgrades and Improvements at the Roycroft 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 May 13, 2016, Task No. 1, 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 general services during construction 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 agreement with Nussbaumer & Clarke, Inc. for the provision of general services during construction, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$13,160.00 shall be chargeable to Account No: 255.8125.4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Councilmember Kaminski

**RESOLUTION 2016-289**

**Authorize Supervisor to Execute Enrollment Form with NRG Curtailment Solutions, Inc.**

WHEREAS, New York Independent System Operator (“NYISO”), the operator of New York’s electricity grid, supports demand support programs to deal with electricity demands during periods of high demand; and

WHEREAS, previously, the Town of Cheektowaga, by Resolutions, 2008-426, 2008-499, and 2014-458, executed enrollment forms with Energy Curtailment Specialists, Inc., now known as NRG Curtailment Solutions, Inc., in order to take advantage of the money available through programs to businesses that can reduce some or all of their electric requirement for a few hours each year when the electric grid is unstable, through the “Operation Save New York” program; and

WHEREAS, this program, with no cost to the Town, has resulted in payments to the Town of thousands of dollars in savings; and

WHEREAS, two additional contingency programs, the Distribution Load Relief Program (“DLRP”) and the Commercial System Relief Program (“CSR”), designed to strengthen service and reliability by enhancing our current program and provide full loading and testing of the emergency generators and electrical switching facilities at the Town’s Wastewater Pump Station and Stiglmeier Park, are available and will enable the Town to possibly reap larger rewards; and

WHEREAS, the Town is committed to saving money by reducing the use of electricity wherever possible; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an enrollment form with NRG Curtailment Solutions, Inc., formerly known as Energy Curtailment Specialists, Inc., for enrollment in the DLRP and CSR programs, for a five (5) year term (5 periods).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-290**

**Authorize Supervisor to Execute License Agreement with True Vine Christian Center Church**

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 12, 2016 from 1:00 p.m. to 5:00 p.m. for their Children’s Day Celebration; and

WHEREAS, True Vine Christian Center Church has offered to mow the grass on the vacant lot in order to accommodate the church festivities on June 12, 2016, and to clean up the property after the event; and

WHEREAS, the Town Attorney’s Office has prepared a License Agreement with True Vine Christian Center Church, setting forth the terms and conditions under which the church may use said Town property; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a License Agreement with True Vine Christian Center Church on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-291**

**Authorize Agreement with Bellevue Fire District**

WHEREAS, Bellevue Fire District located at 511 Como Park Boulevard sustained property damage as a result of Winter Storm Knife in November of 2014, AND

WHEREAS, Bellevue Fire District has received FEMA Assistance in repairing said property damage, AND

WHEREAS, Bellevue Fire District has a need to resurface the Fire Hall parking lot upon completion of said property damage work, AND

WHEREAS, Bellevue Fire District has requested assistance from the Town of Cheektowaga with resurfacing the Fire Hall parking lot, AND

WHEREAS, Bellevue Fire District has agreed to pay for the cost of materials and town force account labor for this project, AND

WHEREAS, Article 5-G of the General Municipal Law and section 142-b of the Highway Law permit the Town of Cheektowaga to authorize the use of town equipment and personnel to assist a fire district, NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby authorizes the Town Highway Department to assist Bellevue Fire District with the lot resurfacing, AND BE FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Bellevue Fire District for this project.

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Timothy J. Meyers, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY





**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-292**

**Authorize Municipal Cooperation Agreement with Village of Sloan**

WHEREAS, the Village of Sloan requested that the Town of Cheektowaga Sewer Maintenance Department assist them in the sanitary sewer television inspection of Jackson Avenue in said municipality, AND

WHEREAS, the Town Engineer or Sewer Maintenance General Foreman are willing to assist said municipality as requested, AND

WHEREAS, before the Town Engineer or Sewer Maintenance General Foreman can provide said services outside of the jurisdiction of the Town, 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 a municipal cooperation agreement with the Village of Sloan to perform the television inspection of the sanitary sewers on Jackson Avenue in said municipality, NOW, BE IT FURTHER

RESOVED, that money received from said municipality for the provision of the requested service shall be deposited into the proper account as determined by the Director of Administration and Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

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in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY





**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Hammer, Councilmember Rogowski

**RESOLUTION 2016-293**

**Authorize Sale of 16, 18, & 20 Randolph Avenue**

WHEREAS, the property located at 16, 18, and 20 Randolph Avenue in the Town of Cheektowaga was acquired for the purpose of demolishing vacant deteriorated homes and building of new residential housing for sale to income-eligible buyers, and

WHEREAS, Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. (MUC), a not-for-profit a Housing and Urban Development Department (HUD) qualified Community Housing Development Organization (CHDO), has agreed to purchase the properties located at 16, 18, and 20 Randolph Avenue from the Town of Cheektowaga, for the purchase price of \$1.00, for the purpose of building new residential housing and selling said homes to income-eligible homebuyers. The proceeds of the sale of said homes will be utilized by MUC for future acquisition rehabilitation/new construction residential home projects as required by HUD regulation, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to effectuate the transfer of 16, 18, and 20 Randolph Avenue to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., 1081 Broadway Street, Buffalo, New York 14212, subject to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of 16, 18, and 20 Randolph Avenue is subject to Permissive Referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE, the Town's official newspaper; and BE IT FURTHER

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

\*\*\*\*\*

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

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Cheektowaga, on September 21, 2015, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 16, 18, and 20 Randolph Avenue, Cheektowaga, New York to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. For \$1.00.

A copy of such resolution is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

**TAKE FURTHER NOTICE**, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

DATED: May 16, 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

SS:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Hammer, Councilmember Rogowski

**RESOLUTION 2016-294**

**Authorize Sale of 1007 Walden Avenue**

WHEREAS, the Town of Cheektowaga acquired the property located at 1007 Walden Avenue through the New York State Neighborhood Stabilization Program (NSP) grant under the American Recovery Act of 2009 to assist in the redevelopment of abandoned and foreclosed homes, and

WHEREAS, as part of the redevelopment plan of the area, the structure was demolished based on its condition, and

WHEREAS, the adjacent property at 1005 Walden Avenue was rehabilitated under the same New York State Neighborhood Stabilization Program (NSP) grant and sold to income eligible First Time Homebuyers (Eddie M. & Linda M. Robinson) under the program requirements, and

WHEREAS, the property at 1007 Walden Avenue is too small to build a new structure and shares a common driveway with 1005 Walden Avenue, and

WHEREAS, said property at 1007 Walden Avenue is excess to the needs of the Town and has no value, and

WHEREAS, the Director of Community Development has recommended that the Town sell the parcel to the property owners of 1005 Walden Avenue for \$1.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and other documents necessary to effectuate the sale of 1007 Walden Avenue for \$1.00, and BE IT FURTHER

RESOLVED, that the sale of 1007 Walden Avenue is subject to permissive referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum on the CHEEKTOWAGA BEE, the Town's official newspaper.

\*\*\*\*\*

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

**NOTICE IS HEREBY GIVEN**, that on May 16, 2016, the Town Board of the Town of Cheektowaga adopted a resolution authorizing the Town of Cheektowaga to sell vacant property located at 1007 Walden Avenue, Cheektowaga, New York for \$1.00 to Eddie M. Robinson and Linda M. Robinson.

A copy of such resolution, offer and sale documents 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: 16 May 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

(Seal)

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Hammer, Councilmember Meyers

**RESOLUTION 2016-295**

**Approve Lease with Board of Elections for Use of Town Buildings on Primary Day and Election Day**

WHEREAS, the Town of Cheektowaga is the owner of the following buildings:

- 222 Autumnwood Drive (Dartwood Community Center)
- 3459 Broadway (Cheektowaga Senior Citizens Center)

and

WHEREAS, the Erie County Board of Elections has requested the use of these buildings on Presidential Primary Day (April 19, 2016), Federal Primary Day (June 28, 2016), Primary Day (September 13, 2016) and Election Day (November 8, 2016) for polling locations, and

WHEREAS, the Director of the Facilities Department and the Director of the Senior Services Department have no objection to the use of such buildings, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute lease(s) with the Board of Elections for use of the above referenced Town buildings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Councilmember Kaminski

**RESOLUTION 2016-296**

**Installation of Backflow Preventer (RZP) @ Town Park Recreation Center**

WHEREAS, there is need for a new water service, including the installation of the required backflow preventer (RPZ) at the Town Park Recreation Center, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal in the amount of \$5,650.00 to prepare the necessary documentation for the new water service and RPZ application, NOW THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute said proposal with Nussbaumer & Clarke, Inc. dated May 5, 2016 for said services, AND, BE IT FURTHER

RESOLVED, that funding for these services shall be appropriated from budget line item number 500.7110.2432.5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-297**

**NYSDEC Year 13 Annual Report**

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 13 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, 2016, AND

WHEREAS, the 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 27, 2016 for inclusion in the final report to be submitted to the NYSDEC, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute the Municipal Compliance Certification Form for submission to the NYSDEC with the Year 13 Annual Report.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-298**

**Establish Accounts for Consolidated Local Streets and Highway Improvement Program (CHIPS)**

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 portions 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 account be and hereby are established:

#500.5132.0002.5714 -\$462,164.23

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-299**

**Approve Cultural Group Funding for Cheektowaga Art Guild and Cheektowaga Cultural Society**

WHEREAS, the Town, in its 2016 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 2015 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 2016 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Councilmember Hammer

**RESOLUTION 2016-300**

**SPECIAL EVENT - South Line Little League Parade**

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 Association has made application to hold its annual "Baseball Parade" on Monday, May 30, 2016, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers Boulevard, then to North Seine Drive, and ending at the South Line Little League baseball diamonds; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Police Department, the Department of Youth and Recreation, 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 South Line Little League Association for the aforementioned "Baseball Parade", to be held on Monday, May 30, 2016; and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Councilmember Hammer

**RESOLUTION 2016-301**

**SPECIAL EVENT - General Pulaski Association Annual Parade**

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 17th, 2016 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road to 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 of the Niagara Frontier for the aforementioned parade to be held on Sunday, July 17th, 2016 and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

10.30

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-302**

**SPECIAL EVENT - Shooting Starz Charity Softball Tournament**

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 Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 23rd, 2016 from 8:00 a.m. - 8:00 p.m, 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 Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 23rd, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

10.31

**ADOPTED**

Sponsors: Benczkowski, Kaminski, Rogowski, Hammer, Adamczyk

**RESOLUTION 2016-303**

**Name Recreation Center in Honor of Kenneth J. Meyers**

WHEREAS, Kenneth (“Kenny”) J. Meyers began his public service as an elected official (Councilman) for the Town of Cheektowaga in 1970 and served as a Councilman until 1975; from 1976 until 1983, he served as Supervisor for the Town of Cheektowaga, and

WHEREAS, during his tenure as a Town Board member, the Town of Cheektowaga experienced economic growth with the construction of residential subdivisions and commercial development, turning the Town of Cheektowaga into a first class Town with over 100,000 residents, and

WHEREAS, Kenneth J. Meyers was instrumental in developing and enhancing the recreational activities in the Town, and spearheaded the construction of the Cheektowaga Recreation Center in Town Park in 1974, and

WHEREAS, in 1976, Kenneth J. Meyers helped to form the Cheektowaga Bicentennial Commission to celebrate our nation’s 200<sup>th</sup> Anniversary; the Cheektowaga Bicentennial Commission then continued on for the past 40 years as the Cheektowaga Patriotic Commission, and

WHEREAS, after his departure as an elected official for the Town of Cheektowaga, Kenneth J. Meyers became the Town’s first Town Electrician, saving the Town hundreds of thousands of dollars in consultant fees and enhancing the electrical systems of various Town buildings, and

WHEREAS, after his retirement from the Town of Cheektowaga, Kenneth J. Meyers continued his civic involvement in our community and his church, NOW, THEREFORE, BE IT

RESOLVED, that, in recognition of his many years of service to the Town of Cheektowaga and our community, this Town Board names the Cheektowaga Recreation Center at Town Park the “Kenneth J. Meyers Cheektowaga Recreation Center.”

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSTAIN:</b>	Timothy J. Meyers

State Of New York  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-304**

**Fitness in the Park - YMCA**

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 21<sup>st</sup> thru August 25<sup>th</sup>, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Kaminski, Councilmember Rogowski

**RESOLUTION 2016-305**

**Youth & Recreation Hiring**

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 Attendant – 7140.1613 - \$9.00 – Regular Part-time

Danielle Szymkowiak 14227

Lifeguard – 7180.1903 - \$10.00 – Regular Part-time

Tyler Ditta 14211  
Nicole Frigioni 14225  
Felicia Magnuszewski 14043  
Jacob Miller 14225  
Dante Peters 14225  
Tyler Post 14043  
James Purpura 14225  
David Steiner 14225

Lifeguard – 7180.1903 - \$10.00 – Seasonal

Morgan Blake 14225  
Shannon Borowiak 14227  
Frederick Drzewiecki, III 14225  
Emma Eisenhardt 14211  
Lilly Eisenhardt 14211  
Jenna Erwin 14212  
Nicholas Hahn 14225  
Zachary Jones 14225  
Caremine Seemueller 14215  
Madeline Wnuk 14043

Lifeguard “Senior Lifeguard” – 7180.1903 - \$10.40 – Regular Part-time

Robert Love 14225  
Noah Radlich 14225  
Alyssa Reesor 14211  
Benjamin Sullivan 14225

Lifeguard “Senior Lifeguard” – 7180.1903 - \$10.40 – Seasonal

Justin Brackna 14225  
Lennon Cavanaugh-Gordon 14215  
Connor Karek 14225  
Kevin Lopez-Rodriguez 14225  
Colleen Wilkie 14043

Lifeguard “Head Lifeguard Trainee” – 7180.1903 - \$10.60 – Regular Part-time

Dylan Bajer 14225  
Ariana D’Agostino 14225

Natalie Lane	14215
Ryan Osswald	14225

Lifeguard "Head Lifeguard Trainee" – 7180.1903 - \$10.60 – Regular Part-time – Effective 5/23/16  
Bradley Bauman

Lifeguard "Head Lifeguard Trainee" – 7180.1903 - \$10.60 – Seasonal

Ross Bauman	14227
Dakota Grantham	14225
Zachary Hermanski	14225
Samantha Johnston	14227
Amanda Kiripolsky	14215
Katelin Petranchuk	14227
Kyle Tobin	14215
Lauren Tomaschko	14225
Chelsea Wartinger	14043
Joseph Weber	14225
Kelsey Wiegert	14211
Alexandria Wnuk	14043
John Zastempowski, IV	14227

BE IT FURTHER RESOLVED, the following employee information be amended as follows:  
Recreation Instructor – 7140.1636 - \$10.00 – Seasonal – Retro to 4/19/16  
Andrew Deeds

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY







**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-307**

**Hiring/Termination of Part-Time/Seasonal Employees**

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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.25/hour  
Tyler M. Measer, Cheektowaga, New York effective 5/17/16  
Tyler M. Elis, Cheektowaga, New York effective 6/29/16

FACILITIES DEPARTMENT (Parks Division) Laborer \$10.25/hour  
Michael W. Kowal, Cheektowaga, New York effective 6/6/16  
Ryan J. Kowal, Cheektowaga, New York effective 5/17/16

FACILITIES DEPARTMENT (Parks Division) \$9.00/hour  
Alexander E. Wodarczyk, Cheektowaga, New York effective 5/17/16

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

POLICE DEPARTMENT  
Ryan M. Szczesniak effective 4/5/16  
Brad J. Bauman effective 5/22/16

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Monday, May, 16, 2016,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY





**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-308**

**Creation of Positions for Civil Service Job Inventory**

BE IT RESOLVED, that this Town Board hereby create the following positions pursuant to Civil Service Laws and Rules effective May 17, 2016:

- One (1) Computer Support Technician
- Forty (40) Recreation Instructors (Regular Part Time)
- Ten (10) Recreation Specialists (Regular Part Time)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-309**

**Termination of Interim Supervising Code Enforcement Officer  
Carla Kosmerl**

WHEREAS, by resolution dated November 5, 2012 (Resolution 2012-601), Carla A. Kosmerl was appointed to the position of Director of Community Development, and

WHEREAS, by resolution dated June 3, 2013 (Resolution 2013-307), the management and supervision of the Housing & Neighborhood Preservation Office was placed under the supervision of the Director of Community Development, and

WHEREAS, by resolution dated August 4, 2014 (Resolution 2014-446), the Town Board appointed Director of Community Development Carla A. Kosmerl as Interim Supervising Code Enforcement Officer (a/k/a Supervising Building & Plumbing Inspector, a/k/a Supervising Building Inspector, a/k/a Town Building Inspector) to enforce various Town Codes and to administer the Office of Building Inspections and the Housing & Neighborhood Preservation Office, and

WHEREAS, this Town Board previously appointed Richard Coburn to the position of Supervising Code Enforcement Officer, effective May 17, 2016, NOW, THEREFORE, BE IT

RESOLVED, that Carla A. Kosmerl be and hereby is terminated from the position of Interim Supervising Code Enforcement Officer and is removed from managing and supervising the Housing & Neighborhood Preservation Office effective May 17, 2016, and BE IT FURTHER

RESOLVED, that the salary of the Director of Community Development shall be established at \$86,000 per year, effective May 17, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY





Town of Cheektowaga  
3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Hammer, Supervisor Benczkowski

**RESOLUTION 2016-310**

**Appointment of Clerk Typist (Competitive/Permanent) Office of the Town Clerk (Dawn B. DePronio)**

WHEREAS, a vacancy exists in the position of Clerk Typist in the Office of the Town Clerk; AND

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

WHEREAS, Dawn B. DePronio, currently a Laborer in the Sewer Maintenance Department, bid on said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dawn B. DePronio, of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Office of the Town Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement effective June 1, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Victoria L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Monday, May, 16, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Thursday, May, 19, 2016.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Hammer, Supervisor Benczkowski

**RESOLUTION 2016-311**

**Appointment of Two (2) Computer Support Technicians  
(Competitive/Permanent) Department of Information  
Technology and Records Management (Joseph S. Fedyna  
and Lawrence Godzich)**

WHEREAS, two (2) vacancies exist in the title of Computer Support Technician in the Department of Information Technology and Records Management; AND

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

WHEREAS, a current civil service list for said title has been established; AND

WHEREAS, Joseph S. Fedyna, currently employed as a provisional Computer Support Technician, is eligible for permanent appointment to said title; AND

WHEREAS, Lawrence Godzich, currently a Technical Support Services Specialist, is also eligible for appointment to said title; NOW, THEREFORE, BE IT

RESOLVED, Joseph S. Fedyna of Cheektowaga, New York, and Lawrence Godzich of Cheektowaga, New York, be and hereby are appointed to the positions of Computer Support Technician in the Department of Information Technology and Records Management, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 17, 2016.

**RESULT: ADOPTED [UNANIMOUS]**  
**MOVER:** Linda Hammer, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

ss:

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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-312**

**Appointment of Plumber (Non-Competitive/Permanent)  
Facilities Department (Buildings and Grounds) David J.  
Surdej**

WHEREAS, a vacancy exists in the title of Plumber in the Facilities Department (Buildings and Grounds Division); AND

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

WHEREAS, David J. Surdej, currently employed as a Laborer in the Highway Department, bid on said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David J. Surdej of West Seneca, New York, be and hereby is appointed to the position of Plumber in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 9, 2016.

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Kaminski, Meyers, Adamczyk, Hammer
<b>ABSTAIN:</b>	James P. Rogowski

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Meyers, Supervisor Benczkowski

**RESOLUTION 2016-313**

**Appointment of Pump Operator (Provisional) Main Pump Station (Joseph J. Alba)**

WHEREAS, a vacancy exists in the position of Pump Operator in the Main Pump Station; AND

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

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

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

WHEREAS, a current civil service list is not in existence; AND

WHEREAS, Joseph J. Alba applied for said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph J. Alba of Cheektowaga, New York, be and hereby is appointed to the provisional position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective 5/26/16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Supervisor Benczkowski, Councilmember Meyers

**RESOLUTION 2016-314**

**Appointment of Supervising Code Enforcement Officer  
(Provisional) Richard C. Coburn**

WHEREAS, there is a vacancy in the position of Supervising Code Enforcement Officer,  
and

WHEREAS, said title is in the competitive class of civil service, and

WHEREAS, said position was advertised and candidates were interviewed, and

WHEREAS, a current civil service list does not exist for said title, and

WHEREAS, Richard C. Coburn, currently employed with the Town of Cheektowaga as an Assistant Code Enforcement Officer, applied for said position and meets the requirements for provisional appointment to said title, NOW, THEREFORE, BE IT

RESOLVED, that Richard C. Coburn of Depew, New York be and hereby is appointed to the provisional title of Supervising Code Enforcement Officer, effective May 17, 2016 at the annual salary of \$72,000.00, and BE IT FURTHER

RESOLVED, that Richard C. Coburn, as Supervising Code Enforcement Officer, shall manage and supervise the Office of Building Inspector and the Housing & Neighborhood Preservation Office, and BE IT FURTHER

RESOLVED, that, as Supervising Code Enforcement Officer (a/k/a Supervising Building & Plumbing Inspector, a/k/a Supervising Building Inspector, a/k/a Town Building Inspector), he is authorized to administer and enforce various Town Codes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

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---

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Supervisor Benczkowski

**RESOLUTION 2016-315**

**Travel Authorization Police Department**

WHEREAS, the Human Source Intelligence: Recruiting, Controlling and Using Confidential Informants Training is being held on May 23, 2016 in Rochester, New York; AND

WHEREAS, Detectives Kevin Schmitt, Michael Pilat and John Skonecki 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 \$835.92; AND

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

RESOLVED, that Detectives Kevin Schmitt, Michael Pilat and John Skonecki be and hereby are authorized to attend the Human Source Intelligence: Recruiting, Controlling and Using Confidential Informants Training being held on May 23, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Supervisor Benczkowski

**RESOLUTION 2016-316**

**Travel Authorization Police Department**

WHEREAS, the Aerosol Subject Restraint Instructor Course is being held May 19, 2016 through May 20, 2016 in Rochester, New York; AND

WHEREAS, Sergeants John Wanat and Daniel Albrecht 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 \$987.14; AND

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

RESOLVED, that Sergeants John Wanat and Daniel Albrecht be and hereby are authorized to attend the Aerosol Subject Restraint Instructor Course being held May 19, 2016 through May 20, 2016 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/16/16 06:45 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Supervisor Benczkowski

**RESOLUTION 2016-317**

**Travel Authorization Police Department**

WHEREAS, the Online Social Networking (OSN) Seminar being sponsored by the National Computer Forensics Institute is being held August 1, 2016 through August 5, 2016 in Hoover, Alabama; AND

WHEREAS, Detective James Genson has 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, there shall be no cost to the Town for Detective Genson to attend said seminar; AND

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

RESOLVED, that Detective James Genson be and hereby is authorized to attend the Online Social Networking (OSN) Seminar being sponsored by the National Computer Forensics Institute being held August 1, 2016 through August 5, 2016 in Hoover, Alabama.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

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\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

[Download Document](#)

# Town of Cheektowaga

Cheektowaga, NY 14227

## Special Meeting

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

### ~ Minutes ~

Vickie L. Dankowski

716-686-3434



Tuesday, May 24, 2016

2:30 PM

Council Chambers

## I. Call to Order

2:30 PM Meeting called to order on May 24, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Absent	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

## 2. Additional Attendees

Karen Marchese, Coordinator of Employee Relations

Kevin Schenk, Town Attorney

## II. Minutes Approval

## III. Public Portion

## IV. Resolutions

### 1. RESOLUTION 2016-318

## Appointment of Deputy Town Attorney (Melissa A. Reese)

**Sponsored By:** Meyers, Adamczyk, Kaminski, Rogowski, Hammer

WHEREAS, there is a vacancy in the position of Deputy Town Attorney; AND

WHEREAS, Melissa A. Reese, Esq., has applied for such position; AND

WHEREAS, Melissa A. Reese, Esq. has served as Deputy Town Attorney/Prosecutor for the Town of Cheektowaga for a number of years; AND

WHEREAS, Melissa A. Reese meets all of the qualifications for such position; NOW, THEREFORE, BE IT

RESOLVED, that Melissa A. Reese of Cheektowaga, New York be and hereby is appointed to the position of Deputy Town Attorney at the annual rate of \$44,369, along with

prosecutorial and other duties at the additional annual rate of \$10,000, effective May 25, 2016; AND, BE IT FURTHER

RESOLVED, that, as Deputy Town Attorney, Melissa A. Reese shall not be entitled to any of the benefits outlined in the Personnel Policy for Exempt Employees other than salary.

Amended to remove the statement as a result of the resignation of Jeffrey L. Whiting, Esq.

**RESULT:**           **ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:**           James P. Rogowski, Councilmember

**SECONDER:**       Christine Adamczyk, Councilmember

**AYES:**           Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**ABSENT:**         Diane Benczkowski

## V. Adjournment

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to adjourn the meeting at 2:35 PM.

Vickie L. Dankowski, Town Clerk

Powered by **Granicus**



# Town of Cheektowaga

## Work Session

~ Minutes ~

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

Vickie L. Dankowski  
716-686-3434

Tuesday, May 31, 2016

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on May 31, 2016 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Absent	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Vickie Dankowski, Town Clerk  
Matt Janiszewski, Assistant to the Supervisor  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Melissa Reese-Broska, Deputy Town Attorney

### 3. Motion To: Enter Into Executive Session at 6:01 PM

COMMENTS - Current Meeting:

To Discuss a potential litigation matter, and personnel matters, including potential discipline of employees in various departments, and the termination and hiring of various employees in various departments.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy J. Meyers, Councilmember  
**SECONDER:** Gerald Kaminski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**ABSENT:** Christine Adamczyk

### 4. Motion To: Exit Executive Session at 8:20 PM

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Gerald Kaminski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**ABSENT:** Christine Adamczyk

## II. Resolutions



## 1. RESOLUTION 2016-319

### Settlement of Litigation - Barends Vs Town

**Sponsored By:** Councilmember Gerald Kaminski

WHEREAS, on or about March 12, 2012, an action (Justin T. Barends vs Town of Cheektowaga, Index No. I-2012-000813) was commenced against the Town; and

WHEREAS, the law firm of Chelus, Herdzik, Speyer & Monte, P.C. (Kevin Loftus, Esq., of counsel) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a settlement with the claimant's attorneys; and

WHEREAS, this settlement is in the best interests of the Town of Cheektowaga;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or Chelus, Herdzik, Speyer & Monte, P.C. be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim in accordance with the terms of the Settlement Agreement and Release and Stipulation of Discontinuance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk



## 2. RESOLUTION 2016-320

### SPECIAL EVENT - NCAAAA Baseball Parade

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 Parade on Saturday, June 4th, 2016, at 12:00 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 (NCAAA) for the aforementioned Parade, to be held on Saturday, June 4th, 2016 at 12:00 p.m.; BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk



### 3. RESOLUTION 2016-321

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## Travel Authorization Community Development

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, there is a seminar on abandoned homes being held June 1, 2016 in Greece, New York; AND

WHEREAS, Councilmember Linda Hammer and Director of Community Development Carla Kosmerl have been recommended to attend said seminar; AND

WHEREAS, a request for travel authorization has been submitted; AND

WHEREAS, there is no cost to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Councilmember Linda Hammer and Director of Community Development Carla Kosmerl be and hereby are authorized to attend the seminar on abandoned homes being held June 1, 2016 in Greece, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/31/16 06:00 PM

**ADOPTED**

Sponsors: Councilmember Gerald Kaminski

**RESOLUTION 2016-319**

**Settlement of Litigation - Barends Vs Town**

WHEREAS, on or about March 12, 2012, an action (Justin T. Barends vs Town of Cheektowaga, Index No. I-2012-000813) was commenced against the Town; and

WHEREAS, the law firm of Chelus, Herdzyk, Speyer & Monte, P.C. (Kevin Loftus, Esq., of counsel) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a settlement with the claimant's attorneys; and

WHEREAS, this settlement is in the best interests of the Town of Cheektowaga;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or Chelus, Herdzyk, Speyer & Monte, P.C. be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim in accordance with the terms of the Settlement Agreement and Release and Stipulation of Discontinuance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Nickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Tuesday, May, 31, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Monday, June, 6, 2016.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/31/16 06:00 PM

**ADOPTED**

Sponsors: Councilmember Adamczyk, Councilmember Hammer

**RESOLUTION 2016-320**

**SPECIAL EVENT - NCAAAA Baseball Parade**

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 Parade on Saturday, June 4th, 2016, at 12:00 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 (NCAAA) for the aforementioned Parade, to be held on Saturday, June 4th, 2016 at 12:00 p.m.; BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

SS:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Tuesday, May, 31, 2016,  
and that the same is a correct and true transcript of such original  
resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said  
Town on Monday, June, 6, 2016.

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



**Town of Cheektowaga**

3301 Broadway  
Cheektowaga, NY 14227

Meeting: 05/31/16 06:00 PM

**ADOPTED**

Sponsors: Councilmember Rogowski, Councilmember Meyers

**RESOLUTION 2016-321**

**Travel Authorization Community Development**

WHEREAS, there is a seminar on abandoned homes being held June 1, 2016 in Greece, New York; AND

WHEREAS, Councilmember Linda Hammer and Director of Community Development Carla Kosmerl have been recommended to attend said seminar; AND

WHEREAS, a request for travel authorization has been submitted; AND

WHEREAS, there is no cost to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Councilmember Linda Hammer and Director of Community Development Carla Kosmerl be and hereby are authorized to attend the seminar on abandoned homes being held June 1, 2016 in Greece, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>ABSENT:</b>	Christine Adamczyk

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Tuesday, May, 31, 2016, and that the same is a correct and true transcript of such original resolution and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town on Monday, June, 6, 2016.

\_\_\_\_\_  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, June 6, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on June 6, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Melissa Reese, Deputy Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. Install Curbing Along Clover 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:**           Diane Benczkowski, Supervisor  
**SECONDER:**       James P. Rogowski, Councilmember  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **IX. Presentation**

## **X. Resolutions**



## 1. RESOLUTION 2016-322

### Transfer of Funds-2015

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.3120.1932	Sick Sellback	\$15,669.00
	100.9950.8729	Transfer to Capital	813,476.00

TO:	100.1910.2701	Refunds of Prior Years	\$232,817.00
	100.9903.8141	Medical Insurance, Employee	333,157.00
	100.9903.8143	Retiree's Medical Insurance	263,171.00

**RISK**

FROM:	101.1710.4526	Dental/Vision Administration	\$1,312.00
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TO:	101.1937.4703	Judgement & Claims	\$1,312.00
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-323

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### Transfer of Funds-2016

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM: 100.1410.4088 Travel, Training & Conferences \$1,500.00

TO: 100.1410.4001 Office Supplies \$1,500.00

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Diane Benczkowski, Supervisor

**SECONDER:** Timothy J. Meyers, Councilmember

**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-324

## Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 6, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$4,387,110.16
RISK RETENTION FUND	1,282,675.03
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	34,190.00
SPECIAL DISTRICTS FUND	920,413.90
HIGHWAY FUND	789,254.77
CAPITAL FUND	1,229,312.33
TRUST & AGENCY FUND	6,401.13
HUD CDBG FUND	126,754.45
PART TOWN FUND	108,427.15
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$8,884,538.92

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-325

### Amend Engineering Consultant Agreement for Wastewater Engineering Planning Grant Work

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga has been awarded an \$80,000 Wastewater Engineering Planning Grant (#53713) through the New York State Environmental Facilities Corporation to support an engineering planning project that would identify actions that will correct deficiencies in the Town's wastewater collection facilities, AND

WHEREAS, by Town Board Resolution #2016-237, dated April 18, 2016, Nussbaumer & Clarke, Inc. was retained to perform work under the grant at a cost of \$80,000 for sanitary sewer metering and the preparation of Pre- and Post- Construction Studies for this project; and the Town's match for this grant was to be for in-house inspections for illegal sewer connections, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted an amended Proposal dated May 13, 2016 to amend the Professional Services Agreement as indicated in the Proposal, said Amendments include adding the exterior house inspections for sources of inflow and infiltration to their scope of services and transferring the sanitary sewer flow metering services to the Town's scope as our required match under the grant, AND

WHEREAS, the fee for said services remains unchanged at \$80,000, AND

WHEREAS, the Town Engineer has reviewed the amended Proposal and has recommended that this Town Board authorize the amended Proposal, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute said proposal on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



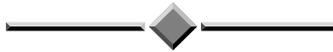
## 5. RESOLUTION 2016-326

### Call for Public Hearing - Special Use Permit/Variance for Accessory Drive Thru Window - 829 Dick Road

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

WHEREAS, Silvertip Ventures, LLC has made application and requested a special use permit and a variance to establish an accessory drive thru window for a proposed 1,766 s.f. restaurant/donut shop a 829 Dick Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 20, 2016 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 June 20, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Silvertip Ventures, LLC

for a special use permit and a variance(s) to establish an accessory drive thru window for a proposed 1,766 s.f. restaurant/donut shop a 829 Dick Road.

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

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

VICKIE L. DANKOWSKI, TOWN CLERK



**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 12, Township 11, Range 7 of the Holland land Company's Survey, being subdivision lot 13, part of subdivision lot 12 and the reserved parcel "A", as shown on map cover 976, bounded and described as follows;

**BEGINNING** at a point of on the east line of Dick Road (120' wide) distant 255.36 feet south of the south line of West Sobieski Avenue (50' wide) said point being the southeast corner of lands acquired by the County of Erie, File No.SK-207-36, Parcel No.36; thence easterly along the north line of lands conveyed to Goodwin as recorded in the Erie County Clerk's Office under

Liber 10394 of deeds at page 659, being parallel with the north line of said subdivision lot 12, a distance of 127.93 feet to a point on the east line of said subdivision lot 12; thence northerly along the east line of said subdivision lot 12, a distance of 105.24 feet to the northeast corner of said subdivision lot 12, also being the northwest corner of said subdivision lot 13; thence easterly along the north line of said subdivision lot 13, a distance of 396.99 feet measured (397.17' map) to the northeast corner of said subdivision lot 13, also being a point on the north line of the said reserved parcel "A"; thence northeasterly along the north line of said reserved parcel "A", also being the south line of subdivision lot 11, map cover 976, a measured distance of 284.45 feet (286.86' map) to the southeast corner of subdivision lot 11; thence southerly along the east line of said reserved parcel "A", a measured distance of 54.71 feet (54.73' map) to the south line of said reserved parcel "A"; thence southwesterly along the south line of said reserved parcel "A", a distance of 771.23 feet to the east line of Dick Road; thence northerly along the east line of Dick Road being a curved line to the left having a radius of 3759.72 feet an arc distance of 166.55' to the Point of Beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-327

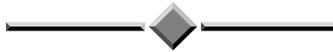
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### Call for Public Hearing - Special Use Permit for Accessory Drive Thru Window - 2567 Union Road

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

WHEREAS, McDonald's USA, LLC has made application and requested a special use permit to modify an existing accessory drive thru for an existing McDonald's restaurant at 2567 Union Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 20, 2016 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 June 20, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

McDonald's USA, LLC

for a special use permit to modify an existing accessory drive thru for an existing McDonald's restaurant at 2567 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, NY

VICKIE L. DANKOWSKI, TOWN CLERK



#### ALL THAT TRACT OR PARCEL OF LAND

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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline at Losson Road.

RUNNING THENCE: N-08' - 30' 31" -W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85' - 08'-31" -E and parallel to the Centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04' - 51'-29" -W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85' -08'-31"- W along the centerline of Losson Road a distance-of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57,188. 39+/- square feet or 1.31+/- acres be the same more or less.

EXCEPTING there from that part of the premises appropriated by the People of the State of New York by a Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 7180 at page 472 and also in Liber 7220 at Page 56, being Map 71, Parcels 80 & 81.

SUBJECT' TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO and reserving unto the Grantor, its tenants, successors, heirs and assigns a perpetual, non-exclusive easement over the above described premises appurtenant to and for the benefit of the property described on attached Schedule B for the purpose of connecting to the existing water main located near the southeast corner of the above described premises, including an easement for ingress and egress In order to maintain, replace and/or repair the connecting water line.

SUBJECT TO a Shopping Center Easement Agreement from Grantor to Grantee dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

88410

#### Schedule B

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 No. 63, Township 10; Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Union Road, at its Intersection with the center line of Losson Road; running thence easterly along the center line of Losson Road; six hundred eighty-and twenty-nine hundredths (680.29) feet to a point therein, distant three hundred five and five hundredths (305. 05) feet west from the east line of Lot No. 63; running thence northerly and parallel with the east line of Lot No. 63; four hundred fifty-three and four hundredths (453.04) feet to an iron: running thence northwesterly at an interior angle of 164 degrees 32' 51", one hundred fourteen and ninety-five hundredths (114.95) feet to a point running thence southwesterly on a line at right angles to the center line of Union Road, a distance of seven hundred thirty-four and eighty-one hundredths (734.81) feet to a point in the center line of Union Road; running thence southwesterly along the center line of Union Road, four hundred two and sixty-five hundredths (402.65) feet to the point or place of beginning.

Excepting therefrom, that part of premises appropriated by the People of the State of New York by Notice of Appropriation recorded in Erie County Clerk's Office In Liber 7180 of Deeds page 472 and also in Liber 7220 of Deeds page 56 being Map No. 71, Parcels Nos. 80 and 81 and filed February 8, 1966.

Also excepting therefrom 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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline of Losson Road.

RUNNING THENCE: N-08'-30'-31"-W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85'-08'-31"-E and parallel to the centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04'-51'-29"-W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85'-08'-31"-W along the centerline of Losson Road a distance of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57, 188.39+/- square feet or 1.31+/- acres be the same more or less.

SUBJECT TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO a Shopping Center Easement Agreement from Losson & Union Associates, Inc. to McDonald's Corporation dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-328

### Call for Public Hearing - Special Use Permit for Accessory Drive Thru Window - 1735 Walden Avenue

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

WHEREAS, McDonald's USA, LLC has made application and requested a special use permit to modify an existing accessory drive thru for an existing McDonald's restaurant at 1735 Walden Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 20, 2016 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 June 20, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

McDonald's USA, LLC

for a special use permit to modify an existing accessory drive thru for an existing McDonald's restaurant at 1735 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

VICKIE L. DANKOWSKI, TOWN CLERK



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 No. 24, Township 11; Range 7 of the Holland Land Company's Survey being bounded and described as follows:

BEGINNING at a point on the southerly line of lands taken by the State of New York for the Walden Avenue Extension as described in Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 4614 of Deeds at page 504 at the intersection of the east line of lands recorded in the Erie County Clerk's Office in Liber 6644 of Deeds at page 378;

- thence southerly along the east line of Liber 6644 of Deeds at page 378 a distance of 157.77 feet to a point;

- thence easterly perpendicular to the aforementioned line a distance of 110.00 feet to a point;
- thence northerly perpendicular to the aforementioned line a distance of 25.00 feet to a point;
- thence easterly perpendicular to the aforementioned line a distance of 92.71 feet to a point;
- thence northerly perpendicular to the aforementioned line a distance of 20.00 feet to a point;
- thence easterly perpendicular to the aforementioned line a distance of 36.00 feet to a point;
- thence northerly perpendicular to the aforementioned line and parallel with the east line of Liber 6544 of Deeds at page 378 a distance of 198.64 feet to a point on the southerly line of Walden Avenue as established by New York State Department of Public Works as described in the Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4579 of Deeds at page 508;
- thence westerly along the southerly line of Walden Avenue a distance of 41.97 feet to A point at the intersection of the southerly line of Walden Avenue Extension as described in Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4614 of Deeds at page 504;
- thence westerly along the southerly line of Walden Avenue Extension a distance of 211.96 feet to the point of beginning.

Together with the benefits and subject to the burdens of an easement over premises adjacent to the east for ingress, egress and parking recorded in the Erie County Clerk's Office on August 21, 1998 in Liber 10937 of Deeds at page 7105 and an easement over premises adjacent to the west for common driveway recorded in the Erie County Clerk's Office on August 18, 1999 in Liber 10955 of Deeds at page 9295.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-329

### Call for Public Hearing - Special Use Permit/Variance for Accessory Drive Thru Window - 3729 Union Road

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

WHEREAS, Elizabeth A. Reilly-Meegan with permission of the land owner, Acquest Development has made application and requested a special use permit and a variance to establish an accessory drive thru window for a proposed 1 story, 3,600 s.f. dine in restaurant at 3729 Union Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 20, 2016 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 June 20, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Acquest Development, LLC/Moes

a special use permit and a variance to establish an accessory drive thru window for a proposed 1 story, 3,600 s.f. dine in restaurant at 3729 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, NY

VICKIE L. DANKOWSKI, TOWN CLERK



**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, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the easterly line of Union Road, distant 701.58 feet southerly from the northwest corner of said Lot No. 11;

RUNNING THENCE easterly on a line parallel with the north line of Lot No . 11, 269 .66 feet to a point;

THENCE southerly parallel with the westerly line of Lot No. 11, 435.60 feet to a point;

THENCE westerly on a line parallel with the north line of Lot No. 11, 269 .66 feet to the easterly line of Union Road;

THENCE northerly along the easterly line of Union Road, 435.60 feet to the point of beginning .

EXCEPTING that portion of the above -described premises acquired by the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 3877 of Deeds at page 118.

ALSO EXCEPTING THEREFROM that portion of the above-described premises conveyed to Lu & Lu Land Leasing, Inc. by deed recorded in the Erie County Clerk 's Office in Liber 7612 of Deeds at page 541, AND

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

BEGINNING at a point in the easterly line of Union Road, as widened, 701.58 feet southerly from the north line of said Lot Number 11; running thence southerly along the said easterly line of Union Road, as widened, 115 feet to a point;

THENCE easterly and parallel with the north line of Lot Number 11, 247 .29 feet to a point in the east line of lands conveyed to Louis Zon and Lucille Zon, his wife, by deed recorded in the Erie County Clerk's Office in Uber 5687 of Deeds at page 530 on January 27,1959 ;

THENCE northerly and parallel with the westerly line of Lot No. 11 and a long the east line of lands conveyed to Zon by the aforesaid deed, 115 feet to a point which is the northeasterly corner of

premises conveyed to Louis A . Zon and Lucille M. Zon, his wife, as aforesaid; THENCE westerly on a line parallel with the north line of Lot No. 11 and along the northerly line of premises conveyed by the aforesaid deed, 247

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-330

### Negative SEQR Declaration - 999 Rein Road

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

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

WHEREAS, an application was submitted by Tommaso Briatico, Architect for Bruce Hora, land owner for the construction of a 5,280 s.f. building addition to an existing warehouse/storage building at 999 Rein Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 14, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-331

### Negative SEQR Declaration-782 Aero Drive

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

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

WHEREAS, an application was submitted by Airport Collision for the rezoning of an existing collision repair facility from M1- Light Manufacturing to MS- Motor Service to permit the construction of a 7,000 s.f building addition at 782 Aero Drive, 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, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of April 14, 2016 and May 12th, 2016 respectively, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 4, 2016 recommended a determination of non-significance, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, the CCAC 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 11. RESOLUTION 2016-332

### Accept Site Plan- 999 Rein Road

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

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, Markos Bahas submitted a development review application for the construction of a 5,280 s.f. warehouse building addition at 999 Rein Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of April 14, 2016 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 drainage/grading plan and a Flood Plain Development Permit.
2. The installation of (5) five foot concrete public walk along Rein Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-333

### Accept Site Plan- 782 Aero Drive Airport Collision

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

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, Airport Collision/Trey Hoddick submitted a development review application for the construction of a 7,000 s.f. warehouse building addition at 782 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of April 14, 2016 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 drainage/grading plan and a Flood Plain Development Permit.
2. The repair/replacement or removal of the fence along the south property line and the addition of colorado spruce trees 15 feet on center to screen the existing vehicle parking areas as approved by the Town Planner.
3. The submission of a photometric plan for review and approval by the Town Planner any new exterior lighting.

Motion by Councilmember Adamczyk, Seconded by Councilmember Rogowski to adopt as amended changing resolution description from 999 Rein Road to 782 Aero Drive. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





### 13. RESOLUTION 2016-334

## Accept Site Plan- 1 Walden Galleria Drive Bar Louie

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

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, Barker Nestor, Inc./Bar Louie submitted a development review application for the a revision to a previously approved site plan to modify an existing exterior dining are to the Bar Louie restaurant at the Walden Galleria Mall, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 12, 2016 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.

Attachments:

Site Plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-335

### Accept Site Plan-2015 Walden Avenue

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

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, Michael Delisanti/2015 Walden Improvements, LLC submitted a development review application for a modification to a previously approved site plan for the construction of parking area connection along the south property line, with the private property owned by Benderson Development Co., LLC, AND

WHEREAS, the neighboring land owner, Benderson Development Co., LLC has agreed to permit perpetual vehicular access to its internal roadway to permit the proposed connection, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 12, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-336

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### **Notice to Bidders - Cleaning, Televising & Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe (Bid #2016-24)**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for the Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe in the Town of Cheektowaga, AND

WHEREAS, the Engineering Department has completed preparation of bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe in the Town of Cheektowaga, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 29th day of June, 2016 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 June 29, 2016 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe (CIPP) in the Town of Cheektowaga.

Information for bidders and specifications 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 upon payment of \$50.00 in the form of one (1) check made payable to the Town of Cheektowaga for each copy requested. Any bidder returning such Specifications in good condition within ten (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 Specifications may purchase the excess, but it is understood that these are non-refundable.

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe (CIPP)" and submitted to the Town Clerk prior to bid opening.

The work shall be completed within one hundred eighty (180) calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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.

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

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

Vickie Dankowski  
Town Clerk

DATED: June 6, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-337

### **Authorize Supervisor to Sign Agreement with O'Connell Electric Company, Inc. for Photovoltaic System Inspection & Maintenance**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the Town operates four (4) solar energy photovoltaic rooftop systems located at the Town Hall, Highway Garage, Facilities Maintenance Garage and 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, the Town Engineer has recommended that the Town renew 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 May 16, 2016 for photovoltaic system inspection and maintenance, deviation alert monitoring and solar module cleaning, to renew on June 1, 2016 and end on May 31, 2017 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-338

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### Authorize Supervisor to Execute Agreement with Erie County Water Authority for Clover Place

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Clover Place is a Town highway maintained by the Town Highway Department, AND

WHEREAS, the Town Highway Department will be reconstructing Clover Place in the summer of 2016, AND

WHEREAS, the Erie County Water Authority (ECWA) was planning on installing a new waterline on Clover Place in the near future, AND

WHEREAS, rather than install the waterline itself, the ECWA has offered to remit the sum of \$370,000 to the Town if the Town, or its contractor, would install the waterline along Clover Place while the Town reconstructs Clover Place, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-339

### Authorize Supervisor to Sign Agreement with Hawkins, Delafield & Wood LLP

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town Board will engage in the sale and issuance of Town bonds, which are expected to be purchased by the Environmental Facilities Corporation (the "EFC") to finance the increase and improvement of facilities of the Consolidated Sewer District and the construction of the improvements therein, AND

WHEREAS, Hawkins, Delafield and Wood LLP are bond attorneys that will provide services in connection with this Bond issue that will include: review of the engineer's plan and report prepared in connection with the project; discussions with representatives of the EFC and the Town regarding the necessary legal proceedings; preparation of various authorizing documents relating to the project, including all documents required for public hearings and other matters pursuant to Section 202-b of the Town Law; drafting of bond resolutions and any applicable notices for publication; review of all preliminary documents prepared by the EFC, including the Project Finance Agreement; review and approval of the bond maturity schedule relating to the bonds; preparation of various closing documents; review of additional closing documents prepared by the EFC; preparation of the Bonds; telephone and written communications with the EFC regarding the issuance of the bonds; and rendering of their final approving legal opinion, AND

WHEREAS, the EFC has requested that the Town provide a document signed on behalf of the Town and the bond attorneys, AND

WHEREAS, Hawkins, Delafield and Wood LLP has provided a proposal documenting the previously noted information with a fee not to exceed \$24,750 NOW, THEREFORE, BE IT

RESOLVED, that the proposal from Hawkins, Delafield and Wood LLP 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 Hawkins, Delafield and Wood LLP for the provision of said professional services in an amount not to exceed \$24,750 which shall be chargeable to the relevant capital project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 19. RESOLUTION 2016-340

### Authorize Supervisor to sign agreement with I-Evolve Technologies for Professional Services

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, as part of the operation and maintenance responsibilities associated with the Town's Technical Infrastructure, the Town must occasionally rely on a technology consultant for technical assistance to resolve issues as they may occur, and has found it beneficial to conduct preventative measures, as well as obtain advice and direction, to insure efficient technical operations, AND

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

WHEREAS, said services are essential in assisting the Town with long term technology improvement initiatives, management and regulatory compliance associated with the operation and maintenance of the Town's technical infrastructure, AND

WHEREAS, the technology consulting firm of I-Evolve Technologies, has been found qualified to perform such services and has vast knowledge and experience in the operation of the Town's infrastructure, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for technical services, as submitted by the consulting firm of I-Evolve Technologies, and as recommended by the Town Director of Information Technology and Records Management and reviewed by the Deputy Town Attorney, is approved and accepted, AND, BE IT FURTHER

RESOLVED, that the professional fees shall be based on the hourly rates established in the agreement and shall be chargeable to the Department of Technology account #100-1680-4146, or other appropriate departmental accounts as budgeted and when authorized by the Town Director of Information Technology, AND, BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with I-Evolve Technologies, 501 John James Audubon Pkwy, Amherst, New York 14228.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-341

### Authorize Agreement of Advance Payment with NYS Department Of Transportation

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of replacing the bridge over Buffalo Creek in the Town of West Seneca, and

WHEREAS, the Town of Cheektowaga owns property at the southwest corner of Harlem Road and Clinton Street north of the Buffalo Creek known as the Wastewater Pump Station Plant #3, and

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to replace the Harlem Road bridge over the Buffalo Creek, and has offered the Town \$60,800.00 for such property, and

WHEREAS, the Town Engineering and Wastewater Pump Departments have reviewed the proposed acquisition of Town-owned property and have indicated that the acquisition will not interfere with the Town's use of such property, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Agreement of Advance Payment and any and all other documents necessary with the DOT for the above referenced property.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-342

### Authorization for Police Department Payment for Fair and Impartial Policing Training of Trainers

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Police Department retained the services of Fair and Impartial Policing, LLP, (FIP) to train Supervisors in the Cheektowaga Police Department and other local Police Departments, as Trainers in the Fair and Impartial Policing Curriculums; AND

WHEREAS, this training was conducted April 4, 2016 through April 6, 2016; AND

WHEREAS, the total cost for this training did not exceed \$16,251.13; AND

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

RESOLVED, that this Town Board hereby authorizes the payment for FIP Training of Trainers and Instructor expenses submitted by Fair and Impartial Policing, LLP in the amount of \$16,251.13; AND, BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute any documents necessary to effectuate this purchase; AND, BE IT FURTHER

RESOLVED, that said funds shall be appropriated from the Police Asset Forfeiture Line #600-0600-0881.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



22. RESOLUTION 2016-343

**Authorize Lease of Town-Owned Property - Princeton Court Cul-De-Sac**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga is the owner of a parcel of property known as the unpaved terminus of Princeton Court, and

WHEREAS, by resolution dated November 6, 2000, the Town Board approved a lease agreement with the owner of the adjacent property at 1500 Cleveland Drive to utilize a portion of this property for a parking lot, and

WHEREAS, said lease expired, and the new owner of 1500 Cleveland Drive wishes to continue leasing this property, and

WHEREAS, the Town Assessor has determined that the fair market rental rate for this property is \$500.00 per year, and

WHEREAS, the Town Attorney has a prepared a new Lease Agreement for this property, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Lease agreement, and BE IT FURTHER

RESOLVED, that this lease is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE.

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

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on June 6, 2016, adopted a resolution authorizing the Town of Cheektowaga to enter into a Lease with JBeck’s Restaurant, LLC for Town-owned property at the end of Princeton Court.

A copy of said Lease is on file in the Town Clerk’s Office where the same may be viewed during regular business hours,

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: June 6, 2016

VICKIE L. DANKOWSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-344

### Authorize Supervisor to Execute Grant Application for Justice Assistance Grant (JAG) for Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, grant monies are available to select municipalities through the Bureau of Justice Assistance, Edward R. Byrne Justice Assistance Grant, and

WHEREAS, two communities in Erie County, the City of Buffalo and the Town of Cheektowaga, are eligible to receive monies through submission of a joint application, and

WHEREAS, the grant application must be in consortium with the other eligible applicant and, the City of Buffalo has agreed to serve as the lead agency for the purpose of securing and administering these grant funds, and

WHEREAS, the Town of Cheektowaga Police Department is eligible to receive \$14,774 in funding through the program, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor and Police Chief be and hereby are authorized and directed to execute any and all documents pertaining to the application for and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-345

### Approval of Rezoning of 782 Aero Drive

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

WHEREAS, Alvin C. Hoddick III petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for property owned by him and located at 782 Aero Drive, Cheektowaga, New York, which property is described in the attached legal description, to permit the construction of a 7,000 square foot building addition to an existing lawful non-conforming collision repair shop, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of May, 2016 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 Alvin C. Hoddick III for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description for a the construction of an addition for a collision repair shop 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 with 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 Town of Cheektowaga, County of Erie, and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the south line of lands conveyed by Joseph Foisset and Mary Foisset, his wife, to Albert Ryley by deed recorded on June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, said point being 801.95 feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81; running thence easterly parallel with the north line of Lot

No. 81 and along the said south line of lands of said Albert Ryley, 68.07 feet to a point; running thence southerly 554.9 feet to the northerly line of Aero Drive, laid out as a highway 70 feet wide; thence in a southwesterly direction along said northerly line of Aero Drive, 70 feet to a point; thence northerly and parallel with the westerly line of Lot No. 77, a distance of 570.75 feet to the point or place of beginning, AND

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. 81, Township 11, Rang e7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the southerly line of lands conveyed to Albert Ryley by deed dated June 11, 1952, which deed was recorded in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, which point of beginning is the northeast corner of lands conveyed to Ronald Lipp and Carol Lipp his wife, by Mary Ylmar by deed recorded in said Clerk's Office in Liber 8851 of Deeds at Page 330 and which point of beginning is also the northwest corner of lands conveyed to Syracuse Supply Company by Paul M. Pfohl, Fidelis E. Pfohl, Joseph Pfohl and Richard Pfohl, doing business as Pfohl Enterprises by deed recorded in said Clerk's Office in Liber 7603 of Deeds at Page 93; running thence easterly and along the north lines of lands so conveyed to Syracuse Supply Company, 58.35 feet to a point, which point is the northeast corner of lands so conveyed to Syracuse Supply Company and which point is also the northwest corner of Parcel II of lands conveyed to Syracuse Supply Company by Sadie M. Moran by deed recorded in said Clerk's Office in Liber 7603 of Deeds at Page 85; continuing thence easterly and along the north line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 48.63 feet to the northeast corner of said Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran; thence southerly and along the east line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 529.99 feet to a point in the northerly line of Aero Drive; running thence westerly along the northerly line of Aero Drive and along the south lines of lands so conveyed to Syracuse Supply Company by Sadie M. Moran and by Paul M. Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl, 110 feet to point, which is the southeast corner of lands so conveyed to Ronald Lipp and Carol Lipp as aforesaid; running thence northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, 554.90 feet to the place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-346

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### Approval of the Improvement of Clover Place by the Construction and Installation of Curbing

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a written petition dated May 10, 2016 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 Clover Place (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. 17, Township 11, Range 7 of the Holland Land Company's Survey, generally described as follows: Clover Place, both sides, from the east side of Pinehurst Avenue to the southwest corner of 4016 Union Road (on the north side of Clover Place) and the northwest corner of 244 Clover Place (on the south side of Clover 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 Clover Place described above, at a maximum cost of \$126,487.92, and

WHEREAS, a pavement has been heretofore constructed along said portion of Clover Place described in the petition, said petition was signed by the owners of real estate fronting or abutting upon either side of the portion of Clover Place 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 Clover Place described in the petition on June 6, 2016 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 June, 2016, 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 Clover Place, 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 Clover Place in the Town, as hereinabove referred to in the recitals hereof; and
- (c) all the real property fronting or abutting upon both sides of said portion of Clover Place 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 Clover Place 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 \$126,487.92, 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 Clover Place 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



26. RESOLUTION 2016-347

Order Replacement of Sidewalks

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

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 July 15, 2016, in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before July 15, 2016, the Town will cause such sidewalks to be repaired/replaced; will pay \$47.20 - \$48.00 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 20, 2016, 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.

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**NOTICE OF ADOPTION OF ORDER**  
**OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA**

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on June 6, 2016,

**YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.**

Such work must be completed on or before **July 15, 2016.**

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 \$47.20 - \$48.00 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 20, 2016. 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 \$70.80 - \$72.00 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work **(the Town will not pay anything towards your cost).**

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

DATED: June 6, 2016

VICKIE L DANKOWSKI  
Town Clerk

Attachments:

Sidewalk List June 6 2016-05272016153926 (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-348

### **Installation of two (2) Flag Pole Luminaires at the War of 1812 Cemetery**

**Sponsored By:** Councilmember Rogowski, Councilmember Kaminski

BE IT RESOLVED, that National Grid be and hereby is authorized to provide electric power for two (2) 13 Watt LED Floodlights for the Flag Poles at the War of 1812 Cemetery on Aero Drive, which are to be installed by qualified Town Staff, in accordance with the National Grid Proposal dated June 2, 2016 with a Lighting Service Tap Fee of \$129.12 and an approximate annual cost of 12.00 to be charged to account no: 02263-38101 established by National Grid, AND, BE IT FURTHER

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

Nancy Smith  
Consumer Representative  
Regional Account Services  
National Grid  
144 Kensington Avenue  
Buffalo, New York 14214

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-349

### Cleveland Hill Usage of Town Park

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 15, 2016 to October 11, 2016 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, Cleveland Hill Union Free School District shall coordinate safety procedures for their youth when crossing streets, 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 15, 2016 to October 11, 2016 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.

Motion by Councilmember Rogowski, Seconded by Supervisor Benczkowski to amend resolution to add Cleveland Hill Union Free School District shall coordinate safety procedures for their youth when crossing streets. Motion carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-350

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### Donation of Computer Equipment

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**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga has various items of computer equipment which have been taken out of service and are considered end-of-life to the needs of the Town, and

WHEREAS, the Cheektowaga Historical Association is in need of a computer to run computer programs to allow for better technology, and

WHEREAS, this Town Board wishes to cooperate with and assist the Cheektowaga Historical Association, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and approves the donation of one computer and monitor to the Cheektowaga Historical Association located at the Town's Historical Museum, and BE IT FURTHER

RESOLVED, that the Department of Information Technology and Records Management Director be and hereby is directed to coordinate with the Cheektowaga Historical Association to transfer said scrap computer and monitor to said agency.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 30. RESOLUTION 2016-351

### **SPECIAL EVENT - Cheektowaga Old Timers Softball League**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Old Timers Softball League has made application to hold its annual "Super Sunday Playoffs" at Stiglmeier Park (Diamond 1) on Sunday, August 21st, 2016 from 11:00 a.m. - 5:00 p.m.; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, Police Department, Youth and Recreational Services and Highway Department and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

2. Submittal of plan for sanitary facilities;
3. Submittal of site plan;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Old Timers Softball League for its annual "Super Sunday Playoffs" at Stiglmeier Park (Diamond 1) on Sunday, August 21st, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 31. RESOLUTION 2016-352

### SPECIAL EVENT - Crabapple Festival Cruise Night

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Variety Club of Buffalo has made application to hold the Crabapple Festival Cruise Night in Cheektowaga Town Park on Saturday, June 11th, 2016 from 5:00 P.M. til 9:00 P.M.; 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 the Variety Club of Buffalo for their Crabapple Festival Cruise Night to be held on Saturday, June 11th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 32. RESOLUTION 2016-353

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### Youth & Recreation Transfers

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

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

Recreation Aide to Recreation Attendant – 7140.1804 - \$9.00 – Regular Part-time

Julie Pijacki

Lifeguard to Recreation Instructor – 7180.1902 – \$10.90 – Regular Part-time

Samuel Alfonso

Lifeguard to Recreation Instructor – 7180.1902 – \$11.20 – Regular Part-time

Timothy Petranчук

Recreation Instructor “Head Lifeguard” to Recreation Instructor “Pool Supervisor” – 7180.1902 – \$12.15 – Regular Part-time

Tyler Kunkel

Recreation Instructor “Supervisor Town Park Pool” to Recreation Instructor “Pool Supervisor” – 7180.1902 – \$12.15 – Regular Part-time

Katherine Tomaschko

Recreation Attendant to Recreation Instructor – 7140.1633 - \$10.00 – Regular Part-time

Slade Miller

Recreation Attendant to Recreation Instructor – 7140.1646 - \$10.00 – Regular Part-time

Derek Schenk

Recreation Attendant to Recreation Instructor – 7140.1614 - \$10.00 – Regular Part-time

Gillian Wittig

Brittany Sanscrainte

Recreation Attendant to Recreation Instructor – 7140.1630 - \$10.00 – Regular Part-time

Karisa Poczciwinski

Recreation Attendant to Recreation Instructor – 7310.1803 - \$12.00 – Regular Part-time

Jennifer Denis

Recreation Attendant to Recreation Instructor – 7310.1804 - \$10.30 – Regular Part-time

Amy Bowen

Recreation Attendant to Recreation Instructor – 7140.1611 - \$10.00 – Regular Part-time

Alex Godzich

Recreation Attendant to Recreation Instructor – 7310.1804 - \$11.25 – Regular Part-time

Deanna Pilarski

Recreation Instructor to Recreation Specialist “Assistant Pool Director” – 7180.1902 - \$14.85 – Regular Part-time  
Sean Kunkel

Lifeguard - “Senior Lifeguard” – 7180.1903 - \$10.40 – Regular Part-time  
Bryce Bielanin  
Jessie Cecere  
Shelby Gennocro

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the reading of names for the following (4) four resolutions: 2016-353, 2016-354, 2016-355, 2016-356. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 33. RESOLUTION 2016-354

## Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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:

<u>Recreation Aide – 7140.1630 - \$9.00 – Part-time</u>	
Jenna Varano	14225
<u>Recreation Aide – 7140.1640 - \$9.00 – Part-time</u>	
Tyler Donahue	14225
<u>Recreation Attendant – 7140.1642 - \$9.00 – Seasonal</u>	
Sara Keller	14043
<u>Recreation Aide – 7140.1645 - \$9.00 – Part-time</u>	
Emily Pijacki	14227
Kayle Wisniewski	14206
<u>Recreation Aide – 7140.1648 - \$9.00 – Part-time</u>	
Kelly Glowny	14206
Andrew Krause	14227
<u>Recreation Attendant – 7140.1614 &amp; 7140.1648 - \$9.00 – Regular Part-time</u>	
Bailey Michalski	14227
Michaela Richter	14043
<u>Recreation Attendant – 7140.1648 - \$9.00 – Seasonal</u>	
Jenna Hockwater	14227
Lisa Hoffman	14227
<u>Recreation Aide – 7310.1801 - \$9.00 – Part-time</u>	
Kayla Bosworth	14227
Maelynn Johnson	14215
Julie Karpinski	14225
Alexis Schrader	14225
Melissa Wood	14227
<u>Recreation Attendant – 7310.1801 - \$9.00 – Seasonal</u>	
Jessica Beutler	14227
Paige Casillo	14227
Rebecca Cervi	14043
Melanie Hannon	14225
Paige Jaworowicz	14212
Jamie Kuwik	14212
Jensine Nguyen	14225
Robyn Schieble	14225

Taylor Wilson 14227

Laborer – “Youth Participant” – 7310.1816 - \$9.00 - Seasonal

Andrew Bauer 14043  
 Lukas Baumgart 14225  
 Benjamin Blackhall 14227  
 Logan Brunner 14043  
 Thomas Isbrandt 14206  
 Maurice Lee 14225  
 Mabel Lucas 14043  
 John Jaroszewski III 14043  
 Brian D. Johnson 14227  
 Gaetano Mancuso 14227  
 Carter Post 14043  
 Timothy Short 14043  
 Steven Nichy 14043  
 Ryan Skowron 14227  
 Drew Stachewicz 14227  
 Robert Staniszewski III 14043  
 Tyler Suchan 14227  
 James Urshel 14043  
 Mitchel Wartinger 14043  
 Matthew Wierzbicki 14227  
 Michael Wierzbicki 14227

Laborer – “Youth Participant” – 7310.1816 - \$9.00 – Seasonal - Alternate

Dalton Fischer 14227  
 Matthew Nowinski 14227  
 Leah Polvinale 14227  
 Brandon Sandel 14227  
 Jacob Slomka 14227  
 Taylor Smith 14225

Laborer – “Supervisor Trainee” – 7310.1811 - \$9.25 – Seasonal

Logan Brunner 14043  
 Christopher Kelley 14215  
 Ronald Jerozal 14227  
 Matthew Hencinski 14227  
 Kaylee Sandel 14227

Laborer – “Youth Leader” – 7310.1811 - \$10.00 – Seasonal

Alex Lenhard 14227  
 Christopher Suchan 14227  
 Kaylee Sandel 14227  
 Daniel Wierzba 14212

Laborer – “Crew Supervisor” – 7310.1811 - \$12.50 – Seasonal

Matthew Eckle 14225  
 James Hanners 14225  
 Keith Kwiatkowski 14227  
 Eric Nash 14206

Laborer – “Bathhouse Attendant” – 7180.1901 – \$9.00 - Seasonal

Jacob Allan 14227

Maxwell Allan	14227
Mark Bailey	14225
Andrew Bloom	14225
Ryan Boneberg	14225
Bailey Boyer	14212
Emily DiBlasio	14206
Mitchell Dietl	14225
Sydney Gennocro	14225
Karly Glowny	14206
Hunter Golovin	14225
Haley Graczyk	14225
Nadia Gray	14227
Eric Kubiak	14211
Joshua MacTarnaghan	14043
Andrew Matulich	14225
Jordan Nosal	14225
Madison Pawarski	14227
Madeline Pike	14206
Tyler Piwowarski	14043
Megan Prell	14212
Mora Sullivan	14225
Aaron Wahler	14215
Andrew Zimniewicz	14227

Laborer – “Bathhouse Attendant” - Alternates – 7180.1901 – \$9.00 - Seasonal

Evan Astran	14225
Shayla Beard	14225
Rachel Blake	14225
Ryan Blake	14225
Angela Lesser	14225

Laborer – “Bathhouse Attendant” - Alternates – 7180.1901 – \$9.00 – Seasonal – effective

7/7/16

Madison Heide	14225
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Lifeguard – 7180.1903 – \$10.00 – Seasonal

Domonique Ector	14225
Hayley Robinson	14225
Austin Mikolajczyk	14225

Recreation Instructor – 7180.1902 – \$10.90 – Seasonal

Michael Keller	14225
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Recreation Instructor – 7180.1902 – \$11.85 – Seasonal

Allison Musial	14225
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Recreation Instructor – 7180.1902 – \$11.20 – Regular Part-time

Tyler Bajer	14225
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Recreation Instructor – 7180.1902 – \$12.55 – Regular Part-time

Ashley Bajer	14225
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Recreation Instructor – 7310.1801 – \$12.00 – Seasonal

Amanda Goble	14227
Andrew Samer	14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 34. RESOLUTION 2016-355

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Cassidy Bobeck	5/3/16	14225
Beatrice Quinn	8/19/15	14043
Jenna Soldaczewski	1/30/16	14225
Lauren Tomaschko	Never worked	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 35. RESOLUTION 2016-356

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### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

LAW DEPARTMENT Clerk \$26.00/hour effective 6/2/16  
Constance M. Paoletti, Cheektowaga, New York

SENIOR SERVICES Van Driver \$9.50/hour effective 6/7/16  
Gary T. Wiegert, Cheektowaga, New York

POLICE DEPARTMENT Student Assistant \$9.00/hour effective 6/7/16  
Kelsey L. Cadwallader, 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 \$9.25/hour effective 6/7/16  
Anthony S. Jasinski, Depew, New York  
Damien A. Rorick, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$9.25/hour effective 6/20/16  
Jaret S. Pawarski, Cheektowaga, New York  
Gaylon A. Snyder, Cheektowaga, New York

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

SENIOR SERVICES  
Kenneth Kluck effective 4/30/16

POLICE DEPARTMENT  
Melissa Stroud effective 2/28/16

FACILITIES DEPARTMENT  
Sean M. Mueller effective 5/7/16

LAW DEPARTMENT  
Jeffrey Whiting effective 6/1/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 36. RESOLUTION 2016-357

### Appointment of Assistant Town Engineer (Provisional) Peter A. Johnston

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, a vacancy currently exists in the position of Assistant Town Engineer; AND

WHEREAS, such position was duly advertised, AND

WHEREAS, this Town Board reviewed applications and conducted interviews for this position, AND

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

WHEREAS, a civil service list is not in existence at this time; AND

WHEREAS, a provisional appointment may be made at this time; AND

WHEREAS, Peter A. Johnston, applied for this position and meets all of the requirements for and is qualified for this position; NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to paragraph 7 of the Residency Law of the Town of Cheektowaga, this Town Board has determined that, by reason of special skills, aptitude and expertise, an appropriate appointment cannot be made to fill the position of Assistant Town Engineer with a domiciliary in the Town of Cheektowaga; AND, BE IT FURTHER

RESOLVED, the Peter A. Johnston of Williamsville, New York, be and hereby is appointed to the position of Assistant Town Engineer, effective June 13, 2016, at an annual salary of \$73,566; AND, BE IT FURTHER

RESOLVED, that, in compliance with the Residency Law of the Town of Cheektowaga, Peter A. Johnston is hereby ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 37. RESOLUTION 2016-358

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### Travel Authorization Personnel Department

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Public Employer Labor Relations Association Annual Conference is being held July 19, 2016 through July 22, 2016 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Karen Marchese has requested to attend said conference; AND

WHEREAS, Ms. Marchese 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 \$1,207.50; AND

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

RESOLVED, that Coordinator of Employee Relations Karen Marchese be and hereby is authorized to attend the New York State Public Employer Labor Relations Association Annual Conference being held July 19, 2016 through July 22, 2016 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 38. RESOLUTION 2016-359

### Travel Authorization Community Development

**Sponsored By:** Councilmember Hammer, Councilmember Rogowski

WHEREAS, the National Community Development Association Annual Conference is being held June 21, 2016 through June 25, 2016 in Milwaukee, Wisconsin; AND

WHEREAS, Director of Community Development Carla Kosmerl has requested to attend said conference; AND

WHEREAS, Ms. 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 \$1,710; AND

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

RESOLVED, that Director of Community Development Carla Kosmerl be and hereby is authorized to attend the National Community Development Association Annual Conference being held June 21, 2016 through June 25, 2016 in Milwaukee, Wisconsin.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Communications

### A. Departmental Communications

1. **Supervisor's Statement of Funds - April 2016**
2. **Minutes: Cheektowaga Conservation Advisory Council - May 5, 2016**
3. **Minutes: Cheektowaga Traffic Safety Commission - April 19, 2016**
4. **Minutes: Cheektowaga Planning Board - May 12, 2016**

## **XII. Comments**

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

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

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

## **XIII. Adjournment**

In memory of Former Supervisor Kenneth J. Meyers. Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to adjourn the meeting at 8:00 PM.

Vickie L. Dankowski,

Town Clerk



print key	loc st nbr	pref x	loc st name	loc mail st suff	po st	(walk)	Approach	Comments	owner name	Zowner name	Attention to:	P.O. Box	Address	City	State	Zip	Country
						4" SW Sections	6" DW Sections										
80.69-1-19	16		Charnwood	Dr.		1			Paula Golombek				16 Charnwood Dr.	Chktg.,	NY	14215	
80.69-1-18	20		Charnwood	Dr.		1	2		Kassandra Mack				20 Charnwood Dr.	Chktg.	NY	14215	
80.69-2-27	25		Charnwood	Dr.		8	4		Harold J. Cederman	Deborah L. Cederman			25 Charnwood Dr.	Chktg.	NY	14215-1927	
80.69-1-16	28		Charnwood	Dr.		1			Robert M. Perry, Jr.				28 Charnwood Dr.	Chktg.	NY	14215-1926	
80.69-1-15	32		Charnwood	Dr.		3			Nicole D. Barnes				32 Charnwood Dr.	Chktg.	NY	14215	
80.69-2-26	33		Charnwood	Dr.		3	1		Mildred White				33 Charnwood Dr.	Chktg.	NY	14215	
80.69-1-14	38		Charnwood	Dr.		8			Eric Jurgielewicz	Rachael Urban			38 Charnwood Dr.	Chktg.	NY	14215-1926	
80.69-1-13	42		Charnwood	Dr.			2		Laurie S. Ramsey				42 Charnwood Dr.	Chktg.	NY	14215-1926	
80.69-2-24	43		Charnwood	Dr.		8			Samuel Ferreira	Jennifer Ferreira			43 Charnwood Dr.	Chktg.	NY	14215-1927	
80.69-1-12	46		Charnwood	Dr.		1			Mary G. Monin				46 Charnwood Dr.	Chktg.	NY	14215-1926	
80.69-1-11	50		Charnwood	Dr.		1			Mary Kate O'connell				50 Charnwood Dr.	Chktg.	NY	14215-1926	
80.69-1-10	56		Charnwood	Dr.		7	2		Syed Muhammad	Syed Raana Azam			56 Charnwood Dr.	Chktg.	NY	14225	
80.69-2-18	59		Charnwood	Ct.		3	1		Daniel Nguyen				59 Charnwood Ct.	Chktg.	NY	14215	
80.69-1-9	60		Charnwood	Dr.		4			Nancy J. Mueller				60 Charnwood Dr.	Chktg.	NY	14215-1924	
80.69-1-8	64		Charnwood	Dr.		2			Michael B. Eagan & W				64 Charnwood Dr.	Chktg.	NY	14215-1924	
80.69-2-17	67		Charnwood	Ct.		5			Franklin Winfield				67 Charnwood Ct.	Chktg.	NY	14215-1925	
80.69-1-7	68		Charnwood	Dr.		13			Karen Young				68 Charnwood Dr.	Chktg.	NY	14215	
80.69-2-1	77		Charnwood	Dr.		2	1		Kyle W. Drummer				77 Charnwood Dr.	Chktg.	NY	14215	
80.69-1-6	1799		Kensington	Ave.		6	2	Corner house Charnwood Dr.	Leon Arrington				1799 Kensington Ave.	Buffalo	NY	14215-1414	
80.69-2-23	9		Charnwood	Ct.		9	1		Lawrence Goodberry, Jr.	Jolene Goodberry			9 Charnwood Ct.	Chktg.	NY	14215-1927	
80.69-2-19	10		Charnwood	Ct.		2			Gregory P. Yoerg & W				10 Charnwood Ct.	Chktg.	NY	14215-1914	
80.69-2-22	11		Charnwood	Ct.		1			Candace R. Ewing-Norris				11 Charnwood Ct.	Chktg.	NY	14215	
80.69-2-20	14		Charnwood	Ct.		1			Robert L. Robinson II	Sonji Robinson			14 Charnwood Ct.	Chktg.	NY	14215-1914	
80.69-2-21	15		Charnwood	Ct.		1	2		David M. Youngblood	Heather R. Kelly			15 Charnwood Ct.	Chktg.	NY	14215-1914	
80.69-1-20	258		Cleveland	Dr.				Corner house Charnwood dr	Jorien L. Brock	Monica T. Brown			258 Cleveland Dr.	Chktg.	NY	14215-1902	
80.69-2-16	1		Campwood	Ct.		1			Deborah A. Witkowski-Wistner				1 Campwood Ct.	Chktg.	NY	14215	
80.69-2-2	2		Campwood	Ct.		2	2		Sheree A. Green				2 Campwood Ct.	Chktg.	NY	14215	
80.69-2-15	5		Campwood	Ct.			1		Leslie J. Brown	Betty B. Brown			121 Donaldson Rd.	Buffalo	NY	14208	
80.69-2-3	6		Campwood	Ct.		1			Antonio Cirillo				6 Campwood Ct.	Chktg.	NY	14215-1913	
80.69-2-14	11		Campwood	Ct.		2			Tina M. Schmatz				11 Campwood Ct.	Chktg.	NY	14225	
80.69-2-13	15		Campwood	Ct.		1	1		Charles J. Saia				15 Campwood Ct.	Chktg.	NY	14215-1913	
80.69-2-5	16		Campwood	Ct.		2			Kirk Walter				16 Campwood Ct.	Chktg.	NY	14215	
80.69-2-12	17		Campwood	Ct.		4			Shantee S. Kelly				17 Campwood Ct.	Chktg.	NY	14215	
80.69-2-6	18		Campwood	Ct.		2			William Leach				18 Campwood Ct.	Chktg.	NY	14215	
80.69-2-11	21		Campwood	Ct.		3	2		Gabriel Balo	Kelly A. Corcoran Balo			21 Campwood Ct.	Chktg.	NY	14215	
80.69-2-7	22		Campwood	Ct.		2			Cory Edward Hauke	David E. Witt			22 Campwood Ct.	Chktg.	NY	14215	
80.69-2-10	25		Campwood	Ct.		1	2		Anicet Codjovi	Tarsha Ann Graham			25 Campwood Ct.	Chktg.	NY	14215-1913	
80.69-2-8	26		Campwood	Ct.		1	1		Diana Duda				26 Campwood Ct.	Chktg.	NY	14215-1913	
80.69-2-28	12		Coralwood	Ct.		1	3		Erin E. Horstman				12 Coralwood Ct.	Chktg.	NY	14215-1917	

Attachment: Sidewalk List June 6 2016-05272016153926 (RES-2016-347 : Order Replacement of

80.69-2-29	20	Coralwood	Ct.	4		William L. Otis	Mignon D. Otis	20 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-30	30	Coralwood	Ct.	7		Lawrence R. Saxer	Margaret R. Saxer	30 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-31	38	Coralwood	Ct.	7		Aleta Barszcz		38 Coralwood Ct.	Chktg.	NY	14215
80.69-2-32	44	Coralwood	Ct.	7		Frank R. Neilson, Jr.	Lisa R. Neilson	44 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-34	50	Coralwood	Ct.	1	2	Carolyn S. Hare		50 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-47	5	Coralwood	Ct.	4	2	T&C Home Resources LLC		3842 Harlem Rd.	Chktg.	NY	14215
80.69-2-46	11	Coralwood	Ct.	2		Susan E. Todaro		11 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-45	15	Coralwood	Ct.	3		Gary M. Everett	Susan J. Everett	15 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-44	19	Coralwood	Ct.		1	Timothy P. Walsh		19 Coralwood Ct.	Chktg.	NY	14215
80.69-2-43	23	Coralwood	Ct.	4	2	William F. Campbell	Jill M. Campbell	23 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-42	27	Coralwood	Ct.	1		Charles Mccarthy & W		27 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-41	31	Coralwood	Ct.	1		Dawn Rizzo		31 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-40	35	Coralwood	Ct.	2		Juan-Rico S. Rodriguez & Etal		35 Coralwood Ct.	Chktg.	NY	14215
80.69-2-39	41	Coralwood	Ct.	1		Elizabeth Vatter		41 Coralwood Ct.	Chktg.	NY	14215
80.69-2-38	45	Coralwood	Ct.	5		Jacob L. Ceglia		45 Coralwood Ct.	Chktg.	NY	14215
80.69-2-37	49	Coralwood	Ct.	1		Patrick A. Demler	Erica L. Demler	49 Coralwood Dr.	Chktg.	NY	14215
80.69-2-36	51	Coralwood	Ct.	1	1	Lance King	Meghan E. Roy	51 Coralwood Ct.	Chktg.	NY	14215-1917
80.69-2-35	52	Coralwood	Ct.		1	Celia T. Prejna		52 Coralwood Ct.	Chktg.	NY	14215-1917
91.06-7-20	4	Hillsboro	Rd.	5		Michael W. Conlin	Evelyn Conlin	4 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-22	5	Hillsboro	Rd.	4		Verna M. Beaumont		5 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-19	8	Hillsboro	Rd.	6		Federal Home Loan Mortgage Corporation		5000 Plano Pkwy.	Carrollton	TX	75010
91.06-8-25	17	Hillsboro	Rd.	5		Willard F. Bopst, Jr.	Loretta Bopst	17 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-16	20	Hillsboro	Rd.	3		Edward H. Willert	Alicia A. Willert	20 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-26	21	Hillsboro	Rd.	3	1	Nicholas R. Tur		21 Hillsboro Rd.	Chktg.	NY	14225
91.06-7-15	24	Hillsboro	Rd.	5		Joseph R. Palczak		24 Hillsboro Rd.	Chktg.	NY	14225
91.06-8-27	25	Hillsboro	Rd.	3	2	John P. Driscoll		25 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-14	28	Hillsboro	Rd.	1	1	John L. & Susan J. Marien		4965 Cliffside Drive East	Clarence	NY	14031-1461
91.06-8-28	29	Hillsboro	Rd.	3		Daniel E. Gainey	Jean C. Gainey	29 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-13	32	Hillsboro	Rd.	2	2	Patricia F. Michalski	Susan J. Marien	32 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-7-12	36	Hillsboro	Rd.	2		Francis K. Jones		36 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-30	37	Hillsboro	Rd.	2		James L. Borkowski		37 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-11	40	Hillsboro	Rd.	6	2	Nicholas J. Martin		40 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-7-10	44	Hillsboro	Rd.	1		Jerome B. & Audrey J. Weber		44 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-33	49	Hillsboro	Rd.	5	1	Mikah J. Cureton		49 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-8	52	Hillsboro	Rd.	4	1	Sean P. Kunkel		52 Hillsboro Rd.	Chktg.	NY	14225
91.06-8-34	53	Hillsboro	Rd.	9	2	Jason D. Lort		53 Hillsboro Rd.	Chktg.	NY	14225
91.06-7-7	56	Hillsboro	Rd.	5	1	Kimberly Cadwalader		56 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-35	57	Hillsboro	Rd.	1		Robert A. Rowe	Daryl R. Rowe	57 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-7-6	60	Hillsboro	Rd.	9		Yvonne M. Altheide		60 Hillsboro Rd.	Chktg.	NY	14225
91.06-8-36	61	Hillsboro	Rd.	9		Aysheh Y. Rahahleh		185 Lamberts Ln.	Staten Island	NY	10314
91.06-7-5	64	Hillsboro	Rd.	2	2	Daryl H. Gainey		64 Hillsboro Rd.	Chktg.	NY	14225
91.06-7-4	68	Hillsboro	Rd.	2		John L. Hoegerl, Jr.	Kimberlee Hoegerl	68 Hillsboro Rd.	Chktg.	NY	14225-1626
91.06-8-38	69	Hillsboro	Rd.	2	3	Gregory M. Petritz		69 Hillsboro Rd.	Chktg.	NY	14225-1625
91.06-4-17	8	Hillside	Ave.	3		Paul Fletcher		8 Hillside Ave.	Chktg.	NY	14225-1628
91.06-5-1	11	Hillside	Ave.	9	1	Robert J. Flynn II	Beth Flynn	11 Hillside Ave.	Chktg.	NY	14225-1627

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91.06-4-16	12	Hillside	Ave.	8		Michael P. Saxer	Carol L. Saxer	157 Cadman Dr.	Williamsville	NY	14221
91.06-5-2	15	Hillside	Ave.	7	1	Hudson J. Phillips	Mark H. Phillips	15 Hillside Ave.	Chktg.	NY	14225-1627
91.06-4-15	16	Hillside	Ave.	4		Colleen J. Feldt	Gary R. Feldt	16 Hillside Ave.	Chktg.	NY	14225-1628
91.06-4-14	20	Hillside	Ave.	2		Robert F. Volls	Dorothy M. Volls	20 Hillside Ave.	Chktg.	NY	14225-1628
91.06-5-3	21	Hillside	Ave.	3		Loretta Fries		21 Hillside Ave.	Chktg.	NY	14225-1627
91.06-4-13	24	Hillside	Ave.	4	1	David C. Skoney		24 Hillside Ave.	Chktg.	NY	14225-1628
91.06-4-12	28	Hillside	Ave.	5		Mark S. Lachowski		555 Mapleview	Chktg.	NY	14225
91.06-4-11	32	Hillside	Ave.	3		Erica L. Schafer		32 Hillside Ave.	Chktg.	NY	14225
91.06-6-2	35	Hillside	Ave.	4		Theresa M. Rozak		35 Hillside Ave.	Chktg.	NY	14225-1650
91.06-7-2	53	Hillside	Ave.	5	1	Rosemary Battaglia		53 Hillside Ave.	Chktg.	NY	14225-1648
91.06-9-18	54	Hillside	Ave.	5		Anne E. Kennelly		54 Hillside Ave.	Chktg.	NY	14225-1647
91.06-9-17	58	Hillside	Ave.	5		Donald L. Carey		58 Hillside Ave.	Chktg.	NY	14225-1647
91.06-7-3	59	Hillside	Ave.	2		David R. Isch	Mary J. Isch	59 Hillside Ave.	Chktg.	NY	14225-1648
91.06-9-16	62	Hillside	Ave.	4	1	Richard E. Miller		62 Hillside Ave.	Chktg.	NY	14225
91.06-9-15	66	Hillside	Ave.	3	1	Vincent P. Dibenedetto		66 Hillside Ave.	Chktg.	NY	14225-1647
91.06-8-1	67	Hillside	Ave.	21		Corner house Hillsboro Ronald A. Moon	Vickie S. Moon	67 Hillside Ave.	Chktg.	NY	14225
91.06-9-14	70	Hillside	Ave.	6		Thomas J. Ragione & W		70 Hillside Ave.	Chktg.	NY	14225-1645
91.06-8-2	73	Hillside	Ave.	5	2	Rita Flanagan		73 Hillside Ave.	Chktg.	NY	14225-1646
91.06-9-13	74	Hillside	Ave.	5		Molly Mackiewicz		74 Hillside Ave.	Chktg.	NY	14225-1645
91.06-9-12	78	Hillside	Ave.	5		Gerald K. Hagmier		78 Hillside Ave.	Chktg.	NY	14225-1645
91.06-8-3	79	Hillside	Ave.	6		George James	Catherine James	79 Hillside Ave.	Chktg.	NY	14225-1646
91.06-9-11	82	Hillside	Ave.		2	Robert A. Blaszak, Jr.		82 Hillside Ave.	Chktg.	NY	14225-1645
91.06-9-10	88	Hillside	Ave.	1		Brunhilda Orzol		88 Hillside Ave.	Chktg.	NY	14225-1645
80.19-12-42	92	Hillside	Ave.	3	1	Jorge Hernandez	& Sandra J. Verner	92 Hillside Ave.	Chktg.	NY	14225-1645
91.06-6-3	76	Birkdale	Rd.	7		Corner house Hillside Jonathan P. Mozg		76 Birkdale Rd.	Chktg.	NY	14225
91.06-7-1	77	Birkdale	Rd.	9		Corner house Hillside Thomas J. Jachimiak	Paula G. Jachimiak	77 Birkdale Rd.	Chktg.	NY	14225-1615
91.06-4-34	8	Dania	Dr.	2		Joseph N. Riso, Jr.	Lisa A. Quigley	8 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-13	11	Dania	Dr.	1		Ronald C. Schultz	Faith M. Schultz	760 Dawn Ter.	Newport News	VA	23601
91.06-4-33	12	Dania	Dr.	2	2	Richard J. Maurer		12 Dania Dr.	Chktg.	NY	14225-1618
91.06-4-32	16	Dania	Dr.	5		Juan C. Vidales		16 Dania Dr.	Chktg.	NY	14225
91.06-4-30	24	Dania	Dr.	2	2	Karen A. Staebell		24 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-14	31	Dania	Dr.	10		Richard C. Vitale & W		31 Dania Dr.	Chktg.	NY	14225-1617
91.06-4-28	34	Dania	Dr.	3	1	Virginia G. Dio	Barbara L. Ribeiro	34 Dania Dr.	Chktg.	NY	14225
91.06-4-27	38	Dania	Dr.	3	1	Anthony Kuzmierczak		38 Dania Dr.	Chktg.	NY	14225
91.06-5-16	41	Dania	Dr.	2	1	Tammy Sessanna		41 Dania Dr.	Chktg.	NY	14225
91.06-4-26	42	Dania	Dr.	2		Mavis H. Appleby		42 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-17	45	Dania	Dr.	2		Gary & Susan Laska		45 Dania Dr.	Chktg.	NY	14225-1617
91.06-4-25	46	Dania	Dr.	2		Patricia W. Bailey		46 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-18	49	Dania	Dr.	2		Marjorie Yearke		49 Dania Dr.	Chktg.	NY	14225-1617
91.06-4-24	50	Dania	Dr.	5		Debra Wojcik		50 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-19	53	Dania	Dr.	3		Katrina Wassinger		53 Dania Dr.	Chktg.	NY	14225
91.06-4-23	54	Dania	Dr.	3		Katelyn M. Pawliske		54 Dania Dr.	Chktg.	NY	14225
91.06-5-20	57	Dania	Dr.	6	2	Gordon C. Steinhilber		57 Dania Dr.	Chktg.	NY	14225-1617

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91.06-4-22	58	Dania	Dr.	4	1	Gregory J. Ciaudella & W	58 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-21	61	Dania	Dr.	4		Virginia J. Mc Farland	61 Dania Dr.	Chktg.	NY	14225-1617
91.06-4-21	62	Dania	Dr.	4		Paul G. Hare	62 Dania Dr.	Chktg.	NY	14225-1618
91.06-5-22	65	Dania	Dr.	3	1	Carole A. Bingert	65 Dania Dr.	Chktg.	NY	14225-1617
91.06-4-20	70	Dania	Dr.	1		Barbara J. Ruppert	70 Dania Dr.	Chktg.	NY	14225-1618
91.06-8-21	122	Heather	Rd.	5		Kathy A. Garcia	122 Heather Rd.	Chktg.	NY	14225-1651
91.06-8-20	126	Heather	Rd.	4		John Drake Donna Drake	126 Heather Rd.	Chktg.	NY	14225-1651
91.06-8-19	130	Heather	Rd.	6		Roger W. Dungan	130 Heather Rd.	Chktg.	NY	14225-1651
91.06-8-18	134	Heather	Rd.	3		John D. Marvin III	134 Heather Rd.	Chktg.	NY	14225-1651
91.06-8-17	138	Heather	Rd.	6	2	Paul L. Brenner Jill E. Brenner	138 Heather Rd.	Chktg.	NY	14225
91.07-1-21	141	Heather	Rd.	13	6	Gregory D. Walkowiak	141 Heather Rd.	Chktg.	NY	14225
91.06-8-16	142	Heather	Rd.	3	2	Matthew T. Urbanski	142 Heather Rd.	Chktg.	NY	14225-1651
91.06-8-15	146	Heather	Rd.	4	2	Fred F. Hussar, Sr.	146 Heather Rd.	Chktg.	NY	14225
91.07-1-23	149	Heather	Rd.	6		Ronald S. Rambally	149 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-14	150	Heather	Rd.	2		Nicolle Croce	150 Heather Rd.	Chktg.	NY	14225-1651
91.07-1-24	153	Heather	Rd.	6		Emily L. Johnson	153 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-13	154	Heather	Rd.	1		Cheryl L. Kulaszewski	154 Heather Rd.	Chktg.	NY	14225-1651
91.07-1-25	157	Heather	Rd.	1		Donna L. Strzalka	157 Heather Rd.	Chktg.	NY	14225
91.07-1-26	161	Heather	Rd.	5		Christine M. Le Clair	161 Heather Rd.	Chktg.	NY	14225-1652
91.07-1-27	165	Heather	Rd.	3		Eilene M. Danner	165 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-10	166	Heather	Rd.		2	Shirley A. Dulniak	166 Heather Rd.	Chktg.	NY	14225-1651
91.07-1-28	169	Heather	Rd.	2		Marie D. Meyer	169 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-9	170	Heather	Rd.	3		Lorra L. Breton	170 Heather Rd.	Chktg.	NY	14225
91.07-1-29	173	Heather	Rd.	3	2	Mildred R. Borth	68 Summit Ave.	West Seneca	NY	14224-2215
91.06-8-8	174	Heather	Rd.	3		Anna M. Dittman	174 Heather Rd.	Chktg.	NY	14225-1651
91.07-1-30	177	Heather	Rd.	5		Roland M. Spaulding, Jr. Dorothy M. Spaulding	177 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-7	178	Heather	Rd.	5		Thomas Krauss Morgan L. Davis	80 S. Forest Rd., 2	Williamsville	NY	14221-6426
91.07-1-31	181	Heather	Rd.	1	2	John Stall, Jr.	181 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-6	182	Heather	Rd.	4		Rose Marie Besch	182 Heather Rd.	Chktg.	NY	14225
91.07-1-1	185	Heather	Rd.	3		Kyle Murray	185 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-5	186	Heather	Rd.	4	2	Eric R. Radka Shannon Radka	186 Heather Rd.	Chktg.	NY	14225
80.19-12-39	189	Heather	Rd.	3	2	Edward C. Graeber Ruth J. Graeber	189 Heather Rd.	Chktg.	NY	14225-1652
91.06-8-4	190	Heather	Rd.	1		Julie Walsh	190 Heather Rd.	Chktg.	NY	14225-1651
80.19-12-40	193	Heather	Rd.	3		Martin Kosnikowski	193 Heather Rd.	Chktg.	NY	14225-1652
80.19-12-41	197	Heather	Rd.	3		John Raszeja Jean Raszeja	197 Heather Rd.	Chktg.	NY	14225-1652
91.07-1-20	713061	Substation Building &		15		Niagara Mohawk Power Corp. Real Estate Tax Dept.	300 Erie Blvd. W.	Syracuse	NY	13202-4201
102.12-5-17	3	Algiers	Ln.	3		Sprandel Holdings, LLC	74 Niagara St	Buffalo	NY	14202
102.12-4-13	4	Algiers	Ln.	5	1	Elizabeth Adamusik	4 Algiers Ln	Chktg.	NY	14225-4704
102.12-4-12	6	Algiers	Ln.	4	3	Dolores Z. Pogorzala	6 Algiers Ln	Chktg.	NY	14225-4704
102.12-5-18	7	Algiers	Ln.	3		Emily Chojnicki	7 Algiers Ln	Chktg.	NY	14225-4703
102.12-4-11	14	Algiers	Ln.	2		Robert J. Ebner Eileen C. Ebner	14 Algiers Ln	Chktg.	NY	14225-4704
102.12-5-20	19	Algiers	Ln.		1	Jessica M. Taneff	19 Algiers Ln	Chktg.	NY	14225
102.12-4-9	22	Algiers	Ln.	2		Gilbert P. Branson & W	117 Guygrace Ln	Webster	NY	14580
102.12-5-21	23	Algiers	Ln.	2		Cynthia A. Fredrick	23 Algiers Ln	Chktg.	NY	14225-4703
102.12-5-22	27	Algiers	Ln.	1		Marie J. Augello	27 Algiers Ln	Chktg.	NY	14225-4703

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102.12-5-23	31	Algiers	Ln.	1		Theresa R. Polaniec Irrevocabl Trust		31 Algiers Ln	Chktg.	NY	14225-4703
102.12-5-24	35	Algiers	Ln.	2		Bruce L. Deveny & W		35 Algiers Ln	Chktg.	NY	14225-4703
102.12-5-25	39	Algiers	Ln.	4		Amie M. Zimmer		39 Algiers Ln	Chktg.	NY	14225-4703
102.12-4-5	42	Algiers	Ln.	1		Walter A. Kowal, Jr. & W		42 Algiers Ln	Chktg.	NY	14225-4704
102.12-4-4	46	Algiers	Ln.	3		Joyce B. Mahoney		46 Algiers Ln	Chktg.	NY	14225-4704
102.12-5-27	47	Algiers	Ln.	4		Chris A. Mueller	Patricia Mueller	47 Algiers Ln	Chktg.	NY	14225-4703
102.12-4-3	50	Algiers	Ln.	9		Alan Maguran		50 Algiers Ln	Chktg.	NY	14225
102.12-5-1	89	S. Creek	Dr.	4	Corner Algiers	Donald W. Wright & W		89 S. Creek Dr.	Chktg.	NY	14225
115.17-1-2	7	Benz	Dr.	2	1	Richard J. Olszowy		7 Benz Dr.	Depew	NY	14043
114.20-2-24	8	Benz	Dr.	2		Maximillion J. Kowalewski		8 Benz Dr.	Chktg.	NY	14043
115.17-1-3	11	Benz	Dr.	6	1	William R. Zak, Jr.		148 Ellen Dr.	Chktg.	NY	14225-1213
115.17-1-4	15	Benz	Dr.	3		Chad W. Drake		15 Benz Dr.	Depew	NY	14043-4628
115.17-1-5	19	Benz	Dr.	1		Citimortgage, Inc.		1000 Technology Dr.	O'Fallon	MO	63368
115.17-1-6	23	Benz	Dr.	5	3	Daniel J. Thomas	Dara M. Thomas	23 Benz Dr.	Depew	NY	14043
114.20-4-22	24	Benz	Dr.		1	All Keneiby Properties LLC		42 Ashley Cir.	Manorville	NY	11949
115.17-1-7	27	Benz	Dr.	2		Jason Potter		27 Benz Dr.	Depew	NY	14043-4628
114.20-4-23	28	Benz	Dr.	4	2	Steven F. Chiarmonte	& Michelle P.	O. Box 22	Lancaster	NY	14086
115.17-1-8	31	Benz	Dr.	4	2	Ronald L. Chiarilli	Joan A. Chiarilli	31 Benz Dr.	Depew	NY	14043-4628
114.20-4-24	32	Benz	Dr.	1		James J. Mazur	Wendy K. Molar	32 Benz Dr.	Depew	NY	14043-4629
115.17-1-9	35	Benz	Dr.	3		Elizabeth A. Philleo & 1		35 Benz Dr.	Depew	NY	14043
114.20-4-25	36	Benz	Dr.	3	1	Joseph Saw	Nan T. Dar	36 Benz Dr.	Depew	NY	14043-4629
114.20-4-26	40	Benz	Dr.	1		Kristin Wells		40 Benz Dr.	Depew	NY	14043
115.17-1-11	43	Benz	Dr.	7	2	Jason A. Reinig		43 Benz Dr.	Depew	NY	14043-4628
114.20-4-27	44	Benz	Dr.	1	2	Margaret Nigro		39 Lackawanna Ave.	Depew	NY	14043
115.17-1-12	47	Benz	Dr.	3	2	Robert J. & Mary J. Lipa		47 Benz Dr.	Depew	NY	14043-4628
115.17-1-13	51	Benz	Dr.	1		Arnold Gospodarski	Rosalie Gospodarski	51 Benz Dr.	Depew	NY	14043-4628
114.20-4-29	52	Benz	Dr.	1	2	Andrew D. Musial		52 Benz Dr.	Depew	NY	14043-4629
115.17-1-14	55	Benz	Dr.		1	Richard J. Krajewski		55 Benz Dr.	Depew	NY	14043-4628
114.20-4-30	56	Benz	Dr.	5	1	Scott & Bounmy Manirath		56 Benz Dr.	Depew	NY	14043-4629
115.17-1-15	59	Benz	Dr.	4	1	James W. Szepler	Linda Szepler	59 Benz Dr.	Depew	NY	14043-4628
114.20-2-25	90	Lemans	Dr.	3	Corner Benz	The People of the State of NY	Attn: WNY DDS	1200 East & West Rd.	West Seneca	NY	14224
125.09-13-4	10	Colette	Ave.	1		Daniel J. Miller	Kimberly L. Miller	10 Colette Ave.	Chktg.	NY	14227-3457
125.09-12-2	11	Colette	Ave.	1	1	Jacqueline K. Costantino		11 Colette Ave.	Chktg.	NY	14227-3457
125.09-13-5	14	Colette	Ave.	3		Vincent D. Dijoseph	& Karen S.	14 Colette Ave.	Amherst	NY	14221
125.09-12-3	15	Colette	Ave.	2		Jonathan A. Sherer		618 Georgian Ln., Apt. 2	Chktg.	NY	14227-3401
125.09-12-4	19	Colette	Ave.	1		Francis A. Kreppel & W		19 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-6	20	Colette	Ave.	1		Jerry & Cheryl D. Szyszka		20 Colette Ave.	Chktg.	NY	14227
125.09-13-7	22	Colette	Ave.	2	1	Patrick J. Lonzi	Rebecca Lonzi	22 Colette Ave.	Chktg.	NY	14227-3401
125.09-13-8	26	Colette	Ave.	4	2	John R. Peters & W		26 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-9	30	Colette	Ave.	4	2	Scott C. & Colette M. Smith		30 Colette Ave.	Chktg.	NY	14227
125.09-12-6	31	Colette	Ave.	3	2	Thomas M. Allein, Jr.		31 Colette Ave.	Chktg.	NY	14227
125.09-13-10	34	Colette	Ave.	3	1	Phyllis Caci		34 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-7	35	Colette	Ave.	2		Edward R. Piniarski	Lucille B. Piniarski	35 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-12	42	Colette	Ave.	2		Sherri L. Podsiadlo		42 Colette Ave.	Chktg.	NY	14227-3401
125.09-13-13	46	Colette	Ave.	4	1	Brian M. Forrest		46 Colette Ave.	Chktg.	NY	14227-3401

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125.09-12-11	51	Colette	Ave.	5		Joseph M. Brodfuehrer, Jr.	& Jocelyn I.	51 Colette Ave.	Chktg.	NY	14227-3402
125.09-12-12	55	Colette	Ave.	8	2	Robert J. Klesat	Mary A. Klesat	55 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-16	58	Colette	Ave.		1	Melissa Hartung		58 Colette Ave.	Chktg.	NY	14227
125.09-12-13	59	Colette	Ave.	2		Debra A. Krajewski		59 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-17	62	Colette	Ave.	4		Tracy Pawlowski	Kenneth J. Pawlowski	62 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-14	63	Colette	Ave.	2		Michael D. & Nancy A. Grew		63 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-18	66	Colette	Ave.	1		Gerald R. Koehler	Carol J. Koehler	66 Colette Ave.	Chktg.	NY	14227
125.09-13-19	70	Colette	Ave.	3	3	Joanne & Nancy Pletscher		70 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-16	71	Colette	Ave.	5	3	Jeannine Fabiniak		71 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-20	74	Colette	Ave.	2		Jeffrey J. & Jomarie K. Woltz		74 Colette Ave.	Chktg.	NY	14227
125.09-12-18	79	Colette	Ave.	5		Christine M. Walkowiak		79 Colette Ave.	Chktg.	NY	14227
125.09-13-22	82	Colette	Ave.	2		Robin L. Chudzik		82 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-19	83	Colette	Ave.	4	1	Joan F. Nawrocki		83 Colette Ave.	Chktg.	NY	14227
125.09-13-23	86	Colette	Ave.	2		Johnathan Anson	Ewa Pulit	86 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-20	87	Colette	Ave.	3		Frederick W. Weale	Gloria M. Weale	87 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-24	90	Colette	Ave.	1		Ann M. Cross		90 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-21	91	Colette	Ave.	2	2	Robert P. Carey		91 Colette Ave.	Chktg.	NY	14227-3402
125.09-13-25	94	Colette	Ave.	5	1	Richard A. Schulz, Jr.	Michelle M. Schulz	94 Colette Ave.	Chktg.	NY	14227
125.09-13-26	98	Colette	Ave.	3	2	John J. Meidenbauer	Jacqueline Meidenbauer	98 Colette Ave.	Chktg.	NY	14227-3401
125.09-12-24	103	Colette	Ave.	4		Rose M. Florian		103 Colette Ave.	Chktg.	NY	14227-3456
125.09-13-27	104	Colette	Ave.	7	1	Joseph R. Person	Shirley A. Person	104 Colette Ave.	Chktg.	NY	14227-3457
125.09-12-25	107	Colette	Ave.	3		Norbert S. Storm	Janet Storm	107 Colette Ave.	Chktg.	NY	14227
125.09-12-26	111	Colette	Ave.	3	2	Robert H. Santi		111 Colette Ave.	Chktg.	NY	14227-3403
125.09-12-27	115	Colette	Ave.	1		Joseph C. Beato		115 Colette Ave.	West Seneca	NY	14224
125.09-12-28	119	Colette	Ave.	2	1	Tony P. Lechnowskyj		1880 Ettinger Dr.	Chktg.	NY	14227-3402
125.09-13-3	349	French	Rd.	10		Comer Colette John Morganstern		349 French Rd.	Chktg.	NY	14227
125.09-13-52	11	Danielle	Dr.	6	2	James E. Buczkowski	Irene M. Buczkowski	11 Danielle Dr.	Chktg.	NY	14227-3405
125.09-13-51	17	Danielle	Dr.	4	2	James E. Dean		17 Danielle Dr.	Chktg.	NY	14227
125.09-13-50	21	Danielle	Dr.	4	3	Scott Janczak	Ashley Janczak	21 Danielle Dr.	Chktg.	NY	14227
125.09-13-49	25	Danielle	Dr.	5		George R. Marlinski		25 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-4	28	Danielle	Dr.	3	1	Sylvia D. Paladino		28 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-48	29	Danielle	Dr.	3	1	Corey J. Kramer		29 Danielle Dr.	Chktg.	NY	14227
125.09-14-5	32	Danielle	Dr.	2	1	Shirley E. Wilczak		32 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-47	33	Danielle	Dr.	3	3	Christianne J. Dombrowski		33 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-6	34	Danielle	Dr.	1		Christine Zylinski		34 Danielle Dr.	Chktg.	NY	14227
125.09-13-46	37	Danielle	Dr.	1	2	Scott L. & Julie A. Frank		37 Danielle Dr.	Chktg.	NY	14227
125.09-13-45	41	Danielle	Dr.	2		Nancy L. Walgate		41 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-8	44	Danielle	Dr.	3		Mary Ann Monaco Epps		44 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-44	45	Danielle	Dr.	2	1	Michael E. Hammann	Kathryn L. Hammann	45 Danielle Dr.	Chktg.	NY	14227-3405
125.09-13-43	49	Danielle	Dr.	3		Matawin Ventures Trust Series	Kondaur Capital Corporatio	333 S. Anita Dr., Ste. 400	Orange	CA	92868
125.09-14-10	52	Danielle	Dr.	4		Theresa Dyson		52 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-42	53	Danielle	Dr.	2	1	Robert D. Barning		53 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-11	56	Danielle	Dr.	1		Donald G. Root		56 Danielle Dr.	Chktg.	NY	14227-3406
125.09-14-13	62	Danielle	Dr.	6		Kathryn Jelonek		62 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-39	65	Danielle	Dr.	2	1	Kyla A. Rogalski		65 Danielle Dr.	Chktg.	NY	14227

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125.09-14-14	66	Danielle	Dr.	6			Martin J. Burchalewski & Dawn V.	66 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-38	69	Danielle	Dr.	2	1		Christopher Silsby Katie Silsby	69 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-15	72	Danielle	Dr.	4	2		Joseph J. & Rosemari Dauer	72 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-37	73	Danielle	Dr.	3			Richard T. & Dawn M. Bork	73 Danielle Dr.	Chktg.	NY	14227-3405
125.09-13-36	77	Danielle	Dr.	3			Joseph J. Porempski Karyn L. Porempski	77 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-17	80	Danielle	Dr.	2	1		James M. Gentile	80 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-35	81	Danielle	Dr.	1			Theodore Depczynski & W	81 Danielle Dr.	Chktg.	NY	14227-3405
125.09-13-34	83	Danielle	Dr.	3			Christopher J. Skomski Dawn Skomski	83 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-18	84	Danielle	Dr.	2			Robert C. Rand Joanne M. Rand	84 Danielle Dr.	Chktg.	NY	14227-3406
125.09-14-19	88	Danielle	Dr.	2			Fannie Mae	14221 Dallas Pkwy., Ste. 1000	Dallas	TX	75254
125.09-14-20	92	Danielle	Dr.	4			Louis Rampino	92 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-32	93	Danielle	Dr.	5			Shaun K. Wilson Amy L. Wilson	93 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-21	96	Danielle	Dr.	3			Glenn D. Ruettimann	96 Danielle Dr.	Chktg.	NY	14227-3406
125.09-13-31	97	Danielle	Dr.	6			Michael J. Rackl Mary L. Rackl	97 Danielle Dr.	Chktg.	NY	14227-3405
125.09-13-30	99	Danielle	Dr.	2	1		Robert J. Kilger & W	99 Danielle Dr.	Chktg.	NY	14227-3405
125.09-14-22	100	Danielle	Dr.	4	2		Terri Ervolina	100 Danielle Dr.	Chktg.	NY	14227-3406
						Comer Danielle Tony's Hairstylist					
103.08-7-16	341	French	Rd.	3	7		Ronald D. Chiari Robert C. Chiari	341 French Rd.	Depew	NY	14043-2233
115.17-1-25	8	Dubonnet	Dr.	2			John J. Weiss, Jr. & W	8 Dubonnet Dr.	Depew	NY	14043-4767
115.17-1-24	12	Dubonnet	Dr.	2			Sharon A. Enser	12 Dubonnet Dr.	Depew	NY	14043-4767
115.17-1-23	16	Dubonnet	Dr.	2	1		John Poisson Tammy L. Chrzanowski	16 Dubonnet Dr.	Depew	NY	14043-4767
115.17-2-20	23	Dubonnet	Dr.	7			Barry S. Staebell & Barbara J.	23 Dubonnet Dr.	Depew	NY	14043-4733
115.17-1-21	24	Dubonnet	Dr.		1		Timothy P. & Cheryl Kubiak	24 Dubonnet Dr.	Depew	NY	14043-4767
115.17-2-19	27	Dubonnet	Dr.	1	1		Aprile M. Brooks	27 Dubonnet Dr.	Depew	NY	14043
115.17-1-20	28	Dubonnet	Dr.	3			Frederick Schmidt & W	28 Dubonnet Dr.	Depew	NY	14043-4767
115.17-1-19	32	Dubonnet	Dr.	1			Alan Steffenhagen Candace L. Steffenhagen	32 Dubonnet Dr.	Depew	NY	14043-4767
115.17-2-17	35	Dubonnet	Dr.	2	2		Edward G. Wojciechowski Donna L. Wojciechowski	35 Dubonnet Dr.	Depew	NY	14043-4733
115.17-1-18	36	Dubonnet	Dr.	1	3		Jeffrey W. Silsby	36 Dubonnet Dr.	Depew	NY	14043-4767
115.17-1-17	40	Dubonnet	Dr.	3			Joseph G. Giglio & W	40 Dubonnet Dr.	Depew	NY	14043-4767
115.17-1-16	44	Dubonnet	Dr.	3	1		Robert J. Skokowski Denise L. Skokowski	44 Dubonnet Dr.	Depew	NY	14043-4767
115.17-2-13	51	Dubonnet	Dr.	1	2		Mary M. Eagle Dancing Eagle	51 Dubonnet Dr.	Depew	NY	14043-4733
115.17-2-12	57	Dubonnet	Dr.	3			Mark J. Warden	57 Dubonnet Dr.	Depew	NY	14043-4732
114.20-4-31	58	Dubonnet	Dr.	4			Michael A. Taylor	58 Dubonnet Dr.	Depew	NY	14043
115.17-2-11	61	Dubonnet	Dr.	3			Renee Krzemien	61 Dubonnet Dr.	Depew	NY	14043-4732
114.20-4-32	62	Dubonnet	Dr.	3			James Weiss Holly A. Weiss	62 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-10	65	Dubonnet	Dr.	3	1		Charles J. Barth & W	65 Dubonnet Dr.	Depew	NY	14043-4732
114.20-4-33	66	Dubonnet	Dr.	6			Joseph P. Golonka Margaret M. Golonka	66 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-9	69	Dubonnet	Dr.	1			Louis J. Cichocki Tracy A. Vernon	69 Dubonnet Dr.	Depew	NY	14043-4732
114.20-4-34	70	Dubonnet	Dr.	2			Edward A. Burgio & W	70 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-8	73	Dubonnet	Dr.	2	1		William & Pamela Bundschuh	73 Dubonnet Dr.	Depew	NY	14043-4732
115.17-2-7	77	Dubonnet	Dr.	1	2		Frank P. Lignos	77 Dubonnet Dr.	Depew	NY	14043-4732
114.20-4-36	78	Dubonnet	Dr.	4			Gregory A. & Vicki Kramer	78 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-6	81	Dubonnet	Dr.	3			David Przybysz	81 Dubonnet Dr.	Depew	NY	14043
114.20-4-37	82	Dubonnet	Dr.	4			Anthony J. Corritore Patricia A. Corritore	82 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-5	85	Dubonnet	Dr.	4	1		Jamie A. Wesolowski	85 Dubonnet Dr.	Depew	NY	14043-4732

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114.20-4-38	86	Dubonnet	Dr.	2	3		Ali R. Aljuwani		86 Dubonnet Dr.	Depew	NY	14043-4731
115.17-2-4	89	Dubonnet	Dr.	1			Dennis A. Poplawski	Sandra A. Poplawski	89 Dubonnet Dr.	Depew	NY	14043-4732
115.17-2-3	93	Dubonnet	Dr.	3	1		Joshua E. Freeburg		93 Dubonnet Dr.	Depew	NY	14043
114.20-4-41	98	Dubonnet	Dr.	5	3		Terrence J. & Linda Boyle		98 Dubonnet Dr.	Depew	NY	140434731
114.20-4-42	102	Dubonnet	Dr.	3			J. JamesRoycroft		102 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-43	106	Dubonnet	Dr.	4	2		David W & Donna Matteson		106 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-44	110	Dubonnet	Dr.	1			Brian S. Slocum	Sharmel A. Slocum	110 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-45	114	Dubonnet	Dr.	2			Paul A. Brown	Nancy J. Brown	114 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-46	118	Dubonnet	Dr.	2			George W. Thomas	Mary A. Thomas	118 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-47	122	Dubonnet	Dr.	7	2		Mark D. Preston		122 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-48	126	Dubonnet	Dr.	2			Garry P. Montgomery	Melissa B. Montgomery	126 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-49	130	Dubonnet	Dr.	5			Bruce D. Stewart	Nancy A. Stewart	130 Dubonnet Dr.	Depew	NY	14043-4775
114.20-4-50	134	Dubonnet	Dr.	2			John A. Russell & W		134 Dubonnet Dr.	Depew	NY	14043-4779
114.20-4-51	138	Dubonnet	Dr.	1			James F. Innes	Catherine M. Innes	138 Dubonnet Dr.	Depew	NY	14043-4779
114.20-5-22	141	Dubonnet	Dr.	3	2		Felix J. Peplowski		141 Dubonnet Dr.	Depew	NY	14043-4707
114.20-5-21	142	Dubonnet	Dr.	1			Andrzej Bochman		142 Dubonnet Dr.	Depew	NY	14043-4779
114.20-5-20	146	Dubonnet	Dr.	2			Robert V. Giardini		146 Dubonnet Dr.	Depew	NY	14043
114.20-5-25	153	Dubonnet	Dr.	2			John Simon	Rosemary Simon	153 Dubonnet Dr.	Depew	NY	14043-4707
114.20-5-18	154	Dubonnet	Dr.	2			Michael F. Wisniewski	April G. Stahl	154 Dubonnet Dr.	Depew	NY	14043-4779
125.08-7-1	161	Dubonnet	Dr.	2			Nancy A. Donati		161 Dubonnet Dr.	Depew	NY	14043-4707
125.08-7-3	169	Dubonnet	Dr.	1			Michael H. Pastwik	Judy C. Pastwik	169 Dubonnet Dr.	Depew	NY	14043-4707
125.08-6-26	172	Dubonnet	Dr.	1			Warren M. Nowak	Shirley A. Nowak	172 Dubonnet Dr.	Depew	NY	14043-4782
125.08-7-4	173	Dubonnet	Dr.	3			Leonard N. Oleksy	& Roseann Piscitello	173 Dubonnet Dr.	Depew	NY	14043-4778
125.08-6-27	176	Dubonnet	Dr.	1			Brian D. & Anna D. Frankowski		176 Dubonnet Dr.	Depew	NY	14043-4782
125.08-7-5	177	Dubonnet	Dr.	1			Harvey R. Beal	Eleanor Beal	177 Dubonnet Dr.	Depew	NY	14043-4778
125.08-6-28	180	Dubonnet	Dr.	3			Alyssa C. Shurmatz		180 Dubonnet Dr.	Depew	NY	14043
125.08-7-6	181	Dubonnet	Dr.	2	1		Janette J. Covert		181 Dubonnet Dr.	Depew	NY	14043
125.08-7-7	185	Dubonnet	Dr.	2			William R. Palumbo		185 Dubonnet Dr.	Depew	NY	14043-4778
125.08-6-29	186	Dubonnet	Dr.		1		Darlene J. Zylinski	Charles Marranta	186 Dubonnet Dr.	Depew	NY	14043
125.08-7-8	189	Dubonnet	Dr.	3			Dennis J. Slagor & W		189 Dubonnet Dr.	Depew	NY	14043-4778
125.08-7-9	193	Dubonnet	Dr.	4			Angela M. Gibson	Todd R. Gibson, Sr.	193 Dubonnet Dr.	Depew	NY	14043-4786
114.20-5-17	106	Davidson	Dr.	2		Comer DuBonnet	Gerald W. Burke & W		106 Davidson Dr.	Depew	NY	14043-4757
102.12-2-11	2	Jamaica	Ln.	5	2		Pashawn Romer	Dawn Romer	2 Jamaica Ln.	Chktg.	NY	142254706
102.12-2-10	4	Jamaica	Ln.	2			Angel L. Velez	Kelly A. Velez	4 Jamaica Ln.	Chktg.	NY	14225
102.12-3-17	7	Jamaica	Ln.	2			Richard E. Smolarek	Mary L. Smolarek	7 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-9	8	Jamaica	Ln.	1			Andrea J. Peek		8 Jamaica Ln.	Chktg.	NY	142254706
102.12-3-18	11	Jamaica	Ln.	3			Kevin J. Meller		11 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-8	12	Jamaica	Ln.	3			Joanne M. Dalfonso		12 Jamaica Ln.	Chktg.	NY	142254706
102.12-3-19	15	Jamaica	Ln.	3	2		John F. Mc Lean & W		15 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-6	20	Jamaica	Ln.	7	2		Renee Kreuzer		112 Diane Dr.	Chktg.	NY	14225
102.12-3-21	23	Jamaica	Ln.	3	1		Nancy J. Wojtkowiak		23 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-5	24	Jamaica	Ln.	3			Tuljo Povvat	Marje Povvat	24 Jamaica Ln.	Chktg.	NY	142254706
102.12-3-22	27	Jamaica	Ln.	3	1		Gregory J. Pane		27 Jamaica Ln.	Chktg.	NY	142254705
102.12-3-23	31	Jamaica	Ln.	3			George C. Missland	Audrey J. Missland	31 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-3	32	Jamaica	Ln.	3	2		John J. Schuder	Sarah Hurley	32 Jamaica Ln.	Chktg.	NY	14225

102.12-3-24	35	Jamaica	Ln	2		Robert D. Kendall	Sharon E. Kendall	35 Jamaica Ln	Chktg.	NY	14225
102.12-2-2	36	Jamaica	Ln.	3		Esther H. Felder	Candace Schwenkbeck	36 Jamaica Ln.	Chktg.	NY	142254706
102.12-3-25	43	Jamaica	Ln.	10	2	Kristin Lipome	Mark J. Pawlak, Jr.	43 Jamaica Ln.	Chktg.	NY	142254705
102.12-2-1	44	Jamaica	Ln.	4		Sofia Cruz		44 Jamaica Ln.	Chktg.	NY	14225
102.12-3-1	49	Jamaica	Ln.	4	1	Richard J. Flora		49 Jamaica Ln.	Chktg.	NY	142254705
115.17-3-25	19	Madeira	Dr.	3		Alicia Hadrych		31 Mckenzie Ct.	Chktg.	NY	14227-3236
115.17-3-23	23	Madeira	Dr.	1		David H. Owczarzak		23 Madeira Dr.	Chktg.	NY	14043
115.17-1-26	26	Madeira	Dr.	14	4	Andrew F. Rogowski	Erica E. Salazar	26 Madeira Dr.	Depew	NY	14043
115.17-3-22	27	Madeira	Dr.	2	1	Ziyad I. Karzoun & W		27 Madeira Dr.	Depew	NY	14043-4770
115.17-3-21	31	Madeira	Dr.	3		George Jordanov	Ann J. Jordanov	31 Madeira Dr.	Depew	NY	14043
115.17-2-21	34	Madeira	Dr.	4		Henry J. Klos	Sandra Klos	34 Madeira Dr.	Depew	NY	14043-4711
115.17-2-22	38	Madeira	Dr.	6		John A. Gagliardo	Deanna M. Gagliardo	38 Madeira Dr.	Depew	NY	14043-4711
115.17-2-23	42	Madeira	Dr.	2	1	Ronald J. Dehn	Eileen M. Dehn	42 Madeira Dr.	Depew	NY	14043-4711
115.17-3-18	43	Madeira	Dr.	1		Allen Arthur Kester	Marcia J. Kester	43 Madeira Dr.	Depew	NY	14043-4710
115.17-2-24	46	Madeira	Dr.	5	2	Lawrence E. Brzoska	Gloria J. Brzoska	46 Madeira Dr.	Depew	NY	14043-4711
115.17-2-25	50	Madeira	Dr.	3		Gary M. Jarmusz & W		50 Madeira Dr.	Depew	NY	14043-4711
115.17-3-16	51	Madeira	Dr.	1	1	Ruth M. Ferris		51 Madeira Dr.	Depew	NY	14043-4710
115.17-2-26	54	Madeira	Dr.	3		Steven Bryant		54 Madeira Dr.	Depew	NY	14043
115.17-3-15	55	Madeira	Dr.	4	2	Arthur A. Gayler & W		55 Madeira Dr.	Depew	NY	14043-4710
115.17-2-27	58	Madeira	Dr.	3		David E. Brader		58 Madeira Dr.	Depew	NY	14043-4711
115.17-3-14	59	Madeira	Dr.	3		Thomas L. Patterson & W		59 Madeira Dr.	Depew	NY	14043-4710
115.17-2-28	62	Madeira	Dr.	3		Rose M. Twardowski		62 Madeira Dr.	Depew	NY	14043-4711
115.17-3-13	63	Madeira	Dr.	4		A. Michele Palladino		63 Madeira Dr.	Depew	NY	14043
115.17-2-29	66	Madeira	Dr.	2		Gloria A. Miller		66 Madeira Dr.	Depew	NY	14043-4711
115.17-3-12	67	Madeira	Dr.	1	1	Teresa Nolan		67 Madeira Dr.	Depew	NY	14043
115.17-2-30	70	Madeira	Dr.	5		RE Hake, LLC		11377 Genesee St.	Alden	NY	14004
115.17-3-11	71	Madeira	Dr.	5	1	Jason N. Christian	Angel L. Christian	71 Madeira Dr.	Depew	NY	14043-4710
115.17-2-31	74	Madeira	Dr.	4		Lynn M. Malysiak		74 Madeira Dr.	Depew	NY	14043
115.17-3-10	75	Madeira	Dr.	2		Ritchie R. Kingsley	Joann Kingsley	75 Madeira Dr.	Depew	NY	14043-4710
115.17-2-32	78	Madeira	Dr.	5	2	Bonita L. Rozewicz		78 Madeira Dr.	Depew	NY	14043-4711
115.17-2-33	82	Madeira	Dr.	2		Sheryl L. Dehn		82 Madeira Dr.	Depew	NY	14043-4711
115.17-3-8	83	Madeira	Dr.	2		Young S. Kim	Tara H. Kim	83 Madeira Dr.	Depew	NY	14043
115.17-2-34	86	Madeira	Dr.	5		Timothy Swiatkowski		86 Madeira Dr.	Depew	NY	14043-4711
115.17-3-7	87	Madeira	Dr.	4		Kevin M. O'Sullivan, Sr.	Jill E. O'Sullivan	87 Madeira Dr.	Depew	NY	14043-4710
115.17-2-35	90	Madeira	Dr.	6		Mark W. Sarver	Lina C. Zapata	90 Madeira Dr.	Depew	NY	14043
115.17-3-6	91	Madeira	Dr.	3	1	Raymond Brunner	Carol A. Doyle	91 Madeira Dr.	Depew	NY	14043-4710
115.17-2-36	94	Madeira	Dr.	2		Angela M. Hanson		94 Madeira Dr.	Depew	NY	14043
115.17-3-5	95	Madeira	Dr.	1	1	Teofilo Maldonado, Jr.		95 Madeira Dr.	Depew	NY	14043-4710
115.17-2-37	98	Madeira	Dr.	2		Sarah E. Urbino		98 Madeira Dr.	Depew	NY	14043
115.17-3-4	99	Madeira	Dr.	2		William A. & Donna Liegl		99 Madeira Dr.	Depew	NY	14043-4710
115.17-2-38	102	Madeira	Dr.	6		John C. Everson	Carla L. Everson	102 Madeira Dr.	Depew	NY	14043-4711
115.17-3-3	103	Madeira	Dr.	5	1	Patrick J. Nagy	Maryann D. Nagy	103 Madeira Dr.	Depew	NY	14043-4710
115.17-2-39	106	Madeira	Dr.	2	3	Carl Zarcone	Linda L. Zarcone	106 Madeira Dr.	Depew	NY	14043-4711
115.17-2-40	110	Madeira	Dr.	4		Lawrence G. Szydowski	Mary Ellen Szydowski	110 Madeira Dr.	Depew	NY	14043-4711
115.17-3-1	111	Madeira	Dr.	3		Delbert J. Quick	Susan H. Quick	111 Madeira Dr.	Depew	NY	14043-4710

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115.17-1-28.1	4900	Transit	Rd.	3		Plaza owner??	4908 Transit, LLC		570 Delaware Ave.	Buffalo	NY	14202
102.12-4-15	1	Monterey	Ln.	8			Bernard P. Okulewicz		1 Monterey Ln.	Chktg.	NY	14225-4707
102.12-4-17	9	Monterey	Ln.	7	2		LVS Title Trust I	U.S. Bank National Associat	790 Kansas Ln.	Monroe	LA	71203
102.12-3-12	10	Monterey	Ln.	3	1		Mary Louise Meyer		10 Monterey Ln.	Chktg.	NY	14225-4708
102.12-4-18	13	Monterey	Ln.	5			Helen Yerina		13 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-11	14	Monterey	Ln.	3			Marlene B. Sedor	Sheila A. Stack	14 Monterey Ln.	Chktg.	NY	14225-4708
102.12-3-10	18	Monterey	Ln.	8			Samuel J. Fassari		18 Monterey Ln.	Chktg.	NY	14225-4708
102.12-4-20	21	Monterey	Ln.	3			Charlotte H. Martin	Michelle Louise Pettus	21 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-9	22	Monterey	Ln.	10			Daniel J. Staniaszek	Irene B. Staniaszek	22 Monterey Ln.	Chktg.	NY	14225-4708
102.12-3-8	26	Monterey	Ln.	2			Prem K. Sunwar		26 Monterey Ln.	Chktg.	NY	14225
102.12-4-22	29	Monterey	Ln.	3	2		Monica C. Johnson		29 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-7	30	Monterey	Ln.	2			Emily Slowik	Monica M. Slowik	30 Monterey Ln.	Chktg.	NY	14225-4708
102.12-4-23	33	Monterey	Ln.		1		Dominic S. Palmeri	Donna Notaro	33 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-6	34	Monterey	Ln.	5			Patricia G. McGowan	Timothy P. McGowan	34 Monterey Ln.	Chktg.	NY	14225-4708
102.12-4-24	37	Monterey	Ln.	5			Ronald G. Herkey		37 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-5	38	Monterey	Ln.	5	2		Christopher Lucas	Ninfa Lucas	38 Monterey Ln.	Chktg.	NY	14225-4708
102.12-4-25	41	Monterey	Ln.	3			Thomas M. Pendolino	Angela L. Needham	41 Monterey Ln.	Chktg.	NY	14225-4707
102.12-3-3	69	S. Creek	Dr.	5			David E. Pellien	Karen A. Pellien	69 S. Creek Dr.	Chktg.	NY	14225
102.12-4-1	75	S. Creek	Dr.	4		Corner Monterey	Terry J. Cunningham	Kathleen J. Cunningham	75 S. Creek Dr.	Chktg.	NY	14225
102.12-3-14	126	Zoerb	Ave.	3	1	Corner Monterey	Marianne Koeppel Sullivan	Nelson J. Koeppel	126 Zoerb Ave-	Chktg.	NY	14225-4724

Attachment: Sidewalk List June 6 2016-05272016153926 (RES-2016-347 : Order Replacement of



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, June 20, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on June 20, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Melissa Reese, Deputy Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Kaminski to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. Special Use Permit/Variance for Accessory Drive Thru Window - 829 Dick 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**2. Special Use Permit  
 for Accessory Drive Thru Window - 2567 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**3. Special Use Permit  
 for Accessory Drive Thru Window - 1735 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

**4. Special Use Permit/Variance  
for Accessory Drive Thru Window - 3729 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **IX. Presentation**

## **X. Resolutions**



## 1. RESOLUTION 2016-360

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 20, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$95,663.43
RISK RETENTION FUND	47,389.14
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	47,902.00
SPECIAL DISTRICTS FUND	266,270.58
HIGHWAY FUND	67,580.28
CAPITAL FUND	581,316.02
TRUST & AGENCY FUND	26,023.13
HUD CDBG FUND	2,689.79
PART TOWN FUND	0.00
NYS AFFORDABLE HOUSING	7,050.00
	<hr/>
	\$1,141,884.37

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-361

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### Change Order No. 1 - Ice Rink Work (Mollenberg Betz, Inc.)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the contract for Ice Rink Work for the Cheektowaga Town Ice Rink was awarded by Town Board Resolution dated May 7, 2016 to Mollenberg Betz, Inc., 300 Scott Street, Buffalo, New York 14204 in the amount of \$1,479,500.00, AND

WHEREAS, the Project Architect, DiDonato Associates and the Town Engineer have recommended the approval of Change Order No. 1 (Ice Rink Work) which provides for various additions, including new dasher boards, concrete replacement and trench drain installation, and credits (including subsoil thawing, the elimination of various controllers and changes to compressor heads) as further detailed in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Ice Rink Work) for the Cheektowaga Town Ice Rink Floor and Bleacher Replacement, as a CREDIT to the contract for Ice Rink Work in the amount of \$1,742.00 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 (Ice Rink Work) document on behalf of this Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-362

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## Change Order No. 1 - General Construction Work (Scrufari Construction Company, Inc.)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the contract for General Construction Work for the Cheektowaga Town Ice Rink was awarded by Town Board Resolution dated May 7, 2016 to Scrufari Construction Company, Inc., 3925 Hyde Park Boulevard, Niagara Falls, New York 14305 in the amount of \$271,500.00, AND

WHEREAS, the Project Architect, DiDonato Associates, and the Town Engineer have recommended the approval of Change Order No. 1 (General Construction Work) which provides for additions and a credit to the original contract, as further detailed in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (General Construction Work) for the Cheektowaga Town Ice Rink Floor and Bleacher Replacement, as an addition to the contract for General Construction Work in the amount of \$21,579.00 to be offset by the contract contingency allowance, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 (General Construction Work) documents on behalf of this Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-363

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### **Authorize Supervisor to Execute Agreement with Business Automation Services, Inc. (BAS) for Purchase of Tax Collection Software**

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, as the second largest Town in New York State, the Town of Cheektowaga Tax Receiver is responsible for the collection of real property taxes in excess of \$200,000,000.00 per year; and

WHEREAS, the Office of the Receiver of Taxes currently operates a computerized tax collection program with TSL, Inc., and said agreement expires at the end of 2016; and

WHEREAS, Business Automation Services, Inc. (BAS) programs are currently in use by the Town Clerk's Office and the Building and Plumbing Departments; and

WHEREAS, Business Automation Services, Inc. (BAS), 661 Plank Road, Clifton Park, New York, 12065, has submitted a proposal to the Town for a tax collection system, being the same system/program used by multiple municipalities in Erie County and government agencies throughout New York State; and

WHEREAS, the BAS tax collection system program offers greatly enhanced and highly efficient components to the present system and internal operations of the tax collection process, performs additional necessary accounting functions not presently available with the current program, and delivers cost-effective services to residents of the Town, including posting of current tax bills (as well as back taxes) on the internet thus allowing residents to make tax payments on-line; and

WHEREAS, since this computer software system and maintenance involves professional services, it is exempt from competitive bidding under New York State law; and

WHEREAS, said proposal of BAS, in the amount of \$52,480.00 and payable over two years, includes software, services, system configuration, training, support, maintenance, RPS tax file processing, internet set-up, annual hosting and support, necessary programming and testing, the conversion of 3-4 years of back tax information, and other ancillary services as set forth therein; 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 Business Automation Services, Inc., dated June 1, 2016; and BE IT FURTHER

RESOLVED, that funding for said purchase shall be appropriated from budget line items as the Director of Administration shall determine; 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 Business Automation Services, Inc., subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-364

### Authorize Supervisor to Execute Agreement with Government Payment Services, Inc.

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga Police Department is required to collect bail moneys in order to enable the Police to release prisoners being held in the cellblock; and

WHEREAS, Government Payment Services, Inc., hereinafter referred to as "GPS", offers an online payment system, at no cost to the Town and presently in use by police agencies throughout the state, where bail payments can be made via debit or credit card by those persons held in the Police cellblock, or on their behalf by Bail Bondsmen; and

WHEREAS, immediate payments of bail made via the GPS system will allow the release of persons from the cellblock around the clock, and will result in a savings to the Town by allowing Police to accept bail payments around the clock thus enhancing safety of officers and personnel, and reducing prisoner holding time and cellblock population; and

WHEREAS, this Town Board feels that utilization of this credit/debit card payment system will be beneficial to the Town; and

WHEREAS, GPS has submitted a proposed Participation Agreement for signature by the Town which has been previously reviewed and approved by the Town Attorney, with the exception of changing the term from five (5) years to one (1) year as requested by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Government Payment Services, Inc., for the credit/debit card payment of bail to the Cheektowaga Police Department as more fully set forth in the Participation Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-365

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### Authorize Supervisor to Execute Agreement for New York State Medication Drop Box Program

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the abuse of prescription drugs is a major public health problem in New York State, with the majority of abused prescription drugs being obtained from family and friends and the home medicine cabinet; and

WHEREAS, in an effort to address this problem, the New York State Department of Health has established a permanent Medication Drop Box Program throughout the State that provides for the disposal by the public of discontinued, expired or unwanted medications in a manner that considers public health as well as the environment; and

WHEREAS, various state and law enforcement agencies participate in the New York State Medication Drop Box Program; and

WHEREAS, the Town of Cheektowaga desires to participate in said program in an effort to join in ebbing the flow of abused prescription and controlled substances among Town and County residents; and

WHEREAS, the Police Department is desirous of having a medication drop box to be located at the Cheektowaga Police Station which will be secured to a wall or floor and police-monitored, in accordance with the terms of an Agreement with New York State; and

WHEREAS, any medications collected will be secured, transported and destroyed at a facility approved by the New York State Department of Environmental Conservation, after which a report of total volume will be provided to New York State; and

WHEREAS, this Town Board feels strongly that participation in this program will help to enhance public safety and support reduction of the abuse of prescription and other controlled substances in the Town by offering an environmentally-safe, police protected location for drop-off by residents only (not pharmacies, veterinarians, pharmaceutical businesses, or any entity other than private households); NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves of the Household Pharmaceutical Collection Security Agreement with New York State for a medication drop box to be located in the Cheektowaga Police Department; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute said Household Pharmaceutical Collection Security Agreement or any ancillary documents that may be required by New York State; and be it further

RESOLVED, that Lt. Brian Coons and/or Lt. Patrick Chludzinski of the Cheektowaga Police Department, are hereby designated Town law enforcement officers who are authorized and directed to execute any chain of custody or any other ancillary documents as may be required by New York State for the collection and/or secure disposal of medications collected in the drop box.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-366

### **Authorize Supervisor to Sign Agreement with Nussbaumer & Clarke, Inc. for Engineering Services for 2017-2021 Sanitary Sewer and Manhole Rehabilitation Project**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga has proposed a \$20 Million Project for the lining and rehabilitation of the sanitary sewer mainline and manholes in Sewer Sheds 3, 6 and 7 within the Town's Consolidated Sewer District to reduce inflow and infiltration into the Town sanitary sewer lines , and is seeking funding through the NYS Environmental Facilities Corporation (EFC) for said project to correct deficiencies in the Town's wastewater collection facilities, as required by the New York State Department of Environmental Conservation Order on Consent, AND

WHEREAS, by Town Board Resolution 2015-647 dated December 7, 2015, the Supervisor was authorized to apply for a \$5 Million Grant through the New York State Water Grant Program and no interest loans through The State Revolving Loan Fund to finance the necessary improvements to the Town's sanitary sewer collection system, AND

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to assist the Town with design, bidding, general services during construction and construction observation on the proposed rehabilitation project, AND

WHEREAS, the EFC has requested that the Town provide an Engineering Agreement signed on behalf of the Town and the Consulting Engineers, AND

WHEREAS, Nussbaumer & Clarke, Inc. has provided a proposal dated June 14, 2016 documenting the previously noted information with a fee not to exceed \$200,000, NOW, THEREFORE, BE IT

RESOLVED, that the proposal from Nussbaumer & Clarke, Inc. 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 \$200,000 which shall be chargeable to the relevant capital project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 8. RESOLUTION 2016-367

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### **Authorize Supervisor to Sign Agreement with Grantmakers Advantage, Inc.**

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town Board will engage in the sale and issuance of Town bonds, which are expected to be purchased by the New York State Environmental Facilities Corporation (the "EFC") in conjunction with the Clean Water State Revolving Loan Fund to finance the increase and improvement of facilities of the Consolidated Sewer District and the construction of the improvements therein, AND

WHEREAS, Grantmakers Advantage, Inc are grant consultants that will provide loan administration services to the Town in conjunction with the issuance of debt obligations for the EFC financing that will include: Assist the Town in developing and maintaining the financial management system required to carry out the project; Assist the Town in complying with all applicable rules and regulations in carrying out the project; Prepare all draw down requests for grant funds for signature by the Town; Review all requests for payment and advise the Town regarding the disposition of these requests; Coordinate all project activities in accordance with program guidelines and provide reports to the Town throughout the project; Serve as an agent of the Town in dealing with the EFC, Project Engineer/Architect, contractors and other project participants; Advise the Client regarding procurement procedures, including the selection of contractual services; Review all contract documents and recommend actions as appropriate; Maintain contact with representatives of the EFC to insure the effective administration of the project; Prepare program amendments or modifications as may be required in order to respond to changing conditions and insure the timely implementation of the project; Prepare the final close out documents for submission to the EFC, AND

WHEREAS, the EFC has requested that the Town provide a document signed on behalf of the Town and the grant consultants, AND

WHEREAS, Grantmakers Advantage, Inc. has provided a proposal documenting the previously noted information with a fee of \$70/hour not to exceed \$24,990 NOW, THEREFORE, BE IT

RESOLVED, that the proposal from Grantmakers Advantage, Inc 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 Grantmakers Advantage, Inc for the provision of said professional services in an amount not to exceed \$24,990 which shall be chargeable to the relevant capital project.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Timothy J. Meyers, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-368

### Authorize Supervisor to Sign Agreement with Capital Markets Advisors

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town Board will engage in the sale and issuance of Town bonds, which are expected to be purchased by the Environmental Facilities Corporation (the "EFC") to finance the increase and improvement of facilities of the Consolidated Sewer District and the construction of the improvements therein, AND

WHEREAS, Capital Markets Advisors, LLC are financial advisors that will provide services to the Town as it relates to the planning, structural analysis and issuance of debt obligations for the EFC financing that will include: assisting the Town in complying with program requirements; assist in the preparation of the EFC financing application; assist the Town with the issuance of short term financing through EFC, if required; coordinate activities with EFC finance personnel and participate in all EFC conference calls; compute and advise the Town concerning principal payments on short-term obligations; coordinate discussions concerning the terms and conditions of the long-term debt issued by EFC; review debt structure proposed by the EFC and advise the Town concerning the acceptability thereof; review all financing documents prepared in connection with the Town's financing; Prepare debt analysis to assist the Town for planning and budgeting purposes; and work closely with the consulting engineer, Town officials, legal counsel and bond counsel to complete the plan of finance, AND

WHEREAS, the EFC has requested that the Town provide a document signed on behalf of the Town and the financial advisors, AND

WHEREAS, Capital Markets Advisors, LLC has provided a proposal documenting the previously noted information with a fee of \$18,500 NOW, THEREFORE, BE IT

RESOLVED, that the proposal from Capital Markets Advisors, LLC 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 Capital Markets Advisors LLC for the provision of said professional services in an amount of \$18,500 which shall be chargeable to the relevant capital project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 10. RESOLUTION 2016-369

### Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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.

Name	Expiration Date
Karlis, Nicole M.	07/31/2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-370

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### Authorize Central Garage to purchase Diesel Fuel from NOCO

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**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town's Central Garage department has been purchasing Ultra Low Sulfur Premium Diesel from the New York State Office of General Services (NYS OGS) Approved Contract, AND

WHEREAS, Goetz Energy is the supplier based on the NYS OGS contract, AND

WHEREAS, the market information obtained by our central garage staff is that the plant that this diesel fuel is regularly being supplied from is being closed for the next month and will be supplied from a different location which causes concern of the quality of the fuel and its impact on our Town vehicles utilizing such fuel, AND

WHEREAS, the Town in the past has purchased this same premium grade of diesel fuel from NOCO which has performed well with our Town vehicles and the current price of this fuel is \$0.03 less than the NYS OGS contract price, THEREFORE, BE IT

RESOLVED, that central garage department be authorized to purchase the above noted premium diesel fuel from NOCO for the next month while the above noted plant is closed.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-371

### **SPECIAL EVENT - Independence Day Parade and Celebration**

**Sponsored By:** Supervisor Benczkowski, Councilmember Adamczyk

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 Sunday, July 3rd, 2016 from Noon - 11:00 p.m.; and Monday, July 4th, 2016 from Noon - 11:00 p.m. at Cheektowaga Town Park, and said Parade to be held on Monday, July 4th, 2016 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, Building 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 Sunday, July 3rd and Monday, July 4th, 2016; and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-372

## Retain Outside Counsel for Litigation Matters

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist and/or represent the Town with regard to various litigation matters, AND

WHEREAS, moneys have been budgeted by the Town for this purpose, AND

WHEREAS, Terrance M. Connors, Esq., on behalf of the firm Connors, LLP has submitted an engagement letter to the Town of Cheektowaga to provide these services to the Town and has the necessary expertise in this area, NOW, THEREFORE BE IT

RESOLVED, that Connors, LLP be and hereby is retained as outside counsel to assist the Town of Cheektowaga on an as-needed basis with respect to civil litigation matters against the Town, pursuant to its engagement letter dated May 18, 2016, AND, BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 101-1932-4703, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said engagement letter, subject to approval of the Town Attorney.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 7/5/2016 6:45 PM</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-373

### Standard Work Day and Reporting Resolution

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Comptroller of New York State has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System (NYSLRS). Regulation 315.4 more clearly defines the reporting process and adds requirements for both employers and elected and appointed officials. Among the changes are an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed. This regulation applies to new terms of office or appointments beginning on or after August 12, 2009, NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard work day (hrs/day)	Term begins/ends	Participates in Employer's Time keeping	Days per month*
Elected Officials					
Councilman	Linda Hammer	6	1/1/2016-12/31/2019	No	20
Councilman	Gerald Kaminski	6	1/1/2016-12/31/2019	No	6.6
Councilman	Christine Adamczyk	6	1/1/2016-12/31/2019	No	20
Hwy Superintendent	Mark Wegner	7	1/1/2016-12/31/2019	No	20
Supervisor	Diane Benczkowski	7	1/1/2016-12/31/2019	No	20

\* Based on record of activities

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-374

### Youth & Recreation Transfers

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

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

Recreation Attendant to Recreation Instructor -7140.1613 - \$12.25 - Regular Part-time  
Scott Gretch

Recreation Attendant to Recreation Instructor -7140.1614 - \$10.65 - Regular Part-time  
Matthew Koszuta

Recreation Attendant to Recreation Instructor -7140.1630 - \$13.00 - Regular Part-time  
Lisa Miller

Recreation Attendant to Recreation Instructor -7140.1613 - \$10.00 - Regular Part-time  
Hilary Peacock

Recreation Attendant to Recreation Instructor -7140.1636 - \$12.00 - Regular Part-time  
Melisa Petre

Motion by Councilmember Adamczyk, Seconded by Councilmember Rogowski to waive the reading of names for the following (4) four resolutions: 2016-374, 2016-375, 2016-376, 2016-377. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-375

### Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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:

Lifeguard - "Head Lifeguard Trainee" - 7180.1903 - \$10.60 - Seasonal

Kenneth Carlucci III	14227
Katie Gramlich	14225

Recreation Attendant - 7310.1801 - \$9.00 - Seasonal

Jennifer Gaffney	14225
Brianna Poules	14227
Jordan Soldaczewski	14225
Alexis Whelan	14225
Mariah Wilson	14225

Recreation Attendant - 7140.1632 - \$9.00 - Seasonal

Meghan Gosciak	14225
Samantha Sprada	14206

Recreation Attendant - 7310.1801 - \$9.50 - Seasonal

Kourtney Killian	14211
Cassidy Moore	14225
Robert Pulkownik	14227

Recreation Instructor "Group Leader" - 7310.1801 - \$10.00 - Seasonal

Merissa Ciesielski	14225
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Recreation Attendant - 7140.1636 - \$10.00 - Regular Part-time

Andrew Evenhouse	14225
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Recreation Aide - 7140.1636 - \$9.00 - Part-time

Nicholas Kobis	14043
Matt Wilson	14043

BE IT FURTHER RESOLVED that the following employee information be amended as follows (corrected budget line):

Recreation Aide to Recreation Attendant - 7310.1804 - \$9.00 - Regular Part-time

Julie Pijacki

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-376

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### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Theresa Tripi

3/19/16

14227

BE IT FURTHER RESOLVED that Kaylee Sandel be terminated from the Laborer - "Supervisor Trainee" title effective 6/6/16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-377

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Laborer \$9.25/hour effective 6/13/16  
Krysta M. Siwek, Cheektowaga, New York

OFFICE OF THE TOWN CLERK Clerk \$10.25/hour effective 6/27/16  
Kari M. Frank, Cheektowaga, New York

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 Laborer \$9.25/hour effective 6/21/16  
Michael P. Tomczak, Cheektowaga, New York

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

FACILITIES DEPARTMENT  
Michael W. Kowal effective 6/6/16

INFORMATION TECHNOLOGY AND RECORDS MANAGEMENT  
Krysta Siwek effective 6/11/16

JUSTICE COURT  
William V. Matalonis effective 5/27/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 19. RESOLUTION 2016-378

### **Appointment of Municipal Administrative Assistant - Legal (Office of the Town Attorney) (Provisional) Anthony J. Vesona**

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, a vacancy exists in the title of Municipal Administrative Assistant - Legal in the Office of the Town Attorney; AND

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

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

WHEREAS, Anthony J. Vesona, currently a seasonal Laborer in the Sign Maintenance Division, meets the requirements for appointment to said title and is eligible for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Anthony J. Vesona, of Cheektowaga, New York, be and hereby is appointed to the provisional title of Municipal Administrative Assistant - Legal in the Office of the Town Attorney effective June 15, 2016 at the annual salary of \$45,000.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-379

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### Appointment of Assistant Code Enforcement Officer (Competitive/Permanent) Dale M. Parks

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Assistant Code Enforcement Officer in the Building and Plumbing Department; AND

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

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

WHEREAS, Dale Marie Parks, currently employed as an Assistant Code Enforcement Officer in the Office of Economic and Community Development, bid on said vacancy and is eligible for transfer to the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Dale Marie Parks of Cheektowaga, New York, be and hereby is appointed to the position of Assistant Code Enforcement Officer in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 21, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-380

### APPOINTMENT - Board of Ethics Committee

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted A Local Law Establishing a Board of Ethics (Local Law No.1 of the year 1993), which was amended by the adoption, on April 4, 1994, of A Local Law Amending the Board of Ethics Law (Local Law No.1 of the year 1994); AND

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics Committee; AND

WHEREAS, there are presently two (2) vacancies of the Board of Ethics, AND

WHEREAS, Joyce Heath and Arlene Monkley have expressed interest in serving on said Board; NOW, THEREFORE, BE IT

RESOLVED, that Joyce Heath, Cheektowaga 14215 and Arlene Monkley, Cheektowaga, NY 14227 be and hereby are appointed to the Board of Ethics of the Town of Cheektowaga effective immediately, said appointment shall terminate on June 20, 2021, AND, BE IT FURTHER

RESOLVED, that said appointments are contingent upon execution of Agreements of Confidentiality; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreements of Confidentiality.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-381

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, The Reid Technique Interviewing and Interrogation training course is being held September 7, 2016 through September 9, 2016 in Tonawanda, New York; AND

WHEREAS, Detective Michael Striejewske has been recommended to attend said course; AND

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

WHEREAS, the total cost to the Town shall not exceed \$444; AND

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

RESOLVED, that Detective Michael Striejewske be and hereby is authorized to attend The Reid Technique Interviewing and Interrogation training course being held September 7, 2016 through September 9, 2016 in Tonawanda, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Kaminski, Seconded by Councilmember Rogowski to waive the rules to include the following resolution: 2016-382. Motion Carried.
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## 1. RESOLUTION 2016-382

### Award of Bid - Sanitary Sewer Manhole Rehabilitation (Bid #2016-23)

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, as a result of advertisement, bids were received on June 8, 2016 for the Rehabilitation of Sanitary Sewer Manholes in the Town of Cheektowaga, AND

WHEREAS, four (4) bids were received and were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Sanitary Sewer Manhole Rehabilitation be awarded to:

National Water Main Cleaning Co.  
25 Marshall Street  
Canton, MA 02021

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$968,530.56, AND, BE IT FURTHER

RESOLVED, that the cost of said improvements shall be chargeable to account no: 500-1440-4438-5531.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Planning Board - June 8, 2016

***B. General Communications***

**XIII. Comments**

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

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

***C. Public Comments***

**XIV. Adjournment**

In memory of Owen Reger. Motion by Councilmember Hammer, Seconded by Councilmember Meyers to the adjourn the meeting at 8:20 PM.

Vickie L. Dankowski

Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, July 5, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on July 5, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Ellen Fischer, Executive Director - Youth Board  
Stanley Kaznowski, III, Planning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Melissa Reese, Deputy Town Attorney  
Mark Wegner, Highway Superintendent  
David Zack, Chief of Police

**V. Recognition**

**VI. Approve Minutes**

**VII. Public Comment Period**

**VIII. Public Hearings**

**IX. Presentation**

**X. From the Table**



## 1. RESOLUTION 2016-372

### Retain Outside Counsel for Litigation Matters

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist and/or represent the Town with regard to various litigation matters, AND

WHEREAS, moneys have been budgeted by the Town for this purpose, AND

WHEREAS, Terrance M. Connors, Esq., on behalf of the firm Connors, LLP has submitted an engagement letter to the Town of Cheektowaga to provide these services to the Town and has the necessary expertise in this area, NOW, THEREFORE BE IT

RESOLVED, that Connors, LLP be and hereby is retained as outside counsel to assist the Town of Cheektowaga on an as-needed basis with respect to civil litigation matters against the Town, pursuant to its engagement letter dated May 18, 2016, AND, BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 101-1932-4703, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said engagement letter, subject to approval of the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [4 TO 2]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, Timothy J. Meyers, Christine Adamczyk, Linda Hammer
<b>NAYS:</b>	James P. Rogowski, Gerald Kaminski

## XI. Resolutions



## 1. RESOLUTION 2016-383

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

FROM:	300.9501.9211	Bond Interest	\$135,000.00
TO:	300.5140.4293	Tree Removal Costs	\$135,000.00

SPECIAL DISTRICTS

FROM:	255.8135.1951	Seasonal Regular	\$6,600.00
TO:	255.8135.1971	Part Time Regular	\$6,600.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-384

### WARRANT

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 1, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$ 7,517,977.36
RISK RETENTION FUND	1,203,609.48
NYS HOME PROGRAM	
DEBT	774,584.50
HUD HOUSING REHABILITATION FUND	22,365.00
SPECIAL DISTRICTS FUND	3,727,073.46
HIGHWAY FUND	903,144.36
CAPITAL FUND	614,949.06
TRUST & AGENCY FUND	511,907.97
HUD CDBG FUND	409.38
PART TOWN FUND	272,575.64
NYS AFFORDABLE HOUSING	
	\$ 15,548,596.21

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-385

## Award of Bid - Cleaning, Televising & Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe (Bid #2016-24)

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, as a result of advertisement, bids were received on June 29, 2016 for the Cleaning, Televising & Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe in the Town of Cheektowaga, AND

WHEREAS, seven (7) perspective bidders picked up specifications but only two (2) bids were received and opened, which bids were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Cleaning, Televising & Rehabilitation of Sanitary Sewer Facilities thru Cured-in-Place Pipe be awarded to:

Insituform Technologies, LLC  
17988 Edison Avenue  
Chesterfield, MO 63005

for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$3,388,504.40, AND, BE IT FURTHER

RESOLVED, that the cost of said sewer work shall be chargeable to Account #500-1440-4438-5531.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-386

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### Negative SEQR Declaration - 829 Dick Road

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

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, an application was submitted by Silvertip Ventures, LLC for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of June 8, 2016, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of the forested areas along the northerly portion of the premises via a conservation easement, deed restriction or other acceptable instrument, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the applicant had a traffic impact study prepared by SRF Associates, dated March 16, 2016, at the request of the Town of Cheektowaga to address concerns for traffic safety and alignment of the proposed driveway with that of Chapel Avenue, AND

WHEREAS, such study indicates that the proposed restaurant will not negatively affect existing levels of service on Dick Road, AND

WHEREAS, the Erie County Highway Department also reviewed the aforementioned traffic impact study and proposed construction plans and concurs with its findings, as indicated in the attached correspondence dated June 27, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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).

Attachments:

ERIE Co HWY Dept Comments (PDF)

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 7/18/2016 6:45 PM</b>
<b>MOVER:</b>	James P. Rogowski, Timothy J. Meyers
<b>SECONDER:</b>	Diane Benczkowski, Christine Adamczyk
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-387

### Negative SEQR Declaration - 2567 Union Road

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

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, a special use permit application was submitted by McDonald's USA, LLC for the modification of an existing accessory drive thru lane to its existing fast food restaurant at 2567 Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of May 12, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-388

### Negative SEQR Declaration - 1735 Walden Avenue

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

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, a special use permit application was submitted by McDonald's USA, LLC for the modification of an existing accessory drive thru lane to its existing fast food restaurant at 1735 Walden Avenue, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of May 12, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-389

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### Negative SEQR Declaration - 3729 Union Road

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

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, a special use permit application and site plan was submitted by Elizabeth A. Reilly-Meegan and Acquest Development for the re-development of an existing commercial office site at 3729 Union Road, to include the demolition of an existing 2 story frame office building and the construction of a one story 3,600 s.f. restaurant building with an accessory drive thru window, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of May 12, 2016, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the applicant has modified his/her site plan to improve traffic safety by removing an existing driveway along Union Road, and has obtained a perpetual vehicular access easement from the neighboring land owner to the east, furthering the Town's traffic access management objectives, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-390

### Accept Site Plan- 829 Dick Road Silvertip Ventures, LLC

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

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, Sivertip Ventures, LLC submitted a development review application for the for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of June 8, 2016 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/approving the grading/drainage plan.
2. The applicant providing a conservation easement or deed restriction limiting development on the northerly forested area.
3. The applicant modifying his/her landscaping plan to include additional colorado spruce trees to off set the eventual loss of the existing ash trees on premises.
4. The Town planner reviewing and approving a photometric plan and revised landscaping plan.
5. The construction of a 6 foot high solid vinyl fence along the southerly property line of the non-conforming residence at 841 Dick Road.

Attachments:

Civil Plans (PDF)

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 7/18/2016 6:45 PM</b>
<b>MOVER:</b>	James P. Rogowski, Timothy J. Meyers
<b>SECONDER:</b>	Diane Benczkowski, Linda Hammer
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 9. RESOLUTION 2016-391

### Accept Site Plan- 2567 Union Road McDonald's USA, LLC

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

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, McDonald's USA, LLC submitted a development review application for the modification of an existing accessory drive thru lane for an existing fast food restaurant at 2567 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 12, 2016 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 modification to the previously approved site plan subject to:

1. The Town Engineer reviewing/approving the grading/drainage plan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-392

### Accept Site Plan- 1735 Walden Avenue McDonald's USA, LLC

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

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, McDonald's USA, LLC submitted a development review application for the modification of an existing accessory drive thru lane for an existing fast food restaurant at 1735 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 12, 2016 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 modification to the previously approved site plan subject to:

1. The Town Engineer reviewing/approving the grading/drainage plan.
2. The replacement of any trees which have died/failed to thrive.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-393

### Accept Site Plan- 3729 Union Road Moe's Restaurant

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

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, a special use permit application and site plan was submitted by Elizabeth A. Reilly-Meegan and Acquest Development for the re-development of an existing commercial office site at 3729 Union Road, to include the demolition of an existing 2 story frame office building and the construction of a one story 3,600 s.f. restaurant building with an accessory drive thru window, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of May 12, 2016 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 site plan subject to:

1. The Town Engineer reviewing/approving the grading/drainage plan.
2. The applicant provide a revised landscaping plan for review and approval by the Town Planner.
3. A photometric plan be provided for all exterior lighting.

Attachments:

SITE plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-394

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### Approve Special Permit and Variances - 829 Dick Road

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

#### APPROVE SPECIAL USE PERMIT & VARIANCE - 829 DICK ROAD

WHEREAS, Silvertip Ventures, LLC has made application and requested a Special Use Permit for an accessory drive through window for a proposed redevelopment of an existing commercial restaurant site at 829 Dick Road, including the demolition of an existing one story frame restaurant building and two accessory sheds to accommodate construction of a new 1,766 square foot donut/coffee shop with accessory drive through window pursuant to Sections 260-47 and 260-48.2 of the Code of the town of Cheektowaga ("Zoning Law"); and

WHEREAS, Silvertip Ventures, LLC also requested the following variances for the drive through service:

1. Section 260-48.2D(2) - The proposed closest edge of pavement for the drive thru will be a minimum of 23.7 feet from the property line of the adjacent residential use or residential zoned property, whereas a minimum of 75 feet is required;
2. Section 260-48.2D(2)(a) - The re-use of the existing commercial driveway along Dick Road is approximately (20) feet from the functional area of the chapel Drive road intersection, whereas a minimum of 220 feet is required for a new driveway serving an accessory drive thru window.

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20<sup>th</sup> day of June, 2016 at 6:45 pm of said day for the purpose of considering said applications for the Special Use Permit and variances, 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 Use Permit and variances; and

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

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted, and BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variances relating to the drive through window as follows:

1. The closest edge of pavement for the drive thru will reduced to 23.7 feet from the property line rather than the required 75 feet;
2. The re-use of the existing commercial driveway along Dick Road shall be (20) feet from the functional area of the chapel Drive road intersection, rather than the required 220 feet for a new driveway serving an accessory drive thru window.

\*\*\*\*\*

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 12, Township 11, Range 7 of the Holland land Company's Survey, being subdivision lot 13, part of subdivision lot 12 and the reserved parcel "A", as shown on map cover 976, bounded and described as follows;

**BEGINNING** at a point of on the east line of Dick Road (120' wide) distant 255.36 feet south of the south line of West Sobieski Avenue (50' wide) said point being the southeast corner of lands acquired by the County of Erie, File No.SK-207-36, Parcel No.36; thence easterly along the north line of lands conveyed to Goodwin as recorded in the Erie County Clerk's Office under Liber 10394 of deeds at page 659, being parallel with the north line of said subdivision lot 12, a distance of 127.93 feet to a point on the east line of said subdivision lot 12; thence northerly along the east line of said subdivision lot 12, a distance of 105.24 feet to the northeast corner of said subdivision lot 12, also being the northwest corner of said subdivision lot 13; thence easterly along the north line of said subdivision lot 13, a distance of 396.99 feet measured (397.17' map) to the northeast corner of said subdivision lot 13, also being a point on the north line of the said reserved parcel "A"; thence northeasterly along the north line of said reserved parcel "A", also being the south line of subdivision lot 11, map cover 976, a measured distance of 284.45 feet (286.86' map) to the southeast corner of subdivision lot 11; thence southerly along the east line of said reserved parcel "A", a measured distance of 54.71 feet (54.73' map) to the south line of said reserved parcel "A"; thence southwesterly along the south line of said reserved parcel "A", a distance of 771.23 feet to the east line of Dick Road; thence northerly along the east line of Dick Road being a curved line to the left having a radius of 3759.72 fee an arc distance of 166.55' to the Point of Beginning.

**RESULT:** DEFEATED [2 TO 4]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** James P. Rogowski, Gerald Kaminski  
**NAYS:** Diane Benczkowski, Timothy J. Meyers, Christine Adamczyk, Linda Hammer



13. RESOLUTION 2016-395

Approve Special Use Permit - 2567 Union Road

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

APPROVE SPECIAL USE PERMIT- 2567 UNION ROAD

WHEREAS, McDonald’s USA, LLC, pursuant to Section 260-47.1C of the Zoning Law of the Town of Cheektowaga, has submitted a development review application and requested a Special Use Permit for modification of an existing accessory drive thru lane to its existing fast food restaurant at 2567 Union Road, AND,

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of June, 2016 at 6:45 pm of said day for the purpose of considering said application for the Special Use 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 Use Permit; and

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

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted.

\*\*\*\*\*

LEGAL DESCRIPTION FOR SPECIAL USE PERMIT

Schedule A

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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline at Losson Road.

RUNNING THENCE: N-08’ - 30’ 31 “-W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85’- 08’-31 “-E and parallel to the Centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04' - 51'-29" -W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85' -08'-31"- W along the centerline of Losson Road a distance-of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57,188. 39+/- square feet or 1.31+/-acres be the same more or less.

EXCEPTING there from that part of the premises appropriated by the People of the State of New York by a Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 7180 at page 472 and also in Liber 7220 at Page 56, being Map 71, Parcels 80 & 81.

SUBJECT' TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO and reserving unto the Grantor, its tenants, successors, heirs and assigns a perpetual, non-exclusive easement over the above described premises appurtenant to and for the benefit of the property described on attached Schedule B for the purpose of connecting to the existing water main located near the southeast corner of the above described premises, including an easement for ingress and egress In order to maintain, replace and/or repair the connecting water line.

SUBJECT TO a Shopping Center Easement Agreement from Grantor to Grantee dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

88410

#### Schedule B

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 No. 63, Township 10; Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Union Road, at its Intersection with the center line of Losson Road; running thence easterly along the center line of Losson Road; six hundred eighty-and twenty-nine hundredths (680.29) feet to a point therein, distant three hundred five and five hundredths (305. 05) feet west from the east line of Lot No. 63; running thence northerly and parallel with the east line of Lot No. 63; four hundred fifty-three and four hundredths (453.04) feet to an iron: running thence northwesterly at an interior angle of 164 degrees 32' 51", one hundred fourteen and ninety-five hundredths (114.95) feet to a point running thence southwesterly on a line at right angles to the center line of Union Road, a distance of seven hundred thirty-four and eighty-one hundredths (734.81) feet to a point in the center line of Union Road; running thence southwesterly along the center line of Union Road, four hundred two and sixty-five hundredths (402.65) feet to the point or place of beginning.

Excepting therefrom, that part of premises appropriated by the People of the State of New York by Notice of Appropriation recorded in Erie County Clerk's Office In Liber 7180 of Deeds page 472 and also in Liber 7220 of Deeds page 56 being Map No. 71, Parcels Nos. 80 and 81 and filed February 8, 1966.

Also excepting therefrom 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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline of Losson Road.

RUNNING THENCE: N-08'- 30' 31"-W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85' -08'-31 " -E and parallel to the centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04' -51' -29 " -W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85' -08' -31" -W along the centerline of Losson Road a distance of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57, 188.39+/- square feet or l. 31+/- acres be the same more or less.

SUBJECT TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO a Shopping Center Easement Agreement from Losson & Union Associates, Inc. to McDonald's Corporation dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



14. RESOLUTION 2016-396

Approve Special Permit - 1735 Walden Avenue

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

APPROVE SPECIAL USE PERMIT- 1735 WALDEN AVENUE

WHEREAS, McDonald’s USA, LLC, pursuant to Section 260-47.1C of the Zoning Law of the Town of Cheektowaga, has submitted a development review application and requested a Special Use Permit for modification of an existing accessory drive thru lane to its existing fast food restaurant at 1735 Walden Avenue, AND,

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of June, 2016 at 6:45 pm of said day for the purpose of considering said application for the Special Use 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 Use Permit; and

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

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted.

\*\*\*\*\*

LEGAL DESCRIPTION FOR SPECIAL USE PERMIT

Schedule A

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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline at Losson Road.

RUNNING THENCE: N-08’ - 30’ 31 “-W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85’- 08’-31 “-E and parallel to the Centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04' - 51'-29" -W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85' -08'-31"- W along the centerline of Losson Road a distance-of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57,188. 39+/- square feet or 1.31+/-acres be the same more or less.

EXCEPTING there from that part of the premises appropriated by the People of the State of New York by a Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 7180 at page 472 and also in Liber 7220 at Page 56, being Map 71, Parcels 80 & 81.

SUBJECT' TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO and reserving unto the Grantor, its tenants, successors, heirs and assigns a perpetual, non-exclusive easement over the above described premises appurtenant to and for the benefit of the property described on attached Schedule B for the purpose of connecting to the existing water main located near the southeast corner of the above described premises, including an easement for ingress and egress In order to maintain, replace and/or repair the connecting water line.

SUBJECT TO a Shopping Center Easement Agreement from Grantor to Grantee dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

88410

#### Schedule B

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 No. 63, Township 10; Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Union Road, at its Intersection with the center line of Losson Road; running thence easterly along the center line of Losson Road; six hundred eighty-and twenty-nine hundredths (680.29) feet to a point therein, distant three hundred five and five hundredths (305. 05) feet west from the east line of Lot No. 63; running thence northerly and parallel with the east line of Lot No. 63; four hundred fifty-three and four hundredths (453.04) feet to an iron: running thence northwesterly at an interior angle of 164 degrees 32' 51", one hundred fourteen and ninety-five hundredths (114.95) feet to a point running thence southwesterly on a line at right angles to the center line of Union Road, a distance of seven hundred thirty-four and eighty-one hundredths (734.81) feet to a point in the center line of Union Road; running thence southwesterly along the center line of Union Road, four hundred two and sixty-five hundredths (402.65) feet to the point or place of beginning.

Excepting therefrom, that part of premises appropriated by the People of the State of New York by Notice of Appropriation recorded in Erie County Clerk's Office In Liber 7180 of Deeds page 472 and also in Liber 7220 of Deeds page 56 being Map No. 71, Parcels Nos. 80 and 81 and filed February 8, 1966.

Also excepting therefrom 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 63, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the former centerline of Union Road at its intersection with the centerline of Losson Road.

RUNNING THENCE: N-08'- 30' 31"-W along the former centerline of Union Road a distance of 218.93 feet to a point.

RUNNING THENCE: S-85' -08'-31" -E and parallel to the centerline of Losson Road a distance of 293.80 feet to a point.

RUNNING THENCE: S-04' -51' -29" -W and at right angles to the last described course a distance of 213.00 feet to a point in the centerline of Losson Road.

RUNNING THENCE: N-85' -08' -31" -W along the centerline of Losson Road a distance of 243.18 feet to the POINT OR PLACE OF BEGINNING containing 57, 188.39+/- square feet or l. 31+/- acres be the same more or less.

SUBJECT TO the rights of the public and others in and to that portion lying within the boundaries of Union Road and Losson Road.

SUBJECT TO a Shopping Center Easement Agreement from Losson & Union Associates, Inc. to McDonald's Corporation dated August 24, 1993 and recorded September 24, 1993 in Liber 10751 of Deeds at Page 296.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



15. RESOLUTION 2016-397

Approve Special Use Permit and Variance - 3729 Union Road

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

APPROVE SPECIAL USE PERMIT & VARIANCE - 3729 UNION ROAD

WHEREAS, Elizabeth A. Reilly-Meegan with permission of the land owner, Acquest Development, has made application and requested a Special Use Permit for the re-development of an existing commercial office site at 3729 Union Road, to include the demolition of an existing 2 story frame office building and the construction of a one story 3,600 square foot restaurant building with an accessory drive thru window; and

WHEREAS, Elizabeth A. Reilly-Meegan with permission of the land owner, Acquest Development also requested the following variance to establish an accessory drive thru window:

- 1. Section 260-48.2D(2)(a) - The re-use of the existing commercial driveway along Union Road is approximately (173) one hundred seventy three feet from the functional area of the McKesson Parkway road intersection, whereas a minimum of 220 feet is required for a new driveway serving an accessory drive thru window.

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of June, 2016 at 6:45 pm of said day for the purpose of considering said applications for the Special Use Permit and variances, 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 Use Permit and variances; and

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

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted, and BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variance relating to the drive through window as follows:

- 1. The existing commercial driveway along Union Road shall be (173) one hundred seventy three feet from the functional area of the McKesson Parkway road intersection, rather than the required minimum of 220 feet for a new driveway serving an accessory drive thru window.

\*\*\*\*\*

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, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the easterly line of Union Road, distant 701.58 feet southerly from the northwest corner of said Lot No. 11;

RUNNING THENCE easterly on a line parallel with the north line of Lot No . 11, 269 .66 feet to a point;  
THENCE southerly parallel with the westerly line of Lot No. 11, 435.60 feet to a point;

THENCE westerly on a line parallel with the north line of Lot No. 11, 269 .66 feet to the easterly line of Union Road;

THENCE northerly along the easterly line of Union Road, 435.60 feet to the point of beginning .

EXCEPTING that portion of the above -described premises acquired by the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 3877 of Deeds at page 118.

ALSO EXCEPTING THEREFROM that portion of the above-described premises conveyed to Lu & Lu Land Leasing, Inc. by deed recorded in the Erie County Clerk 's Office in Liber 7612 of Deeds at page 541, AND ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York being part of Lot Number 11, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows :

BEGINNING at a point in the easterly line of Union Road, as widened, 701.58 feet southerly from the north line of said Lot Number 11; running thence southerly along the said easterly line of Union Road, as widened, 115 feet to a point;

THENCE easterly and parallel with the north line of Lot Number 11, 247 .29 feet to a point in the east line of lands conveyed to Louis Zon and Lucille Zon, his wife, by deed recorded in the Erie County Clerk's Office in Uber 5687 of Deeds at page 530 on January 27,1959 ;

THENCE northerly and parallel with the westerly line of Lot No. 11 and a long the east line of lands conveyed to Zon by the aforesaid deed, 115 feet to a point which is the northeasterly corner of premises conveyed to Louis A . Zon and Lucille M. Zon, his wife, as aforesaid; THENCE westerly on a line parallel with the north line of Lot No. 11 and along the northerly line of premises conveyed by the aforesaid deed, 247

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-398

### Authorize Town Clerk to Issue New/Renewal Ambulance Vehicle License

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth below, providing such ambulance(s) so listed meet(s) the insurance requirements set forth in the Ambulance Ordinance.

<u>VEHICLE MAKE &amp; YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Mercedes 2014	13204EV	220
Ford 1999	10268EV	548
Ford 2005	10250EV	280
Ford 2016	13249EV	561
Ford 2006	10212EV	214
GMC 2011	12543EV	510
GMC 2011	12542EV	511
Chevrolet 2010	12519ET	260
Mercedes 2014	13201EV	219
Ford 2014	13240EV	562
Ford 2014	13239EV	563
Chevrolet 2010	12518ET	259
Chevrolet 2010	12517ET	261
Chevrolet 2010	12793ET	262
Chevrolet 2010	12775ET	265
Ford 2006	13227EV	550
Chevrolet 2010	12776ET	264
Chevrolet 2010	12777ET	263
Ford 2006	10246EV	500
GMC 2010	10211EV	559
Chevrolet 2008	12500ET	508
Chevrolet 2007	12541EV	541
Chevrolet 2008	10664ET	506
GMC 2008	10248EV	540
Ford 2008	12532EV	534
International 1998	12531EV	503
Mercedes 2015	13246EV	226

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Mercedes 2015	13248EV	225
Mercedes 2015	13230EV	224
Chevrolet 2007	12540EV	542
Chevrolet 2007	12544EV	770
GMC 2013	10274EV	258
Chevrolet 2007	10617ET	512
Chevrolet 2007	10618ET	516
Chevrolet 2007	10615ET	514
Chevrolet 2007	10649ET	515
Mercedes 2015	13247EV	227
GMC 2011	10206EV	271
GMC 2011	10201EV	267
GMC 2011	10202EV	266
GMC 2011	10205EV	270
Ford 2003	12533EV	535
Chevrolet 2010	10210EV	558
GMC 2011	10204EV	269
Chevrolet 2013	10271EV	556
Chevrolet 2013	10272EV	557
Mercedes 2012	12547EV	223
Ford 2005	10209EV	502
Mercedes 2015	13200EV	218
Mercedes 2015	13233EV	228
Ford 2005	59009JT	501
Ford 2005	10245EV	282
Mercedes 2015	13231EV	229
Mercedes 2015	13232EV	230
Mercedes 2015	13238EV	232
Mercedes 2015	13237EV	233
Chevrolet 2013	12525EV	215
Mercedes 2015	13234EV	231
Mercedes 2015	13202EV	221
Mercedes 2016	13235EV	234
Mercedes 2016	13236EV	235
Mercedes 2015	12548EV	217
Mercedes 2015	13203EV	222
Chevrolet 2011	10255EV	277
Ford 2005	10213EV	213
Chevrolet 2010	13225EV	549
Chevrolet 2013	10273EV	560
Chevrolet 2013	13229EV	551
GMC 2012	10265EV	537
GMC 2012	10249EV	539
Chevrolet 2014	12529EV	257
Chevrolet 2012	10269EV	554
Chevrolet 2012	10270EV	555
Chevrolet 2012	13226EV	553

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



17. RESOLUTION 2016-399

Authorize Transfer of 13 McParlin Avenue

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the property located at 13 McParlin Avenue in the Town of Cheektowaga was acquired for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., a not-for-profit housing agency, has agreed to purchase property located at 13 McParlin Avenue from the Town of Cheektowaga for the purpose of rehabilitating and selling said property to an income-eligible homebuyer, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to effectuate the transfer of 13 McParlin Avenue to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., 1081 Broadway Street, Buffalo, New York 14212, subject to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of 13 McParlin Avenue is subject to Permissive Referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE, the Town's official newspaper; and BE IT FURTHER

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

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NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on July 5, 2016, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 13 McParlin Avenue, Cheektowaga, New York to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. for \$1.00.

A copy of such resolution is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

DATED: July 5, 2016

Vickie Dankowski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



18. RESOLUTION 2016-400

Authorize Transfer of 32 Lyman Avenue

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the property located at 32 Lyman Avenue in the Town of Cheektowaga was acquired for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., a not-for-profit housing agency, has agreed to purchase property located at 32 Lyman Avenue from the Town of Cheektowaga for the purpose of rehabilitating and selling said property to an income-eligible homebuyer, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to effectuate the transfer of 32 Lyman Avenue to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc., 1081 Broadway Street, Buffalo, New York 14212, subject to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of 32 Lyman Avenue is subject to Permissive Referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA BEE, the Town's official newspaper; and BE IT FURTHER

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

\*\*\*\*\*

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on July 5, 2016, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 32 Lyman Avenue, Cheektowaga, New York to Polish Community Center d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, Inc. for \$1.00.

A copy of such resolution is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

DATED: July 5, 2016

Vickie Dankowski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-401

### Purchase of Excess Liability Insurance

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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, 2016, and

WHEREAS, the Town Board requested Holfoth Risk Management, the Town's insurance consultant, to solicit proposals for excess liability insurance coverage for 2016-17, and

WHEREAS, Holfoth Risk Management solicited proposals from brokers, and

WHEREAS, proposals were received from Travelers Insurance, Berkley/Westchester, and Argonaut, and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from Travelers Insurance Company (through Lawley Service, Inc.) for \$11,000,000 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 \$11,000,000 (with \$1,000,000 retention/deductible) to Travelers Insurance Company (through Lawley Service, Inc.) for an annual premium of \$191,626 for the period July 1, 2016 to June 30, 2017, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-402

### Approve Purchase of Two (2) New and Unused 2016 Caterpillar Backhoe Loader 420F

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town Board Authorized the purchase of Two (2) New and Unused 2015 Caterpillar Backhoe Loader 420-IT from Milton Cat, 4610 East Saile Drive, Batavia, New York, 14020, as specified under the contract documents for the Township of Brighton in Monroe County at regular board meetings on June 15, 2015 and September 8, 2015 AND

WHEREAS, said Township of Brighton contract is renewable for up to a three (3) year period, AND

WHEREAS, the proposed purchase agreement with Milton Cat contains the required language required by section 103-b of the General Municipal law and otherwise complies with the New York State Law, AND

WHEREAS, Milton Cat offers a one year trade-in program for said equipment, AND

WHEREAS, said trade-in program is based on the hours of used equipment and any price increase in the Township of Brighton contract, AND

WHEREAS, the Highway Department has requested authorization to trade-in two (2) 2015 Caterpillar Backhoe Loader 420-IT for two (2) new and unused 2016 Caterpillar Backhoe Loader 420-IT as specified under the terms of Milton Cat's trade-in program and the Township of Brighton's contract, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes to trade-in two (2) 2015 Caterpillar Backhoe Loader 420-IT for two (2) new and unused 2016 Caterpillar Backhoe Loader 420-IT in the amount of \$12,200.00 from:

Milton Cat  
4610 East Saile Drive  
Batavia, NY 14020

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 21. RESOLUTION 2016-403

## Approve Cultural Group Funding for The Cheektowaga Chorale

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town, in its 2016 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 2015 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Chorale does agree that all future concerts take place within the Town of Cheektowaga, and BE IT FURTHER

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>
The Cheektowaga Chorale	\$12,000.00

and BE IT FURTHER

RESOLVED that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2016 Town budget, subject to audit and approval of a properly signed Town voucher.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-404

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### Execute Contract Erie County Workforce

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Youth & Recreational Services Department desires to participate as a worksite in the County of Erie Summer Work Experience Program for disadvantaged youth and

WHEREAS, said program will subsidize 4 student participants for the Youth & Recreation summer day camp, NOW THEREFORE BE IT

RESOLVED that upon approval by the Town Attorney Supervisor Benczkowski be and hereby is directed to execute a contract between the Town and the Workforce Corporation of Buffalo and Erie County for the 2016 Summer Work Experience Program.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-405

### Application for NYS Affordable Housing Corporation Funding

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the New York State Affordable Housing Corporation is accepting applications for grant funding for home improvements programs for income qualified homeowners, and

WHEREAS, said funds can be used in conjunction with Community Development Block Grant and HOME Investment Partnership funds to accomplish needed rehabilitation for low-to moderate income homeowners (less than 80% Average Median Income (AMI), and

WHEREAS, said funds can be used in conjunction with homeowner funds to accomplish needed rehabilitation for homeowners whose income falls between 80% and 110% AMI, and

WHEREAS, the neighborhoods eligible for assistance must be identified and designated, the Community Development Office has identified those low-to-moderate income areas of the Town as identified in the 2010 Census and has also identified other neighborhoods in immediate proximity to the blighting influences of the distressed neighborhoods of the City of Buffalo, and where preservation of older neighborhoods adjacent to low-mod income neighborhoods is a priority (Cleveland Drive to the north, the I-90 to the east, and Broadway to the south; with a second area bound by Broadway on the north, Harlem Road on the east, Clinton Street to the South and the City of Buffalo line to the west), and

WHEREAS, the Town Community Development Office has prepared an application for submission to the New York State Affordable Housing Corporation for said funds for Home Improvement Projects in the designated areas defined above, and NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign said application, and any related documents, and submit same to the New York State Affordable Housing Corporation for a grant of up to \$450,000 for "home improvements" for income-eligible Town homeowners under the Affordable Home Ownership Development Program, as authorized by Section 1113(1) of the Private Housing Finance Law, and Be It

FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Timothy Kennedy and State Assemblywoman Angela Wozniak.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-406

### Renewal of Crime/Public Employee Dishonesty Insurance

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town's Crime/Public Employee Dishonesty Insurance Coverage expires on July 1, 2016; and

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited proposals from brokers for the renewal of the Town's Crime/Public Employee Dishonesty Insurance Coverage; and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommends that the Town of Cheektowaga accept the proposal of Travelers Casualty and Surety Company of America (through Lawley Service., Inc.) for \$1,000,000 crime/public employee dishonesty insurance coverage (with \$10,000 retention/deductible); and

WHEREAS, this Town Board wishes to award the above referenced Town's Crime/Public Employee Dishonesty Insurance to Travelers Casualty and Surety Company of America; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Town's Crime/Public Employee Dishonesty Insurance as stated above to Travelers Casualty and Surety Company of America (through Lawley Service, Inc.) for the period from July 1, 2016 to July 1, 2017 for a premium of \$4,171.00; 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 crime/public employee dishonesty insurance coverage.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-407

### SPECIAL EVENT-POLISH AMERICAN ARTS FESTIVAL

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park on Thursday, July 14th ( 7:00pm-10:00pm); Friday, July 15th (4:00pm-11:00pm); Saturday, July 16th (12:00pm-11:00pm); and Sunday, July 17th (12:00pm-9:00pm); 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 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 Cheektowaga Polish-American Arts Festival Committee for the aforementioned Polish-American Cultural Festival to be held in Cheektowaga Town Park from July 14th thru July 17th , 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-408

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### Youth & Recreation Transfers

**Sponsored By:** Councilmember Kaminski, 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:

From Recreation Instructor - "Group Leader" - \$10.00 to Recreation Instructor - "Activity Director" - 7310.1801- \$12.00 - Seasonal  
Merissa Ciesielski

From Recreation Attendant - \$9.00 to Recreation Attendant - 7310.1803 - \$9.50 - Regular Part-time  
Jessica Gaffney

From Recreation Attendant - \$9.00 to Recreation Attendant - 7310.1803 - \$9.50 - Regular Part-time  
Danielle Keller

From Recreation Attendant - \$9.00 to Recreation Attendant - 7310.1801 - \$9.50 - Regular Part-time  
Morgan Miecznikowski

From Recreation Attendant - \$9.00 to Recreation Attendant - 7310.1803 - \$9.50 - Regular Part-time  
Tyler Nosal

From Recreation Attendant - \$9.00 to Recreation Attendant - 7310.1803 - \$9.50 - Regular Part-time  
Brian Wroblewski

From Recreation Attendant - \$9.00 to Recreation Instructor "Teen Center Group Leader" - 7310.1814 - \$10.00 - Regular Part-time  
Ashley Carney

From Recreation Aide - \$9.00 to Recreation Attendant - 7310.1801 - \$9.00 - Regular Part-time  
Matt Carney

From Recreation Attendant - \$9.00 to Recreation Instructor "Activity Director" - 7310.1801 - \$12.00 - Seasonal  
Alexis Whalen

From Recreation Attendant - \$9.00 to Recreation Attendant - 7140.1611 - \$9.50 - Regular Part-time  
Dakota Herkey

From Recreation Aide - \$9.00 to Recreation Attendant - 7310.1801 - \$9.00 - Regular Part-time  
Kayla Bosworth

Motion by Councilmember Meyers, Seconded by Councilmember Adamczyk to waive the reading of names for the following (4) four resolutions: 2016-408, 2016-409, 2016-410, 2016-411.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Gerald Kaminski, Councilmember  
**SECONDER:**       James P. Rogowski, Councilmember  
**AYES:**            Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-409

### Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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:

Lifeguard - 7180.1903 - \$10.00 - Seasonal - Retro to 6/25/16

Elizabeth Olear 14043

Recreation Attendant - 7310.1801 - \$9.00 - Seasonal

Ashley Krywcun 14211

Recreation Attendant - 7310.1801 - \$10.00 - Seasonal

Sandra Schrader 14225

Recreation Aide - 7140.1630 - \$9.00 - Part-time

Julia Jarvis 14215

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 the two positions listed below meet the above requirements, NOW THEREFORE BE IT FURTHER

RESOLVED that the Town Board hereby exempts the following positions/individuals from Town residency requirements and hereby appoints them to the following positions, effective immediately:

Recreation Instructor - 7310.1814 - Teen Club Activity Director - \$12.00 - Seasonal - Retro to 6/25/16

Lisa Farinacci 14059

Recreation Instructor - 7310.1801 - Arts & Crafts Activity Director - \$12.00 - Seasonal - Retro to 6/25/16

Melanie Zakraysek 14027

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-410

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Amanda Goble	Never worked	14227
Samantha Gressieg	5/28/16	14206
Matthew Nowinski	Never worked	14227
Leah Polvinale	Never worked	14227
Kayle Wisniewski	Never worked	14206

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-411

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 \$9.25/hour effective 7/6/16  
 Stephen P. Pacitti, Cheektowaga, NY  
 Brian K. O'Connor, Cheektowaga, NY  
 Shawn B. Johnson, Cheektowaga, NY  
 Keith Pignatora, Cheektowaga, NY  
 Bryan C. Haxton, Cheektowaga, NY

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

LAW DEPARTMENT  
 Constance M. Paoletti effective 6/22/16

SANITATION DEPARTMENT  
 Gaylon A. Snyder effective 6/20/16  
 Damien Rorick effective 6/11/16

POLICE DEPARTMENT  
 Brandon J. Kuczmarski effective 7/2/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 30. RESOLUTION 2016-412

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### Youth & Recreation Hiring - K. Benczkowski

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**Sponsored By:** Councilmember Kaminski, 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 Specialist "Day Camp Nurse" - 7310.1801 - \$16.00 - Regular Part-time - Retro to 6/25/16

Kelly Benczkowski

14227

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>ABSTAIN:</b>	Diane Benczkowski



## 31. RESOLUTION 2016-413

### Authorization of Student Interns

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Brianna O'Connor of Depew, New York, a student at Hilbert College, and Ashley Ann Kurucz of Angola, New York, also 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 department is willing to afford them the opportunity to intern in the department; NOW, THEREFORE, BE IT

RESOLVED, that Brianna O'Connor and Ashley Ann Kurucz, 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 internships be and hereby are effective July 1, 2016 through August 31, 2016; AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 32. RESOLUTION 2016-414

### Travel Authorization - Office of the Town Assessor

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the New York State Assessors' Association Executive Board Meeting is being held August 4, 2016 through August 6, 2016 in West Point, New York; AND

WHEREAS, Town Assessor Jeneen McSkimming has requested authorization to attend said meeting; AND

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

WHEREAS, all cost shall be paid by the New York State Assessors' Association; NOW, THEREFORE, BE IT

RESOLVED, that Town Assessor Jeneen McSkimming be and hereby is authorized to attend the New York State Assessors' Association Executive Board Meeting being held August 4, 2016 through August 6, 2016 in West Point, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - May 2016
2. Minutes: Cheektowaga Traffic Safety Commission - May 17, 2016

### B. General Communications

1. Notice of Claim: Nicholas McFarland vs. Town of Cheektowaga
2. Notice of Order - NYSDOT - added signal Walden Avenue, at its intersection with Wal-Mart

### **XIII. Comments**

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

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

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

### **XIV. Adjournment**

Motion by Councilmember Meyers, Seconded by Councilmember Hammer to adjourn the meeting at 8:40 PM.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

JOHN C. LOFFREDO, P.E.  
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

June 27, 2016

Mr. Anthony J. Pandolfe  
WM Schutt Associates  
37 Central Avenue  
Lancaster, NY 14086-2143

Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie

Dear Mr. Pandolfe:

This Department has received your request for site plan review of the proposed Tim Hortons Restaurant located at 829 Dick Road (CR-317) in the Town of Cheektowaga, and has the following comments:

Permit Requirements

The project sponsor will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 for construction of the proposed storm sewer within the Dick Road (CR-317) highway right-of-way.

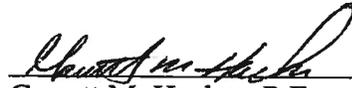
Traffic and Safety Concerns:

A traffic impact assessment was prepared on March 16, 2016, by SRF Associates. SFR has determined that the proposed development will not have significant adverse traffic impacts to the existing roadway network and no mitigation is recommended or warranted. We concur with the traffic impact assessment conclusions and therefore have no additional concerns.

Please feel free to call me at 858-8371 should you have any questions.

Sincerely,

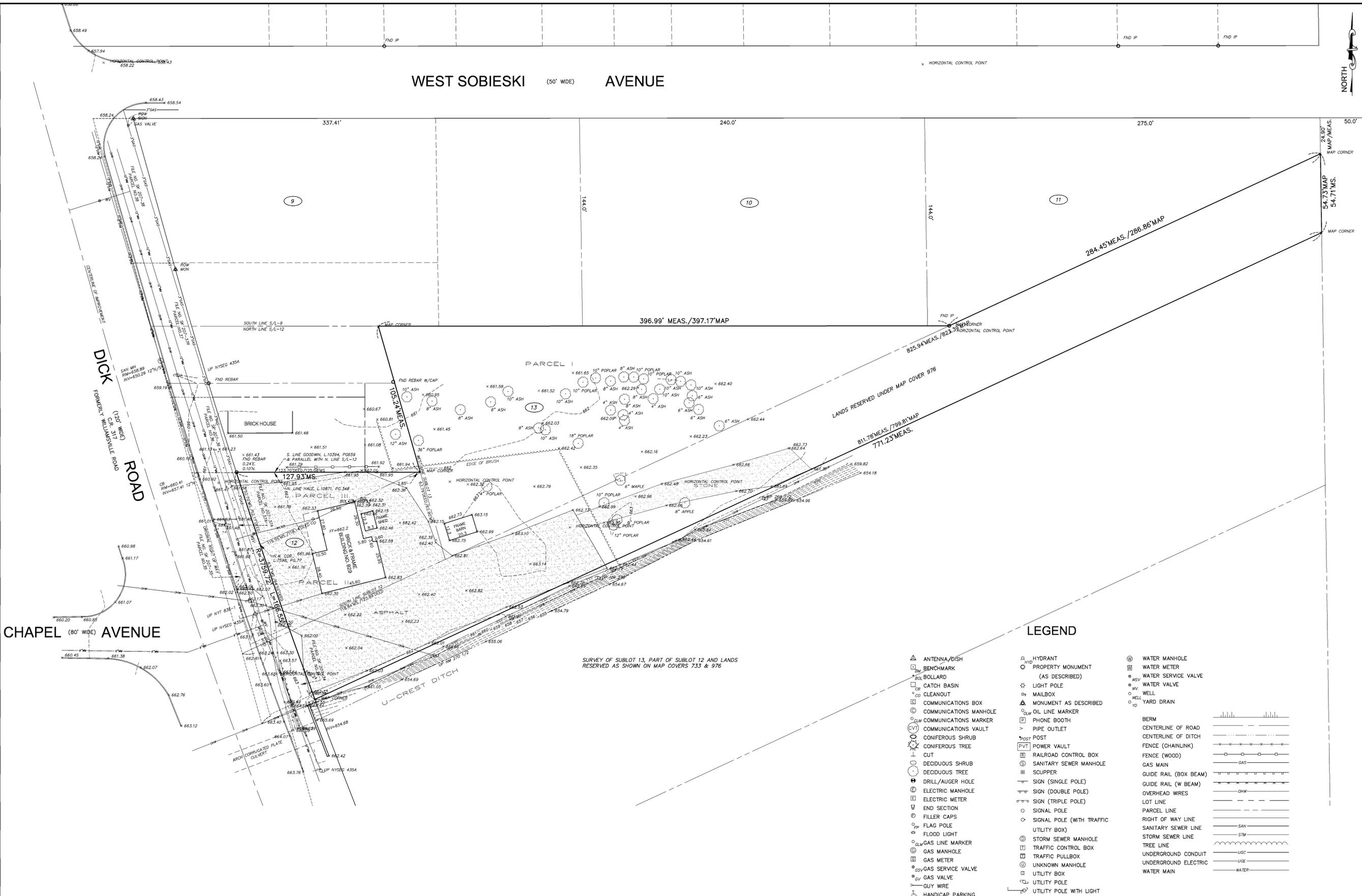
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

  
Garrett M. Hacker, P.E.  
Senior Civil Engineer

Attn: Mr. Anthony J. Pandolfe  
WM Schutt Associates  
Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie  
Date: June 27, 2016  
Page: 2 of 2

cc: William Geary, Deputy Commissioner – Highways  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Richard Denning, Senior Highway Maintenance Engineer  
File: CR-317





DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: AJP  
 DRAWN BY: AJP  
 CHECKED BY: GCW  
 DATE: FEBRUARY 2, 2016

WARNING: THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 17-0303 OF THE REAL PROPERTY LAW. THE ORIGINAL OF THIS DOCUMENT IS KEPT AT THE OFFICE OF WM. SCHUTT & ASSOCIATES P.C.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY DRAWING ARE VALID. ANY ALTERATIONS TO THIS SURVEY DRAWING SHALL BE THE RESPONSIBILITY OF THE SURVEYOR. THIS SURVEY DRAWING IS THE PROPERTY OF WM. SCHUTT & ASSOCIATES P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
 LANCASTER, NY 14086-2143  
 PH. 716-683-5961  
 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

**TOWN OF CHEEKTOWAGA  
 COUNTY OF ERIE, STATE OF NEW YORK  
 PART OF LOT 12, TOWNSHIP 11, RANGE 7  
 HOLLAND LAND COMPANY'S SURVEY  
 829 DICK ROAD  
 BOUNDARY & TOPOGRAPHIC SURVEY**

**C2**  
 DRAWING SCALE: 1"=30'  
 SURVEY FILE: D15212.01  
 WSA PROJECT NO. 15212



**NOTE**

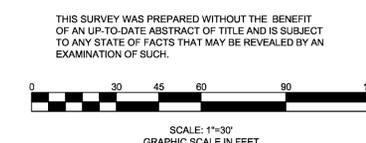
- HORIZONTAL DATUM IS BASED UPON THE NEW YORK STATE PLANE COORDINATE SYSTEM, WEST ZONE, AS DEFINED BY THE NORTH AMERICAN DATUM OF 1983, USING AN NATIONAL GEODETIC SURVEY "OPUS" RAPID STATIC SOLUTION REPORT.
- VERTICAL DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988, DERIVED FROM THE ABOVE REFERENCED SOLUTION REPORT.

**UTILITIES NOTE**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO SUBSTANTIATE BURIED UTILITIES AND STRUCTURES. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. BEFORE EXCAVATIONS ARE BEGUN, THE APPROPRIATE AGENCIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

**LEGEND**

<ul style="list-style-type: none"> <li>ANTENNA/DISH</li> <li>BENCHMARK</li> <li>BOLLARD</li> <li>CATCH BASIN</li> <li>CLEANOUT</li> <li>COMMUNICATIONS BOX</li> <li>COMMUNICATIONS MANHOLE</li> <li>COMMUNICATIONS MARKER</li> <li>COMMUNICATIONS VAULT</li> <li>CONIFEROUS SHRUB</li> <li>CONIFEROUS TREE</li> <li>CUT</li> <li>DECIDUOUS SHRUB</li> <li>DECIDUOUS TREE</li> <li>DRILL/AUGER HOLE</li> <li>ELECTRIC MANHOLE</li> <li>ELECTRIC METER</li> <li>END SECTION</li> <li>FILLER CAPS</li> <li>FLAG POLE</li> <li>FLOOD LIGHT</li> <li>GAS LINE MARKER</li> <li>GAS MANHOLE</li> <li>GAS METER</li> <li>GAS SERVICE VALVE</li> <li>GAS VALVE</li> <li>GUY WIRE</li> <li>HANDICAP PARKING</li> </ul>	<ul style="list-style-type: none"> <li>HYDRANT</li> <li>PROPERTY MONUMENT (AS DESCRIBED)</li> <li>LIGHT POLE</li> <li>MAILBOX</li> <li>MONUMENT AS DESCRIBED</li> <li>OIL LINE MARKER</li> <li>PHONE BOOTH</li> <li>PIPE OUTLET</li> <li>POST</li> <li>POWER VAULT</li> <li>RAILROAD CONTROL BOX</li> <li>SANITARY SEWER MANHOLE</li> <li>SCUPPER</li> <li>SIGN (SINGLE POLE)</li> <li>SIGN (DOUBLE POLE)</li> <li>SIGN (TRIPLE POLE)</li> <li>SIGNAL POLE</li> <li>SIGNAL POLE (WITH TRAFFIC UTILITY BOX)</li> <li>STORM SEWER MANHOLE</li> <li>TRAFFIC CONTROL BOX</li> <li>TRAFFIC PULLBOX</li> <li>UNKNOWN MANHOLE</li> <li>UTILITY BOX</li> <li>UTILITY POLE</li> <li>UTILITY POLE WITH LIGHT</li> </ul>	<ul style="list-style-type: none"> <li>WATER MANHOLE</li> <li>WATER METER</li> <li>WATER SERVICE VALVE</li> <li>WATER VALVE</li> <li>WELL</li> <li>YARD DRAIN</li> </ul>
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### SITE NOTES

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS (BY OTHERS) FOR EXACT NUMBERS, LOCATIONS, AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT LOCATIONS AND NUMBER OF BUILDING UTILITY ENTRANCES.
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER'S CONSTRUCTION DIVISION.
- CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED OWNER'S STANDARD SPECIFICATIONS OR AS SPECIFIED BY THE OWNER'S CONSTRUCTION DIVISION.
- THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL ENSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS, ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA, IN AN ADEQUATE AND SATISFACTORY MANNER.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
- REFERENCES TO NYSDOT STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, MAY 1, 2008," WITH ALL CURRENT ADDENDUMS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT LIGHTING POLES, FIXTURES WITH LAMPS AND PAINT WILL BE FURNISHED INSTALLED BY THE OWNER'S ELECTRICAL CONTRACTOR. THE ELECTRICAL CONTRACTOR SHALL PROVIDE THE OWNER A ONE-YEAR WARRANTY CERTIFICATE. ALL INCURRED COSTS FOR RECEIVING, STORAGE, LIABILITY WARRANTY AND LABOR SHALL BE INCLUDED IN THE INSTALLATION CONTRACT PRICE.
- PAVEMENT STRIPING AND PAINTING  
TRAFFIC CONTROL MARKINGS SHALL BE PAINTED WITH A WHITE TRAFFIC MARKING PAINT AS INDICATED ON THE DRAWINGS. PAINT SHALL BE SHERWIN WILLIAMS "PRO-MAR" TRAFFIC MARKING PAINT, SERIES B29.Y.2, OR EQUIVALENT. TRAFFIC PAINT # 63228.  
-ENTRANCE DIRECTIONAL ARROWS SHALL BE MARKED ON PAVEMENT IN WHITE IN LOCATION AND OF SIZE INDICATED ON DRAWINGS.  
-PAINT CONCRETE BASE AND BASE PLATE AT ALL PARKING LOT LIGHTING STANDARDS AND STEEL PIPE BASE OF HANDICAPPED PARKING IDENTIFICATION SIGN.
- SITE LIGHTING  
ALL CONDUIT SHALL BE ROUTED A MINIMUM OF 36" BELOW GRADE. VERIFY EXACT LOCATION AND METHOD OF WIRING ALL OUTDOOR LIGHTING STANDARDS WITH OWNERS REPRESENTATIVE.  
EXACT METHOD OF ROUTING OUTDOOR LIGHTING WIRING SHALL BE CAREFULLY COORDINATED BY SITE CONTRACTOR.  
UNLESS OTHERWISE NOTED, ALL EXTERIOR LIGHTING WIRING SHALL BE # 10 AWG COPPER AND SHALL BE ROUTED IN RIGID STEEL HEAVYWALL CONDUIT.  
MINIMUM CONDUIT SIZE IS 1".  
ALL POLES TO BE MOUNTED ON CONCRETE PEDESTALS 2' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 20' (MAX. HEIGHT ALLOWED IS 25 FEET).
- STUB EMPTY 2" CONDUIT OUT FROM BUILDING WALL. ROUTE TO PROPERTY LINE AND CAP FOR TELEPHONE INCOMING SERVICE. ROUTE CONDUIT MINIMUM OF 2'-6" BELOW FINISHED GRADE. COORDINATE ALL REQUIREMENTS WITH TELEPHONE CO. REPRESENTATIVE INCLUDING ALL TRENCHING, BACKFILL, ETC. AS MAY BE REQUIRED FOR A COMPLETE INCOMING UNDERGROUND TELEPHONE SERVICE.
- GRADING SHALL BE KEPT WITHIN THE LIMIT SHOWN ON THE GRADING PLAN. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
- BUILDING DIMENSIONS ARE NOT INTENDED FOR BUILDING LAYOUT. SPECIFIC LAYOUT DIMENSIONS SHOULD UTILIZE THE ACTUAL BUILDING PLANS. ANY DISCREPANCIES BETWEEN BUILDING PLANS AND THOSE INDICATED ON THESE PLANS SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHOULD STAKE OUT AND VERIFY EACH OF THE DIMENSIONS INDICATED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS, OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.
- ALL TRAFFIC CONTROL SIGNS, PAVEMENT MARKINGS AND TRAFFIC CONTROL SHALL CONFORM TO THE 2009 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, THE CURRENT NYS SUPPLEMENT AND NYS DOT 2012 WORK ZONE TRAFFIC CONTROL TYPICALS REGION 5 MANUALS.
- THE LOCATION OF UTILITIES AND OTHER FEATURES, AS SHOWN ON THE PLANS, ARE FROM THE BEST INFORMATION AVAILABLE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD INVESTIGATE AND DETERMINE THE EXACT LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION IN ORDER TO AVOID CONFLICTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT, SUPPORT AND MAINTAIN ALL EXISTING UTILITIES DURING THE COURSE OF HIS OPERATIONS. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL WORK WITHIN THE ROW OF DICK ROAD TO CONFORM TO ECDPW REQUIREMENTS AND SHALL REQUIRE OBTAINING A ECDPW HIGHWAY WORK PERMIT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL HIGHWAY WORK PERMITS AND GENERATION OF REQUIRED MAINTENANCE AND PROTECTION OF TRAFFIC PLAN. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL OTHER PERMITS NOT DESCRIBED HERE IN THIS NOTE (I.E. SWPPP, WATER PERMITS).
- THE PLANS AND SPECIFICATIONS FOR THIS PROJECT HAVE BEEN PREPARED WITH CARE AND ARE INTENDED TO SHOW AS CLEARLY AS IS PRACTICABLE THE WORK REQUIRED TO BE DONE. THE CONTRACTOR MUST REALIZE, HOWEVER, THAT CONSTRUCTION DETAILS CAN NOT ALWAYS BE ACCURATELY ANTICIPATED AND THAT IN EXECUTING THE WORK, FIELD CONDITIONS MAY REQUIRE REASONABLE MODIFICATIONS IN THE DETAILS OF PLANS AND QUANTITIES OF WORK INVOLVED. ALL WORK MUST BE CARRIED OUT TO MEET ACTUAL FIELD CONDITIONS TO THE SATISFACTION OF THE ENGINEER AND DEVELOPER IN ACCORDANCE WITH THEIR INSTRUCTIONS.

### DETAILS

- INTEGRAL CURB/SIDEWALK
- TYPE "A" CONCRETE CURB
- STANDARD DUTY ASPHALT SECTION
- EXTERIOR CONCRETE SLAB ON GRADE
- 90° PARKING STALL LAYOUT
- HANDICAP PAVEMENT MARKINGS
- INTERNATIONAL HANDICAP SYMBOL
- HANDICAP PARKING SIGN
- NO PARKING SIGN
- DUMPSTER ENCLOSURE
- PAINTED TRAFFIC ARROWS
- PIPE BOLLARD
- STOP BAR
- 45° PAVEMENT MARKING
- HANDICAP RAMP
- CONCRETE SIDEWALK
- PYLON SIGN

### NOTES

- LANDSCAPED (LAWN) AREA, TOPSOIL AND (GRASS) SEED
- LANDSCAPED (PLANTING BED) AREA, TOPSOIL AND MULCH
- "ENTER" SIGN (SEE DRAWINGS BY OTHERS)
- "EXIT" SIGN (SEE DRAWINGS BY OTHERS)
- "DRIVE THRU" SIGN
- "THANK YOU" SIGN, "DO NOT ENTER" SIGN
- TAPER CURB FROM 6" TO 0" REVEAL IN 2'
- SNOW STORAGE AREA WITH 45° PAVEMENT MARKING
- DRIVE THRU PRE-SELL BOARD
- DRIVE THRU MENU BOARD W/SPEAKER
- TACTILE WARNING
- YELLOW CENTER LINE STRIPE PER ECDPW REQUIREMENTS.
- GRASS LINED STORMWATER DETENTION BASIN

### PARKING REQUIREMENTS

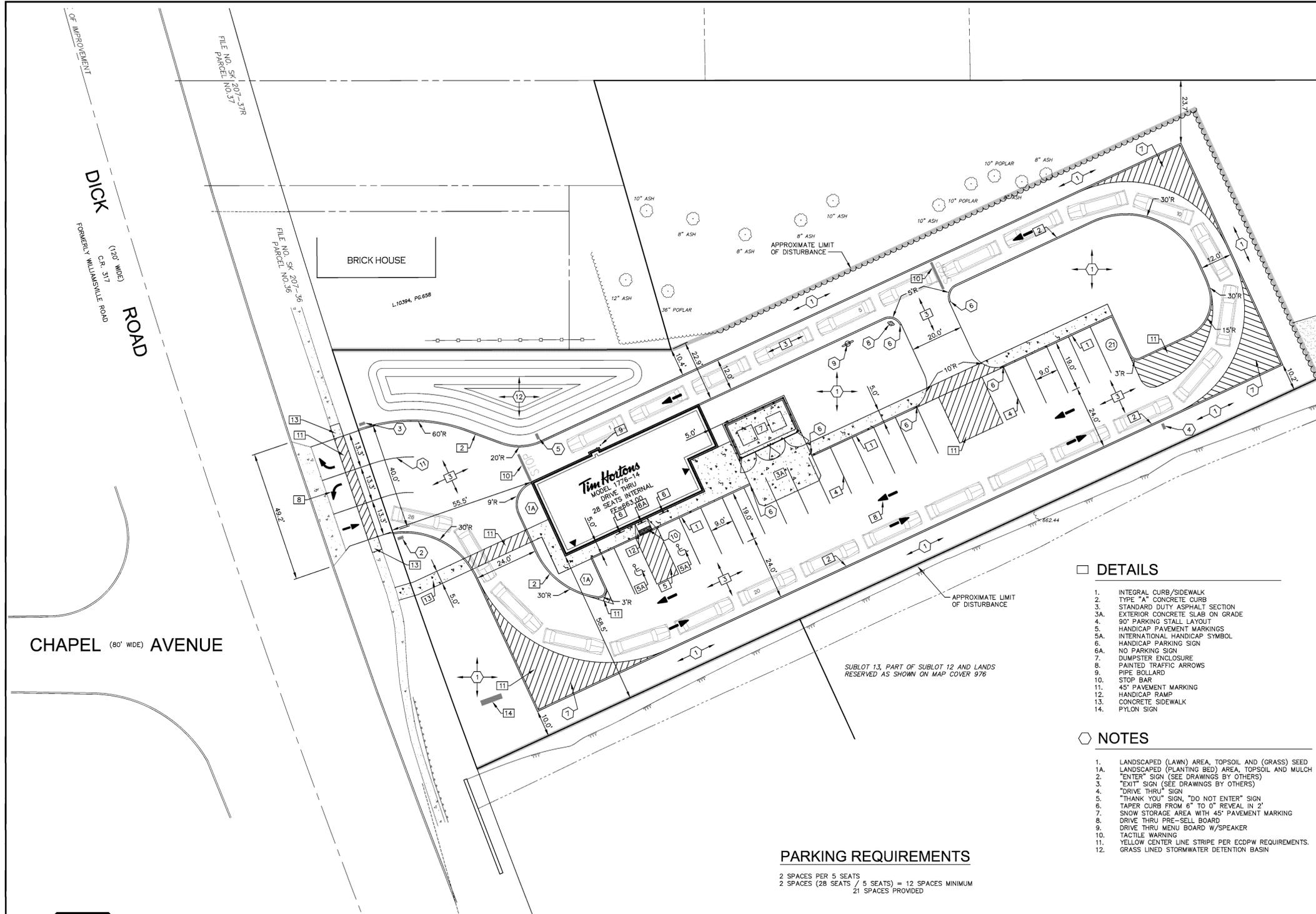
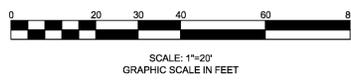
2 SPACES PER 5 SEATS  
 2 SPACES (28 SEATS / 5 SEATS) = 12 SPACES MINIMUM  
 21 SPACES PROVIDED

DETAILS OF DEVELOPMENT			
ZONING		C-RETAIL BUSINESS DISTRICT	
		REQUIRED	PROVIDED
BUILDING SETBACKS	FY	50'	55.5'
	RY	10'	660'
	INT. SY	10'	22.9'/58.5'
NET LOT AREA		81,769± sq.ft.	
LOT COVERAGE		-	37%
BUILDING COVERAGE		-	2.4%
BUILDING HEIGHT		30' MAX.	20.33'
GROSS FLOOR AREA		1776 sq.ft.	
No. of UNITS		12	21
PARKING SETBACKS	FY	25'	67.9'
	RY	10'	431.5'
	SY	10'	10'/10.4'

### LEGEND

- SIGN
- BUILDING ENTRANCE
- PAINTED PAVEMENT MARKING
- CONCRETE
- HANDICAPPED PARKING STALL
- NUMBER OF PARKING SPACES
- DRIVE THRU STACKING

NOTE: ESTIMATED CONSTRUCTION SCHEDULE- CONSTRUCTION SHALL BE COMPLETED 90 DAYS FROM BUILDING PERMIT ISSUE DATE



DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: PWB  
 DRAWN BY: DLS  
 CHECKED BY: WES  
 DATE: MARCH 2016

**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
 LANCASTER, NY 14086-2143  
 PH: 716-683-5961  
 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

Attachment: Civil Plans (RES-2016-390 - Accept Site Plan- 829 Dick Road)

**Tim Hortons**  
 829 DICK ROAD  
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE PLAN AND NOTES**

THIS SHEET ISSUED APRIL 1, 2016  
**C4**  
 DRAWING SCALE: 1"=20'  
 WSA PROJECT NO. 15212



**IMPORTANT NOTE:**  
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

**CAUTION - NOTICE TO CONTRACTOR**  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

**IMPORTANT NOTE:**  
 CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7862) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

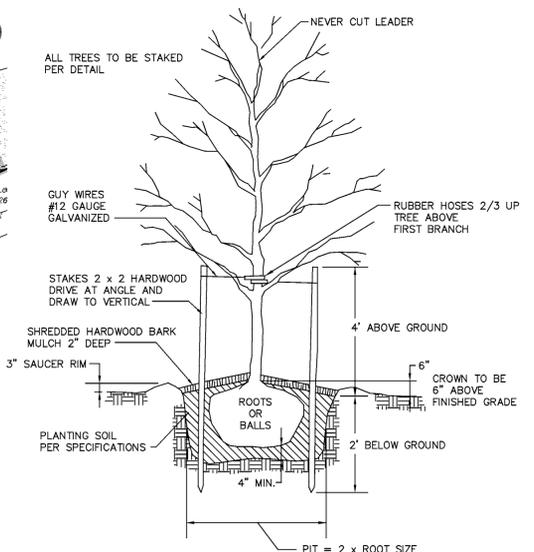
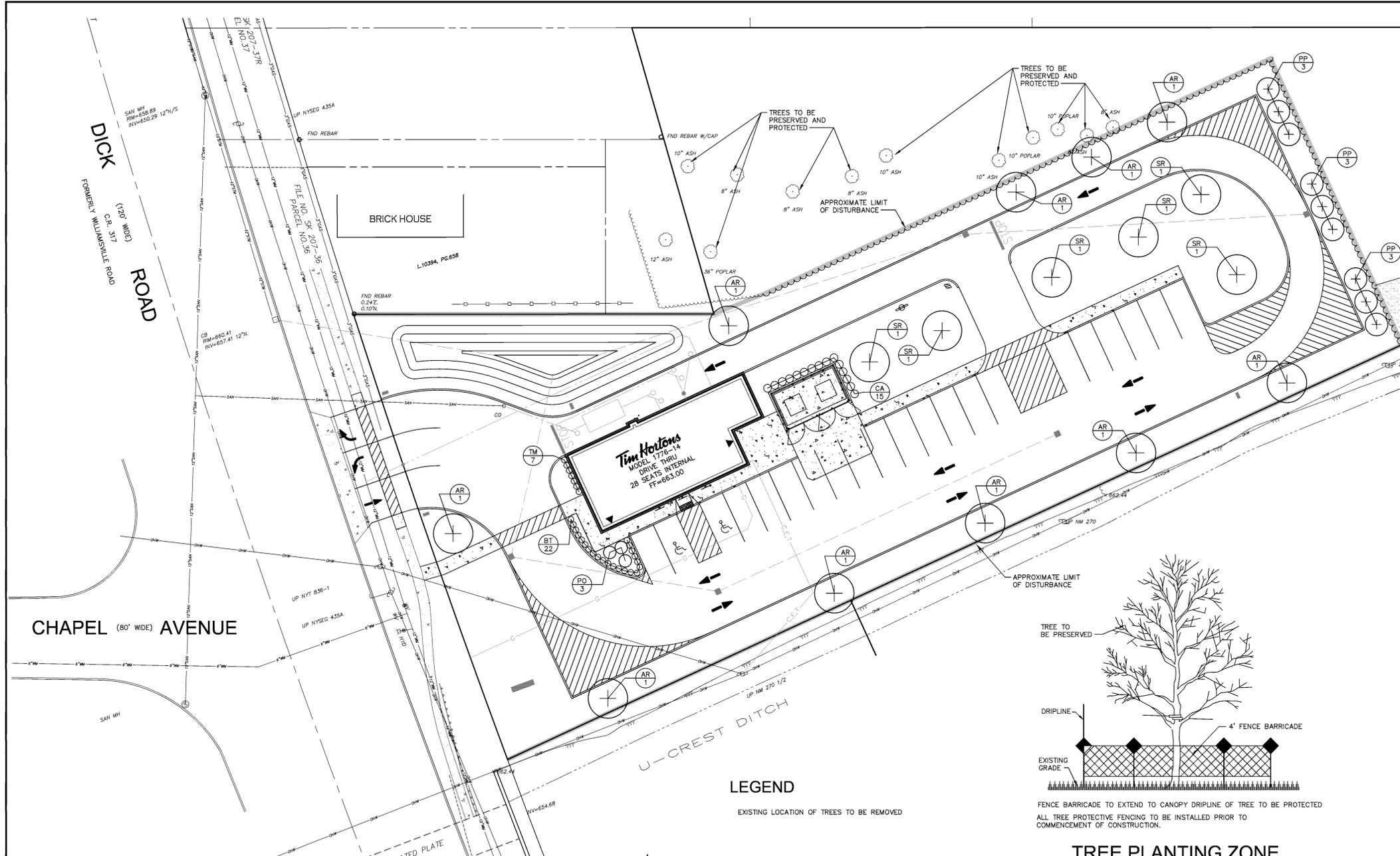




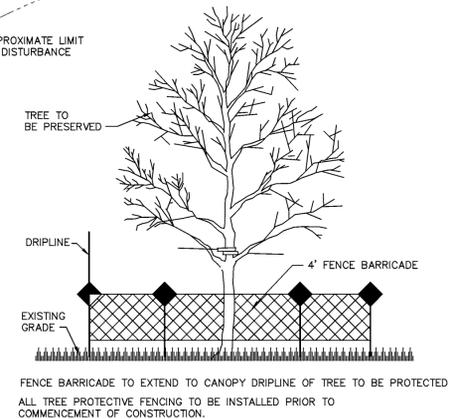








TREE PLANTING DETAIL



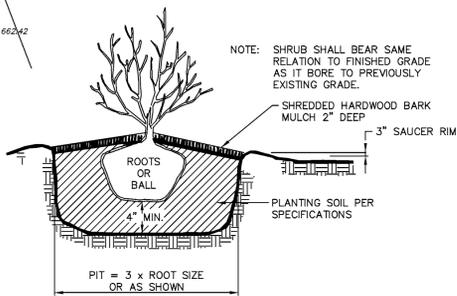
TREE PROTECTION DURING CONSTRUCTION

GENERAL NOTES:

- CONTRACTOR TO EXCAVATE ALL PLANTING BED AREAS ADJACENT TO BUILDING AND BACKFILL WITH TOPSOIL FOR A TOTAL PLANTING BED DEPTH OF 18" FOR ALL SHRUBS AND PERENNIALS.
- MULCH ALL BEDS SHOWN WITH TRIPLE SHREDDED HARDWOOD BARK MULCH.
- ALL UNSURFACED AREAS SHALL RECEIVE FOUR INCHES OF TOPSOIL, SEED, AND MULCH AND SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- ALL PLANTER ISLANDS AND SHRUB BEDS TO BE FILLED 18" DEEP AND 3" ABOVE TOP OF CURB.
- THE SITE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE ROOT, TRUNK, AND LIMB DAMAGE, INCLUDING:
- TOPSOIL SHALL CONFORM WITH THE PROVISIONS OF ASTM D5268 AND SHALL BE FREE FROM STONES 1" OR LARGER IN ANY DIMENSION, AND FREE OF ANY OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
- THE CONTRACTOR SHALL TAKE ANY PRECAUTIONS NECESSARY TO PROTECT TREES AND SHRUBBERY FROM DAMAGE, UNLESS SPECIFICALLY ORDERED FOR CLEARING. THE CONTRACTOR SHALL PROVIDE AND PLANT REPLACEMENT TREES OR SHRUBBERY AT HIS EXPENSE.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTENANCE AND/OR REPLACEMENT OF ALL LAWN AREAS AND PLANTINGS FOR A PERIOD OF 1 YEAR FROM THE DATE OF INITIAL PLACEMENT. THE OWNER WILL HAVE FINAL APPROVAL OF ALL PROPOSED LANDSCAPING.
- ALL DECIDUOUS TREES PLANTED SHALL HAVE A MINIMUM CALIPER OF TWO AND ONE-HALF (2-1/2) INCHES, MEASURED SIX (6) INCHES ABOVE THE GROUND. ALL CONIFEROUS TREES SHALL HAVE A MINIMUM HEIGHT OF SIX (6) FEET ABOVE THE FINISHED GRADE. PLASTIC OR OTHER TYPES OF ARTIFICIAL PLANTINGS OR VEGETATION SHALL NOT BE PERMITTED.
- NO PLANTING OF ORNAMENTAL TREES, CONIFEROUS (PINE, SPRUCE ETC.) IN ANY HIGHWAY RIGHT OF WAY.
- PLANTING SHALL BE PLACED A MINIMUM OF 3 FEET, PREFERABLY 5 FEET, BEHIND THE CURB.
- ALL PLANTING SHALL MAINTAIN A CLEAR HEIGHT FROM THE GROUND TO THE LOWEST HANGING BRANCH OF 5 FEET ALONG HIGHWAY RIGHT OF WAYS.
- TREES ARE TO BE PLANTED A MINIMUM OF 35 FEET FROM PAVEMENT EDGE AT AN INTERSECTION WITH THE INTERSECTING STREET TO AFFORD MINIMUM LEGAL SIGHT DISTANCE.
- LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR FINISH GRADING AND SEEDING OF ALL LAWN AREAS. LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR ESTABLISHMENT OF HEALTHY STAND OF GRASS.
- THE SITE CONTRACTOR SHALL PROVIDE HARDY TREES SUITABLE FOR USE IN THE SOIL AND CLIMATE CONDITIONS OF THE PROJECT.

LEGEND

EXISTING LOCATION OF TREES TO BE REMOVED



SHRUB PLANTING DETAIL

GRASS SEED MIX FOR ALL LAWN AREAS

ALL UNSURFACED AREAS ARE TO BE RECEIVED FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.

30% COCHISE IV TALL FESCUE  
30% 3rd MILLENNIUM SRP TALL FESCUE  
30% RHAMBLER SRP TALL FESCUE  
10% PROTEGE GLRI PERENNIAL RYEGRASS

SOW SEED AT 4 POUNDS PER 1000 SF



**IMPORTANT NOTE:**  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

**IMPORTANT NOTE:**  
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7962) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

**CAUTION - NOTICE TO CONTRACTOR**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

PLANTING LIST - TREES

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
AR	10	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2.5" CAL.	B&B	STRONG LEADER - BALANCED FORM
SR	6	SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK JAPANESE TREE LILAC	2.5" CAL.	B&B	
PP	9	PICEA PUNGENS	COLORADO SPRUCE	6' HGT.	B&B	

PLANTING LIST - SHRUBS

TM	7	TAXUS MEDIA 'HICKSII'	HICKS YEW	24"		
BT	22	BERBERIS THUNBERGII 'BOGOZAM'	BONANZA GOLD BARBERRY	NO. 3 CONT.		
PO	3	'DONNA MAY'	DONNA MAY NINEBARK	NO. 3 CONT.		
CA	15	CALAMAGROSTIS ACUTIFOLIA 'KARL FOERSTER'	KARL FOERSTER'S REED GRASS	NO. 2 CONT.		



DRAWING REVISIONS

ITEM	DATE	DESCRIPTION

DESIGNED BY: PWB  
DRAWN BY: DLS  
CHECKED BY: WES  
DATE: MARCH 2016

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF 7005 PART 2 OF THE NEW YORK STATE EDUCATION LAW. © COPYRIGHT 2013 WM. SCHUTT & ASSOCIATES P.C.

**WM SCHUTT ASSOCIATES**  
37 CENTRAL AVE.  
LANCASTER, NY 14086-2143  
PH: 716-683-5961  
FAX: 716-683-0169  
WWW.WMSCHUTT.COM

**Tim Hortons**  
829 DICK ROAD  
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE LANDSCAPE PLAN AND DETAILS**

Attachment: Civil Plans (RES-2016-390 - Accept Site Plan- 829 Dick Road)

THIS SHEET ISSUED APRIL 1, 2016

**C8**

DRAWING SCALE: 1"=20'

WSA PROJECT NO. 15212





# SITE LAYOUT PLAN

## SITE DATA

CURRENT ZONING:	CMS
TOTAL SITE AREA:	.68 AC = 29,620 SF
TOTAL SITE DISTURBED:	.32 AC
SITE BREAKDOWN AREA	
STRUCTURE	3,600 SF
PAVED AREA	22,220 SF
GRASS AREA	3,800 SF

## PARKING DATA

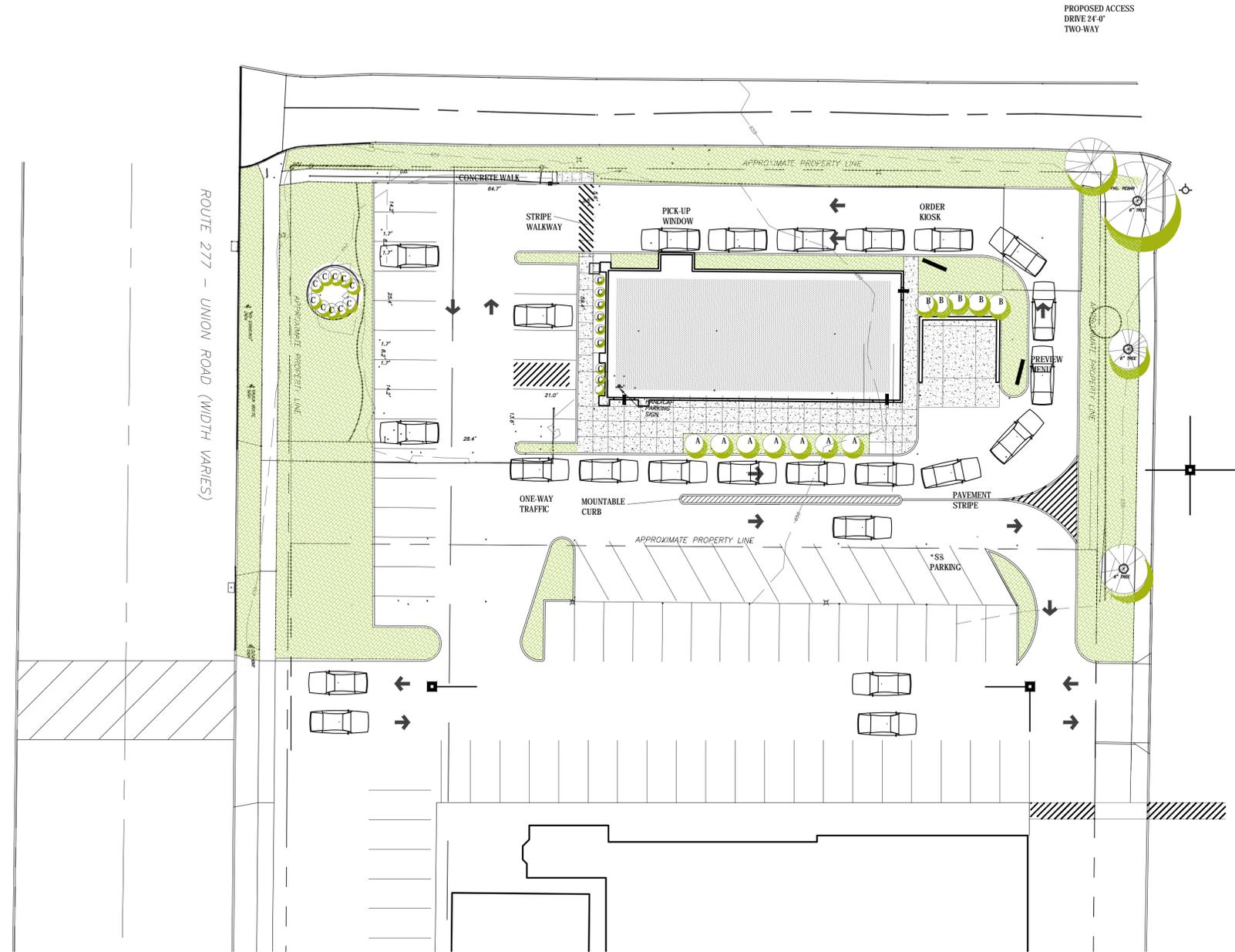
EXISTING SPACES PROVIDED TO REMAIN

REGULAR:	22
HANDICAP:	02
TOTAL:	23

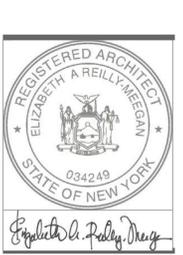
DRIVE THRU QUE: 16

## NOTES:

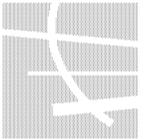
1. EC = END OF CURB
2. EOP = EDGE OF PAVEMENT
3. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY. REFER TO BOUNDARY SURVEY PROVIDED BY NIAGARA BOUNDARY & MAPPING SERVICES, JOB No 6079001-10, DATED FEBRUARY 8, 2010.
4. REFER TO ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS, FEATURES, AND UTILITY CONNECTIONS.
5. SITE LIGHTING, POWER AND GAS LINES ARE SHOWN FOR INFORMATION ONLY, AND ARE NOT DESIGNED BY TREDO ENGINEERS.
6. A KNOX BOX KEY HOLDER SHALL BE LOCATED AT THE BUILDING MAIN ENTRANCE.
7. THE BUILDING IS NOT SPRINKLERED.
8.  INDICATES PROPOSED LIGHT STANDARD PER TYPICAL DETAIL.



OPTION 2  
**site layout plan**  
 scale: 1" = 20'-0"



**Reilly Meegan**  
 architecture  
 2129 Como Park Blvd., Lancaster, NY 14086  
 t. 716.301.3029 www.reillymeegan.com



Project:  
**PROPOSED RESTAURANT**  
**MOES SOUTHWEST GRILLE**  
 3729 UNION ROAD  
 CHEEKTOWAGA, NEW YORK 14225

revisions

1. 3/21/16	PLANNING BOARD
2. 4/5/16	COMMENTS
3. 6/20/16	EAC COMMENTS

issued: 12-31-15  
 drawn: ERM  
 checked: ERM  
 proj no. 15-073

sheet no.

# c 2.0



# Town of Cheektowaga

## Special Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, July 12, 2016

6:00 PM

Council Chambers

## I. Call to Order

6:00 PM Meeting called to order on July 12, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Melissa Reese, Deputy Town Attorney

## II. Public Portion

## III. Resolutions



## 1. RESOLUTION 2016-415

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 12, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$33,362.76
RISK RETENTION FUND	0.00
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	0.00
SPECIAL DISTRICTS FUND	74,225.36
HIGHWAY FUND	0.00
CAPITAL FUND	0.00
TRUST & AGENCY FUND	0.00
HUD CDBG FUND	0.00
PART TOWN FUND	0.00
NYS AFFORDABLE HOUSING	0.00
	\$107,588.12

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-416

### Motion To Rescind Determination On Resolution No. 2016-394

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a resolution was sponsored by Councilman Rogowski and seconded by Supervisor Benczkowski to approve a special use permit for 829 Dick Road, and

WHEREAS, resolution number 2016-386 to issue a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for 829 Dick Road was tabled and no action was taken, and

WHEREAS, a determination was made on July 5, 2016 denying a special use permit under resolution number 2016-394, which resulted in a procedural error as a SEQRA determination was not previously made as required by section 617.3(a) of the SEQRA Regulations, and

WHEREAS, the determination on the special use permit without a previous SEQRA determination is improper, and

NOW, therefore be it resolved that the town rescind the determination to deny the special use permit on resolution number 2016-394 made July 5, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IV. Adjournment

Motion by Councilmember Hammer, Seconded by Councilmember Adamczyk to adjourn the meeting at 6:03 PM.
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# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, July 18, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on July 18, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Ellen Fischer, Executive Director - Youth Board  
Carla A. Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Melissa Reese, Deputy Town Attorney  
Mark Wegner, Highway Superintendent

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Kaminski to approve the minutes. Motion Carried.

**VII. Public Comment Period**

**VIII. Public Hearings**

**IX. Presentation**

**X. From the Table**



## 1. RESOLUTION 2016-386

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### Negative SEQR Declaration - 829 Dick Road

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

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, an application was submitted by Silvertip Ventures, LLC for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of June 8, 2016, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of the forested areas along the northerly portion of the premises via a conservation easement, deed restriction or other acceptable instrument, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the applicant had a traffic impact study prepared by SRF Associates, dated March 16, 2016, at the request of the Town of Cheektowaga to address concerns for traffic safety and alignment of the proposed driveway with that of Chapel Avenue, AND

WHEREAS, such study indicates that the proposed restaurant will not negatively affect existing levels of service on Dick Road, AND

WHEREAS, the Erie County Highway Department also reviewed the aforementioned traffic impact study and proposed construction plans and concurs with its findings, as indicated in the attached correspondence dated June 27, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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).

Attachments:

ERIE Co HWY Dept Comments (PDF)

<b>RESULT:</b>	<b>TABLED [4 TO 2]Next: 8/1/2016 6:45 PM</b>
<b>MOVER:</b>	James P. Rogowski, Timothy J. Meyers
<b>SECONDER:</b>	Diane Benczkowski, Linda Hammer
<b>AYES:</b>	Diane Benczkowski, Timothy J. Meyers, Christine Adamczyk, Linda Hammer
<b>NAYS:</b>	James P. Rogowski, Gerald Kaminski



## 2. RESOLUTION 2016-390

### Accept Site Plan- 829 Dick Road Silvertip Ventures, LLC

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

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, Sivertip Ventures, LLC submitted a development review application for the for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of June 8, 2016 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/approving the grading/drainage plan.
2. The applicant providing a conservation easement or deed restriction limiting development on the northerly forested area.
3. The applicant modifying his/her landscaping plan to include additional colorado spruce trees to off set the eventual loss of the existing ash trees on premises.
4. The Town planner reviewing and approving a photometric plan and revised landscaping plan.
5. The construction of a 6 foot high solid vinyl fence along the southerly property line of the non-conforming residence at 841 Dick Road.

Attachments:

Civil Plans (PDF)

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 8/1/2016 6:45 PM</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Gerald Kaminski
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Resolutions



## 1. RESOLUTION 2016-417

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM:	100.1415.3500	State Aid Archive Grant	\$276,000.00
	100.1910.2655	Minor Sales	2,040.25
TO:	100.1415.2000	Equipment	\$22,226.00
	100.1415.4001	Contractual Services	253,774.00
	100.1640.4443	Equipment Repair-Sanitation	2,040.25

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-418

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 18, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$242,982.34
RISK RETENTION FUND	238,560.71
NYS HOME PROGRAM	0.00
DEBT	4,993.54
HUD HOUSING REHABILITATION FUND	695.00
SPECIAL DISTRICTS FUND	139,737.17
HIGHWAY FUND	51,328.13
CAPITAL FUND	320,171.28
TRUST & AGENCY FUND	10,264.00
HUD CDBG FUND	810.00
PART TOWN FUND	4,968.38
NYS AFFORDABLE HOUSING	0.00
	\$1,014,510.55

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-419

## Amendment to Resolution 2016-75 of 02/01/2016 Regarding the Designates Serving as Members of the EMS Board

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

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, on the 1<sup>st</sup> day of February, 2016 the Town Board designated certain individuals to serve as members of the EMS Board for 2016 for a term of one year.

BE IT RESOLVED, that on this the 18<sup>th</sup> day of July, 2016 that said Resolution is hereby amended as follows:

REPRESENTING	DESIGNATE(S)
Bellevue	Jack McFarland and Jim Havernack, as Alternate
Cleveland Hill	Mark Collett and Bob Trautman, as Alternate
Doyle	Chip Schurstein and Bob Barczak, as Alternate
Forks	Jeff Place and Paul Hockwater, Sr., as Alternate
Hy-View	Mike Lonczak and Mark Schmitt, as Alternate
Sloan	Al Wieberg and Dennis Rydzynski, as Alternate
South Line	Todd Roland and Jay Tolsma, as Alternate
U-Crest	Chris Maciok and Ron Wanat, as Alternate
Walden	Kristen Tower and Jack Tower, as Alternate
Dispatch	Paul Hockwater, Jr.
Chief of Police	Chief David Zack and Lt. Tom Wentland, as Alternate
Chairperson	Al Wieberg
St. Joe's Hospital	Dr. Frank Lee
Town Board	Councilmember Christine Adamczyk
Ex-Officio Members (non-voting)	
Rural Metro	Steven Yohe

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-420

### Approval of Change Order No. 1 - Ice Rink Locker Room Improvements (General Construction Work)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the contract for General Construction Work for the Cheektowaga Town Ice Rink Locker Room Improvements was awarded by Town Board Resolution dated April 4, 2016 to Kirst Construction, Inc., 7170 Boston State Road, P.O. Box 171, North Boston, NY 14110 in the amount of \$427,000.00, AND

WHEREAS, the Project Architect, Bammel Architects, PC, and the Town Engineer have recommended the approval of Change Order No. 1 (General Construction Work) which provides for various masonry additions and repairs as further detailed in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (General Construction Work) for the Cheektowaga Town Ice Rink Locker Room Improvements, as an addition to the contract for General Construction Work in the amount of \$10,592.00, to be offset by the contract contingency allowance, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 documents (General Construction Work) on behalf of this Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-421

### Negative SEQR Declaration - 4455 Genesee Street Calspan

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

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, an application was submitted by Genesee Holdings, LLC for the construction of a 71,000 s.f crash test facility building at 4455 Genesee Street, AND

WHEREAS, the applicant has conducted vehicle crash testing at its facilities outdoors since the 1960's and now has a need to construct an in indoor facility to be economically competitive within its industry, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, has designated itself as the Lead Agency, AND

WHEREAS, the subject action has been determined to be an unlisted action pursuant to section 617.6(a) of the SEQR regulations, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, as the project will actually create a reduction in noise generation, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-422

### Accept Site Plan- 4455 Genesee Street Calspan

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

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, Genesee Holdings, LLC submitted a development review application for the construction of a 71,000 s.f. vehicle crash test facility building, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of July 14, 2016 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 Assistant Town Engineer reviewing / approving the grading drainage plan.
2. The Town Planner reviewing/approving the landscaping plan and photometric plan for exterior lighting.

Attachments:  
site plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-423

### Authorize Supervisor To Execute Agreement With Power Authority Of The State Of New York

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, on December 16, 1997 the Power Authority of the State of New York (the "AUTHORITY") established its Energy Services Program (a/k/a "energy Efficiency Services Program) by consolidating a number of existing energy efficiency programs, and

WHEREAS, on December 15, 2009 in response to new legislation, Chapter 477 of the Laws of 2009, amending the Public Authorities Law in relation to energy efficiency, clean energy and sustainable building initiatives, the AUTHORITY's Trustees enhanced the existing Energy Services Program to specifically include, among other things, services involving construction, installation and/or operation of facilities or equipment done in connection with any Energy Services Program projects, program or services; and

WHEREAS, the Town of Cheektowaga and the AUTHORITY (the "Parties") wish to continue their participation in energy efficiency and clean energy technology projects at CUSTOMER's facilities under the AUTHORITY's enhanced Energy Services Program (a/k/a Energy Efficiency Services Program) in consideration of the mutual covenants and conditions contained within the "Energy Efficiency Services Program Agreement" between the "Parties", and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid "Energy Efficiency Services Program Agreement" with the Power Authority of the State of New York subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-424

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### **Authorize Supervisor to Execute Agreement with Polish Community Center of Buffalo, Inc. d/b/a Lt. Col. Matt Urban Human Services Center of WNY**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town receives federal HOME funds from the U.S. Department of Housing and Urban Development (HUD) for the purpose of acquiring and rehabilitating distressed properties, AND

WHEREAS, the property located at 32 Lyman Avenue in the Town of Cheektowaga was a vacant distressed property acquired through a foreclosure sale from the Department of Housing and Urban Development for the purpose of rehabilitating said house for sale to an income-eligible household, AND

WHEREAS, HUD regulations allow and encourage the Town contract with a qualified Community Housing Development Organization (CHDO) to carry out the rehabilitation and sale of residential properties to income-qualified first-time homebuyers, AND

WHEREAS, Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, a not-for-profit corporation, has been identified as meeting the HUD regulations for a (CHDO), AND

WHEREAS, the Director of Community Development has recommended the Town contract with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, for the rehabilitation and sale of the property, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212 to act as the CHDO developer for the property at 32 Lyman Avenue to conduct all required rehabilitation under HOME regulations and to resell the home to income-qualified homebuyers, subject to review and approval of said contract by the Town Attorney.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Linda Hammer, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-425

### **Authorize Supervisor to Execute Agreement with Polish Community Center of Buffalo, Inc. d/b/a Lt. Col. Matt Urban Human Services Center of WNY**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town receives federal HOME funds from the U.S. Department of Housing and Urban Development (HUD) for the purpose of acquiring and rehabilitating distressed properties, AND

WHEREAS, the property located at 13 McParlin Avenue in the Town of Cheektowaga was a vacant distressed property acquired through a foreclosure sale from the Department of Housing and Urban Development for the purpose of rehabilitating said house for sale to an income-eligible household, AND

WHEREAS, HUD regulations allow and encourage the Town contract with a qualified Community Housing Development Organization (CHDO) to carry out the rehabilitation and sale of residential properties to income-qualified first-time homebuyers, AND

WHEREAS, Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, a not-for-profit corporation, has been identified as meeting the HUD regulations for a (CHDO), AND

WHEREAS, the Director of Community Development has recommended the Town contract with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, for the rehabilitation and sale of the property, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212 to act as the CHDO developer for the property at 13 McParlin Avenue to conduct all required rehabilitation under HOME regulations and to resell the home to income-qualified homebuyers, subject to review and approval of said contract by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 10. RESOLUTION 2016-426

### **Authorize Supervisor to Execute Agreement with Polish Community Center of Buffalo, Inc. d/b/a Lt. Col. Matt Urban Human Services Center of WNY**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town receives federal HOME funds from the U.S. Department of Housing and Urban Development (HUD) for the purpose of acquiring and rehabilitating distressed properties, AND

WHEREAS, the two family home located at 134 Woodell Avenue in the Town of Cheektowaga has been identified as a vacant distressed property, AND

WHEREAS, the current owner has agreed to donate 134 Woodell Avenue for the purpose of rehabilitating said house for sale to an income-eligible household, AND

WHEREAS, HUD regulations allow and encourage the Town contract with a qualified Community Housing Development Organization CHDO to carry out the rehabilitation and sale of residential properties to income-qualified first-time homebuyers, AND

WHEREAS, Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, a not-for-profit corporation, has been identified as meeting the HUD regulations for a (CHDO), AND

WHEREAS, the Director of Community Development has recommended the Town contract with Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, for the rehabilitation and sale of the property, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212 to act as the CHDO developer for the property at 134 Woodell Avenue to conduct all required rehabilitation under HOME regulations and to resell the home to income-qualified homebuyers, subject to review and approval of said contract by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-427

### Authorize Supervisor to Sign Agreement with Popli Design Group for Professional Services at the Police Firing Range

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Cheektowaga Police Department utilizes an outdoor firing range for firearms training, AND

WHEREAS, a single row of bullet deflecting baffles to stop potentially stray bullets was furnished and installed in 2015, AND

WHEREAS, through police asset forfeiture monies, the last two (2) rows of baffles are ready to be competitively bid, AND

WHEREAS, in an effort to significantly reduce the cost of baffle production and installation, and increase competitive bidding, the Town Engineer and Cheektowaga Police Department have recommended that local structural engineering firms be petitioned to provide a professional services proposal to provide construction drawings and specifications through the bidding phase, AND

WHEREAS, three (3) local firms were petitioned, of which one (1) has provided what was gauged as a fair professional services fee, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Popli Design Group (PDG), 374 Delaware Avenue, Suite 306, Buffalo, NY 14202 be retained for the provision of professional services in accordance with the proposal dated June 14, 2016 for the not to exceed amount of \$8,950.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Popli Design Group on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services, in an amount not to exceed \$8,950.00, shall be charged to Police Asset Forfeiture line #600-0600-0881.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-428

### Agreement to Accept Settlement Offer - CTS v. Town of Cheektowaga

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, an action was commenced against the Town of Cheektowaga in the New York State Supreme Court (CTS Contracting, Inc., f/k/a Custom Topsoil, Inc. v. Town of Cheektowaga, Index No. I-2011-604161); and

WHEREAS, the law firm of Chelus, Herdzyk, Speyer & Monte, P.C. (Kevin E. Loftus, Esq.) was retained to represent the Town; has vigorously defended the interests of the Town with regard to this claim; and

WHEREAS, Plaintiff, CTS Contracting, Inc., has made a monetary offer towards settling on the Town of Cheektowaga's counterclaim; and

WHEREAS, Attorney Loftus recommends the Town of Cheektowaga accept the Plaintiff's monetary offer; and

WHEREAS, the acceptance of Plaintiff's offer is in the best interest of the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement in accordance with Attorney Loftus's recommendation that settling this part of the case strengthens the chances of the Town of Cheektowaga's appeal on the Courts denial of the Defendant Town's Motion For Summary Judgment requesting the Court to dismiss the plaintiff's complaint in its entirety as against the Defendant, Town of Cheektowaga, and grant further relief the Court deems just and proper.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-429

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## Settlement of Litigation - Chavez v. TOC

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**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, on or about September 23, 2013, an action (Chavez vs Town of Cheektowaga, Index No. I-2013-002771.) was commenced against the Town; and

WHEREAS, the law firm of Chelus, Herdzik, Speyer & Monte, P.C. (Kevin Loftus, Esq.) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a settlement with the claimant's attorneys; and

WHEREAS, this settlement is in the best interests of the Town of Cheektowaga; and

WHEREAS, the Accounting Department for the Town of Cheektowaga is authorized to facilitate payment of this settlement; and

NOW THEREFORE, BE IT FURTHER

RESOLVED, that the Town Board approves of the above settlement with the Stipulation of Discontinuance and Settlement Agreement and Release being signed by the plaintiff; and the Supervisor, Town Attorney and/or Chelus, Herdzik, Speyer & Monte, P.C. be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim in accordance with the terms of the Settlement Agreement and Release and Stipulation of Discontinuance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-430

### Approve Purchase of Four (4) New and Unused 2016 S650 T4 Bobcat Skid-Steer Loaders

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Highway Department currently owns (4) 2015 S650 T4 Bobcat Skid-Steer Loaders purchased through New York State OSG Contract PC66576 AND

WHEREAS, said New York State OSG Contract PC 66756 expired on October 31, 2015 and was replaced by New York State OSG Contract PC 67141 which runs through October 21, 2018, AND

WHEREAS, Bobcat of Buffalo offers a one year trade-in program for said equipment as long as the New York State OSG Contract remains in effect, AND

WHEREAS, said trade-in program is based on the hours of use of equipment and any price increase in the New York State OSG Contract, AND

WHEREAS, the Highway Department has requested authorization to trade-in four (4) 2015 S650 T4 Bobcat Skid-Steer Loaders for four (4) new and unused 2016 S650 T4 Bobcat Skid-Steer Loaders as specified under the terms of the Bobcat's trade-in program and New York State OSG Contract PC 67141, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorized to trade-in four (4) 2015 S650 T4 Bobcat Skid-Steer Loaders for four (4) New and Unused 2016 S650 T4 Bobcat Skid-Steer Loaders in the amount of \$16,000.00 from:

Bobcat of Buffalo  
6511 South Transit Road  
Lockport, NY 14094

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-431

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### Authorize Supervisor to Execute Grant Application for Corridor Planning

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga has proportioned \$20,000 for planning work in the 2016 Town Budget, AND

WHEREAS, the Town of Cheektowaga seeks to supplement it's currently un-adopted Comprehensive Master Plan with corridor economic development plans, AND

WHEREAS, the Empire State Development Corporation has recognized the need to support municipal economic development through planning grants offered through the State's Consolidated Fund Application Process, AND

WHEREAS, the grant application will be for a total amount of \$40,000, after applying a \$20,000 local match, AND

WHEREAS, such grant funds if awarded, will be applied to the preparation of a corridor analysis plan, including the preparation of plans for the creation of roadway character corridors to further economic/community development opportunities within the Town of Cheektowaga, NOW

THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign a grant application in the amount of \$40,000 total, after applying a \$20,000 local match.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-432

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### Resolution For Engineering Planning Grant Application

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), is offering Wastewater Infrastructure Engineering Planning Grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, the Town of Cheektowaga is eligible to apply for a grant of up to \$100,000 which would require a twenty percent (20%) match of in-kind services or cash contributions if awarded, and

WHEREAS, the Town of Cheektowaga intends to apply for additional CWSRF in the future for the rehabilitation of the sanitary sewer collection system and would benefit from receipt of the grant funds, 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 Environmental Facilities Corporation for the purpose of securing these funds, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-433

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### Renew Flood Insurance Coverage for Anna Reinstein Library

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town's Flood Insurance Coverage for the Anna Reinstein Library at 2580 Harlem Road will be expiring on July 19, 2016, and

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited a renewal quote from American Bankers Insurance Company (guaranteed through the Federal Flood Program) for this flood insurance coverage, and has recommended that we renew said insurance through American Bankers Insurance Company, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the flood insurance for the Anna Reinstein Library with coverage to American Bankers Insurance Company in the amount of \$500,000 for Building and \$100,000 for Contents for an annual premium of \$4,021.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this flood insurance coverage.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-434

### SPECIAL EVENT - Infant of Prague Lawn Fete

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 annual Church Lawn Fete on Friday, August 26th (5:00 p.m. - 12:00 a.m.) and Saturday, August 27th, 2016 (12:00 p.m. - 12:00 a.m.) on Church grounds; and, as a result of this Lawn Fete, they are also requesting a street closing of Foisset Avenue from Cleveland Drive to end of Church property, 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 said Lawn Fete and street closing on Friday, August 26th and Saturday, August 27th, 2016 as stated above; AND BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Chief of Police Dave Zack.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-435

### **SPECIAL EVENT - Niagara Frontier Chapter/Buick Club of America Car Show**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Niagara Frontier Chapter/Buick Club of America, has made application to hold its Annual Car Show on Sunday, August 21st, 2016, from 9:00 a.m to 4:00 p.m. in Cheektowaga Town Park (parking lot); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Highway Department, Facilities Department and Department of 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. 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 Niagara Frontier Chapter/Buick Club of America, to hold its Annual Buick Car Show on Sunday, August 21st, 2016 from 9:00 a.m. to 4:00 p.m. in Cheektowaga Town Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-436

### SPECIAL EVENT - German Fest

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Fest at Cheektowaga Town Park on Saturday, September 3rd and Sunday, September 4th, 2016 (1:00 p.m. to 10:00 p.m.); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, Police 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 Fest to be held in Cheektowaga Town Park on Saturday, September 3rd and Sunday, September 4th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-437

### **SPECIAL EVENT - WNY Perinatal Bereavement Network, Inc. "Walk to Remember"**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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, the Perinatal Bereavement Network, Inc., has made application to hold its Annual "Walk to Remember" to pay tribute and honor children lost to perinatal loss on Sunday, October 9th, 2016 at the Lions Pavilion in Cheektowaga Town Park from 8:30 A.M. to 2:30 P.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities 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 application of the Perinatal Bereavement Network Inc., for the aforementioned "Walk to Remember" to be held in Cheektowaga Town Park on Sunday, October 9th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-438

### **Appointment of Community Development Aide (Provisional) Community Development (Rachel A. Hupkowicz)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the position of Community Development Aide in the Office of Community Development; AND

WHEREAS, the Office of Community Development was interdepartmentally canvassed in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

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

WHEREAS, a current civil service list is not in existence; AND

WHEREAS, Rachel A. Hupkowicz, currently an Account Clerk Typist in the Office of Community Development, has applied for said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Rachel A. Hupkowicz of Depew, New York, be and hereby is appointed to the provisional position of Community Development Aide in the Office of Community Development in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective 7/19/16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 23. RESOLUTION 2016-439

### Appointment of Motor Equipment Operator - B (Temporary) Sanitation Department (Marc P. Beang)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a temporary vacancy exists in the title of Motor Equipment Operator - B in the Sanitation Department; AND

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

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

WHEREAS, Marc P. Beang, of Cheektowaga, New York, currently a seasonal Laborer in the Sanitation Department applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Marc P. Beang of Cheektowaga, New York, be and hereby is appointed to the temporary position of Motor Equipment Operator - B in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 11, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-440

### Appointment of Laborer (Labor/Permanent) Sewer Department (Steven LeRoy)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

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

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

WHEREAS, Steven LeRoy, of Cheektowaga, New York, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Steven LeRoy of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sewer Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 25, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-441

### Youth & Recreation Hiring

**Sponsored By:** Councilmember Kaminski, 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 - \$9.00 - Part-time - Retro to 7/6/16

Andrew Reichert 14225

Recreation Attendant - 7310.1801 - \$9.00 - Seasonal - Retro to 7/6/16

Miranda Florek 14206

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the reading of names for the following (3) three resolutions: 2016-441, 2016-442, 2016-443. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-442

### Youth & Recreation Termination

**Sponsored By:** Councilmember Kaminski, 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:

Frederick Drzewiecki, III	6/18/16	14225
Brian Johnson	Never worked	14227
Gaetano Mancuso	Never worked	14227
Nicholas Russell	12/12/15	14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-443

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### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 \$10.75/hour effective 7/19/16  
Joseph B. Acquisto, Cheektowaga, New York

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

SANITATION DEPARTMENT  
Andrew J. Miller effective 6/18/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-444

### Appointment to Board of Ethics

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted a Local Law establishing a Board of Ethics Committee (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 (5) members to serve on the Board of Ethics Committee; AND

WHEREAS, the term of current member Jeanne Pawlik will expire on August 1, 2016; AND

WHEREAS, Jeanne Pawlik has declined re-appointment to said Board of Ethics, thereby creating one (1) vacancy to said Board; AND

WHEREAS, JoAnn Sikorski has expressed interest in serving on the Board of Ethics Committee; NOW, THEREFORE BE IT

RESOLVED, that JoAnn Sikorski, Cheektowaga, NY 14227, be and hereby is appointed to the Board of Ethics Committee of the Town of Cheektowaga effective August 1st, 2016; and said appointment shall terminate on August 1st, 2021; AND, BE IT FURTHER

RESOLVED, that said appointment is contingent upon execution of Agreement of Confidentiality; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement of Confidentiality.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-445

### Appointment to Cheektowaga Economic Development Corporation Directors

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, and

WHEREAS, By Resolution dated February 7, 1983 this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation which provide that the Directors of the Cheektowaga Economic Development Corporation be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, the Cheektowaga Economic Development Corporation Board of Directors has unanimously recommended the re-appointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation for a term of three years, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years, said term expiring at the time of reappointment to said Board of Directors positions in 2016, but no later than June 30, 2019:

Edward Halady  
Paul Gilden  
Jeffrey Mendola.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the rules to include the following resolution: 2016-446. Motion Carried.



## 1. RESOLUTION 2016-446

### Appointment of Town Attorney Part-Time (Marthe Jane Bwalya Ngwashi))

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, there is a vacancy in the position of Town Attorney as a result of the retirement of, Kevin G. Schenk, Esq.; AND

WHEREAS, Marthe Jane Bwalya Ngwashi, Esq., has applied for such position; AND

WHEREAS, Marthe Jane Bwalya Ngwashi, Esq. Meets all of the qualifications for such position; NOW, THEREFORE, BE IT

RESOLVED, that Marthe Jane Bwalya Ngwashi, Esq. Currently of Buffalo, New York be and hereby is appointed to the position of Town Attorney part time at the annual rate of \$50,000.00 effective July 19, 2016 ;

AND, BE IT FURTHER

RESOLVED, that, as Town Attorney, Marthe Jane Bwalya Ngwashi, Esq. Shall not be entitled to any of the benefits outlined in the Personnel Policy for Exempt Employees other than salary.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to amend Resolution 2016-446 to state: RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Marthe Jane Bwalya Ngwashi, Esq. be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XIII. Communications**

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

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

1. **Summons: Citizens Bank, N.A. vs. Anthony Lewis, The Town of Cheektowaga Justice Court & Etal Premises: 97 Orange St., Buffalo**
2. **Notice of Claim: Patricia Leair vs. Town of Cheektowaga**
3. **Notice of Claim: Madalen Mack vs. Town of Cheektowaga**
4. **Notice of Petition: Ronald M. Eckert Jr. vs. Town of Cheektowaga**
5. **Notice of Petition: 151 Bennett Road, LLC/225 Bennett Road, LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and The Town of Cheektowaga, NY**
6. **Notice of Petition: Buffalo RHM Operating, LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and The Town of Cheektowaga, NY**
7. **Notice of Petition: Holland Motor Express vs. The Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga**
8. **Notice of Petition: Lord & Taylor, LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga and The Town of Cheektowaga, NY**
9. **Notice of Petition: Macy's Retail Holdings, Inc. vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and The Town of Cheektowaga, NY**
10. **Notice of Petition: R&F Walden Avenue, LLC vs. Assessor, Town of Cheektowaga, Board of Assessment Review of the Town of Cheektowaga and The Town of Cheektowaga, County of Erie, New York**
11. **Notice of Petition: Walgreen Eastern Co. Inc. vs. The Assessor and the Board of Assessment Review of the Town of Cheektowaga**

## **XIV. Comments**

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

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

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

## **XV. Adjournment**

Motion by Councilmember Adamczyk, Seconded by Councilmember Meyers to adjourn the meeting at 8:45 PM.

Vickie L. Dankowski

Town Clerk



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

JOHN C. LOFFREDO, P.E.  
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

June 27, 2016

Mr. Anthony J. Pandolfe  
WM Schutt Associates  
37 Central Avenue  
Lancaster, NY 14086-2143

Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie

Dear Mr. Pandolfe:

This Department has received your request for site plan review of the proposed Tim Hortons Restaurant located at 829 Dick Road (CR-317) in the Town of Cheektowaga, and has the following comments:

Permit Requirements

The project sponsor will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 for construction of the proposed storm sewer within the Dick Road (CR-317) highway right-of-way.

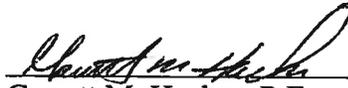
Traffic and Safety Concerns:

A traffic impact assessment was prepared on March 16, 2016, by SRF Associates. SFR has determined that the proposed development will not have significant adverse traffic impacts to the existing roadway network and no mitigation is recommended or warranted. We concur with the traffic impact assessment conclusions and therefore have no additional concerns.

Please feel free to call me at 858-8371 should you have any questions.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

  
Garrett M. Hacker, P.E.  
Senior Civil Engineer

Attn: Mr. Anthony J. Pandolfe  
WM Schutt Associates  
Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie  
Date: June 27, 2016  
Page: 2 of 2

cc: William Geary, Deputy Commissioner – Highways  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Richard Denning, Senior Highway Maintenance Engineer  
File: CR-317







SITE NOTES

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS (BY OTHERS) FOR EXACT NUMBERS, LOCATIONS, AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT LOCATIONS AND NUMBER OF BUILDING UTILITY ENTRANCES.
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER'S CONSTRUCTION DIVISION.
- CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED OWNER'S STANDARD SPECIFICATIONS OR AS SPECIFIED BY THE OWNER'S CONSTRUCTION DIVISION.
- THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL ENSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS, ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA, IN AN ADEQUATE AND SATISFACTORY MANNER.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
- REFERENCES TO NYSDOT STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, MAY 1, 2008," WITH ALL CURRENT ADDENDUMS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT LIGHTING POLES, FIXTURES WITH LAMPS AND PAINT WILL BE FURNISHED INSTALLED BY THE OWNER'S ELECTRICAL CONTRACTOR. THE ELECTRICAL CONTRACTOR SHALL PROVIDE THE OWNER A ONE-YEAR WARRANTY CERTIFICATE. ALL INCURRED COSTS FOR RECEIVING, STORAGE, LIABILITY WARRANTY AND LABOR SHALL BE INCLUDED IN THE INSTALLATION CONTRACT PRICE.
- PAVEMENT STRIPING AND PAINTING  
TRAFFIC CONTROL MARKINGS SHALL BE PAINTED WITH A WHITE TRAFFIC MARKING PAINT AS INDICATED ON THE DRAWINGS. PAINT SHALL BE SHERWIN WILLIAMS "PRO-MAR" TRAFFIC MARKING PAINT, SERIES B29.Y.2, OR EQUIVALENT. TRAFFIC PAINT # 63228.  
-ENTRANCE DIRECTIONAL ARROWS SHALL BE MARKED ON PAVEMENT IN WHITE IN LOCATION AND OF SIZE INDICATED ON DRAWINGS.  
-PAINT CONCRETE BASE AND BASE PLATE AT ALL PARKING LOT LIGHTING STANDARDS AND STEEL PIPE BASE OF HANDICAPPED PARKING IDENTIFICATION SIGN.
- SITE LIGHTING  
ALL CONDUIT SHALL BE ROUTED A MINIMUM OF 36" BELOW GRADE. VERIFY EXACT LOCATION AND METHOD OF WIRING ALL OUTDOOR LIGHTING STANDARDS WITH OWNERS REPRESENTATIVE.  
EXACT METHOD OF ROUTING OUTDOOR LIGHTING WIRING SHALL BE CAREFULLY COORDINATED BY SITE CONTRACTOR.  
UNLESS OTHERWISE NOTED, ALL EXTERIOR LIGHTING WIRING SHALL BE # 10 AWG COPPER AND SHALL BE ROUTED IN RIGID STEEL HEAVYWALL CONDUIT.  
MINIMUM CONDUIT SIZE IS 1".  
ALL POLES TO BE MOUNTED ON CONCRETE PEDESTALS 2' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 20' (MAX. HEIGHT ALLOWED IS 25 FEET).
- STUB EMPTY 2" CONDUIT OUT FROM BUILDING WALL. ROUTE TO PROPERTY LINE AND CAP FOR TELEPHONE INCOMING SERVICE. ROUTE CONDUIT MINIMUM OF 2'-6" BELOW FINISHED GRADE. COORDINATE ALL REQUIREMENTS WITH TELEPHONE CO. REPRESENTATIVE INCLUDING ALL TRENCHING, BACKFILL, ETC. AS MAY BE REQUIRED FOR A COMPLETE INCOMING UNDERGROUND TELEPHONE SERVICE.
- GRADING SHALL BE KEPT WITHIN THE LIMIT SHOWN ON THE GRADING PLAN. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
- BUILDING DIMENSIONS ARE NOT INTENDED FOR BUILDING LAYOUT. SPECIFIC LAYOUT DIMENSIONS SHOULD UTILIZE THE ACTUAL BUILDING PLANS. ANY DISCREPANCIES BETWEEN BUILDING PLANS AND THOSE INDICATED ON THESE PLANS SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHOULD STAKE OUT AND VERIFY EACH OF THE DIMENSIONS INDICATED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS, OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.
- ALL TRAFFIC CONTROL SIGNS, PAVEMENT MARKINGS AND TRAFFIC CONTROL SHALL CONFORM TO THE 2009 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, THE CURRENT NYS SUPPLEMENT AND NYS DOT 2012 WORK ZONE TRAFFIC CONTROL TYPICALS REGION 5 MANUALS.
- THE LOCATION OF UTILITIES AND OTHER FEATURES, AS SHOWN ON THE PLANS, ARE FROM THE BEST INFORMATION AVAILABLE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD INVESTIGATE AND DETERMINE THE EXACT LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION IN ORDER TO AVOID CONFLICTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT, SUPPORT AND MAINTAIN ALL EXISTING UTILITIES DURING THE COURSE OF HIS OPERATIONS. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL WORK WITHIN THE ROW OF DICK ROAD TO CONFORM TO ECDPW REQUIREMENTS AND SHALL REQUIRE OBTAINING A ECDPW HIGHWAY WORK PERMIT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL HIGHWAY WORK PERMITS AND GENERATION OF REQUIRED MAINTENANCE AND PROTECTION OF TRAFFIC PLAN. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL OTHER PERMITS NOT DESCRIBED HERE IN THIS NOTE (I.E. SWPPP, WATER PERMITS)
- THE PLANS AND SPECIFICATIONS FOR THIS PROJECT HAVE BEEN PREPARED WITH CARE AND ARE INTENDED TO SHOW AS CLEARLY AS IS PRACTICABLE THE WORK REQUIRED TO BE DONE. THE CONTRACTOR MUST REALIZE, HOWEVER, THAT CONSTRUCTION DETAILS CAN NOT ALWAYS BE ACCURATELY ANTICIPATED AND THAT IN EXECUTING THE WORK, FIELD CONDITIONS MAY REQUIRE REASONABLE MODIFICATIONS IN THE DETAILS OF PLANS AND QUANTITIES OF WORK INVOLVED. ALL WORK MUST BE CARRIED OUT TO MEET ACTUAL FIELD CONDITIONS TO THE SATISFACTION OF THE ENGINEER AND DEVELOPER IN ACCORDANCE WITH THEIR INSTRUCTIONS.

DETAILS

- INTEGRAL CURB/SIDEWALK
- TYPE "A" CONCRETE CURB
- STANDARD DUTY ASPHALT SECTION
- EXTERIOR CONCRETE SLAB ON GRADE
- 90° PARKING STALL LAYOUT
- HANDICAP PAVEMENT MARKINGS
- INTERNATIONAL HANDICAP SYMBOL
- HANDICAP PARKING SIGN
- NO PARKING SIGN
- DUMPSTER ENCLOSURE
- PAINTED TRAFFIC ARROWS
- PIPE BOLLARD
- STOP BAR
- 45° PAVEMENT MARKING
- HANDICAP RAMP
- CONCRETE SIDEWALK
- PYLON SIGN

NOTES

- LANDSCAPED (LAWN) AREA, TOPSOIL AND (GRASS) SEED
- LANDSCAPED (PLANTING BED) AREA, TOPSOIL AND MULCH
- "ENTER" SIGN (SEE DRAWINGS BY OTHERS)
- "EXIT" SIGN (SEE DRAWINGS BY OTHERS)
- "DRIVE THRU" SIGN
- "THANK YOU" SIGN, "DO NOT ENTER" SIGN
- TAPER CURB FROM 6" TO 0" REVEAL IN 2'
- SNOW STORAGE AREA WITH 45° PAVEMENT MARKING
- DRIVE THRU PRE-SELL BOARD
- DRIVE THRU MENU BOARD W/SPEAKER
- TACTILE WARNING
- YELLOW CENTER LINE STRIPE PER ECDPW REQUIREMENTS.
- GRASS LINED STORMWATER DETENTION BASIN

PARKING REQUIREMENTS

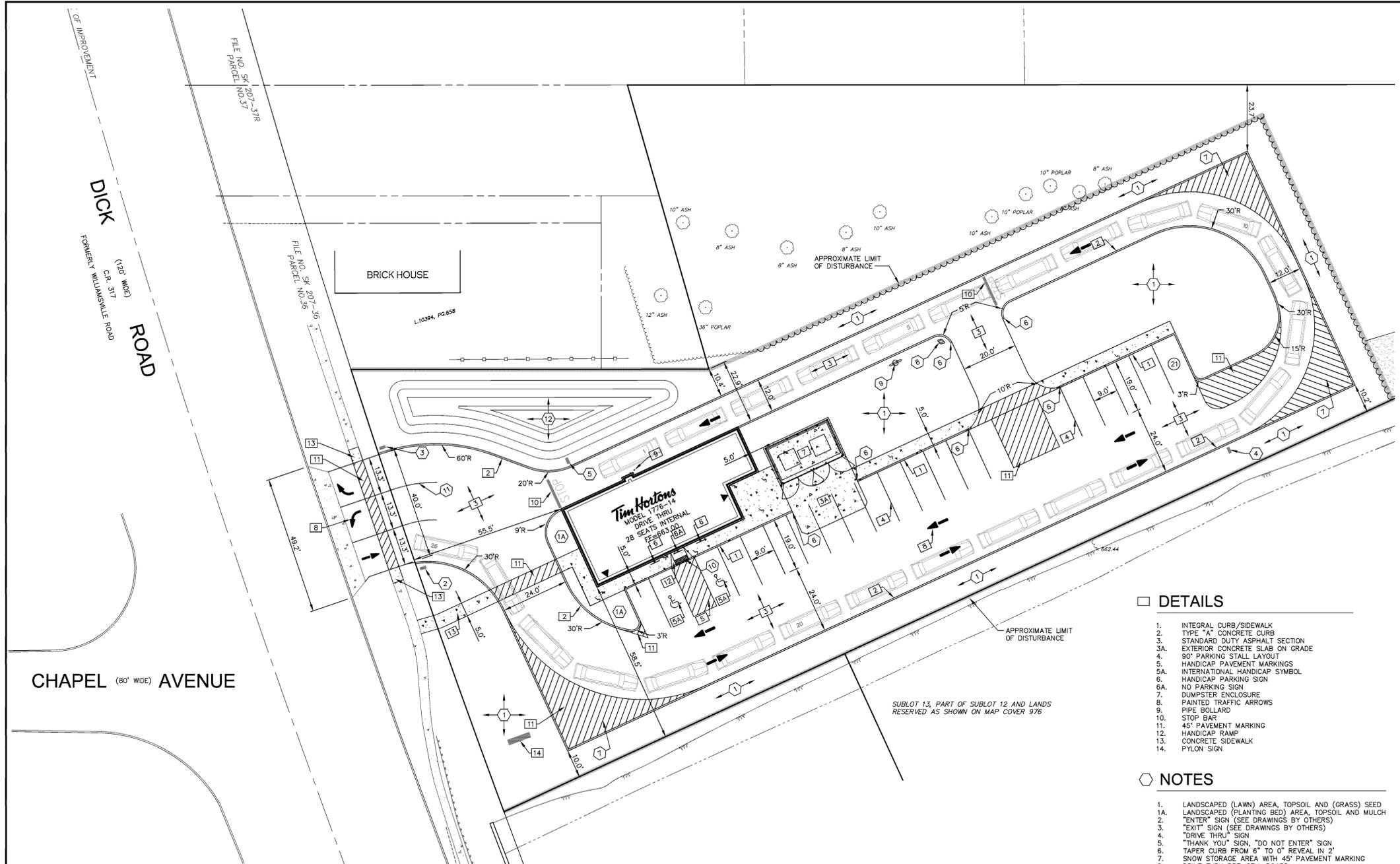
2 SPACES PER 5 SEATS  
 2 SPACES (28 SEATS / 5 SEATS) = 12 SPACES MINIMUM  
 21 SPACES PROVIDED

DETAILS OF DEVELOPMENT			
ZONING		C-RETAIL BUSINESS DISTRICT	
		REQUIRED	PROVIDED
BUILDING SETBACKS	FY	50'	55.5'
	RY	10'	660'
	INT. SY	10'	22.9'/58.5'
NET LOT AREA		81,769± sq.ft.	
LOT COVERAGE		-	37%
BUILDING COVERAGE		-	2.4%
BUILDING HEIGHT		30' MAX.	20.33'
GROSS FLOOR AREA		1776 sq.ft.	
No. of UNITS		12	21
PARKING SETBACKS	FY	25'	67.9'
	RY	10'	431.5'
	SY	10'	10'/10.4'

LEGEND

- SIGN
- BUILDING ENTRANCE
- PAINTED PAVEMENT MARKING
- CONCRETE
- HANDICAPPED PARKING STALL
- NUMBER OF PARKING SPACES
- DRIVE THRU STACKING

NOTE: ESTIMATED CONSTRUCTION SCHEDULE- CONSTRUCTION SHALL BE COMPLETED 90 DAYS FROM BUILDING PERMIT ISSUE DATE



DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: PWB  
 DRAWN BY: DLS  
 CHECKED BY: WES  
 DATE: MARCH 2016

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**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
 LANCASTER, NY 14086-2143  
 PH: 716-683-5961  
 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

**Tim Hortons**  
 829 DICK ROAD  
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE PLAN AND NOTES**

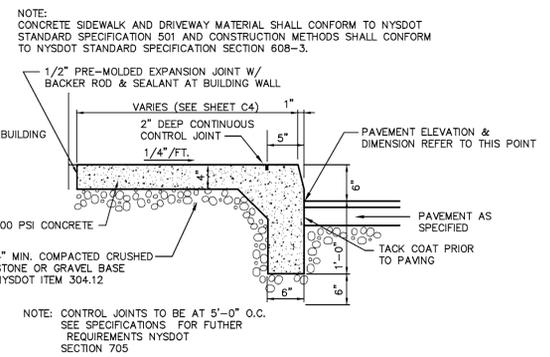
Attachment: Civil Plans (RES-2016-390 - Accept Site Plan- 829 Dick Road)



**IMPORTANT NOTE:**  
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

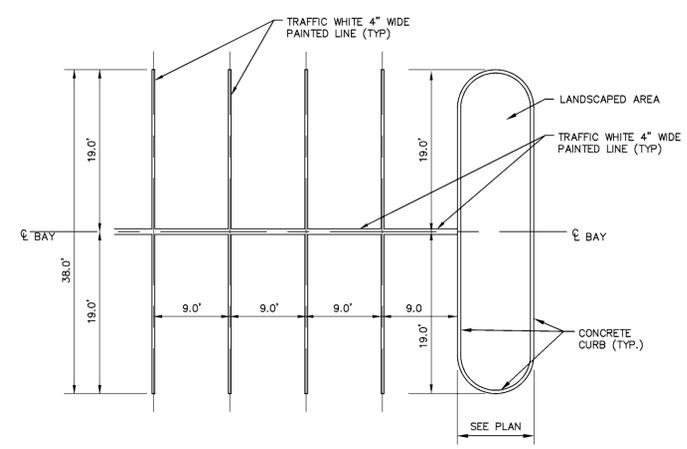
**CAUTION - NOTICE TO CONTRACTOR**  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

**IMPORTANT NOTE:**  
 CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7862) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.



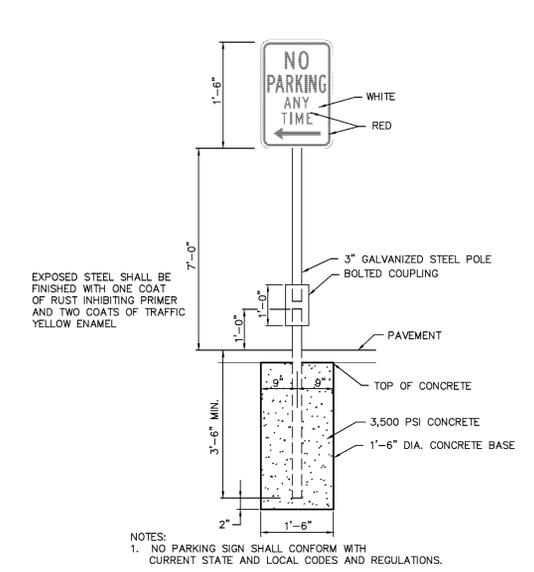
INTEGRAL CURB/SIDEWALK DETAIL - 1

N.T.S.



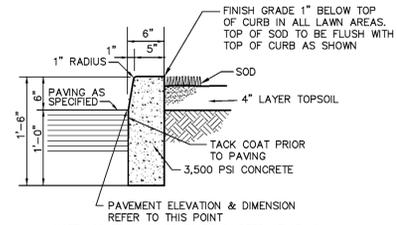
90° PARKING SPACE STRIPING - 4

N.T.S.



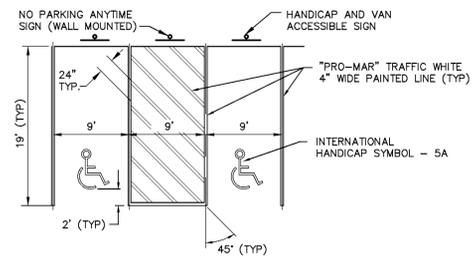
NO PARKING SIGN - 6A

N.T.S.



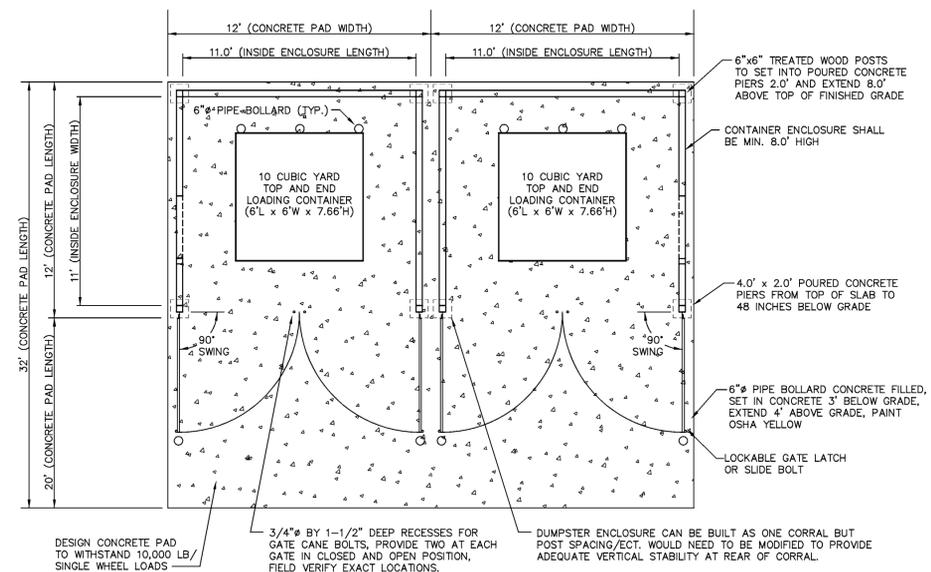
TYPE "A" CONCRETE CURB - 2

N.T.S.



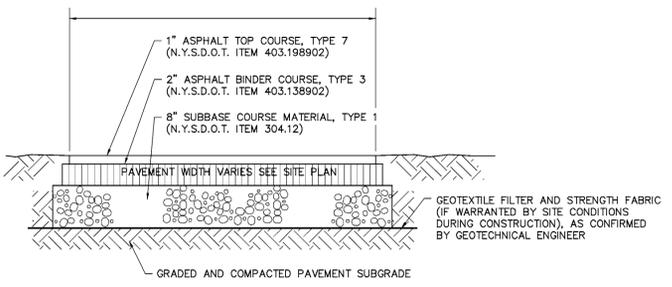
HANDICAP PAVEMENT MARKINGS - 5

N.T.S.



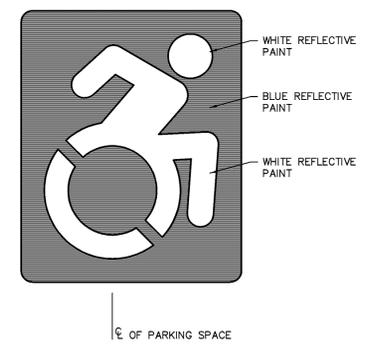
DUMPSTER ENCLOSURE - 7

N.T.S.



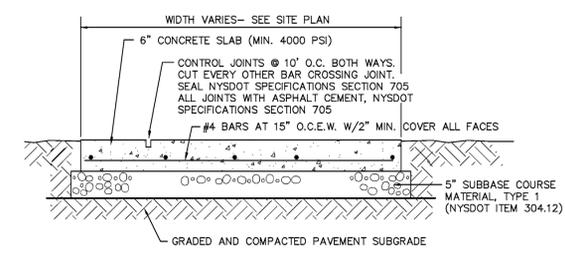
STANDARD DUTY ASPHALT SECTION - 3

N.T.S.



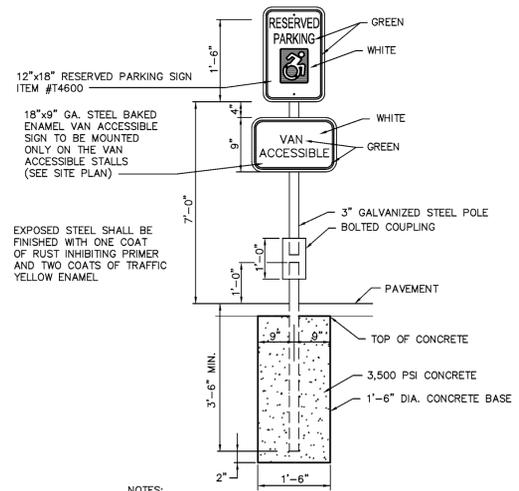
INTERNATIONAL HANDICAP SYMBOL - 5A

N.T.S.



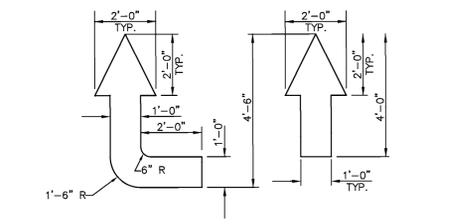
EXTERIOR CONCRETE SLAB ON GRADE - 3A

N.T.S.



HANDICAP PARKING SIGN - 6

N.T.S.



PAINTED TRAFFIC ARROWS - 8

N.T.S.

DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: PMB	DRAWN BY: DLS	CHECKED BY: WES	DATE: MARCH 2016
WARNING: THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 109.1 OF THE GENERAL CONTRACTOR EDUCATION AND LICENSING ACT (G.C.E.L.A.) WM. SCHUTT & ASSOCIATES P.C.			

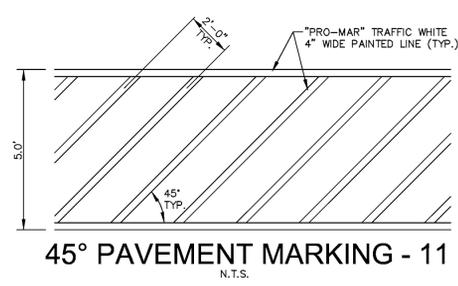
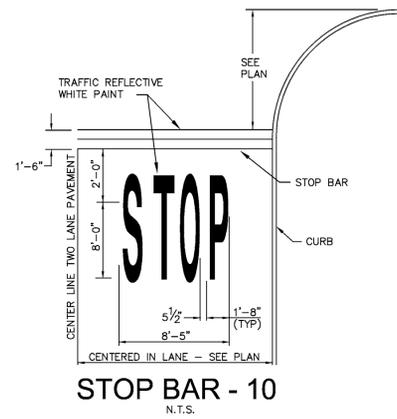
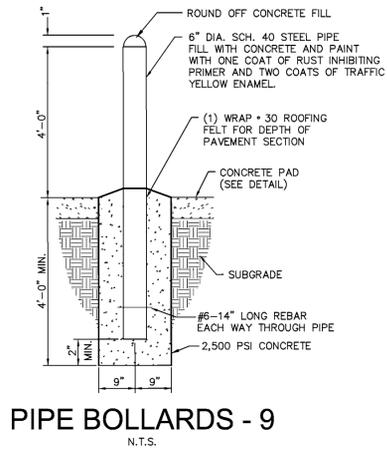
**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
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 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

**Tim Hortons**  
 829 DICK ROAD  
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE DETAILS**

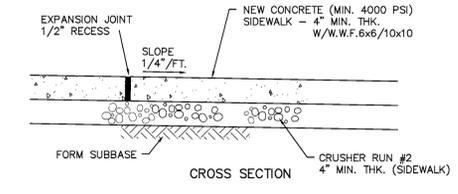
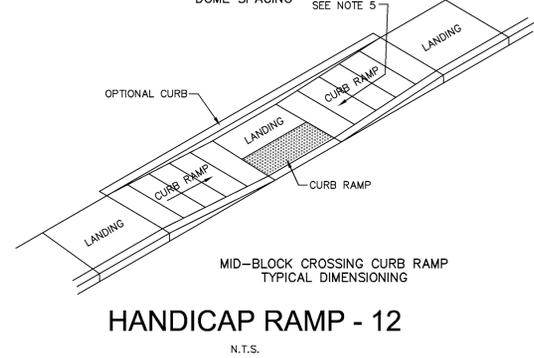
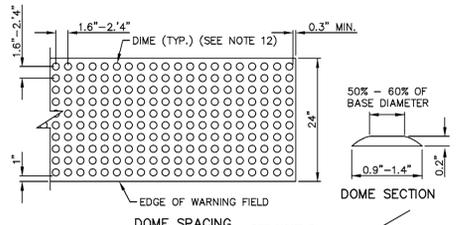
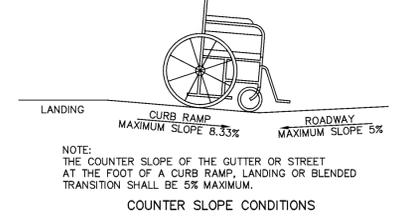
THIS SHEET ISSUED APRIL 1, 2016
<b>C4.1</b>
DRAWING SCALE: AS NOTED
WSA PROJECT NO. 15212



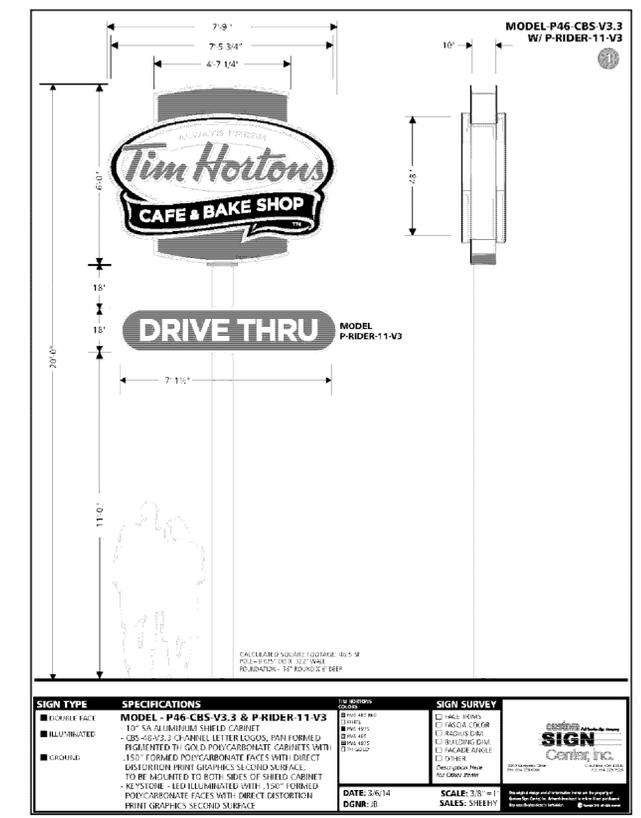


**GENERAL NOTES:**

- THE DIMENSIONS AND SLOPES PRESENTED IN THE DETAILS ARE THE MINIMUM NECESSARY TO COMPLY WITH THE ADA AND DOT STANDARDS. ANY DEVIATION LESS THAN THE MINIMUM WIDTH OR GREATER THAN THE MAXIMUM SLOPE FROM THESE STANDARDS MUST BE DOCUMENTED WITH THE STANDARDS BEING MET TO THE GREATEST EXTENT PRACTICABLE AND CONSISTENT WITH THE MOST CURRENT ADAAG.
- CURB RAMP, LANDINGS AND BLENDED TRANSITIONS MAY REQUIRE THE USE OF DETECTABLE WARNINGS. DETECTABLE WARNINGS ON THIS SHEET ARE SHOWN FOR ILLUSTRATION ONLY.
- CURB RAMP NOTES:**
- THE MINIMUM WIDTH FOR SIDEWALK CURB RAMP IS 5'-0".
- THE RUNNING SLOPE OF A CURB SHALL BE 1:20 (5%) MINIMUM (PREFERRED) AND 1:12 (8.33%) MAXIMUM.
- WHERE THE SLOPE OF THE ROADWAY EXCEEDS 8.33% THE CURB RAMP LENGTH IS THE LENGTH NECESSARY TO MEET THE EXISTING SIDEWALK. IT IS NOT NECESSARY THAT THE RAMP LENGTH EXCEEDS 15'-0".
- THE CROSS SLOPE OF CURB RAMP SHOULD BE AS FLAT AS POSSIBLE, NOT TO EXCEED 1:50 (2%). THE CROSS SLOPE AT MIDBLOCK CROSSINGS MAY BE WARPED TO MEET STREET OR HIGHWAY GRADE.
- THE VERTICAL ALIGNMENT OF A CURB RAMP, EXCLUDING THE FLARES, SHALL BE PLANAR. GRADE BREAKS SHALL BE FLUSH AND PERPENDICULAR TO THE DIRECTION OF THE RAMP RUN.
- RAMP TRANSITIONS BETWEEN WALKS, LANDINGS, GUTTERS, OR STREETS SHALL BE FLUSH AND FREE OF ABRUPT VERTICAL CHANGES (1/4" MAX.).
- WHERE A PEDESTRIAN CIRCULATION PATH CROSSES THE CURB RAMP, FLARED SIDES WITH A SLOPE OF 10% MAXIMUM, MEASURED PARALLEL TO THE CURB LINE, SHALL BE PROVIDED.
- LANDING NOTES:**
- LANDINGS SHALL HAVE A MINIMUM CLEAR DIMENSION OF 5'-0" BY 5'-0".
- THE RUNNING AND CROSS SLOPES ON LANDINGS AT INTERSECTIONS IS 1:50 (2%) MAXIMUM. THE RUNNING AND CROSS SLOPES AT MIDBLOCK CROSSINGS MAY BE WARPED TO MEET STREET OR HIGHWAY GRADE.
- DETECTABLE WARNING UNIT:**
- THE DETAILS PROVIDED ARE NOT DRAWN TO SCALE. THE QUANTITY OF DOMES DEPICTED ON THE DETECTABLE WARNING UNIT (THE DOMES AND THE ENTIRE 24" LEVEL SURFACE) IS FOR ILLUSTRATION ONLY.
- DETECTABLE WARNING UNIT DIMENSIONS:**
- THE SIZE OF THE DETECTABLE WARNING FIELD SHALL BE 24" IN THE DIRECTION OF TRAVEL AND SHALL EXTEND THE FULL WIDTH IF THE CURB RAMP OR FLUSH SURFACE, EXCLUSIVE OF SIDE FLARES.
- DOME ALIGNMENT:**
- THE ROWS OF DOMES SHALL BE ALIGNED TO BE PERPENDICULAR OR RADIAL TO THE GRADE BREAK BETWEEN THE RAMP LANDING OR CURB RAMP AND THE STREET.
- WHERE DOMES ARE ARRAYED RADially THEY MAY DIFFER IN DOME DIAMETER AND CENTER-TO-CENTER SPACING WITHIN THE RANGES SPECIFIED ON THIS SHEET.
- COLOR REQUIREMENTS:**
- THE DETECTABLE WARNINGS FIELD SHALL BE THE COLOR SPECIFIED IN THE CONTRACT DOCUMENTS OR MEET THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS.
- DETECTABLE WARNINGS LOCATIONS:**
- DETECTABLE WARNINGS SHALL BE LOCATED SO THAT THE EDGE OR CORNER OF THE WARNING FIELD NEAREST TO THE ROADWAY IS 5" TO 9" FROM THE FRONT OF THE CURB OR THE ROADWAY EDGE (12" WHERE TRAVERSABLE CURB IS USED.)



- NOTES:**
- CONTROL JOINTS TO BE AT 5'-0" O.C. BOTHWAYS - SEE SPECIFICATIONS FOR FURTHER JOINT REQUIREMENTS NYS DOT 702-0700.
  - CONCRETE SIDEWALK MATERIAL SHALL CONFORM TO NYS DOT STANDARD SPECIFICATION 501 AND CONSTRUCTION METHODS SHALL CONFORM TO NYS DOT STANDARD SPECIFICATION 608-3.



DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY:	PMB
DRAWN BY:	DLS
CHECKED BY:	WES
DATE:	MARCH 2016

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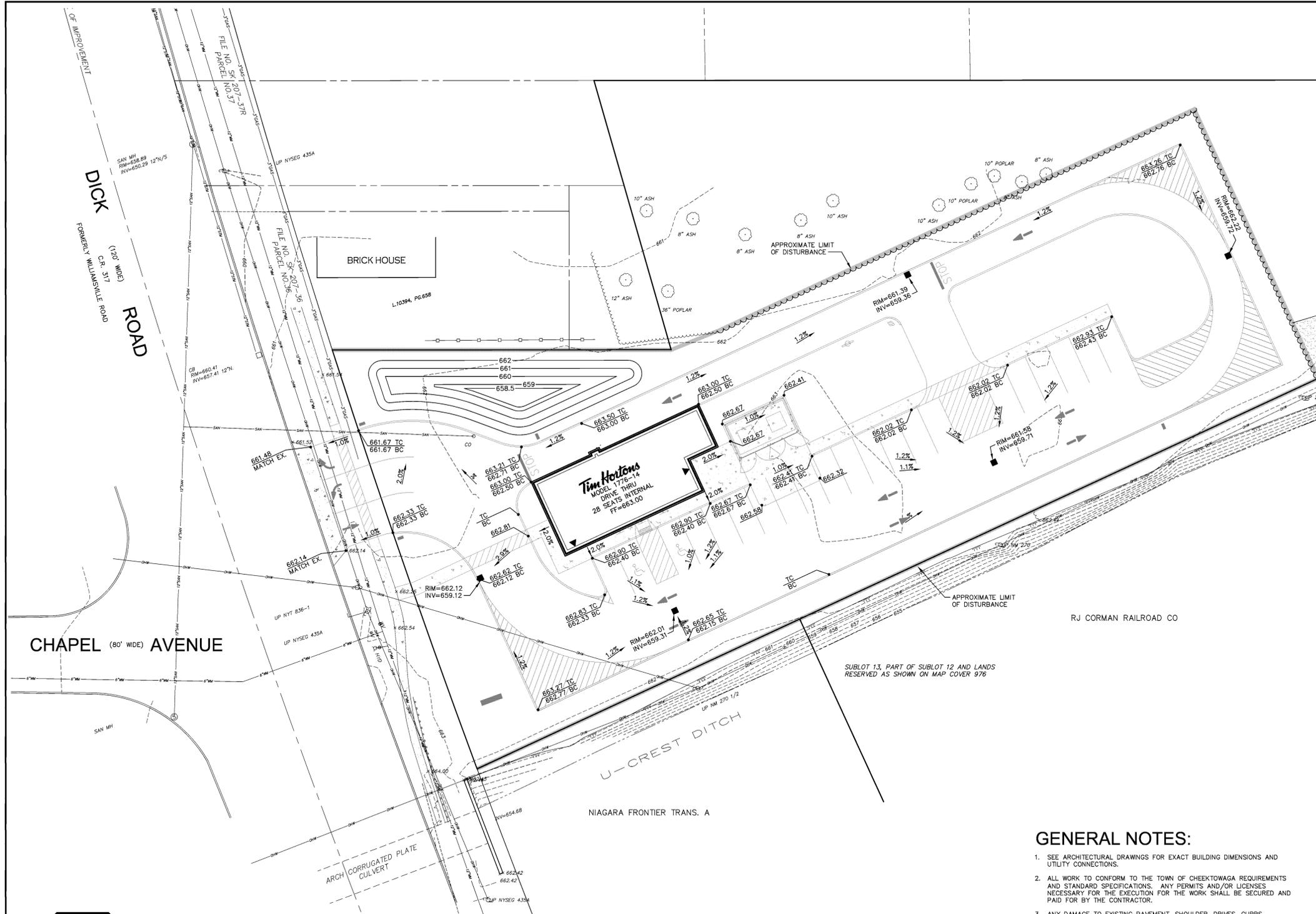
**Tim Hortons**  
829 DICK ROAD  
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE DETAILS**

THIS SHEET ISSUED APRIL 1, 2016
<b>C4.2</b>
DRAWING SCALE: AS NOTED
WSA PROJECT NO. 15212







CHAPEL (80' WIDE) AVENUE

DICK ROAD (120' WIDE)  
FORMERLY WILLIAMSVILLE ROAD



**IMPORTANT NOTE:**  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

**CAUTION - NOTICE TO CONTRACTOR**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

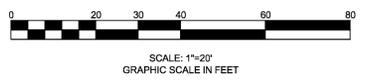
**IMPORTANT NOTE:**  
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7962) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

**GENERAL NOTES:**

- SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND UTILITY CONNECTIONS.
- ALL WORK TO CONFORM TO THE TOWN OF CHEEKTOWAGA REQUIREMENTS AND STANDARD SPECIFICATIONS. ANY PERMITS AND/OR LICENSES NECESSARY FOR THE EXECUTION FOR THE WORK SHALL BE SECURED AND PAID FOR BY THE CONTRACTOR.
- ANY DAMAGE TO EXISTING PAVEMENT, SHOULDER, DRIVES, CURBS, SIDEWALKS, LANDSCAPING AND ETC. WHICH ARE SCHEDULED TO REMAIN SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
- THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THE NYS INDUSTRIAL CODE RULE 53 AND THE NYS HIGH VOLTAGE PROXIMITY ACT.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL STATUTES REGARDING THE PREVENTION, CONTROL AND ABATEMENT OF SOIL EROSION, SEDIMENTATION AND WATER POLLUTION.
- ALL UNDERGROUND UTILITY TRENCHES UNDER BUILDING FOUNDATION, PAVEMENT, CURBS, SIDEWALKS, AND DRIVES SHALL BE FULLY BACKFILLED WITH NO. 2 RUN OF CRUSHER STONE AND SHALL BE COMPACTED TO A MINIMUM OF 95% MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557.
- ALL NYSEG CONSTRUCTION GUIDELINES ARE TO BE FOLLOWED FOR ANY CONSTRUCTION TAKING PLACE IN PROXIMITY TO EXISTING GAS LINES.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 660 - UTILITIES OR AS AMENDED BY OWNER.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 304 - SUBBASE COURSE AND SECTION 403 HOT MIX ASPHALT PAVEMENT OR AS AMENDED BY OWNER.
- MATERIAL AND CONSTRUCTION DETAILS SHALL CONFORM TO APPLICABLE REQUIREMENTS OF NYSDOT STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 608 - SIDEWALKS, DRIVEWAYS, BICYCLE PATHS, BRICK PAVING, AND ETC., AND SECTION 609 - CURBING, GUTTERS AND CONCRETE MALL OR AS AMENDED BY OWNER.

**LEGEND**

- GB GRADE BREAK
- TC TOP OF CURB
- BC BOTTOM OF CURB
- 98.0— PROPOSED CONTOUR
- 559--- EXISTING CONTOUR
- 554.0 PROPOSED SPOT ELEVATION
- 0.70% SLOPE AND DIRECTION OF FLOW ALONG MAIN SURFACE FLOW LINE



DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY:	PMB
DRAWN BY:	DLS
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DATE:	MARCH 2016

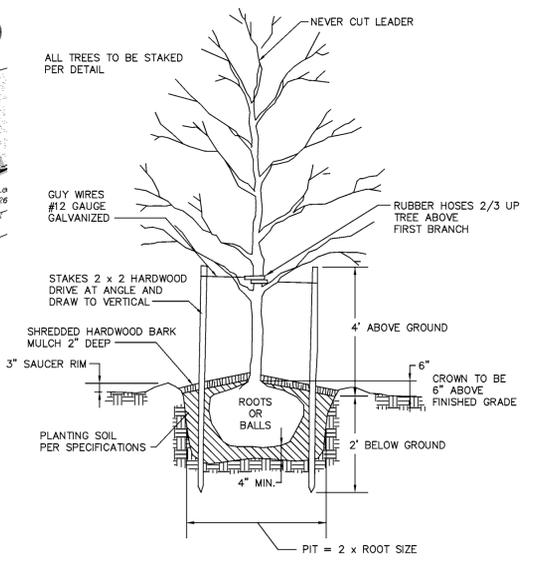
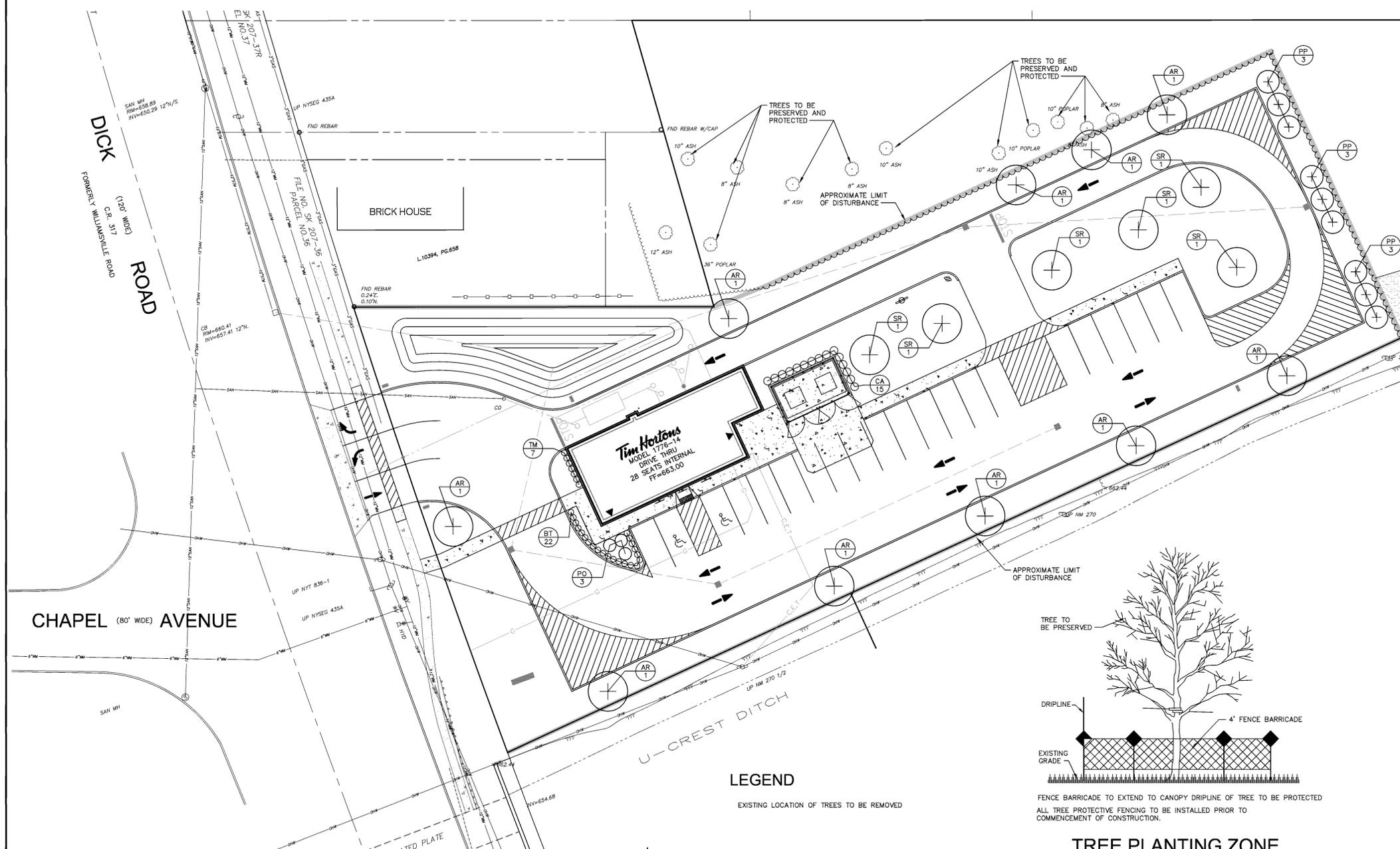
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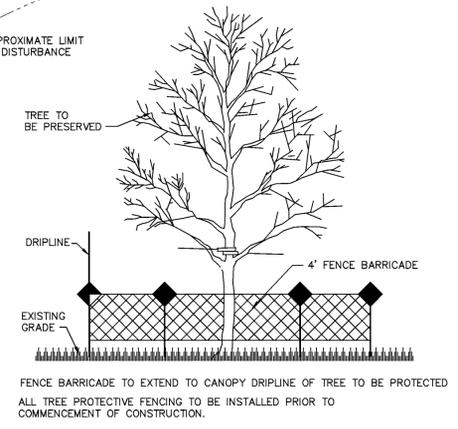
**Tim Hortons**  
829 DICK ROAD  
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SCHEMATIC GRADING PLAN AND NOTES**





TREE PLANTING DETAIL



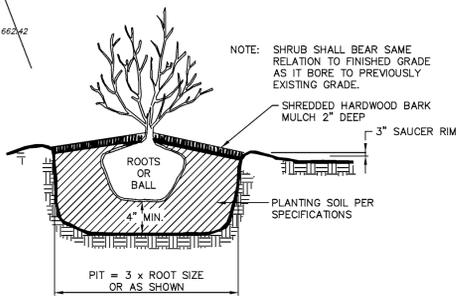
TREE PROTECTION DURING CONSTRUCTION

GENERAL NOTES:

1. CONTRACTOR TO EXCAVATE ALL PLANTING BED AREAS ADJACENT TO BUILDING AND BACKFILL WITH TOPSOIL FOR A TOTAL PLANTING BED DEPTH OF 18" FOR ALL SHRUBS AND PERENNIALS.
2. MULCH ALL BEDS SHOWN WITH TRIPLE SHREDDED HARDWOOD BARK MULCH.
3. ALL UNSURFACED AREAS SHALL RECEIVE FOUR INCHES OF TOPSOIL, SEED, AND MULCH AND SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
4. ALL PLANTER ISLANDS AND SHRUB BEDS TO BE FILLED 18" DEEP AND 3" ABOVE TOP OF CURB.
5. THE SITE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE ROOT, TRUNK, AND LIMB DAMAGE, INCLUDING:
6. TOPSOIL SHALL CONFORM WITH THE PROVISIONS OF ASTM D5268 AND SHALL BE FREE FROM STONES 1" OR LARGER IN ANY DIMENSION, AND FREE OF ANY OTHER EXTRANEIOUS MATERIALS HARMFUL TO PLANT GROWTH.
7. THE CONTRACTOR SHALL TAKE ANY PRECAUTIONS NECESSARY TO PROTECT TREES AND SHRUBBERY FROM DAMAGE, UNLESS SPECIFICALLY ORDERED FOR CLEARING. THE CONTRACTOR SHALL PROVIDE AND PLANT REPLACEMENT TREES OR SHRUBBERY AT HIS EXPENSE.
8. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTENANCE AND/OR REPLACEMENT OF ALL LAWN AREAS AND PLANTINGS FOR A PERIOD OF 1 YEAR FROM THE DATE OF INITIAL PLACEMENT. THE OWNER WILL HAVE FINAL APPROVAL OF ALL PROPOSED LANDSCAPING.
9. ALL DECIDUOUS TREES PLANTED SHALL HAVE A MINIMUM CALIPER OF TWO AND ONE-HALF (2-1/2) INCHES, MEASURED SIX (6) INCHES ABOVE THE GROUND. ALL CONIFEROUS TREES SHALL HAVE A MINIMUM HEIGHT OF SIX (6) FEET ABOVE THE FINISHED GRADE. PLASTIC OR OTHER TYPES OF ARTIFICIAL PLANTINGS OR VEGETATION SHALL NOT BE PERMITTED.
10. NO PLANTING OF ORNAMENTAL TREES, CONIFEROUS (PINE, SPRUCE ETC.) IN ANY HIGHWAY RIGHT OF WAY.
11. PLANTING SHALL BE PLACED A MINIMUM OF 3 FEET, PREFERABLY 5 FEET, BEHIND THE CURB.
12. ALL PLANTING SHALL MAINTAIN A CLEAR HEIGHT FROM THE GROUND TO THE LOWEST HANGING BRANCH OF 5 FEET ALONG HIGHWAY RIGHT OF WAYS.
13. TREES ARE TO BE PLANTED A MINIMUM OF 35 FEET FROM PAVEMENT EDGE AT AN INTERSECTION WITH THE INTERSECTING STREET TO AFFORD MINIMUM LEGAL SIGHT DISTANCE.
14. LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR FINISH GRADING AND SEEDING OF ALL LAWN AREAS. LANDSCAPE CONTRACTOR TO BE RESPONSIBLE FOR ESTABLISHMENT OF HEALTHY STAND OF GRASS.
15. THE SITE CONTRACTOR SHALL PROVIDE HARDY TREES SUITABLE FOR USE IN THE SOIL AND CLIMATE CONDITIONS OF THE PROJECT.

LEGEND

EXISTING LOCATION OF TREES TO BE REMOVED



SHRUB PLANTING DETAIL

GRASS SEED MIX FOR ALL LAWN AREAS

ALL UNSURFACED AREAS ARE TO BE RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.

30% COCHISE IV TALL FESCUE  
30% 3rd MILLENNIUM SRP TALL FESCUE  
30% RHAMBLER SRP TALL FESCUE  
10% PROTEGE GLRI PERENNIAL RYEGRASS

SOW SEED AT 4 POUNDS PER 1000 SF



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PLANTING LIST - TREES

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
AR	10	ACER RUBRUM "RED SUNSET"	RED SUNSET MAPLE	2.5" CAL.	B&B	STRONG LEADER - BALANCED FORM
SR	6	SYRINGA RETICULATA "IVORY SILK"	IVORY SILK JAPANESE TREE LILAC	2.5" CAL.	B&B	
PP	9	PICEA PUNGENS	COLORADO SPRUCE	6' HGT.	B&B	

PLANTING LIST - SHRUBS

TM	7	TAXUS MEDIA "HICKSII"	HICKS YEW	24"		
BT	22	BERBERIS THUNBERGII "BOGOZAM"	BONANZA GOLD BARBERRY	NO. 3 CONT.		
PO	3	'DONNA MAY'	DONNA MAY NINEBARK	NO. 3 CONT.		
CA	15	CALAMAGROSTIS ACUTIFOLIA 'KARL FOERSTER'	KARL FOERSTER'S REED GRASS	NO. 2 CONT.		



DRAWING REVISIONS

ITEM	DATE	DESCRIPTION

DESIGNED BY: PWB  
DRAWN BY: DLS  
CHECKED BY: WES  
DATE: MARCH 2016

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**Tim Hortons**  
829 DICK ROAD  
TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE LANDSCAPE PLAN AND DETAILS**

Attachment: Civil Plans (RES-2016-390 - Accept Site Plan- 829 Dick Road)









# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, August 1, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on August 1, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Absent	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
Earl Loder, Disaster Coordinator  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Kerry Peek, Senior Services Director  
Mark Wegner, Highway Superintendent  
David Zack, Chief of Police

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to approve the minutes. Motion Carried.

## **VII. Public Comment Period**

## **VIII. Public Hearings**

## **IX. Presentation**

1. **Federal Emergency Management Agency (FEMA) on the Levee Analysis and Mapping Procedures (LAMP) for the Cayuga Creek Flood Control Project**

## **X. From the Table**



## 1. RESOLUTION 2016-386

---

### Negative SEQR Declaration - 829 Dick Road

---

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

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, an application was submitted by Silvertip Ventures, LLC for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at their meeting of June 8, 2016, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending the preservation of the forested areas along the northerly portion of the premises via a conservation easement, deed restriction or other acceptable instrument, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and provided comments, AND

WHEREAS, the applicant had a traffic impact study prepared by SRF Associates, dated March 16, 2016, at the request of the Town of Cheektowaga to address concerns for traffic safety and alignment of the proposed driveway with that of Chapel Avenue, AND

WHEREAS, such study indicates that the proposed restaurant will not negatively affect existing levels of service on Dick Road, AND

WHEREAS, the Erie County Highway Department also reviewed the aforementioned traffic impact study and proposed construction plans and concurs with its findings, as indicated in the attached correspondence dated June 27, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016 recommended a determination of non-significance, 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).

A Motion was made by Councilmember Hammer, Seconded by Supervisor Benczkowski to Table Resolution 2016-386. Motion was defeated due to lack of quorum.

RESULT: Defeated

AYES: Benczkowski, Adamczyk, Hammer

NAYS: Rogowski, Kaminski

ABSENT: Meyers

Resolution 2016-386 called for vote. See results below.

Attachments:

ERIE Co HWY Dept Comments (PDF)

**RESULT:** DEFEATED [2 TO 0]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** James P. Rogowski, Gerald Kaminski  
**ABSTAIN:** Diane Benczkowski, Christine Adamczyk, Linda Hammer  
**ABSENT:** Timothy J. Meyers



## 2. RESOLUTION 2016-390

### Accept Site Plan- 829 Dick Road Silvertip Ventures, LLC

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

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, Sivertip Ventures, LLC submitted a development review application for the for re-development of an existing commercial restaurant site at 829 Dick Road, to include the demolition of an existing one story frame restaurant building and two accessory sheds and the construction of a new 1,766 s.f. donut /coffee shop with accessory drive thru window, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of June 8, 2016 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/approving the grading/drainage plan.
2. The applicant providing a conservation easement or deed restriction limiting development on the northerly forested area.
3. The applicant modifying his/her landscaping plan to include additional colorado spruce trees to off set the eventual loss of the existing ash trees on premises.
4. The Town planner reviewing and approving a photometric plan and revised landscaping plan.
5. The construction of a 6 foot high solid vinyl fence along the southerly property line of the non-conforming residence at 841 Dick Road.

A Motion was made by Councilmember Hammer, Seconded by Supervisor Benczkowski to Table Resolution 2016-390. Motion was defeated due to lack of quorum.

RESULT: Defeated

AYES: Benczkowski, Adamczyk, Hammer

NAYS: Rogowski, Kaminski

ABSENT: Meyers

Resolution 2016-390 called for vote. See results below.

Attachments:

Civil Plans (PDF)

**RESULT:** DEFEATED [2 TO 3]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** James P. Rogowski, Gerald Kaminski  
**NAYS:** Diane Benczkowski, Christine Adamczyk, Linda Hammer  
**ABSENT:** Timothy J. Meyers

## XI. Resolutions



## 1. RESOLUTION 2016-447

---

### Transfer of Funds

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

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

GENERAL

FROM: 100.1410.2201 Office Equipment \$1,435.00

TO: 100.1410.4001 Office Supplies \$1,435.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 2. RESOLUTION 2016-448

### Warrant

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

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 1, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$6,397,722.57
RISK RETENTION FUND	1,442,688.65
NYS HOME PROGRAM	0.00
DEBT	29,925.00
HUD HOUSING REHABILITATION FUND	65,675.00
SPECIAL DISTRICTS FUND	1,251,857.26
HIGHWAY FUND	1,917,090.51
CAPITAL FUND	453,412.60
TRUST & AGENCY FUND	14,087.53
HUD CDBG FUND	2,628.37
PART TOWN FUND	133,866.80
NYS AFFORDABLE HOUSING	14,638.00
	<hr/>
	\$11,723,592.29

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



### 3. RESOLUTION 2016-449

## Call for Public Hearing to Amend Vehicle and Traffic Law

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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 **August 15, 2016, 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 **August 15, 2016, at 6:45 P.M.** to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

- **ARTICLE IV, Parking, Standing and Stopping**, shall be amended by **adding** thereto the following:

**§ 235-33(A). Alternate Side Parking.**

No person shall park a vehicle upon the North or East sides from 5:00 p.m. Monday to 5:00 p.m. Thursday, nor upon the South or West sides from 5:00 p.m. Thursday to 5:00 p.m. Monday, on any of the streets or parts of streets listed in **Schedule X(1)**, attached to and made part of this chapter.

- **ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations**, shall be amended by **deleting** therefrom the following streets or parts of streets or parts of streets:

**ANDREWS AVENUE** - East side: from north curblin of Genesee Street to south curblin of East Delavan Avenue.

**ATWOOD PLACE** - East side: from north curblin of Genesee Street to dead end.

**BARBARA PLACE** - East side: from north curblin of Genesee Street to south curblin of Atwood Place.

**CAROL DRIVE** - East side: from north curb to East Delavan Avenue to south curb of Rowan Road.

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road.

**IVANHOE ROAD** - East side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**LONG AVENUE** - East side: from north curblineline of Genesee Street northerly to south curblineline of Schoedel Avenue.

**MARNE ROAD** - West side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**PRESTON ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Rowan Road.

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road.

**SCHOEDEL AVENUE** - North side: from west curblineline of Long Avenue westerly to east curblineline of Barbara Place.

\*\*\*\*\*

- **ARTICLE V. Schedules**, shall be amended by **adding** the following:

**ARTICLE V. Schedules, Section 235-49(A), Schedule X(1): Alternate Parking in Designated Locations:**

In accordance with the provisions of § 235-33 (A), no person shall park a vehicle upon the North or East sides from 6:00 p.m. Monday to 6:00 p.m. Thursday, nor upon the South or West sides from 6:00 p.m. Thursday to 6:00 p.m. Monday, on any of the following described streets or parts of streets:

**ANDREWS AVENUE** - East side: from north curblineline of Genesee Street to south curblineline of East Delavan Avenue.

**ATWOOD PLACE** - East side: from north curblineline of Genesee Street to dead end.

**BARBARA PLACE** - East side: from north curblineline of Genesee Street to south curblineline of Atwood Place.

**CAROL DRIVE** - East side: from north curb to East Delavan Avenue to south curb of Rowan Road.

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road.

**IVANHOE ROAD** - East side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**LONG AVENUE** - East side: from north curblineline of Genesee Street northerly to south curblineline of Schoedel Avenue.

**MARNE ROAD** - West side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**PRESTON ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Rowan Road.

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road.

**SCHOEDEL AVENUE** - North side: from west curblineline of Long Avenue westerly to east curblineline of Barbara Place.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



4. RESOLUTION 2016-450

**Authorize Town Clerk to Notify Owners of Property of Order to Replace Sidewalks**

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

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 15, 2016, 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 15, 2016, the Town will cause such sidewalks to be repaired/replaced; will pay \$47.20 - \$48.00 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 December 20, 2016, 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.

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**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 1, 2016

**YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.**

Such work must be completed on or before **SEPTEMBER 15, 2016**

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 \$47.20 - \$48.00 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at a 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 December 20, 2016.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$70.80 - \$72.00 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 toward your cost).**

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

DATED: AUGUST 1, 2016

Vicki L. Dankowski  
Town Clerk

Attachments:  
sidewalk resolution list (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 5. RESOLUTION 2016-451

### Acceptance of Bargaining Agreement Between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc. for 2014-2015

**Sponsored By:** Benczkowski, Adamczyk, Kaminski, Rogowski, Hammer

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc. ("TCEA") has expired; and

WHEREAS, the Town and the TCEA have negotiated and agreed upon a successor agreement; and

WHEREAS, the Town has received notice from the TCEA that its unit members have ratified the tentative agreement; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the tentative agreement with the TCEA as presented, for a successor agreement between the Town and TCEA from January 1, 2014 through December 31, 2015; and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized to execute said agreement between the Town and the Town of Cheektowaga Employees Association, Inc., subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 6. RESOLUTION 2016-452

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### Authorize Supervisor to Execute Quitclaim Deed

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

**WHEREAS**, TEAM R n' B, LLC, n/k/a TEAM R n' B WISCONSIN, LLC, a Wisconsin limited liability company d/b/a Famous Dave's Bar-B-Que is the owner of a property located at 1753 Walden Avenue, Cheektowaga, New York, AND

**WHEREAS**, TEAM R n' B, LLC, n/k/a TEAM R n' B WISCONSIN, LLC, is the record title holder of the property located at 1753 Walden Avenue in the Town of Cheektowaga, County of Erie and State of New York, AND

**WHEREAS** a parcel of land adjacent to 1753 Walden Avenue, Cheektowaga, New York approximately 20' x 100' being more particularly bounded and described as follows:

"Beginning at a point in the westerly line of Anderson Road sixty (60) feet wide as conveyed to the Town of Cheektowaga by deed recorded in the Erie County Clerk's office in Liber 6222 of Deeds at page 699 at its intersection with the south line of Walden Avenue as now laid out; then southerly along the west line of Anderson Road, a distance of One Hundred Eleven and nine hundredths (111.09) feet; then westerly at right angles twenty (20) feet; thence northerly parallel with the west line of Anderson Road, one hundred three and sixty-four hundredths (103.64) feet to the southerly line of Walden Avenue; then northeasterly along the southerly line of Walden Avenue twenty-one and forty-two hundredths (21.42) feet to the point of beginning" was omitted from a deed previously transferred, AND

**WHEREAS**, an examination of title shows the Town of Cheektowaga has no rightful interest in, has not assessed nor does it collect taxes from said tract or parcel of land, AND

**WHEREAS**, execution of a quitclaim deed from the Town of Cheektowaga to TEAM R n' B, LLC, n/k/a TEAM R n' B WISCONSIN, LLC cures a defect in title for the rightful and sole owner TEAM R n' B, LLC, n/k/a TEAM R n' B WISCONSIN, LLC, and allows for assessment of the property on the town's tax roll, AND

#### BE IT FURTHER

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute a Quitclaim Deed for consideration of \$1.00 and No More Dollars between the Town of Cheektowaga and TEAM R n' B, LLC, n/k/a TEAM R n' B, WISCONSIN, LLC together with any other documents that may be necessary to effectuate such transfer subject to approval of said documents by the Town Attorney's Office.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**   James P. Rogowski, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer  
**ABSENT:**       Timothy J. Meyers



## 7. RESOLUTION 2016-453

### Approve Cultural Group Funding for Cheektowaga Historical Association

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

WHEREAS, the Town, in its 2016 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 2015 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves agreement(s) with the cultural and not-for-profit organization(s) listed below for the amount(s) listed, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Historical Association	\$3,050.00

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 2016 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 8. RESOLUTION 2016-454

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### Accept Proposal of Clark Patterson Lee Dick Road Traffic Study

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**Sponsored By:** Supervisor Benczkowski, Councilmember Hammer

WHEREAS, The Town of Cheektowaga is responsible for the maintenance and operation of various traffic signals on all county highways within its Township. This Town Board, the Town's Traffic Safety Commission and the Traffic Division within the Police Department have expressed concern about the level of service to motorists along Dick Road, AND

WHEREAS, The Town has recently met with representatives of the Erie County Department of Public Works and the Greater Buffalo - Niagara Regional Transportation Council (GBNRTC) and discussed its concerns for level of service along Dick Road from Broadway to Genesee Street including the Town's maintenance obligation of such traffic signals on the County Highway and, the need to evaluate the synchronization/ timing of such traffic signals along the road corridor, AND

WHEREAS, The Town has a site plan and special use permit request pending for the redevelopment of an existing restaurant at 829 Dick Road, AND

WHEREAS, such redevelopment project includes the construction of a new restaurant/coffee shop with an accessory drive thru window for which the applicant prepared a traffic assessment of roadway intersections along Dick Road near the proposed restaurant, AND

WHEREAS, The Town desires to perform its own traffic assessment along portions of Dick Road and measure any potential traffic impact of the proposed restaurant to the level of service of Dick Road, AND

WHEREAS, the Town has received a proposal from Clark Patterson Lee, to perform a traffic analysis to confirm if any potential traffic impact will result from the proposed restaurant at 829 Dick Road, AND

WHEREAS, the cost of such traffic analysis will be \$2,600 if the Greater Buffalo - Niagara Regional Transportation Council (GBNRTC) can provide new turning movement data for various intersections, AND

WHEREAS, the cost of the traffic analysis will increase to a maximum of \$5,800, if GBNRTC cannot provide new turning movement data, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Clark Patterson Lee, 26 Mississippi, Suite 300, Buffalo New York 14203 as submitted to the Town Supervisor Town Engineer and dated July 26, 2016 is approved at a cost not to exceed \$5,800, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting

engineering agreement on behalf of this Town Board.

Motion was defeated due to lack of quorum.

Attachments:

Traffic Study Proposal - Clark Patterson (PDF)

**RESULT:** DEFEATED [3 TO 1]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Linda Hammer, Councilmember  
**AYES:** Diane Benczkowski, Christine Adamczyk, Linda Hammer  
**NAYS:** Gerald Kaminski  
**ABSTAIN:** James P. Rogowski  
**ABSENT:** Timothy J. Meyers



## 9. RESOLUTION 2016-455

### Authorize Supervisor to Execute Agreement with the Town of Cheektowaga Public Library for Improvements and Application for Grant Funding

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

WHEREAS, the New York State Education Department, Division of Library Development, under the Public Library Construction Grant Program ("State Grant"), is offering funds up to 75% of approved costs for renovation or rehabilitation of public libraries in New York State; and

WHEREAS, the Town of Cheektowaga is the owner of the land and building housing the Town of Cheektowaga Public Library Julia Boyer Reinstein Branch located at 1030 Losson Road, in the Town of Cheektowaga, and maintains such building under an arrangement with the Buffalo and Erie County Public Library System; and

WHEREAS, the Julia Boyer Reinstein Library building is in need of a new roof to improve energy efficiency and reduce damage to the building from inclement weather; and

WHEREAS, this project is eligible for funding under the aforementioned State Grant program; and

WHEREAS, the Town of Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Julia Boyer Reinstein Library, and, as per the guidelines for the State Grant, must be the applicant for such grant; and

WHEREAS, the Town of Cheektowaga will benefit from the aforementioned grant since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the required match for this grant;

NOW, THEREFORE, BE IT RESOLVED, that, as owner of the Julia Reinstein Library, the Town of Cheektowaga recognizes its responsibility to maintain the building and, in accordance with its responsibility, hereby commits One hundred-seventy-seven thousand three hundred and fifty nine dollars (\$177,359), minus the award amount to be used as local matching funds towards the State Grant, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute an agreement between the Town and the Town of Cheektowaga Public Library relating to the aforementioned improvements and application for grant funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers





## 10. RESOLUTION 2016-456

### Authorize Supervisor to Execute Application for Zombie and Vacant Properties Remediation and Prevention Initiative Grant

**Sponsored By:** Councilmember Hammer, Councilmember Rogowski

WHEREAS: Grant funds are available through the “Zombie” and Vacant Properties Remediation and Prevention Initiative administered by the Local Initiatives Support Corporation to support programs addressing homeowner retention, housing vacancy and blight prevention, with an emphasis on “zombie” property prevention and enforcement; and

WHEREAS: The Town of Cheektowaga has been invited to submit an application requesting between \$175,000 and \$250,000 based on the Town’s population, number of vacant properties and financial challenges; and

WHEREAS: These grant funds will enable the Town of Cheektowaga to partner with New York State to ensure implementation of, and compliance with, the newly enacted Zombie Law; and

WHEREAS: The grant funds may be used to support efforts to prevent future “zombie homes” by connecting homeowners to foreclosure prevention programs and support programs to address issues related to housing vacancy and blight, including programs dealing with vacant and tax delinquent properties; 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 Local Initiatives Support Corporation and, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 11. RESOLUTION 2016-457

### **Establish Account for Rehabilitation and Reconstruction of Local Highway (PAVE-NY)**

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

WHEREAS, the State Legislature provided \$100 million in enhanced State assistance to local governments for the rehabilitation and reconstruction of local highways, AND

WHEREAS, the Town of Cheektowaga has been notified by the State that it has relieved and apportionment of \$97,276.23, AND

WHEREAS, before the Town can avail itself of the PAVE-NY funding for capital project portion the Town must first spend the money and then seek reimbursement for PAVE-NY, 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 THEREFOR BE IT

RESOLVED, that the Director of Administration and Finance is hereby ordered to create said Capital Account for which PAVE-NY funds will be spent.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 12. RESOLUTION 2016-458

### Require Title of Community Development Aide to File Financial Disclosure Statement

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Code of Ethics of the Town of Cheektowaga (Chapter 18 of the Town Code) provides, in part, that certain Town employees/job titles must annually file a Financial Disclosure Statement with the Town of Cheektowaga Board of Ethics Committee; AND

WHEREAS, by resolution dated April 4, 2011, the Town Board listed certain individuals/job titles that are required to file said Financial Disclosure Statement; AND

WHEREAS, by resolution dated July 18, 2016, this Town Board made an appointment to the position of Community Development Aide; AND

WHEREAS, the Town Board has reviewed the duties and responsibilities for said job title and feels that the title of Community Development Aide should be required to annually file a Financial Disclosure Statement; NOW, THEREFORE BE IT

RESOLVED, that, effective immediately, the title of Community Development Aide is hereby added to the list of titles required to file a Financial Disclosure Statement and individual(s) appointed to said position be and hereby are required to annually file said Financial Disclosure Statement with the Town of Cheektowaga Board of Ethics Committee.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



### 13. RESOLUTION 2016-459

## Authorize Grantmakers Advantage, Inc. to Apply for Funding for Julia Boyer Reinstein Library

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

WHEREAS, the New York State Education Department, Division of Library Development, under the Public Library Construction Grant Program ("State Grant"), is offering funds up to 75% of approved costs for renovation or rehabilitation of public libraries in New York State; and

WHEREAS, the Town of Cheektowaga is the owner of the land and building housing the Town of Cheektowaga Public Library Julia Boyer Reinstein Branch ("Julia Boyer Reinstein Library") located at 1030 Losson Road in the Town of Cheektowaga, and maintains such building under an arrangement with the Buffalo and Erie County Public Library System; and

WHEREAS, the Julia Boyer Reinstein Library's roof is in need of replacement, and

WHEREAS, this project is eligible for funding under the aforementioned State Grant program; and

WHEREAS, the Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Julia Boyer Reinstein Library, and, as per the guidelines for the State Grant, must be the applicant for such grant, and

WHEREAS, the Town of Cheektowaga, as owner of the Julia Boyer Reinstein Library, would benefit from the aforementioned grant since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the local match for this grant, and

WHEREAS, this Town Board desires to have Grantmakers Advantage, Inc., the Town's grant consultant, assist the Cheektowaga Public Library with the application for the State Grant;

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby directs Grantmakers Advantage Inc. to complete the necessary application, forms, etc. to be submitted to the State Education Department, Division of Library Development for the purpose of securing this grant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 14. RESOLUTION 2016-460

### Hiring/Termination of Part-Time/Seasonal Employees

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

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

DEPARTMENT OF INFORMATION TECHNOLOGY AND RECORDS MANAGEMENT Clerk  
\$9.00/hour effective 8/2/16  
Kyle A. Zawadzki, Sloan, 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 \$9.25/hour effective 8/2/16  
Trevor D. Starzynski, Cheektowaga, New York  
Nicholas S. Fullington, Cheektowaga, New York

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

SANITATION DEPARTMENT  
Michael J. Cristina effective 7/6/16  
Anthony S. Jasinski effective 7/1/16

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to amend Resolution 2016-460 to remove the name Nicholas S. Fullington as Seasonal Employee in the Sanitation Department. Motion Carried.

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the reading of names for the following Resolution: 2016-460. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer  
**ABSENT:** Timothy J. Meyers





## 15. RESOLUTION 2016-461

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### Appointment of Acting Detective Michael J. Striejewske

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Detective in the Police Department; AND

WHEREAS, Police Officers assigned to the Detective Bureau must fulfill a six (6) month probationary period and complete an Intern Program; NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Striejewske of Cheektowaga, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective August 2, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 16. RESOLUTION 2016-462

### Appointment of Police Sergeant (Promotional) Caleb J. Harte

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a 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 Caleb J. Harte be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Police Officer Caleb J. Harte of Cheektowaga, New York, be and hereby is appointed to the position of Police Sergeant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Cheektowaga Police Club effective August 2, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 17. RESOLUTION 2016-463

### Appointment of Cleaner (Labor/Permanent) Facilities Department (Parks Division) Todd A Stucke

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

WHEREAS, a vacancy exists in the title of Cleaner in the Facilities Department (Parks Division); AND

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

WHEREAS, Todd A. Stucke, currently employed as a Motor Equipment Operator - B in the Highway Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Todd A. Stucke of Cheektowaga, New York, be and hereby is appointed to the position of Cleaner 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 August 15, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 18. RESOLUTION 2016-464

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### Travel Authorization Youth and Recreational Services

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Association of New York State Youth Bureaus Strategic Planning Conference is being held August 22, 2016 through August 23, 2016 in Hamilton, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has been recommended to attend said conference; AND

WHEREAS, Executive Director of Youth and Recreation 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 \$250; AND

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

RESOLVED, that Program Coordinator Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus Strategic Planning Conference being held August 22, 2016 through August 23, 2016 in Hamilton, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers



## 19. RESOLUTION 2016-465

### Travel Authorization Senior Services

**Sponsored By:** Councilmember Kaminski, Councilmember Adamczyk

WHEREAS, the Life, Liberty, and the Pursuit of Excellence in Senior Centers sponsored by the National Conference on Aging is being held September 26, 2016 through September 28, 2016 in Philadelphia, Pennsylvania; AND

WHEREAS, Director of Senior Services Kerry Peek and Recreation Supervisor Dawn Bellere have been recommended to attend said conference; AND

WHEREAS, Director of Senior Services Kerry Peek 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 \$1,625; AND

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

RESOLVED, that Director of Senior Services Kerry Peek and Recreation Supervisor Dawn Bellere be and hereby are authorized to attend the Life, Liberty, and the Pursuit of Excellence in Senior Centers sponsored by the National Conference on Aging being held September 26, 2016 through September 28, 2016 in Philadelphia, Pennsylvania.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers

## XII. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to waive the rules to include the following resolution: 2016-466. Motion Carried.



1. RESOLUTION 2016-466

**Authorize Supervisor to Execute Easement with National Fuel Gas Distribution Corporation**

**Sponsored By:** Supervisor Benczkowski, Councilmember Kaminski

WHEREAS, the Town of Cheektowaga is the owner of real property located on the southwest corner of Harlem Road and Clinton Street, AND

WHEREAS, the NYSDOT has plans to reconstruct a portion of Harlem Road, including the bridge over the Buffalo River, requiring the relocation of a 20" National Fuel Gas Distribution Corporation ("National Fuel Gas") pipeline, AND

WHEREAS, National Fuel Gas has requested a 35-foot wide permanent easement and a 100-foot wide temporary easement over a portion of this property for the relocation of natural gas distribution pipes, etc. to service residents in this area of Town, AND

WHEREAS, utilization of this land for the requested easement has been reviewed and approved by the Town Engineer subject to submission, review and approval by the Town Engineer and Town Attorney of final documents including a metes and bounds description and proper survey map of said easements, AND

WHEREAS, this Board is in agreement with the granting of this easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement, AND, BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution subject to permissive referendum in the CHEEKTOWAGA BEE.

\*\*\*\*\*

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on August 1, 2016, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to National Fuel Gas Distribution Corporation over Town-owned property located on the southwest corner of Harlem Road and Clinton Street for \$1.00.

A copy of such easement is on file in the Town Clerk's Office where 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer
<b>ABSENT:</b>	Timothy J. Meyers

### **XIII. Communications**

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

1. **Supervisor's Statement of Funds - June 2016**
2. **Quarterly Report: Town of Cheektowaga Emergency Services - April to June 2016**
3. **Minutes: Cheektowaga Traffic Safety Commission - January 19, 2016**
4. **Minutes: Cheektowaga Planning Board - July 14, 2016**

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

1. **Notice of Claim: Donna L. Harris vs. Town of Cheektowaga**
2. **Notice of Claim: Belinda LaFalce vs. Town of Cheektowaga**
3. **Notice of Claim: Lauren Skinner vs. Town of Cheektowaga**
4. **Notice of Petition: Brian & Cindy Hess vs. Town of Cheektowaga**
5. **Notice of Petition: Helen A. Niedbala vs. Town of Cheektowaga**
6. **Notice of Petition: Thomas & Alethe Rusiniak vs. Town of Cheektowaga**
7. **Notice of Petition: William R. Wild vs. Town of Cheektowaga**
8. **Notice of Petition: Lakeshore Distribution LLC vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga**
9. **Notice of Petition: HD Development of Maryland, Inc. vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga**
10. **Notice of Petition: French/Borden Partners LLC c/o Walgreens vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga**

11. **Notice of Petition: AMF Bowling Centers, Inc. vs. The Board of Assessors and/or the Assessor of the Town of Cheektowaga and the Board of Assessment**
12. **Notice of Petition: Buffalo Rapkin Corp. vs. The Board of Assessors and/or The Assessor of the Town of Cheektowaga and the Board of Assessment Review**
13. **Notice of Petition: 3770 Union Road vs. Town of Cheektowaga**
14. **Notice of Petition: Hutch Enterprises, Inc. vs. Town of Cheektowaga**
15. **Notice of Petition: Keller Chevrolet, Inc. vs. Town of Cheektowaga**
16. **Notice of Petition: Lovullo Associates, Inc. & Marauder Enterprises, LLC vs. Town of Cheektowaga**
17. **Notice of Petition: Kabir Group, Inc., Kabir Hotels, Inc. and Matajis, Inc. vs. Town of Cheektowaga**
18. **Notice of Petition: Bhavani Group, Inc. vs. Town of Cheektowaga**
19. **Notice of Petition: 3500 Genesee Associates, LLC vs. Town of Cheektowaga**
20. **Notice of Petition: Kabir's LLC vs. Town of Cheektowaga**
21. **Notice of Petition: Urbandale Development vs. Town of Cheektowaga**
22. **Notice of Petition: Rotor Motion, Inc. vs. Town of Cheektowaga**
23. **Notice of Petition: P. Ledoux, Inc. vs. Town of Cheektowaga**
24. **Notice of Petition: Marshall Kimmins vs. Town of Cheektowaga**
25. **Notice of Petition: McDonald's USA, LLC vs. Town of Cheektowaga**
26. **Notice of Petition: RMF Holoding, Inc. vs. Town of Cheektowaga**
27. **Notice of Petition: Walden Avenue Realty vs. Town of Cheektowaga**
28. **Notice of Petition: Goldi Group, Inc. vs. Town of Cheektowaga**
29. **Notice of Petition: PVDB6, LLC vs. Jeneen McSkimming, Assessor of the Town of Cheektowaga and The Board of Assessment Review of the Town of Cheektowaga, County of Erie and State of New York**

## **XIV. Comments**

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

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

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

## **XV. Adjournment**

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to adjourn the meeting at 8:30 PM.

Vickie L. Dankowski

Town Clerk



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

JOHN C. LOFFREDO, P.E.  
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

June 27, 2016

Mr. Anthony J. Pandolfe  
WM Schutt Associates  
37 Central Avenue  
Lancaster, NY 14086-2143

Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie

Dear Mr. Pandolfe:

This Department has received your request for site plan review of the proposed Tim Hortons Restaurant located at 829 Dick Road (CR-317) in the Town of Cheektowaga, and has the following comments:

Permit Requirements

The project sponsor will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 for construction of the proposed storm sewer within the Dick Road (CR-317) highway right-of-way.

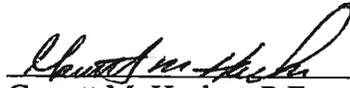
Traffic and Safety Concerns:

A traffic impact assessment was prepared on March 16, 2016, by SRF Associates. SFR has determined that the proposed development will not have significant adverse traffic impacts to the existing roadway network and no mitigation is recommended or warranted. We concur with the traffic impact assessment conclusions and therefore have no additional concerns.

Please feel free to call me at 858-8371 should you have any questions.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

  
Garrett M. Hacker, P.E.  
Senior Civil Engineer

Attn: Mr. Anthony J. Pandolfe  
WM Schutt Associates  
Re: Proposed Tim Hortons Restaurant  
829 Dick Road (CR-317)  
(T) of Cheektowaga, County of Erie  
Date: June 27, 2016  
Page: 2 of 2

cc: William Geary, Deputy Commissioner – Highways  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Richard Denning, Senior Highway Maintenance Engineer  
File: CR-317







SITE NOTES

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS (BY OTHERS) FOR EXACT NUMBERS, LOCATIONS, AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT LOCATIONS AND NUMBER OF BUILDING UTILITY ENTRANCES.
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER'S CONSTRUCTION DIVISION.
- CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED OWNER'S STANDARD SPECIFICATIONS OR AS SPECIFIED BY THE OWNER'S CONSTRUCTION DIVISION.
- THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL ENSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS, ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA, IN AN ADEQUATE AND SATISFACTORY MANNER.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
- REFERENCES TO NYSDOT STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, MAY 1, 2008," WITH ALL CURRENT ADDENDUMS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT LIGHTING POLES, FIXTURES WITH LAMPS AND PAINT WILL BE FURNISHED INSTALLED BY THE OWNER'S ELECTRICAL CONTRACTOR. THE ELECTRICAL CONTRACTOR SHALL PROVIDE THE OWNER A ONE-YEAR WARRANTY CERTIFICATE. ALL INCURRED COSTS FOR RECEIVING, STORAGE, LIABILITY WARRANTY AND LABOR SHALL BE INCLUDED IN THE INSTALLATION CONTRACT PRICE.
- PAVEMENT STRIPING AND PAINTING  
TRAFFIC CONTROL MARKINGS SHALL BE PAINTED WITH A WHITE TRAFFIC MARKING PAINT AS INDICATED ON THE DRAWINGS. PAINT SHALL BE SHERWIN WILLIAMS "PRO-MAR" TRAFFIC MARKING PAINT, SERIES B29.Y.2, OR EQUIVALENT. TRAFFIC PAINT # 63228.  
-ENTRANCE DIRECTIONAL ARROWS SHALL BE MARKED ON PAVEMENT IN WHITE IN LOCATION AND OF SIZE INDICATED ON DRAWINGS.  
-PAINT CONCRETE BASE AND BASE PLATE AT ALL PARKING LOT LIGHTING STANDARDS AND STEEL PIPE BASE OF HANDICAPPED PARKING IDENTIFICATION SIGN.
- SITE LIGHTING  
ALL CONDUIT SHALL BE ROUTED A MINIMUM OF 36" BELOW GRADE. VERIFY EXACT LOCATION AND METHOD OF WIRING ALL OUTDOOR LIGHTING STANDARDS WITH OWNERS REPRESENTATIVE.  
EXACT METHOD OF ROUTING OUTDOOR LIGHTING WIRING SHALL BE CAREFULLY COORDINATED BY SITE CONTRACTOR.  
UNLESS OTHERWISE NOTED, ALL EXTERIOR LIGHTING WIRING SHALL BE # 10 AWG COPPER AND SHALL BE ROUTED IN RIGID STEEL HEAVYWALL CONDUIT.  
MINIMUM CONDUIT SIZE IS 1".  
ALL POLES TO BE MOUNTED ON CONCRETE PEDESTALS 2' ABOVE GRADE, FOR A TOTAL MOUNTING HEIGHT OF 20' (MAX. HEIGHT ALLOWED IS 25 FEET).
- STUB EMPTY 2" CONDUIT OUT FROM BUILDING WALL. ROUTE TO PROPERTY LINE AND CAP FOR TELEPHONE INCOMING SERVICE. ROUTE CONDUIT MINIMUM OF 2'-6" BELOW FINISHED GRADE. COORDINATE ALL REQUIREMENTS WITH TELEPHONE CO. REPRESENTATIVE INCLUDING ALL TRENCHING, BACKFILL, ETC. AS MAY BE REQUIRED FOR A COMPLETE INCOMING UNDERGROUND TELEPHONE SERVICE.
- GRADING SHALL BE KEPT WITHIN THE LIMIT SHOWN ON THE GRADING PLAN. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
- BUILDING DIMENSIONS ARE NOT INTENDED FOR BUILDING LAYOUT. SPECIFIC LAYOUT DIMENSIONS SHOULD UTILIZE THE ACTUAL BUILDING PLANS. ANY DISCREPANCIES BETWEEN BUILDING PLANS AND THOSE INDICATED ON THESE PLANS SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHOULD STAKE OUT AND VERIFY EACH OF THE DIMENSIONS INDICATED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS, OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.
- ALL TRAFFIC CONTROL SIGNS, PAVEMENT MARKINGS AND TRAFFIC CONTROL SHALL CONFORM TO THE 2009 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, THE CURRENT NYS SUPPLEMENT AND NYSDOT 2012 WORK ZONE TRAFFIC CONTROL TYPICALS REGION 5 MANUALS.
- THE LOCATION OF UTILITIES AND OTHER FEATURES, AS SHOWN ON THE PLANS, ARE FROM THE BEST INFORMATION AVAILABLE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD INVESTIGATE AND DETERMINE THE EXACT LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION IN ORDER TO AVOID CONFLICTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT, SUPPORT AND MAINTAIN ALL EXISTING UTILITIES DURING THE COURSE OF HIS OPERATIONS. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL WORK WITHIN THE ROW OF DICK ROAD TO CONFORM TO ECDPW REQUIREMENTS AND SHALL REQUIRE OBTAINING A ECDPW HIGHWAY WORK PERMIT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL HIGHWAY WORK PERMITS AND GENERATION OF REQUIRED MAINTENANCE AND PROTECTION OF TRAFFIC PLAN. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL OTHER PERMITS NOT DESCRIBED HERE IN THIS NOTE (I.E. SWPPP, WATER PERMITS)
- THE PLANS AND SPECIFICATIONS FOR THIS PROJECT HAVE BEEN PREPARED WITH CARE AND ARE INTENDED TO SHOW AS CLEARLY AS IS PRACTICABLE THE WORK REQUIRED TO BE DONE. THE CONTRACTOR MUST REALIZE, HOWEVER, THAT CONSTRUCTION DETAILS CAN NOT ALWAYS BE ACCURATELY ANTICIPATED AND THAT IN EXECUTING THE WORK, FIELD CONDITIONS MAY REQUIRE REASONABLE MODIFICATIONS IN THE DETAILS OF PLANS AND QUANTITIES OF WORK INVOLVED. ALL WORK MUST BE CARRIED OUT TO MEET ACTUAL FIELD CONDITIONS TO THE SATISFACTION OF THE ENGINEER AND DEVELOPER IN ACCORDANCE WITH THEIR INSTRUCTIONS.

DETAILS

- INTEGRAL CURB/SIDEWALK
- TYPE "A" CONCRETE CURB
- STANDARD DUTY ASPHALT SECTION
- EXTERIOR CONCRETE SLAB ON GRADE
- 90° PARKING STALL LAYOUT
- HANDICAP PAVEMENT MARKINGS
- INTERNATIONAL HANDICAP SYMBOL
- HANDICAP PARKING SIGN
- NO PARKING SIGN
- DUMPSTER ENCLOSURE
- PAINTED TRAFFIC ARROWS
- PIPE BOLLARD
- STOP BAR
- 45° PAVEMENT MARKING
- HANDICAP RAMP
- CONCRETE SIDEWALK
- PYLON SIGN

NOTES

- LANDSCAPED (LAWN) AREA, TOPSOIL AND (GRASS) SEED
- LANDSCAPED (PLANTING BED) AREA, TOPSOIL AND MULCH
- "ENTER" SIGN (SEE DRAWINGS BY OTHERS)
- "EXIT" SIGN (SEE DRAWINGS BY OTHERS)
- "DRIVE THRU" SIGN
- "THANK YOU" SIGN, "DO NOT ENTER" SIGN
- TAPER CURB FROM 6" TO 0" REVEAL IN 2'
- SNOW STORAGE AREA WITH 45° PAVEMENT MARKING
- DRIVE THRU PRE-SELL BOARD
- DRIVE THRU MENU BOARD W/SPEAKER
- TACTILE WARNING
- YELLOW CENTER LINE STRIPE PER ECDPW REQUIREMENTS.
- GRASS LINED STORMWATER DETENTION BASIN

PARKING REQUIREMENTS

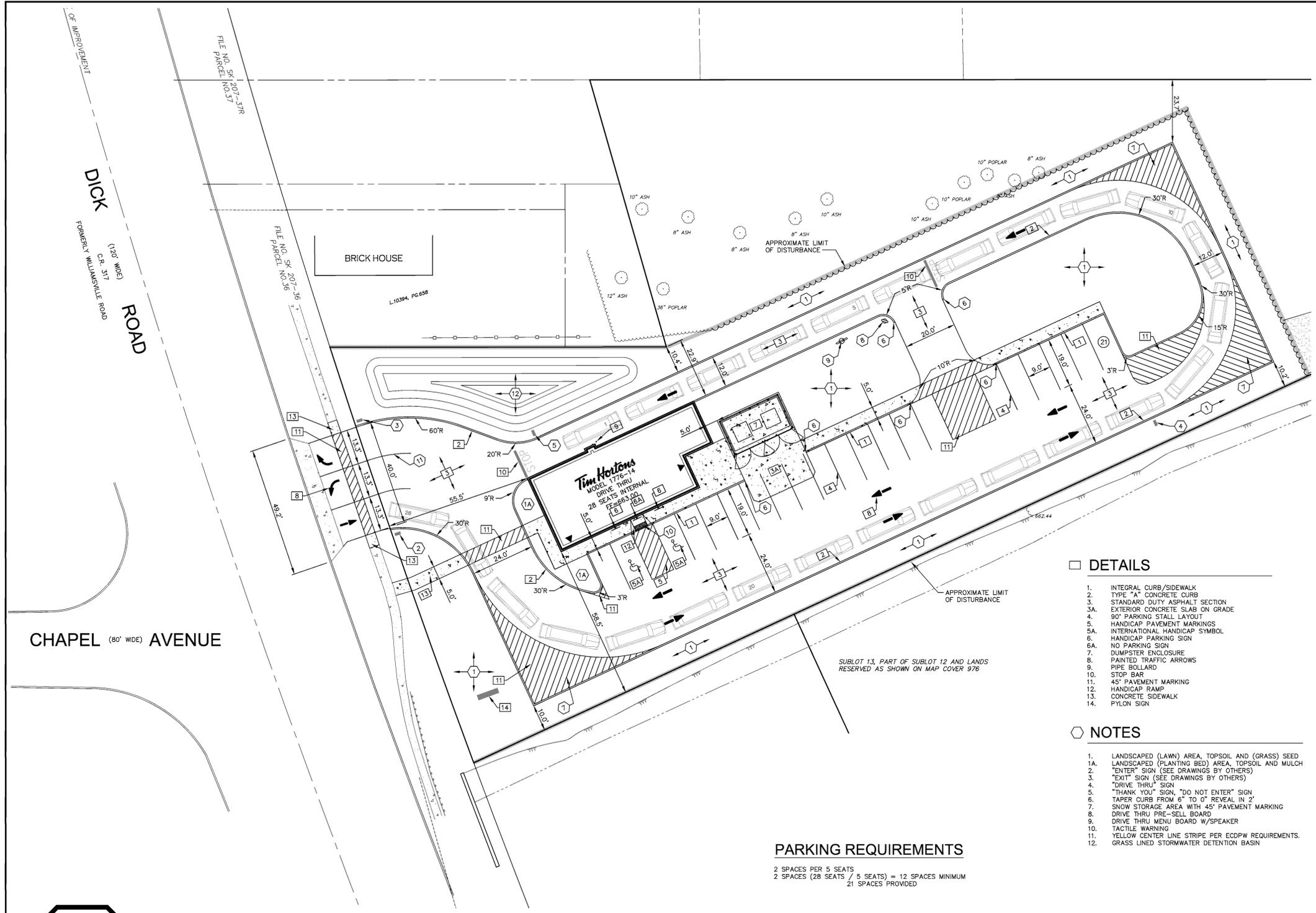
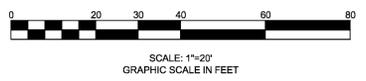
2 SPACES PER 5 SEATS  
 2 SPACES (28 SEATS / 5 SEATS) = 12 SPACES MINIMUM  
 21 SPACES PROVIDED

DETAILS OF DEVELOPMENT			
ZONING		C-RETAIL BUSINESS DISTRICT	
		REQUIRED	PROVIDED
BUILDING SETBACKS	FY	50'	55.5'
	RY	10'	660'
	INT. SY	10'	22.9'/58.5'
NET LOT AREA		81,769± sq.ft.	
LOT COVERAGE		-	37%
BUILDING COVERAGE		-	2.4%
BUILDING HEIGHT		30' MAX.	20.33'
GROSS FLOOR AREA		1776 sq.ft.	
No. of UNITS		12	21
PARKING SETBACKS	FY	25'	67.9'
	RY	10'	431.5'
	SY	10'	10'/10.4'

LEGEND

- SIGN
- BUILDING ENTRANCE
- PAINTED PAVEMENT MARKING
- CONCRETE
- HANDICAPPED PARKING STALL
- NUMBER OF PARKING SPACES
- DRIVE THRU STACKING

NOTE: ESTIMATED CONSTRUCTION SCHEDULE- CONSTRUCTION SHALL BE COMPLETED 90 DAYS FROM BUILDING PERMIT ISSUE DATE



DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: PWB  
 DRAWN BY: DLS  
 CHECKED BY: WES  
 DATE: MARCH 2016

**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
 LANCASTER, NY 14086-2143  
 PH: 716-683-5961  
 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

**Tim Hortons**  
 829 DICK ROAD  
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE PLAN AND NOTES**

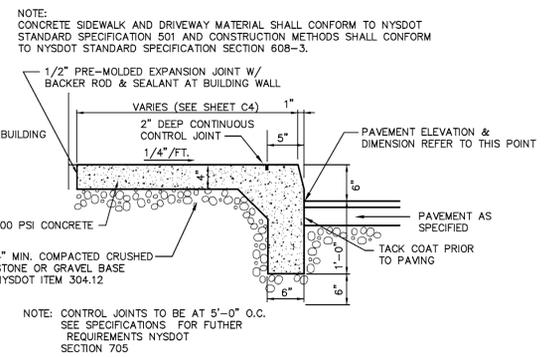
THIS SHEET ISSUED APRIL 1, 2016  
**C4**  
 DRAWING SCALE: 1"=20'  
 WSA PROJECT NO. 15212



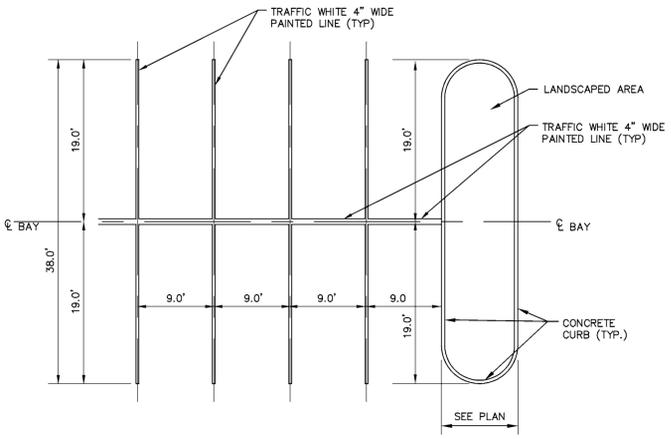
**IMPORTANT NOTE:**  
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

**CAUTION - NOTICE TO CONTRACTOR**  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

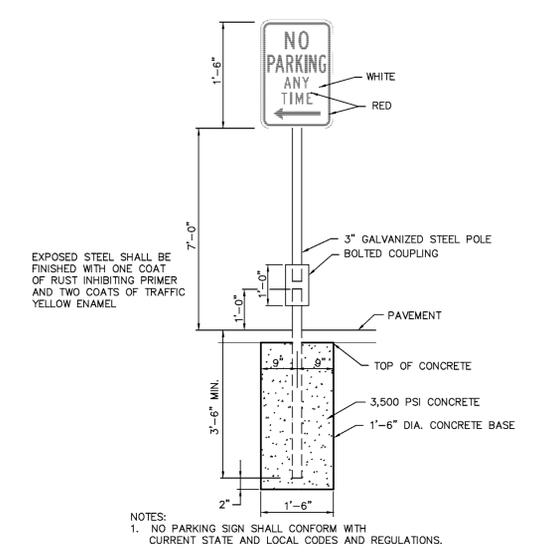
**IMPORTANT NOTE:**  
 CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7862) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.



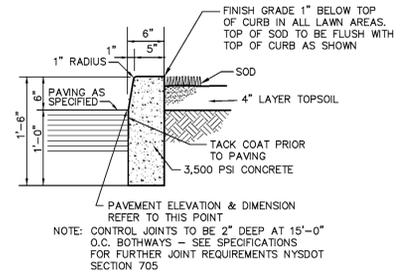
INTEGRAL CURB/SIDEWALK DETAIL - 1  
N.T.S.



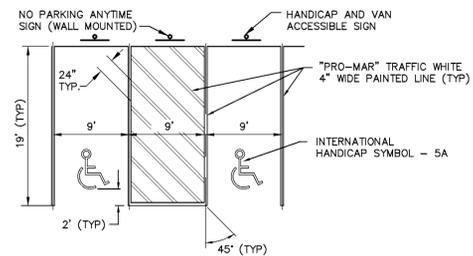
90° PARKING SPACE STRIPING - 4  
N.T.S.



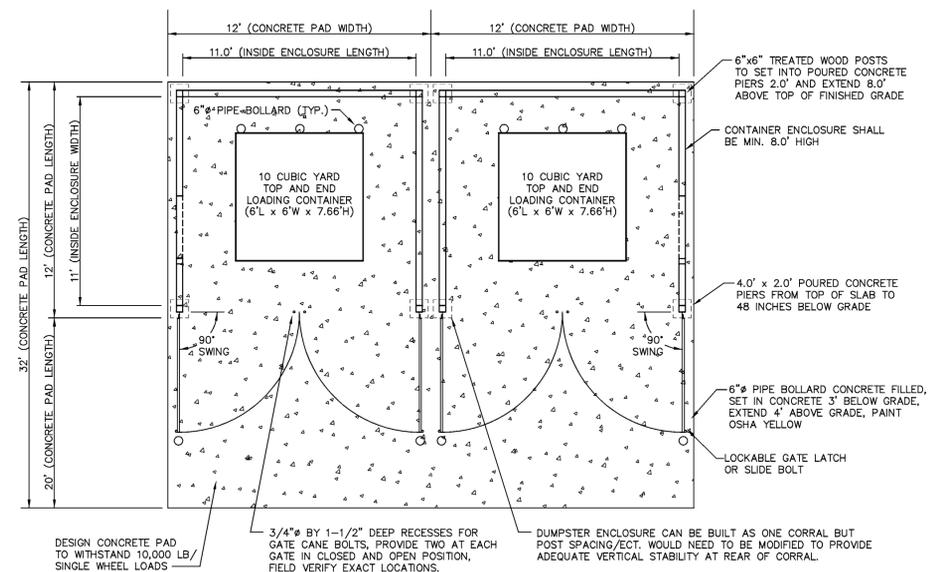
NO PARKING SIGN - 6A  
N.T.S.



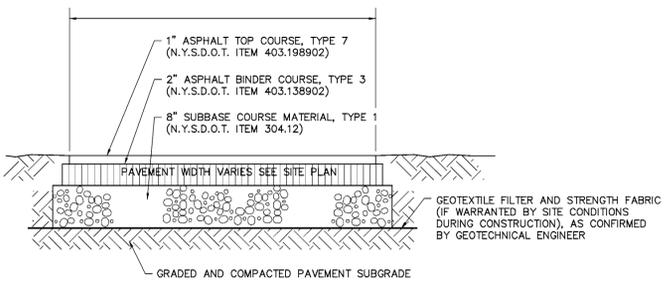
TYPE "A" CONCRETE CURB - 2  
N.T.S.



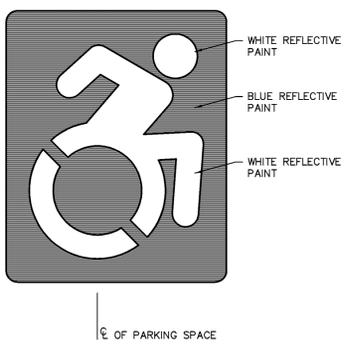
HANDICAP PAVEMENT MARKINGS - 5  
N.T.S.



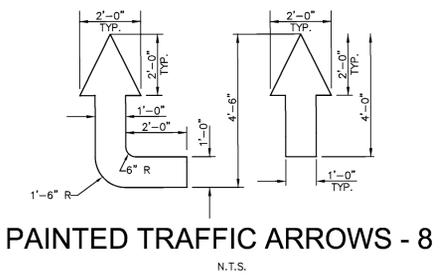
DUMPSTER ENCLOSURE - 7  
N.T.S.



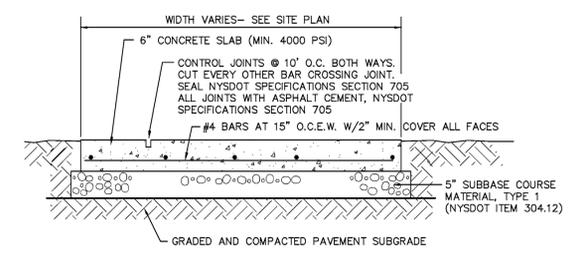
STANDARD DUTY ASPHALT SECTION - 3  
N.T.S.



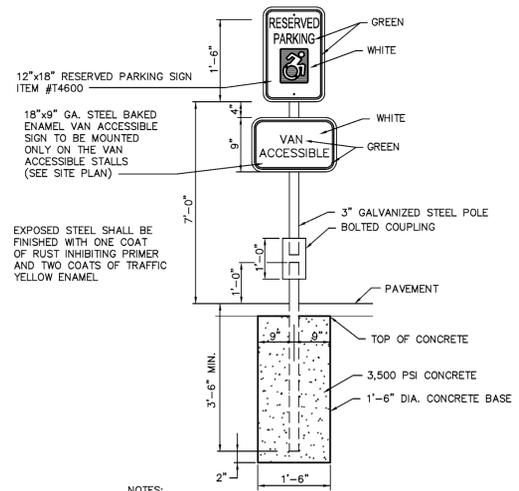
INTERNATIONAL HANDICAP SYMBOL - 5A  
N.T.S.



PAINTED TRAFFIC ARROWS - 8  
N.T.S.



EXTERIOR CONCRETE SLAB ON GRADE - 3A  
N.T.S.



HANDICAP PARKING SIGN - 6  
N.T.S.

DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY:	PMB
DRAWN BY:	DLS
CHECKED BY:	WES
DATE:	MARCH 2016

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**WM SCHUTT ASSOCIATES**  
 37 CENTRAL AVE.  
 LANCASTER, NY 14086-2143  
 PH. 716-685-5961  
 FAX 716-683-0169  
 WWW.WMSCHUTT.COM

**Tim Hortons**  
 829 DICK ROAD  
 TOWN OF CHEEKTOWAGA - ERIE COUNTY - NEW YORK

**SITE DETAILS**

THIS SHEET ISSUED APRIL 1, 2016
<b>C4.1</b>
DRAWING SCALE: AS NOTED
WSA PROJECT NO. 15212

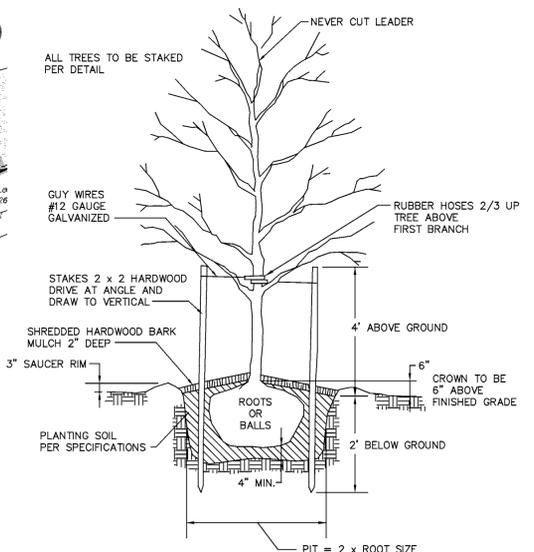
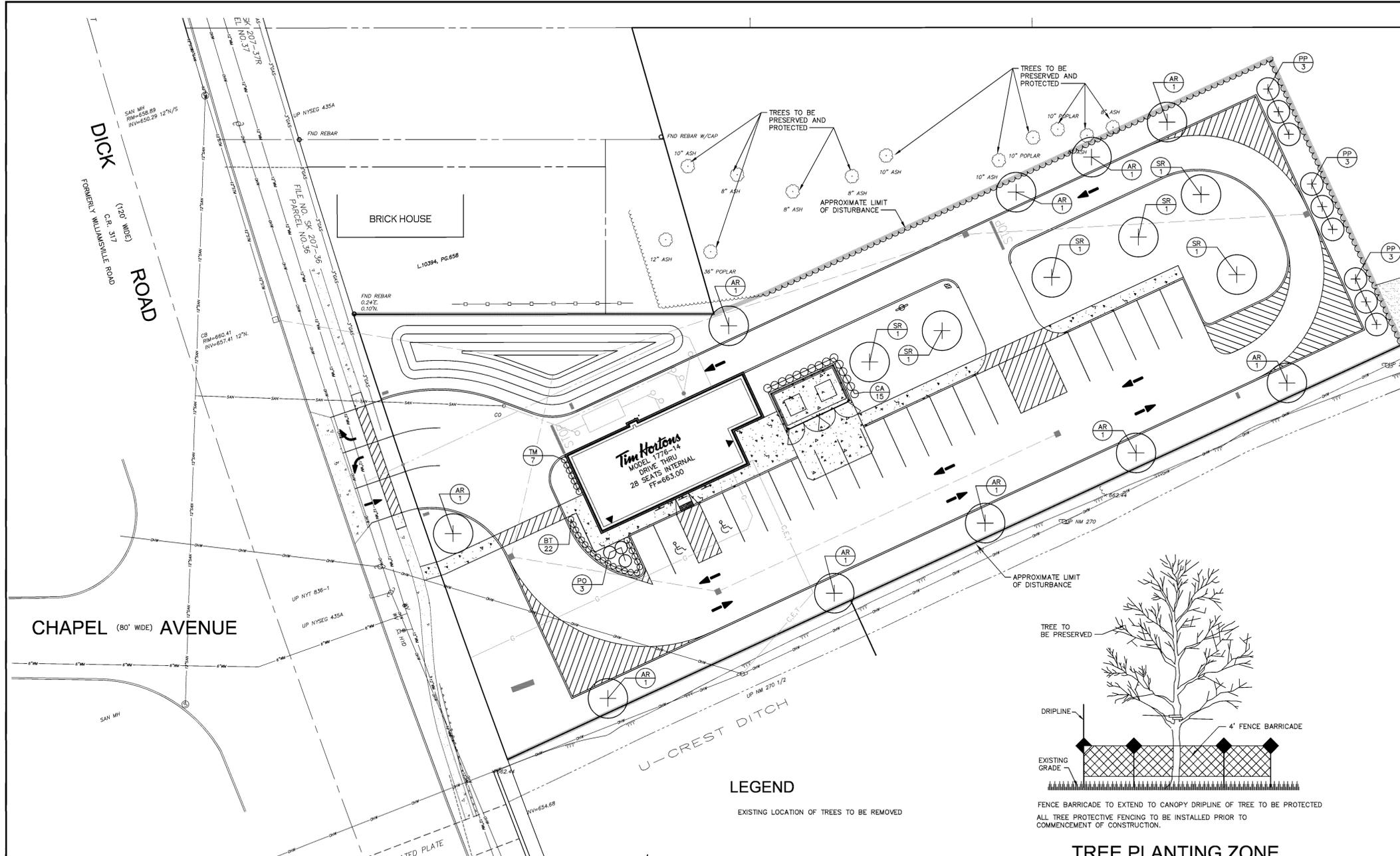




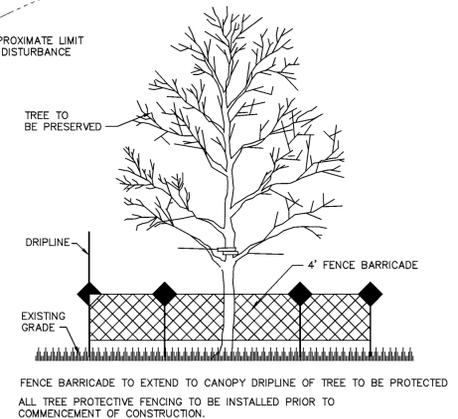








TREE PLANTING DETAIL



TREE PLANTING ZONE

TREE PROTECTION DURING CONSTRUCTION

TREE PROTECTION SHALL BE ESTABLISHED, BEFORE ANY CLEARING OR CONSTRUCTION IS BEGUN.

ALL TREES TO BE PRESERVED ARE TO BE CLEARLY MARKED AND PROTECTED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. A TREE PROTECTION ZONE IS TO BE ESTABLISHED AROUND EACH TREE OR GROUP OF TREES TO BE SAVED. THE TREE PROTECTION ZONE IS AN AREA AROUND EACH TREE OR GROUP OF TREES WHICH NO CONSTRUCTION ACTIVITY OF ANY KIND IS ALLOWED.

THE TREE PROTECTION ZONE IS CLEARLY DELINEATED WITH TEMPORARY FOUR-FOOT BRIGHT ORANGE POLYPROPYLENE FENCE BARRICADE. THE FENCING IS TO EXTEND AS FAR OUT AS THE BRANCH SPREAD OF THE TREES (SEE EXAMPLE BELOW). TREE PROTECTION SIGNS ARE TO BE PLACED ON THE FENCE BARRICADE.

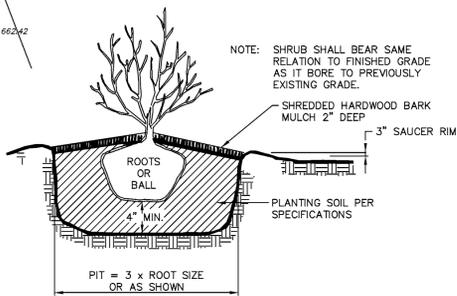
NO GRADING, FILLING, DITCHING, EQUIPMENT PARKING, OR MATERIAL STORAGE WITHIN THE TREE PROTECTION ZONE. NO CHEMICAL OR CEMENT RINSING WITHIN TREE PROTECTION ZONE. NO BURNING OF TRASH OR DEBRIS WITHIN TREE PROTECTION ZONE.

TO THE GREATEST EXTENT PRACTICAL, UTILITY TRENCHES SHALL BE LOCATED OUTSIDE OR THE TREE PROTECTION ZONE. IF AN UNDERGROUND LINE MUST GO NEAR A TREE, TUNNEL OR AUGER UNDERNEATH MAJOR ROOTS WITHOUT CUTTING THEM.

CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE TYPES OF GROUT, TRUNK, AND LIMB DAMAGE; INCLUDING BUT NOT LIMITED TO, RETAINING WALLS WHICH PREVENT FILLING ON TOP OF ROOTS OR EXCAVATING TREE ROOTS.

LEGEND

EXISTING LOCATION OF TREES TO BE REMOVED



SHRUB PLANTING DETAIL

GRASS SEED MIX FOR ALL LAWN AREAS

ALL UNSURFACED AREAS ARE TO BE RECEIVED FOUR INCHES OF TOPSOIL. SEED, MULCH AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.

- 30% COCHISE IV TALL FESCUE
- 30% 3rd MILLENNIUM SRP TALL FESCUE
- 30% RHAMBLER SRP TALL FESCUE
- 10% PROTEGE GLRI PERENNIAL RYEGRASS

SOW SEED AT 4 POUNDS PER 1000 SF



**IMPORTANT NOTE:**  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

**IMPORTANT NOTE:**  
CONTRACTOR IS TO CONTACT THE "UNDERGROUND FACILITY PROTECTIVE ORGANIZATION" (1-800-962-7962) TO HAVE ALL EXISTING UTILITIES LOCATED AND MARKED PRIOR TO ANY DEMOLITION, CONSTRUCTION OR EXCAVATION ON THE SITE.

**CAUTION - NOTICE TO CONTRACTOR**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

PLANTING LIST - TREES

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
AR	10	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2.5" CAL.	B&B	STRONG LEADER - BALANCED FORM
SR	6	SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK JAPANESE TREE LILAC	2.5" CAL.	B&B	
PP	9	PICEA PUNGENS	COLORADO SPRUCE	6' HGT.	B&B	

PLANTING LIST - SHRUBS

TM	7	TAXUS MEDIA 'HICKSII'	HICKS YEW	24"		
BT	22	BERBERIS THUNBERGII 'BOGOZAM'	BONANZA GOLD BARBERRY	NO. 3 CONT.		
PO	3	'DONNA MAY'	DONNA MAY NINEBARK	NO. 3 CONT.		
CA	15	CALAMAGROSTIS ACUTIFOLIA 'KARL FOERSTER'	KARL FOERSTER'S REED GRASS	NO. 2 CONT.		



DRAWING REVISIONS

ITEM	DATE	DESCRIPTION

DESIGNED BY: PWB  
 DRAWN BY: DLS  
 CHECKED BY: WES  
 DATE: MARCH 2016

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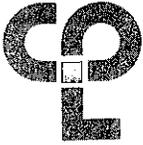
**SITE LANDSCAPE PLAN AND DETAILS**

Attachment: Civil Plans (RES-2016-390 - Accept Site Plan- 829 Dick Road)





print key	loc st nbr	pre fix	loc st name	loc mall st suff	PO st	Blocks (walk) 4" SW Sections	Approach 6" DW Sections	Comments	owner name	Zowner name	Attention to:	P.O. Box	Address	address2	City	State	ZIP
91.10-2-7	354		Danbury	Drive		4	7	Corner @ Heather	Brian P. Crossley	Cynthia L. Crossley			354 Danbury Dr.		Cheektowaga	NY	14225-2128
91.10-3-7	367		Danbury	Drive		2			Melissa Pilinger	Ariel Pilinger			367 Danbury Dr.		Cheektowaga	NY	14225-
91.10-3-6	371		Danbury	Drive		1			Susan M. Santoro				371 Danbury Dr.		Cheektowaga	NY	14225-
91.10-3-5	375		Danbury	Drive		8	2		Joyce A. Hayes				375 Danbury Dr.		Cheektowaga	NY	14225-
91.10-3-4	1		Heather	Road		8			Michelle A. Stevens				1 Heather Rd.		Cheektowaga	NY	14225
91.10-3-3	3		Heather	Road		9	2		Saeed Saleh				3 Heather Rd.		Cheektowaga	NY	14225
91.10-3-2	5		Heather	Road		1			Pasquale R. Vitale	& Kimberly Ann Rivera			5 Heather Rd.		Cheektowaga	NY	14225
91.10-3-1	7-9		Heather	Road		11	4	Duplex	William Olear Revocable Living Trust				7 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-25	11		Heather	Road		1	2		James M. Borynski	Kimberley A. Borynski			11 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-27	17		Heather	Road		10	2		Moussa Alhaqashi				17 Heather Rd.		Cheektowaga	NY	14225
91.07-13-28	19		Heather	Road		1	3		Andrew & Deborah Wagner				19 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-29	25		Heather	Road		2	2		Nicholas Lang				25 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-30	31		Heather	Road		1	2		Michael G. Arber & W				31 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-31	35		Heather	Road		3	2		Francis R. Norman				35 Heather Rd.		Cheektowaga	NY	14225
91.07-13-32	41		Heather	Road		2	2		Angelo Muscarella				41 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-33	47		Heather	Road		6	4		Robert Whalen				47 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-35	57		Heather	Road		4			James M. Wilson				57 Heather Rd.		Cheektowaga	NY	14225
91.07-13-36	63		Heather	Road		4			Linda H. Alvarez				63 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-37	67		Heather	Road		5	2		Dylan D. Casteel				67 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-39	77		Heather	Road		4	4		Russell S. Thompson	& Patricia L.			77 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-40	83		Heather	Road		2			Ronald T. & Glori Hajewski				83 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-41	89		Heather	Road		2			Randy W. Weston				89 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-42	95		Heather	Road		3	3		Christine A. Goerss				95 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-43	101		Heather	Road		3			Richard R. Kusz	Patricia Kusz			101 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-44	107		Heather	Road		2	2		Rosemary Roberts				107 Heather Rd.		Cheektowaga	NY	14225-
91.07-13-1	111		Heather	Road		6			Melvin C .Breidenstein & W				111 Heather Rd.		Cheektowaga	NY	14225-
91.06-10-17	112		Heather	Road		6			Georgann H. Limpert				112 Heather Rd.		Cheektowaga	NY	14225-
91.06-10-18	104		Heather	Road		11	4	Corner Cloverdale	Natisha R. Mosier				104 Heather Rd.		Cheektowaga	NY	14225
91.06-11-25	96		Heather	Road		3	2		Suzette M. Baginski				96 Heather Rd.		Cheektowaga	NY	14225
91.06-11-26	86		Heather	Road		2			Donna M. Keefe	Patrick T. Keefe			86 Heather Rd.		Cheektowaga	NY	14225-
91.06-11-27	78		Heather	Road		2	3		Equity Trust Co, Custodian	F/B/O/ Robert Koerutgen II			141 Fernwood		Grand Island	NY	14072
91.06-11-28	72		Heather	Road		2	2		Charmaine M. Twarozek				72 Heather Rd.		Cheektowaga	NY	14225-
91.06-11-29	64		Heather	Road		4	2		Michael Baker	Sara A. Baker			64 Heather Rd.		Cheektowaga	NY	14225-
91.06-11-30	50		Peachrow	Lane		4			Michael C. Wendel				50 Peachrow Ln.		Cheektowaga	NY	14225-
91.06-12-2	38		Heather	Road		3	1		Jamie D. Spencer				38 Heather Rd.		Cheektowaga	NY	14225
91.06-12-3	32		Heather	Road		2			Ronald S. Block	Carmen R. Block			32 Heather Rd.		Cheektowaga	NY	14225
91.06-12-4	24		Heather	Road		5	2	Corner Gardenvale	Linda L. Schmigiel				24 Heather Rd.		Cheektowaga	NY	14225-
91.06-14-34	6		Heather	Road		13			Ann F. Upchurch				6 Heather Rd.		Cheektowaga	NY	14225-
91.06-12-1	41		Peachrow	Lane		8	2	Heather sideyard	Leonard L. Sterling				41 Peachrow Ln.		Cheektowaga	NY	14225
91.10-1-34	292		Seton	Road		14		Corner Heather	Zsuzsanna M. Heilig				292 Seton Rd.		Cheektowaga	NY	14225-
91.10-2-6	287		Seton	Road		8		Corner Heather	Arthur Mallwitz & W				287 Seton Rd.		Cheektowaga	NY	14225-



**Clark  
Patterson  
Lee**

July 26, 2016

Supervisor Diane Benczkowski  
Town of Cheektowaga  
3301 Broadway  
Cheektowaga, NY 14227

**Re: Intersection Traffic Analyses  
Cheektowaga, New York**

Dear Supervisor Benczkowski:

On behalf of Clark Paterson Lee (CPL) we are pleased to submit our proposal for intersection traffic analyses.

### **Project Understanding**

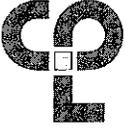
The Town is interested in understanding the existing conditions on Dick Road between Genesee Street and George Urban Boulevard, in order to ascertain the potential impact of a proposed fast food facility at the former Captain's Cove restaurant at 829 Dick Road. The Town would like an analysis of several intersections to determine the existing conditions. The Town has specifically asked that the intersection of Dick Road with both Genesee Street and with George Urban Boulevard be included in the analysis. In addition, we recommend that the Dick Road/Chapel Avenue intersection be analyzed as it is across the street from the site, as well as the intersections of Dick Road with Barone Circle/Homewood Suites and Dick Road with the eastbound Kensington Expressway (NY Route 33) off-ramp as these are signalized intersection in close proximity to the site.

### **Project Scope of Services**

To establish the existing conditions, traffic counts at each of the five (5) intersections to be included in the study will need to be obtained. We have investigated data available on the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) website for previous traffic counts. Of the five (5) intersections noted above, only the intersection of George Urban Boulevard with Dick Road had previous count data available. One day of intersection turning movement counts at the remaining four (4) intersections noted will need to be obtained for the morning (6am to 9am), midday (11am to 1pm), and evening (3pm to 6pm) peak times. The GBNRTC has historically worked with local municipalities to obtain this type of data free of charge to the municipalities. Should the GBNRTC not be able to provide this information, CPL is also capable of obtaining the turning movement counts.

ARCHITECTURE  
ENGINEERING

PL Packet Pg. 52



July 26, 2016  
Page 2

This traffic data will be entered into Synchro, a New York State Department of Transportation (NYSDOT) approved traffic modeling software. The existing data will be analyzed to determine the existing level of service (LOS) and delay at the subject intersections. We will prepare a letter report summarizing the findings. Existing traffic count data, and the aforementioned Synchro analyses will be provided as an attachment to the letter.

### **Project Cost Proposal**

Assuming GBNRTC will be able to provide the intersection turning movement counts, CPL will provide the above Scope of Services for a not-to-exceed cost of \$2,600. Should CPL also need to obtain the intersection turning movement counts, CPL will provide that for an additional not-to-exceed cost of \$3,200

We are thankful for the opportunity to provide our proposal to you. Should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,  
Clark Patterson Lee

Jennifer L. Michniewicz, P.E., RTOE  
Principal Associate

Brian J. Kulpa, AIA  
Senior Associate



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, August 15, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on August 15, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Mark Wegner, Highway Superintendent

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Hammer to approve the minutes. Motion carried.

**VII. Public Comment Period**

**VIII. Public Hearings**

**IX. Presentation**

**X. Resolutions**



## 1. RESOLUTION 2016-467

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

FROM:	700.5011.0800	Village of Depew-Sidewalk Replacement	\$3,000.00
	700.5012.0500	Village of Depew-Sidewalk Replacement	4,000.00
	700.5013.0500	Village of Depew-Sidewalk Replacement	4,358.85
	700.5013.0600	Village of Depew-Housing Rehab. Single	6,361.97
	700.9013.0602	Village of Sloan-Demolitions	20,000.00
	700.9013.0710	Village of Sloan-Playground Equipment	4,106.07
	700.9014.0602	Village of Sloan-Demolitions	10,000.00
	700.9014.0710	Village of Sloan-Playground Equipment	10,000.00
TO:	700.5014.0710	Village of Depew-Senior Rec. Sup.&Eq.	\$6,748.82
	700.5014.0711	Village of Depew-Senior Cen. Light. Enh.	6,972.00
	700.9013.0710	Village of Sloan-Rec. Supplies&Equip.	4,000.00
	700.9014.0662	Village of Sloan-Drainage&Sewer Imp.	44,106.07

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-468

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 15, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$130,668.72
RISK RETENTION FUND	27,889.69
NYS HOME PROGRAM	0.00
DEBT	1,136.00
HUD HOUSING REHABILITATION FUND	19,203.00
SPECIAL DISTRICTS FUND	184,957.53
HIGHWAY FUND	502,840.25
CAPITAL FUND	494,303.07
TRUST & AGENCY FUND	2,833.75
HUD CDBG FUND	5,678.56
PART TOWN FUND	1,466.21
NYS AFFORDABLE HOUSING	3,327.00
	<hr/>
	\$1,374,303.78

Motion by Councilmember Hammer, Seconded by Supervisor Benczkowski to amend Resolution 2016-468 to pull Voucher No. 3510295024. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-469

## Amend Resolution 2016-449 Calling For A Public Hearing

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, by Resolution 2016-449, adopted August 1, 2016, this Town Board called for a Public Hearing to amend Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); and

WHEREAS, said Resolution mistakenly set forth certain streets that should not have been included in the amendment to Section 235-33(A), Alternate Side Parking, and said Resolution must be corrected; and

WHEREAS, said Resolution called for a Public Hearing to take place on August 15, 2016 and since said Resolution must be amended, a new Public Hearing date must be set; **NOW, THEREFORE, BE IT**

**RESOLVED**, that **ARTICLE V. Schedules, Section 235-49 (A). Schedule X(1): Alternate Parking in Designated Locations:** shall be amended by **DELETING** therefrom the following named streets:

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road;

and be it further

**RESOLVED**, that **ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations**, shall be amended by **ADDING** thereto the following streets or parts of streets or parts of streets:

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road;

and be it further

**RESOLVED**, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on **September 6, 2016, 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.

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**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 **September 6, 2016, at 6:45 P.M.** to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

• **ARTICLE IV, Parking, Standing and Stopping**, shall be amended by **adding** thereto the following:

**§ 235-33(A). Alternate Side Parking.**

No person shall park a vehicle upon the North or East sides from 5:00 p.m. Monday to 5:00 p.m. Thursday, nor upon the South or West sides from 5:00 p.m. Thursday to 5:00 p.m. Monday, on any of the streets or parts of streets listed in **Schedule X(1)**, attached to and made part of this chapter.

• **ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations**, shall be amended by **deleting** therefrom the following streets or parts of streets or parts of streets:

**ANDREWS AVENUE** - East side: from north curblineline of Genesee Street to south curblineline of East Delavan Avenue.

**ATWOOD PLACE** - East side: from north curblineline of Genesee Street to dead end.

**BARBARA PLACE** - East side: from north curblineline of Genesee Street to south curblineline of Atwood Place.

**CAROL DRIVE** - East side: from north curb to East Delavan Avenue to south curb of Rowan Road.

**IVANHOE ROAD** - East side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**LONG AVENUE** - East side: from north curblineline of Genesee Street northerly to south curblineline of Schoedel Avenue.

**MARNE ROAD** - West side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**PRESTON ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Rowan Road.

**SCHOEDEL AVENUE** - North side: from west curblineline of Long Avenue westerly to east curblineline of Barbara Place.

\*\*\*\*\*

• **ARTICLE V. Schedules**, shall be amended by **adding** the following:

**ARTICLE V. Schedules, Section 235-49(A), Schedule X(1): Alternate Parking in Designated Locations:**

In accordance with the provisions of § 235-33 (A), no person shall park a vehicle upon the North or East sides from 6:00 p.m. Monday to 6:00 p.m. Thursday, nor upon the South or West sides from 6:00 p.m. Thursday to 6:00 p.m. Monday, on any of the following described streets or parts of streets:

**ANDREWS AVENUE** - East side: from north curblineline of Genesee Street to south curblineline of East Delavan Avenue.

**ATWOOD PLACE** - East side: from north curblineline of Genesee Street to dead end.

**BARBARA PLACE** - East side: from north curblineline of Genesee Street to south curblineline of Atwood Place.

**CAROL DRIVE** - East side: from north curb to East Delavan Avenue to south curb of Rowan Road.

**IVANHOE ROAD** - East side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**LONG AVENUE** - East side: from north curblineline of Genesee Street northerly to south curblineline of Schoedel Avenue.

**MARNE ROAD** - West side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**PRESTON ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Rowan Road.

**SCHOEDEL AVENUE** - North side: from west curblineline of Long Avenue westerly to east curblineline of Barbara Place.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



#### 4. RESOLUTION 2016-470

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### Motion To Rescind Determination On Resolution No. 2016-386

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Resolution No. 2016-386, entitled "Negative SEQR Declaration - 829 Dick Road," was sponsored by Councilmember James Rogowski and seconded by Supervisor Diane Benczkowski on August 1, 2016; and

WHEREAS, on account of three abstentions and the absence of one Councilmember from the Cheektowaga Town Board meeting on August 1, 2016, a majority of the Cheektowaga Town Board did not vote to approve or to disapprove Resolution No. 2016-386; and

WHEREAS, the Cheektowaga Town Board desires to vote upon a new resolution that would issue a negative SEQR declaration for the 829 Dick Road parcel, absent abstentions and with the participation of a full complement of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Cheektowaga Town Board hereby rescinds its vote taken on August 1, 2016, on Resolution No. 2016-386.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-471

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### Motion To Rescind Determination On Resolution No. 2016-390

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Resolution No. 2016-390, entitled "Accept Site Plan - 829 Dick Road Silvertip Ventures, LLC," was sponsored by Councilmember James Rogowski and seconded by Supervisor Diane Benczkowski on August 1, 2016; and

WHEREAS, on account of the absence of one Councilmember from the Cheektowaga Town Board meeting on August 1, 2016, a majority of the Cheektowaga Town Board did not vote to approve or disapprove Resolution No. 2016-390; and

WHEREAS, the Cheektowaga Town Board desires to vote upon a new resolution that would accept the site plan offered by Silvertip Ventures, LLC, for the 829 Dick Road parcel, with the participation of a full complement of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Cheektowaga Town Board hereby rescinds its vote taken on August 1, 2016, on Resolution No. 2016-390.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-472

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### Negative SEQR Declaration- 829 Dick Road

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

WHEREAS, an application and associated materials (“Application”) was submitted by Silvertip Ventures, LLC (“Applicant”), to the Town of Cheektowaga Town Board (“Town Board”) for (1) site plan review and approval and (2) a special use permit with variances in connection with the re-development of an existing commercial restaurant at 829 Dick Road, Cheektowaga, NY (“Site”), to include, among other things, the demolition of an existing one (1) story frame restaurant building and two accessory sheds and the construction of a new one thousand seven hundred sixty-six (1,766) square foot donut /coffee shop with accessory drive through window (collectively, the “Project”); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, *et seq.*, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake, fund or approve the Project; and

WHEREAS, pursuant to § 107-9 of the Town of Cheektowaga Code (“Code”), if no other agencies are involved, such as in this instance, the Town Board shall be designated as the lead agency for the environmental review of the Project that is required by SEQRA; and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant adverse impact upon the environment, the Applicant submitted the following documents, information, expert studies and reports and other materials to the Town Board (collectively, the “Project Environmental Documents”): (1) Application; (2) Part 1 of an Environmental Assessment Form; (3) Project Location Map; (4) Cultural Resource Information System Data for the Site; (5) New York State Department of Environmental Conservation Environmental Resource Map for the Site and (6) FEMA Flood Insurance Rate Map for the Site; (7) Full Detailed Site Plans; (8) Full Civil Engineering Plans; and (9) Traffic Impact Assessment, prepared by SRF Associates, for the Project (“Traffic Impact Assessment”); and

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan and special use permit at its meeting on June 8, 2016; and

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee reviewed the Project and recommended certain conditions of approval; and

WHEREAS, the Environmental Advisory Committee at its meetings held on June 29, 2016, recommended a determination of non-significance; and

WHEREAS, a thorough analysis of potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Town Board issue a negative declaration pursuant to SEQRA for the Project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as lead agency, has determined that it is undertaking an uncoordinated review of the Project in accordance with the requirements of SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board has reviewed the Project Environmental Documents, consulted various information sources and considered the list of activities that are Type I Actions outlined in the Code and Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in the Code and Section 617.5 of the SEQRA regulations, and the criteria for determining significance outlined in the Code and the SEQRA regulations. Based upon the Town Board's review and investigations of the Project, the Town Board makes the following determinations and findings with respect to the Project:

1. No potentially significant adverse impacts on the environment are noted in the Project Environmental Documents and none are known to the Town Board; and
2. The Project is an Unlisted Action pursuant to SEQRA.

BE IT FURTHER RESOLVED, based upon the Town Board's review and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Town Board's knowledge of the Site and surrounding area and such further investigations of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. The Project consists of the re-development of the Site, which was previously developed and used for commercial and/or restaurant purposes. The Project is not expected to create a material conflict with an adopted land use plan or zoning regulation, nor is the Project expected to result in a change in the use or intensity of use of Site. As such, the Project will not create significant adverse impacts to land use.
2. The Project will not result in the generation or disposal of any liquid or solid waste and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. In addition, there are no wetlands on-Site. Thus, the Project will not create significant adverse impacts to water resources.
3. The Project will not entail the types of activities or operations that are associated with a significant potential for air emissions or odors. Thus, the Project will not create significant adverse impacts to air resources.
4. The Site and the surrounding area do not possess significant ecological value. According to the NYSDEC's Environmental Resource Mapper, no sensitive animals,

plants or natural communities, significant wildlife habitat or wetlands exist on the Site, and none will be impacted by the Project. Thus, the Project will not create significant adverse impacts to plant or animal resources.

5. The Project is not located within an agricultural district, and it will not impact lands that are farmed. Thus, the Project will not create significant adverse impacts to agricultural lands.

6. Operation of the Project is not expected to appreciably increase ambient noise levels at the Site or surrounding area. Thus, the Project will not create significant adverse impacts to noise.

7. The Site does not contain any scenic views known to be important to the community. Thus, the Project will not have significant adverse impacts upon aesthetic resources.

8. The Project is not located in an historic district or an archaeologically sensitive area. Thus, the Project will not have significant adverse impacts upon historic or archaeological resources.

9. The Project does not compromise public open space because the Project consists of the re-development of the Site, which was previously developed and used for commercial and/or restaurant purposes. Thus, the Project will not have significant adverse impacts upon open or recreational space.

10. The Project is not located in or substantially contiguous to any Critical Environmental Areas ("CEAs"). Thus, the Project will not have significant adverse impacts upon CEAs.

11. The Applicant retained SRF to prepare the Traffic Impact Assessment relative to the Project to address concerns for traffic safety and alignment of proposed driveways. Pursuant to the Traffic Impact Assessment, among other things, (1) the Project will not generate a significant number of new vehicle trips during A.M. and P.M. peak hours; (2) the Site provides on-site parking that can be utilized by drivers in the queue as alternate means of placing drive-through orders; (3) the Site provides sufficient on-Site storage for drive-through queuing when service rates are operating at or below twenty-seven (27) seconds; (4) no mitigation is warranted or recommended at the intersections of Dick Road at West Sobieski Avenue, Broad Street and Chapel Avenue; and (5) the Project will not produce a change in the existing level of service. In addition, the Town of Cheektowaga Traffic Safety Commission has reviewed the Project and provided comments, and the Erie County Highway Department has reviewed and analyzed the Traffic Impact Assessment and concurred with SRF's conclusions as set forth therein, including that the Project will not have significant adverse traffic impacts upon the existing roadway network and no mitigation is recommended or warranted. Thus, the Project will not have significant adverse impacts upon transportation resources.

12. The Project is expected to meet or exceed State energy code requirements. Thus, the Project will not have significant adverse impacts upon energy resources.

13. The Project consists of the re-development of the Site, which was previously developed and used for commercial and/or restaurant purposes. The Project will not result in population growth, and is in character with adjacent development. Thus, the Project will not have significant adverse impacts upon the character of the community.

14. The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of toxic products. Thus, the Project will not create significant adverse impacts to public health.

BE IT FURTHER RESOLVED, the Town Board has determined that the Project will not have a significant adverse impact on the environment, and therefore, a negative declaration ("Negative Declaration") pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared in accordance with the requirements of SEQRA.

BE IT FURTHER RESOLVED, this Resolution, which was adopted by a majority vote of the Town Board, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. § 617.2(y)) for the Project, and it shall take effect immediately.

BE IT FURTHER RESOLVED, the appropriate Town Board representatives are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

For further information on this Determination of Significance/Negative Declaration contact:

Ms. Vickie L. Dankowski  
Town Clerk/Records Access Officer  
Town of Cheektowaga  
Town Hall  
3301 Broadway Cheektowaga, NY 14227  
(716) 686-3400  
townclerkwebmail@tocny.org

Attachments:

full eaf parts 1\_2\_3 (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-473

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### Accept Site Plan - 829 Dick Road

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

WHEREAS, Sivertip Ventures, LLC ("Applicant"), submitted an application and associated materials (collectively, the "Application"), including, but not limited to, (1) Part 1 of an Environmental Assessment Form; (2) Project Location Map; (3) Cultural Resource Information System Data for the Site; (4) New York State Department of Environmental Conservation Environmental Resource Map for the Site and (5) FEMA Flood Insurance Rate Map for the Site; (6) Full Detailed Site Plans ("Site Plans"); (7) Full Civil Engineering Plans; and (8) Traffic Impact Assessment, prepared by SRF Associates, for the Project, to the Town of Cheektowaga Town Board ("Town Board") for (A) site plan review and approval and (B) a special use permit with variances in connection with the redevelopment of an existing commercial restaurant at 829 Dick Road, Cheektowaga, NY ("Site"), to include, among other things, the demolition of an existing one-story frame restaurant building and two accessory sheds and the construction of a new 1,766 square-foot donut /coffee shop with accessory drive through window (collectively, the "Project"); and

WHEREAS, pursuant to the Town of Cheektowaga Code ("Code"), the Town of Cheektowaga Planning Board ("Planning Board") shall receive and review all site plans required by the Code and shall offer a recommendation to the Town Board on the adequacy of the proposed site plan, consistent with the provisions set forth in the Code; and

WHEREAS, the Planning Board reviewed and commented on the Application at its meeting of June 8, 2016, and has recommended approval thereof; and

WHEREAS, the Town of Cheektowaga Environmental Advisory Committee reviewed the Application and issued its recommendation to the Town Board; and

WHEREAS, the Town of Cheektowaga Traffic Safety Commission reviewed the Application and issued its recommendation to the Town Board; and

WHEREAS, the Town of Cheektowaga Conservation Advisory Council reviewed the Application and issued its recommendation to the Town Board; and

WHEREAS, the Town Board concluded that the Project will not have a significant adverse impact on the environment, and therefore issued a negative declaration pursuant to Article 8 of the New York Environmental Conservation Law (Chapter 43-B of the Consolidated Laws of New York) and its implementing regulations; and

WHEREAS, pursuant to the Code, following the Planning Board's review and recommendation, the Town Board is vested with the authority to approve the Site Plans and modify or reject any recommendation submitted to it by its advisory committees;

NOW, THEREFORE BE IT, RESOLVED, that the Town Board has reviewed and analyzed the Application, including the Site Plans, and, in doing so, considered the applicable requirements set forth in the Code, including, but not limited to the following:

1. Location, arrangement, size, design and general Site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking, loading and drive-through lane stacking.
4. Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walks and walkway structures, control of intersections with vehicular traffic and overall pedestrian mobility and convenience.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
10. The effects of vibration.
11. Mitigating air pollution and objectionable odors.
12. The quality of surface water and sewer discharges.
13. Overall impact on the neighborhood, including compatibility of design considerations and consistency with the Town's Comprehensive Plan.

BE IT FURTHER RESOLVED, that, pursuant to the Code and relevant provisions of New York State Town Law, the Town Board hereby approves the Site Plans subject to the following conditions:

1. The Town Engineer's review and approval of the grading/drainage plan.
2. The Applicant's providing a conservation easement or deed restriction limiting development on the northerly forested area.
3. The Applicant's modifying his/her landscaping plan to include additional Colorado spruce trees to offset the eventual loss of the existing ash trees on premises.
4. The Town planner's review and approval of a photometric plan and revised landscaping plan.
5. The construction of a six-foot-high solid vinyl fence along the southerly property line of the non-conforming residence at 841 Dick Road.

BE IT FURTHER RESOLVED, this Resolution, which was adopted by a majority vote of the Town Board, shall take effect immediately.

BE IT FURTHER RESOLVED, that the appropriate Town Board representatives are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to amend Resolution 2016-473 to correct spelling of Sivertip to Silvertip. Motion Carried.

**RESULT:**           **ADOPTED AS AMENDED [UNANIMOUS]**  
**MOVER:**           James P. Rogowski, Councilmember  
**SECONDER:**       Diane Benczkowski, Supervisor  
**AYES:**            Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-474

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### Approve Special Permit and Variance - 829 Dick Road

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

WHEREAS, Sivertip Ventures, LLC (“Applicant”) submitted an application and associated materials (collectively, the “Application”), including, but not limited to, (1) Part 1 of an Environmental Assessment Form; (2) Project Location Map; (3) Cultural Resource Information System Data for the Site; (4) New York State Department of Environmental Conservation Environmental Resource Map for the Site and (5) FEMA Flood Insurance Rate Map for the Site, (6) Full Detailed Site Plans; (7) Full Civil Engineering Plans; and (8) Traffic Impact Assessment, prepared by SRF Associates, for the Project, to the Town of Cheektowaga Town Board (“Town Board”) for (A) site plan review and approval and (B) a special use permit (“Special Use Permit”) with variances in connection with the re-development of an existing commercial restaurant at 829 Dick Road, Cheektowaga, NY (“Site”), to include, among other things, the demolition of an existing one-story frame restaurant building and two accessory sheds and the construction of a new 1,766-square-foot donut /coffee shop with accessory drive through window (collectively, the “Project”); and

WHEREAS, the Applicant requested the following variances (“Variances”) for the drive through service:

1. Town of Cheektowaga Code (“Code”) § 260-48.2D(2) - The proposed closest edge of pavement for the drive through will be a minimum of 23.7 feet from the property line of the adjacent residential use or residential zoned property, whereas a minimum of 75 feet is required; and
2. Code § 260-48.2D(2)(a) - The re-use of the existing commercial driveway along Dick Road is approximately 20 feet from the functional area of the Chapel Drive road intersection, whereas a minimum of 220 feet is required for a new driveway serving an accessory drive through window; and

WHEREAS, pursuant to the Code, the Town Board shall hear and decide, in accordance with the Code, all applications for special use permits or for modifications of applicable provisions; and

WHEREAS, pursuant to the Code, the Town Board, and not the Town of Cheektowaga Zoning Board of Appeals, has the right and is permitted to vary the provisions applicable to accessory drive through windows; and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20<sup>th</sup> day of June, 2016, at 6:45 p.m. of said day for the purpose of considering the Application for the Special Use Permit and Variances, 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 the Special Use Permit and Variances; and

WHEREAS, the Town Board concluded that the Project will not have a significant adverse impact on the environment, and therefore issued a negative declaration pursuant to Article 8 of the New York Environmental Conservation Law (Chapter 43-B of the Consolidated Laws of New York) and its implementing regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reviewed and analyzed the Application and the Project and makes the following findings (“Special Use Permit Findings”) with respect to the Special Permit and/or Project:

1. The Special Use Permit and/or Project will be in harmony with the general purposes and intent of the applicable provisions of the Code;
2. The Special Use Permit and/or Project will not tend to depreciate the value of adjacent property;
3. The Special Use Permit and/or Project will not create a hazard to health, safety or the general welfare;
4. The Special Use Permit and/or Project will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; and
5. The Special Use Permit and/or Project will not otherwise be detrimental to the public convenience and welfare.

BE IT FURTHER RESOLVED, that the Town Board has reviewed and analyzed the Application and the Project and makes the following findings (“Variance Findings”) with respect to the Variances:

1. The Variances are necessary to obviate unnecessary hardships to the Applicant due to uniqueness, including, among other things, the immediately adjacent brick house that prevents the Applicant from complying with certain provisions contained in Code § 260-48.2(2); and
2. The Town Board’s decision to permit the Variances is consistent with the legislative intent of the Code.

BE IT FURTHER RESOLVED, that, in light of the Special Permit Findings, Variance Findings and other reasons of the Town Board, the Special Use Permit is hereby approved and granted.

BE IT FURTHER RESOLVED, that, in light of the Special Permit Findings, Variance Findings and other reasons of the Town Board, the following Variances are hereby approved and granted:

1. The closest edge of pavement for the drive through will reduced to 23.7 feet from the property line rather than the required 75 feet;

2. The re-use of the existing commercial driveway along Dick Road shall be 20 feet from the functional area of the chapel Drive road intersection, rather than the required 220 feet for a new driveway serving an accessory drive through window.

BE IT FURTHER RESOLVED, this Resolution, which was adopted by a majority vote of the Town Board, shall take effect immediately.

BE IT FURTHER RESOLVED, the appropriate Town Board representatives are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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**LEGAL DESCRIPTION FOR SPECIAL USE PERMIT**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 12, Township 11, Range 7 of the Holland land Company’s Survey, being subdivision lot 13, part of subdivision lot 12 and the reserved parcel “A”, as shown on map cover 976, bounded and described as follows:

**BEGINNING** at a point of on the east line of Dick Road (120’ wide) distant 255.36 feet south of the south line of West Sobieski Avenue (50’ wide) said point being the southeast corner of lands acquired by the County of Erie, File No.SK-207-36, Parcel No.36; thence easterly along the north line of lands conveyed to Goodwin as recorded in the Erie County Clerk’s Office under Liber 10394 of deeds at page 659, being parallel with the north line of said subdivision lot 12, a distance of 127.93 feet to a point on the east line of said subdivision lot 12; thence northerly along the east line of said subdivision lot 12, a distance of 105.24 feet to the northeast corner of said subdivision lot 12, also being the northwest corner of said subdivision lot 13; thence easterly along the north line of said subdivision lot 13, a distance of 396.99 feet measured (397.17’ map) to the northeast corner of said subdivision lot 13, also being a point on the north line of the said reserved parcel “A”; thence northeasterly along the north line of said reserved parcel “A”, also being the south line of subdivision lot 11, map cover 976, a measured distance of 284.45 feet (286.86’ map) to the southeast corner of subdivision lot 11; thence southerly along the east line of said reserved parcel “A”, a measured distance of 54.71 feet (54.73’ map) to the south line of said reserved parcel “A”; thence southwesterly along the south line of said reserved parcel “A”, a distance of 771.23 feet to the east line of Dick Road; thence northerly along the east line of Dick Road being a curved line to the left having a radius of 3759.72 fee an arc distance of 166.55’ to the Point of Beginning.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to amend Resolution 2016-474 to correct spelling of Sivertip to Silvertip. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 9. RESOLUTION 2016-475

### SEQR Determination for 1030 Losson Road Roof Replacement - Julia Boyer Reinstein Library

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

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are Type II actions and are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Town of Cheektowaga has proposed the replacement of the roof on the Julia Boyer Reinstein Library, owned by the Town at 1030 Losson Road, AND

WHEREAS, the existing library building was constructed in 1995 and is now in need of a replacement roof, AND

WHEREAS, after careful consideration and review of the proposed action to be taken by the Town of Cheektowaga for the above referenced project, the Town Board, in consultation with representatives from various Town departments, hereby determines that said project is a Type II action under SEQR based on the following criteria in 6 NYCRR Section 617.5(c):

- (1) The project involves the maintenance or repair involving no substantial changes in an existing structure or facility ;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the proposed roof replacement project at the Julia Boyer Reinstein Library is a Type II action in accordance with 6 NYCRR Section 617.5(c)(1) and is therefore not subject to review under 6 NYCRR Part 617.

Attachments:

Completed EAF (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-476

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### Issue Request For Proposals For Assessment Services

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the Town's Agreement for Assessment Services to the Town expired on September 30, 2016, and this Town Board must 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 Assessment Services to the Town of Cheektowaga for the years 2016, 2017, 2018, 2019, said notice to be published in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that sealed proposals will be received on the 6th day of September, 2016 at 10:00 A.M., at a public opening to be held in the Council Chambers in the Cheektowaga Town Hall.



#### NOTICE OF REQUEST FOR PROPOSALS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on September 6, 2016 at 10:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for Assessment Services for the Town of Cheektowaga for the 2017, 2018, 2019 assessment year.

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 "RFP - Assessment 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.

**VICKIE L.DANKOWSKI**  
Town Clerk

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Linda Hammer, Councilmember  
**SECONDER:**   Christine Adamczyk, Councilmember  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-477

### **Authorize Supervisor to execute Municipal Cooperation Agreement For The Sharing Of Attorneys To Defend Assessment Challenges**

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the Assessor of the Town of Cheektowaga has authority to assess certain real property located within the boundaries of the Town of Cheektowaga, including the Villages of Sloan and Depew, for real property tax purposes, and

WHEREAS, the SCHOOL DISTRICT obtains tax revenue from properties located within the SCHOOL DISTRICT boundaries, which boundaries are contained within the Town of Cheektowaga, and

WHEREAS, owners of properties located in the SCHOOL DISTRICTS boundaries may make legal challenges to the assessment of their properties, and

WHEREAS, the TOWN and SCHOOL DISTRICT retain attorneys to defend the SCHOOL DISTRICTS and the TOWN on these assessment challenges, and

WHEREAS, the TOWN and SCHOOL DISTRICT (collectively referred to as the "Parties") wish to enter into a municipal cooperation agreement to share legal services relating to defending assessment challenges to properties within the SCHOOL DISTRICT boundaries, and

WHEREAS, the Agreement between both parties has been prepared to accomplish this, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Agreement between the Town of Cheektowaga and the Cheektowaga Central School District.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-478

### Authorization to Purchase Active Shooter Response Kits

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, police soft body armor worn daily by police officers offers Level II threat protection against handgun rounds but not rifle rounds and other high threat situations; AND

WHEREAS, in the face of an ever increasing threat against law enforcement, police departments nationwide are looking for body armor specifically designed to protect against rifle rounds and Behind Armor Blunt Trauma (BABT) which can lead to serious injury to the officer; AND

WHEREAS, the Cheektowaga Police Department is requesting authorization to purchase seventy-one (71) new Point Blank Active Shooter Response Kits, which includes a Black Molle Plate Carrier with two (2) ID Panels with "POLICE" in white, one (1) Front Shooter's Cut Paraclete 555 Level III+ SA Rifle Plate, one (1) Rear Full Size Paraclete 555 Level III+ SA Rifle Plate and one (1) Carry Bag at a cost of \$358.00 each, AND

WHEREAS, the Cheektowaga Police Department has received a quotation from a sole source provider with proprietary rights for marketing NIJ3 and NIJ4 hard body armor solutions for first responders with durable and low cost active shooter protection, AND

WHEREAS, Star 555 Level+ plate is only available through Point Blank Enterprises, which has just been NIJ .06 certified, AND

WHEREAS, all pricing is in accordance with New York State Body Armor Contract #35205-22926, AND

WHEREAS, funds for said purchase have been budgeted and are available from Police Asset Forfeiture Line #600-0600-0881, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of seventy-one (71) new Point Blank Active Shooter Response Kits which includes a Black Molle Plate Carrier with two (2) ID Panels with "POLICE" in white, one (1) Front Shooter's Cut Paraclete 555 Level III+ SA Rifle Plate, one (1) Rear Full Size Paraclete 555 Level III+ SA Rifle Plate and one (1) Carry Bag at a total cost of \$25,418.00 from:

Federal Eastern International, Inc.  
751 Pinellas Bayway, Suite 106  
St. Petersburg, Florida 33715

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





### 13. RESOLUTION 2016-479

## Authorize Supervisor To Execute Engagement Letter to Retain Outside Counsel For Labor And Employment Matters

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist the Town with labor and employee relations matters, including disputes with the Town's Various Collective Bargaining units and other labor-related matters, and

WHEREAS, moneys have been budgeted by the Town for this purpose, and

WHEREAS, the law firm of Harris Beach PLLC has the necessary expertise in the area of labor law to assist the Town, and

WHEREAS, Harris Beach PLLC has submitted an engagement letter to the Town to provide these services to the Town, NOW, THEREFORE, BE IT

RESOLVED, that Harris Beach PLLC, be and hereby is retained as outside counsel to assist the Town of Cheektowaga and the Town's Coordinator of Employee Relations on an as-needed basis with respect to labor matters within the Town as per its engagement agreement, and; AND, BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100-1420-4501; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said engagement letter, subject to approval of the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-480

### Authorize Auction of Surplus Vehicle

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town wishes to dispose of surplus vehicles and equipment no longer functional or 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 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 a 2003 International High Velocity Sewer Cleaning Truck 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 vehicles and equipment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-481

### 85 Seminole Parkway- Rodent Baiting and Removal

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

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 Seminole Pkwy., Cheektowaga, New York SBL# 102.08-1-12 that is a danger to the safety of others, and records kept by the Assessor's Office identify Mr. Michael Wesley, 85 Seminole Pkwy., Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted on 85 Seminole Pkwy., by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be a hazard, and a danger to the safety and wellbeing 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 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the property be kept free from rodent harborage and infestation. Where the presence of rodents are apparent, they shall be removed by baiting or live trap and insure that the premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-482

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### 484 Pine Ridge Heritage Boulevard- Rodent Baiting and Removal

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**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

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 premises located at 484 Pine Ridge Heritage Blvd., Cheektowaga, New York SBL# 90.84-4-3 that is a danger to the safety of others, and records kept by the Assessor's Office identify Mt. Hope Cemetery 1383 Seneca Creek Rd., West Seneca, New York 14224, as the owner AND

WHEREAS, an inspection of such premises was conducted on 484 Pine Ridge Heritage Blvd., by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be a hazard, and a danger to the safety and wellbeing 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 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the property be kept free from rodent harborage and infestation. Where the presence of rodents are apparent, they shall be removed by baiting or live trap. Where the rodents have excavated and have retrieved the remains (bones) and brought them to the surface, properly enclose all excavations and rebury the remains. Fill and regrade the affected areas and insure that the premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-483

### **SPECIAL EVENT - Cheektowaga Police Department Charity Softball Tournament**

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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 Police Department has made application to hold its Charity Softball Tournament in Stiglmeier Park on Thursday, August 18th, 2016 from 9:00 a.m. - 6:00 p.m, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities Department and 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 Cheektowaga Police Department for the aforementioned Charity Softball Tournament to be held on Thursday, August 18th, 2016 in Stiglmeier Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-484

### **SPECIAL EVENT - HSBC Sports and Social Club Kick Ball Tournament**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Company Kickball Tournament in Stiglmeier Park on Saturday, August 20th, 2016 from 8:00 a.m. to 8:00 p.m.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, Police Department and the Youth and Recreation Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the HSBC Sports and Social Club for the aforementioned Company Kickball Tournament to be held in Stiglmeier Park on Saturday, August 20th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-485

### **SPECIAL EVENT - Great Amazing Race for Pediatric Cancer**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 "Great Amazing Race for Pediatric Cancer" has made application to hold its benefit for Pediatric Cancer Research on Sunday, August 21st, 2016 at Stiglmeier Park from 3:00 p.m. until 7:00 p.m.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by 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 "Great Amazing Race for Pediatric Cancer" to be held on Sunday, August 21st, 2016 in Stiglmeier Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-486

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### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME EMPLOYEES in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

JUSTICE COURT Clerk \$15.00/hour effective 8/16/16  
Sharon Drzyzga, Sloan, New York

BUILDING AND PLUMBING Clerk \$12.00/hour effective 8/16/16  
Garrett Pyc, Cheektowaga, New York  
Tammy Ratcliff, Cheektowaga, New York

LAW DEPARTMENT Clerk \$13.00/hour effective 8/16/16  
Brigitte Wilk, Depew, 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 \$9.25/hour effective 8/16/16  
Nicholas Fullington, Cheektowaga, New York

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

SANITATION DEPARTMENT  
Stephen Pacitti effective 7/6/16  
Bryan Haxton effective 7/6/16

Motion by Councilmember Hammer, Seconded by Supervisor Benczkowski to amend Resolution 2016-486 to remove the name Brigitte Wilk as Part-Time Employee in Law Department. Motion Carried.

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the reading of names for the following: Resolution 2016-486. Motion Carried.

**RESULT:**       **ADOPTED AS AMENDED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-487

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Social Networking Investigations Training is being held September 26-27, 2016 in Onondaga County, New York; AND

WHEREAS, Lieutenant Brian Coons has been recommended to attend said training; AND

WHEREAS, 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 \$358.86; AND

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

RESOLVED, that Lieutenant Brian Coons be and hereby is authorized to attend the Social Networking Investigations Training being held September 26-27, 2016 in Onondaga County, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-488

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the 2016 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition is being held October 15-18, 2016 in San Diego, California; AND

WHEREAS, Chief David Zack, Captain Michael Sliwinski, Captain Scott Pilat, and Sergeant Lawrence Bauer have been recommended to attend said training; AND

WHEREAS, 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 \$7,271.30; AND

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

RESOLVED, that Chief David Zack, Captain Michael Sliwinski, Captain Scott Pilat, and Sergeant Lawrence Bauer be and hereby are authorized to attend the 2016 International Association of Chiefs of Police Conference and Law Enforcement Education and Technology Exposition, held October 15-18, 2016 in San Diego, California.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the rules to include the following Resolution: 2016-489. Motion Carried.



## 1. RESOLUTION 2016-489

### Appointment of Plumbing Inspector (Non-Competitive/Promotion) Gregory Magnuszewski

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, this Town Board created the title of Plumbing Inspector effective January 5, 2015; AND

WHEREAS, Assistant Plumbing Inspector Gregory Magnuszewski has been approved for a permanent non-competitive promotion by the Erie County Department of Personnel; NOW, THEREFORE, BE IT

RESOLVED, that Gregory Magnuszewski of Depew, New York, be and hereby is appointed to the position of Plumbing Inspector in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 16, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. **Minutes: Town of Cheektowaga Conservation Advisory Council - July 7, 2016**

### B. General Communications

1. **Notice of Claim: Adam Berecz vs. Town of Cheektowaga**
2. **Notice of Claim: Linda Garrett vs. Town of Cheektowaga**
3. **Notice of Claim: Gary Mangine vs. Town of Cheektowaga**
4. **Notice of Claim: William T. McInnis vs. Town of Cheektowaga**
5. **Notice of Claim: Samuel P. Moss vs. Town of Cheektowaga**

6. **Summons: Federal National Mortgage Association (Fannie Mae) vs. Averl D. Anderson, The Town of Cheektowaga & Etal Premises: 27 Randolph Avneue**
7. **Petition: Patrons of the Maryvale Pool**
8. **Notice of Petition: Anne (Hunter) Ferraraccio vs. Town of Cheektowaga**
9. **Notice of Petition: Christopher J. Patti vs. Town of Cheektowaga**
10. **Notice of Petition: Andre M. Theriault & Jane Theriault vs. Town of Cheektowaga**
11. **Notice of Petition: Mary Wolbrecht vs. Town of Cheektowaga**
12. **Notice of Petition: KQ Bell Towers of Erie LLc, MM Bell Towers of Erie LLC and Tri City Rentals LLC vs. Board of Assessment Review and Assessor of the Town of Cheektowaga and the Town of Cheektowaga**
13. **Notice of Petition: Ingersoll Rand vs. Assessor, Town of Cheektowaga, et al.**
14. **Notice of Petition: Ingersoll Rand vs. Assessor, Town of Cheektowaga, et al.**
15. **Notice of Petition: Union Consumer Improvements, LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and The Town of Cheektowaga, NY**
16. **Notice of Petition: Union Road Plaza, LLC vs. Town of Cheektowaga, New York et al**
17. **Notice of Petition: Buffalo WVP Associates, LLC vs. Town of Cheektowaga, New York et al**
18. **Notice of Petition: Sky Harbor Property, LLC vs. The Board of Assessment Review for the Town of Cheektowaga, The Assessor of the Town of Cheektowaga and The Town of Cheektowaga, New York**
19. **Notice of Petition: Idylwood LLC and Morgan Management for itself and as agent-in-fact for Idylwood LLC vs. The Board of Assessment Review for the Town of Cheektowaga, the Assessor of the Town of Cheektowaga and The Town of Cheektowaga, New York**
20. **Notice of Petition: Rite Aid Corporation et al vs. Town of Cheektowaga Board of Assessment Review et al**

### **XIII. Comments**

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

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

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

### **XIV. Adjournment**

Motion by Councilmember Meyers, Seconded by Councilmember Hammer to adjourn the meeting at 8:35 PM.

Vickie L. Dankowski

Town Clerk

*Full Environmental Assessment Form  
Part 1 - Project and Setting*

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Tim Hortons Restaurant		
Project Location (describe, and attach a general location map): 829 Dick Road, Cheektowaga, NY		
Brief Description of Proposed Action (include purpose or need): Silvertip Ventures, LLC is proposing to construct a 1776 +/- sq ft Tim Hortons restaurant, located at 829 Dick Road (C.R. 317). The parcel that is proposed for development is currently zoned C-Retail Business District. Currently the proposed site has 3 existing buildings that includes asphalt parking and utilities. Prior to construction, the 3 existing buildings, associated parking and utilities must be removed and disposed of in appropriate manor. Construction of the 1776 +/- sqft building will be completed as a single phase and includes all necessary infrastructure (i.e. sanitary sewer lateral, domestic water service line and storm sewer system), associated parking/sidewalk areas and landscaping. (See Attachment 1 - Site Plan and Attachment 2 - Project Location Map). The restaurant is proposed with 28 indoor seats, parking for 21 cars is reflected on the site plan. Total acreage of the site is 1.88 +/- acres.		
Name of Applicant/Sponsor: Silvertip Ventures, LLC		Telephone: 716-662-7073
Address: 3710 Baker Road		E-Mail: judy_h_stamm@hotmail.com
City/PO: Orchard park	State: New York	Zip Code: 14127
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
Address:		E-Mail:
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): 829 Dick Rd., LLC		Telephone:
Address: 67 Warren Rd		E-Mail:
City/PO: West Seneca	State: NY	Zip Code: 14224

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Final Plan Approval	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Recommendation	
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECDPW-Highway Permit, ECDEP-Sanitary Sewer, ECWA-Water Design	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):  
 NYS Heritage Areas: West Erie Canal Corridor  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):  
 Per NYS EAF Mapper  
 \_\_\_\_\_  
 \_\_\_\_\_

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The site is within a C-Retail Business District.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No  
by special use permit

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Maryvale School District

b. What police or other public protection forces serve the project site?  
Cheektowaga Police Department

c. Which fire protection and emergency medical services serve the project site?  
Cheektowaga Fire Department

d. What parks serve the project site?  
Nokomis Park, Hanley Park and North Creek South Creek Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial Development

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 1.88 acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 0.96 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 1.88 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed? \_\_\_\_\_  
iii. Number of lots proposed? \_\_\_\_\_  Yes  No  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_  
ii. If Yes: \_\_\_\_\_ 3 months

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

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f. Does the project include new residential uses?  
If Yes, show numbers of units proposed.

Yes  No

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  
If Yes,

Yes  No

- i. Total number of structures One
- ii. Dimensions (in feet) of largest proposed structure: 18 ft 8 in height; 30 ft width; and 70 ft length
- iii. Approximate extent of building space to be heated or cooled: 1776 sf square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  
If Yes,

Yes  No

- i. Purpose of the impoundment: Storm Water Control
- ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Stormwater Runoff
- iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_
- iv. Approximate size of the proposed impoundment. Volume: 0.03386 million gallons; surface area: 0.07 acres
- v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length det basin 1 - 40 ft by 20 ft
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete). Construction of the basins will completed by removal of earth material, followed by planting of grass to prevent erosion of the sides of the basins.

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
If Yes:

- i. What is the purpose of the excavation or dredging? stormwater basins, building foundation, utility trenches
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
  - Volume (specify tons or cubic yards): 100+/- cyds
  - Over what duration of time? 4 weeks+/-
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. Excavation of earth material to be deposited at designated haul site
- iv. Will there be onsite dewatering or processing of excavated materials?  
If yes, describe. \_\_\_\_\_  Yes  No
- v. What is the total area to be dredged or excavated? 0.56 acres acres
- vi. What is the maximum area to be worked at any one time? 0.96 acres acres
- vii. What would be the maximum depth of excavation or dredging? 5-ft +/- feet
- viii. Will the excavation require blasting?  Yes  No
- ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  
If Yes:

Yes  No

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 1,400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: ECWA
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
Extension of private 1.5-inch waterline to proposed structure and installation of backflow prevention device within proposed building.
- Source(s) of supply for the district: ECWA

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

- i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 800 gallons/day
- ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater will be generated from proposed development.

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: Town of Cheektowaga Sewer Department
- Name of district: Sewer District #5, wastewater treatment at BSA
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

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- Do existing sewer lines serve the project site?  Yes  No
  - Will line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: private 6-inch sanitary lateral to proposed building

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No
- If Yes:
- Applicant/sponsor for new district: \_\_\_\_\_
  - Date application submitted or anticipated: \_\_\_\_\_
  - What is the receiving water for the wastewater discharge? \_\_\_\_\_
- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

- If Yes:
- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 0.56 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 1.88 acres (parcel size)
- ii. Describe types of new point sources. Proposed site will include 1776 sf building, include asphalt parking, curbing and detention basin/catch basin/pipe system.

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
Stormwater runoff will be directed to one of two on-site detention basins to control the rate of runoff exiting the site to pre-development conditions.
- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties? \_\_\_\_\_

- iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No
- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

- If Yes, identify:
- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
Heavy equipment during construction, delivery vehicles and cars.
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
Generator
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

- If Yes:
- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

- i. Estimate methane generation in tons/year (metric): \_\_\_\_\_
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

- i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of 7:45am to 8:45am.
- ii. For commercial activities only, projected number of semi-trailer truck trips/day: 2 trips /week or 0.5 trips/day
- iii. Parking spaces: Existing 0 Proposed 21 Net increase/decrease +21
- iv. Does the proposed action include any shared use parking?  Yes  No
- v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

- i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
Site presently used as a restaurant, Estimated electricity demand for proposed THD is 500,000-700,000 kilowatt hours per year.
- ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Local utility companies
- iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8am-5pm
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: 5 am to 11 pm
- Saturday: 5 am to 11 pm
- Sunday: 5 am to 11 pm
- Holidays: 5 am to 11 pm

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:

Monday through Friday from 8am to 5pm noise may be louder then normal during construction period

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

n.. Will the proposed action have outdoor lighting?  Yes  No  
If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

7 light poles are the be installed around the proposed asphalt parking and light directed to interior site. 3 wall mounted lights mounted on the proposed building.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

Exhaust from construction equipment from 8am to 5 pm

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ 0.5 tons per \_\_\_\_\_ day (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Waste management trucks will remove recycled material off site.
- Operation: Waste management trucks will remove recycled material off site. Onsite minimization includes breaking down all boxes and containers received and sorting product waste as required by the waste management company

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Waste management trucks will remove solid waste off site.
- Operation: Waste management trucks will remove solid waste off site.

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s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

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b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.44	0.56	0.12 acres
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.44	1.25	-0.19 acres
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0.07	0.07 acres
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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c. Is the project site presently used by members of the community for public recreation?

i. If Yes: explain: \_\_\_\_\_  Yes  No

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No

If Yes,  
i. Identify Facilities:  
\_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam?

If Yes:  Yes  No

i. Dimensions of the dam and impoundment:

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_

iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No

If Yes:  
i. Has the facility been formally closed?  Yes  No

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No

If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No

If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No

- Yes – Spills Incidents database
- Yes – Environmental Site Remediation database
- Neither database

Provide DEC ID number(s): \_\_\_\_\_  
Provide DEC ID number(s): \_\_\_\_\_

ii. If site has been subject of RCRA corrective activities, describe control measures:  
\_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No

If yes, provide DEC ID number(s): \_\_\_\_\_

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

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v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 6.5 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: Odessa Soil Loam \_\_\_\_\_ 100 %  
\_\_\_\_\_ %  
\_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 1.0 feet Perched seasonal high groundwater table

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site? Tributary to Scajaquada creek  Yes  No

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:  
• Streams: Name Tributary to Scajaquada Creek Classification C  
• Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_  
• Wetlands: Name \_\_\_\_\_ Classification \_\_\_\_\_  
• Wetland No. (if regulated by DEC) \_\_\_\_\_ Approximate Size \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:  
i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site:  
assumed wild life species to include \_\_\_\_\_  
deer, rabbits, birds, racoons \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_

ii. Source(s) of description or evaluation: \_\_\_\_\_

iii. Extent of community/habitat:  
• Currently: \_\_\_\_\_ acres  
• Following completion of project as proposed: \_\_\_\_\_ acres  
• Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site? \_\_\_\_\_  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Patricia Bitar Date 4/1/16

Signature Patricia Bitar (bc) Title Agent for Owner

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

PRINT FORM

ATTACHMENT 1  
PROJECT LOCATION MAP

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

829 Dick Road  
(T) Cheektowaga — Erie County, New York



Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

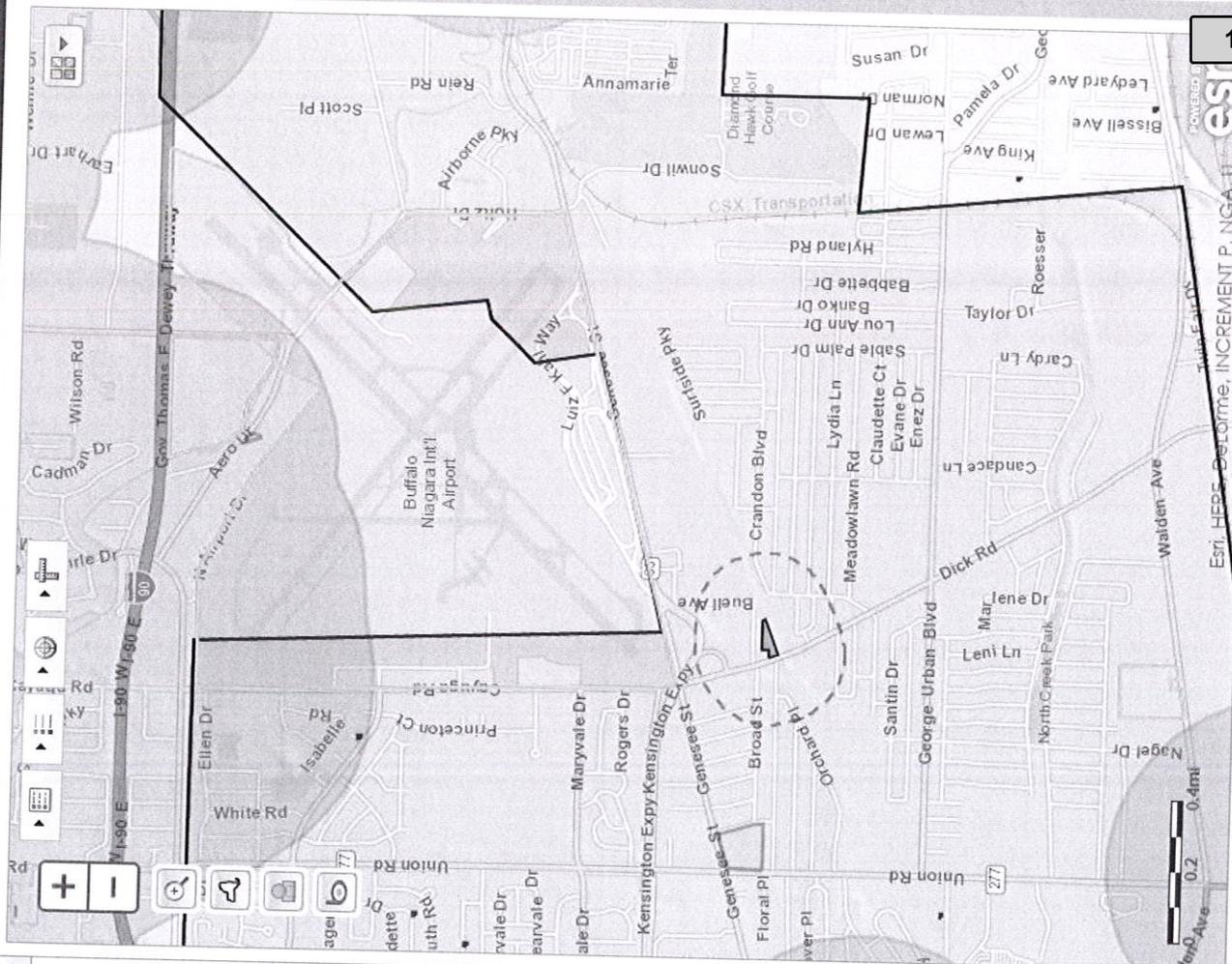
ATTACHMENT 2  
PROJECT SITE PLAN

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



ATTACHMENT 3  
CULTURAL RESOURCE INFORMATION SYSTEM

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



Criteria Spatial Results

Building USNs (1 Results Found)

View	Zoom	USN	Name	Status
		02906.000701	177 Broad St	Not Eligible

Projects (1 Results Found)

Zoom	Number	Name	Status
	16PR00076	Town of Cheektowaga Sanitary Sewer Lining	Closed

ATTACHMENT 4

NYSDEC ENVIRONMENTAL RESOURCE MAP

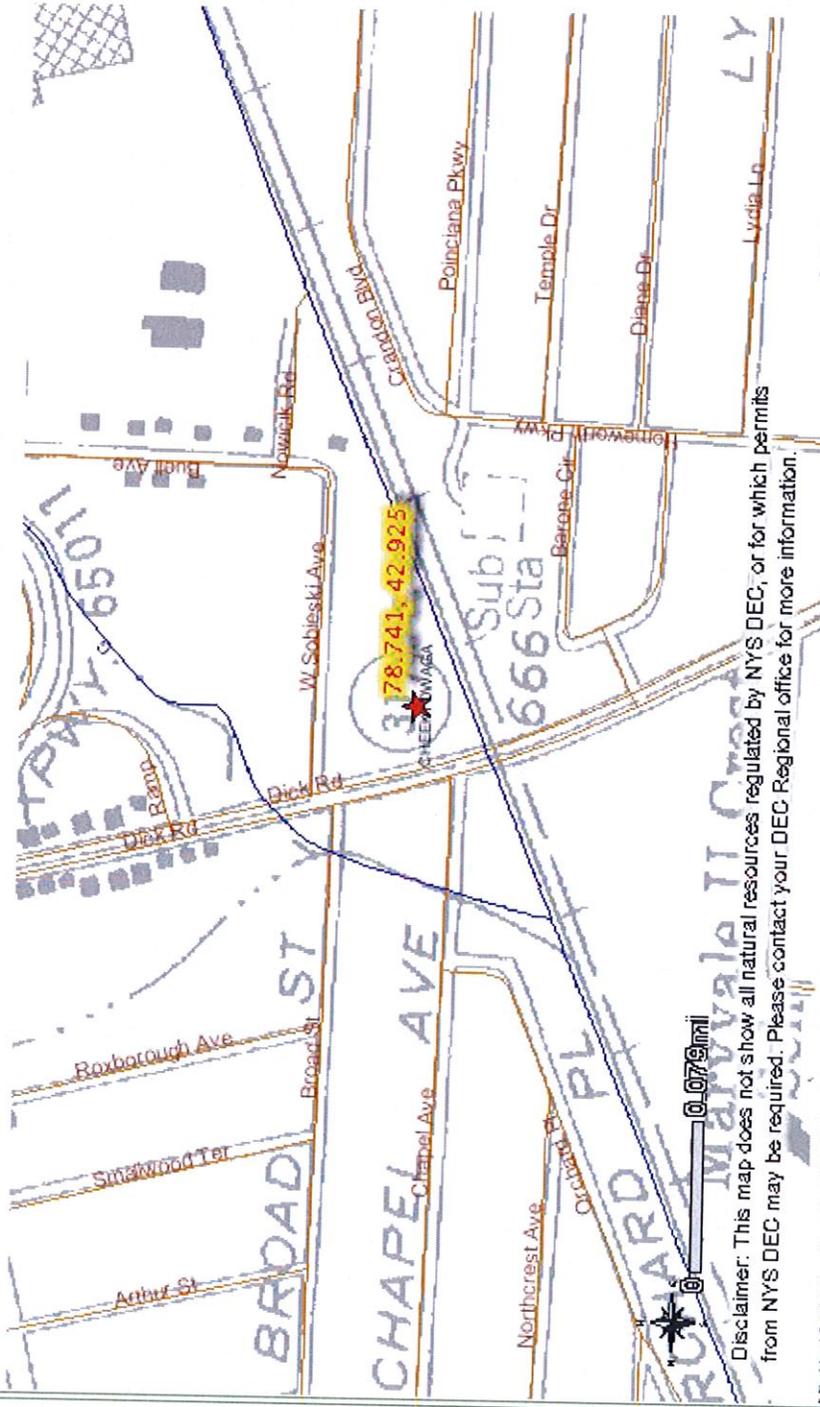
Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

Please set your printer orientation to "Landscape".

### Mapper

#### Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands
-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals
-  Significant Natural Communities Buffered
-  Natural Communities Nearby
-  Significant Natural Communities
-  Interstate Highways
-  Adirondack Park Boundary
-  Counties



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 164200, MaxX: 195108, MinY: 4759656, MaxY: 4759879

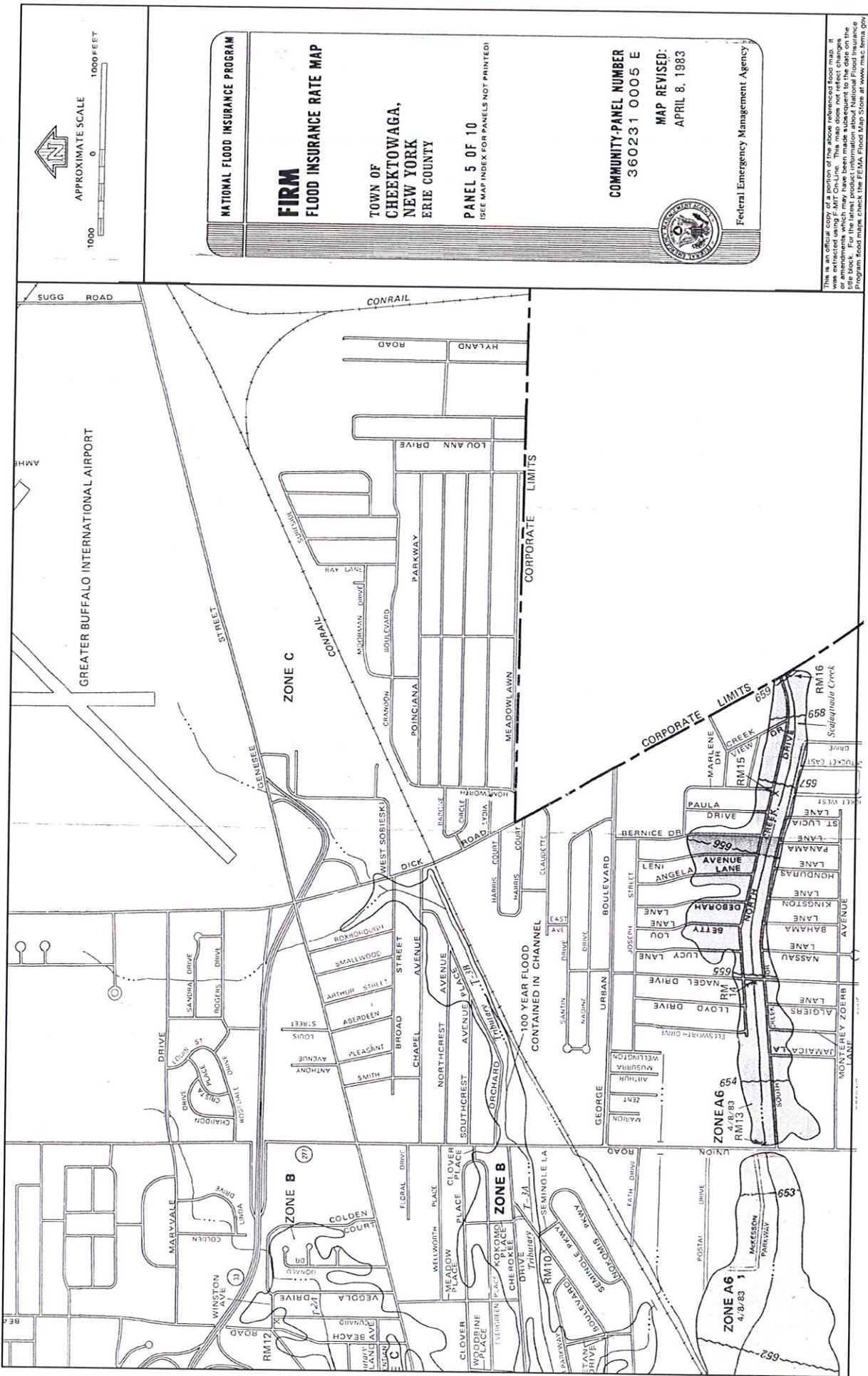
Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any information or conclusions derived from the data.

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

ATTACHMENT 5

FEMA FIRMETTE

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

ATTACHMENT 6  
TRAFFIC IMPACT ASSESSMENT BY  
SRF ASSOCIATES

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



3495 Winton Place  
Building E, Suite 110  
Rochester, NY 14623

phone 585.272.4660  
fax 585.272.4662

March 16, 2016

Silvertip Ventures  
3710 Baker Road  
Orchard Park, NY 14127

Attn: Ms. Judy Stamm

RE: Proposed Tim Hortons, Town of Cheektowaga, NY  
Traffic Impact Assessment

Dear Ms. Stamm:

The purpose of this technical letter is to provide an assessment of potential traffic impacts and mitigation needs, if any, related to development of the proposed Tim Hortons situated on the east side of Dick Road, south of Genesee Street, in the Town of Cheektowaga, Erie County, New York. Outlined below are the results of the study.

### **Existing Conditions**

The study area consists of the intersections of Dick Road at W Sobieski Avenue/Broad Street and Chapel Avenue. The site location is depicted in **Figure 1** (all figures are included at the end of this letter).

Dick Road is owned and maintained by the Erie County Department of Public Works. The highway is functionally classified as an urban minor arterial type highway with a posted speed limit of 35 miles per hour (MPH) within the study area. Dick Road is a north-south oriented highway with two travel lanes in each direction and a center two-way left-turn lane (TWLTL). According to the most recent volume data collected by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) in 2012, the Annual Average Daily Traffic (AADT) along Dick Road in the vicinity of the site is 24,994 vehicles per day (vpd).

W Sobieski Avenue, Broad Street, and Chapel Avenue are local streets.

Existing AADT information was obtained from the GBNRTC Transportation Data Management System (TDMS). The lane geometry at the study intersections and the AADT are depicted in **Figure 2**.

Peak hour traffic volumes were collected by SRF & Associates on Wednesday, January 27, 2016 for the weekday commuter AM and PM peak periods between 7:00-9:00 AM and 4:00-6:00 PM at the study area intersections previously noted. The peak hour traffic periods generally occurred between 7:15-8:15 AM and 4:00-5:00 PM. The 2016 existing peak hour volumes are depicted in **Figure 3**.

Between 7:45 AM and 8:15 AM, it was observed that northbound traffic was queued from the traffic signal at Dick Road/Genesee Street to as far back as the Dick Road/Barone Circle intersection. The apparent cause was due in part to school bus traffic, as well as the heavy traffic volumes.

**Background Conditions**

Construction of the proposed development is expected to be completed within a year. The Town of Cheektowaga was contacted to discuss current projects within the project study area that are currently under construction and/or approved. There are two warehouse projects that were recently approved on Buell Avenue off of Genesee Street; however, given the timeframe for buildout of the proposed site and spatial separation between the properties, these projects were not included in the background conditions. To account for normal increases in background traffic growth, including any unforeseen developments in the project study area, a growth rate of 0.5% per year based on historical traffic volumes on Dick Road has been applied to the existing traffic volumes in the study area for the one-year build-out period. The background traffic volumes are depicted in **Figure 4**.

**Proposed Development**

**A. Site Traffic Generation**

The proposed development consists of constructing a Tim Hortons Restaurant with 28 internal seats and a drive-thru with stacking for 15 vehicles (or up to 26 vehicles for queues extending to the site driveway). Access to the proposed site will be provided via the existing driveway at the intersection of Dick Road/Chapel Avenue. The site is currently the Captain's Cove. The proposed concept site plan is shown on **Figure 5**.

The volume of traffic generated by a site is generally based on the land use and size of the development. Trip generation is an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of traffic entering and exiting the driveways. The Institute of Transportation Engineers (ITE) suggests that local trip generation data should be utilized, if available. Tim Hortons' trip generation estimates for the AM peak hour is based on data previously collected at Tim Hortons' locations throughout the region. Using actual Tim Hortons' Restaurant AM peak hour trip generation data and other inputs, SRF & Associates developed an AM peak hour trip estimating model that takes into account variables such as total roadway lanes, average daily traffic, AM peak hour traffic volumes, service area population and other independent variables (A Trip Generation Study of Coffee/Donut Shops in Western New York, ITE, 2011). Anticipated traffic generated during the evening PM peak hour has been based on typical industry ratio standards researched at similar Tim Hortons' facilities.

Based on the proposed use for the site, **Table I** summarizes the volume of projected trips for the weekday commuter AM and PM peak hours.

**TABLE I: SITE GENERATED TRIPS**

LAND USE	AM PEAK HOUR		PM PEAK HOUR	
	ENTER	EXIT	ENTER	EXIT
Tim Hortons	152	152	38	38

**Table II** summarizes the type and quantity of trips generated by the proposed Tim Hortons Restaurant during the AM peak hour.

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**TABLE II: PROPOSED TIM HORTONS TRIP GENERATION**

DESCRIPTION	AM PEAK HOUR		
	PARKED	DRIVE THRU	TOTAL ENTER
Tim Hortons	33	119	152

The proposed Tim Hortons Restaurant is projected to generate approximately 152 entering vehicles during the AM peak hour with 119 vehicles being serviced by the drive-thru.

**B. Pass-by Traffic**

Additionally, inherent in the trip generation estimate for the proposed development, is the “pass-by” traffic component of traffic entering and exiting the site. Service-oriented developments (such as shopping centers, discount stores, restaurants, banks, service stations, and coffee shops) often locate adjacent to busy streets in order to attract the motorists already passing the site on the adjacent street. These sites attract a portion of their trips from traffic passing the site.

Trips generated by a service-type use can be broken down into two categories: pass-by trips and primary trips. The “pass-by” traffic refers to the amount of existing traffic already on the roadways adjacent to the site (in this case, Dick Road) that, as it “passes by” the site, will enter the site driveway to patronize the restaurant. That portion of the generated traffic attracted to the site would pass on the adjacent street system whether or not the site is developed and thus produces no new traffic at study area intersections other than the site driveway.

ITE has data for the Coffee/Donut Shop land use without any indoor seating; this data indicates an AM peak hour pass-by rate of 89%. Given that the proposed store has indoor seating, a pass-by rate of 70% (which is similar to pass-by rates at fast-food restaurants) has been applied to the AM peak hours to account for more trips related to the indoor seating. As the ITE does not have a pass-by rate for the Coffee/Donut Shop land use during the PM peak hour, pass-by rates for fast-food restaurants were used based on the previously noted similarities between the land uses. Therefore, a pass-by rate of 50% was applied to the PM peak hour. Pass-by trips are expected to be quite heavy during the morning peak due to the site’s location and proximity to Genesee Street and the Kensington Expressway.

It should be noted that this report takes a conservative, “worst-case” analysis using the 70% pass-by rate during the commuter AM peak hour. Based on data reported in the ITE, the characteristics of the study area, and the nature of Tim Hortons facilities in the region, pass-by rates may increase to as much as 80-85%, thereby reducing the estimated primary (new) site generated trips. These pass-by rates are likely to occur within months of the store opening as people become accustomed to the new site, thus redistributing traffic amongst similar Tim Hortons facilities in the area.

**Table III** depicts the total trips generated as a result of the development with the pass-by adjustment applied to the AM and PM peak hours.

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**TABLE III: SITE GENERATED TRIPS AND ADJUSTMENTS**

LAND USE	AM PEAK HOUR		PM PEAK HOUR	
	ENTER	EXIT	ENTER	EXIT
Tim Hortons	152	152	38	38
Pass-by Credit	-107	-107	-19	-19
<b>Total Primary Trips</b>	<b>45</b>	<b>45</b>	<b>19</b>	<b>19</b>

A total of 152 entering/152 exiting vehicle trips are projected during the AM peak hour. During the PM peak hour, a total of 38 entering/38 exiting vehicle trips are projected. Not all of these driveway volumes are new, but instead a portion of the projected traffic volume is reduced taking into account pass-by credits. Thus, the proposed site is expected to generate approximately 45 entering/45 exiting primary new vehicle trips during the weekday AM peak hour and 19 entering/19 exiting primary new vehicle trips during the weekday PM peak hour.

Table IV depicts the total trips generated as a result of the development with a pass-by adjustment of 80% applied to the AM peak hour.

**TABLE IV: SITE GENERATED TRIPS AND ADJUSTMENTS WITH AN 80% PASS-BY CREDIT**

LAND USE	AM PEAK HOUR	
	ENTER	EXIT
Tim Hortons	152	152
Pass-by Credit	-122	-122
<b>Total Primary Trips</b>	<b>30</b>	<b>30</b>

Using a pass-by credit of 80% during the AM peak hour, the proposed site could generate approximately 30 entering/30 exiting primary new vehicle trips during the weekday AM peak hour.

C. Site Traffic Distribution

The cumulative effect of site-generated traffic on the transportation network is dependent on the origins and destinations of that traffic and the location of the access drives serving the site. The proposed arrival/departure distribution of traffic generated at this site is considered a function of several parameters, including:

- Population centers in the local area;
- Employment centers in the local area and greater region
- Proximity and access to Genesee Street and the Kensington Expressway;
- Site access drive location;
- Existing traffic patterns; and
- Existing traffic conditions and controls

Based on these parameters, Figure 6 shows the anticipated trip distribution patterns for the proposed development. Figure 7 illustrates the peak hour site-generated traffic based on those percentages. Figure 8 combines the background conditions (Figure 4) and the site-generated trips (Figure 7) to establish the anticipated future traffic volume under full development conditions during the AM and PM peak hours.

**Capacity Analysis**

Capacity analysis is a technique used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the capacity analysis is referred to as a Level of Service (LOS). Levels of Service are calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. Since the most amount of delay to motorists usually occurs at intersections, the capacity analysis specifically focuses on intersections.

Six Levels of Service are defined for analysis purposes. They are assigned letter designations, from "A" to "F", with LOS "A" representing the best conditions and LOS "F" the worst. Suggested ranges of service capacity and an explanation of Levels of Service are included in the attachments.

The standard procedure for capacity analysis of signalized and un-signalized intersections is outlined in the Highway Capacity Manual (HCM 2010) published by the Transportation Research Board. Traffic analysis software, Synchro 8, which is based on procedures and methodologies contained in the HCM, was used to analyze operating conditions at the study area intersections. The procedure yields a Level of Service (LOS) based on the HCM as an indicator of how well intersections operate.

Existing and background operating conditions during the peak study periods are evaluated to determine a basis for comparison with the projected future conditions. The future traffic conditions generated by the proposed development were analyzed to assess the operations of the intersections in the study area. Capacity results for existing, background, and full build-out conditions are listed in **Table V**. The discussion following the table summarizes capacity conditions. All capacity analysis calculations are included in the attachments.

**TABLE V – CAPACITY ANALYSIS RESULTS**

Intersection	Existing Conditions		Background Conditions		Full Development Conditions	
	AM	PM	AM	PM	AM	PM
<b>Dick Road/W Sobieski Avenue (U)</b>						
Westbound – W Sobieski Avenue	C(17.2)	C(21.7)	C(17.3)	C(21.9)	C(17.6)	C(22.0)
Southbound left – Dick Road	B(12.4)	B(11.5)	B(12.5)	B(11.5)	B(12.7)	B(11.6)
<b>Dick Road/Broad Street (U)</b>						
Eastbound Broad Street	B(13.2)	C(19.7)	B(13.3)	C(19.8)	B(13.4)	C(20.0)
Northbound left – Dick Road	B(11.2)	C(16.2)	B(11.2)	C(16.3)	B(11.4)	C(16.4)
<b>Dick Road/Proposed (Existing) Driveway (U)</b>						
Westbound – Proposed Driveway	A(0.0)	A(0.0)	A(0.0)	A(0.0)	E(46.4)	C(23.1)
Southbound left – Dick Road	A(0.0)	A(0.0)	A(0.0)	A(0.0)	B(14.1)	B(11.7)
<b>Dick Road/Chapel Avenue (U)</b>						
Eastbound – Chapel Avenue	C(16.7)	C(23.5)	C(16.8)	C(23.6)	C(17.0)	C(23.9)
Northbound left – Dick Road	B(11.1)	C(15.8)	B(11.1)	C(15.9)	B(11.2)	C(16.0)

**Notes:**

A(5.5) = Level of Service (Delay in seconds per vehicle)  
 (U) = Un-signalized

Dick Road/W Sobieski Avenue

The capacity analysis results at the Dick Road/W Sobieski Avenue intersection indicate the LOS will not change as a result of the proposed development. All approaches operate at LOS "C" or better during both peak hours under all conditions. No mitigation is warranted or recommended.



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Dick Road/Broad Street

All approaches operate at LOS "C" or better during both peak hours under all conditions. No change in LOS is projected as a result of the proposed development. No mitigation is warranted or recommended.

Dick Road/Chapel Avenue

All approaches at the Dick Road/Chapel Avenue intersection operate at LOS "C" or better during both peak hours under all conditions. No changes in LOS is projected as a result of the proposed development. No mitigation is recommended or warranted.

Dick Road/Proposed (Existing) Driveway

Under full development conditions, the Dick Road/Proposed (Existing) Driveway intersection is projected to operate at LOS "C" or better for all approaches during both peak hours. The exception is the westbound approach which operates at LOS "E" during the AM peak hour. The anticipated delay and corresponding level of service for the westbound approach under full development conditions is often characteristic of un-signalized side roads on heavily trafficked arterials such as Dick Road.

It should be noted that the projected trip distribution for the project site during the critical AM peak hour was weighted more heavily exiting towards the north (westbound right approach) based on the heavy volume of traffic along Dick Road. A similar condition was observed at an existing Tim Hortons Restaurant with comparable peak hour traffic volumes along the major road during the AM peak period. Given that the majority of traffic exiting the side roads onto Dick Road turned right instead of crossing opposing traffic, as well as several drivers forfeiting their attempt to turn left onto Dick Road, the majority of traffic may likely turn right out of the proposed site.

For those choosing to turn left out of the site, the available TWLTL offers drivers the ability to perform a two-stage left-turn maneuver whereby the lane is used as a waiting area prior to drivers merging into the through traffic stream.

The traffic signals at the Dick Road/Kensington Express Off-Ramp and Dick Road/Barone Circle intersections may offer drivers gaps in traffic to enter from and exit onto Dick Road.

It should also be noted that the proposed site driveway is conceptually planned to be offset from Chapel Avenue in the northward direction via the existing site driveway. The driveway location is offset in the positive direction, in that southbound left-turning vehicles entering the proposed driveway will not come into conflict with northbound left-turning vehicles turning onto Chapel Avenue.

Driver offset.

Regarding the unlikely potential for eastbound lefts (exiting Chapel Avenue) conflicting with westbound lefts (exiting the proposed site), 30 vehicles are projected to turn left out of the site driveway during the AM peak hour while seven vehicles are projected to turn left out of Chapel Avenue. This equates to approximately one vehicle every two minutes exiting the site and one vehicle every 8.5 minutes exiting Chapel Avenue. During the PM peak hour, 15 vehicles are projected to turn left out of the site driveway (one vehicle every four minutes) and five vehicles are projected to turn left out of Chapel Avenue (one vehicle every 12 minutes). Based on the projected frequency of left-turning drivers exiting the project site and Chapel Avenue, the likelihood that both groups will conflict with one another is very low and irregular, particularly during the PM peak hour.

Ultimately, the current operating conditions during the peak commuter periods on Dick Road in the immediate study area may likely result in drivers making their own decisions around whether to patronize the site during the most congested peak hours. Driver's tolerance for delay exiting onto Dick Road may further shift the focus from attempting to turn left out of the site to primarily turning right, as well as those entering the site from the north (southbound lefts). Should the northbound queuing conditions

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



observed during the AM peak period occur with frequency during times when school is in operation, drivers may find it difficult to exit the site without the assistance of courtesy gaps from northbound drivers on Dick Road. Additionally, northbound queueing during the PM peak period may extend to the proposed driveway.

**Site Queuing Analysis**

A drive-thru queuing analysis was conducted to determine the anticipated queue length and adequacy of the proposed on-site stacking space using the drive-thru.

Since both the arrival and service times at the proposed drive-thru are randomly distributed, stochastic queuing equations were used for this analysis. The peak projected arrival rate at the drive-thru is 119 vehicles per hour during the AM peak hour. Assuming a service rate of approximately 25 seconds (excluding the waiting time in a storage area immediately in advance of the service positions after placing an order at the order window), the average service rate in the drive-thru is 144 vehicles per hour. This service rate in the drive-thru is based on service by two persons. Based on service rates collected at similar single-order drive-thru facilities in the Western New York/Finger Lakes region, there may be a variability in service times ranging from 25 to 30 seconds.

A formula was developed based upon the average service rates and observed queuing to estimate queue lengths at coffee and donut shops given the projected arrival rate at the drive-thru. This formula assumes that both arrival and service rates are random. This is based on observations that vehicle arrivals are random, and that service times in the drive-thru vary based on type and number of items ordered. For example, service time for ordering a coffee is less than that of a customer who orders coffee and a breakfast sandwich or donuts. **Table VI** depicts the results of the drive-thru queuing analysis using 25 and 27 service times.

**TABLE VI: AM PEAK HOUR DRIVE-THRU QUEUING RESULTS**

PARAMETER	RESULTS WITH 25 SECOND SERVICE RATE	RESULTS WITH 27 SECOND SERVICE RATE
Arrival Rate	119 veh/hr	119 veh/hr
Service Rate	144 veh/hr	133 veh/hr
<b>95% Confidence Queue Length</b>	<b>15 vehicles</b>	<b>25 vehicles</b>

The results of the drive-thru queuing analysis indicate maximum queue lengths of 15 vehicles during the AM peak hour with 95% confidence using a 25 second service rate. Queue lengths of 25 vehicles during the AM peak hour with 95% confidence using a 27 second service rate can be expected, with an average queue of eight vehicles.

Conditions for queues up to 25 vehicles on-site are more of a rarity than consistent operations. It has also been observed that drivers will forfeit their entry to a busy site and travel to another location if queue lengths are too long. Additionally, the site provides on-site parking that can be utilized by drivers in the queue as an alternate means of placing an order. Based on the results of the assessment, the proposed site provides sufficient on-site storage for drive-thru queuing when service rates are operating at or below 27 seconds.

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### Conclusions and Recommendations

This study evaluates the potential traffic impacts resulting from the proposed Tim Hortons along Dick Road in the Town of Cheektowaga. Based upon this analysis, the results indicate that the proposed development will not have significant adverse traffic impacts to the existing roadway network. The following sets forth conclusions and recommendations based upon the results of the analyses:

1. A total of 152 entering/152 exiting vehicle trips are projected during the AM peak hour. During the PM peak hour, a total of 38 entering/38 exiting vehicle trips are projected. Not all of these driveway volumes are new, but instead a portion of the projected traffic volume is reduced taking into account pass-by credits. Thus, the proposed site is expected to generate approximately 45 entering/45 exiting primary new vehicle trips during the weekday AM peak hour and 19 entering/19 exiting primary new vehicle trips during the weekday PM peak hour.
2. The results of the drive-thru queuing analysis indicate maximum queue lengths of 15 vehicles during the AM peak hour with 95% confidence using a 25 second service rate. Queue lengths of 25 vehicles during the AM peak hour with 95% confidence using a 27 second service rate can be expected, with an average queue of eight vehicles. Conditions for queues up to 25 vehicles on-site are more of a rarity than consistent operations. It has also been observed that drivers will forfeit their entry to a busy site and travel to another location if queue lengths are too long. Additionally, the site provides on-site parking that can be utilized by drivers in the queue as an alternate means of placing an order. Based on the results of the assessment, the proposed site provides sufficient on-site storage for drive-thru queuing when service rates are operating at or below 27 seconds.
3. The capacity analysis results at the intersections of Dick Road at W Sobieski Avenue, Broad Street, and Chapel Avenue operate at LOS "C" or better during both peak hours under all conditions. No change in LOS is projected as a result of the proposed development. Therefore, no mitigation is warranted or recommended at these intersections under full development conditions.
4. Under full development conditions, the Dick Road/Proposed (Existing) Driveway intersection is projected to operate at LOS "C" or better for all approaches during both peak hours. The exception is the westbound approach which operates at LOS "E" during the AM peak hour. The anticipated delay and corresponding level of service for the westbound approach under full development conditions is often characteristic of un-signalized side roads on heavily trafficked arterials such as Dick Road.

It should be noted that the projected trip distribution for the project site during the critical AM peak hour was weighted more heavily exiting towards the north (westbound right approach) based on the heavy volume of traffic along Dick Road.

It should also be noted that the proposed site driveway is conceptually planned to be offset from Chapel Avenue in the northward direction via the existing site driveway. The driveway location is offset in the positive direction, in that southbound left-turning vehicles entering the proposed driveway will not come into conflict with northbound left-turning vehicles turning onto Chapel Avenue.

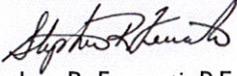
Regarding the unlikely potential for eastbound lefts (exiting Chapel Avenue) conflicting with westbound lefts (exiting the proposed site) and the projected frequency of such movements during the AM and PM peak hours, the likelihood that both groups will conflict with one another is very low and irregular, particularly during the PM peak hour.

The current operating conditions during the peak commuter periods on Dick Road in the

immediate study area may likely result in drivers making their own decisions around whether to patronize the site during the most congested peak hours. Driver's tolerance for delay exiting onto Dick Road may further shift the focus from attempting to turn left out of the site to primarily turning right, as well as those entering the site from the north (southbound lefts).

If you have any questions or are in need of additional information, please do not hesitate to contact our office.

Sincerely,  
SRF & Associates

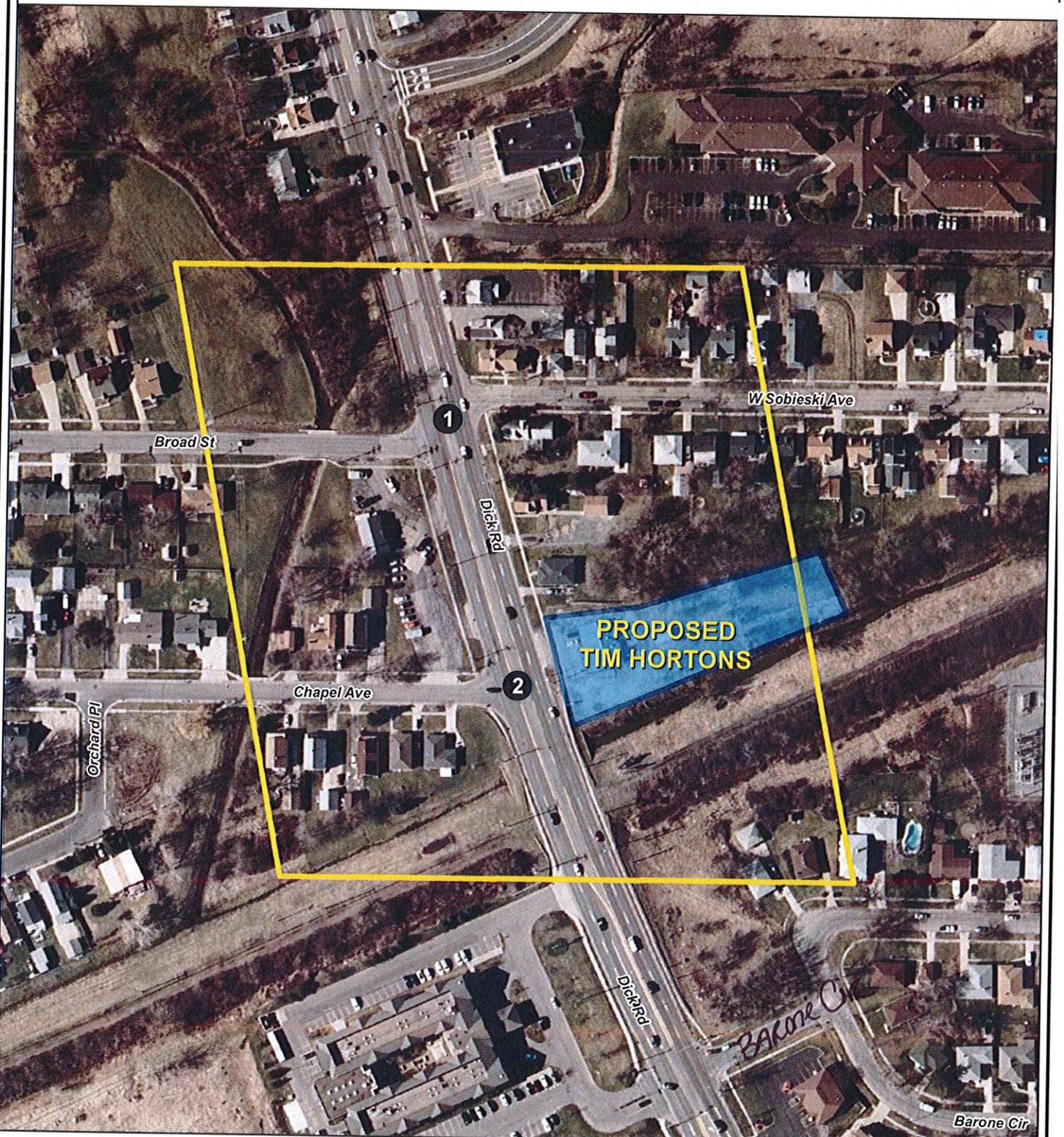


Stephen R. Ferranti, P.E., PTOE  
Principal

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Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

# FIGURE 1 - SITE LOCATION AND STUDY AREA



### Legend

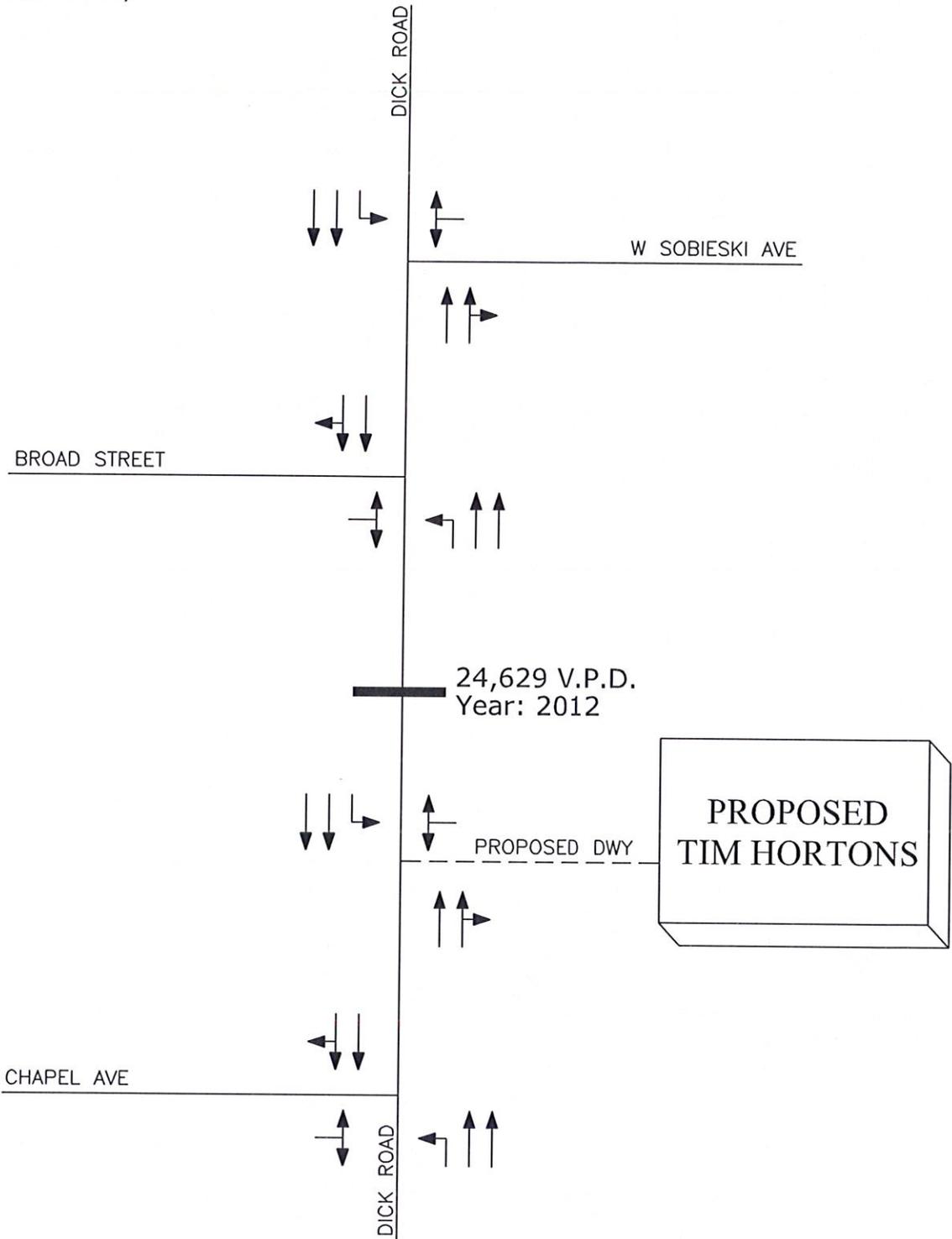
- Study Intersection
- Site Location
- Study Area

**PROPOSED TIM HORTONS**  
**TOWN OF CHEEKTOWAGA, NY**



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Note: All counts by New York State Dept of Transportation  
V.P.D. = Vehicles Per Day



PROJECT NO: 36004

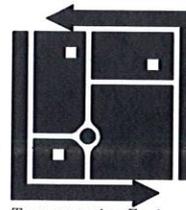


KEY  
NOT TO SCALE  
00(00) = AM(PM)

### FIGURE 2

LANE GEOMETRY &  
AVERAGE DAILY TRAFFIC

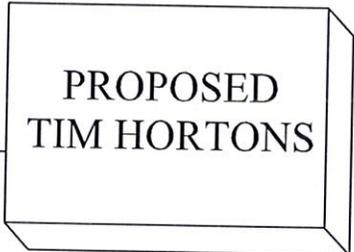
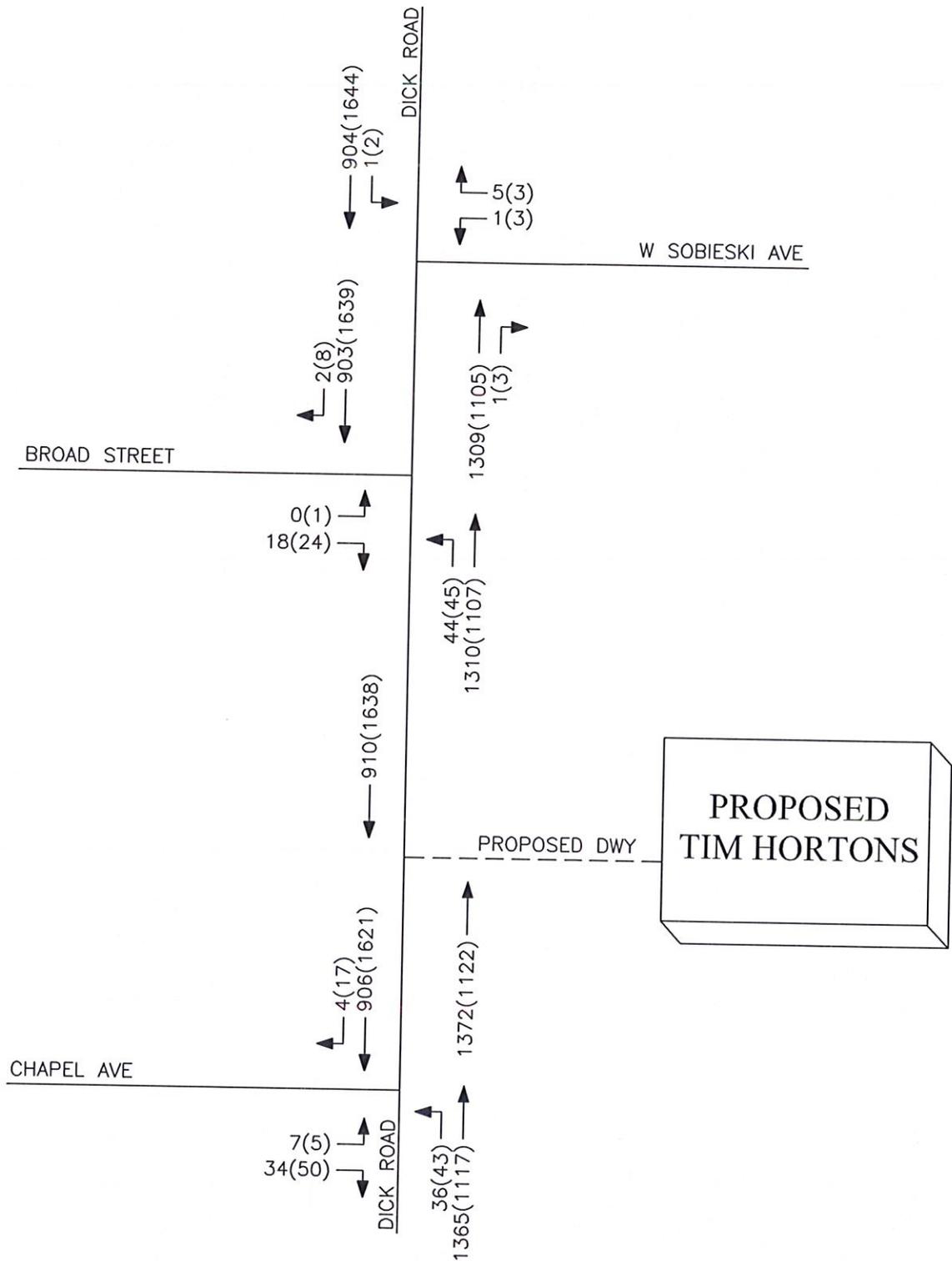
PROPOSED TIM HORTONS  
TOWN OF CHEEKTOWAGA, NY



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Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



PROJECT NO: 36004

**KEY**

NOT TO SCALE

00(00) = AM(PM)

N

**FIGURE 3**

PEAK HOUR VOLUMES  
2016 EXISTING TRAFFIC

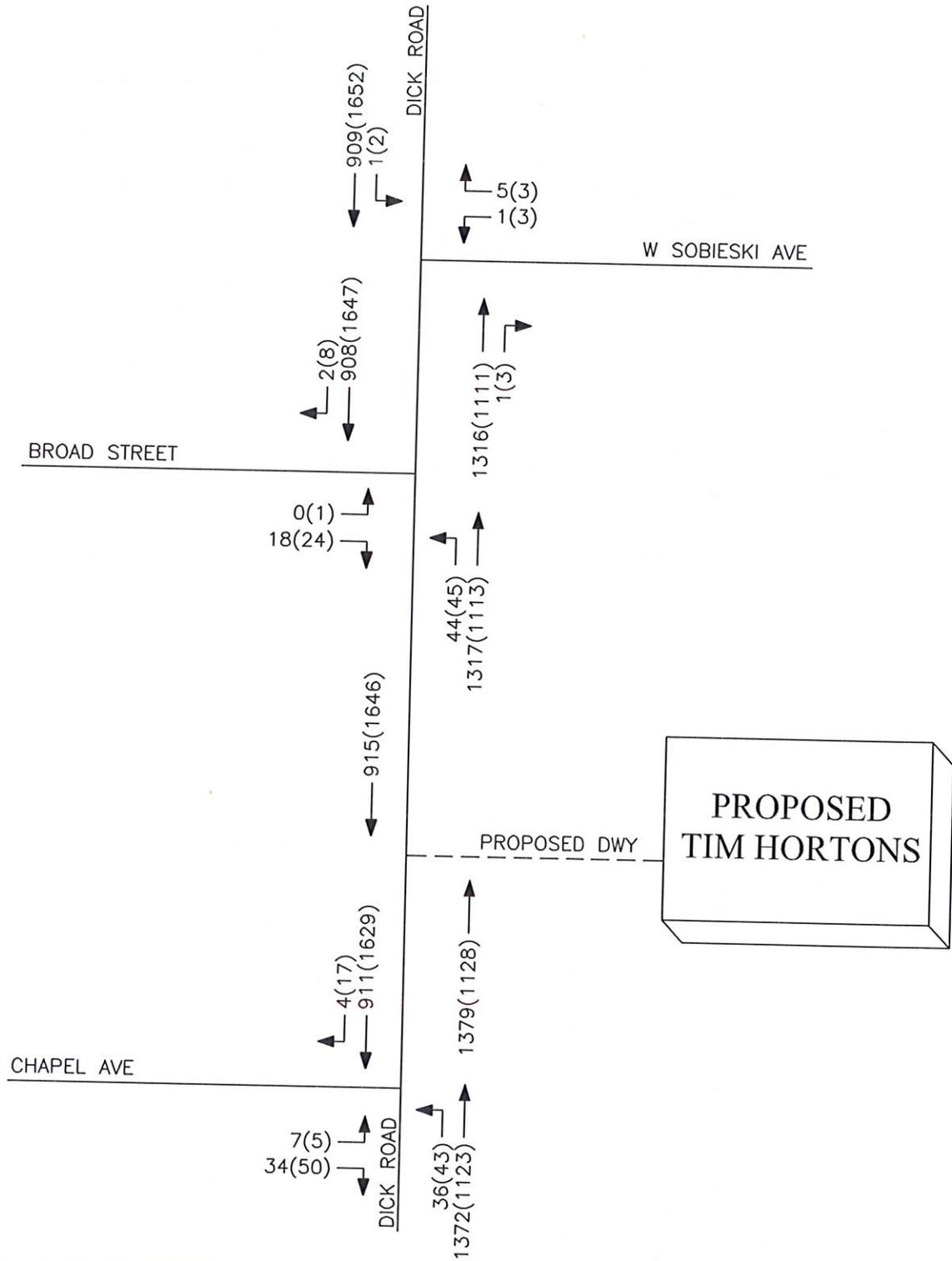
PROPOSED TIM HORTONS  
TOWN OF CHEEKTOWAGA, NY

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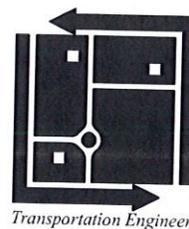
PROJECT NO: 36004

KEY  
  
 NOT TO SCALE  
 00(00) = AM(PM)  
 N

**FIGURE 4**

PEAK HOUR VOLUMES  
 2017 BACKGROUND CONDITIONS

PROPOSED TIM HORTONS  
 TOWN OF CHEEKTOWAGA, NY

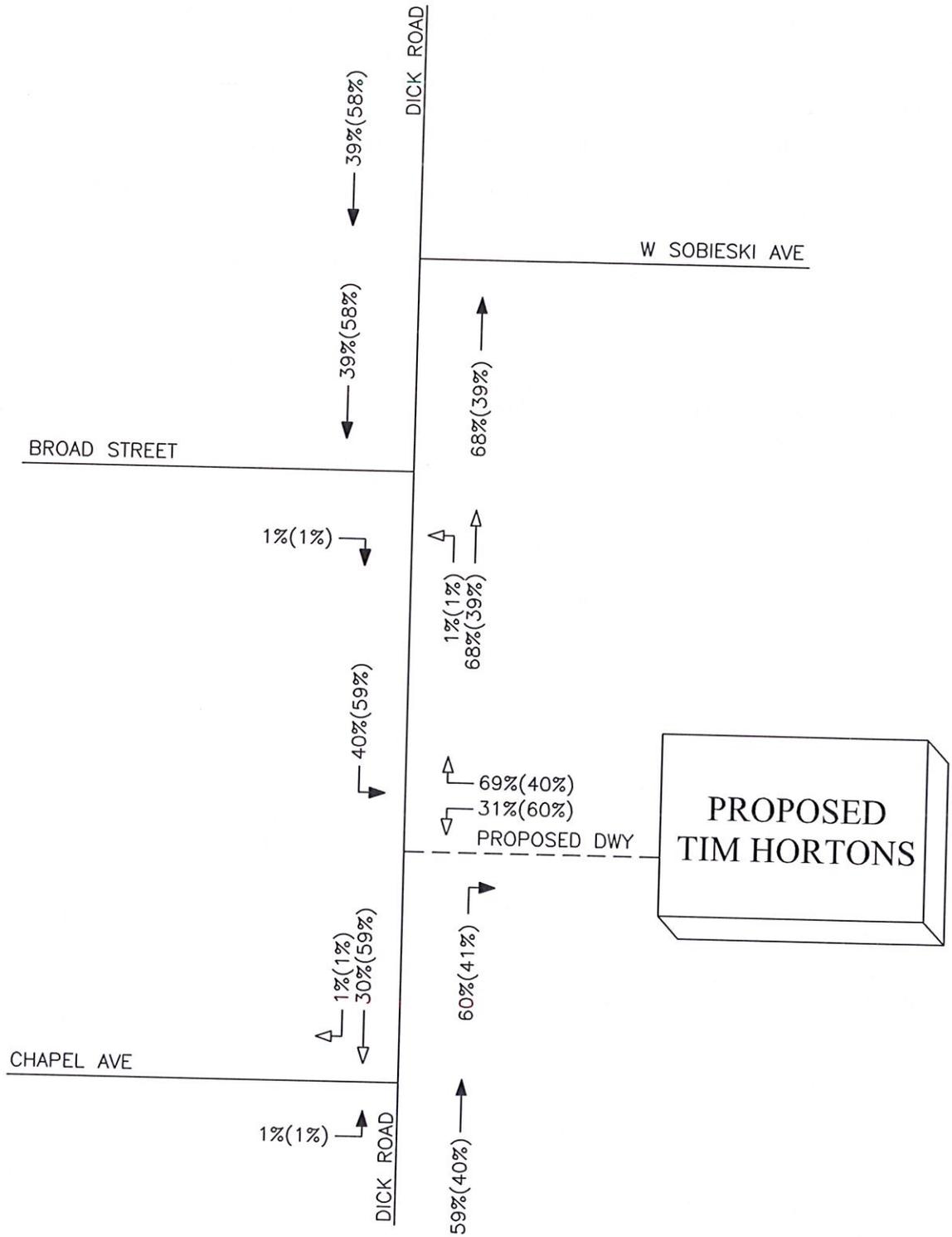


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PROJECT NO: 36004

**KEY**



NOT TO SCALE

N

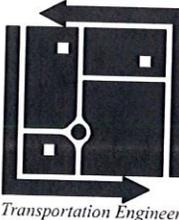
→ = ENTERING TRIPS

↳ = EXITING TRIPS

### FIGURE 6

#### TRIP DISTRIBUTION

PROPOSED TIM HORTONS  
TOWN OF CHEEKTOWAGA, NY

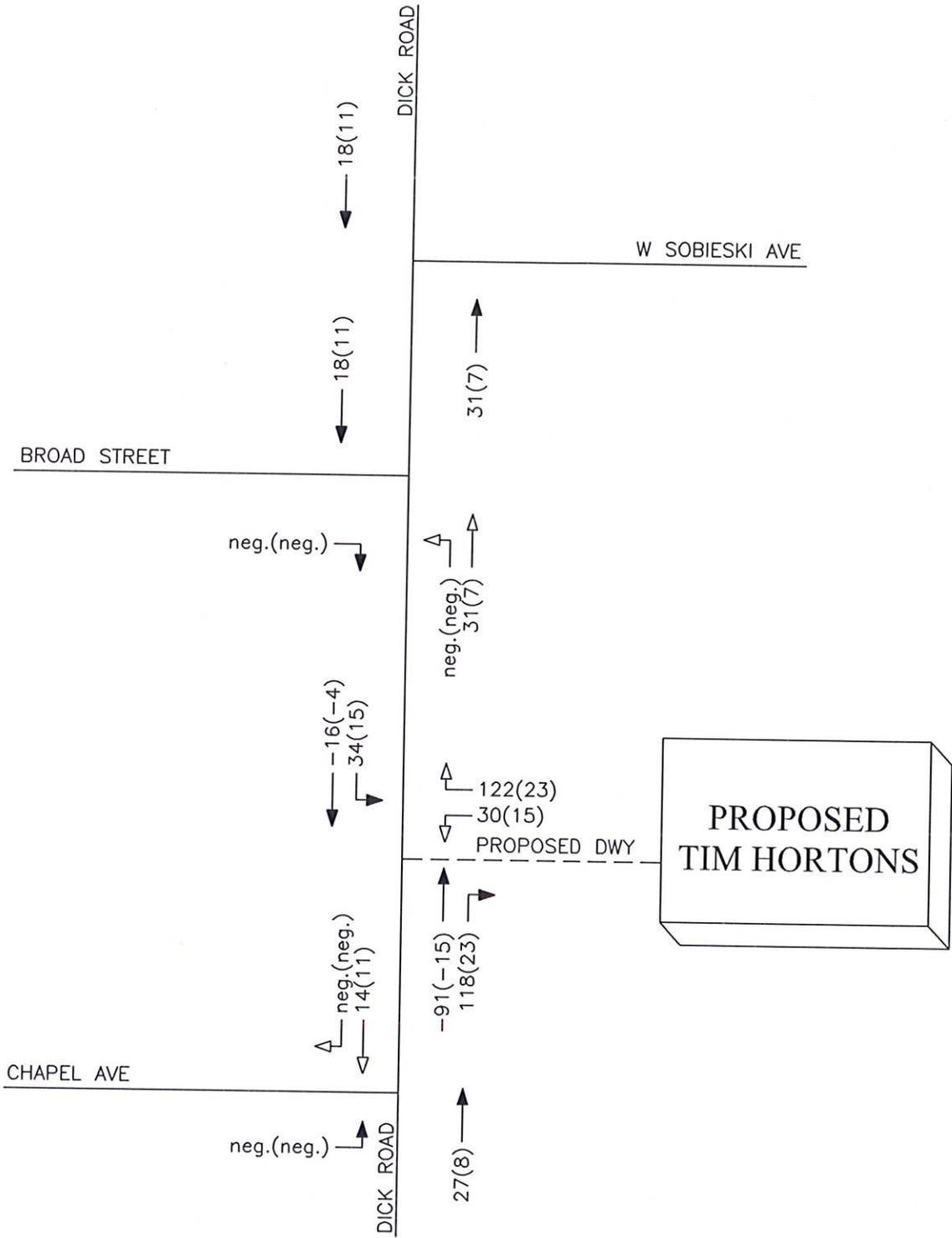


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Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



PROJECT NO: 36004

**KEY**

NOT TO SCALE

00(00) = AM(PM)

N → = ENTERING TRIPS

→ = EXITING TRIPS

NEG. = NEGLIGIBLE

**FIGURE 7**

SITE GENERATED TRIPS

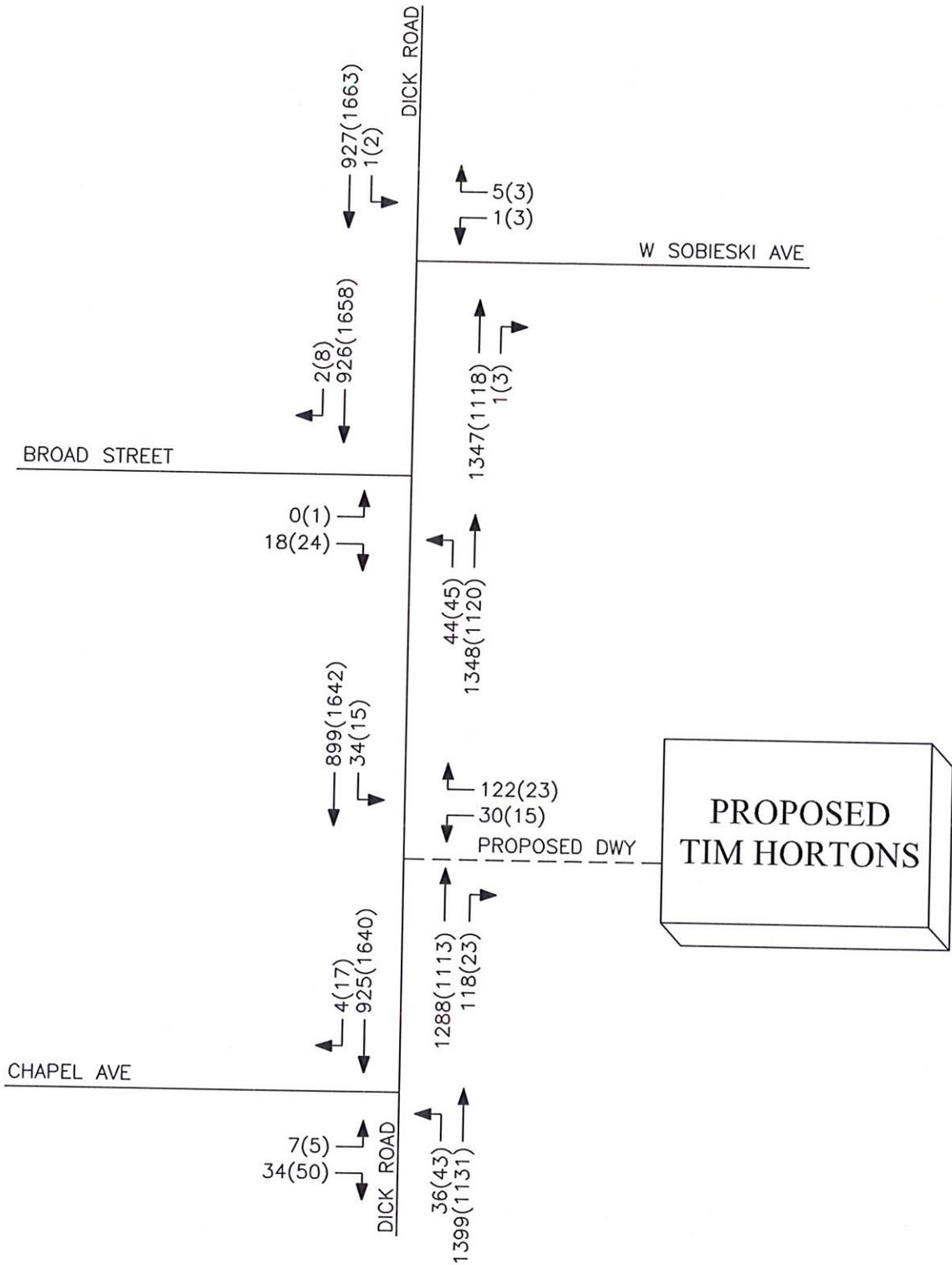
PROPOSED TIM HORTONS  
TOWN OF CHEEKTOWAGA, NY

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Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)



PROJECT NO: 36004

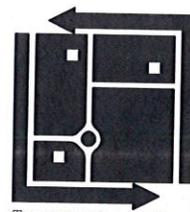


NOT TO SCALE  
00(00) = AM(PM)

### FIGURE 8

PEAK HOUR VOLUMES  
FULL DEVELOPMENT CONDITIONS

PROPOSED TIM HORTONS  
TOWN OF CHEEKTOWAGA, NY



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Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

# ATTACHMENT

March 7, 2016

**Letter to Ms. Judy Stamm**

Silvertip Ventures

**Proposed Tim Hortons, Dick Road**

Town of Cheektowaga

Erie County, New York



3495 Winton Place  
Building E, Suite 110  
Rochester, NY 14623

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**COLLECTED  
TRAFFIC VOLUME  
DATA**

File Name : Dick Rd.W Sobieski Ave  
 Site Code : 00000000  
 Start Date : 1/27/2016  
 Page No : 1

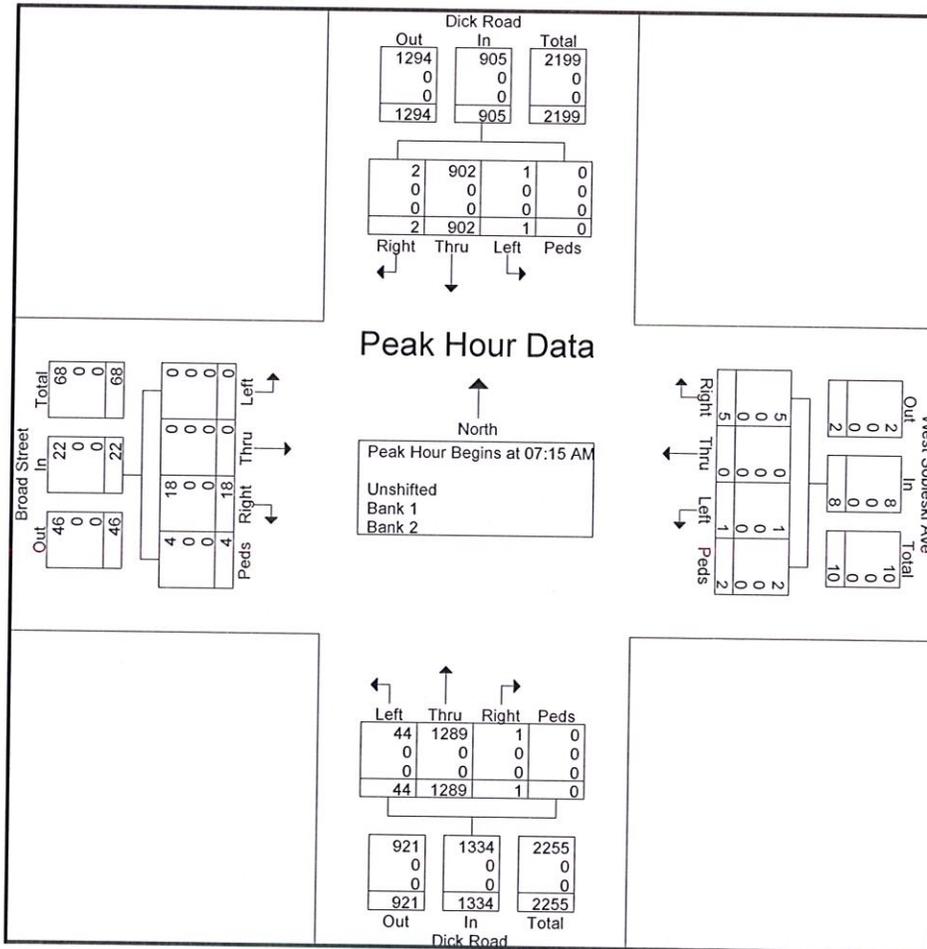
Groups Printed- Unshifted - Bank 1 - Bank 2

Start Time	Dick Road Southbound				West Sobieski Ave Westbound				Dick Road Northbound				Broad Street Eastbound				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
07:00 AM	0	179	1	0	1	0	0	0	0	287	7	0	2	0	0	0	477
07:15 AM	0	215	0	0	2	0	0	0	0	332	8	0	8	0	0	4	569
07:30 AM	0	212	0	0	2	0	1	0	0	325	15	0	5	0	0	0	560
07:45 AM	1	275	0	0	0	0	0	2	0	343	12	0	0	0	0	0	633
<b>Total</b>	<b>1</b>	<b>881</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1287</b>	<b>42</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2239</b>
08:00 AM	1	200	1	0	1	0	0	0	1	289	9	0	5	0	0	0	507
08:15 AM	0	230	0	0	0	0	0	0	0	317	18	0	2	0	0	2	569
08:30 AM	0	222	0	0	1	0	0	0	0	307	6	0	4	0	0	0	540
08:45 AM	0	202	2	0	0	1	2	0	0	236	6	0	9	0	0	1	459
<b>Total</b>	<b>1</b>	<b>854</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1149</b>	<b>39</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2075</b>
*** BREAK ***																	
04:00 PM	1	397	1	0	0	0	1	2	1	284	10	0	4	0	1	0	702
04:15 PM	2	432	0	0	2	0	0	2	0	268	9	0	4	0	0	1	720
04:30 PM	1	425	1	0	0	0	1	1	1	266	11	0	6	0	0	2	715
04:45 PM	4	421	0	0	1	0	1	0	1	316	15	0	10	0	0	0	769
<b>Total</b>	<b>8</b>	<b>1675</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>1134</b>	<b>45</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2906</b>
05:00 PM	4	397	0	0	0	0	1	0	1	254	13	0	8	0	0	2	680
05:15 PM	1	411	0	0	0	0	0	0	2	299	10	0	6	0	0	1	730
05:30 PM	3	380	1	0	0	0	0	0	1	216	8	0	4	0	0	1	614
05:45 PM	0	343	0	0	1	0	0	2	1	247	11	0	11	0	1	1	618
<b>Total</b>	<b>8</b>	<b>1531</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1016</b>	<b>42</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>2642</b>
<b>Grand Total</b>	<b>18</b>	<b>4941</b>	<b>7</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>7</b>	<b>9</b>	<b>9</b>	<b>4586</b>	<b>168</b>	<b>0</b>	<b>88</b>	<b>0</b>	<b>2</b>	<b>15</b>	<b>9862</b>
Apprch %	0.4	99.5	0.1	0	39.3	3.6	25	32.1	0.2	96.3	3.5	0	83.8	0	1.9	14.3	
Total %	0.2	50.1	0.1	0	0.1	0	0.1	0.1	0.1	46.5	1.7	0	0.9	0	0	0.2	
Unshifted	18	4941	7	0	11	1	7	9	9	4586	168	0	88	0	2	15	
% Unshifted	100	100	100	0	100	100	100	100	100	100	100	0	100	0	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

File Name : Dick Rd.W Sobieski Ave  
 Site Code : 00000000  
 Start Date : 1/27/2016  
 Page No : 2

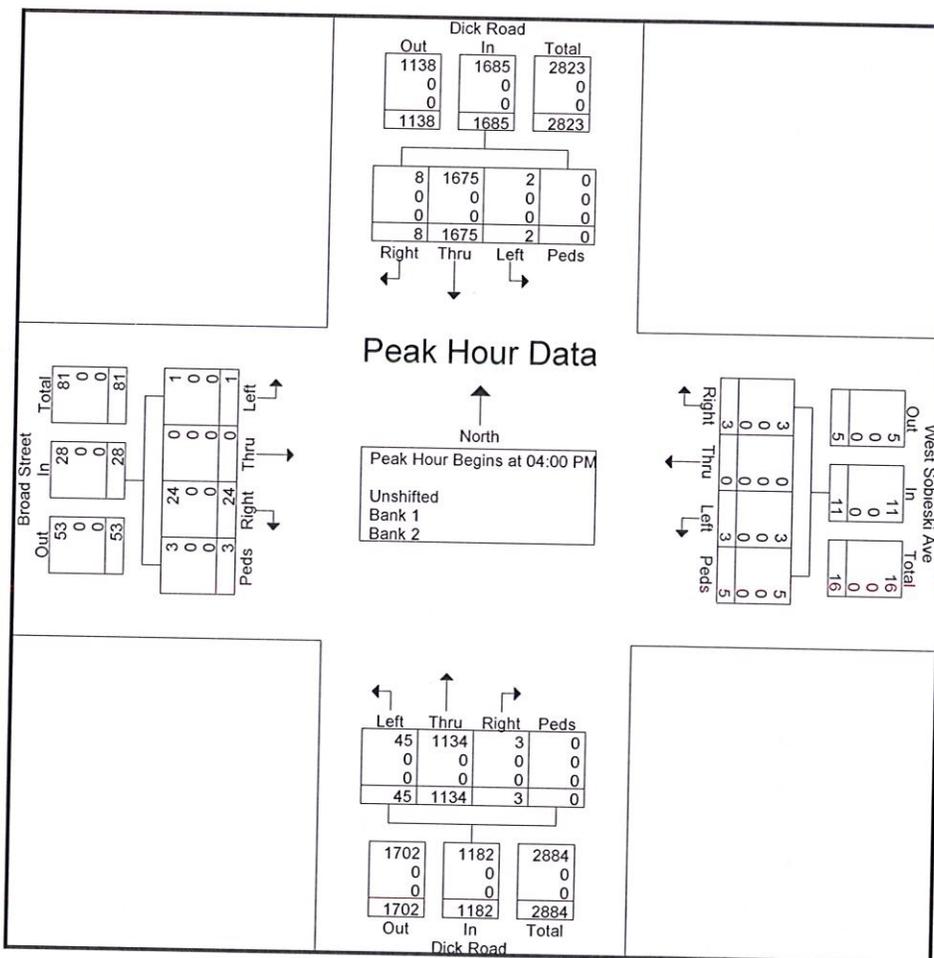
Start Time	Dick Road Southbound					West Sobieski Ave Westbound					Dick Road Northbound					Broad Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	0	215	0	0	215	2	0	0	0	2	0	332	8	0	340	8	0	0	0	12	569
07:30 AM	0	212	0	0	212	2	0	1	0	3	0	325	15	0	340	5	0	0	0	5	560
07:45 AM	1	275	0	0	276	0	0	0	2	2	0	343	0	0	355	0	0	0	0	0	633
08:00 AM	1	200	1	0	202	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0
Total Volume	2	902	1	0	905	5	0	1	2	8	1	1289	44	0	1334	18	0	0	4	22	2269
% App. Total	.500	.820	.250	.000	.820	.625	.000	.250	.250	.667	.250	.940	.733	.000	.939	.563	.000	.000	.250	.458	.896
Unshifted	2	902	1	0	905	5	0	1	2	8	1	1289	44	0	1334	18	0	0	4	22	2269
% Unshifted	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

File Name : Dick Rd.W Sobieski Ave  
 Site Code : 00000000  
 Start Date : 1/27/2016  
 Page No : 3

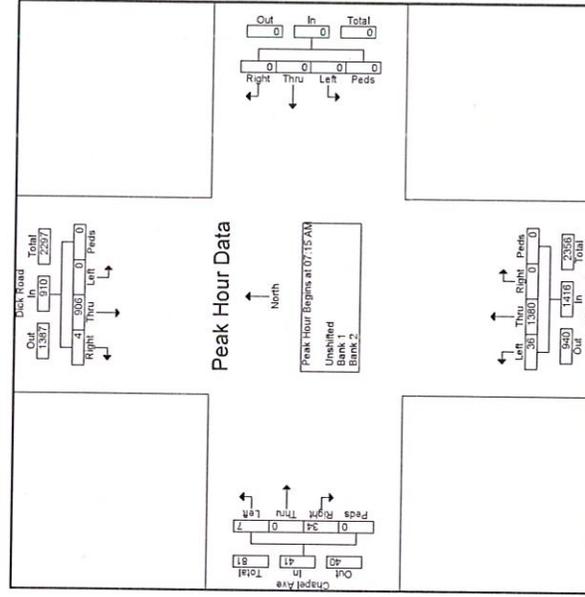
Start Time	Dick Road Southbound					West Sobieski Ave Westbound					Dick Road Northbound					Broad Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:00 PM																					
04:00 PM	1	397	1					1	2	3	1										
04:15 PM	2	432	0	0	434	2	0	0	2	4	0	268	9	0	277	4	0	0	1	5	720
04:30 PM	1	425	1	0	427	0	0	1	1	2	1	266	11	0	278	6	0	0	2		
04:45 PM	4	421	0	0	425	1	0	1	0	2	1	316	15	0	332	10	0	0	0	10	769
Total Volume	8	1675	2	0	1685	3	0	3	5	11	3	1134	45	0	1182	24	0	1	3	28	2906
% App. Total																					
PHF	.500	.969	.500	.000	.971	.375	.000	.750	.625	.688	.750	.897	.750	.000	.890	.600	.000	.250	.375	.700	.945
Unshifted	8	1675	2	0	1685	3	0	3	5	11	3	1134	45	0	1182	24	0	1	3	28	2906
% Unshifted																					
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

Start Time	Dick Road Southbound			Westbound			Dick Road Northbound			Chapel Ave Eastbound				
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Peds	Inl. Total
07:00 AM	0	177	0	0	0	0	0	286	7	3	0	2	0	276
07:15 AM	0	224	0	0	0	0	0	349	5	0	13	0	2	593
07:30 AM	1	218	0	0	0	0	0	374	8	0	8	0	1	610
07:45 AM	1	273	0	0	0	0	0	341	12	0	8	0	3	638
Total	2	692	0	0	0	0	0	1350	32	0	32	0	8	2316
08:00 AM	2	191	0	0	0	0	0	316	11	0	5	0	1	526
08:15 AM	2	218	0	0	0	0	0	333	11	0	6	0	3	533
08:30 AM	1	218	0	0	0	0	0	311	3	0	9	0	0	542
08:45 AM	0	211	0	0	0	0	0	268	5	0	9	0	0	463
Total	5	838	0	0	0	0	0	1178	30	0	29	0	4	2084
Grand Total	7	1730	0	0	0	0	0	2528	62	0	61	0	12	4400
Approach %	0.4	99.6	0	0	0	0	0	97.6	2.4	0	83.6	0	16.4	0
Unshifted	0.7	1733	0	0	0	0	0	57.5	1.4	0	1.4	0	0.3	0
% Unshifted	100	100	0	0	0	0	0	2528	62	0	61	0	12	4400
Bank 1	0	0	0	0	0	0	0	100	100	0	100	0	100	100
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Start Time	Dick Road Southbound			Westbound			Dick Road Northbound			Chapel Ave Eastbound					
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Peds	Inl. Total	
07:00 AM	0	224	0	0	0	0	0	0	0	0	349	5	0	354	
07:15 AM	0	273	0	0	0	0	0	0	0	0	374	8	0	382	
07:30 AM	1	273	0	0	0	0	0	0	0	0	341	12	0	353	
07:45 AM	1	273	0	0	0	0	0	0	0	0	341	12	0	353	
Total	2	993	0	0	0	0	0	0	0	0	1380	36	0	1416	
08:00 AM	2	273	0	0	0	0	0	0	0	0	341	12	0	353	
08:15 AM	2	273	0	0	0	0	0	0	0	0	341	12	0	353	
08:30 AM	1	273	0	0	0	0	0	0	0	0	341	12	0	353	
08:45 AM	1	273	0	0	0	0	0	0	0	0	341	12	0	353	
Total	4	993	0	0	0	0	0	0	0	0	1380	36	0	1416	
% App. Total	PHF	500	830	000	000	830	000	000	000	000	922	750	000	927	854
		500	830	000	000	830	000	000	000	000	922	750	000	927	854



SRF & Associates  
 3495 Winton Place, Building E, Suite 110  
 Rochester, NY 14623

File Name : Dick Rd.Chapel Ave.PM  
 Site Code : 22222222  
 Start Date : 1/27/2016  
 Page No : 1

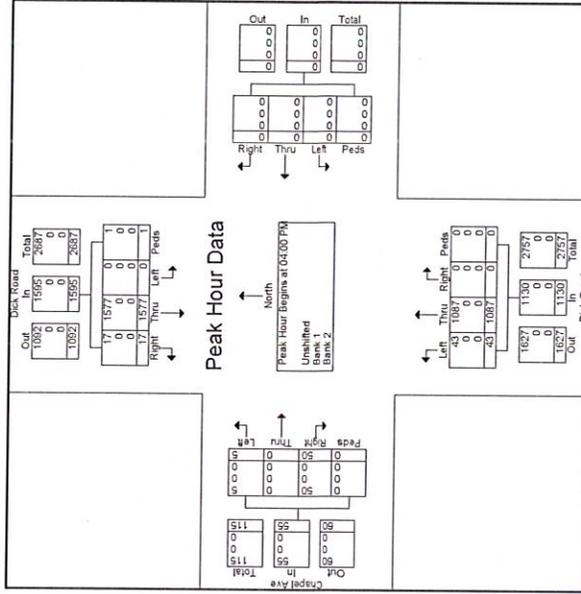
Groups Printed-Unshifted - Bank 1 - Bank 2

Start Time	Dick Road Southbound			Westbound			Dick Road Northbound			Chapel Ave Eastbound			Int. Total	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
04:00 PM	3	393	0	0	0	0	0	252	14	0	13	0	2	678
04:15 PM	4	383	0	0	0	0	0	244	12	0	13	0	3	659
04:30 PM	5	403	0	0	0	0	0	288	8	0	17	0	0	721
04:45 PM	5	473	0	0	0	0	0	303	9	0	7	0	0	722
Total	17	1577	0	0	0	0	0	1087	43	0	50	0	5	2780
05:00 PM	4	367	0	0	0	0	0	270	8	0	8	0	2	659
05:15 PM	8	384	0	0	0	0	0	302	7	0	10	0	2	721
05:30 PM	3	400	0	0	0	0	0	238	8	0	13	0	3	665
05:45 PM	4	335	0	0	0	0	0	244	7	0	14	0	0	604
Total	19	1486	0	0	0	0	0	1054	30	0	45	0	7	2641
Grand Total	95	3063	0	0	0	0	0	2141	73	0	95	0	12	5421
Adjct %	12	38.6	0	0	0	0	0	96.7	3.3	0	88.8	0	11.2	0
Total %	0.7	56.5	0	0	0	0	0	39.5	1.3	0	1.8	0	0.2	0
% Unshifted	100	100	0	0	0	0	0	2.11	1.3	0	35	0	12	5421
Bank 1	0	0	0	0	0	0	0	100	100	0	100	0	100	100
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SRF & Associates  
 3495 Winton Place, Building E, Suite 110  
 Rochester, NY 14623

File Name : Dick Rd.Chapel Ave.PM  
 Site Code : 22222222  
 Start Date : 1/27/2016  
 Page No : 2

Start Time	Dick Road Southbound			Westbound			Dick Road Northbound			Chapel Ave Eastbound			Int. Total	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
04:00 PM	3	393	0	0	0	0	0	252	14	0	13	0	2	678
04:15 PM	4	383	0	0	0	0	0	244	12	0	13	0	3	659
04:30 PM	5	403	0	0	0	0	0	288	8	0	17	0	0	721
04:45 PM	5	473	0	0	0	0	0	303	9	0	7	0	0	722
Total	17	1577	0	0	0	0	0	1087	43	0	50	0	5	2780
05:00 PM	4	367	0	0	0	0	0	270	8	0	8	0	2	659
05:15 PM	8	384	0	0	0	0	0	302	7	0	10	0	2	721
05:30 PM	3	400	0	0	0	0	0	238	8	0	13	0	3	665
05:45 PM	4	335	0	0	0	0	0	244	7	0	14	0	0	604
Total	19	1486	0	0	0	0	0	1054	30	0	45	0	7	2641
Grand Total	95	3063	0	0	0	0	0	2141	73	0	95	0	12	5421
Adjct %	12	38.6	0	0	0	0	0	96.7	3.3	0	88.8	0	11.2	0
Total %	0.7	56.5	0	0	0	0	0	39.5	1.3	0	1.8	0	0.2	0
% Unshifted	100	100	0	0	0	0	0	2.11	1.3	0	35	0	12	5421
Bank 1	0	0	0	0	0	0	0	100	100	0	100	0	100	100
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0



# MISCELLANEOUS TRAFFIC DATA AND CALCULATIONS

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**Trip Generation for Proposed Tim Hortons, Town of Cheektowaga, NY (AM Peak Hour) - SRF & Associates Trip Generation Model**

Store	Location	Lanes	Town	Population (w/in .75mi)	Median Age	Dist from Interstate	ADT	AM Major St	Drive Thru Yes or No	Nearby Coffee Shop	Parking	Drive-Thru	Total Enter
Tim Hortons	Dick Road	4	Cheektowaga	14,993	43	5 (<0.3mi)	24,994	2191	Yes	2	33	119	152
<b>Estimate</b>											<b>33</b>	<b>119</b>	<b>152</b>

**Trip Generation (PM Peak Hour)**

Based on studies at similar facilities throughout the region, midday trip generation typically results in 15% of the total trip generation between the AM, midday, and PM peak hours.

	Parking	Drive-Thru	Total Enter
<b>Estimate</b>	<b>13</b>	<b>25</b>	<b>38</b>



**PROPOSED TIM HORTON'S  
TOWN OF CHEEKTOWAGA, NY  
AM PEAK**

Num of yrs

1

LOCATION NUMBER	INTERSECTION DESCRIPTION	2016 Existing Volume	Bkgd Volume 0.5%	Proposed Tim Hortons				Pass-by Trips	Total Site Trips	FULL Build Volumes
				Enter Dist. %	Exit Dist. %	Trips IN	Trips OUT			
1	Dick Road/ Sobieski Ave					45	45			
	SR	904	909	39%		18		18	927	
	ST	1	1						1	
	SL									
	WR	5	5						5	
	WT									
	WL	1	1						1	
NR	1	1						1		
NT	1309	1316		68%		31		31	1347	
NL										
ER										
ET										
EL										
2	Dick Road/ Broad Street									
	SR	2	2						2	
	ST	903	908	39%		18		18	926	
	SL									
	WR									
	WT									
	WL									
NR										
NT	1310	1317		68%		31		31	1348	
NL	44	44		1%		0		0	44	
ER	18	18		1%		0		0	18	
ET										
EL										
3	Dick Road/ Proposed Driveway									
	SR									
	ST	910	915					-16	-16	899
	SL			40%		18		16	34	34
	WR				69%		31	91	122	122
	WT									
	WL				31%		14	16	30	30
NR										
NT	1372	1379		60%		27	91	118	118	
NL							-91	-91	1288	
ER										
ET										
EL										
4	Dick Road/ Chapel Ave									
	SR	4	4							
	ST	906	911		1%		0	0	4	4
	SL				30%		14	14	925	
	WR									
	WT									
	WL									
NR										
NT	1365	1372		59%		27		27	1399	
NL	36	36							36	
ER	34	34							34	
ET										
EL	7	7		1%		0		0	7	

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**PROPOSED TIM HORTON'S  
TOWN OF CHEEKTOWAGA, NY  
PM PEAK**

Num of yrs

1

LOCATION NUMBER	INTERSECTION DESCRIPTION	2016 Existing Volume	Bkgd Volume 0.5%	Proposed Tim Hortons				Pass-by Trips	Total Site Trips	FULL Build Volumes
				Enter Dist. %	Exit Dist. %	Trips IN	Trips OUT			
1	Dick Road/ Sobieski Ave					19	19			
	SR	1644	1652	58%		11			11	1663
	ST	2	2							2
	SL	3	3							3
	WR	3	3							3
	WT	3	3							3
	WL	3	3							3
2	Dick Road/ Broad Street									
	SR	8	8	58%		11			11	8
	ST	1639	1647							1658
	SL									
	WR									
	WT									
	WL									
3	Dick Road/ Proposed Driveway									
	SR	1638	1646	59%		11		-4	-4	1642
	ST				40%		8	4	15	15
	SL				60%		11	15	23	23
	WR							4	15	15
	WT							15	23	23
	WL							-15	-15	1113
4	Dick Road/ Chapel Ave									
	SR	17	17		1%		0		0	17
	ST	1621	1629		59%		11		11	1640
	SL									
	WR									
	WT									
	WL									
5	Dick Road/ Sobieski Ave									
	SR	1117	1123	40%		8			8	1131
	ST	43	43							43
	SL	50	50							50
	WR	5	5							5
	WT	5	5							5
	WL	5	5	1%		0			0	5

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**Queue Theory  
Coffee Shop Drive-Thru  
AM Peak Hour - 25 Second Service Rate**



The formula assumes both arrival and service distributions are random

Arrivate Rate (Per Hour)	119	<b>ALWAYS ARRIVAL RATE &gt; SERVICE RATE UNDER THIS SCENARIO</b>
Service Rate (Per Hour)	144	

Average queue in the system =	4.8	Veh	(waiting and service)
Average Time in System =	144.0	Sec	
Average Waiting Time only =	119.0	Sec	

95% confident that there will be fewer than	<b>15</b>	vehicles in the queue
98% confident that there will be fewer than	<b>19</b>	vehicles in the queue
100% confident that there will be fewer than	<b>27</b>	vehicles in the queue

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**Queue Theory  
Coffee Shop Drive-Thru  
AM Peak Hour - 27 Second Service Rate**



The formula assumes both arrival and service distributions are random

Arrivate Rate (Per Hour)	119	<b>ALWAYS ARRIVAL RATE &gt; SERVICE RATE UNDER THIS SCENARIO</b>
Service Rate (Per Hour)	133	

Average queue in the system =	8.3	Veh	(waiting and service)
Average Time in System =	251.2	Sec	
Average Waiting Time only =	224.2	Sec	

95% confident that there will be fewer than	<b>25</b>	vehicles in the queue
98% confident that there will be fewer than	<b>32</b>	vehicles in the queue
100% confident that there will be fewer than	<b>46</b>	vehicles in the queue

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

# **LEVEL OF SERVICE: CRITERIA/DEFINITIONS**

# Level of Service Criteria

## Highway Capacity Manual 2010

### SIGNALIZED INTERSECTIONS

Level of Service is a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. Level of Service for signalized intersections is defined in terms of delay specifically, average total delay per vehicle for a 15 minute analysis period. The ranges are as follows:

Level of Service	Control Delay per vehicle (seconds)
A	< 10
B	10 – 20
C	20 – 35
D	35 – 55
E	55 – 80
F	>80

### UNSIGNALIZED INTERSECTIONS

Level of Service for unsignalized intersections is also defined in terms of delay. However, the delay criteria are different from a signalized intersection. The primary reason for this is driver expectation that a signalized intersection is designed to carry higher volumes than an unsignalized intersection. The total delay threshold for any given Level of Service is less for an unsignalized intersection than for a signalized intersection. The ranges are as follows:

Level of Service	Control Delay per vehicle (seconds)
A	< 10
B	10 – 15
C	15 – 25
D	25 – 35
E	35 - 50
F	>50

# LEVEL OF SERVICE: CALCULATIONS

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	1	5	1309	1	1	904
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	67	67	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	7	1393	1	1	1102

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	1947	697	0
Stage 1	1393	-	-
Stage 2	554	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	57	383	487
Stage 1	195	-	-
Stage 2	539	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	57	383	487
Mov Cap-2 Maneuver	150	-	-
Stage 1	195	-	-
Stage 2	538	-	-

Approach	WB	NB	SB
HCM Control Delay, s	17.2	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	304	487
HCM Lane V/C Ratio	-	-	0.029	0.003
HCM Control Delay (s)	-	-	17.2	12.4
HCM Lane LOS	-	-	C	B
HCM 95th %tile Q(veh)	-	-	0.1	0

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	7	34	36	1365	906	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	68	68	93	93	83	83
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	50	39	1468	1092	5

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1905	548	1096
Stage 1	1094	-	-
Stage 2	811	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	60	480	633
Stage 1	282	-	-
Stage 2	397	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	56	480	633
Mov Cap-2 Maneuver	172	-	-
Stage 1	282	-	-
Stage 2	373	-	-

Approach	EB	NB	SB
HCM Control Delay, s	16.7	0.3	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	633	-	368	-	-
HCM Lane V/C Ratio	0.061	-	0.164	-	-
HCM Control Delay (s)	11.1	-	16.7	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0.2	-	0.6	-	-

Intersection	
Int Delay, s/veh	0.4

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	0	18	44	1310	903	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	46	46	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	39	47	1394	1101	2

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1892	552	1104 0
Stage 1	1102	-	- -
Stage 2	790	-	- -
Critical Hdwy	6.84	6.94	4.14 -
Critical Hdwy Stg 1	5.84	-	- -
Critical Hdwy Stg 2	5.84	-	- -
Follow-up Hdwy	3.52	3.32	2.22 -
Pot Cap-1 Maneuver	62	477	628 -
Stage 1	280	-	- -
Stage 2	408	-	- -
Platoon blocked, %			- -
Mov Cap-1 Maneuver	57	477	628 -
Mov Cap-2 Maneuver	172	-	- -
Stage 1	280	-	- -
Stage 2	377	-	- -

Approach	EB	NB	SB
HCM Control Delay, s	13.2	0.4	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	628	-	477	-	-
HCM Lane V/C Ratio	0.075	-	0.082	-	-
HCM Control Delay (s)	11.2	-	13.2	-	-
HCM Lane LOS	B	-	B	-	-
HCM 95th %tile Q(veh)	0.2	-	0.3	-	-

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	3	3	1105	3	2	1644
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	69	69	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	1242	3	2	1695

Major/Minor	Minor1	Minor2	Major1	Major2
Conflicting Flow All	2095	622	0	0
Stage 1	1243	-	-	-
Stage 2	852	-	-	-
Critical Hdwy	6.84	6.94	-	-
Critical Hdwy Stg 1	5.84	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-
Follow-up Hdwy	3.52	3.32	-	-
Pot Cap-1 Maneuver	45	430	-	-
Stage 1	235	-	-	-
Stage 2	378	-	-	-
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	45	430	-	-
Mov Cap-2 Maneuver	151	-	-	-
Stage 1	235	-	-	-
Stage 2	377	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	21.7	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	224	555	-
HCM Lane V/C Ratio	-	-	0.039	0.004	-
HCM Control Delay (s)	-	-	21.7	11.5	-
HCM Lane LOS	-	-	C	B	-
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	1	24	45	1107	1639	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	70	70	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	34	51	1244	1690	8

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2417	849	1698 0
Stage 1	1694	-	- -
Stage 2	723	-	- -
Critical Hdwy	6.84	6.94	4.14 -
Critical Hdwy Stg 1	5.84	-	- -
Critical Hdwy Stg 2	5.84	-	- -
Follow-up Hdwy	3.52	3.32	2.22 -
Pot Cap-1 Maneuver	27	304	371 -
Stage 1	134	-	- -
Stage 2	441	-	- -
Platoon blocked, %			- -
Mov Cap-1 Maneuver	23	304	371 -
Mov Cap-2 Maneuver	98	-	- -
Stage 1	134	-	- -
Stage 2	380	-	- -

Approach	EB	NB	SB
HCM Control Delay, s	19.7	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	371	-	280	-	-
HCM Lane V/C Ratio	0.136	-	0.128	-	-
HCM Control Delay (s)	16.2	-	19.7	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.5	-	0.4	-	-

Intersection	
Int Delay, s/veh	0.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	5	50	43	1117	1621	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	81	81	91	91	98	98
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	6	62	47	1227	1654	17

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2371	836	1671
Stage 1	1663	-	-
Stage 2	708	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	29	310	380
Stage 1	139	-	-
Stage 2	449	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	25	310	380
Mov Cap-2 Maneuver	102	-	-
Stage 1	139	-	-
Stage 2	393	-	-

Approach	EB	NB	SB
HCM Control Delay, s	23.5	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	380	-	262	-	-
HCM Lane V/C Ratio	0.124	-	0.259	-	-
HCM Control Delay (s)	15.8	-	23.5	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.4	-	1	-	-

Proposed Tim Hortons  
1: Dick Road & W Sobieski Avenue

2017 Background Conditions - AM Peak Hour  
3/3/2016

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	1	5	1316	1	1	909
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	67	67	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	7	1400	1	1	1109

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1958	701	0	0	1401	0
Stage 1	1401	-	-	-	-	-
Stage 2	557	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	56	381	-	-	484	-
Stage 1	194	-	-	-	-	-
Stage 2	537	-	-	-	-	-
Platoon blocked, %			-	-		
Mov Cap-1 Maneuver	56	381	-	-	484	-
Mov Cap-2 Maneuver	149	-	-	-	-	-
Stage 1	194	-	-	-	-	-
Stage 2	536	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	17.3	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	302	484	-
HCM Lane V/C Ratio	-	-	0.03	0.003	-
HCM Control Delay (s)	-	-	17.3	12.5	-
HCM Lane LOS	-	-	C	B	-
HCM 95th %tile Q(veh)	-	-	0.1	0	-

**Intersection**

Int Delay, s/veh 0.4

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	0	18	44	1317	908	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	46	46	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	39	47	1401	1107	2

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1903	555	1110	0	-	0
Stage 1	1109	-	-	-	-	-
Stage 2	794	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	61	475	625	-	-	-
Stage 1	277	-	-	-	-	-
Stage 2	406	-	-	-	-	-
Platoon blocked, %						
Mov Cap-1 Maneuver	56	475	625	-	-	-
Mov Cap-2 Maneuver	170	-	-	-	-	-
Stage 1	277	-	-	-	-	-
Stage 2	375	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	13.3	0.4	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	625	-	475	-	-
HCM Lane V/C Ratio	0.075	-	0.082	-	-
HCM Control Delay (s)	11.2	-	13.3	-	-
HCM Lane LOS	B	-	B	-	-
HCM 95th %tile Q(veh)	0.2	-	0.3	-	-

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	7	34	36	1372	911	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	68	68	93	93	83	83
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	50	39	1475	1098	5

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	1915	551	1102	0	- 0
Stage 1	1100	-	-	-	- -
Stage 2	815	-	-	-	- -
Critical Hdwy	6.84	6.94	4.14	-	- -
Critical Hdwy Stg 1	5.84	-	-	-	- -
Critical Hdwy Stg 2	5.84	-	-	-	- -
Follow-up Hdwy	3.52	3.32	2.22	-	- -
Pot Cap-1 Maneuver	59	478	629	-	- -
Stage 1	280	-	-	-	- -
Stage 2	396	-	-	-	- -
Platoon blocked, %					- -
Mov Cap-1 Maneuver	55	478	629	-	- -
Mov Cap-2 Maneuver	170	-	-	-	- -
Stage 1	280	-	-	-	- -
Stage 2	371	-	-	-	- -

Approach	EB	NB	SB
HCM Control Delay, s	16.8	0.3	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	629	-	365	-	-
HCM Lane V/C Ratio	0.062	-	0.165	-	-
HCM Control Delay (s)	11.1	-	16.8	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0.2	-	0.6	-	-

Intersection	
Int Delay, s/veh	0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	3	3	1111	3	2	1652
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	69	69	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	1248	3	2	1703

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	2106	626	0 0 1252 0
Stage 1	1250	-	- - - -
Stage 2	856	-	- - - -
Critical Hdwy	6.84	6.94	- - - 4.14 -
Critical Hdwy Stg 1	5.84	-	- - - - -
Critical Hdwy Stg 2	5.84	-	- - - - -
Follow-up Hdwy	3.52	3.32	- - - 2.22 -
Pot Cap-1 Maneuver	44	427	- - - 552 -
Stage 1	233	-	- - - - -
Stage 2	377	-	- - - - -
Platoon blocked, %			- - - - -
Mov Cap-1 Maneuver	44	427	- - - 552 -
Mov Cap-2 Maneuver	150	-	- - - - -
Stage 1	233	-	- - - - -
Stage 2	376	-	- - - - -

Approach	WB	NB	SB
HCM Control Delay, s	21.9	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	- 222	552	-
HCM Lane V/C Ratio	-	- 0.039	0.004	-
HCM Control Delay (s)	-	- 21.9	11.5	-
HCM Lane LOS	-	- C	B	-
HCM 95th %tile Q(veh)	-	- 0.1	0	-

**Intersection**

Int Delay, s/veh 0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	1	24	45	1113	1647	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	70	70	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	34	51	1251	1698	8

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2428	853	1706
Stage 1	1702	-	-
Stage 2	726	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	27	302	369
Stage 1	133	-	-
Stage 2	440	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	23	302	369
Mov Cap-2 Maneuver	98	-	-
Stage 1	133	-	-
Stage 2	379	-	-

Approach	EB	NB	SB
HCM Control Delay, s	19.8	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	369	-	279	-	-
HCM Lane V/C Ratio	0.137	-	0.128	-	-
HCM Control Delay (s)	16.3	-	19.8	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.5	-	0.4	-	-

**Intersection**

Int Delay, s/veh 0.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	5	50	43	1123	1629	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	81	81	91	91	98	98
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	6	62	47	1234	1662	17

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2383	840	1680
Stage 1	1671	-	-
Stage 2	712	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	29	309	377
Stage 1	138	-	-
Stage 2	447	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	25	309	377
Mov Cap-2 Maneuver	102	-	-
Stage 1	138	-	-
Stage 2	391	-	-

Approach	EB	NB	SB
HCM Control Delay, s	23.6	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	377	-	261	-	-
HCM Lane V/C Ratio	0.125	-	0.26	-	-
HCM Control Delay (s)	15.9	-	23.6	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.4	-	1	-	-

**Intersection**

Int Delay, s/veh 0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	1	5	1347	1	1	927
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	67	67	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	7	1433	1	1	1130

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	2002	717	0 0 1434 0
Stage 1	1434	-	- - - -
Stage 2	568	-	- - - -
Critical Hdwy	6.84	6.94	- - 4.14 -
Critical Hdwy Stg 1	5.84	-	- - - -
Critical Hdwy Stg 2	5.84	-	- - - -
Follow-up Hdwy	3.52	3.32	- - 2.22 -
Pot Cap-1 Maneuver	52	372	- - 470 -
Stage 1	186	-	- - - -
Stage 2	530	-	- - - -
Platoon blocked, %			- - - -
Mov Cap-1 Maneuver	52	372	- - 470 -
Mov Cap-2 Maneuver	143	-	- - - -
Stage 1	186	-	- - - -
Stage 2	529	-	- - - -

Approach	WB	NB	SB
HCM Control Delay, s	17.6	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	- 294	470	-
HCM Lane V/C Ratio	-	- 0.03	0.003	-
HCM Control Delay (s)	-	- 17.6	12.7	-
HCM Lane LOS	-	- C	B	-
HCM 95th %tile Q(veh)	-	- 0.1	0	-

Intersection	
Int Delay, s/veh	0.4

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	0	18	44	1348	926	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	46	46	94	94	82	82
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	39	47	1434	1129	2

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1941	566	1132	0	-	0
Stage 1	1130	-	-	-	-	-
Stage 2	811	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	57	467	613	-	-	-
Stage 1	270	-	-	-	-	-
Stage 2	397	-	-	-	-	-
Platoon blocked, %						
Mov Cap-1 Maneuver	53	467	613	-	-	-
Mov Cap-2 Maneuver	166	-	-	-	-	-
Stage 1	270	-	-	-	-	-
Stage 2	367	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	13.4	0.4	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	613	-	467	-	-
HCM Lane V/C Ratio	0.076	-	0.084	-	-
HCM Control Delay (s)	11.4	-	13.4	-	-
HCM Lane LOS	B	-	B	-	-
HCM 95th %tile Q(veh)	0.2	-	0.3	-	-

Proposed Tim Hortons  
3: Dick Road & Proposed Driveway

Full Development Conditions - AM Peak Hour  
3/3/2016

Intersection						
Int Delay, s/veh	3.3					
<b>Movement</b>						
	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	30	122	1288	118	34	899
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	150	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	80	80	93	93	83	83
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	38	152	1385	127	41	1083
<b>Major/Minor</b>						
	Minor1		Major1		Major2	
Conflicting Flow All	2071	756	0	0	1512	0
Stage 1	1448	-	-	-	-	-
Stage 2	623	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	47	351	-	-	438	-
Stage 1	183	-	-	-	-	-
Stage 2	497	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	43	351	-	-	438	-
Mov Cap-2 Maneuver	134	-	-	-	-	-
Stage 1	183	-	-	-	-	-
Stage 2	450	-	-	-	-	-
<b>Approach</b>						
	WB		NB		SB	
HCM Control Delay, s	46.4		0		0.5	
HCM LOS	E					
<b>Minor Lane/Major Mvmt</b>						
	NBT	NBR	WBLn1	SBL	SBT	
Capacity (veh/h)	-	-	266	438	-	
HCM Lane V/C Ratio	-	-	0.714	0.094	-	
HCM Control Delay (s)	-	-	46.4	14.1	-	
HCM Lane LOS	-	-	E	B	-	
HCM 95th %tile Q(veh)	-	-	4.9	0.3	-	

**Intersection**

Int Delay, s/veh            0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	7	34	36	1399	925	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	68	68	93	93	83	83
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	50	39	1504	1114	5

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1947	560	1119
Stage 1	1117	-	-
Stage 2	830	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	57	472	620
Stage 1	275	-	-
Stage 2	388	-	-
Platoon blocked, %			-
Mov Cap-1 Maneuver	53	472	620
Mov Cap-2 Maneuver	167	-	-
Stage 1	275	-	-
Stage 2	364	-	-

Approach	EB	NB	SB
HCM Control Delay, s	17	0.3	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	620	-	360	-	-
HCM Lane V/C Ratio	0.062	-	0.167	-	-
HCM Control Delay (s)	11.2	-	17	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0.2	-	0.6	-	-

**Intersection**

Int Delay, s/veh 0.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	3	3	1118	3	2	1663
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	80	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	69	69	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	1256	3	2	1714

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	2119	630	1260
Stage 1	1258	-	-
Stage 2	861	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	43	424	548
Stage 1	231	-	-
Stage 2	374	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	43	424	548
Mov Cap-2 Maneuver	149	-	-
Stage 1	231	-	-
Stage 2	373	-	-

Approach	WB	NB	SB
HCM Control Delay, s	22	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	- 221	548	-
HCM Lane V/C Ratio	-	- 0.039	0.004	-
HCM Control Delay (s)	-	- 22	11.6	-
HCM Lane LOS	-	- C	B	-
HCM 95th %tile Q(veh)	-	- 0.1	0	-

**Intersection**

Int Delay, s/veh 0.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	1	24	45	1120	1658	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	70	70	89	89	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	34	51	1258	1709	8

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2443	859	1718
Stage 1	1713	-	-
Stage 2	730	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	26	300	365
Stage 1	131	-	-
Stage 2	438	-	-
Platoon blocked, %			-
Mov Cap-1 Maneuver	22	300	365
Mov Cap-2 Maneuver	96	-	-
Stage 1	131	-	-
Stage 2	377	-	-

Approach	EB	NB	SB
HCM Control Delay, s	20	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	365	-	276	-	-
HCM Lane V/C Ratio	0.139	-	0.129	-	-
HCM Control Delay (s)	16.4	-	20	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.5	-	0.4	-	-

Proposed Tim Hortons  
3: Dick Road & Proposed Driveway

Full Development Conditions - PM Peak Hour  
3/3/2016

**Intersection**

Int Delay, s/veh 0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	15	23	1113	23	15	1642
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	50	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	80	80	91	91	98	98
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	19	29	1223	25	15	1676

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	2104	624	0	0	1248	0
Stage 1	1236	-	-	-	-	-
Stage 2	868	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	44	428	-	-	553	-
Stage 1	237	-	-	-	-	-
Stage 2	371	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	43	428	-	-	553	-
Mov Cap-2 Maneuver	149	-	-	-	-	-
Stage 1	237	-	-	-	-	-
Stage 2	361	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	23.1	0	0.1
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	246	553	-
HCM Lane V/C Ratio	-	-	0.193	0.028	-
HCM Control Delay (s)	-	-	23.1	11.7	-
HCM Lane LOS	-	-	C	B	-
HCM 95th %tile Q(veh)	-	-	0.7	0.1	-

Proposed Tim Hortons  
4: Dick Road/Dick Road & Chapel Avenue

Full Development Conditions - PM Peak Hour  
3/3/2016

**Intersection**

Int Delay, s/veh 0.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	5	50	43	1131	1640	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	115	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	81	81	91	91	98	98
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	6	62	47	1243	1673	17

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	2398	845	1691	0	-	0
Stage 1	1682	-	-	-	-	-
Stage 2	716	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	28	306	374	-	-	-
Stage 1	136	-	-	-	-	-
Stage 2	445	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	24	306	374	-	-	-
Mov Cap-2 Maneuver	100	-	-	-	-	-
Stage 1	136	-	-	-	-	-
Stage 2	389	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	23.9	0.6	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	374	-	258	-	-
HCM Lane V/C Ratio	0.126	-	0.263	-	-
HCM Control Delay (s)	16	-	23.9	-	-
HCM Lane LOS	C	-	C	-	-
HCM 95th %tile Q(veh)	0.4	-	1	-	-

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only (If applicable)  
 Project: 10.6.a  
 Date: \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO  YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO  YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

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I. Other impacts: \_\_\_\_\_  
 \_\_\_\_\_

10.6.a

**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

NO

YES

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

NO

YES

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: \_\_\_\_\_

10.6.a

**6. Impacts on Air**  
 The proposed action may include a state regulated air emission source.  NO  YES  
 (See Part 1. D.2.f., D.2.h, D.2.g)  
*If "Yes", answer questions a - f. If "No", move on to Section 7.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**  
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)  NO  YES  
*If "Yes", answer questions a - j. If "No", move on to Section 8.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<b>10.6.a</b>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: <u>project will result in the removal of herbaceous scrub vegetation and green ash trees subject to EAB infestation.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**8. Impact on Agricultural Resources**  
 The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)  NO  YES  
*If "Yes", answer questions a - h. If "No", move on to Section 9.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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**9. Impact on Aesthetic Resources**

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

NO

YES

*If "Yes", answer questions a - g. If "No", go to Section 10.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

NO

YES

*If "Yes", answer questions a - e. If "No", go to Section 11.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

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d. Other impacts: _____		<input type="checkbox"/>	
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

NO  YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

NO  YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)

NO

YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.  
(See Part 1. D.2.k)

NO

YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)

NO

YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<b>10.6.a</b>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

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**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The subject project is a redevelopment of an existing restaurant site, which will include the demolition of an existing frame restaurant structure and two accessory frame storage sheds; and the construction of a new 1,776 s.f restaurant/coffee shop with an accessory drive thru window. Increases in storm water quantity will be mitigated with the construction of new storm water infrastructure, including a storm water detention basin all of which will meet the NYS storm water design criteria for storm water quantity and quality. A traffic impact assessment report was conducted for the proposed project indicating that the project will not degrade traffic capacity along Dick Road. Moreover, the County of Erie which owns and controls such road has reviewed the Traffic Assessment Report and concurs with its findings. The applicant's site design provides for excess on site vehicle queues beyond what is required by Town statute to further mitigate for potential impacts to the County owned roadway.

The majority of the project site will convert existing developed areas (buildings and pavement) to the construction of a new building and accessory pavements. While, a portion of the existing site comprised of herbacious scrub and green ash trees subject to EAB (Emerald Ash Borer) infestation will be displaced by pavement required for parking and an accessory drive thru lane, the applicant has agreed to mitigate for vegetative loss by providing replacement trees and providing a deed restriction or protective covenant to preserve the remaining green space not being disturbed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Cheektowaga \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

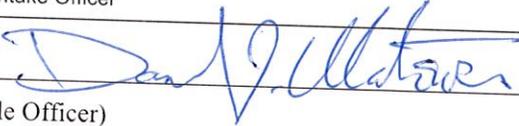
Name of Action: 829 Dick Road - Tim Hortons Restaurant

Name of Lead Agency: Town of Cheektowaga

Name of Responsible Officer in Lead Agency: Daniel J. Ulatowski, AICP

Title of Responsible Officer: Town Planner/SEQR Intake Officer

Signature of Responsible Officer in Lead Agency:



Date: July 15, 2016

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Daniel J. Ulatowski, AICP, Town Planner

Address: 275 Alexander Avenue, Cheektowaga, NY 14211

Telephone Number: 716-686-3567

E-mail: dulatowski@tocny.org

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Attachment: full eaf parts 1\_2\_3 (RES-2016-472 : Negative SEQR Declaration- 829 Dick Road)

PRINT FULL FORM

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Julia Boyer Reinstein Library			
Project Location (describe, and attach a location map): 1030 Losson Road, Cheektowaga NY 14227			
Brief Description of Proposed Action: existing library facility, originally constructed in 1995, is in need of a new asphalt shingle pitched roof and EPDM flat roof. complete roof tear off and replacement.			
Name of Applicant or Sponsor: Patrick T. Bowen, P.E.		Telephone: (716) 897-7288	
		E-Mail: pbowen@tocny.org	
Address: 275 Alexander Avenue			
City/PO: Cheektowaga		State: NY	Zip Code: 14211
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.53 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.53 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input checked="" type="checkbox"/> Parkland			

Attachment: Completed EAF (RES-2016-475 : SEQR Determination for 1030 Losson Road)

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Reinstein Woods</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ n/a	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ n/a	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

Attachment: Completed EAF (RES-2016-475 : SEQR Determination for 1030 Losson Road)

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Patrick T. Bowen</u> Date: <u>August 5, 2016</u></p> <p>Signature: _____</p>		

Attachment: Completed EAF (RES-2016-475 : SEQR Determination for 1030 Losson Road)

Agency Use Only [If applicable]

 Project:   
 Date: 

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment: Completed EAF (RES-2016-475 : SEQR Determination for 1030 Losson Road)

Project: \_\_\_\_\_

Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Attachment: Completed EAF (RES-2016-475 : SEQOR Determination for 1030 Losson Road)

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

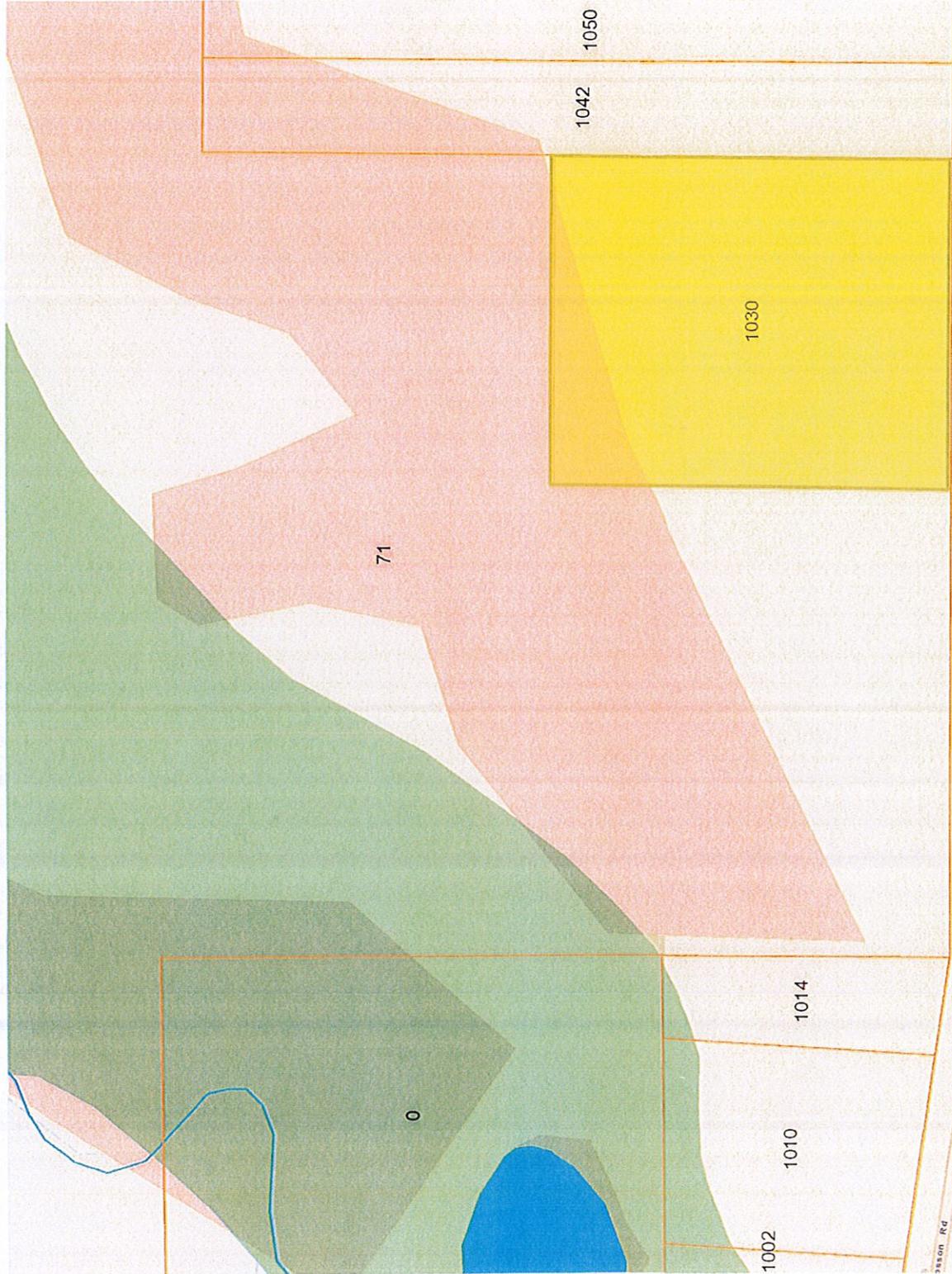
Town of Cheektowaga \_\_\_\_\_ August 5, 2016 \_\_\_\_\_  
Name of Lead Agency \_\_\_\_\_ Date

Patrick T. Bowen, P.E. \_\_\_\_\_ Town Engineer \_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency \_\_\_\_\_ Title of Responsible Officer

*Patrick T. Bowen* \_\_\_\_\_  
Signature of Responsible Officer in Lead Agency \_\_\_\_\_ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

# Erie County On-Line Mapping Application



- Legend**
- Parcels
  - Streams
  - Lakes / Ponds
  - DEC Wetlands
  - National Wetlands Inventory Wetlands
  - No Digital Data
  - FEMA Floodplains
  - Municipal Boundaries

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

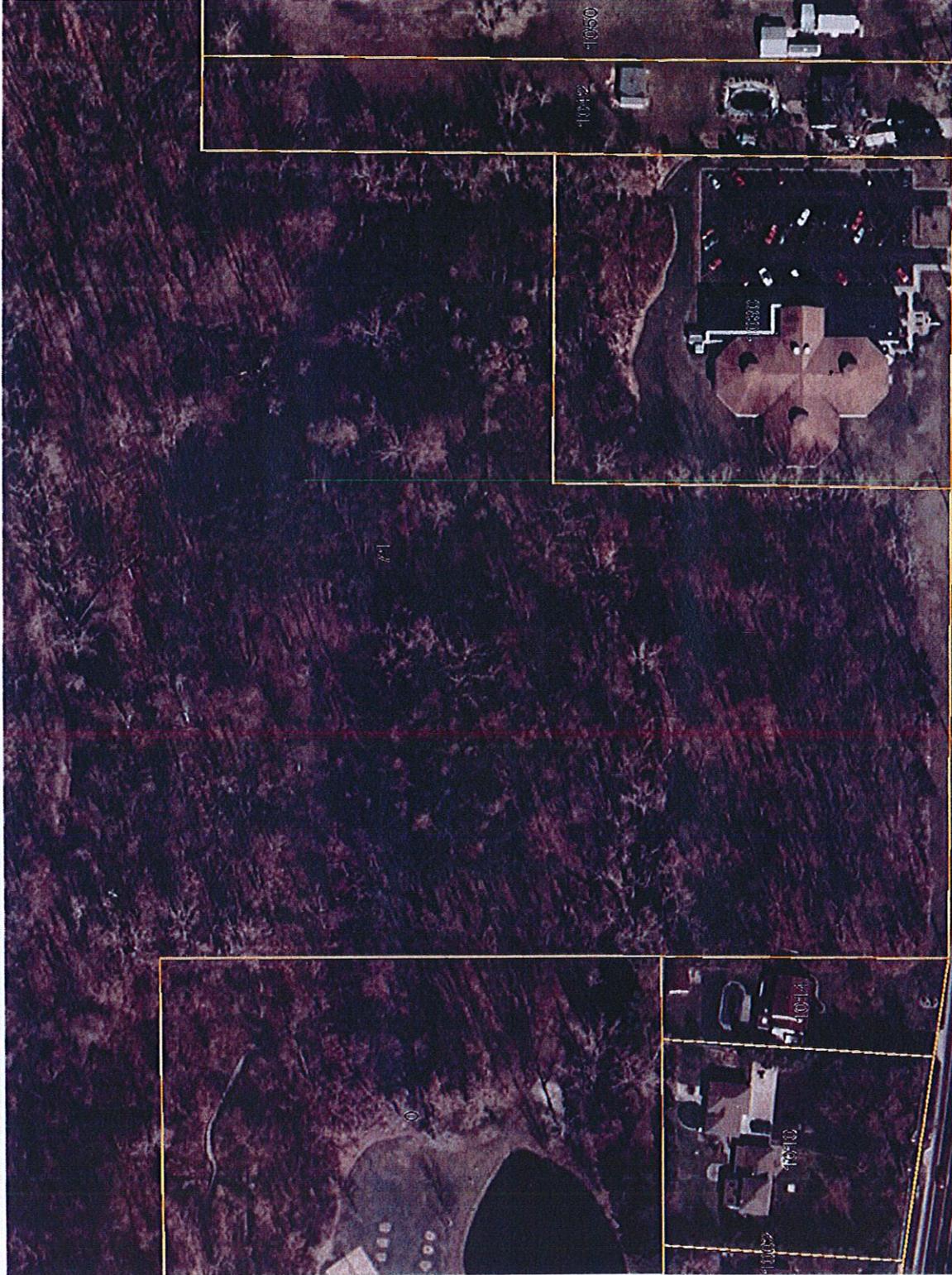
**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

0 188.08 376.2 Feet  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 2,257



# Erie County On-Line Mapping Application



**Legend**

- Parcels
- Municipal Boundaries
- 2014\_bdy

0 188.08 376.2 Feet  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 2,257



**Attachment: Completed EAF (RES-2016-475 : SEQR Determination for 1030 Losson Road)**



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, September 6, 2016

6:15 PM

Council Chambers

## I. Call to Order

6:15 PM Meeting called to order on September 6, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived	Departed
Diane Benczkowski	Town of Cheektowaga	Supervisor	Excused		7:00 PM
James P. Rogowski	Town of Cheektowaga	Councilmember	Present		
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present		
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present		
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present		
Linda Hammer	Town of Cheektowaga	Councilmember	Present		

### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Melissa Reese, Deputy Town Attorney  
Mark Wegner, Highway Superintendent  
David Zack, Chief of Police

## II. Call for Motion to Go Into Executive Session to Discuss Public Safety

### 1. Motion To: Enter Into Executive Session at 6:15 PM

COMMENTS - Current Meeting:

To Discuss Public Safety.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Christine Adamczyk, Councilmember  
**SECONDER:** Linda Hammer, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

### III. Call for Motion to Exit Executive Session

- Motion To:** Exit Executive Session at 7:00 PM

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy J. Meyers, Councilmember  
**SECONDER:** Gerald Kaminski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

### IV. Pledge of Allegiance at 7:00 PM

### V. Moment of Silence for Our Veterans

### VI. Invocation

### VII. Recognition

### VIII. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Kaminski to approve the minutes. Motion Carried.

### IX. Public Comment Period

### X. Public Hearings

- Amend Vehicle and Traffic 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.

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski

## **XI. Resolutions**



## 1. RESOLUTION 2016-490

---

### Transfer of Funds

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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

GENERAL

FROM: 100.3020.4203 Cellular Phones \$64,055.32

TO: 100.1680.4203 Cellular Phones \$64,055.32

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 2. RESOLUTION 2016-491

### Warrant

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 6, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$1,170,016.03
RISK RETENTION FUND	45,763.41
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	4,485.00
SPECIAL DISTRICTS FUND	1,430,333.90
HIGHWAY FUND	597,748.98
CAPITAL FUND	1,442,605.33
TRUST & AGENCY FUND	31,861.21
HUD CDBG FUND	79,044.02
PART TOWN FUND	74,388.43
NYS AFFORDABLE HOUSING	6,570.00
	<hr/>
	\$4,882,816.31

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



### 3. RESOLUTION 2016-492

## Amend Resolution 2016-456 Authorizing Supervisor to Execute Application for Zombie and Vacant Properties Remediation and Prevention Initiative Grant

**Sponsored By:** Councilmember Hammer, Councilmember Rogowski

WHEREAS, by resolution dated August 1, 2016 (Resolution No. 2016-456), this Town Board authorized Grantmakers Advantage, Inc., the Town's grant consultants, to complete the necessary application, forms, etc. to be submitted to the Local Initiatives Support Corporation pertaining to grant funds available through the "Zombie" and Vacant Properties Remediation and Prevention Initiative; and

WHEREAS, this Town Board also authorized the Supervisor to execute all documents pertaining to the application and acquisition of said funding , and

WHEREAS, in said resolution, there was an error in that Carla Kosmerl, Director of Community Development for the Town of Cheektowaga, should have been rightfully stated as the authority to complete the necessary application, forms, etc. rather than Grantmakers Advantage, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to provide that Carla Kosmerl, Director of Community Development for the Town of Cheektowaga, is hereby authorized by this Town Board to complete the necessary application, forms, etc. to be submitted to the Local Initiatives Support Corporation pertaining to grant funds available through the "Zombie" and Vacant Properties Remediation and Prevention Initiative

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



#### 4. RESOLUTION 2016-493

### Amend Agreement with Lt. Col. Matt Urban Human Services Center of WNY

**Sponsored By:** Councilmember Meyers, Councilmember Hammer

WHEREAS, the Town receives federal HUD HOME funds for the purpose of acquiring and rehabilitating distressed properties, AND

WHEREAS, HUD regulations require that the Town contract with a qualified Community Housing Development Organization (CHDO) to carry out the construction and sale of such property to an income-qualified first-time homebuyer, AND

WHEREAS, there exists an Agreement between the Town of Cheektowaga and Lt. Col. Matt Urban Human Services Center of WNY for the acquisition, construction and sale of 16-20 Randolph Avenue; and

WHEREAS, additional rehabilitation work items have been identified for this project; and

WHEREAS, the low bid contractor costs have been submitted in excess of the original budgeted amount; and

WHEREAS, negotiations have been held between representatives of the Town of Cheektowaga and Lt. Col. Matt Urban Human Services Center of WNY; and

WHEREAS, the Director of Community Development has recommended the Town provide \$10,384.00 of additional HUD HOME funds to cover the additional costs of the construction of the property and amend the schedule of performance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the attached Amended Exhibit B and Amended Schedule for the Agreement with the Lt. Col. Matt Urban Human Services Center of WNY for the acquisition, construction and sale of 16-20 Randolph Avenue; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amended agreement with the Polish Community Center, Inc. d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212 for the property at 16-20 Randolph Avenue, subject to review and approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski





## 5. RESOLUTION 2016-494

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### Approval of Change Order No. 2 - Ice Rink Locker Room Improvements (General Construction Work)

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**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, the contract for General Construction Work for the Cheektowaga Town Ice Rink Locker Room Improvements was awarded by Town Board Resolution dated April 4, 2016 to Kirst Construction, Inc., 7170 Boston State Road, P.O. Box 171, North Boston, New York 14110 in the amount of \$427,000.00, AND

WHEREAS, the Project Architect, Bammel Architects, PC, and the Town Engineer have recommended the approval of Change Order No. 2 (General Construction Work) which provides for various additions and repairs as further detailed in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 (General Construction Work) for the Cheektowaga Town Ice Rink Locker Room Improvements, as an addition to the contract for General Construction Work in the amount of \$30,706.00, to be partially offset by the balance of the contract contingency allowance, leaving \$5,108.00 as an addition to the contract be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 2 documents on behalf of this Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



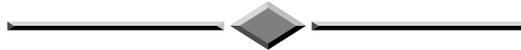
## 6. RESOLUTION 2016-495

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### Call for Public Hearing to Amend Vehicle and Traffic Law

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on **September 19, 2016, 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 **September 19, 2016, 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:

#### Section 1:

• **ARTICLE II. Schedule VII: Stop Intersections:** shall be amended by **deleting** therefrom the following:

**BETTY LANE** - South at Kenville Road

**EGGERT ROAD** - North at Kenville Road

**KENVILLE ROAD** - West at Eggert Road

**KENVILLE ROAD** - East from Eggert Road at Kenville Road

\*\*\*\*\*

• **ARTICLE II. Schedule VII: Stop Intersections:** shall be amended by **adding** thereto the following:

**EGGERT ROAD** - North at Affinity Lane (Collegiate Village)

\*\*\*\*\*

• **ARTICLE IV. Schedule XIII: Overnight Parking Exemptions:** shall be amended by **deleting** therefrom the following:

**BETTY LANE**

**KENVILLE ROAD**

**MARC LANE**

\*\*\*\*\*

• **ARTICLE IV, Parking, Standing and Stopping, Schedule X:** shall be amended by **adding** thereto the following:

**BETTY LANE** - West side: from the south curblineline of Southgate Road to a point 135 feet south

**BURGESS BOULEVARD** - East and west sides from south curblineline of Genesee Street, including entire cul-de-sac

**MILDRED DRIVE** - East side: from south curblineline of Genesee Street to north curblineline of George Urban Boulevard

**NORTH CREEK DRIVE** - South side: from the west curblineline of Dick Road to the terminus 125 feet west of the westerly curblineline of Ellsworth Drive

**SOUTH CREEK DRIVE** - North side: from the east curblineline of Union Road to the west curblineline of Benbro Drive

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• **ARTICLE IV. Schedule X: Parking Prohibited in Designated Locations,** shall be amended by **deleting** therefrom the following streets or parts of streets:

**ADLON PLACE** - South side: from west curblineline of Pine Ridge Terrace westerly to the east curblineline of Olcott Place

**ALPINE PLACE** - East side: from south curblineline of Genesee Street to north curblineline of Herbert Avenue

**ALPINE PLACE** - West side: from south curblineline of Herbert Street to north curblineline of Pennock Place

**AVERY PLACE** - East side: from south curblin of Genesee Street to north curblin of Herbert Avenue

**BELL STREET** - North side: from the east curblin of Olcott Place to the west curblin of Pine Ridge Terrace

**BETTY LANE** - West side: from the north curblin of Kenville Road to the south curblin of Southgate Road

**DAVID AVENUE** - North side: from east curblin of Pine Ridge Road to the west curblin of Parkedge Drive

**EUCLID AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Doat Street

**GUALBERT AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Straley Avenue

**HALLER AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Wildy Avenue

**HEDWIG AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Straley Avenue

**HERBERT AVENUE** - North side: from west curblin of Pine Ridge Road to east curblin of Olcott Place

**HERBERT AVENUE** - South side: from west curblin of Olcott Place to east curblin of Alpine Place

**HOERNER AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Wildy Avenue

**KENVILLE ROAD** - North side: from the east curblin of Eggert Road to the west curblin of Kenville Road

**KENVILLE ROAD** - Complete inner curblin of Kenville Road in project.

**KENVILLE ROAD** - North side: from west curblin of Betty Lane to a point 85 feet west

**LOXLEY ROAD** - West side: from south curblin of Genesee Street to north curblin of Peach Tree Road

**MARC LANE** - East side: from the south curblin of Kenville Road southerly to its terminus

**MILDRED DRIVE** - West side: from south curblin of Genesee Street to north curblin of George Urban Boulevard

**OLCOTT PLACE** - East side: from the south curblineline of Genesee Street to the north curblineline of Herbert Avenue

**PEACH TREE ROAD** - South side: from east curblineline of Pine Ridge Road to west curblineline of Kaufman Road

**PENDENNIS PLACE** - West side: from south curblineline of Genesee Street to north curblineline of Peach Tree Road

**PINE RIDGE TERRACE** - West side: from south curblineline of Genesee Street to dead end

**RANDOLPH AVENUE** - West side: from north curblineline of Walden Avenue to south curblineline of Doat Street

**REO AVENUE** - East and west sides: from the south curblineline of Walden Avenue south to its end

**RIDGE PARK AVENUE** - West side: from north curblineline of Walden Avenue to south curblineline of Straley Avenue

**RIDGE PARK AVENUE** - West side: from north curblineline of Straley Avenue to the north curblineline of Greenleaf Lane

**ROWLAND ROAD** - West side: from south curblineline of Genesee Street to north curblineline of Peach Tree Road

**ST. JAMES ROAD** - West side: from south curblineline of Genesee Street to north curblineline of Kaufman Road

**VERA AVENUE** - North side: from west curblineline of Pine Ridge Road to east curblineline of Olcott Place

\*\*\*\*\*

• **ARTICLE IV. Schedule XA: Alternate Parking in Designated Locations:** shall be amended by **adding** thereto the following:

**ADLON PLACE** - From west curblineline of Pine Ridge Terrace westerly to the east curblineline of Olcott Place

**ALPINE PLACE** - From south curblineline of Genesee Street to north curblineline of Pennock Place

**AVERY PLACE** - From south curblineline of Genesee Street to north curblineline of Herbert Avenue

**BELL STREET** - From the east curblineline of Olcott Place to the west curblineline of Pine Ridge

Terrace

**DAVID AVENUE** - From east curblineline of Pine Ridge Road to the west curblineline of Parkedge Drive

**EUCLID AVENUE** - From north curblineline of Walden Avenue to south curblineline of Doat Street

**GUALBERT AVENUE** - From north curblineline of Walden Avenue to point 75 feet south of north curblineline of Straley Avenue

**HALLER AVENUE** - From north curblineline of Walden Avenue to south curblineline of Wildy Avenue

**HEDWIG AVENUE** - From north curblineline of Walden Avenue to south curblineline of Straley Avenue

**HERBERT AVENUE** - From west curblineline of Pine Ridge Road to the dead end

**HOERNER AVENUE** - From north curblineline of Walden Avenue to south curblineline of Wildy Avenue

**LOXLEY ROAD** - From south curblineline of Genesee Street to north curblineline of Peach Tree Road

**OLCOTT PLACE** - From the south curblineline of Genesee Street to the dead end

**PEACH TREE ROAD** - From east curblineline of Pine Ridge Road to west curblineline of Kaufman Road

**PENDENNIS PLACE** - From south curblineline of Genesee Street to north curblineline of Peach Tree Road

**PINE RIDGE TERRACE** - From south curblineline of Genesee Street to the dead end

**RANDOLPH AVENUE** - From north curblineline of Walden Avenue to south curblineline of Doat Street

**REO AVENUE** - From the north curblineline of Walden Avenue to south curblineline of Straley Avenue

**RIDGE PARK AVENUE** - From north curblineline of Walden Avenue to north curblineline of Greenleaf Lane.

**ROWLAND ROAD** - From south curblineline of Genesee Street to north curblineline of Peach Tree Road

**ST. JAMES ROAD** - From south curblineline of Genesee Street to north curblineline of Kaufman Road

**VERA AVENUE** - From west curblineline of Pine Ridge Road to east curblineline of Olcott Place

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**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Christine Adamczyk, Councilmember  
**SECONDER:**   Linda Hammer, Councilmember  
**AYES:**        Rogowski, Kaminski, Meyers, Adamczyk, Hammer  
**EXCUSED:**     Diane Benczkowski



## 7. RESOLUTION 2016-496

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### **Rescind Resolution 2016-458 Requiring Title of Community Development Aide to File Financial Disclosure Statement**

**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, by resolution dated August 1, 2016 (Resolution 2016-458), this Town Board resolved that the title of Community Development Aide be added to the list of titles required to file a Financial Disclosure Statement and individuals appointed to said position be required to annually file said Financial Statement with the Town of Cheektowaga Board of Ethics Committee, and

WHEREAS, this resolution was adopted in error since the filing of said Statement is a term and condition that must be first negotiated as a bargaining obligation, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2016-458 be and hereby is rescinded in its entirety.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 8. RESOLUTION 2016-497

### **Direct Supervisor to sign Public Utility Work Agreement HC-140 for Street Light Adjustments on Walden Avenue at Galleria Drive/Anderson Road**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the New York State Department of Transportation proposes intersection safety improvements and the minor reconstruction of Walden Avenue at Galleria Drive/Anderson Road in the Town of Cheektowaga located in Erie County, PIN 5811.06, AND

WHEREAS, the State will include as part of the construction, reconstruction or improvement of the above mentioned project the relocation and replacement of designated street lights pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, AND

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended, AND

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approves of the designated street light adjustments and the above mentioned work performed on the project and shown on the contract plans relating to the project providing that such modifications meet the approval of the Town Engineer, AND, BE IT FURTHER

RESOLVED, that all costs associated with the adjustment and modification to street lighting facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation, which provides for adjustment and modification to street lighting facilities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski





## 9. RESOLUTION 2016-498

### **Direct the Supervisor to Sign the Public Utility Work Agreement HC-140 for Sanitary Manhole Adjustment/Alterations on Walden Avenue at Galleria Drive/Anderson Road**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the New York State Department of Transportation proposes intersection safety improvements and minor reconstruction of Walden Avenue at Galleria Drive/Anderson Road, identified as PIN 5811.06, AND

WHEREAS, as part of said highway rehabilitation project there is a need to perform adjustment/alteration of manhole castings, cover(s) and structures located within the State highway right-of-way, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, in its capacity as the Board of Managers for the Town Consolidated Sanitary Sewer District, hereby grants permission to the NYSDOT to perform the necessary modifications to sanitary sewer district manhole frames and covers located within the pavement, providing that such modifications meet the approval of the Town Engineer, AND, BE IT FURTHER

RESOLVED, that all costs associated with the adjustment and modification to sewer district facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation, which provides for sanitary sewer district facilities modification and adjustment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 10. RESOLUTION 2016-499

### Authorize Supervisor to Execute Agreement For Professional Services with Federal Signal Safety and Security Systems

**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, the Town experienced a failure in critical video surveillance equipment which must be replaced and addressed immediately, AND

WHEREAS, in order to facilitate the upgrade and replacement of the Town's video surveillance network, it is necessary to contract with a vendor to provide a single point for support, upgrade, maintenance, and accountability, AND,

WHEREAS, this is an emergency situation and requires equipment repair and upgrades immediately, AND

WHEREAS, the Town will be working with a leading vendor in video and surveillance equipment with knowledge of our environment and current software, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Federal Signal, 2645 Federal Signal Drive, University Park, IL as submitted to the IT Director for on-site services, design and associated professional technical services to ensure conformance and maintenance of the existing video surveillance network be 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 Federal Signal Safety and Security Systems for the provision of professional video surveillance services in an amount not to exceed \$75,000 which shall be chargeable to an account to be determined by Brian Krause, Town of Cheektowaga Director of Administration and Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 11. RESOLUTION 2016-500

### Authorization to Purchase 10 Two-Way Radios

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, the Police Department is in need of ten (10) Motorola APX 4000 UHF1 MHZ Model 2 Portable Radios to replace current police radios that are reaching end of life and are cost-prohibitive to be repaired; AND

WHEREAS, Motorola Solutions Incorporated, 13108 Collections Center Drive, Chicago, Illinois 60693 has submitted a quotation for radio equipment which is covered under New York State Contracts #PT67405 (equipment) and #PS62496 (service); AND

WHEREAS, the total cost for the radio equipment will be \$19,097.50; AND

WHEREAS, the Cheektowaga Police Department will pay for the ten (10) Motorola APX 4000 UHF1 MHZ Model 2 Portable Radios out of Communications budget line #100-3020-2513; NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Cheektowaga Police Department to purchase ten (10) portable radios.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 12. RESOLUTION 2016-501

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### Execute Final Contract Acceptance Documents With Insituform Technologies, LLC

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the contract for the Cleaning, Televising and Lining of Sanitary Sewers (Bid #2015-24) was awarded to Insituform Technologies, LLC by Town Board Resolution dated August 17, 2015, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract documents, AND

WHEREAS, the project has been completed at a deduct of \$121,960.95 to the original contract price, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute final contract acceptance documents with Insituform Technologies, LLC, 17988 Edison Avenue, Chesterfield, MO 63005.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



### 13. RESOLUTION 2016-502

## Authorize Supervisor to Execute Documents Pertaining to Application For New York Department of Transportation Bridge NY Program - Strasmer Road

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, grant monies are available to local governments through the New York State Department of Transportation Bridge NY program to provide up to 100% of the funding necessary to rehabilitate or replace culverts; and

WHEREAS, the Town of Cheektowaga seeks funding to replace the Strasmer Road culvert spanning Deer Lick Creek; NOW, THEREFORE, BE IT

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 14. RESOLUTION 2016-503

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### Authorize Supervisor to Execute Documents Pertaining to the 2016 Critical Infrastructure Targeted Grant Program Application

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, grant funds are available through the U.S. Department of Homeland Security via the New York State Division of Homeland Security and Emergency Services for the 2016 Critical Infrastructure Targeted Grant Program; and

WHEREAS, grant funding may be used to improve security measures at government owned critical infrastructure sites and special event sites; and

WHEREAS, the Town of Cheektowaga Police Department is in the process of conducting an assessment to improve security measures at Town Hall; and

WHEREAS, it is anticipated measures recommended in the study will be eligible for grant funding; NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc. the Town's grant consultant, be and hereby is authorized 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 upon approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 15. RESOLUTION 2016-504

### Accept Proposal for Planning Assistance Town Draft Comprehensive Plan

**Sponsored By:** Councilmember Meyers, Councilmember Rogowski

WHEREAS, The Town of Cheektowaga prepared a draft comprehensive plan several years ago and would like to present the plan to the general public and involved agencies for review and comment prior to the Town Board's consideration of formal adoption, as required by New York State Town Law and the State Environmental Quality Review Act (SEQRA), AND

WHEREAS, at the time of the draft plan preparation the statistical data that was available from the US Census was based on the 2000 Decennial Census since the 2010 Decennial Census data was still being collected, AND

WHEREAS, the Town of Cheektowaga would like to update the draft comprehensive plan by including data from the 2010 Decennial Census as well as, 2015 American Community Survey 1- year estimate data, scheduled to be released by the US Government on/around September 15, 2016, AND

WHEREAS, the Office of Building and Plumbing Inspections solicited requests for proposals for planning assistance to update Section 3.0 - Community Inventory and Profile of the Town's draft Comprehensive Plan, AND

WHEREAS, the cost to update Section 3.0 of the draft Comprehensive Plan will be \$6,866.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Jason Knight, PhD, AICP and Russell Weaver, PhD dated July 27, 2016 is approved at a cost not to exceed \$6,866.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting planning agreement on behalf of this Town Board.

Attachments:

Drs\_Jason Knight\_Russell Weaver\_Proposal (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski





## 16. RESOLUTION 2016-505

### Removal of Dangerous Conditions 2355 Genesee Street

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

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 all vacant structures and premises thereof or vacant land shall be maintained in clean, safe, secure and sanitary condition 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 tree on the premises located at 2355 Genesee Street, Cheektowaga, New York SBL# 101.28-8-3 that is a danger to the safety of others, and records kept by the Assessor's Office identify Mr. Jason W. Arnold, 2355 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2355 Genesee Street by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be a hazard, and a danger to the safety and wellbeing 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 70-31D and Section 70 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the property yard be kept clean and free of hazards. Where the presence of a dead, dying, diseased and/or distressed tree(s) are apparent, they shall be removed and the land brought back to a safe condition and insure that the premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 17. RESOLUTION 2016-506

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### Supporting the Installation of a Traffic Light at Transit Road and Pfohl Road

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga is committed to economic development and expanding the tax base for its residents, AND

WHEREAS, the Town of Cheektowaga actively promotes and assists creation of well compensated private sector jobs, AND

WHEREAS, the Town of Cheektowaga pledges its best efforts to encourage these important goals whenever possible, AND

WHEREAS, the plans presented to the Town by the Bella Vista Development Group for a major private sector investment at Transit/Pfohl meet and exceed all the above stated criteria, AND

WHEREAS, it has become apparent that a traffic light at Transit/Pfohl is essential for the successful development of this plan, AND

WHEREAS, the NYSDOT is reviewing the viability and safety concerns for such a traffic light at Transit/Pfohl, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga strongly supports the installation of a traffic light on Transit/Pfohl, AND BE IT FURTHER

RESOLVED, that the Town of Cheektowaga urges the NYSDOT to review and approve this traffic light with all deliberate speed so that this project can proceed as soon as possible, AND BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Region 5 Office of the NYSDOT along with copies to the Governor, area New York State Legislators, the Erie County Executive, the Erie County Legislature, the ECIDA, the Cheektowaga Chamber of Commerce and the Buffalo Niagara Partnership requesting their review and support for said traffic light.

Motion was defeated due to lack of quorum.

**RESULT:** DEFEATED [3 TO 2]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** James P. Rogowski, Gerald Kaminski, Christine Adamczyk  
**NAYS:** Timothy J. Meyers, Linda Hammer  
**EXCUSED:** Diane Benczkowski



## 18. RESOLUTION 2016-507

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### **Authorize the Cheektowaga Town Board to Request NYSDOT, Governor Andrew Cuomo and Empire State Development for Assistance And Funding For Infrastructure Improvements**

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

**WHEREAS**, the Town Board of Cheektowaga has reviewed the minutes of a meeting between The Village of Depew Mayor Jesse Niconwicz; New York State Department of Transportation representatives (Region 5) Darrell F. Kaminski P.E., Regional Director; Patrick Meredith, Assistant Commissioner; Ramsey E. Kahi, P.E.; Sanjyot S. Vaidya P.E.; Lynn Marinelli on behalf of Empire State Development and local business owner Marc Shuttleworth on behalf of Depew business property owners along NYS Route 78 (Transit Road) Between Gould Avenue and Walden Avenue in the Village of Depew; and

**WHEREAS**, The Town Board of Cheektowaga has determined that DOT infrastructure investments made to adjacent sections of Transit Road, while improving the roadways, brought other public safety concerns to this section of Transit Road; and

**WHEREAS**, the Town Board of Cheektowaga has expressed their concern that emergency responders are unable to safely and quickly navigate this corridor, particularly in peak transportation times. This section lacks adequate turning lanes and shoulders and does not allow for other vehicles to move over in order for emergency vehicles to pass, further slowing response time and ultimately endangering the health and well-being of residents; and

**WHEREAS**, the Town Board of Cheektowaga also expressed concern that inadequate space on the road forces plowed snow onto the adjoining sidewalks, causing slippery and dangerous conditions both on the sidewalk and in the road, further endangering the health and welfare of pedestrians and requiring additional maintenance effort and expense to the Village of Depew; and

**WHEREAS**, The Town Board of Cheektowaga has also expressed their concern with the ingress and egress of various businesses along this corridor that is hampering economic activity.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Cheektowaga request assistance and funding from the NYSDOT (Region 5), Governor Andrew Cuomo and Empire State Development for infrastructure improvements currently being proposed, including expansion of the current roadway, to resolve public safety concerns, promote commerce and improve walkability in the Town of Cheektowaga within the Village of Depew.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Timothy J. Meyers, Councilmember  
**AYES:**        Rogowski, Kaminski, Meyers, Adamczyk, Hammer  
**EXCUSED:**     Diane Benczkowski



## 19. RESOLUTION 2016-508

### **SPECIAL EVENT - Cheektowaga Central High School Homecoming Parade**

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

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 and Bonfire on Friday, September 30th, 2016, beginning at 5:45 p.m. (parade route - Union Road, only to cross over to Zoerb and back again from South Creek); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, Fire Inspection, and Highway Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements: Submittal of plan for sanitary facilities;

- 1) Submittal of site plan;
- 2) Requirement that application be made at least 60 days prior to the date of the special event;
- 3) Submittal of Security Plan;
- 4) Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central School District for the aforementioned Homecoming Parade and Bonfire to be held on Friday, September 30th, 2016, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski





## 20. RESOLUTION 2016-509

### SPECIAL EVENT - John F. Kennedy High School Homecoming Parade

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. To the Town Clerk prior to the special event, and

WHEREAS, the Student Council of John F. Kennedy High School has made application to hold its Homecoming Parade on Saturday, October 1st, 2016, beginning at 12:00 p.m. (parade route attached to application); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, Highway Department; Facilities Department and Department of 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: Submittal of plan for sanitary facilities;

- 1) Submittal of site plan;
- 2) Requirement that application be made at least 60 days prior to the date of the special event;
- 3) Submittal of Security Plan;
- 4) Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Student Council of John F. Kennedy High School for their Homecoming Parade to be held on Saturday, October 1st, 2016, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski





## 21. RESOLUTION 2016-510

### SPECIAL EVENT - Energy for Life Walkathon

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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, the United Mitochondrial Disease Foundation has made application to hold its "Energy for Life Walk-a-thon" at Cheektowaga Town Park on Saturday, September 17th, 2016 from 11:30 a.m. to 3:00 p.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities 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 "Energy for Life Walk-a-thon" in Cheektowaga Town Park to be held on Saturday, September 17th, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 22. RESOLUTION 2016-511

### Bonfire-Cheektowaga Central-3600 Union Road

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by Cheektowaga Central High School to conduct an open fire on September 27, 2016 with rain date of September 28, 2016 on the property located at 3600 Union Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Forks Fire Department in conjunction with summer youth activities, AND

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

WHEREAS, this Town Board has reviewed the application submitted by Cheektowaga Central High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Fire Inspector to issue such permit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 23. RESOLUTION 2016-512

### Bonfire-JFK High School-305 Cayuga Creek Road

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

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 JFK High School to conduct an open fire on September 30, 2016 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, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by JFK High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Fire Inspector to issue such permit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 24. RESOLUTION 2016-513

### Bonfire-Cleveland Hill School-71-105 Maplevue Road

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

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 Cleveland Hill High School to conduct an open fire on September 30, 2016 on the property located at 71-105 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, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by Cleveland Hill High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Fire Inspector to issue such permit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 25. RESOLUTION 2016-514

### Youth & Recreation Hiring/Transfers

**Sponsored By:** Councilmember Kaminski, 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 Attendant - 7140.1639 - \$9.00 - Regular Part-time

Eric Bell 14225

BE IT FURTHER RESOLVED that the following individuals be transferred as indicated:

From Seasonal to Regular Part-time:

Recreation Instructor - 7180.1902 & 7310.1803 - \$10.90

Michael Keller

Lifeguard "Head Lifeguard Trainee" - 7180.1903 - \$10.60

Kelsey Wiegert

From Seasonal to Regular Part-time:

Recreation Instructor - 7310.1801 - \$12.00

Lisa Farinacci

Melanie Zakraysek

From Laborer "Bathhouse Attendant" 7180.1901 - to Recreation Aide - 7140.1611 & 7140.1614 - \$9.00 - Part-time

Hunter Golovin

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the reading of names for the following Resolutions: 2016-514, 2016-515, 2016- 516. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Rogowski, Kaminski, Meyers, Adamczyk, Hammer  
**EXCUSED:** Diane Benczkowski



## 26. RESOLUTION 2016-515

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Jessica Arana	7/25/16	14225
Kayla Bosworth	7/18/16	14227
Andrew Evenhouse	Never worked	14225
Cassidy Moore	Never worked	14225
Molly Wittig	6/29/16	14043

BE IT FURTHER RESOLVED that Brad Bauman be terminated from the Dept. of Youth & Recreational Services effective 8/24/16.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 27. RESOLUTION 2016-516

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### Hiring/Termination of Part-Time/Seasonal Employees

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**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT Student Assistant \$9.00/hour effective 8/25/16  
Brad J. Bauman, Cheektowaga, New York

OFFICE OF THE TOWN ASSESSOR Clerk \$9.25/hour effective 4/3/15  
Alexandra M. Wachowski, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour effective 9/7/16  
Keith D. Ignaszak, Cheektowaga, New York; AND, BE IT FURTHER

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:

SANITATION DEPARTMENT Laborer \$9.25/hour effective 9/7/16  
Jake R. Helenbrook, Cheektowaga, New York; AND, BE IT FURTHER

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

JUSTICE COURT  
Ashley M. Young effective 8/16/16  
Sharon C. Drzyzga effective 8/20/16

SEWER MAINTENANCE  
Eric R. Cartenuto effective 8/13/16  
Paul A. Nazzarett III effective 8/20/16  
Sean F. Ross effective 8/27/16

FACILITIES DEPARTMENT  
Ryan J. Kowal effective 7/17/16  
Joshua P. Kaier effective 7/20/16  
Robert D. Fetter effective 8/9/16

OFFICE OF THE TOWN ASSESSOR  
Alexandra M. Wachowski (Clerk - Seasonal) effective 4/2/15

Karen Statz effective 8/20/16; AND, BE IT FURTHER

RESOLVED, that the following employees' job classification be amended as listed:

SANITATION DEPARTMENT Laborer (from Seasonal to Part Time) \$9.25/hour effective 9/19/16

Andrew P. Babcock, Cheektowaga, New York

Gregory L. Merritt, Cheektowaga, New York

Nicholas A. Ruberto, Jr., Cheektowaga, New York

Richard E. Anderson, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 28. RESOLUTION 2016-517

### Authorization of Student Interns (Police Department)

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, Makalia Haveron, a student at Hilbert College, and Matthew Simon, also 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 Makalia Haveron of Amherst, New York, and Matthew Simon of Shirley, 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 Ms. Haveron's and Mr. Simon's internships be and hereby are effective September 1, 2016 through December 31, 2016; AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 29. RESOLUTION 2016-518

### Travel Authorization (Office of the Town Assessor)

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the New York State Assessors' Association Seminar on Assessment Administration is being held September 19, 2016 through September 21, 2016 at Lake George, New York; AND

WHEREAS, Town Assessor Jeneen McSkimming has applied to attend said seminar; AND

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

WHEREAS, the total cost to the Town shall not exceed \$175; AND

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

RESOLVED, that Town Assessor Jeneen McSkimming be and hereby is authorized to attend the New York State Assessors' Association Seminar on Assessment Administration being held September 19, 2016 through September 21, 2016 at Lake George, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 30. RESOLUTION 2016-519

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, the Law Enforcement ECHO Training is being held September 12, 2016 through September 13, 2016 in Alden, New York; AND

WHEREAS, Lieutenant Thomas Gerace and Detective John Skonecki 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 \$1,000; AND

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

RESOLVED, that Lieutenant Thomas Gerace and Detective John Skonecki be and hereby are authorized to attend the Law Enforcement ECHO Training being held September 12, 2016 through September 13, 2016 in Alden, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski



## 31. RESOLUTION 2016-520

### Travel Authorization (Police Department)

**Sponsored By:** Councilmember Adamczyk, Councilmember Meyers

WHEREAS, the New York State Homeland Security 2016 Excelsior Challenge is being held September 13, 2016 through September 16, 2016 in Oriskany, New York; AND

WHEREAS, Police Officers David Vogel and Darryl Leszkowicz have been recommended to attend said program; 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 \$650.56; AND

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

RESOLVED, that Police Officers David Vogel and Darryl Leszkowicz be and hereby are authorized to attend the New York State Homeland Security 2016 Excelsior Challenge being held September 13, 2016 through September 16, 2016 in Oriskany, New York .

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Diane Benczkowski

## XII. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Conservation Advisory Council - August 4, 2016
2. Minutes: Cheektowaga Planning Board - August 11, 2016

### B. General Communications

1. Notice of Claim: Geico a/s/o Mark Craig vs. Town of Cheektowaga
2. Notice of Claim: Jamesha Holloway vs. Town of Cheektowaga

3. **Notice of Claim: Shantal S. Jones vs. Town of Cheektowaga**
4. **Notice of Claim: Waste Management vs. Town of Cheektowaga**
5. **Summons: Citimortgage, Inc. vs. Arthur R. Poblocki, Town of Cheektowaga and Etal  
Premises: 178 North Transit Hill**
6. **Summons: U.S. Bank National Association vs. Lorrie F. Pitcarin A/K/A Lorrie Pitcairn  
A/K/A Lorrie F. Weller, Town of Cheektowaga & Etal Premises: 194 Currier Avenue**

### **XIII. Comments**

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

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

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

### **XIV. Adjournment**

Motion by Councilmember Adamczyk, Seconded by Councilmember Rogowski to adjourn the meeting at 7:50 PM.

Vickie L. Dankowski

Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, September 19, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on September 19, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Excused	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Kerry Peek, Senior Services Director  
Ted Morton, Erie County Legislator

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Rogowski to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. Amend Vehicle and Traffic 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:** Christine Adamczyk, Councilmember  
**SECONDER:** Linda Hammer, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Presentation

## X. Resolutions



## 1. RESOLUTION 2016-521

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### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM: 100.1680.4202 Townwide Telephone \$15,000.00

TO: 100.1680.4206 Internet \$15,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 2. RESOLUTION 2016-522

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 19, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$539,558.54
RISK RETENTION FUND	21,175.46
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	31,852.00
SPECIAL DISTRICTS FUND	301,933.11
HIGHWAY FUND	38,081.87
CAPITAL FUND	435,803.43
TRUST & AGENCY FUND	29,363.00
HUD CDBG FUND	1,078.18
PART TOWN FUND	253.73
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$1,399,099.32

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



### 3. RESOLUTION 2016-523

## Adopt Amendments to Vehicle and Traffic Law

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, this Town Board held a public hearing on September 6, 2016 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:

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:

Section 1:

**ARTICLE V. Schedules, Section 235-49 (A). Schedule X(1): Alternate Parking in Designated Locations:** shall be amended by **DELETING** therefrom the following named streets:

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road;

and be it further

**ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations**, shall be amended by **ADDING** thereto the following streets or parts of streets:

**EAST DELAVAN AVENUE** - North side: from west curblineline of Preston Road to the Buffalo City Line.

**EGGERT ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Sugar Road

**ROWAN ROAD** - North side: from west curblineline of Carol Drive westerly to east curblineline of Ivanhoe Road;

and be it further

• **ARTICLE IV, Parking, Standing and Stopping**, shall be amended by **adding** thereto the following:

**§ 235-33(A). Alternate Side Parking.**

No person shall park a vehicle upon the North or East sides from 5:00 p.m. Monday to 5:00 p.m. Thursday, nor upon the South or West sides from 5:00 p.m. Thursday to 5:00 p.m. Monday, on any of the streets or parts of streets listed in **Schedule X(1)**, attached to and made part of this chapter.

• **ARTICLE V. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations**, shall be amended by **deleting** therefrom the following streets or parts of streets:

**ANDREWS AVENUE** - East side: from north curblineline of Genesee Street to south curblineline of East Delavan Avenue.

**ATWOOD PLACE** - East side: from north curblineline of Genesee Street to dead end.

**BARBARA PLACE** - East side: from north curblineline of Genesee Street to south curblineline of Atwood Place.

**CAROL DRIVE** - East side: from north curb to East Delavan Avenue to south curb of Rowan Road.

**IVANHOE ROAD** - East side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**LONG AVENUE** - East side: from north curblineline of Genesee Street northerly to south curblineline of Schoedel Avenue.

**MARNE ROAD** - West side: from the north curblineline of East Delavan Avenue to the south curblineline of Rowan Road.

**PRESTON ROAD** - East side: from north curblineline of East Delavan Avenue to south curblineline of Rowan Road.

**SCHOEDEL AVENUE** - North side: from west curblineline of Long Avenue westerly to east curblineline of Barbara Place.

\*\*\*\*\*

• **ARTICLE V. Schedules**, shall be amended by **adding** the following:

**ARTICLE V. Schedules, Section 235-49(A), Schedule X(1): Alternate Parking in Designated Locations:**

In accordance with the provisions of § 235-33 (A), no person shall park a vehicle upon the North or East sides from 6:00 p.m. Monday to 6:00 p.m. Thursday, nor upon the South or West sides from 6:00 p.m. Thursday to 6:00 p.m. Monday, on any of the following described streets or parts of streets:

**ANDREWS AVENUE** - From north curblineline of Genesee Street to south curblineline of East Delavan Avenue.

**ATWOOD PLACE** - From north curblineline of Genesee Street to dead end.

**BARBARA PLACE** - From north curblin of Genesee Street to south curblin of Atwood Place.

**CAROL DRIVE** - From north curb to East Delavan Avenue to south curb of Rowan Road.

**IVANHOE ROAD** - From the north curblin of East Delavan Avenue to point 115 feet north of the north curblin of Rowan Road.

**LONG AVENUE** - From north curblin of Genesee Street northerly to the dead end.

**MARNE ROAD** - From the north curblin of East Delavan Avenue to the south curblin of Rowan Road.

**PRESTON ROAD** - From north curblin of East Delavan Avenue to south curblin of Rowan Road.

**SCHOEDEL AVENUE** - From west curblin of Long Avenue westerly to east curblin of Barbara Place.

#### Section 2. Time to Take Effect

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

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

#### Section 3. Territorial Application

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

#### Section 4. Publication

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



#### 4. RESOLUTION 2016-524

### **Award Contract for Professional Services for Real Property Assessment Project**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town Assessor issued a Request for Proposals for professional services for a Real Property Reassessment Project for the Town of Cheektowaga, AND

WHEREAS, three (3) proposals were submitted, AND

WHEREAS, the Town Assessor and Town Attorney reviewed the proposals, AND

WHEREAS, this Town Board discussed submitted proposals, AND

WHEREAS, the Town Assessor has recommended that this Town Board retain The KLW Group based on its proposal and the credentials of its principals and employees, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of The KLW Group, 247 Cayuga Road, Buffalo, NY 14225 for professional appraisal services for the Town of Cheektowaga Real Property Reassessment Project for three (3) years is hereby approved and accepted; AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney and the Town Assessor; AND BE IT FURTHER

RESOLVED, that the retention of The KLW Group for the Real Property Assessment Project for the Town of Cheektowaga shall commence on October 1, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 5. RESOLUTION 2016-525

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### **Rescind Resolution 2016-506 Supporting the Installation of a Traffic Light at Transit Road and Pfohl Road**

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, on September 6, 2016, this Town Board defeated Resolution 2016-506 calling for the Town of Cheektowaga to urge the NYSDOT to review and approve the installation of a traffic light at Transit/Pfohl and to send a copy of said Resolution to Region 5 Office of the NYSDOT, the Governor, area New York State Legislators, the Erie County Executive, the Erie County Legislature, the ECIDA, the Cheektowaga Chamber of Commerce and the Buffalo Niagara Partnership requesting their review and support for said traffic light, AND

WHEREAS, there was a misunderstanding as to the original intent of said Resolution, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2016-506, defeated September 6, 2016, be and hereby is rescinded in its entirety.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 6. RESOLUTION 2016-526

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### Supporting the Installation of a Traffic Light at Transit Road and Pfohl Road

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

WHEREAS, the Town of Cheektowaga is committed to economic development and expanding the tax base for its residents, AND

WHEREAS, the Town of Cheektowaga actively promotes and assists creation of well compensated private sector jobs, AND

WHEREAS, the Town of Cheektowaga pledges its best efforts to encourage these important goals whenever possible, AND

WHEREAS, the plans presented to the Town by the Bella Vista Development Group for a major private sector investment at Transit/Pfohl meet and exceed all the above stated criteria, AND

WHEREAS, it has become apparent that a traffic light at Transit/Pfohl is essential for the successful development of this plan, AND

WHEREAS, the NYSDOT is reviewing the viability and safety concerns for such a traffic light at Transit/Pfohl, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga strongly supports the installation of a traffic light on Transit/Pfohl, AND BE IT FURTHER

RESOLVED, that the Town of Cheektowaga urges the NYSDOT to review and approve this traffic light with all deliberate speed so that this project can proceed as soon as possible, AND BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Region 5 Office of the NYSDOT along with copies to the Governor, area New York State Legislators, the Erie County Executive, the Erie County Legislature, the ECIDA, the Cheektowaga Chamber of Commerce and the Buffalo Niagara Partnership requesting their review and support for said traffic light.

**RESULT:**       **ADOPTED [4 TO 1]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Diane Benczkowski, James P. Rogowski, Gerald Kaminski, Timothy J. Meyers  
**NAYS:**        Linda Hammer  
**EXCUSED:**    Christine Adamczyk



## 7. RESOLUTION 2016-527

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### Negative SEQR Declaration- 35,45 and 101 French Road

**Sponsored By:** Rogowski, Benczkowski, Kaminski, Meyers, Hammer

WHEREAS, an application and associated materials (“Application”) was submitted by Benderson Development Company, LLC (“Applicant”), to the Town of Cheektowaga Town Board (“Town Board”) for (1) a rezoning and (2) a site plan approval in connection with the re-development of an existing retail plaza at 35, 45 and 101 French Road, Cheektowaga, NY (“Site”), to include, among other things, the demolition of two automotive use buildings, at 35 French Road and the demolition of 87,916 s.f. of an existing 117,754 s.f retail plaza building; and the construction of three new warehouse /office buildings, AND

WHEREAS, 89,838 s.f. of the existing retail plaza building will be re-purposed for warehouse/office uses, and the (3) three new warehouse /office buildings will be 94,794 s.f., 26,712 s.f and 143,669 s.f. respectively in building area for a total combined building area of 355,013 s.f., (collectively, the “Project”); AND

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, *et seq.*, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake, fund or approve the Project; AND

WHEREAS, pursuant to § 107-9 of the Town of Cheektowaga Code (“Code”), the Town of Cheektowaga coordinated its review with other involved agencies and assumed lead agency status for the environmental review of the Project that is required by SEQRA; AND

WHEREAS, to aid the Town Board in determining whether the Project may have a significant adverse impact upon the environment, the Applicant submitted the following documents, information, expert studies and reports and other materials to the Town Board (collectively, the “Project Environmental Documents”): (1) Applications; (2) Part 1 of an Environmental Assessment Form; (3) Full Civil Engineering Plans; (4) Traffic Impact Assessment, prepared by SRF Associates; (5) Noise Impact Assessment, prepared by Aurora Acoustical Consultants, Inc.; (6) an Air Quality Assessment, prepared by TY-Lin International; and a (7) stormwater pollution prevention plan (SWPPP) prepared by Pinewoods Engineering, P.C., AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting of April 14, 2016 and September 8, 2016 respectively; AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee reviewed the Project, AND

WHEREAS, the Town Traffic Safety Commission reviewed the Project, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 3, 2016, recommended a determination of non-significance; AND

WHEREAS, a thorough analysis of potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; NOW THEREFORE BE IT

RESOLVED, that the Town Board, acting as lead agency, for this Project which is deemed a Type I Action, believes that it is appropriate that the Town Board issue a negative declaration pursuant to SEQRA; AND

BE IT FURTHER RESOLVED, based upon the Town Board's review and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Town Board's knowledge of the Site and surrounding area and such further investigations of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. The Project consists of the re-development of the Site, which was previously developed and used for commercial retail and automotive use purposes. The Project is not expected to create a material conflict with an adopted land use plan or zoning regulation, nor is the Project expected to result in a significant change in the use or intensity of use of the Site. As such, the Project will not create significant adverse impacts to land use.
2. The Project will not result in the generation or disposal of any liquid or solid waste and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. In addition, there are no wetlands on-Site. Thus, the Project will not create significant adverse impacts to water resources.
3. The Applicant retained the services of TY-Lin International which prepared an Air Quality Assessment for the Project which indicated that the Project will not entail the types of activities or operations that are associated with a significant potential for air emissions or odors. Thus, the Project will not create significant adverse impacts to air resources.
4. The Site and the surrounding area do not possess significant ecological value. According to the NYSDEC's Environmental Resource Mapper, no sensitive animals, plants or natural communities, significant wildlife habitat or wetlands exist on the Site, and none will be impacted by the Project. Thus, the Project will not create significant adverse impacts to plant or animal resources.

5. The Project is not located within an agricultural district, and it will not impact lands that are farmed. Thus, the Project will not create significant adverse impacts to agricultural lands.
6. The applicant retained Aurora Acoustical Consultants, Inc. Which prepared a Noise Impact Assessment to evaluate potential noise impacts. Operation of the Project is not expected to appreciably increase ambient noise levels at the Site or surrounding area when properly mitigated with a sound barrier along the east property line. Thus, the Project will not create significant adverse impacts to noise since the applicant will construct a noise barrier in the form of a (10) ten foot high fence.
7. The Site does not contain any scenic views known to be important to the community. Thus, the Project will not have significant adverse impacts upon aesthetic resources.
8. The Project is not located in an historic district or an archaeologically sensitive area. Thus, the Project will not have significant adverse impacts upon historic or archaeological resources.
9. The Project does not compromise public open space because the Project consists of the re-development of the Site, which was previously developed and used for commercial and/or automotive purposes. Thus, the Project will not have significant adverse impacts upon open or recreational space.
10. The Project is not located in or substantially contiguous to any Critical Environmental Areas ("CEAs"). Thus, the Project will not have significant adverse impacts upon CEAs.
11. The Applicant retained SRF to prepare a Traffic Impact Assessment relative to the Project to address concerns for traffic safety and alignment of proposed driveways, traffic volumes and the Applicant has agreed to address concerns for vehicular movements by improving the signalized intersection at French Road and Scrivner Drive with his/her easterly driveway on French Road.
12. The Project is expected to meet or exceed State energy code requirements. Thus, the Project will not have significant adverse impacts upon energy resources.
13. The Project consists of the re-development of the Site, which was previously developed and used for commercial purposes. The Project will not result in population growth, and is in character with adjacent development. Thus, the Project will not have significant adverse impacts upon the character of the community.
14. The Project is within 1,500 feet of (2) two senior housing (retirement communities) within the neighboring Town of West Seneca. The applicant retained TY-Lin International which prepared an Air Quality Assessment for the Project which indicated that the Project will not entail the types of activities or

operations that are associated with a significant potential for air emissions or odors. The Project as proposed will involve warehousing and distribution of product with office uses, such activities are not associated with a significant potential for affecting public health, Thus, the Project will not create significant adverse impacts to public health.

BE IT FURTHER RESOLVED, the Town Board has determined that the Project will not have a significant adverse impact on the environment, and therefore, a negative declaration (“Negative Declaration”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared in accordance with the requirements of SEQRA.

BE IT FURTHER RESOLVED, this Resolution, which was adopted by a majority vote of the Town Board, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. § 617.2(y)) for the Project, and it shall take effect immediately.

BE IT FURTHER RESOLVED, the appropriate Town Board representatives are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

For further information on this Determination of Significance/Negative Declaration contact:

Ms. Vickie L. Dankowski  
 Town Clerk/Records Access Officer  
 Town of Cheektowaga  
 Town Hall  
 3301 Broadway Cheektowaga, NY 14227  
 (716) 686-3400  
 townclerkwebmail@tocny.org

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 8. RESOLUTION 2016-528

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### **Negative SEQR Declaration - 1747 Dale Road Niagara Transformer, Inc.**

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

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, an application was submitted by LBM Construction, Inc., on behalf of the owner Niagara Transformer, Inc. for the construction of a 35,000 s.f. warehouse building including the demolition of an existing 4,430 s.f. warehouse building at 1747 Dale Road, 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, in the year 2004 the subject property was previously remediated of soil contaminants under the direction of the New York State Department of Conservation (NYSDEC), AND

WHEREAS, in the year 2012, the NYSDEC, approved a Site Management Plan prepared by Ecology and Environment which governs activities associated with soil disturbances on the subject site, AND

WHEREAS, all soil excavations and disturbances made to the subject site to accommodate the construction of the proposed warehouse building will be performed consistent with the approved Site Management Plan and in strict accordance with the "Soils Management Plan" found in appendix F of the approved Site Management Plan, including removal and stockpiling of soils on site for sampling of contaminants; and if necessary, required disposal of such soils at a permitted and approved NYSDEC hazardous waste management facility, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 7, 2016 recommended a determination of non-significance subject to the applicant adhering to the Site Management Plan requirements, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 11, 2016, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 9. RESOLUTION 2016-529

### **Negative SEQR Declaration - 3365 Broadway Teals Express, Inc.**

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

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, an application was submitted by Teals Express, Inc. for the construction of a two building additions totaling 5,768 s.f. in area to an existing truck terminal at 3365 Broadway, 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 Environmental Advisory Committee at its meetings held on August 3, 2016 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 11, 2016, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 10. RESOLUTION 2016-530

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### Approval of Rezoning of 35, 45 and 101 French Road Garden Village Plaza Redevelopment

**Sponsored By:** Rogowski, Benczkowski, Kaminski, Meyers, Hammer

WHEREAS, Benderson Development Company, LLC petitioned for a rezoning from C-Retail Business and CM-General Commercial to M1-Light Manufacturing District for property owned and located at 35,45 and 101 French Road, Cheektowaga, New York, which property is described in the attached legal description, to permit the construction of two warehouse/office buildings and the conversion of a portion of an existing retail building to a warehouse/office, AND

WHEREAS, such construction will redevelop a vacant retail plaza into a warehouse /office park creating a combined building area of 371,679 s.f, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of May, 2016 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 C- Retail Business and CM- General Commercial to M1-Light Manufacturing District of the property described in the attached legal description to permit the construction of two warehouse/office buildings and the conversion of a portion of an existing retail building to a warehouse/office 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 with 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 Towns of Cheektowaga and West Seneca, County of Erie and the State of New York, being parts of Lots 113 and 114, Town of

Cheektowaga and part of Lot 294, Town of West Seneca, Township 10, Range 7, bounded and described as follows:

Commencing at the intersection of the south line of Lot 294 and the east line of Union Road being 66 foot wide;

Thence N 01° 39' 17" E along the east line of said Union Road a distance of 310.00 feet to the point of beginning;

Thence S 87° 52' 43"E, a distance of 200.00 feet;

Thence N01° 39' 17" E, a distance of 227.40 feet;

Thence S 87° 52' 43"E, a distance of 88.03 feet;

Thence N 02° 07' 17" E, a distance of 180.00 feet;

Thence N 87° 52' 43"W, a distance of 229.97 feet to the east line of Union Road as established by Map 17 R-2, Parcel 24 of the New York State Department of Public Works;

Thence along the aforesaid east line of Union Road N 13° 53' 32"E, a distance of 30.76 feet;

Thence continuing along the aforesaid east line of Union Road N 03° 57' 42" E, a distance of 173.56 feet;

Thence N 51° 50' 41" E, a distance of 204.80 feet;

Thence N 05° 54' 16" E, a distance of 248.30 to the southerly line of French Road as now laid out;

Thence N 55° 22' 01" E, and along said southerly line of French Road, a distance of 189.30 feet;

Thence N 49° 39' 56" E, and along said southerly line of French Road, a distance of 301.39 feet:

Thence N 55° 09' 17" E, and along said southerly line of French Road, a distance of 280.12 feet to the westerly line of lands now or formally Schafer Construction Inc. by deed filed in the Erie County Clerk's office in Liber 11136 at page 3678;

Thence S 21° 45' 18" E and along the said westerly line of Schafer Construction Inc., a distance of 122.39 feet to the southwesterly corner of said Schafer Construction Inc.;

Thence S 88° 15' 33"E and along the southerly line of said Schafer Construction Inc., a distance of 210.60 feet to the southeasterly corner of Schafer Construction Inc.;

Thence the following two courses and distances along the easterly line of Schafer Construction Inc.; N 01° 24' 18" E, a distance of 105.04 feet and N 31° 39' 15" W, a distance of 150.25 feet to the said southerly line of French Road;

Thence easterly along said French Road on a curve to the right with a radius of 1095.82 feet, an arc distance of 146.96 feet to the westerly line of now of formally Martin Bauchan by deed filed in the Erie County Clerk's office in Liber 10916 at page 4157;

Thence S 01° 34' 37" W and along said westerly line Martin Bauchan and Garden Village Apartments LP by deed filed in the Erie County Clerk's office in Liber 11075 at page 2031, a distance of 700.91 feet;

Thence S 88° 25' 23" E, and along said Garden Village Apartments LP a distance of 10.00 feet;

Thence S 01° 34' 37" W, and along the westerly line of said Garden Village Apartments LP and Burchfield Village Patio by deed filed in the Erie County Clerk's office in Liber 11060 at page 6459 a distance of 780.31 feet to the northeast corner of Union Square West Seneca by deed filed in the Erie County Clerk's office in Liber 11116 at page 2568;

Thence N 87° 52' 43" W and along the north line of said Union Square West Seneca and Garden Village Plaza LP by deed filed in the Erie County Clerk's office in Liber 10114 at page 18 a distance of 665.07 feet;

Thence S 46° 38' 46" W and along the southwesterly line of said Garden Village Plaza LP and others, a distance of 332.97 feet to the Northeast corner of Candice Lynn Castricone by deed filed in the Erie County Clerk's office in Liber 11009 at page 3028;

Thence N 87° 52' 43" W and along the north line of said Candice Lynn Castricone, a distance of 270.26 feet to the east line of Union Road being 66 feet wide;

Thence N 01° 39' 17" E and along the aforesaid east line of Union Road, a distance of 60.00 feet to the true point or place of beginning.

Containing 25.91 acres of land more or less.

EXCEPTING therefrom the following parcel of land:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town Cheektowaga, County of Erie and the State of New York, being parts of Lots 113 and 114, Town of Cheektowaga, Township 10, Range 7, bounded and described as follows:

Commencing at the intersection of the east line of Union Road as established by Map 17 R-2, Parcel 24 of the New York State Department of Public Works and the southerly line of an easement to the Erie County Water Authority by deed filed in the Erie County Clerk's office in Liber 7656 at page 606;

Thence N 40° 17' 56" E and along the southerly line of said Erie County Water Authority's easement, a distance of 207.81 feet to the point of beginning;

Thence N 40° 17' 56" E and continuing along the southerly line of said Erie County Water Authority's easement, a distance of 171.33 feet:

Thence S 49° 42' 04" E, a distance of 70.00 feet;

Thence S 40° 17' 56" W, a distance of 171.33 feet;

Thence N 49° 42' 04" W, a distance of 70.00 feet to the southerly line of said Erie County Water Authority's easement being the true point or place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 11. RESOLUTION 2016-531

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### Accept Site Plan- 35,45 & 101 French Road Garden Village Plaza Redevelopment

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**Sponsored By:** Rogowski, Benczkowski, Kaminski, Meyers, Hammer

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 35,45 and 101 French Road, which includes the demolition of (2) existing automotive use buildings at 35 French Road and the demolition of 87,916 s.f. of an existing 117,754 s.f retail plaza building; and the construction of three (3) new warehouse /office buildings, AND

WHEREAS, 89,838 s.f. of the existing retail plaza building will be re-purposed for warehouse/office uses, and the three (3) new warehouse /office buildings will be 94,794 s.f., 26,712 s.f. and 143,669 s.f. respectively in area for a total combined building area of 355,013 s.f., AND

WHEREAS, the Town of Cheektowaga Planning Board, Cheektowaga Conservation Advisory Council , Environmental Advisory Committee and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, AND

WHEREAS, the project requires an area variance, for a proposed (10) ten foot high fence along the east property line, AND

WHEREAS, the height of the proposed fence is necessary, to mitigate potential noise impacts associated with the loading facilities along the east wall of the easterly proposed building, 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 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 appear to function efficiently if mitigation

- in the form of a public betterment is implemented by the applicant by reconstructing the traffic signals at the intersection of French Road and Scrivner Road and his/her easterly driveway long French Road; and
- c. That the proposed site provides for 388 off street parking spaces and, which will accommodate a maximum of 258 employees based on the town's parking requirements for warehouses/industrial uses; and
  - d. That the proposed pedestrian walkways when amended in the site plan will maximize the safety and efficiency of pedestrian movements on the Site; and
  - e. That the site's proposed drainage facilities appear to meet the demands of the Project; based on an initial review by the Town's Assistant Engineer; and
  - f. That water supply and sewage disposal facilities appear to meet the demands of the Project; based on an initial review by the Town's Assistant Engineer; and
  - g. That the Project incorporates adequate vegetation and trees when amended in the site plan; and
  - h. That the fire lanes and emergency access zones and provision of fire hydrants appear acceptable after an initial review by the Town Fire Inspector; and
  - i. That the drainage plans for the Project Site will 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 generally 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 Engineering Department approve any amended final civil plans for which a preliminary review has already been done.
2. That 5 foot wide concrete sidewalks be installed along the French Road right of way; from the applicant's east property line to his/her west property line.
3. That an internal connecting walks be provided to the new French Road sidewalk and to the existing walk along Union Road, near the Union Road driveway.
4. The Cheektowaga Zoning Board of Appeals grants the necessary area variance for the project.
5. Additional trees be provided as requested by the Town Planner along the east yard,

- interior islands and westerly yards.
6. A refuse containment plan be provided for review by the Town Planner.
  7. A truck circulation plan be provided with truck turning templates for review by the Town Planner.
  8. That all improvements proposed within the Town of West Seneca be reviewed and approved by the Town of West Seneca.
  9. The applicant provide a traffic signal design for improving the intersection of Scrivner Road and French Road and file a permit with Erie County Highway Department for such signal construction work within 6 months of occupying 50% of the first building constructed.
  10. If the applicant desires to utilize the premises for light manufacturing activities, including food processing that an updated air resource study and acoustical evaluation be provided to the Town for review and concurrence.

## Attachments:

site plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 12. RESOLUTION 2016-532

### Accept Site Plan - 1747 Dale Road Niagara Transformer Corp.

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

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, LBM Construction, Inc., on behalf of the owner, Niagara Transformer, Corp. submitted a development review application for the construction of a 35,000 s.f. warehouse building at 1747 Dale Road, AND

WHEREAS, the proposed warehouse building will replace an existing 4,430 s.f . warehouse building which is accessory to an existing manufacturing facility, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of August 11, 2016 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 Assistant Town Engineer approving the drainage/grading plan.
2. The applicant addressing any concerns identified by Town's Traffic Safety Commission.

Attachments:  
SITE PLAN (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



### 13. RESOLUTION 2016-533

## Accept Site Plan - 3365 Broadway Teal's Express, Inc.

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

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, Teal's Express, Inc. Submitted a development review application for the construction of a (2) two building addition totaling 5,768 s.f. in area to an existing truck terminal at 3365 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of August 11, 2016 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 Assistant Town Engineer approving the drainage/grading plan.
2. The applicant amending the site plan to provide a minimum required set back of (10) feet for the existing stone parking area along the east property line and converting such (10) ten foot side yard back to grass.
3. The applicant paving his/her driveways and parking areas from the edge of Broadway to his/her front building line.

Attachments:

Landscape Plan (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 14. RESOLUTION 2016-534

### Designation of Domestic Violence Awareness Month

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, domestic violence impacts the residents of the Town of Cheektowaga without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner, it affects their children, families, and entire communities, AND

WHEREAS, in New York State, more than 250,000 calls were made to domestic violence and sexual assault hotlines in 2015; state courts reported nearly 300,000 orders of protection that were required to be entered in the Domestic Violence Registry; 28,000 of the assaults reported to police agencies outside of New York City were committed by intimate partners; strangulation, a particularly intimate form of violence, was charged nearly 12,000 times in the State, AND

WHEREAS, the Town of Cheektowaga acknowledges that awareness is a critical component of prevention and therefore strives to increase the public's knowledge of domestic violence by supporting initiatives such as the state's annual "Shine the Light on Domestic Violence" campaign, AND

WHEREAS, the Town of Cheektowaga joins with New York State in supporting victims of domestic violence and shares the worthy goals of this month-long observance, and likewise supports the work of public and private entities that strive to provide the best coordinated response to domestic violence in communities across this state, sending a loud and clear message to abusers that domestic violence is not tolerated in the Town of Cheektowaga, AND BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby proclaims October 2016 as Domestic Violence Awareness Month in the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 15. RESOLUTION 2016-535

### Authorize Supervisor to Execute Contracts and Documents With Metro Communications for the Fiber Optic Communication Network Services

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga has been actively upgrading and solidifying our current Local Area Network infrastructure for the Town Park and the Town Hall Campus, AND

WHEREAS, Metro Communications has supplied the Town comprehensive Fiber Communication Network services through the implementation of the Town Hall Campus Fiber Project, AND

WHEREAS, it is advantageous to the Town to enter into an extension of an agreement with Metro Communications for the above services, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor shall have power to execute the necessary documents, and hereby is authorized to make any changes, insertions and omissions as agreed upon by Metro Communications and the Town, AND BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the Supervisor to execute the necessary contracts and all other necessary documents with Metro Communications for the aforementioned Fiber Optic Communication Network services and fiber, at a cost not to exceed \$20,000, AND BE IT FURTHER

RESOLVED, that funds for Town Campus Fiber Communication Networks shall be appropriated through budget line item number 0100-1680-4321.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 16. RESOLUTION 2016-536

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### 2017 Family Support Contract

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney the Supervisor be and hereby is authorized to execute the 2017 Family Support Service Contract in the amount of \$29,945.00, on behalf of the Department of Youth & Recreational Services and the New York State Office for People with Developmental Disabilities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 17. RESOLUTION 2016-537

### **Amendment to Personnel Policy for Exempt Employees That Are Department Heads and Personnel Policy for Exempt Employees That Are Not Department Heads**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town wishes to amend Section 9 of the Personnel Policy for Exempt Employees That Are Department Heads and the Personnel Policy for Exempt Employees That Are Not Department Heads; AND

WHEREAS, the following language is proposed to replace Section 9 of the aforementioned policies:

9. HOLIDAYS - Such employees shall be entitled to the same holidays, with pay, as set forth in the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit. To be eligible for paid holiday the employee must be in a "paid status" (excluding sick leave) for ten (10) days during the month the holiday occurs.

The following will replace the current language:

9. HOLIDAYS - The following shall be recognized and observed as paid holidays.

New Year's Day	Floating Holiday*
Martin Luther King's Birthday	Veteran's Day
Presidents' Day	Columbus Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day
	Employee Birthday

\*Effective 2016 Election Day is replaced with a Floating Holiday that must be used in the calendar year.

To be eligible for paid holiday the employee must be in a "paid status" (excluding sick leave) for ten (10) days during the month the holiday occurs, AND

WHEREAS, the Town Board has reviewed and wishes to adopt this proposed amendment; NOW, THEREFORE, BE IT

RESOLVED, that Section 9 of the Personnel Policy for Exempt Employees That Are Department Heads and the Personnel Policy for Exempt Employees That Are Not Department Heads be and hereby be adopted effective immediately.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**     Christine Adamczyk



## 18. RESOLUTION 2016-538

### Youth & Recreation Transfers

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that the following individuals be transferred as indicated, effective immediately:

Laborer - "Bathhouse Attendant" 7180.1901 to Recreation Aide - 7140.1614 & 7140.1648 - \$9.00 - Part-time  
Karly Glowny

Laborer - "Bathhouse Attendant" 7180.1901 to Recreation Aide - 7140.1611 - \$9.00 - Part-time  
Andrew Zimniewicz

Laborer - "Bathhouse Attendant" 7180.1901 to Recreation Aide - 7140.1627- \$9.00 - Part-time  
Jordan Nosal

Motion by Councilmember Kaminski, Seconded by Councilmember Meyers to waive the reading of names for the following Resolutions: 2016-538, 2016-539, 2016-540. Motion Carried.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Gerald Kaminski, Councilmember  
**SECONDER:**       James P. Rogowski, Councilmember  
**AYES:**             Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**         Christine Adamczyk



## 19. RESOLUTION 2016-539

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Jacob Allan	8/19/16	14227
Maxwell Allan	8/19/16	14227
Mark Bailey	Never Worked	14225
Ashley Bajer	8/24/16	14225
Dylan Bajer	8/23/16	14225
Tyler Bajer	8/26/16	14225
Ross Bauman	8/17/16	14227
Shayla Beard	Never Worked	14225
Kelly Benczkowski	8/21/16	14227
Jessica Beutler	8/21/16	14227
Morgan Blake	8/21/16	14225
Rachel Blake	8/21/16	14225
Ryan Blake	8/23/16	14225
Andrew Bloom	8/20/16	14225
Ryan Boneberg	8/19/16	14225
Shannon Borowiak	8/22/16	14227
Donovan Boshier	8/11/16	14043
Bailey Boyer	8/19/16	14212
Justin Brackna	8/21/16	14225
Kenneth Carlucci III	8/14/16	14227
Ashley Carney	8/21/16	14225
Paige Casillo	8/21/16	14227
Lennon Cavanaugh-Gordon	8/17/16	14215
Jessie Cecere	8/18/16	14225
Grace Dalton	8/21/16	14227
Andrew Deeds	8/20/16	14211
Emily DiBlasio	8/20/16	14206
Mitchell Dietl	8/19/16	14225
Tyler Ditta	8/15/16	14211
Domonique Ector	8/16/16	14225
Emma Eisenhardt	8/19/16	14211
Lilly Eisenhardt	8/19/16	14211
Jenna Erwin	7/25/16	14212
Miranda Florek	8/21/16	14227
Nicole Frigioni	8/21/16	14225
Nicholas Gamble	8/12/16	14225
Shelby Gennocro	8/19/16	14225
Sydney Gennocro	8/04/16	14225
Meaghan Gosciak	8/21/16	14225
Haley Graczyk	8/18/16	14225
Katie Gramlich	8/19/16	14225
Dakota Grantham	8/22/16	14225

Nadia Gray	8/20/16	14227
Eric Green	8/12/16	14225
Kayla Green	8/12/16	14225
Nicholas Hahn	8/13/16	14225
Melanie Hannon	8/21/16	14225
Zachary Hermanski	8/23/16	14225
Jenna Hockwater	8/12/16	14227
Lisa Hoffman	8/12/16	14227
Paige Jaworowicz	8/21/16	14212
Samantha Johnston	8/21/16	14227
Zachary Jones	8/19/16	14225
Kellie Kaminski	8/16/16	14043
Connor Karek	8/21/16	14225
Julie Karpinski	8/21/16	14225
Sara Keller	8/04/16	14043
Amanda Kiripolsky	8/23/16	14215
Andrew Krause	8/11/16	14227
Dave Kruszona	8/28/16	14227
Eric Kubiak	8/21/16	14211
Jamie Kuwik	8/21/16	14212
Natalie Lane	8/17/16	14215
Angela Lesser	Never Worked	14225
Kevin Lopez-Rodriguez	8/19/16	14225
Robert Love	8/19/16	14225
Joshua Mactarnaghan	8/19/16	14043
Andrew Matulich	8/21/16	14225
Andrew Meyerhofer	8/14/15	14225
Austin Mikolajczyk	8/21/16	14225
Jacob Miller	8/19/16	14225
Allison Musial	8/24/16	14225
Elizabeth Olear	8/21/16	14043
Ryan Osswald	8/21/16	14225
Madison Pawarski	8/22/16	14227
Dante Peters	8/21/16	14225
Katelin Petranchuk	8/25/16	14227
Madeline Pike	8/20/16	14206
Emily Pijacki	8/11/16	14227
Tyler Piwowarski	8/19/16	14043
Tyler Post	8/19/16	14043
Brianna Poules	8/21/16	14227
Megan Prell	8/19/16	14212
Anthone' Proctor	8/29/16	14225
Robert Pulkownik	8/21/16	14227
Jacob Radlich	5/04/16	14225
Noah Radlich	8/19/16	14225
Alyssa Reesor	8/23/16	14211
Haley Robinson	8/21/16	14225
Robyn Schieble	8/21/16	14225
Alexis Schraeder	8/21/16	14225
Caremine Seemueller	8/19/16	14215
Samantha Sprada	8/21/16	14206
Joshua Strzelec	8/12/16	14211
Benjamin Sullivan	8/20/16	14225
Mora Sullivan	8/20/16	14225

Rebecca Szyjka	8/21/16	14227
Janelle Thompson	7/19/16	14211
Kyle Tobin	8/19/16	14215
Aaron Wahler	8/21/16	14215
Chelsea Wartinger	8/23/16	14043
Samantha Wayne	8/12/16	14227
Joseph Weber	8/19/16	14225
Alexis Whelan	8/21/16	14225
Colleen Wilkie	8/23/16	14043
Mariah Wilson	8/21/16	14215
Matthew Wilson	8/20/16	14043
Taylor Wilson	8/21/16	14227
Alexandria Wnuk	8/16/16	14043
Melissa Wood	8/21/16	14227
John Zastempowski IV	8/19/16	14227
Stanley Zolnowski	8/21/16	14225

**RESULT:**       **ADOPTED [4 TO 0]**

**MOVER:**        Gerald Kaminski, Councilmember

**SECONDER:**   James P. Rogowski, Councilmember

**AYES:**         James P. Rogowski, Gerald Kaminski, Timothy J. Meyers, Linda Hammer

**ABSTAIN:**     Diane Benczkowski

**EXCUSED:**     Christine Adamczyk



## 20. RESOLUTION 2016-540

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

JUSTICE COURT Clerk \$15.00/hour effective 9/20/16  
Marissa M. Floyd, Cheektowaga, New York

JUSTICE COURT Clerk \$9.25/hour effective 9/28/16  
Cathleen F. Muscarella, Cheektowaga, New York

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:

SANITATION DEPARTMENT Laborer \$9.25/hour effective 9/20/16  
John A. Schaefer, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 21. RESOLUTION 2016-541

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### **Transfer of Motor Equipment Operator - B (Temporary) to Part-Time/Seasonal Laborer (Marc P. Beang)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Marc P. Beang was appointed to the temporary position of Motor Equipment Operator - B in the Sanitation Department effective July 11, 2016; AND

WHEREAS, the temporary position of Motor Equipment Operator - B held by Mr. Beang is no longer necessary as the permanent Motor Equipment Operator - B returned to duty after an extended leave; NOW, THEREFORE, BE IT

RESOLVED, that Marc P. Beang of Cheektowaga, New York be and hereby is transferred to his previous title as a seasonal Laborer in the Sanitation Department at the hourly rate of \$9.25 effective September 12, 2016; AND, BE IT FURTHER

RESOLVED, that Marc P. Beang be and hereby is transferred from the position of seasonal Laborer to that of part-time Laborer at the hourly rate of \$9.25 effective September 19, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 22. RESOLUTION 2016-542

### Travel Authorization Building and Plumbing Department

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the American Planning Association Annual Conference is being held September 28, 2016 through September 30, 2016 in Buffalo, New York; AND

WHEREAS, Planner Daniel Ulatowski has been recommended to attend said conference; AND

WHEREAS, Supervising Code Enforcement Officer Richard Coburn has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

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

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

RESOLVED, that Daniel Ulatowski be and hereby is authorized to attend the American Planning Association Annual Conference being held September 28, 2016 through September 30, 2016 in Buffalo, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 23. RESOLUTION 2016-543

### Travel Authorization Police Department

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, a Bomb Making Materials Awareness Program is being held October 24, 2016 through October 28, 2016 in Oriskany, New York; AND

WHEREAS, Police Officer Brendan Tomasulo has been recommended to attend said program; 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 \$130; AND

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

RESOLVED, that Police Officer Brendan Tomasulo be and hereby is authorized to attend a Bomb Making Materials Awareness Program being held October 24, 2016 through October 28, 2016 in Oriskany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk

## XI. Communications

### A. Departmental Communications

### B. General Communications

1. **Notice of Claim: Amica Mutual Ins. Co. a/s/o Shantal S. Jones vs. Town of Cheektowaga**
2. **Notice of Claim: Cynthia Robinson vs. Town of Cheektowaga**

## **XII. Comments**

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

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

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

## **XIII. Adjournment**

Meeting closed in memory of Raina Voll and her son, Leo Klinger.

Motion by Councilmember Kaminski, Seconded by Councilmember Hammer to adjourn the meeting at 7:36 PM.



PREPARED FOR

LBM CONSTRUCTION  
ORCHARD PARK  
NEW YORK

PROJECT NAME  
WAREHOUSE ADDITION FOR:  
**NIAGARA TRANSFORMER**  
1747 DALE ROAD  
TOWN OF CHEEKTOWAGA, NEW YORK

DRAWING NAME  
**SITE DEMOLITION & EROSION CONTROL PLAN**

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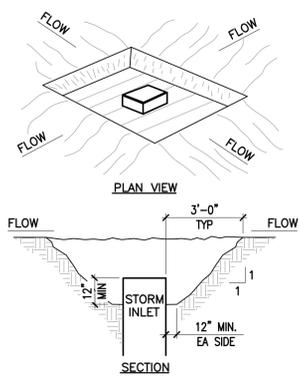
REVISIONS	DATE
DATE	8.19.16
JOB No	16-44
CHECKED BY	AVM
DRAWN BY	avm

DRAWING No

**SP-100**

DOCUMENT STATUS:  PROGRESS NOT FOR CONSTRUCTION  BID SET  PERMIT SET  FINAL FOR CONSTRUCTION

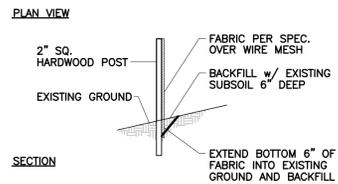
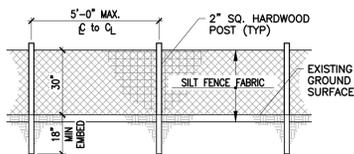
Attachment: SITE PLAN (RES-2016-532 : Accept Site Plan- 1747 Dale Road)



**1** STORM INLET WITH SEDIMENT TRAP

CONSTRUCTION NOTES:

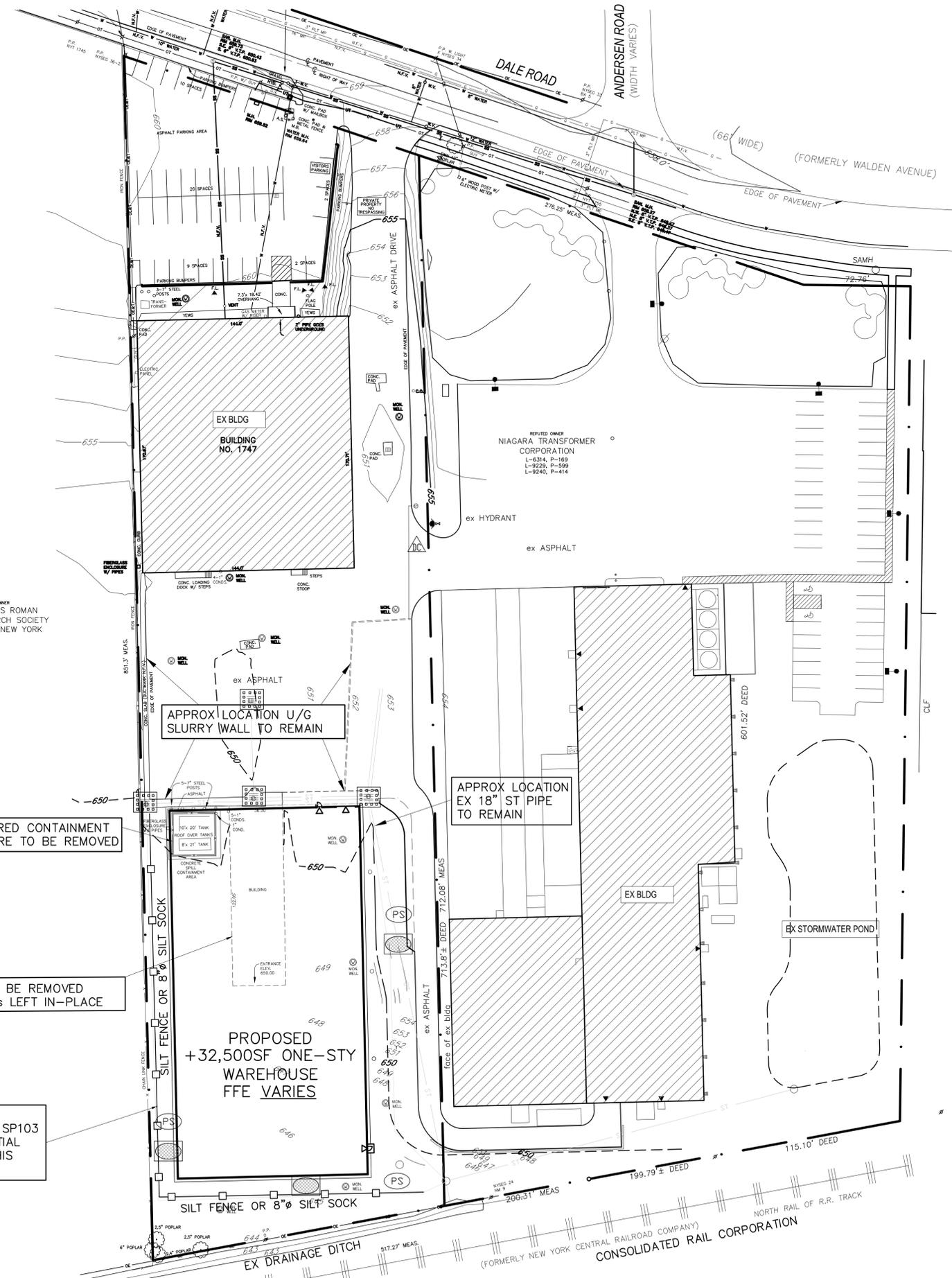
1. SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSION WHEN THE SEDIMENT HAS ACCUMULATED TO A DEPTH OF 6". REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
2. THE STRUCTURE SHALL BE INSPECTED AFTER EACH RAIN, AND CLEANED OF BUILT-UP SEDIMENT.
3. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION SHALL BE MINIMIZED.
4. CUT SLOPES SHALL BE 1:1 MAX.



**2** FABRIC SILT FENCE

CONSTRUCTION NOTES:

1. SILT FENCE GEOTEXTILE FABRIC TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
2. WHEN TWO SECTIONS OF GEOTEXTILE FABRIC ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY (6) INCHES AND FOLDED.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND SEDIMENT MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.



**SITE DEMOLITION & EROSION CONTROL PLAN**

1" = 40'

NOTES:

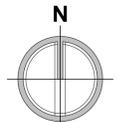
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2. REFER TO ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS, FEATURES, AND UTILITY CONNECTIONS.
3. REMOVAL OF EX MONITORING WELLS BY OTHERS.

LEGEND

- SILT FENCE
- DUST CONTROL
- STONE & BLOCK DROP INLET PROTECTION STRUCTURE
- PERMANENT SEEDING
- TOPSOILING

LAWN SEED SCHEDULE

Mixtures	Rate per Acre (lbs)	Rate per 1,000 sq. ft. (lbs)
A. Birdfoot trefoil or ladino clover	8	0.20
Tall fescue or mooh bromegrass 20	2	0.05
Redtop	30	0.70
OR		
B. Kentucky bluegrass	25	0.60
Creeping red fescue	20	0.50
Perennial ryegrass 10	55	1.30



PREPARED FOR

LBM CONSTRUCTION  
ORCHARD PARK  
NEW YORK

PROJECT NAME  
WAREHOUSE ADDITION FOR:  
**NIAGARA TRANSFORMER**  
1747 DALE ROAD  
TOWN OF CHEEKTOWAGA, NEW YORK

DRAWING NAME  
**SITE LAYOUT & LANDSCAPE PLAN**

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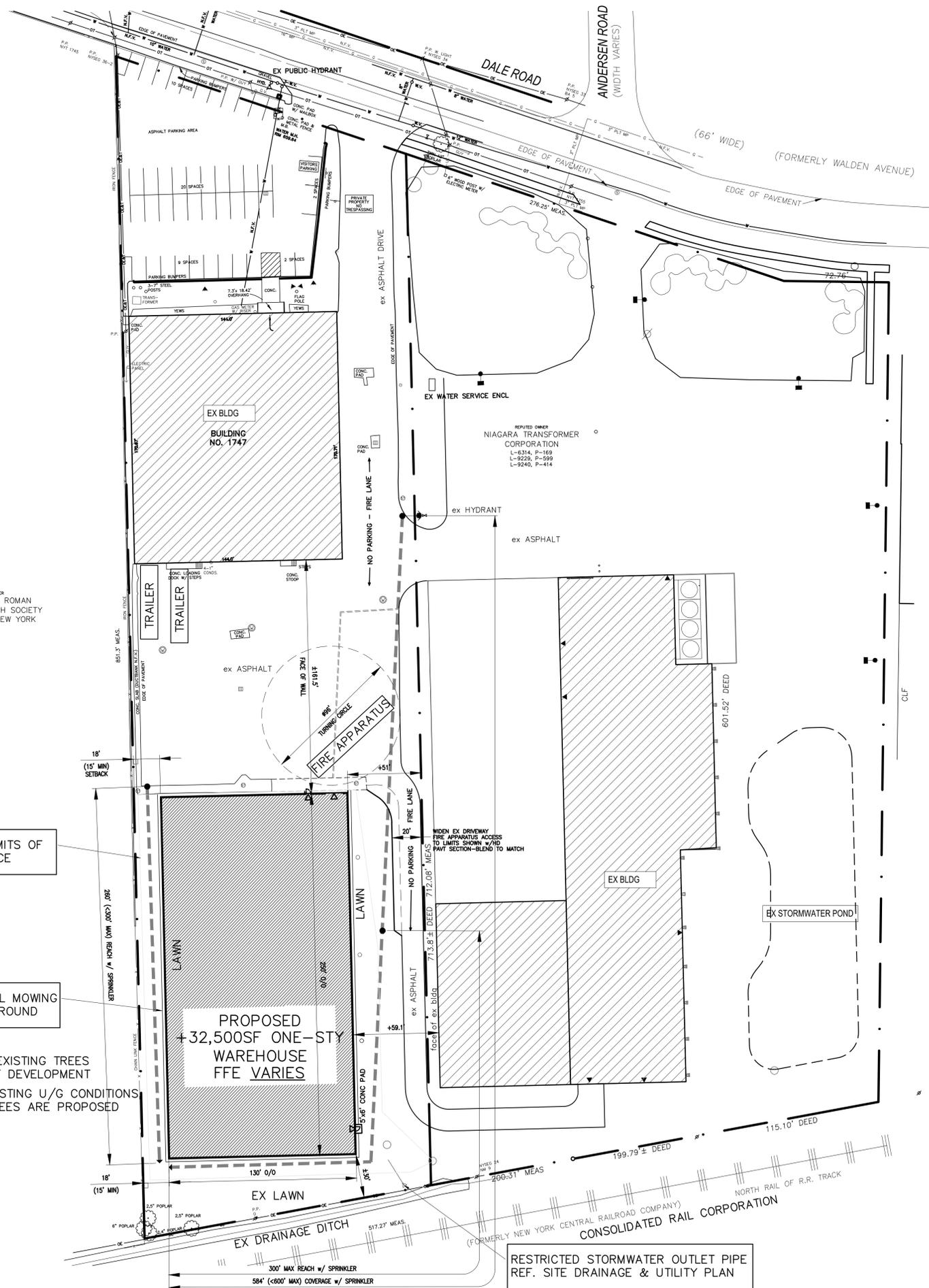
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2	REVISED	8.19.16
1	REVISED	8.01.16
REVISIONS		DATE
DATE		7.01.16
JOB No		16-44
CHECKED BY		AVM
DRAWN BY		ovm

DRAWING No

**SP-101**



REPORTED OWNER  
ST. ADELBERT'S ROMAN  
CATHOLIC CHURCH SOCIETY  
OF BUFFALO, NEW YORK

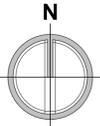
APPROX LIMITS OF  
DISTURBANCE

2'w GRAVEL MOWING  
STRIP SURROUND

NOTE: NO EXISTING TREES  
IN AREA OF DEVELOPMENT  
DUE TO EXISTING U/G CONDITIONS  
NO NEW TREES ARE PROPOSED

**SITE LAYOUT & LANDSCAPE PLAN**

1" = 40'



**SITE DATA**

CURRENT ZONING: INDUSTRIAL  
PROPOSED USE: WAREHOUSE/STORAGE  
TOTAL SITE AREA: 3.5± ACRES (AC) AREA OF DISTURBANCE: 0.97 AC

IMPERVIOUS AREA:  
NEW BUILDING: 0.75 AC  
EX BLDG/PAVT: 2.0 AC  
TOTAL IMPERVIOUS: 2.75 AC  
TOTAL GREENSPACE: 0.75 AC (20% OF SITE)  
SEWER LOADING: (0 EMPL)x(15 GPD/EMPL) ~ 0 GPD

**PARKING DATA**

NEW SPACES PROVIDED: 0 (UNOCCUPIED WAREHOUSE)

**NOTES:**

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- REFER TO ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS, FEATURES, AND UTILITY CONNECTIONS.
- SITE LIGHTING, POWER, TEL, CABLE AND GAS LINES ARE SHOWN FOR INFORMATION ONLY, AND ARE NOT DESIGNED BY TREDO ENGINEERS. A KNOX BOX KEY HOLDER SHALL BE LOCATED AT THE BUILDING MAIN ENTRANCE.
- THE PROPOSED BUILDING CONTAINS A FIRE-PROTECTION SYSTEM - REF. ARCH'L PLANS FOR ADD'L INFO.
- ALL WORK SHALL COMPLY WITH THE TOWN OF CHEEKTOWAGA BUILDING DEPT REGULATIONS, ERIE COUNTY WATER AUTHORITY, AND NYS DOT SPECIFICATIONS.
- STORMWATER MANAGEMENT IS ACHIEVED IN UNDERGROUND DETENTION PIPING, REF SHT. SP103.
- REMOVAL OF MONITORING WELLS AND REMEDIATION OF SOILS, IF REQUIRED, IS NOT BY TREDO ENGINEERS.

DOCUMENT STATUS:  PROGRESS NOT FOR CONSTRUCTION  BID SET  PERMIT SET  FINAL FOR CONSTRUCTION

# tredo ENGINEERS

755 Seneca Street  
Suite 202  
Buffalo, New York 14210  
716.876.7147 ph

PREPARED FOR

LBM CONSTRUCTION  
ORCHARD PARK  
NEW YORK

PROJECT NAME  
WAREHOUSE ADDITION FOR:  
**NIAGARA TRANSFORMER**  
1747 DALE ROAD  
TOWN OF CHEEKTOWAGA, NEW YORK  
DRAWING NAME  
**SITE GRADING PLAN**

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REVISIONS	DATE
DATE	8.19.16
JOB No	16-44
CHECKED BY	MJE
DRAWN BY	avm

DRAWING No

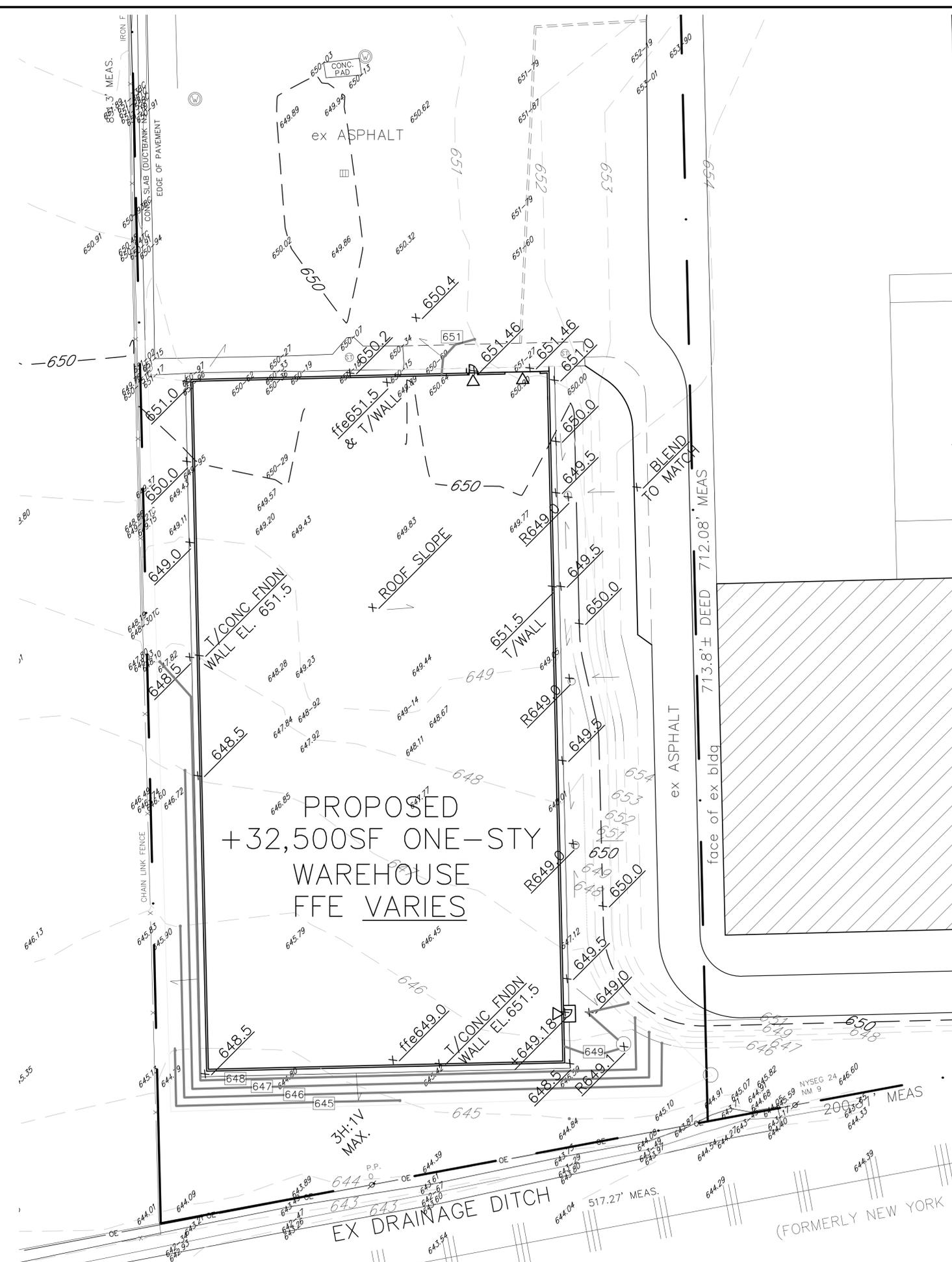
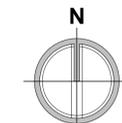
**SP-102**

## PARTIAL SITE GRADING PLAN

1" = 20'

### LEGEND:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>× ELEV DENOTES PROPOSED SPOT ELEVATIONS</li> <li>⊠ DENOTES PROPOSED CATCH BASIN/MANHOLE</li> <li>CO DENOTES PROPOSED CLEANOUT</li> <li>⊕ DENOTES CONNECTION TO EXISTING UTILITY</li> </ul> | <ul style="list-style-type: none"> <li>⊠ DENOTES EXISTING SPOT ELEVATIONS</li> <li>⊠ DENOTES EXISTING STORM SEWER DROP INLET</li> <li>⊕ DENOTES EXISTING STORM SEWER MANHOLE</li> <li>⊕ DENOTES EXISTING SANITARY SEWER MANHOLE</li> <li>⊕ DENOTES EXISTING HYDRANT</li> <li>⊕ DENOTES EXISTING LIGHT POLE</li> <li>⊕ DENOTES EXISTING WATER VALVE</li> <li>⊕ DENOTES EXISTING CONTOURS</li> <li>⊕ DENOTES EXISTING CHAIN LINK FENCE</li> <li>⊕ DENOTES EXISTING UTILITY POLE AND OVERHEAD UTILITIES</li> <li>⊕ DENOTES EXISTING STORM SEWER LINE</li> <li>⊕ DENOTES EXISTING SANITARY SEWER LINE</li> <li>⊕ DENOTES EXISTING WATER LINE</li> <li>⊕ DENOTES EXISTING ELECTRIC LINE</li> <li>⊕ DENOTES EXISTING GAS LINE</li> </ul> |
| <ul style="list-style-type: none"> <li>DS DENOTES PROPOSED ROOF DOWNSPOUT</li> <li>ELEV DENOTES NEW CONTOURS</li> </ul>   | <ul style="list-style-type: none"> <li>— ELEV DENOTES EXISTING CONTOURS</li> </ul>   |
| <ul style="list-style-type: none"> <li>X OHE</li> <li>ST</li> <li>SAN</li> <li>W</li> <li>E</li> <li>G</li> </ul>   | <ul style="list-style-type: none"> <li>— ELEV</li> </ul>   |



### NOTES:

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DOCUMENT STATUS:  PROGRESS NOT FOR CONSTRUCTION  BID SET  PERMIT SET  FINAL FOR CONSTRUCTION

Attachment: SITE PLAN (RES-2016-532 : Accept Site Plan- 1747 Dale Road)

PREPARED FOR

LBM CONSTRUCTION  
ORCHARD PARK  
NEW YORK

WAREHOUSE ADDITION FOR:  
**NIAGARA TRANSFORMER**  
1747 DALE ROAD  
TOWN OF CHEEKTOWAGA, NEW YORK

**SITE DRAINAGE & UTILITIES PLAN**

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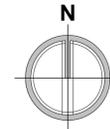
REVISIONS	DATE
-	-
DATE	8.19.16
JOB No	16-44
CHECKED BY	MJE
DRAWN BY	avm

DRAWING No

**SP-103**

**PARTIAL DRAINAGE & UTILITIES PLAN**

1" = 20'

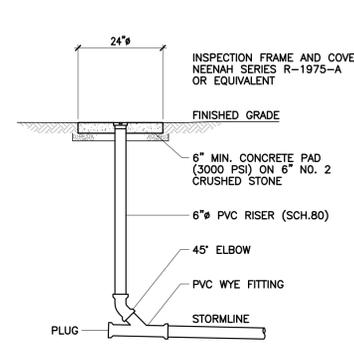


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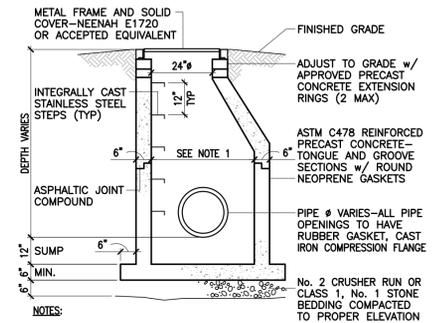
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**NOTES:**

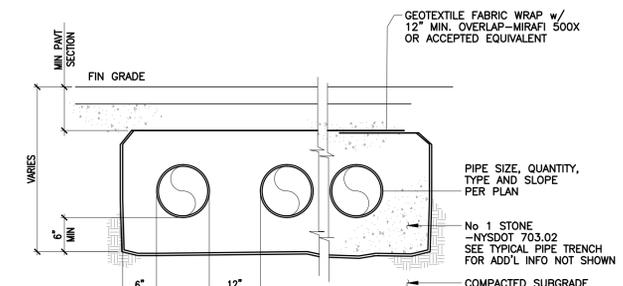
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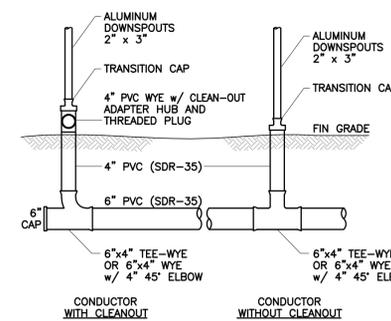
**2 STORMLINE CLEANOUT AND RISER DETAIL**



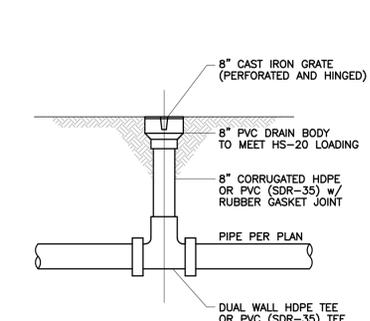
**1 TYPICAL STORM MANHOLE**



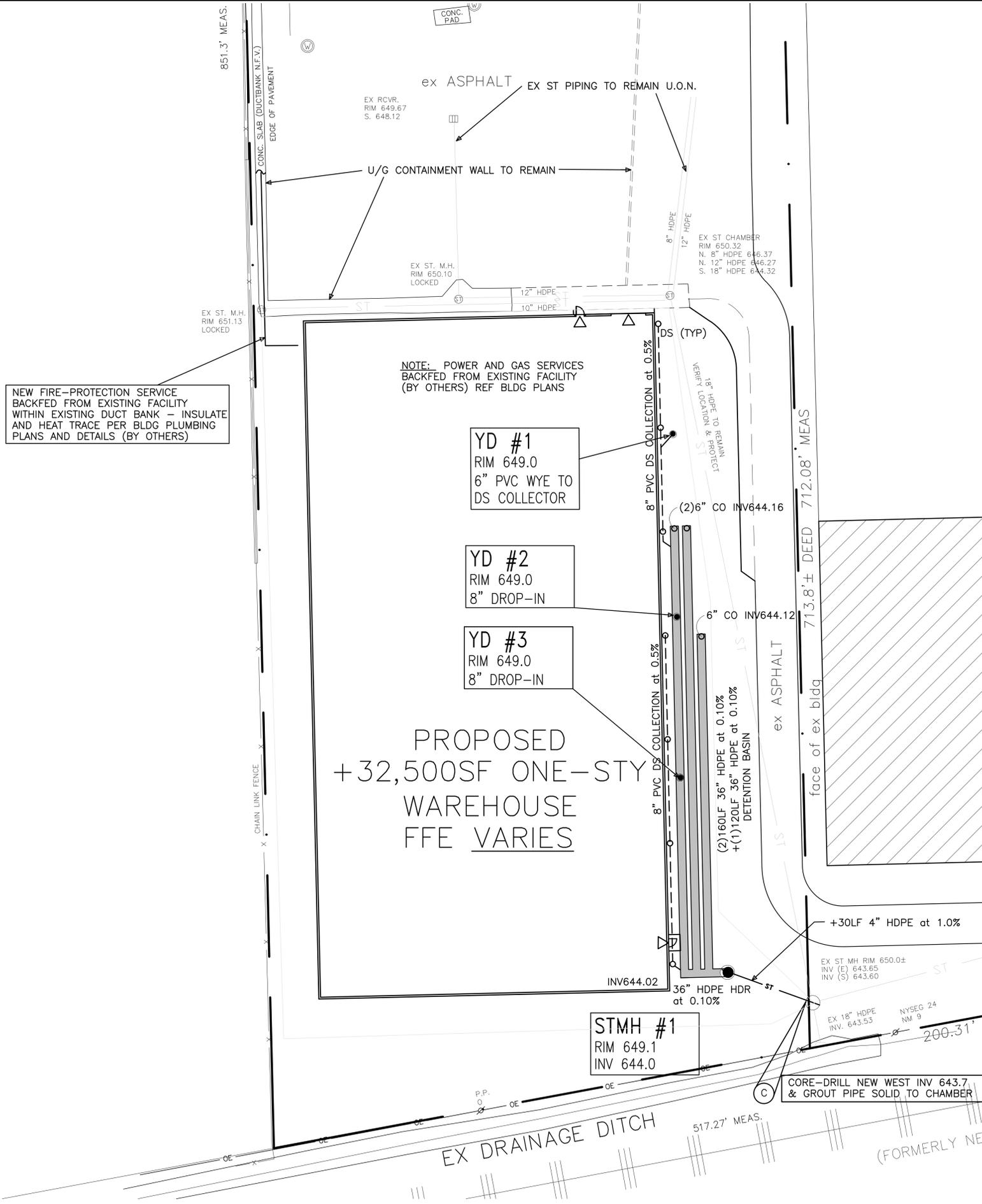
**3 PIPED DETENTION CROSS-SECTION**



**5 DOWNSPOUT COLLECTION SYSTEM**



**4 IN-LINE STORM DRAIN**



NEW FIRE-PROTECTION SERVICE BACKFED FROM EXISTING FACILITY WITHIN EXISTING DUCT BANK - INSULATE AND HEAT TRACE PER BLDG PLUMBING PLANS AND DETAILS (BY OTHERS)

NOTE: POWER AND GAS SERVICES BACKFED FROM EXISTING FACILITY (BY OTHERS) REF BLDG PLANS

**YD #1**  
RIM 649.0  
6" PVC WYE TO DS COLLECTOR

**YD #2**  
RIM 649.0  
8" DROP-IN

**YD #3**  
RIM 649.0  
8" DROP-IN

**PROPOSED +32,500SF ONE-STY WAREHOUSE FFE VARIES**

**STMH #1**  
RIM 649.1  
INV 644.0

CORE-DRILL NEW WEST INV 643.7 & GROUT PIPE SOLID TO CHAMBER

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ITEM	DATE	REVISION

# TEALS TRUCKING

## 3365 BROADWAY

## CHEEKTOWAGA, NY

# LANDSCAPE PLAN

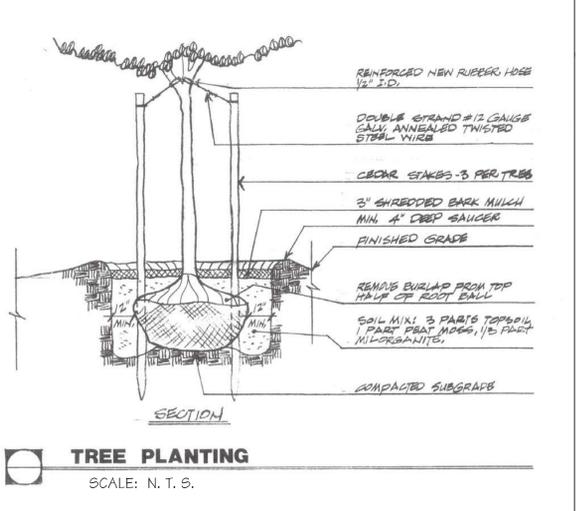
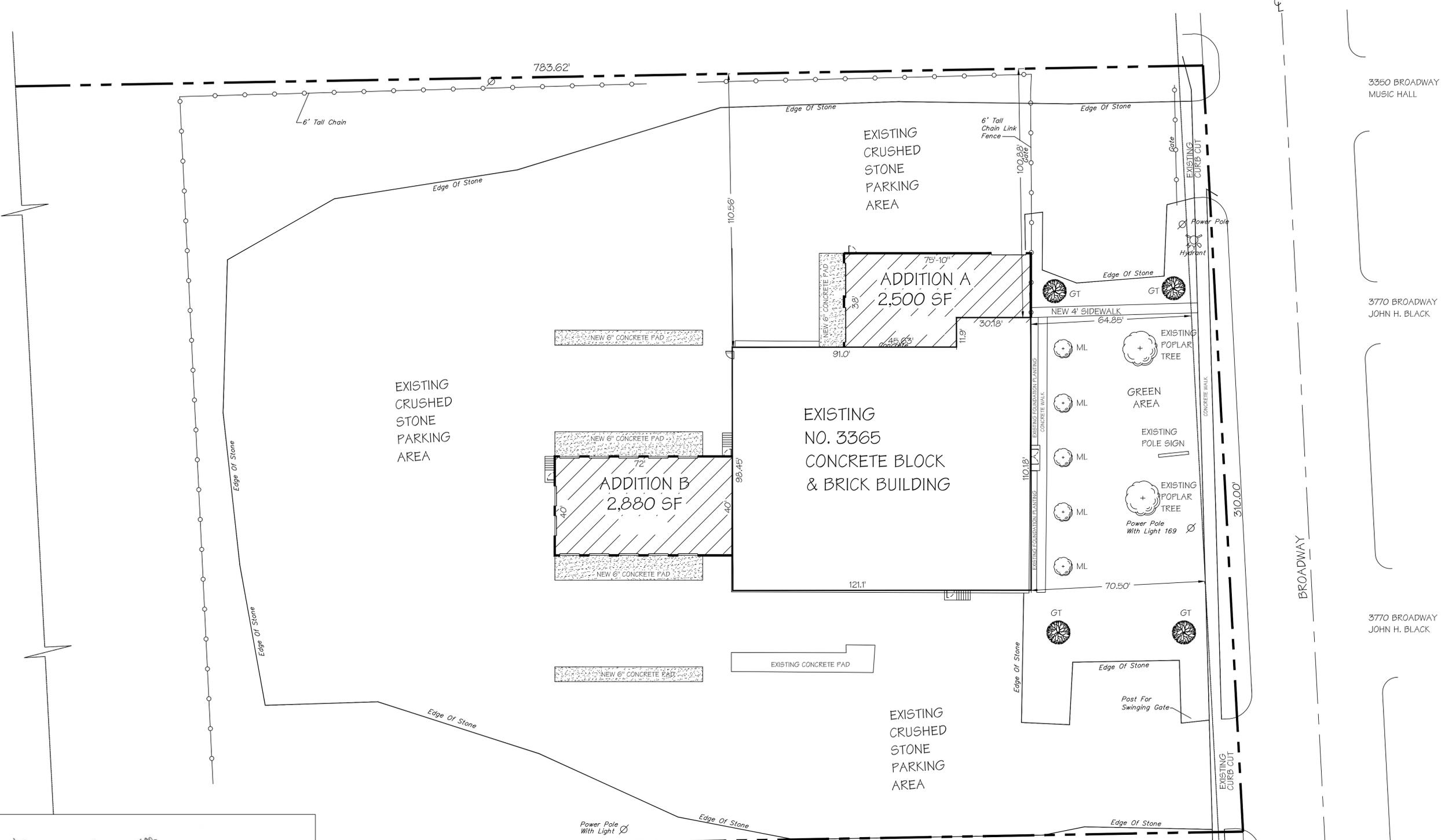
**JAMES A. RUMSEY ARCHITECT**  
 5729 EAST RIVER ROAD  
 GRAND ISLAND, NY 14072

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**F. J. WAILAND ASSOCIATES INC.**  
 Construction Management  
 3922 Seneca Street  
 West Seneca, New York 14224  
 (716) 674-9245

PROJECT NO. **1180**  
 DRAWN BY: **cdb / msw**  
 DATE: **07 JUN 2016**  
 SCALE: **1" = 20'-0"**  
 OR AS INDICATED

SHEET NO. **SP-4**



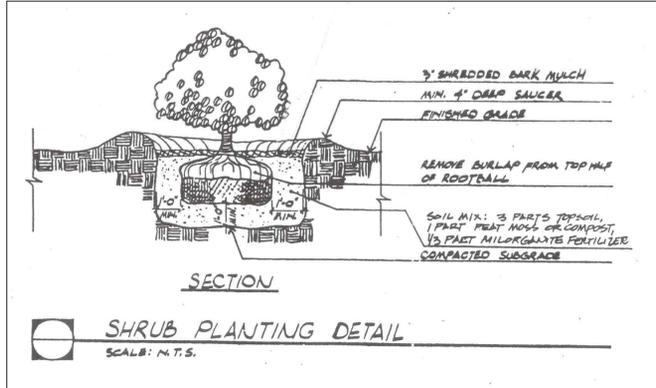
**TREE PLANTING**  
 SCALE: N. T. S.

**LANDSCAPE PLAN**  
 SCALE: 1" = 20'-0"



EXISTING NORTH LANDSCAPING

KEY	QTY	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
GT	4	GLEDITSIA TRIACANTHOS INERMIS "SKYLINE"	SKYLINE HONEYLOCUST	2 - 2 1/2" CAL.	B & B
ML	5	MALUS "LANCLOT"	LANCLOT CRABAPPLE	1 1/2" CAL.	B & B



**SHRUB PLANTING DETAIL**  
 SCALE: N. T. S.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, October 3, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on October 3, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Excused	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Hammer, Seconded by Councilmember Meyers to approve the minutes. Motion Carried.

**VII. Public Comment Period**

**VIII. Public Hearings**

**IX. Presentation**

**X. Resolutions**



## 1. RESOLUTION 2016-544

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.1220.1971	Part-time Regular	\$16,000.00
	100.1315.1971	Part-time Wages	3,000.00
TO:	100.1220.1901	Regular Payroll	\$16,000.00
	100.1315.1902	Overtime Payroll	3,000.00

**SPECIAL DISTRICTS**

FROM:	255.8125.4438	Sewer Repairs	\$22,100.00
TO:	255.8125.2550	Over the Road Vehicles	\$22,100.00

**CDBG**

FROM:	700.1014.0600	Housing Rehab.-Single Family	\$1,500.00
	700.5012.0500	Village of Depew-Sidewalk Replacement	13,000.00
	700.5013.0500	Village of Depew-Sidewalk Replacement	51,612.35
	700.5014.0500	Village of Depew-Sidewalk Replacement	25,000.00
	700.5015.0662	Village of Depew-Drain./Sew. Improv.	64,400.00
TO:	700.1014.0606	Disposition	\$1,500.00
	700.5014.0662	Village of Depew-Drain./Sew. Improv.	89,612.35
	700.5015.0500	Village of Depew-Sidewalk Replacement	56,400.00
	700.5015.0711	Village of Depew-Senior Center Carpet	8,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 2. RESOLUTION 2016-545

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 3, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$207,957.56
RISK RETENTION FUND	69,430.93
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	3,078.50
SPECIAL DISTRICTS FUND	211,187.05
HIGHWAY FUND	63,866.65
CAPITAL FUND	665,867.85
TRUST & AGENCY FUND	15,082.87
HUD CDBG FUND	1,548.89
PART TOWN FUND	3,558.70
NYS AFFORDABLE HOUSING	9,708.00
	<hr/>
	\$1,251,287.00

Motion by Councilmember Hammer, Seconded by Supervisor Benczkowski to approve Resolution 2016-545 minus Voucher #3510295739. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:** Christine Adamczyk



### 3. RESOLUTION 2016-546

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## Adopt Amendments to Vehicle and Traffic Law

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, this Town Board held a public hearing on September 19, 2016 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:

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:

Section 1:

• **ARTICLE II. Schedule VII: Stop Intersections:** shall be amended by **deleting** therefrom the following:

**BETTY LANE** - South at Kenville Road

**EGGERT ROAD** - North at Kenville Road

**KENVILLE ROAD** - West at Eggert Road

**KENVILLE ROAD** - East from Eggert Road at Kenville Road

• **ARTICLE II. Schedule VII: Stop Intersections:** shall be amended by **adding** thereto the following:

**EGGERT ROAD** - North at Affinity Lane (Collegiate Village)

• **ARTICLE IV. Schedule XIII: Overnight Parking Exemptions:** shall be amended by **deleting** therefrom the following:

**BETTY LANE**

**KENVILLE ROAD**

**MARC LANE**

• **ARTICLE IV, Parking, Standing and Stopping, Schedule X:** shall be amended by **adding** thereto the following:

**BETTY LANE** - West side: from the south curblineline of Southgate Road to a point 135 feet south

**BURGESS BOULEVARD** - East and west sides from south curblineline of Genesee Street, including entire cul-de-sac

**MILDRED DRIVE** - East side: from south curblineline of Genesee Street to north curblineline of George Urban Boulevard

**NORTH CREEK DRIVE** - South side: from the west curblineline of Dick Road to the terminus 125 feet west of the westerly curblineline of Ellsworth Drive

**SOUTH CREEK DRIVE** - North side: from the east curblineline of Union Road to the west curblineline of Benbro Drive

• **ARTICLE IV. Schedule X: Parking Prohibited in Designated Locations,** shall be amended by **deleting** therefrom the following streets or parts of streets:

**ADLON PLACE** - South side: from west curblineline of Pine Ridge Terrace westerly to the east curblineline of Olcott Place

**ALPINE PLACE** - East side: from south curblineline of Genesee Street to north curblineline of Herbert Avenue

**ALPINE PLACE** - West side: from south curblineline of Herbert Street to north curblineline of Pennock Place

**AVERY PLACE** - East side: from south curblineline of Genesee Street to north curblineline of Herbert Avenue

**BELL STREET** - North side: from the east curblineline of Olcott Place to the west curblineline of Pine Ridge Terrace

**BETTY LANE** - West side: from the north curblineline of Kenville Road to the south curblineline of

Southgate Road

**DAVID AVENUE** - North side: from east curblin of Pine Ridge Road to the west curblin of Parkedge Drive

**EUCLID AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Doat Street

**GUALBERT AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Straley Avenue

**HALLER AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Wildy Avenue

**HEDWIG AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Straley Avenue

**HERBERT AVENUE** - North side: from west curblin of Pine Ridge Road to east curblin of Olcott Place

**HERBERT AVENUE** - South side: from west curblin of Olcott Place to east curblin of Alpine Place

**HOERNER AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Wildy Avenue

**KENVILLE ROAD** - North side: from the east curblin of Eggert Road to the west curblin of Kenville Road

**KENVILLE ROAD** - Complete inner curblin of Kenville Road in project.

**KENVILLE ROAD** - North side: from west curblin of Betty Lane to a point 85 feet west

**LOXLEY ROAD** - West side: from south curblin of Genesee Street to north curblin of Peach Tree Road

**MARC LANE** - East side: from the south curblin of Kenville Road southerly to its terminus

**MILDRED DRIVE** - West side: from south curblin of Genesee Street to north curblin of George Urban Boulevard

**OLCOTT PLACE** - East side: from the south curblin of Genesee Street to the north curblin of Herbert Avenue

**PEACH TREE ROAD** - South side: from east curblin of Pine Ridge Road to west curblin of Kaufman Road

**PENDENNIS PLACE** - West side: from south curblin of Genesee Street to north curblin of Peach Tree Road

**PINE RIDGE TERRACE** - West side: from south curblin of Genesee Street to dead end

**RANDOLPH AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Doat Street

**REO AVENUE** - East and west sides: from the south curblin of Walden Avenue south to its end

**RIDGE PARK AVENUE** - West side: from north curblin of Walden Avenue to south curblin of Straley Avenue

**RIDGE PARK AVENUE** - West side: from north curblin of Straley Avenue to the north curblin of Greenleaf Lane

**ROWLAND ROAD** - West side: from south curblin of Genesee Street to north curblin of Peach Tree Road

**ST. JAMES ROAD** - West side: from south curblin of Genesee Street to north curblin of Kaufman Road

**VERA AVENUE** - North side: from west curblin of Pine Ridge Road to east curblin of Olcott Place

• **ARTICLE IV. Schedule XA: Alternate Parking in Designated Locations:** shall be amended by **adding** thereto the following:

**ADLON PLACE** - From west curblin of Pine Ridge Terrace westerly to the east curblin of Olcott Place

**ALPINE PLACE** - From south curblin of Genesee Street to north curblin of Pennock Place

**EVERY PLACE** - From south curblin of Genesee Street to north curblin of Herbert Avenue

**BELL STREET** - From the east curblin of Olcott Place to the west curblin of Pine Ridge Terrace

**DAVID AVENUE** - From east curblin of Pine Ridge Road to the west curblin of Parkedge Drive

**EUCLID AVENUE** - From north curblin of Walden Avenue to south curblin of Doat Street

**GUALBERT AVENUE** - From north curblin of Walden Avenue to point 75 feet south of north

curbline of Straley Avenue

**HALLER AVENUE** - From north curbline of Walden Avenue to south curbline of Wildy Avenue

**HEDWIG AVENUE** - From north curbline of Walden Avenue to south curbline of Straley Avenue

**HERBERT AVENUE** - From west curbline of Pine Ridge Road to the dead end

**HOERNER AVENUE** - From north curbline of Walden Avenue to south curbline of Wildy Avenue

**LOXLEY ROAD** - From south curbline of Genesee Street to north curbline of Peach Tree Road

**OLCOTT PLACE** - From the south curbline of Genesee Street to the dead end

**PEACH TREE ROAD** - From east curbline of Pine Ridge Road to west curbline of Kaufman Road

**PENDENNIS PLACE** - From south curbline of Genesee Street to north curbline of Peach Tree Road

**PINE RIDGE TERRACE** - From south curbline of Genesee Street to the dead end

**RANDOLPH AVENUE** - From north curbline of Walden Avenue to south curbline of Doat Street

**REO AVENUE** - From the north curbline of Walden Avenue to south curbline of Straley Avenue

**RIDGE PARK AVENUE** - From north curbline of Walden Avenue to north curbline of Greenleaf Lane.

**ROWLAND ROAD** - From south curbline of Genesee Street to north curbline of Peach Tree Road

**ST. JAMES ROAD** - From south curbline of Genesee Street to north curbline of Kaufman Road

**VERA AVENUE** - From west curbline of Pine Ridge Road to east curbline of Olcott Place

#### Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 4. RESOLUTION 2016-547

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### Designation of Halloween Night

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Monday, October 31, 2016 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.

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#### "DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Monday, October 31, 2016 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

Vickie L. Dankowski, Town Clerk

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Diane Benczkowski, Supervisor  
**SECONDER:**   Timothy J. Meyers, Councilmember  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**     Christine Adamczyk



## 5. RESOLUTION 2016-548

### **Call for Public Hearing - 2017 Preliminary Ad Valorem Budget**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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, 2017, 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 3, 2016, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:45 P.M. on the 17<sup>th</sup> day of October, 2016, 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 6, 2016, 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, 2017, 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 3, 2016.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:45 P.M. on the 17<sup>th</sup> day of October, 2016 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

VICKIE DANKOWSKI,  
TOWN CLERK

Dated: October 3, 2016

Published: October 6, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 6. RESOLUTION 2016-549

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### Call for Public Hearing - 2017 Benefit Basis Budget

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2017 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 6:45 P.M. on the 17th day of October, 2016 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 6, 2016.

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#### 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 Monday, October 17, 2016 at 6:45 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

Vickie Dankowski, Town Clerk

Dated: October 3, 2016  
Published: October 6, 2016

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**     Christine Adamczyk



## 7. RESOLUTION 2016-550

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### Hire Actuary for GASB 45 Calculation

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement #45 requiring governments to account for other post employment benefits, and

WHEREAS, this statement requires an actuarial valuation be performed of the Town's post retirement health care benefits at minimum every two years which 2016 is the second year from the last valuation, and

WHEREAS, the Town has received a professional services proposal from Hawley Consulting Group to perform the necessary actuarial services to be in compliance with this GASB statement #45 and,

RESOLVED, that the Town engage Hawley Consulting Group to perform the necessary actuarial services relating to the Town's post retirement health care benefits per their September 2016 proposal in the amount of \$9,000.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 8. RESOLUTION 2016-551

### Retain Outside Legal Counsel For Municipal Law Matters

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist and/or represent the Town with regard to various legal matters as they pertain to Municipal Law, AND

WHEREAS, moneys have been budgeted by the Town for this purpose, AND

WHEREAS, Alisa Lukasiewicz, Esq., on behalf of the firm Alisa Lukasiewicz, PLLC, has submitted an engagement letter to the Town of Cheektowaga to provide these services to the Town and has the necessary expertise in this area, NOW, THEREFORE, BE IT

RESOLVED, that Alisa Lukasiewicz, PLLC be and hereby is retained as outside counsel to assist the Town of Cheektowaga on an as-needed basis with respect to matters of Municipal Law, pursuant to its engagement letter dated September 23, 2016, AND, BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100.1420.4501, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said engagement letter, subject to approval of the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 9. RESOLUTION 2016-552

### **Authorizing the Information Technology and Records Management Department to Purchase Equipment to Upgrade and Expand Server Storage Environment**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town has exhausted its current server storage within our technical environment and is in need of expanding and upgrading this storage environment, AND

WHEREAS, the Town also experienced a failure in critical video surveillance equipment which must be replaced and addressed immediately, AND

WHEREAS, an increase in documents, evidentiary photo and video, and an increased use of databases and applications has taken our server storage to capacity, AND

WHEREAS, in order to facilitate the upgrade and replacement of the Town's video monitoring network, it is necessary to expand our current storage environment, AND,

WHEREAS, this is an emergency situation and requires the expansion of the required storage and equipment immediately, AND

WHEREAS, this server equipment and storage will meet all archival and records management requirements within the environment, AND, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Information Technology and Records Management department to purchase the necessary equipment needed to upgrade and expand the Town's current server storage environment, in an amount not to exceed \$50,000, which shall be chargeable to an account to be determined by Brian Krause, Town of Cheektowaga Director of Administration and Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 10. RESOLUTION 2016-553

### Request Erie County to Levy Omitted Taxes Against Properties in the Town

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, in any given year, when the owners of properties fail or refuse to maintain their properties, the Town of Cheektowaga must maintain or demolish the properties, AND

WHEREAS, if the owners of these properties refuse to reimburse the Town for expenses incurred by the Town for the maintenance or demolition of said properties, the Town must place special assessments against these properties, AND

WHEREAS, pursuant to the Town Law of the State of New York, the Town must notify the County of Erie of these special assessments which are considered omitted taxes under the law, AND

WHEREAS, in **2016**, the Town maintained and demolished various properties in the Town and the expenses for same were not paid by the respective property owners, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the Erie County Legislature to levy the sum of **\$319,128.17** against the applicable properties, AND BE IT FURTHER

RESOLVED, that the Assessor is hereby directed to deliver to the County of Erie her master computer assessment roll file, AND BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute a Letter of Authorization to the Erie County Real Property Tax Department to enforce the various unpaid accounts/omitted taxes mentioned above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 11. RESOLUTION 2016-554

### **Bonfire - Maryvale High School - 1050 Maryvale Drive**

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, Pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for 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, an application for a permit was submitted by Maryvale High School to conduct an open fire on October 5, 2016 with a rain date of October 6, 2016 on the property located at 1050 Maryvale Drive, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the U-Crest Fire Department in conjunction with summer youth activities, AND

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

WHEREAS, this Town Board has reviewed the application submitted by Maryvale High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Fire Inspector to issue such permit.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 12. RESOLUTION 2016-555

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Andrew Bauer	8/26/16	14043
Benjamin Blackhall	8/22/16	14227
Logan Brunner	8/19/16	14043
Dalton Fischer	8/11/16	14227
James Hanners	8/19/16	14225
Matthew Hencinski	8/30/16	14227
Thomas Isbrandt	8/11/16	14206
John Jaroszewski III	8/11/16	14043
Ronald Jerozal	8/23/16	14227
Christopher Kelley	8/25/16	14215
Maurice Lee	8/24/16	14225
Alex Lenhard	8/26/16	14227
Mabel Lucas	8/26/16	14043
Steven Nichy	8/23/16	14043
Matthew Nowinski	Never worked	14227
Leah Polvinale	Never worked	14227
Carter Post	8/05/16	14043
Andrew Samer	9/02/16	14227
Brandon Sandel	8/23/16	14227
Kaylee Sandel	8/24/16	14227
Timothy Short	8/26/16	14043
Ryan Skowron	8/24/16	14227
Jason Slomka	Never worked	14227
Taylor Smith	Never worked	14225
Drew Stachewicz	8/23/16	14227
Robert Staniszewski III	8/05/16	14043
Christopher Suchan	8/25/16	14227
Tyler Suchan	8/25/16	14227
James Urshel	8/26/16	14043
Mitchel Wartinger	8/24/16	14043
Daniel Wierzba	8/19/16	14212
Matthew Wierzbicki	8/24/16	14227
Michael Wierzbicki	8/24/16	14227

Motion by Councilmember Kaminski, Seconded by Councilmember Meyer to waive the reading of names for the following Resolutions: 2016-555 and 2016-556. Motion Carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Gerald Kaminski, Councilmember  
**SECONDER:**    James P. Rogowski, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**     Christine Adamczyk



### 13. RESOLUTION 2016-556

## Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 (Buildings and Grounds) Laborer \$9.00/hour effective 10/4/16  
Kyle A. Zawadzki, Sloan, New York

LAW DEPARTMENT Clerk \$13.00/hour effective 10/4/16  
Sandra M. Cali, Cheektowaga, New York

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

FACILITIES DEPARTMENT  
Brandon A. Day effective 8/29/16  
Tyler M. Measer effective 8/30/16  
Samuel J. Khoury effective 8/29/16  
Alexander E. Wodarczyk effective 8/26/16  
Krysta M. Siwek effective 9/25/16  
Joseph A. Galletta effective 8/24/16  
Dennis L. Williams effective 9/22/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 14. RESOLUTION 2016-557

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### Appointment to Board of Assessment Review

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**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, there is a vacancy on the Board of Assessment Review as a result of the expiration of the term of Stephen Specyal whose term expired on September 30, 2016, AND

WHEREAS, Walter Pukalo requested appointment to said Board and is qualified for said position , NOW, THEREFORE, BE IT

RESOLVED, that Walter Pukalo of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective September 30, 2016 and terminating on September 30, 2021.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 15. RESOLUTION 2016-558

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### Travel Authorization Police Department

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Canadian Critical Incident, Incorporated, and New York Association of Hostage Negotiators' Seminar is being held November 14, 2016 through November 16, 2016 in Niagara Falls, Ontario, Canada; AND

WHEREAS, Police Officers Scott Scharlau and Kurt Spieler 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 \$1,051.65; AND

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

RESOLVED, that Police Officers Scott Scharlau and Kurt Spieler be and hereby are authorized to attend the Canadian Critical Incident, Incorporated, and New York Association of Hostage Negotiators' Seminar being held November 14, 2016 through November 16, 2016 in Niagara Falls, Ontario, Canada.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 16. RESOLUTION 2016-559

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### Travel Authorization Police Department

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Niagara Regional Police Service and Ontario Provincial Police Anti-Terrorism/Active Shooter Conference is being held November 30, 2016 through December 1, 2016 in Niagara Falls, Ontario, Canada; AND

WHEREAS, Police Captains Michael Isbrandt and Michael Sliwinski 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 \$452; AND

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

RESOLVED, that Police Captains Michael Isbrandt and Michael Sliwinski be and hereby are authorized to attend the Niagara Regional Police Service and Ontario Provincial Police Anti-Terrorism/Active Shooter Conference being held November 30, 2016 through December 1, 2016 in Niagara Falls, Ontario, Canada.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 17. RESOLUTION 2016-560

### Travel Authorization Youth and Recreational Services

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Association of New York State Youth Bureaus 46<sup>th</sup> Annual Youth Development Training Conference is being held October 25, 2016 through October 26, 2016 in Lake Placid, New York; AND

WHEREAS, Program Coordinator (Youth) Jillian Gorman-King has been recommended to attend said training conference; AND

WHEREAS, Executive Director (Youth Board) 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 \$900; AND

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

RESOLVED, that Program Coordinator (Youth) Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus 46<sup>th</sup> Annual Youth Development Training Conference being held October 25, 2016 through October 26, 2016 in Lake Placid, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk

## XI. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the rules to include the following Resolutions: 2016-561, 2016-562, 2016-563, 2016-564, 2016-565, 2016-566. Motion Carried.



## 1. RESOLUTION 2016-561

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### Notice to Bidders For Snow & Ice Removal from Various Privately-Owned Properties (Bid# 2016-26)

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**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, the Neighborhood Preservation Office, a Division of Building and Plumbing Inspections Department, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by removing hazardous snow and ice conditions on public sidewalks within the Town of Cheektowaga and

WHEREAS, the cleaning up of these public sidewalks includes snow and ice removal, and

WHEREAS, in the event property owners do not comply with clean up orders from the Housing & Neighborhood Preservation Office, 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 public sidewalk snow and ice removal 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 and Plumbing Inspections Department, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for November 1, 2016 through April 30, 2017, 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 Various Privately-Owned Properties (Bid# 2016-26) in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until October 21, 2016 at 11:00 AM 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 October 21, 2016 at 11:00 AM., at the Town Hall, corner of Broadway and Union Roads, for Removal of Snow and Ice from Various Privately-Owned Properties (Bid# 2016-26) in the Town of Cheektowaga for November 1, 2016 through April 30, 2017, said services to include residential and commercial property snow and ice removal and is not

intended to include town-owned properties, cemeteries or other excluded properties. Work will be done on an as-needed basis, as directed/requested by the Housing and Neighborhood Preservation Office.

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 Removal of Snow and Ice from Various Privately-Owned Properties in the Town of Cheektowaga for November 1, 2016 through April 30, 2017 (Bid #2016-26)" 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 Town Attorney, in a sum equal to five percent (5%) of the total amount of the bid, conditioned that if the bidders proposal is accepted, the bidder will enter into a contract for the same, and that the bidder will execute such further security as may be required for the faithful performance of the contract.

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

Vickie L. Dankowski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 2. RESOLUTION 2016-562

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### Notice to Bidders For Snow & Ice Removal from Various Town-Owned Properties (Bid# 2016-27)

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**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, the Neighborhood Preservation Office, a Division of Building and Plumbing Inspections Department, wishes to alleviate hazardous snow and ice conditions on sidewalks located on various properties owned or designated by the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, the cleaning up of these public sidewalks includes snow and ice removal, and

WHEREAS, 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 public sidewalk snow and ice removal 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 and Plumbing Inspections Department, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for November 1, 2016 through April 30, 2017, 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 Various Town-Owned Properties in the Town of Cheektowaga (Bid# 2016-27) in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until October 21, 2016 at 11:00 AM 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 October 21, 2016 at 11:00 AM at the Town Hall, corner of Broadway and Union Roads, for Removal of Snow and Ice from Various Town-Owned Properties in the Town of Cheektowaga for November 1, 2016 through April 30, 2017 (Bid #2016-27), said services to include thirteen (13) town-owned properties, with a total of approximately 1097 lineal feet of public sidewalk. Work will be done on an as-needed basis, based on snow conditions. Specifically, as directed/requested by the Office of Housing and Neighborhood Preservation.

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 Removal of Snow and Ice from Various Town-Owned Properties in the Town of Cheektowaga for November 1, 2016 through April 30, 2017 (Bid #2016-27)" 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 Town Attorney, in a sum equal to five percent (5%) of the total amount of the bid, conditioned that if the bidders proposal is accepted, the bidder will enter into a contract for the same, and that the bidder will execute such further security as may be required for the faithful performance of the contract.

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

Vickie L. Dankowski,  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



### 3. RESOLUTION 2016-563

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## Authorize Purchase of 2017 Ford Explorer Vehicle for Police Department

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Police Department has requested authorization to purchase one (1) Ford Explorer vehicle for use by them; and

WHEREAS, the Village of East Aurora solicited bids for the purchase of vehicles for use by their Police Department; and

WHEREAS, New York State General Municipal Law, Section 103, authorizes the purchase by the Town of vehicles 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 allowing "piggybacking" off the Village of East Aurora bid; and

WHEREAS, the Village of East Aurora's bid documents and award contained such provisions; and

WHEREAS, a local vendor, Delacy Ford, Inc., was a successful bidder and was awarded the bid by the Village of East Aurora under Contract Number PC-66774, and is an authorized dealer for Ford Vehicles; and

WHEREAS, the Town of Cheektowaga Police Department solicited a quotation from Delacy Ford, Inc., for said Ford Explorer vehicle; and

WHEREAS, funds are available for said purchase; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of one (1) 2016 Ford Explorer vehicle for use by the Police Department from:

Delacy Ford, Inc.,  
3061 Transit Road  
Elma, New York, 14059,

through the contract awarded by the Village of East Aurora, State Contract Number PC-66774, for a price not to exceed the total sum of \$31,254.00; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from account number 100-3120-2501, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents to effectuate the purchase.

Motion by Councilmember Hammer, Seconded by Councilmember Rogowski to amend Resolution to correct year of vehicle to 2017. Motion Carried.

**RESULT:**           **ADOPTED AS AMENDED [UNANIMOUS]**  
**MOVER:**           Diane Benczkowski, Supervisor  
**SECONDER:**       Timothy J. Meyers, Councilmember  
**AYES:**            Benczkowski, Rogowski, Kaminski, Meyers, Hammer  
**EXCUSED:**       Christine Adamczyk



## 4. RESOLUTION 2016-564

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### Call for Public Hearing for Community Development Funds

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

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 2017 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, to identify additional proposed activities, and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on October 17, 2016 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 2017 Annual Plan  
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, October 17, 2016 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's FY 2017 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 2016, the Town received \$905,897 in CDBG funds and \$211,301 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, develop proposed activities and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town's Community Development Office at the address listed below. Funded eligible activities have included the rehabilitation of residences owned by low-income residents,

services to seniors and low-income youth, as well as counseling for homebuyers, those at risk for foreclosure, financial education and victims of domestic violence.

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 or have language issues which need to be addressed. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Town of Cheektowaga Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 5. RESOLUTION 2016-565

### Call for Public Hearing - Special Use Permit Request 203 Eggert Road

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

WHEREAS, Calypso Development of WNY, Inc./T-Mobile Northeast, LLC has made application requesting a special use permit to erect building mounted cell antennas on an existing warehouse building at 203 Eggert Road, AND

WHEREAS, the a total of (6) six antennas will be mounted to the wall of the penthouse roof approximately (10) ten feet above the penthouse roof, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 17, 2016 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 October 17, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Calypso Development of WNY, Inc./T-Mobile Northeast, LLC

for a special use permit to erect building mounted cell antennas on an existing warehouse building at 203 Eggert Road.

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

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

VICKIE L. DANKOWSKI, TOWN CLERK



All that tract or parcel of land situate in 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 the intersection of the easterly line of Eggert Road and the southerly line of

Sugar Road (sometimes known as Sugar Street), said point being 49 feet distant easterly of a

point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west, said point being 1019 feet southerly from the northwest corner of Lot No. 35, Township 11, Range 7 as measured on the division line; thence easterly along the southerly line of Sugar Road, 1229.51 feet to an iron pipe in the ground at land known as Saint John's Lutheran Cemetery; thence southerly at an interior angle of  $87^{\circ} 09'$ , at a distance 549.98' feet; thence westerly at an interior angle of  $90^{\circ} 19'$ , 409.90' feet; thence southerly at an interior angle of  $91^{\circ} 11'$ , 535.51' feet to a point being located 4.45' feet westerly from a point on the westerly line of Preston Road, which point being located is 1548.68' feet northerly from the northerly line of Delavan Avenue, as measured on the westerly line of Preston Road; thence westerly at an interior angle of  $91^{\circ} 52'$  along land of various abutters, passing over a point marking the northwest corner of Ivanhoe Road, said point being 1539.87' feet northerly from the northerly line of Delavan Avenue as measured on the westerly line of Ivanhoe Road a distance of 754.50' feet to an iron pipe in the ground on the easterly line of Eggert Road; thence northerly at an interior angle of  $92^{\circ} 07'$ , 1041.64' feet to the point of beginning.

EXCEPTING and reserving therefrom, that portion conveyed to George F. Umhauer by deed recorded in Erie County Clerk's Office in liber 2127 of Deeds at page 484, described as follows:

BEGINNING at a point on the westerly line of Ivanhoe Road, distant 1539.87' feet northerly from the intersection of the westerly line of Ivanhoe Road and the northerly line of Delavan Avenue, said point of beginning being the northeasterly corner of Subdivision Lot No. 44 according to map filed in said Clerk's Office under Cover No. 1349; thence westerly and along the northerly line of said Subdivision Lot No. 44, 103.04' feet to the northwesterly corner of said Subdivision Lot No. 44; thence northerly and parallel with the westerly line of Ivanhoe Road and extended 1.83' feet; thence easterly on a straight line, 103.01' feet to the place of beginning.

FURTHER EXCEPTING and reserving therefrom:

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 and being more particularly described as follows:

COMMENCING at the northwest corner of a Map filed at the Erie County Clerk's Office under Cover No. 1349; thence easterly along the north line of said Map Cover, 493.80' feet to the point or place of beginning; thence northerly at an interior angle of 88° 08' 00", 387.43' feet; thence easterly at an interior angle of 91° 52' 00", 137.00' feet; thence southerly at an interior angle of 88° 08' 00", 387.43' feet; thence westerly at an interior angle of 91° 52' 00", 137.00' feet to the point or place of beginning.

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. 35, Township 11, Range 7 of the Holland Land Company's Survey described as follows:

BEGINNING at an iron pin in the ground marking the intersection of the easterly line of Eggert Road and the southerly line of Sugar Road; thence easterly along the southerly line of Sugar Road, a distance of 1246.01' feet to a point; thence northerly, 24.75' feet to the center line of Sugar Road; thence westerly along the center line of Sugar Road, being parallel to and 24.75' feet distant from the southerly line of Sugar Road, measured at right angles from the southerly line of Sugar Road to the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west; thence southerly along said division line, 24.75' feet to the southerly line of Sugar Road; thence easterly along the southerly line of Sugar Road, 49' feet to the point of beginning.

PARCEL III

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 on the westerly bounds of Eggert Road, said point being distant northerly, 1535.45' feet measured along said bounds from the northerly line of Delavan Avenue;

running thence south 89o 13' 51.4" west, a distance of 39.83' feet to a point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west; running thence north along said last division line, a distance of 41.05' feet to the point of intersection of the said division line with the northerly line of Lot No. 44, Township 11, Range 7; running thence easterly along an extension easterly in a straight line of the said northerly line of said Lot No. 44 to the point of intersection of the said extension with the present westerly line of Eggert Road; running thence southerly along the said westerly line of Eggert Road to the point or place of beginning.

EXCEPTING and RESERVING therefrom, that portion conveyed to Iroquois Gas Corporation by deed recorded in Erie County Clerk's Office in Liber 4400 of Deeds: at page 362, described as follows:

BEGINNING at a point on the westerly bounds of Eggert Road, said point being distant northerly, 1535.48' feet measured along said westerly bounds of the northerly line of Delavan Avenue; running thence south 89o 13' 51.4" west, a distance of 39.83' feet to a point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west;

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk



## 6. RESOLUTION 2016-566

### Call for Public Hearing - Special Use Permit Request 3385 Union Road

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

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless has made application with the permission of the land owner, Benderson Properties, LLC and is requesting a special use permit to erect a micro cell tower on the building roof of an existing retail building at 3385 Union Road, AND

WHEREAS, the proposed micro cell tower will have a mounting height of approximately (7.5) seven and one half feet in height above the roof of the subject building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 17, 2016 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 October 17, 2015 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Upstate Cellular Network d/b/a Verizon Wireless

for a special use permit to erect a micro cell tower on the building roof of an existing retail building at 3385 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, NY

VICKIE L. DANKOWSKI, TOWN CLERK



All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, 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 11, Township 11, Range 7 of the Holland Land

Company's Survey and being parts of Subdivision Lots 9-24, 104-108, 113, 114 and all of Subdivision Lots 109-112, 139-150, and part of Kausel Avenue all being part of Map Cover 293 and being more particularly described as follows:

BEGINNING at the intersection of the northerly line of Schlenker Avenue with the present easterly highway boundary of Union Road;

Thence along the easterly highway boundary of Union Road the following seven (7) courses and distances:

1)N 01° 04' 31" E, 112.63 feet;

2)N 07° 35' 19" E, 69.01 feet;

3)N 01° 04' 31" E, 173.54 feet;

4)N 88° 55' 29" W, 2.30 feet;

5)N 01' 04' 31" E, 101.04 feet;

6)N 42° 55' 43" E 25.31 feet;

7)N 67° 49' 21" E, 17.01 feet to a point in the present southerly highway boundary of Walden Avenue;

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

1)N 86 °03' 58" E, 189.12 feet;

2)N 82' 58' 29' E, 12.06 feet;

Thence S 03' 41' 55" E, 231.57 feet;

Thence S 51° 26' 05" E, 27.59 feet to the point of intersection of the centerline of Kausel Avenue with the extension northerly of the easterly line of subdivision lot 139;

Thence S 01° 10' 31" W along said extended easterly line of subdivision lot 139 and the easterly line of subdivision lots 139 and 150, 252.00 feet to a point in the northerly line of Schlenker Avenue;

Thence N 88° 55' 29" W along the northerly line of Schlenker Avenue, 279.11 feet to the point or place of beginning containing 2.91 acres of land, more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
<b>EXCUSED:</b>	Christine Adamczyk

## **XII. Communications**

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

- 1. Town of Cheektowaga - 2017 Tentative Benefit Basis Budget**
- 2. Minutes: Cheektowaga Conservation Advisory Council - September 1, 2016**
- 3. Minutes: Cheektowaga Planning Board - September 8, 2016**

***B. General Communications***

1. Notice of Claim: Shannon Allaire-Graham vs. Town of Cheektowaga
2. Notice of Claim: Dean Lundquist vs. Town of Cheektowaga
3. Notice of Claim: Jimmy L. McLaurin vs. Town of Cheektowaga
4. Notice of Claim: Rent A Center vs. Town of Cheektowaga

**XIII. Comments*****A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****XIV. Adjournment**

Motion by Councilmember Kaminski, Seconded by Councilmember Meyers to adjourn the meeting at 7:26 PM.

Vickie L. Dankowski

Town Clerk



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, October 17, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on October 17, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Excused	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Excused	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Stanley Kaznowski, III, Planning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
James Speyer, Assistant Chief of Police

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Rogowski to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. 2017 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:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer  
**EXCUSED:** Gerald Kaminski, Christine Adamczyk

2. **2017 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:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer  
**EXCUSED:** Gerald Kaminski, Christine Adamczyk

3. **Special Use Permit Request  
203 Eggert 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer  
**EXCUSED:** Gerald Kaminski, Christine Adamczyk

**4. Special Use Permit Request  
3385 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:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer  
**EXCUSED:** Gerald Kaminski, Christine Adamczyk

## IX. Presentation

## X. Resolutions



## 1. RESOLUTION 2016-567

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM:	100.1910.2680	Insurance Recoveries	\$27,041.00
	100.3120.4321	Data Processing	6,400.00
	100.7140.1971.1645	PT. Regular Sports Rotation Sal.	2,000.00
	100.7140.1971.1648	PT. Regular Arts/Crafts Rotation Sal.	3,000.00
	100.7140.1971.1815	PT. Regular Outdoor Basketball Prog.	1,500.00
	100.7140.1971.1624	PT. Regular Polish Festival Support	62.00
	100.7140.1971.1642	PT. Regular Tennis Salaries	3,500.00
	100.7140.1971.1636	PT. Regular Soccer Salaries	4,265.00
	100.7140.1971.1640	PT. Regular Inline Salaries	5,711.00
	100.7140.1971.1611	PT. Regular Rink Personnel	5,000.00
	100.7140.1971.1632	PT. Regular Dartwood Camp Sal.	4,389.00
	100.7140.1971.1639	PT. Regular Hockey Salaries	5,875.00
TO:	100.3120.2501	Other Equipment	\$33,441.00
	100.7140.1971.1614	PT. Regular Rec. Playground Attendants	2,000.00
	100.7140.1971.1614	PT. Regular Rec. Playground Attendants	3,000.00
	100.7180.1971.1901	PT. Regular Bathhouse Attendants	1,500.00
	100.7180.1971.1901	PT. Regular Bathhouse Attendants	62.00
	100.7180.1971.1902	PT. Regular Supervisors Beach/Pool	3,500.00
	100.7180.1971.1903	PT. Regular Lifeguard Beach/Pool	4,265.00
	100.7180.1971.1903	PT. Regular Lifeguard Beach/Pool	5,711.00
	100.7310.1971.1801	PT. Regular Alexander Day Camp	5,000.00
	100.7310.1971.1801	PT. Regular Alexander Day Camp	4,389.00
	100.7310.1971.1801	PT. Regular Alexander Day Camp	5,875.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 2. RESOLUTION 2016-568

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 17, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$1,207,057.65
RISK RETENTION FUND	5,879.10
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	14,035.00
SPECIAL DISTRICTS FUND	354,391.13
HIGHWAY FUND	76,772.81
CAPITAL FUND	1,184,165.79
TRUST & AGENCY FUND	7,761.20
HUD CDBG FUND	13,777.39
PART TOWN FUND	2,038.54
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$2,865,878.61

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



### 3. RESOLUTION 2016-569

## Approval of Change Order No. 1 - Town Wide Tree Removal

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the contract for Town-Wide Tree Removal was awarded by Town Board Resolution dated May 16, 2016 to Schneck's Tree Removal, Inc. in the amount of \$88,825.00, AND

WHEREAS, the Town has received numerous complaints of dead ash trees on Town owned property at Rehm Road Park along the west property lines of Lee Street, AND

WHEREAS, the Town Board has recommended that Schneck's Tree Removal, Inc., under aforesaid contract, perform the necessary work to remove the dead ash trees, AND

WHEREAS, the additional cost to perform this work is estimated at \$6,900.00 beyond the original scope of work of the project, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the Town-Wide Tree Removal Contract in the amount of \$6,900.00, as an addition to the original contract for the aforementioned Town-Wide Tree Removal, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that monies for said Change Order shall be appropriated from the current Park's Department annual budget.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 4. RESOLUTION 2016-581

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### Call for Public Hearing for Community Development Funds

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

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 2017 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, to identify additional proposed activities, and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on November 7, 2016 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 2017 Annual Plan  
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 7, 2016 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's FY 2017 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 2016, the Town received \$905,897 in CDBG funds and \$211,301 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, develop proposed activities and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town's Community Development Office at the address listed below. Funded eligible activities have included the rehabilitation of residences owned by low-income residents,

services to seniors and low-income youth, as well as counseling for homebuyers, those at risk for foreclosure, financial education and victims of domestic violence.

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 or have language issues which need to be addressed. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Town of Cheektowaga Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 5. RESOLUTION 2016-570

### Accept Site Plan-45 Gardenville Parkway

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

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, Eugene R. Piotrowski submitted a development review application for the construction of a 1,225 s.f. storage building accessory to an existing self storage facility at 45 Gardenville Parkway, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of September 8, 2016 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 6. RESOLUTION 2016-571

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### Villa Maria Rental Agreement for Special Olympics Program 2016-2017

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

WHEREAS, the Department of Youth and Recreational Services is desirous of entering into a rental agreement with Villa Maria College for use of its swimming pool for its Special Olympics program and

WHEREAS, Villa Maria has agreed to offer its facilities for a rate of \$70 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 Swim Program for the 2016 & 2017 season.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 7. RESOLUTION 2016-572

### Authorize Supervisor To Execute Agreement For Fire Hydrant on Bison Parkway

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, Reimann & Georger Corporation (the "Corporation") is the owner of premises located at 1849 Harlem Road in the Town of Cheektowaga; and

WHEREAS, the Corporation is in the process of constructing a 2,500 square foot addition to their manufacturing facility on said premises (the "Project"); and

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

WHEREAS, in order to induce Reimann & Georger Corporation to proceed with the work, the Town has directed the Erie County Water Authority to install a fire hydrant on Bison Parkway, as more particularly described and shown in said proposed Agreement; and

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 8. RESOLUTION 2016-573

### Authorize ECWA To Install Hydrant On Bison Parkway

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, Reimann and Georger Corporation, the owner of 1849 Harlem Road has requested the installation of a public fire hydrant on Bison Parkway near Reimann-Georger Corporation to accommodate the construction of a 2,500 square foot warehouse as shown on "Site Layout Plan" attached and made a part of herewith; and

WHEREAS, The Board of Fire Commissioners and the Chief of Forks Fire District No. 3 of the Town of Cheektowaga have reviewed this request and are in support of the additional hydrant as it would benefit public safety; NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is directed to install a fire hydrant on Bison Parkway near Reimann-Georger Corporation; and BE IT FURTHER

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

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

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

Mr. James K. Ehrin  
Senior Distribution Engineer  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, New York 14227.

Attachments:  
site plan 1849 Harlem (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 9. RESOLUTION 2016-574

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### Supervisor's Proclamation of November 26, 2016 as Small Business Saturday

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the government of the Town of Cheektowaga celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years, and

WHEREAS, small businesses employ over 49 percent of all businesses with employees in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

WHEREAS, the Town of Cheektowaga supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga does hereby proclaim November 26, 2016 as:

#### SMALL BUSINESS SATURDAY

AND urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Diane Benczkowski, Supervisor  
**SECONDER:**       Timothy J. Meyers, Councilmember  
**AYES:**            Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda  
Hammer  
**EXCUSED:**        Gerald Kaminski, Christine Adamczyk



## 10. RESOLUTION 2016-575

### Special Event - South Line Fire Company Halloween Parade

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, South Line Volunteer Fire Company has made application to hold their Annual Halloween Parade on Saturday, October 29th, 2016 at 6:30 p.m., beginning at their fire hall (1049 French Road), west to Violet Senior Housing, around the building, then east to return to fire hall; and

WHEREAS, this Board has reviewed the aforementioned application and said application has been approved by the Police Department and the Highway Department, and each 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 29th, 2016 at 6:30 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 11. RESOLUTION 2016-576

### Youth & Recreation Terminations

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

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

Lukas Baumgart	9/9/16	14225
Matthew Eckle	9/7/16	14225
Keith Kwiatkowski	9/9/16	14227
Eric Nash	9/9/16	14206

Motion by Councilmember Meyers, Seconded by Councilmember Rogowski to waive the reading of names for the following Resolutions: 2016-576 and 2016-577. Motion Carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       James P. Rogowski, Councilmember  
**SECONDER:**   Diane Benczkowski, Supervisor  
**AYES:**        Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer  
**EXCUSED:**     Gerald Kaminski, Christine Adamczyk



## 12. RESOLUTION 2016-577

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour effective 10/18/16  
Rob M. Pikuzinski, Depew, New York

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

SANITATION DEPARTMENT  
Justin Struzik effective 8/19/16  
Jaret Pawarski effective 8/25/16  
Tyler D. Schaf effective 9/8/16  
Trevor D. Starzynski effective 9/10/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



### 13. RESOLUTION 2016-578

## Appointment of Automotive Mechanic (Non-Competitive/Permanent) Highway Department/Michael A. Lewandowski

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

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

WHEREAS, Michael A. Lewandowski, currently a Motor Equipment Operator - A in the Sewer Maintenance Department, bid on said vacancy; AND

WHEREAS, Mr. Lewandowski 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 Automotive Mechanic in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 14, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 14. RESOLUTION 2016-579

### **Appointment of Motor Equipment Operator - A (Non-Competitive/Permanent) Sewer Maintenance/Scott M. Zaranek**

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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, Scott M. Zaranek, 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 Scott M. Zaranek of Cheektowaga, 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 October 18, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk



## 15. RESOLUTION 2016-580

### Authorization of Student Intern (Police Department)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Stephen Kuciel, a student at Erie Community 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 Stephen Kuciel of, West Seneca, 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 said internship be and hereby is effective September 1, 2016 through December 31, 2016; AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, James P. Rogowski, Timothy J. Meyers, Linda Hammer
<b>EXCUSED:</b>	Gerald Kaminski, Christine Adamczyk

## XI. Communications

### A. Departmental Communications

### B. General Communications

1. **Summons and Complaint: M&T Bank vs. Timothy E. Wzykowski aka Timothy Wzykowski; Kathy Wzykowski; Town of Cheektowaga Etal**

## **XII. Comments**

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

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

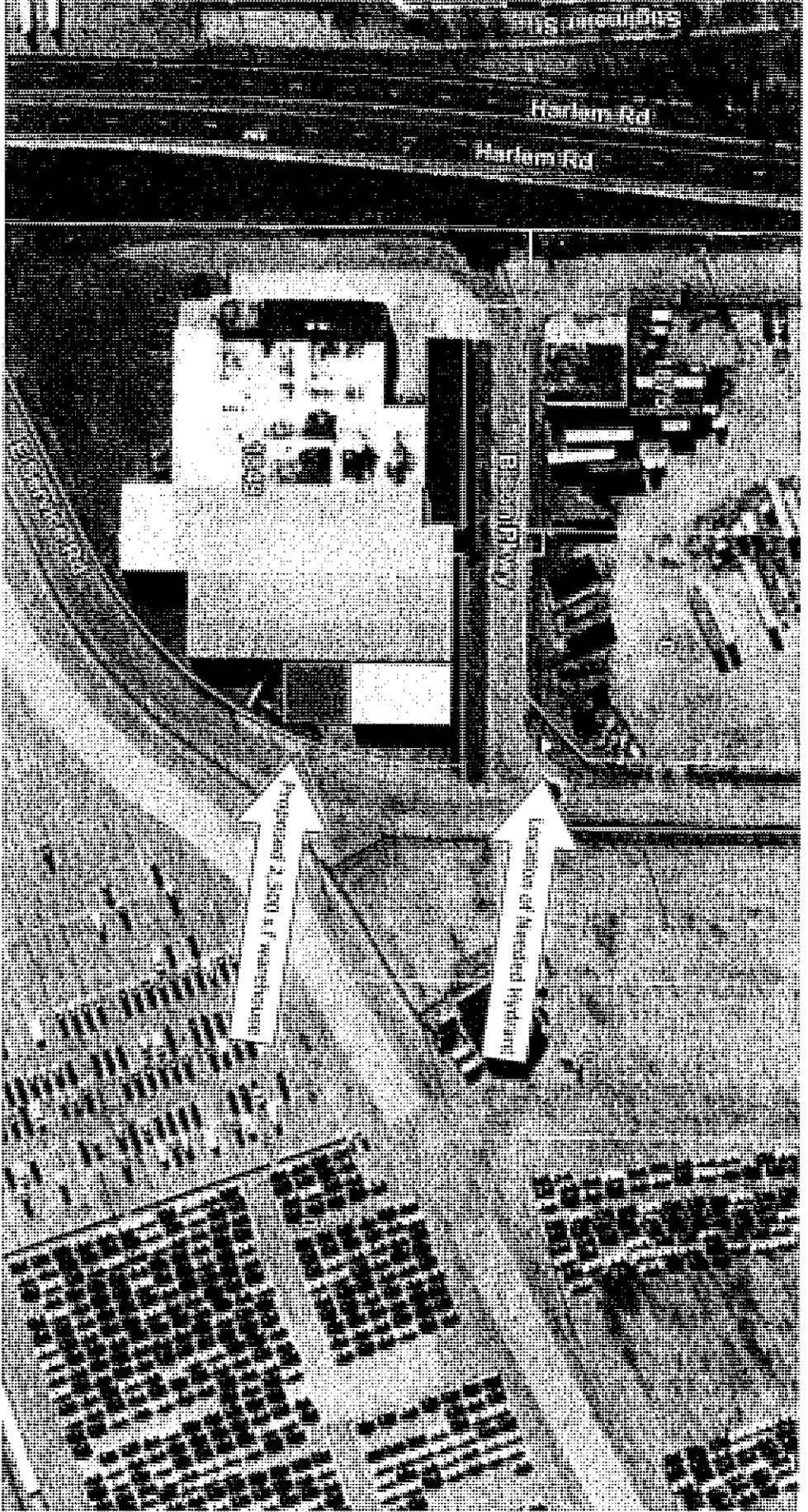
### ***C. Public Comments***

## **XIII. Adjournment**

Motion by Councilmember Hammer, Seconded by Councilmember Meyers to adjourn the meeting at 8:12 PM.

Vickie L. Dankowski

Town Clerk

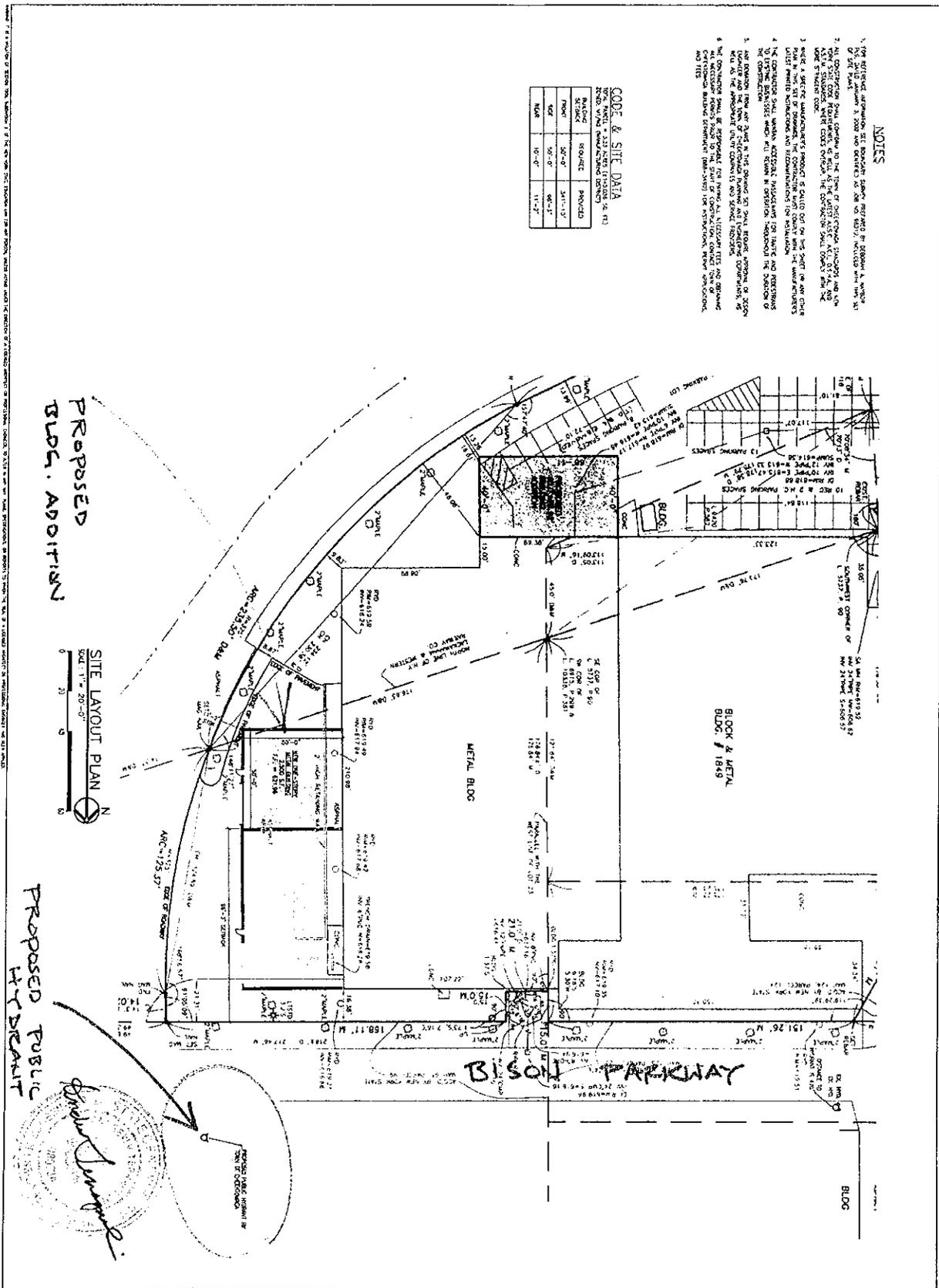


1849 Harlem Road—Reimman and Georger Corporation  
 Public Hydrant Request

- NOTES**
1. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.
  2. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.
  3. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.
  4. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.
  5. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.
  6. THE DISTRICT APPROVES THE PROPOSED ADDITION PROVIDED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE DISTRICT'S ZONING MAP.

**CODE & SITE DATA**

BLDG. NO.	BLDG. TYPE	BLDG. AREA	BLDG. VOLUME
1	RETAIL	2,411.17	11,112.27
2	RETAIL	2,411.17	11,112.27
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98	RETAIL	2,411.17	11,112.27
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100	RETAIL	2,411.17	11,112.27



<p><b>REIMANN &amp; GEORGER CORP. (RGC) ADDITION</b>  <b>1849 HARLEM ROAD</b>  <b>CHEEKTOWAGA, NEW YORK, 14212</b></p>	<p><b>SITE LAYOUT PLAN</b></p> <p>SCALE: 1" = 20'-0"</p> <p>DATE: 10/15/15</p> <p>PROJECT NO: C-10</p>
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# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, November 7, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on November 7, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Carla A. Kosmerl, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Kerry Peek, Senior Services Director

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Kaminski to approve the minutes. Motion Carried.

### VII. Public Comment Period

### VIII. Public Hearings

#### 1. 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:** Linda Hammer, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## IX. Presentation

1. National Weather Service Storm Ready

## X. Resolutions



## 1. RESOLUTION 2016-582

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.1910.2701	Refunds of Prior Years Expenditures	\$2,995.00
	100.1680.4321	Software Licensing	37,276.62

TO:	100.7410.4451	Library Maintenance and Repairs	\$2,995.00
	100.1680.2202	Network Hardware	37,276.62

**HIGHWAY**

FROM:	300.1910.2665	Sale of Equipment	\$3,100.00
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TO:	300.5130.2407	Misc. Highway Equipment	\$3,100.00
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-583

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 7, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$326,967.45
RISK RETENTION FUND	104,431.93
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	8,615.00
SPECIAL DISTRICTS FUND	679,655.63
HIGHWAY FUND	130,216.40
CAPITAL FUND	695,462.42
TRUST & AGENCY FUND	6,528.70
HUD CDBG FUND	1,063.53
PART TOWN FUND	3,738.59
NYS AFFORDABLE HOUSING	11,640.00
	<hr/>
	\$1,968,319.65

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-584

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## Adopt Ad Valorem Budget for 2017

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 2017 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, 2017, and a public hearing was conducted there on October 17, 2016 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, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-585

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### Adopt Benefit Basis Budget for 2017

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**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Diane Benczkowski, 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 17th day of October, 2016 at 6:45 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 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-586

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### Approval of Change Order No. 3 (Final) - Ice Rink Locker Room Improvements (General Construction)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the contract for General Construction Work for the Cheektowaga Town Ice Rink Locker Room Improvements was awarded by Town Board Resolution dated April 4, 2016 to Kirst Construction, Inc., 7170 Boston State Road, P.O. Box 171, North Boston, New York 14110 in the amount of \$427,000.00, AND

WHEREAS, the Project Architect, Bammel Architects, P.C. and the Town Engineer have recommended the approval of Change Order No. 3 (Final - General Construction Work) which provides for various repairs and updates, unforeseen at the start of construction as further detailed in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 (Final - General Construction Work) for the Cheektowaga Town Ice Rink Locker Room Improvements, as an addition to the contract for General Construction Work in the amount of \$19,518.00, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 3 (Final) on behalf of this Town Board chargeable to Account No: 500.7110.2432.5630.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



6. RESOLUTION 2016-587

**Notice to Bidders - Cheektowaga Safe Crossings (Bid #2016-25)**

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, the preparation of plans and specifications for the Cheektowaga Safe Crossings (PIN #5761.10) have been completed by the Project Consulting firm of Watts Architecture & Engineering, enabling the solicitation of competitive bids in accordance with New York State Department of Transportation guidelines and procedures for Locally-Administered Federal Aid Projects, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the aforesaid project, said notice to be published in the CHEEKTOWAGA BEE and the NEW YORK STATE CONTRACT REPORTER, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of November, 2016 at 11:00 am, at a public bid opening to be conducted by the Town Clerk in the Council Chambers at 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 the 30th day of November, 2016. All bids will be publicly opened and read at 11:00 am at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for Cheektowaga Safe Crossings (PIN 5761.10) and all related work, complete in place, tested and ready for use in accordance with the Contract Documents.

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 of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk, and shall have the contractor's name and title of the bid. The sealed envelope shall be plainly marked on the outside as "**Bid for Cheektowaga Safe Crossings, PIN 5761.10 (Bid #2016-25)**".

Copies of the proposed Contract Documents, Plans and Specifications may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 and at the office of Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, New York 14203. Documents are also on file at Construction Exchange, 2600 William Street, 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. The Owner will not be responsible for full or partial sets of Contract Documents, including any Addenda, obtained from any other source.

Any bidder returning such Plans and Specifications in good condition within ten (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 Plans and Specifications may purchase the excess, but it is understood that these are non-refundable.

Each proposal must be accompanied by a certified check payable to the Town of Cheektowaga, or bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in an amount not less than five percent (5%) of the amount of the base bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute any such further security as may be required for the faithful performance of the contract.

The project includes upgrades to ADA sidewalk ramps, pavement markings, signs, concrete sidewalk installation, curb installation, minor pavement repairs, installation of pedestrian signal equipment and related work.

Attention of bidders is particularly called to the requirements as to condition of employment to be observed and minimum wage rates to be paid under the contract.

The Owner further reserves the right to reject any or all bids or to award a contract to other than the low bidder which, in its judgment, is in the best interest of the Owner.

No bidder may withdraw his bid within forty-five (45) days after the opening thereof, but may withdraw same at any time prior to the opening thereof. Bidder must sign the statement of non-collusion in accordance with Chapter 751 of the Laws of the State of New York.

The work shall commence no later than five (5) days after the "Notice to Proceed" has been issued and the work shall be completed no later than August 15, 2017.

By Order of: THE TOWN OF CHEEKTOWAGA

Vickie L. Dankowski  
Town Clerk  
Bid #2016-25

DATED: November 7, 2016

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 7. RESOLUTION 2016-588

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### **Notice to Bidders - Custodial Supplies 2017, 2018, 2019 (Bid #2016-29)**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 2017, 2018 and 2019 (Bid #2016-29), 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 16th day of November, 2016 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 16, 2016 at 11:00 AM at Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2017, 2018, and 2019 (Bid#2016-29).

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

Vickie L. Dankowski  
Town Clerk

November 7, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-589

### Negative SEQR Declaration - 203 Eggert Road

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

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, a special use permit application was submitted by Calypso Development of WNY, Inc./T-Mobile Northeast, LLC to erect building mounted cell antennas on an existing warehouse building at 203 Eggert Road, 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, the Town of Cheektowaga Planning Board recommended approval of the special use permit at their meeting of October 13, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 5, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-590

### Negative SEQR Declaration - 3385 Union Road

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

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, a special use permit application was submitted by Upstate Cellular Network dba/ Verizon Wireless to locate a micro cellular antenna on the roof of an existing retail building at 3385 Union Road, 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, the Town of Cheektowaga Planning Board recommended approval of the special use permit at their meeting of October 13, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 5, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



10. RESOLUTION 2016-591

Approve Special Use Permit for Building Mounted Cellular Antennas - 203 Eggert Road

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

WHEREAS, Calypso Development of WNY, Inc./T-Mobile Northeast, LLC has made application requesting a special use permit to erect building mounted cell antennas on an existing warehouse building at 203 Eggert Road, Cheektowaga, New York, pursuant to Sections 260-47 of the Code of the Town of Cheektowaga ("Zoning Law"), and Chapter 255 of the Town Code ("Wireless Telecommunications Facilities"); and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 17th day of October 2016 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 establishing a total of (6) six antennas will be mounted to the wall of the penthouse roof approximately (10) ten feet above the penthouse roof be and hereby is granted.

\*\*\*\*\*

LEGAL DESCRIPTION FOR SPECIAL PERMIT

All that tract or parcel of land situate in 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 the intersection of the easterly line of Eggert Road and the southerly line of Sugar Road (sometimes known as Sugar Street), said point being 49 feet distant easterly of a point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west, said point being 1019 feet southerly from the northwest corner of Lot No. 35, Township 11, Range 7 as measured on the division line; thence easterly along the southerly line of Sugar Road, 1229.51 feet to an iron pipe in the ground at land known as Saint John's

Lutheran Cemetery; thence southerly at an interior angle of  $87^{\circ} 09'$ , at a distance 549.98' feet; thence westerly at an interior angle of  $90^{\circ} 19'$ , 409.90' feet; thence southerly at an interior angle of  $91^{\circ} 11'$ , 535.51' feet to a point being located 4.45' feet westerly from a point on the westerly line of Preston Road, which point being located is 1548.68' feet northerly from the northerly line of Delavan Avenue, as measured on the westerly line of Preston Road; thence westerly at an interior angle of  $91^{\circ} 52'$  along land of various abutters, passing over a point marking the northwest corner of Ivanhoe Road, said point being 1539.87' feet northerly from the northerly line of Delavan Avenue as measured on the westerly line of Ivanhoe Road a distance of 754.50' feet to an iron pipe in the ground on the easterly line of Eggert Road; thence northerly at an interior angle of  $92^{\circ} 07'$ , 1041.64' feet to the point of beginning.

EXCEPTING and reserving therefrom, that portion conveyed to George F. Umhauer by deed recorded in Erie County Clerk's Office in liber 2127 of Deeds at page 484, described as follows:

BEGINNING at a point on the westerly line of Ivanhoe Road, distant 1539.87' feet northerly from the intersection of the westerly line of Ivanhoe Road and the northerly line of Delavan Avenue, said point of beginning being the northeasterly corner of Subdivision Lot No. 44 according to map filed in said Clerk's Office under Cover No. 1349; thence westerly and along the northerly line of said Subdivision Lot No. 44, 103.04' feet to the northwesterly corner of said Subdivision Lot No. 44; thence northerly and parallel with the westerly line of Ivanhoe Road and extended 1.83' feet; thence easterly on a straight line, 103.01' feet to the place of beginning.

FURTHER EXCEPTING and reserving therefrom:

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 and being more particularly described as follows:

COMMENCING at the northwest corner of a Map filed at the Erie County Clerk's Office under Cover No. 1349; thence easterly along the north line of said Map Cover, 493.80' feet to

the point or place of beginning; thence northerly at an interior angle of  $88^{\circ} 08' 00''$ , 387.43' feet; thence easterly at an interior angle of  $91^{\circ} 52' 00''$ , 137.00' feet; thence southerly at an interior angle of  $88^{\circ} 08' 00''$ , 387.43' feet; thence westerly at an interior angle of  $91^{\circ} 52' 00''$ , 137.00' feet to the point or place of beginning.

## 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. 35, Township 11, Range 7 of the Holland Land Company's Survey described as follows:

BEGINNING at an iron pin in the ground marking the intersection of the easterly line of Eggert Road and the southerly line of Sugar Road; thence easterly along the southerly line of Sugar Road, a distance of 1246.01' feet to a point; thence northerly, 24.75' feet to the center line of Sugar Road; thence westerly along the center line of Sugar Road, being parallel to and 24.75' feet distant from the southerly line of Sugar Road, measured at right angles from the southerly line of Sugar Road to the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west; thence southerly along said division line, 24.75' feet to the southerly line of Sugar Road; thence easterly along the southerly line of Sugar Road, 49' feet to the point of beginning.

## PARCEL III

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 on the westerly bounds of Eggert Road, said point being distant northerly, 1535.45' feet measured along said bounds from the northerly line of Delavan Avenue; running thence south  $89^{\circ} 13' 51.4''$  west, a distance of 39.83' feet to a point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west; running thence north along said last division line, a distance of 41.05' feet to the point of intersection of the said division line with the northerly line of Lot No. 44, Township 11, Range 7; running

thence easterly along an extension easterly in a straight line of the said northerly line of said Lot No. 44 to the point of intersection of the said extension with the present westerly line of Eggert Road; running thence southerly along the said westerly line of Eggert Road to the point or place of beginning.

EXCEPTING and RESERVING therefrom, that portion conveyed to Iroquois Gas Corporation by deed recorded in Erie County Clerk's Office in Liber 4400 of Deeds: at page 362, described as follows:

BEGINNING at a point on the westerly bounds of Eggert Road, said point being distant northerly, 1535.48' feet measured along said westerly bounds of the northerly line of Delavan Avenue; running thence south 89o 13' 51.4" west, a distance of 39.83' feet to a point on the division line between the Town of Cheektowaga on the east and the City of Buffalo on the west;

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 11. RESOLUTION 2016-592

## Approve Special Use Permit for Micro Cellular Antenna - 3385 Union Road

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

WHEREAS, Upstate Cellular Network dba/ Verizon Wireless has applied for a Special Use Permit to locate a micro cellular antenna on the roof of an existing retail building at 3385 Union Road, Cheektowaga, New York, pursuant to Sections 260-47 of the Code of the Town of Cheektowaga ("Zoning Law"), and Chapter 255 of the Town Code ("Wireless Telecommunications Facilities"); and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 17<sup>th</sup> day of October 2016 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 establishing a micro cellular antenna on an existing retail building at 3385 Union Road be and hereby is granted.

\*\*\*\*\*

#### LEGAL DESCRIPTION FOR SPECIAL PERMIT

All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, 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 11, Township 11, Range 7 of the Holland Land Company's Survey and being parts of Subdivision Lots 9-24, 104-108, 113, 114 and all of Subdivision Lots 109-112, 139-150, and part of Kausel Avenue all being part of Map Cover 293 and being more particularly described as follows:

BEGINNING at the intersection of the northerly line of Schlenker Avenue with the present easterly highway boundary of Union Road;

Thence along the easterly highway boundary of Union Road the following seven (7) courses and distances:

- 1) N 01° 04' 31" E, 112.63 feet;
- 2) N 07° 35' 19" E, 69.01 feet;
- 3) N 01° 04' 31" E, 173.54 feet;
- 4) N 88° 55' 29" W, 2.30 feet;
- 5) N 01' 04' 31" E, 101.04 feet;

- 6) N 42° 55' 43" E 25.31 feet;  
7) N 67° 49' 21" E, 17.01 feet to a point in the present southerly highway boundary of Walden Avenue;

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

- 1) N 86 °03' 58" E, 189.12 feet;  
2) N 82' 58' 29" E, 12.06 feet;  
Thence S 03' 41' 55" E, 231.57 feet;

Thence S 51° 26' 05" E, 27.59 feet to the point of intersection of the centerline of Kausel Avenue with the extension northerly of the easterly line of subdivision lot 139;

Thence S 01° 10' 31" W along said extended easterly line of subdivision lot 139 and the easterly line of subdivision lots 139 and 150, 252.00 feet to a point in the northerly line of Schlenker Avenue;

Thence N 88° 55' 29" W along the northerly line of Schlenker Avenue, 279.11 feet to the point or place of beginning containing 2.91 acres of land, more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-593

### Authorize Town Clerk to Issue New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

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.

Name	Expiration Date
Adam, William D.	5/31/2019
Allen, Emma L.	5/31/2019
Alyasiri, Ali	2/28/2019
Andrle, Nicole L.	9/30/2018
Ast, Brent P	6/30/2019
Barbero, Carlina J	4/30/2019
Benton, Joycelyn M.	2/28/2019
Bluhm, Garry F	6/30/2019
Bosley, Christopher M	5/31/2019
Burke, Peter J	10/31/2019
Caimano, Jonathan C.	9/30/2018
Calandra, Jessica L.	1/31/2019
Canfield, Zachary T.	5/31/2019
Ciesla, Tucker J.	6/30/2019
Clemons, Zachary R.	6/30/2019
Eckhardt, Douglas A.	9/30/2017
Ess, Megan E.	7/31/2019
Fisher, Malachi M	11/30/2019
Foley, Daniel R.	2/28/2019
Galmarini, Luke R	3/31/2019
Geary, Jack	7/31/2019
Geist, Andrew F	10/31/2019
Gesicki, Neil R.	9/30/2019
Giambrone Sr., Andrew E.	5/31/2019
Gian, Michael J	7/31/2019
Gowanlock, Richard T	11/30/2018
Harfouche, Justin P.	2/28/2019

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Harkins, Joshua	2/28/2019
Harwood, Douglas D	5/31/2019
Hodges, Debra L	5/31/2019
Hodges, Derek J.	3/31/2017
Hultquist, Scott O	11/30/2017
Igielinski, Daniel	3/31/2018
James, Vermonica S.	5/31/2019
Kamholz, Jacob C.	4/30/2019
Karlis, Nicole M	7/31/2019
Kaszuba, Nicholas V	6/30/2019
Krieger, Joshua T.	6/30/2019
Kruger, Wayne M	2/28/2019
Kuebler, Kevin M	3/31/2019
Laskowski, Melissa A.	7/31/2019
Lesh, Joseph J.	9/30/2018
Littleton-Melvin, Breonna N.	5/31/2019
Lubkowski, Nicholas D	4/30/2019
Lutz, Emily M	5/31/2019
Maccagnano, Jenna L.	7/31/2019
Maines, Amber L.	4/30/2019
Malayny, Brian J.	7/31/2019
Maroney, Heather L	7/31/2019
Martin, Brandon J.	5/31/2019
Marzec, Brittany P.	6/30/2019
Mason, Jennifer E	4/30/2019
McCrossan, Michael G	8/31/2019
McHugh, Charles J.	7/31/2018
McKernan, Cortland J	7/31/2017
Medina, Arthur G.	6/30/2019
Meyer, Brianne D.	6/30/2019
Mitchell, Lauren C.	5/31/2019
Morse, Matthew R	7/31/2019
Murphy, Jared M.	7/31/2019
Neuman, Matthew J	7/31/2019
Neuman, William M.	11/30/2019
Petersen, Natasha M.	6/30/2018
Piersa, Jacob T	9/30/2018
Pinero, Veronica	5/31/2019
Preston-Johnson, Jessica L.	1/31/2019
Probst, Mark D.	5/31/2019
Pruitt, Jesse R.	2/28/2019
Raczka, Nicholas R.	7/31/2019
Reformat, Joshua M	2/28/2019
Relosky, Michael P	5/31/2019
Renaldo, Nicasio	2/28/2017
Robinson, Eric M.	1/31/2019
Saxer, Christopher M	6/30/2019
Schieber, Kevin N	5/31/2018
Schmidt, Christopher A	8/31/2019
Scozzaro, Michaela C.	9/30/2018
Siegel, Haleigh N.	7/31/2017
Stenzel, Aaron J	7/31/2018
Stromecki, Courtney E	4/30/2019
Surdam, Brittany M.	6/30/2019

Tard, William	5/31/2019
Trunfio, Michael L.	6/30/2018
Tylenda, Ashley	7/31/2019
Varga, Shannon D.	9/30/2018
Walker, Samantha L.	5/31/2019
Ward, Justin C.	6/30/2019
Ward, Samantha M.	5/31/2019
Williams, Leonora E.	5/31/2019
Windover, Scott P	5/31/2019
Witkin, Jacob M.	8/31/2018
Woelffel, Amanda E.	5/31/2019
Yetter, Cody J.	5/31/2019
Yunusov, Bekhzod N	9/30/2019
Zimmerman, Sarah E	8/31/2019

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

**MOVER:**       James P. Rogowski, Councilmember

**SECONDER:**   Timothy J. Meyers, Councilmember

**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-594

## Authorize Supervisor to Execute License Agreement with 7K Unlimited, Inc.

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga entered into a License Agreement and subsequent Amendment with 7K Unlimited, Inc. for the operation of a Pro-shop and Concession Stand at the ice rink in the Town of Cheektowaga Recreation Center and for the installation of vending machines in various Town-owned buildings, which Agreement has since expired; and

WHEREAS, 7K Unlimited, Inc., has requested permission to again operate said Pro-shop and Concession Stand at the ice rink in the Town of Cheektowaga Recreation Center, for which 7K Unlimited, Inc., shall pay rent to the Town in the amount of \$250.00 each month in the months of January, February, March, October, November, and December, beginning on October 8, 2016 and ending on October 31, 2018, and shall charge no more than \$2.00 per pair for the rental of ice skates; and

WHEREAS, 7K Unlimited, Inc. will also provide vending machines at the Town of Cheektowaga Recreation Center, and

WHEREAS, the Town Attorney has prepared a draft of said License Agreement; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this License Agreement with 7K Unlimited, Inc., on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-595

### Authorize Supervisor to Execute Agreement with National Grid to Attach Holiday Decorations to Electrical Poles

**Sponsored By:** Councilmember Kaminski, 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 the Town decides 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-596

### Authorize Supervisor to Execute Contract Extending Agreement With First Niagara Risk Management for Workers' Compensation Third Party Claims Administration

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is self-insured for purposes of Workers' Compensation insurance, and

WHEREAS, the Town of Cheektowaga retains a third party administrator to administer the Town's self-insured Workers' Compensation program, and

WHEREAS, the Town of Cheektowaga has contracted with First Niagara Risk Management, Inc. as consultant to administer the Town's self-insured Workers' Compensation program from November 1, 2013 through October 31, 2016; and

WHEREAS, the Town's existing Contract with First Niagara Risk Management, Inc. to administer the Town's self-insured Workers' Compensation program expired on October 31, 2016, and

WHEREAS, there is a need to extend the existing Contract to administer the Town's self-insured Workers' Compensation program with First Niagara Risk Management Inc.; and

WHEREAS, the Town of Cheektowaga Personnel/Employee Relations Coordinator of Employee Relations recommends that the Town accept First Niagara Risk Management Inc.'s offer to extend the existing contract NOW, THEREFORE, BE IT

RESOLVED, that the Contract for Workers' Compensation Self-Insured Claims Administration with First Niagara Risk Management, Inc., be and is hereby extended effective November 1, 2016 and terminating on October 31, 2019 for the following fees:

11/1/16 - 10/31/17	\$40,500.00
11/1/17 - 10/31/18	\$42,000.00
11/1/18 - 10/31/19	\$43,500.00

,with miscellaneous services and fees as stated in the proposal from First Niagara Risk Management, Inc.

Attachments:

FNRM Worker's Comp Agmt (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 16. RESOLUTION 2016-597

### **Authorize Supervisor to Execute Annual Agreement with Options Between the Town of Cheektowaga and Mollenberg-Betz, Inc. for Ice Rink Mechanical Compressor Room Maintenance**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS Mollenberg- Betz, Inc. has submitted a proposal to provide annual maintenance with two (2) one year options for the Cheektowaga Town ice rink mechanical compressor room; and

WHEREAS, Mollenberg-Betz, Inc, is a certified warranty vendor with trained technicians in the servicing of ice rink mechanical compressor rooms; and

WHEREAS, Mollenberg-Betz, Inc. currently holds the warranty for the compressor room that services the ice rink; and

WHEREAS, Johnson Controls who currently maintains the ice rink is not a certified warranty vendor and does not have the requisite trained technicians necessary to provide the needed service; and

WHEREAS, upon thorough review of the Mollenberg-Betz, Inc. proposal, the Town General Crew Chief of the Facilities, Parks, Buildings & Grounds Department recommends that the Town accept Mollenberg-Betz's proposal; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the proposal of Mollenberg-Betz, Inc. to provide annual service for the ice rink mechanical compressor room at the following rates: 2016-2017 Annual Maintenance at \$8,200.00 and (7) seven Monthly Inspections at \$3,150.00 totaling \$11,350; 2017-2018 Optional Annual Maintenance at \$8,450.00 and (8) eight Monthly Inspections at \$3,600.00 totaling \$12,050.00; 2018-2019 Optional Annual Maintenance at \$8,700.00 and (8) eight Monthly Inspections at \$3,600.00 totaling \$12,300.00; and BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute an agreement with Mollenberg-Betz, Inc. for said services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



17. RESOLUTION 2016-598

**Authorize Supervisor to Sign Contracts for Concerts and Special Events for 2017**

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney, the Supervisor 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 2017.

FUNDING SOURCE:

- 0100-7140-4503
- 0100-7140-4491
- 0100-7620-4491
- 0100-7620-4685
- 0100-7550-4374

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-599

### Authorize Purchase of One (1) 2017 Ford F250 4X4 Pick Up

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Director of the Facilities Department is in need of One (1) 2017 Ford F250 4X4 Pick Up for use in maintaining Facilities, Parks Division, and

WHEREAS, the purchase of such equipment is available through Delacy Ford as per New York State Contract #PC66774, and

WHEREAS, moneys have been appropriated in the Facilities Department, Parks Division budget for the purchase said line 100-7110-2303, 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 Delacy Ford contains the language required by Section 103-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the purchase of One (1) 2017 Ford F250 4X4 Pick Up for use by the Facilities Department, Parks Division as per the terms of it Municipal Agreement at the cost of \$26,994.16, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the purchase agreement and all other documents necessary for the purchase of the above referenced equipment, subject, however, to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that funds for payments shall be appropriated from the Facilities Department budget line 100-7110-2303.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-600

### Authorize Purchase of One (1) 2017 Ford Transit Medium Roof 350 Van

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Director of the Facilities Department is in need of One (1) 2017 Ford Transit Medium Roof 350 Van for use in maintaining Facilities, Building & Grounds Division, and

WHEREAS, the purchase of such equipment is available through Delacy Ford as per New York State Contract #PC66774, and

WHEREAS, moneys have been appropriated in the Facilities Department, Building & Grounds Division budget for the purchase said line 100-1625-2303, 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 Delacy Ford contains the language required by Section 103-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the purchase of One (1) 2017 Ford Transit Medium Roof 350 Van for use by the Facilities Department, Building & Grounds Division as per the terms of it Municipal Agreement at the cost of \$31,273.44, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the purchase agreement and all other documents necessary for the purchase of the above referenced equipment, subject, however, to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that funds for payments shall be appropriated from the Facilities Department budget line 100-1625-2303.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-601

### Authorize Purchase of Two (2) 2017 Chevrolet Silverado 2500HD 4WD Crew Cab

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Highway Department has requested authorization to purchase Two (2) 2017 Chevrolet Silverado 2500HD 4WD Crew Cab AND

WHEREAS, the purchase of the equipment is subject to various New York State laws regarding purchasing of equipment including but not limited to General Municipal Law, Section 103, AND

WHEREAS, New York State General Municipal Law, Section 103 (16) permits the purchase of equipment, etc. through the use of a contract let by a political subdivision of New York State if such political subdivision's contract was let in a manner that constitutes competitive bidding consistent with New York State law and is made available for use by other governmental entities, AND

WHEREAS, as specified in the Chautauqua County DOP, Bid Results Proposal Number E-11-14-PFTH, contract period November 1, 2014 thru October 31, 2017, making its bidding procedures available to other governmental entities in accordance with General Municipal Law Section 103 (16), AND

WHEREAS, the Cheektowaga Highway Department has reviewed the bidding materials and procedures compiled by the Chautauqua County DOP, and have determined that same are compliant with New York State law including General Municipal Law, Section 103, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase for Two (2) 2017 Chevrolet Silverado 2500HD 4WD Crew Cab in the amount of \$75,061.50 from:

Joe Basil Chevrolet, Inc.  
5111 Transit Road  
Depew, NY 14043

RESOLVED, where funds for said purchase have been budgeted and is available under account number 300.5130.2407, AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents to effectuate the purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 21. RESOLUTION 2016-602

### Retain Services of The Mac Groups

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Cheektowaga Police Department is interested in developing a professional website that enhances emergency service notification in the event of critical incidents or natural disasters, in addition to embracing who they are, what they do and help show all of the positive core values that have been accomplished throughout the years, and show that we are striving for a safe community and to protect all of our citizens, AND

WHEREAS, the website would be designed and developed to enhance victim services and to grant easier access to outreach programs and their services, AND

WHEREAS, The Mac Groups has presented a proposal for website design and development, video production, and photography that will be used on the Cheektowaga Police Department website and social networks and media platforms, AND

WHEREAS, The Mac Groups is the sole provider of the photography and video elements that will be used to develop the professional video at a cost of \$29,550.00, AND

WHEREAS, the purchase is budgeted and will be paid out of the Police Asset Forfeiture Budget Line #600-0600-0881, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, upon attorney review of the agreement between the parties, authorizes retaining the services of The Mac Groups, 4552 Main Street, Snyder, NY 14226 for video production, photography, design and website development at a cost of \$29,550.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 22. RESOLUTION 2016-603

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Evan Astran	8/11/16	14225
Jenna Brewer	2/19/16	14206
Madison Heide	8/11/16	14225
Erica Weber (Orlowski)	2/06/16	14225
Maribeth Stadelmeyer	9/03/16	14225

Motion by Councilmember Meyers, Seconded by Councilmember Rogowski to waive reading of the names for the following Resolutions: 2016-603, 2016-604, 2016-605. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Gerald Kaminski, Councilmember  
**SECONDER:** James P. Rogowski, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



23. RESOLUTION 2016-604

**Youth & Recreation Hiring/Transfer**

**Sponsored By:** Councilmember Kaminski, 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 Attendant - 7310.1803 - \$9.25 - Regular Part-time - Retro to 11/5/16

Theresa Tripi 14227

Recreation Attendant - 7140.1639 - \$9.10 - Regular Part-time

Aaron Wanat 14043

BE IT FURTHER RESOLVED that the following individuals be and hereby are transferred effective immediately:

Recreation Attendant - 7310.1801 - \$9.00 - Regular Part-time

Jennifer Gaffney  
Ashley Krywcun  
Jensine Nguyen  
Jordan Soldaczewski

Recreation Attendant - 7310.1801 - \$9.50 - Regular Part-time

Kourtney Killian

Recreation Instructor - 7310.1801 - \$12.00 - Regular Part-time

Merissa Ciesielski

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 24. RESOLUTION 2016-605

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed, not to exceed nineteen (19) hours on a weekly basis, in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

FACILITIES DEPARTMENT (Buildings and Grounds Division) Laborer \$9.00/hour effective 10/18/16  
Christopher M. LaCorte, Cheektowaga, New York

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

FACILITIES DEPARTMENT  
Randy J. Walker effective 10/3/16  
Noah A. McGhee effective 10/1/16

SEWER MAINTENANCE DEPARTMENT  
Kobe J. Walenka effective 10/21/16

POLICE DEPARTMENT  
Gary Edenhofer effective 7/30/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 25. RESOLUTION 2016-606

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### **Appointment of Sewer Maintenance Worker (Non-Competitive/Permanent) Joseph G. Rohloff**

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, a vacancy exists in the title of Sewer Maintenance Worker in the Sewer Maintenance Department; AND

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

WHEREAS, Joseph G. Rohloff, currently employed as a Park Maintenance Worker I in the Facilities Department, bid on said vacancy and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph G. Rohloff of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 8, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 26. RESOLUTION 2016-607

### Authorization of Student Intern (Police Department)

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Bryan A. McManus, a student at Erie Community 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 Bryan A. McManus of Cheektowaga, New York, be and hereby is authorized to participate as an unpaid intern in the Police Department, subject to his execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that Mr. McManus' internship be and hereby is effective September 1, 2016 through December 31, 2016; AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 27. RESOLUTION 2016-608

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Protecting Law Enforcement Responders Seminar is being held December 13, 2016, in Lockport, New York; AND

WHEREAS, Public Safety Dispatchers Nadine Majewski and Edward Dean 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 \$484; AND

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

RESOLVED, that Public Safety Dispatchers Nadine Majewski and Edward Dean be and hereby are authorized to attend the Protecting Law Enforcement Responders Seminar being held December 13, 2016, in Lockport, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 28. RESOLUTION 2016-609

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Police Executive Research Forum (PERF) - How to Implement ICAT (Integrating Communications, Assessment, and Tactics) is being held December 13, 2016, through December 14, 2016, in New Orleans, Louisiana; AND

WHEREAS, Police Chief David Zack has requested to attend said forum along with Police Captain Michael Sliwinski and Sergeant Lawrence Bauer; 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 \$2,533.58; AND

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

RESOLVED, that Police Chief David Zack, Police Captain Michael Sliwinski, and Sergeant Lawrence Bauer, be and hereby are authorized to attend the Police Executive Research Forum (PERF) - How to Implement ICAT (Integrating Communications, Assessment and Tactics) being held December 13, 2016, through December 14, 2016, in New Orleans, Louisiana.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 29. RESOLUTION 2016-610

### Travel Authorization Engineering Department

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the 28<sup>th</sup> Annual Bridge Conference is being held November 18, 2016, in Buffalo, New York; AND

WHEREAS, Town Engineer Patrick Bowen has requested that both he and Assistant Town Engineer Peter Johnston attend said conference; AND

WHEREAS, Town Engineer Patrick Bowen 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 \$270; AND

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

RESOLVED, that Town Engineer Patrick Bowen and Assistant Town Engineer Peter Johnston be and hereby are authorized to attend the 28<sup>th</sup> Annual Bridge Conference being held November 18, 2016, in Buffalo, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the rules to include the following Resolution: 2016-611. Motion Carried.



## 1. RESOLUTION 2016-611

### Retain Services of The Center for Municipal Solutions - 294 N. Seine Drive

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

WHEREAS, The Town of Cheektowaga received a special use permit request to construct a 135 foot tall cellular communications tower at the Southline Athletic Association ball fields at 294 North Seine Drive, AND

WHEREAS, pursuant to Chapter 255 - Wireless Telecommunications Facilities, section 255-15 of the Town Code, the town may retain the services of any consultant or expert to assist in reviewing an application for cellular communication towers, AND

WHEREAS, pursuant to section 255-15 of the Town Code, the special permit applicant for a cell tower shall reimburse the Town of Cheektowaga for all reasonable costs for such expert assistance in the review of the cell tower/special permit application, AND

WHEREAS, Upstate Tower Company, LLC (the applicant) has remitted a deposit in the amount of \$8,500.00 pursuant to the provisions of section 255-15B of the Town Code to enable the Town to retain a consultant of the Town's choice, AND

WHEREAS, the Town desires to retain the assistance of The Center for Municipal Solutions to review Upstate Tower Company LLC's application for 294 North Seine Drive, AND

WHEREAS, the Town has obtained a contract for services from The Center for Municipal Solutions to review the subject special use permit /cell tower application, NOW THEREFORE, BE IT

RESOLVED, that the Town Supervisor be authorized to sign an agreement for consulting services with The Center for Municipal Solutions on behalf of this Town Board, AND BE IT FURTHER,

RESOLVED that The Town of Cheektowaga shall be reimbursed for such reasonable costs for such consulting services pursuant to the provisions of sections 255-15B and C of the Town Code.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XII. Communications**

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

1. **Quarterly Report: Town of Cheektowaga Emergency Services - July to September 2016**
2. **Minutes: Cheektowaga Conservation Advisory Council - October 6, 2016**
3. **Minutes: Cheektowaga Planning Board - October 13, 2016**
4. **Minutes: Cheektowaga Traffic Safety Commission - October 18, 2016**

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

1. **New York State Department of Transportation Designation of Restricted Highway: Harlem Road from a point 1/2 mile south of Mineral Springs Road to Cayuga Creek Road, a distance of approximately 2 miles.**
2. **Notice of Claim: Allstate a/s/o Jeffrey & Pearl Hatten**
3. **Notice of Claim: Emaleigh Brose m/n/g Jamie Brose vs. Town of Cheektowaga**
4. **Notice of Claim: William Golembiewski vs. Town of Cheektowaga**
5. **Notice of Claim: Christopher Holland vs. Town of Cheektowaga**

## **XIII. Comments**

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

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

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

## **XIV. Enter Into Executive Session**

Motion by Supervisor Benczkowski, Seconded by Councilmember Hammer to enter into Executive Session. Motion Carried.

## **XV. Exit Executive Session**

Motion by Councilmember Meyers, Seconded by Councilmember Kaminski to exit Executive Session. Motion Carried



## 1. RESOLUTION 2016-612

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### Termination of Town Plumber

**Sponsored By:** Benczkowski, Meyers, Kaminski, Adamczyk, Hammer

WHEREAS, Town of Cheektowaga Coordinator of Employee Relations, Karen R. Marchese, recommended and preferred disciplinary charges against Cheektowaga Town Plumber David J. Surdej; AND

WHEREAS, based on the reasons stated in the charges preferred by the Town Employee Relations Coordinator, this Town Board concurred with her recommendation; NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby terminates Town Plumber David J. Surdej, effective November 7, 2016.

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Gerald Kaminski, Timothy J. Meyers, Christine Adamczyk, Linda Hammer
<b>AYES:</b>	Benczkowski, Kaminski, Meyers, Adamczyk, Hammer
<b>ABSTAIN:</b>	James P. Rogowski

## XVI. Adjournment

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to adjourn the meeting at 8:33 PM.
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**THIS AGREEMENT** is entered into this 1<sup>st</sup> day of November, 2016, by and between **FIRST NIAGARA RISK MANAGEMENT, INC.**, a New York corporation, hereinafter referred to as “**FNRM**”, and **THE TOWN OF CHEEKTOWAGA** hereinafter referred to as “**CLIENT**”.

### I. RECITALS

- A. **CLIENT** wishes to retain the services of **FNRM** to provide claims management services for its Self-Insured Workers’ Compensation risk and desires to have **FNRM** provide specific services in connection with such claims program.
- B. **FNRM** is willing to provide such services on the terms and conditions hereinafter stated.

### II. TERM

This Agreement shall be effective for a three-year period (36 months) from November 1, 2016 through October 31, 2019, and shall remain in full force and effect except as amended or terminated as hereinafter provided.

### III. CANCELLATION

Either Party shall have the right to terminate or renegotiate this Agreement by giving to the other at least ninety (90) days written notice at the address recited in Item IV, Section F. below of such termination or intent to renegotiate the terms, except that **FNRM** shall be bound by the rates recited in Item IV, Section B.1. below. In the event timely notice of termination is given by either Party, the Agreement shall terminate upon the date stated in the notice, so long as it is at least ninety (90) days therefrom. In the event timely notice of intent to renegotiate is given by either Party, and renegotiated terms are not agreed to in writing by both Parties within the ninety (90) day period, the Agreement shall thereupon terminate. **CLIENT’S** failure to pay **FNRM’S** service fee as provided in Item IV, Section H of this Agreement shall be construed as a breach of the Agreement, and, in the event, **FNRM** shall have the right to terminate this Agreement by giving the **CLIENT** ten (10) days written notice of its intention to terminate. Upon termination of this Agreement, neither Party shall have any further responsibility or obligation hereunder except as provided in Item IV, Section C of this Agreement.

#### IV. AGREEMENT

A. **Services to be Performed by FNRM:** FNRM agrees to perform the following services:

1. With regard to **CLAIMS ADMINISTRATION**, FNRM shall:
  - a. Review all claim and loss reports submitted by **CLIENT** to FNRM during the term of this Agreement and process each submitted claim or loss report in accordance with administrative notification requirements.
  - b. Conduct an investigation of each reported claim or loss under subparagraph "a" above (hereinafter referred to as a "qualified claim or loss") to the extent deemed necessary by FNRM in the performance of its obligations hereunder, or for those reasonable requests by **CLIENT**.
  - c. Maintain a file for each qualified claim or loss, which shall be available for review by the **CLIENT** at any reasonable time.
  - d. Perform reasonable and necessary administrative and clerical work in connection with each qualified claim or loss, including the preparation of checks or vouchers, Lump Sum Settlements and any other documents to finalize a claim.
  - e. Recommend claim reserves and provide a continuous review and updating of those to reflect changes.
  - f. The **CLIENT** will open and maintain a checking account for FNRM at Chase Bank. FNRM will make timely payments of losses and expenses in accordance with Workers' Compensation Board rules and procedures.
  - g. Notify **CLIENT**, **CLIENT'S** representatives or excess insurers, as determined by **CLIENT**, of all qualified claims or losses with respect to which potential losses may exceed **CLIENT'S** retention and, if requested, provide such Parties with necessary information on the current status of those claims or losses.

- h. **FNRM** will furnish to **CLIENT** a standard set of loss and information reports showing in detail and summary loss information, on a monthly basis.
  - i. Additional optional and ad hoc information and analysis reports and services can be provided on a time and expense basis, as mutually agreed upon by **FNRM** and the **CLIENT**.
  - j. Provide narrative or analytical reports of major or litigated claims, if requested by the **CLIENT**.
  - k. Provide claim forms and other forms believed by **FNRM** to be appropriate for the efficient administration of the **CLIENT'S** program.
  - l. Investigate and pursue all subrogation possibilities on behalf of the **CLIENT** in all states permitting subrogation. Funds received from all subrogation collections shall be considered revenue of the **CLIENT**.
  - m. Provide all personnel necessary to effectively perform the services agreed to herein.
  - n. Provide written reports on all Workers' Compensation Hearings regarding the **CLIENT'S** Self-Insured Account.
  - o. **FNRM** shall prepare and file all forms required by New York State Insurance Department and Workers' Compensation Board.
2. With regard to **PROGRAM DEVELOPMENT**, **FNRM** shall, to the extent appropriate:
- a. Consult with key personnel of the **CLIENT** on the establishment and coordination of necessary procedures and practices to meet any applicable state requirements and the needs of the **CLIENT**.
  - b. Participate in the orientation of the **CLIENT'S** personnel who are directly involved in the processing of qualified claims or losses.
  - c. Review the development of the **CLIENT'S** program periodically with representatives of the **CLIENT** in order to identify problems and recommend corrective action.

B. Obligations of the CLIENT:

1. CLIENT shall pay FNRM for services rendered herein as follows:

11/01/16 -10/31/17	\$40,500.00
11/01/17 -10/31/18	\$42,000.00
11/01/18 -10/31/19	\$43,500.00

To be billed monthly at the rate of one-twelfth of the annual fee.

2. CLIENT will fund medical bill review expenses, which will be paid from a designated expense file in the FNRM claim system at a rate of 15% of savings.
3. CLIENT will fund Mandatory Medicare Reporting expenses, which will be paid from a designated expense file in the FNRM claim system.
4. CLIENT also agrees that FNRM has the option of utilizing telephonic nurse case managers employed by FNRM on any claim at any time, the expenses for which will be paid by CLIENT from the applicable claim file in the FNRM claim system.
5. With reference to Workers' Compensation Hearing, the Contract does not include representation of the CLIENT'S interest at all Workers' Compensation Hearings. FIRST NIAGARA RISK MANAGEMENT, INC. would simply pass outside counsel's statement for services on for payments, once it is reviewed, with no additional charge. Workers' Compensation Hearings charges will be paid off the file.
6. CLIENT will deposit funds in its bank account and replenish funds paid on a timely basis upon FNRM'S submission of vouchers and check registers supporting payments made; CLIENT will receive and reconcile all bank statements.
7. It is expressly understood that FNRM shall not be required to advance its own funds to pay losses, allocated loss expenses or banking charges hereunder, or to perform any service hereunder if CLIENT fails to provide adequate funds as herein set forth.
8. CLIENT will timely notify FNRM of all excess insurance policies and the limits, terms, retentions and reporting instructions contained herein.

**C. Terms of Agreement and Cancellation.**

In the event of cancellation of this Agreement, FNRM will continue to manage all pending claims and claims occurring but not reported prior to cancellation to a conclusion at a fee to be determined by mutual agreement with the CLIENT. The fee is to be based on actual claims administration costs at the time of cancellation. If the fee cannot be agreed upon, the files will be returned to the CLIENT in an orderly manner.

1. FNRM will treat as confidential all data furnished by the CLIENT or generated as a result of the processing services performed under this Agreement and any other information so designated in writing by the CLIENT, and FNRM will make the same effort to safeguard such information as it does in protecting its own confidential data.
2. FNRM reserves the right to gather and utilize, as it sees fit, statistical information from the data base; provided, however, that CLIENT'S name and proprietary and/or confidential data are adequately protected and not disclosed.

**D. Practice of Law.**

It is understood and agreed that FNRM will not perform, and CLIENT will not request performance of, any services which may constitute the unauthorized practice of law. No legal service to be provided by outside counsel without the prior approval of CLIENT.

**E. Indemnification.**

FNRM agrees to defend, indemnify, protect, save and keep harmless CLIENT from any and all losses, cost of defense, expense, damage or exposure arising from the negligent acts or omissions of FNRM.

CLIENT agrees to defend, indemnify, protect, save and keep harmless FNRM from any and all loss, cost of defense, expense, damage or exposure arising from the negligent acts or omissions of CLIENT.

**F. Notices.**

Any notice to be given under this Agreement shall be sent by Certified Mail to the following in the case of **FNRM**:

First Niagara Risk Management, Inc.  
239 Van Rensselaer Street  
Buffalo, New York 14210

And to the following in the case of **CLIENT**:

Town Clerk  
Town of Cheektowaga  
Town Hall  
3301 Broadway  
Cheektowaga, New York 14227

**G. Successors.**

This Agreement shall be binding upon and shall inure to the benefit of all assigns, transferees and successors in the interest of the Parties hereto. This Agreement may not be assigned without the prior written consent of the **CLIENT**.

**H. Termination.**

Should **CLIENT** not pay **FNRM** for services rendered within thirty (30) days of receipt of statement for services rendered **FNRM** shall have the right to consider that a breach of this contract and terminate same.

**I. Entire Agreement and Modification or Amendment.**

This Agreement represents the entire and exclusive statement of the Agreement of the Parties and, except as otherwise provided in Item IV, Section C, may be modified or amended only by a written statement signed by both Parties. Such modification or amendment shall be attached to, and shall thereupon become part of, this Agreement.

**J. Headings.**

Headings herein are for convenience or reference only and shall not be considered in any interpretation of this Agreement.

**K. Independent Contractor.**

It is understood and agreed that **FNRM** is engaged to perform services under this agreement as an independent contractor and not as an agent of the **CLIENT**, except with respect to the payment of claims. The Parties hereto agree that neither Party has

any relationship with, or contractual liability to, the other with respect to the subject matter of this Agreement, other than as set forth herein. FNRM employees shall be bonded in an amount sufficient to cover any loss of CLIENT funds related to the administration of CLIENT'S Self-Insured Workers' Compensation claims.

**L. Changes in Rules and/or Regulations.**

In the event that there are changes in the State/Federal Law and/or regulations which impose additional work on FNRM and/or its representative not contemplated at the onset of this Agreement, it is understood and agreed that such additional work shall be outside the Agreement and as such, shall be billed to the self-insured in addition to the fee stated in the Contract on a time and expense basis at the then prevailing rates.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the day and date first above written.

**TOWN OF CHEEKTOWAGA**

**FIRST NIAGARA RISK MANAGEMENT**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

**Daniel K. Conley, Vice President**

Title: \_\_\_\_\_

Title: Claims Administration & Risk Management



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, November 21, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on November 21, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Kerry Peek, Senior Services Director

### V. Recognition

1. Zonta Club of Cheektowaga-Lancaster
2. Valued Volunteer Award

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to approve minutes. Motion Carried.

**VII. Public Comment Period**

**VIII. Public Hearings**

**IX. Presentation**

**X. Resolutions**



## 1. RESOLUTION 2016-613

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

GENERAL

FROM:	100.7620.4624	Center Programs	\$2,000.00
	100.1415.3500	State Aid Archive	81,488.00
TO:	100.7620.4028	Ceramics/Crafts	\$2,000.00
	100.1415.4001	Contractual Services	81,488.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-614

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 21, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$207,554.39
RISK RETENTION FUND	40,086.35
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	5,123.04
SPECIAL DISTRICTS FUND	158,432.31
HIGHWAY FUND	65,522.92
CAPITAL FUND	1,189,106.05
TRUST & AGENCY FUND	26,368.00
HUD CDBG FUND	1,040.03
PART TOWN FUND	3,654.04
NYS AFFORDABLE HOUSING	7,500.00
	<hr/>
	\$1,704,387.13

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-615

## Call for Public Hearing -Special Use Permit Request 1259 Cleveland Drive

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

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless has made application with the permission of the land owner, Two Dr's Realty, LLC and is requesting a special use permit to erect a micro cell antenna on the building roof of an existing medical office building at 1259 Cleveland Drive, AND

WHEREAS, the proposed micro cell antenna will have a mounting height of approximately (7.5) seven and one half feet in height above the roof of the subject building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 19, 2016 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 December 19, 2016 at 6:45 o'clock P.M., of said day for the purpose of considering the application of:

Upstate Cellular Network d/b/a Verizon Wireless

for a special use permit to erect a micro cell antenna on the building roof of a medical office building at 1259 Cleveland 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, NY

VICKIE L. DANKOWSKI  
TOWN CLERK



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. 14, Township 11 and Range 7 of the Holland Land Company's Survey, and according to a map filed in Erie County Clerk's Office under Cover No. 1628, is known and distinguished as Subdivision Lots Nos. 251, 252, and 253.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 4. RESOLUTION 2016-616

## Notice to Bidders - Cheektowaga Safe Crossings Bid# 2016-25

**Sponsored By:** Councilmember Kaminski, Councilmember Meyers

WHEREAS, the preparation of plans and specifications for the Cheektowaga Safe Crossings (PIN #5761.10) have been completed by the Project Consulting firm of Watts Architecture & Engineering, enabling the solicitation of competitive bids in accordance with New York State Department of Transportation guidelines and procedures for Locally-Administered Federal Aid Projects, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the aforesaid project, said notice to be published in the CHEEKTOWAGA BEE and the NEW YORK STATE CONTRACT REPORTER, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 14th day of December, 2016 at 11:00 am, at a public bid opening to be conducted by the Town Clerk in the Council Chambers at the Cheektowaga Town Hall.

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### NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 am, local time, on **December 14, 2016**. All bids will be publicly opened and read at 11:00 am at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for **Cheektowaga Safe Crossings, PIN 5761.10** and all related work, complete in place, tested and ready for use in accordance with the Contract Documents.

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 of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk, and shall have the Contractor's name and title of the bid. The sealed envelope shall be plainly marked on the outside as "**Bid for Cheektowaga Safe Crossings, PIN 5761.10**."

Copies of the proposed Contract Documents, Plans and Specifications may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 and at the office of Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, New York 14203. Documents are also on file at Construction Exchange, 2660 William Street, 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. The Owner will not be responsible for full or partial sets of Contract Documents, including any Addenda, obtained from any other source.

Any bidder returning such Plans and Specifications in good condition within ten (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 Plans and Specifications may purchase the excess, but it is understood that these are non-refundable.

Each proposal must be accompanied by a certified check payable to the Town of Cheektowaga, or bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in an amount not less than five percent (5%) of the amount of the base bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute any such further security as may be required for the faithful performance of the contract.

The project includes upgrades to ADA sidewalk ramps, pavement markings, signs, concrete sidewalk installation, curb installation, minor pavement repairs, installation of pedestrian signal equipment and related work.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the contract.

The Owner reserves the right to reject any or all bids for failure to comply with the requirements of the Contract Documents but may, at its discretion, waive any informalities or irregularities.

The Owner further reserves the right to reject any or all bids or to award a contract to other than the low bidder which, in its judgment, is in the best interest of the Owner.

No bidder may withdraw his bid within forty-five (45) days after the opening thereof, but may withdraw same at any time prior to the opening thereof. Bidder must sign the statement of non-collusion in accordance with Chapter 751 of the Laws of the State of New York.

The work shall commence onsite on June 26, 2017 and the work shall be fully completed no later than August 25, 2017.

By Order of: THE TOWN OF CHEEKTOWAGA

Vickie L. Dankowski  
Town Clerk  
Bid #2016-25

DATED: November 21, 2016

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Gerald Kaminski, Councilmember  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-617

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### Notice to Bidders For Snow & Ice Removal from Various Privately-Owned Properties (Bid# 2016-30)

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**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the Neighborhood Preservation Office, a Division of Building and Plumbing Inspections Department, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by removing hazardous snow and ice conditions on public sidewalks within the Town of Cheektowaga and

WHEREAS, the cleaning up of these public sidewalks includes snow and ice removal, and

WHEREAS, in the event property owners do not comply with clean up orders from the Housing & Neighborhood Preservation Office, 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 public sidewalk snow and ice removal on the property, and

WHEREAS, consistent with the provisions of the International Property Maintenance Code as adopted by the State of New York and Section 70-8 of the Town Code, costs incurred by the Inspector in eliminating or removing nuisances and dangerous or unsafe conditions shall be paid for by the municipal fiscal officer out of the municipal treasury upon certification of the Inspector. Such costs shall be charged against the premises and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable, 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 and Plumbing Inspections Department, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for December 19, 2016 through December 31, 2017, 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 Various Privately-Owned Properties (Bid# 2016-30) in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 13, 2016 at 11:00 AM by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.



## NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 13, 2016 at 11:00 AM., at the Town Hall, corner of Broadway and Union Roads, for Removal of Snow and Ice from Various Privately-Owned Properties (Bid# 2016-30) in the Town of Cheektowaga for December 19, 2016 through December 31, 2017, said services to include residential and commercial property snow and ice removal and is not intended to include town-owned properties, cemeteries or other excluded properties. Work will be done on an as-needed basis, as directed/requested by the Housing and Neighborhood Preservation Office.

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 Removal of Snow and Ice from Various Privately-Owned Properties in the Town of Cheektowaga for December 19, 2016 through December 31, 2017 (Bid #2016-30)" 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 Town Attorney, in a sum equal to five percent (5%) of the total amount of the bid, conditioned that if the bidders proposal is accepted, the bidder will enter into a contract for the same, and that the bidder will execute such further security as may be required for the faithful performance of the contract.

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

Vickie L. Dankowski  
Town Clerk

Dated: November 21, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 6. RESOLUTION 2016-618

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### Notice to Bidders For Snow & Ice Removal from Various Town-Owned Properties (Bid# 2016-31)

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the Neighborhood Preservation Office, a Division of Building and Plumbing Inspections Department, wishes to alleviate hazardous snow and ice conditions on sidewalks located on various properties owned or designated by the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, the cleaning up of these public sidewalks includes snow and ice removal, and

WHEREAS, 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 public sidewalk snow and ice removal 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 and Plumbing Inspections Department, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for December 19, 2016 through December 31, 2017, 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 Various Town-Owned Properties in the Town of Cheektowaga (Bid# 2016-31) in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 13, 2016 at 11:00 AM by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.

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### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 13, 2016 at 11:00 AM at the Town Hall, corner of Broadway and Union Roads, for Removal of Snow and Ice from Various Town-Owned Properties in the Town of Cheektowaga for December 19, 2016 through December 31, 2017 (Bid #2016-31), said services to include thirteen (13) town-owned properties, with a total of approximately 1097 lineal feet of public sidewalk. Work will be done on an as-needed basis, based on snow conditions. Specifically, as directed/requested by the Office of Housing and Neighborhood Preservation.

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 Removal of Snow and Ice from Various Town-Owned Properties in the Town of Cheektowaga for December 19, 2016 through December 31, 2017 (Bid #2016-31)" 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 Town Attorney, in a sum equal to five percent (5%) of the total amount of the bid, conditioned that if the bidders proposal is accepted, the bidder will enter into a contract for the same, and that the bidder will execute such further security as may be required for the faithful performance of the contract.

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

Vickie L. Dankowski  
Town Clerk

Dated: November 21, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-619

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### **Notice to Bidders For Demolition of Accessory Structures from Various Privately-Owned Properties (Bid# 2016-32)**

**Sponsored By:** Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, the Neighborhood Preservation Office, a Division of Building and Plumbing Inspections Department, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with the Codes of New York State and Cheektowaga Town Law, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by demolishing and removing associated debris of accessory structures within the Town of Cheektowaga and

WHEREAS, the cleaning up of these properties includes demolition of accessory structures and removal of all associated debris, and

WHEREAS, in the event property owners do not comply with clean up orders from the Housing & Neighborhood Preservation Office, 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 demolition and associated debris removal on the property, and

WHEREAS, consistent with the provisions of the International Property Maintenance Code as adopted by the State of New York and Section 70-8 of the Town Code, costs incurred by the Inspector in eliminating or removing nuisances and dangerous or unsafe conditions shall be paid for by the municipal fiscal officer out of the municipal treasury upon certification of the Inspector. Such costs shall be charged against the premises and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable, 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 and Plumbing Inspections Department, Neighborhood Preservation Office, and the Town Attorney's Office have drafted bid specifications for this purpose for January 1, 2017 through December 31, 2017, 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 Demolition of Accessory Structures from Various Privately-Owned Properties in the Town of Cheektowaga (Bid# 2016-32) in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 13, 2016 at 11:00 AM by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time in the Council Chambers in the Cheektowaga Town Hall.



## NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 13, 2016 at 11:00 AM., at the Town Hall, corner of Broadway and Union Roads, for Demolition of Accessory Structures from Various Privately-Owned Properties (Bid# 2016-32) in the Town of Cheektowaga for January 1, 2017 through December 31, 2017, said services to include residential and commercial property accessory structure demolition and removal of associated debris and is not intended to include town-owned properties, cemeteries or other excluded properties. Work will be done on an as-needed basis, as directed/requested by the Housing and Neighborhood Preservation Office.

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 Demolition of Accessory Structures from Various Privately-Owned Properties in the Town of Cheektowaga for January 1, 2017 through December 31, 2017 (Bid #2016-32)" 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 Town Attorney, in a sum equal to five percent (5%) of the total amount of the bid, conditioned that if the bidders proposal is accepted, the bidder will enter into a contract for the same, and that the bidder will execute such further security as may be required for the faithful performance of the contract.

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

Vickie L. Dankowski  
Town Clerk

Dated: November 21, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer





## 8. RESOLUTION 2016-620

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### Notice To Bidders 2017 Portable Chemical Toilets (Bid #2016-33)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Town of Cheektowaga, Facilities Department, Parks Division, utilizes Portable Chemical Toilets at various locations to service their recreational activities and Special Events (Bid# 2016-33), 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 7th day of December, 2016 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 7, 2016 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2017 (Bid# 2016-33).

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.

Vickie L. Dankowski  
Town Clerk

Date: November 21, 2016

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Diane Benczkowski, Supervisor  
**SECONDER:**   Timothy J. Meyers, Councilmember  
**AYES:**        Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-621

### Approve Purchase of One (1) 14' Dump Body, 48" Sides-54 Gate

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Highway Department has requested authorization to purchase One (1) 14' Dump Body, 48" Sides-54 Gate AND

WHEREAS, General Municipal Law 103 (16) permits the purchase of equipment, etc. through the use of a contract let by a political subdivision of New York State if such political subdivision's contract was let in a manner that constitutes competitive bidding consistent with New York State law and is made available for use by other governmental entities, AND

WHEREAS, as specified in the Oneida County Contract, Bid Results Contract Number 1816, Item Number 5, making its bidding procedures available to other governmental entities in accordance with General Municipal Law Section 103 (16), AND

WHEREAS, the Cheektowaga Highway Department has reviewed the bidding materials and procedures compiled by the Oneida County Contract, and have determined that same are compliant with New York State law including General Municipal Law 103, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) 14' Dump Body, 48" Sides-54 Gate in the amount of \$18,673.00 from Valley Fab and Equipment, Inc., 9766 Trevett Road, P.O. Box 380, Boston, NY 14025, where funds for said purchase have been budgeted and is available under account number 300.5130.2407.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-622

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### Approve Purchase of One (1) Caterpillar Wheel Loader 950M

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Highway Department has requested authorization to purchase One (1) New and Unused 2016 Caterpillar Wheel Loader 950M, as specified in New York State OGS Contract PC66988, Group 40625, contract period July 3, 2014 to October 21, 2018, AND

WHEREAS, funds for said purchase have been budgeted for 2017 and are available under account number 300-5130-2407, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) New and Unused 2016 Caterpillar Wheel Loader 950M in the amount of \$235,179.00 from:

Southworth-Milton, Inc.  
4610 East Saile Drive  
Batavia, NY 14020

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-623

### Approve Purchase of One (1) 2017 Kenworth T470 Tandem Axle Cab/Chassis with 16' S/S Dump Body and Plow Equipment

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Highway Department has requested authorization to purchase One (1) 2017 Kenworth T470 Tandem Axle Cab/Chassis with 16' S/S Dump Body and Plow Equipment, as specified in County of Onondaga Division of Purchase Contract, Bid Ref #7823, contract period: June 24, 2013 through June 23, 2018, AND

WHEREAS, funds for said purchase have been budgeted for 2017 and are available under account number 300-5130-2407, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) 2017 Kenworth T470 Tandem Axle Cab/Chassis with 16' S/S Dump Body and Plow Equipment in the amount of \$218,730.00 from:

Kenworth Northeast Group Inc.  
100 Commerce Drive  
Buffalo, NY 14218

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-624

### Approve Purchase of (14) Tailgate Mounted PWSE Electric Pre Wet System

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Highway Department has requested authorization to purchase Fourteen (14) Henderson Tailgate Mounted PWSE Electric Pre Wet System 150 Gallon Tank Capacity, as specified in New York State OGS Contract PC99685, contract period September 1, 2015 to August 31, 2018, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of Fourteen (14) Henderson Tailgate Mounted PWSE Electric Pre Wet System 150 Gallon Tank Capacity in the amount that totals \$99,582.00 from:

Henderson Truck Equipment-New York  
22686 Fisher Road  
Watertown, NY 13601

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-625

## Approve Auction of Town Surplus Vehicles

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles that are no longer needed for Town use and NOW, THEREFORE, 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 identified on the attached list at an on-line auction to be held on its website.

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#### 2016 FALL AUCTION VEHICLES

#	YEAR	MAKE	MODEL	VIN	MILEAGE
#58	2007	DODGE	CHARGER	283KA43R37H671631	184,198
#566	2003	CHEVROLET	SILVERADO	1GCEC14V03Z161666	102,77?
#52	2002	CHEVROLET	AVALANCHE	3GNEK13T22G226400	145,366
#552	1995	CHEVROLET	ASTRO VAN	1GNDM19WOSB215301	86,075
#61	2005	FORD	TAURUS	1FAFP53265A164926	77,604
#104	2000	CHEVROLET	2500 PICK UP	1GCGK24R1YF500318	57,112
#458	1994	FORD	ECONOLINE VAN	1FTHS24Y9RHA65369	67,723
N/A	1972	WAYNE AIR COMPRESSOR	5233-15-HGC	ME-539926	UNK
N/A	2002	ULTRON LIFT GATE	PT166648AFV	83702	N/A
N/A	2006	KAWASAKI	MULE KAF400A	JK1AFE1068509259	2374 HRS

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy J. Meyers, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-626

### Authorize Supervisor to Execute Domestic Service Agreement with Erie County Water Authority

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, plans are underway to provide a new water service for 2600 Harlem Road, Town of Cheektowaga, New York which will enhance fire protection for the existing building,  
AND

WHEREAS, the Town of Cheektowaga is applying for a four inch (4") domestic service at the aforementioned address; and

WHEREAS, said tap is located off an eight inch (8") water main in an easement west of Ridge Park Avenue; and

WHEREAS, said connection will be located approximately 180 feet west of the centerline of Ridge Park Avenue: and

WHEREAS, a Private Fire Protection/Domestic Service Agreement and a fee is required by the ECWA to install said service, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the necessary Domestic Service Contract with the ECWA, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$9,700.00 shall be chargeable to Account No: 500-1440-4341-5428.

Attachments:

ECWA Agreement (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-627

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### Authorize Supervisor to Terminate Holfoth Risk Management Consulting Agreement

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, on January 5, 2016 the Town of Cheektowaga entered into a Consulting Agreement with Holfoth Risk Management to provide Risk Management and General Insurance Consulting Services from January 1, 2016 - January 1, 2019; and

WHEREAS, in accordance with said Agreement either party may terminate the Agreement at the end of any year by giving 30 days advanced written notice to the other party without adjustment/penalty; and

WHEREAS it is in the best interests of the Town of Cheektowaga to exercise its right to terminate the Agreement on December 31, 2016, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby directed to direct the Town Attorney to draft written notice and deliver said notice no later than November 30, 2016 via certified mail return receipt requested to Holfoth Risk Management notifying them that the Town is exercising its right under the Consulting Agreement to terminate said Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 16. RESOLUTION 2016-628

### Zonta Internationals' "End to Violence Against Women and Girls Day" Proclamation

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, November 25, 2016 is the International Day for the Elimination of Violence Against Women and the start of the 16 Days of Activism Against Gender Violence campaign; and

WHEREAS, Zonta International is a leading global organization of professionals empowering women worldwide through service and advocacy; and

WHEREAS, it is the goal of Zonta International for women's rights to be recognized as human rights and for every woman to be able to achieve her full potential; and

WHEREAS, the Zonta Club of Cheektowaga-Lancaster is one of 1200 clubs in 67 countries and will focus its attention on the 16 Days of Activism Against Gender Violence campaign with members carrying out activities that speaks to the 16 Days of Activism; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga does hereby proclaim November 25, 2016 as:

Cheektowaga Supports Zonta Internationals' "End to Violence Against Women and Girls Day"

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 17. RESOLUTION 2016-629

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### Establish Salary for Supervising Code Enforcement Officer

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the annual salary for the position of Supervising Code Enforcement Officer (a/k/a Supervising Building & Plumbing Inspector) be and hereby is established at \$80,500.00 effective January 1, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 18. RESOLUTION 2016-630

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### Youth & Recreation Transfers

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

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

Lifeguard IV to Lifeguard "Head Lifeguard Trainee" -7180.1903 - \$10.60 -Regular Part-time  
Margaret Drzewiecki

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the reading of names for the following Resolutions: 2016-630, 2016-631. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 19. RESOLUTION 2016-631

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Rebecca Cervi	8/22/16	14043
Maelynn Johnson	8/23/16	14215
Sandra Schrader	8/12/16	14225
Katherine Tomaschko	10/26/16	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 20. RESOLUTION 2016-632

### Reappointments and Appointments to Cheektowaga Conservation Advisory Committee

**Sponsored By:** Councilmember Rogowski, Councilmember Hammer

WHEREAS, by resolution dated July 2, 1990, the Cheektowaga Town Board adopted Local Law No. 2 of the Year 1990, entitled "A Local Law to create the Cheektowaga Conservation Advisory Council", and

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, the terms of such members of the CCAC expired on October 15, 2016, and

WHEREAS, the existing members of the CCAC have expressed an interest in continuing to serve on the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the CCAC, effective October 15, 2016 to October 15, 2018:

Frederic Beaman, AIA Architect, Chairman  
Lorraine Aloisio, Member  
Rosalia Becker, Member  
Joseph Fischer, Member  
Patricia Beaman, Member  
Robert Becker, Member

, and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as ex-officio members of the CCAC, effective from October 15, 2016 to October 15, 2018:

Jane Wiercioch, Member, Zoning Board of Appeals  
Daniel Ulatowski, Town Planner  
Stanley J. Kaznowski, III, Chairman, Planning Board

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 21. RESOLUTION 2016-633

### Travel Authorization Office of the Town Assessor

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the Valuation of Manufactured Home Parks seminar is being held on December 2, 2016, in Corning, New York; AND

WHEREAS, Assistant Field Assessor Jill M. Oxley been recommended to attend said seminar; AND

WHEREAS, Town Assessor Jeneen McSkimming has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the total cost to the Town shall not exceed \$265.28; AND

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

RESOLVED, that Assistant Field Inspector Jill M. Oxley be and hereby is authorized to attend the Valuation of Manufactured Home Parks seminar being held on December 2, 2016, in Corning, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XI. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to waive the rules to include the following Resolutions: 2016-634, 2016-635, 2016-636. Motion Carried.



## 1. RESOLUTION 2016-634

### Negative SEQR Declaration - 93 Maryvale Drive

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

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, an application was submitted by For the Love of Cooking, LLC for the rezoning of an existing motor repair facility at 93 Maryvale Drive from CM- General Commercial to MS- Motor Service, 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, the Town of Cheektowaga Planning Board recommended approval of the rezoning request site plan at their meeting of March 14, 2013, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending its approval, AND

WHEREAS, the Environmental Advisory Committee is recommending a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-635

### Approval of Rezoning of 93 Maryvale Drive

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

WHEREAS, For the Love of Cooking, LLC petitioned for a rezoning from CM- General Commercial to MS-Motor Services District for property owned by them and located at 93 Maryvale Drive, Cheektowaga, New York, which property is described in the attached legal description, to permit the re-use of an existing motor vehicle repair building for minor motor vehicle repairs, 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 For the Love of Cooking, LLC for the rezoning from CM- General Manufacturing to MS-Motor Services District of the property described in the attached legal description for the re-use of an existing motor vehicle repair building for minor motor vehicle repairs be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that any future motor service uses which are not for minor motor vehicle repair, including collision work, as well as, the other uses permitted in the MS- Motor Service zoning district; a special use permit must resubmitted to the Town Board to determine whether the new motor service use is substantially in agreement with the intent of this rezoning 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 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-636

## Upgrade of Pay (Denise Zielonka) Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Denise Zielonka, is currently employed as a part-time Clerk in the Police Department at the hourly rate of \$9.00 an hour; AND

WHEREAS, the Police Department wishes to increase her hourly wage to \$9.25 an hour; NOW, THEREFORE, BE IT

RESOLVED, that Denise Zielonka, of Cheektowaga, New York, be and hereby is to be paid \$9.25 an hour effective November 22, 2016.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to amend the resolution to change hourly wage to \$10.00 an hour. Motion Carried.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to amend the resolution to change effective date to November 7, 2016. Motion Carried.

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Christine Adamczyk, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## XII. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Planning Board - November 10, 2016
2. Minutes: Cheektowaga Traffic Safety Commission - November 15, 2016

### B. General Communications

1. Notice of Claim: Joseph Chojnacki Jr. vs. Town of Cheektowaga
2. Notice of Claim: Kathleen Czerniejewski vs. Town of Cheektowaga
3. Notice of Claim: Sara Davila vs. Town of Cheektowaga

4. **Summons: Susan & Louis DeMaioribus vs. Town of Cheektowaga**

**XIII. Comments**

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

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

***C. Public Comments***

**XIV. Adjournment**

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to adjourn the meeting at 7:35 PM.

Project No. 201600250

**ERIE COUNTY WATER AUTHORITY  
DOMESTIC SERVICE AGREEMENT**

**AN AGREEMENT** between the **ERIE COUNTY WATER AUTHORITY**, a public benefit corporation of the State of New York, a party of the first part, hereinafter referred to as the "Authority" and **TOWN OF CHEEKTOWAGA**, Town Hall, 3301 Broadway, Cheektowaga, NY 14227, party of the second part is applying for a four (4") inch domestic service at 2600 Harlem Road, Town of Cheektowaga, New York; said tap is located off an eight (8") inch watermain in an easement west of Ridge Park Avenue; said connection will be located approximately 180 feet west of the centerline of Ridge Park Avenue.

Applicant will simultaneously with the execution and delivery of this agreement submit a check in the amount of \$9,700.00 made payable to the Erie County Water Authority; said sum being the estimated cost only (including contingency markup and roundup if applicable) of the four (4") inch connection at **2600 Harlem Road, Town of Cheektowaga, New York**. This estimated amount is based on the work being installed by January 31, 2017.

Applicant agrees to pay to the Authority the entire cost of the work including all indirect costs such as the Authority's most recent audited overhead rate to cover administrative costs of the aforesaid installation of the domestic service. If the entire cost of the work exceeds the estimated cost thereof as defined above, the Applicant shall pay the difference between the entire and estimated cost to the Authority. However, should the entire cost of the abovementioned installation advanced by the Applicant be less than the estimated cost thereof, the Authority will refund the difference between said amounts to the Applicant.

It is also agreed that the aforesaid connection will be furnished and used under and pursuant to the Rules in the Authority's Tariff as now on file at the Office of the County Clerk of Erie County, and any modifications, alterations or amendments thereof as may be made from time to time, which are hereby made a part of this Agreement, and upon the following expressed conditions:

1. This connection is to be used for domestic and fire purposes only, no connection with any source of water supply not approved by the Department of Health of the State of New York, and the Erie County Water Authority.
2. Any authorized representative of the Authority shall have free access to the premises of the party of the second part at any reasonable time for the purpose of inspecting the said connection.

3. Violation by the party of the second part of any of the conditions of this Agreement or of the Authority's rules, and so forth, shall terminate the same and the Authority may disconnect the pipe or shut off the supply of water.
4. The party of the second part agrees to pay for services rendered under this contract the rates and charges under terms set forth in Service Classification No. 1 and 1-A of the Authority's Tariff. If at any time the party of the second part elects to change the terms of this contract with respect to size of connection, this contract shall be modified accordingly or a new contract shall be executed. The charges set forth in Service Classification No. 1 and 1-A in the Authority's Tariff are subject to change from time to time as rates may be modified.
5. In the interest of public health the Authority will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water supply not approved by the Department of Health in the State of New York. In conformance with Part 5 of the New York State Sanitary Code, the Authority has implemented a Cross Connection Control Program and shall not permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals, or any other matter which might flow back into the Authority's service pipe or mains and consequently endanger the water supply without the installation of a proper backflow prevention device as specified by the New York State Department of Health, at a location approved by the Authority.
6. This Agreement constitutes the entire Agreement between the parties and supercedes all prior or other agreements and representations, oral or in writing. Neither this Agreement nor any term, covenant, provision or condition may be changed, waived, discharged or terminated orally or in any manner other than an instrument in writing executed and acknowledged by the party against whom the enforcement of the change, waiver, discharge or termination is sought.
7. All the terms, covenants, provisions, conditions and agreements hereinabove set forth or provided for shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, distributees, executors, administrators, successors and assigns.

**IN WITNESS WHEREOF**, the **ERIE COUNTY WATER AUTHORITY** has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officers and the Applicant has hereunto set his hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2016.

**TOWN OF CHEEKTOWAGA**

\_\_\_\_\_

**ERIE COUNTY WATER AUTHORITY**

\_\_\_\_\_

**EARL L. JANN  
CHAIRMAN**

Attachment: ECWA Agreement (RES-2016-626 : ECWA Domestic Service Contract)





# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, December 5, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on December 5, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Kevin Godzich, General Crew Chief, Central Garage  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Kerry Peek, Senior Services Director  
Mark Wegner, Highway Superintendent

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, seconded by Councilmember Kaminski to approve minutes. Motion carried.

1. Resolution 2016-637 acted upon out of sequence, prior to public comment period. Resolution located under Article IX - Resolutions.

**VII. Public Comment Period**

**VIII. Presentation**

**IX. Resolutions**



## 1. RESOLUTION 2016-637

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 5, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$5,076,503.25
RISK RETENTION FUND	64,935.79
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	19,250.00
SPECIAL DISTRICTS FUND	849,067.00
HIGHWAY FUND	709,277.89
CAPITAL FUND	270,308.97
TRUST & AGENCY FUND	2,860.00
HUD CDBG FUND	76,600.59
PART TOWN FUND	141,723.74
NYS AFFORDABLE HOUSING	17,926.00
	<hr/>
	\$7,228,453.23

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-638

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### Call For Public Hearing To Amend the Landlord Licensing Law

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

WHEREAS, on March 4, 2013, the Town Board adopted Local Law No. 1 of the Year 2013 entitled "A Local Law Relating to Landlord Licensing", AND

WHEREAS, there is a need to amend this local law to require the licensing of landlords who rent out a dwelling unit(s) in any residence regardless of the number of dwelling units in the building, owner occupied or non-owner occupied, AND

WHEREAS, compliance to submit an acceptable application shall not be required if a foreclosure action or estate proceeding is commenced, AND

WHEREAS, a five hundred dollar fine per licensing period for an unacceptable application submitted does not negate the requirement to comply, AND

WHEREAS, an owner or property manager can submit petition for eviction information to cease additional fines, AND

WHEREAS, the law will not follow an "activity year" when imposing fines at the same dwelling unit with the same renter, AND

WHEREAS, an amendment to the Landlord Licensing Law has been drafted to accomplish this purpose, 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 19th day of December, 2016 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. 2016-6 of the Year 2016, entitled "A Local Law to Amend the Landlord Licensing 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 19th day of December, 2016 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2016-6 of the Year 2016 entitled "A Local Law to Amend the Landlord Licensing Law". A summary of such Local Law is as follows:

**LOCAL LAW INTRO NO. 2016-6 OF THE YEAR 2016**

**A LOCAL LAW TO AMEND THE LANDLORD LICENSING LAW**

The purpose of this law is to expand the landlord licensing requirement to owner occupied or non-owner occupied properties to obtain a rental housing business license from the Town of Cheektowaga in order to lease their properties.

Also, this law would change the fine imposed for not submitting an acceptable application from "Five hundred dollars for each thirty day period" to a "Five hundred dollar fine per licensing period" an acceptable application is submitted; payment of such fine(s) does not negate the requirement to comply with the provisions of Local Law Section 194.

Also, this law would change section 194-4 A. to delete "and issues a police report for same".

Also, this law would delete the current section 194.4 C.

Also, this law would change 194-4 B. to 194-4 C. and add the wording "petition for eviction" and "for the same renter".

Also, this law would change 194.4 B. to read "Fines as specified above shall be imposed separately for multiple incidents occurring in the same day.

Also, this law would change 194-8 Applicability to read "This laws shall be applicable to all rental dwellings owner occupied or non-owner occupied located in the Town of Cheektowaga outside of the villages of Depew and Sloan.

A copy of the entire text of Local Law Intro No. 2016-6 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: December 1, 2016

Vickie Dankowski, Town Clerk

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-639

## Negative SEQR Declaration - 550 Cayuga Road Life Storage, Inc.

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

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, an application was submitted by Life Storage Inc. for demolition of two self-storage buildings totaling 14,500 s.f. in area at 550 Cayuga Road and the construction of a two story 19,485 s.f. climate controlled self-storage building, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of November 9, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 2, 2016 recommended a determination of non-significance, 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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 4. RESOLUTION 2016-640

### Accept Site Plan-550 Cayuga Road Life Storage, Inc.

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

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, Life Storage, Inc. submitted a development review application for the demolition of two self-storage buildings totaling 14,500 s.f. in area at 550 Cayuga Road and the construction of a two story, 19,485 s.f. climate controlled self-storage building, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of November 10, 2016 and have recommended approval thereof, AND

WHEREAS, the proposed building requires an area variance from the Cheektowaga Zoning Board of Appeals, as the proposed building exceeds the (15) foot building height due to its proximity to the Buffalo Niagara International Airport, AND

WHEREAS, on November 16, 2016 the Cheektowaga Zoning Board of Appeals granted the necessary area variance, AND

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) and the Federal Aviation Administration (FAA) have both reviewed the applicant's proposed building plans and have concurred that the building will not present a hazard to Air Navigation, 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.

Attachments:

NFTA Reply (PDF)

FAA Determination (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 5. RESOLUTION 2016-641

### Purchase of Two 2017 Ford Focuses for Central Garage

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, Central Garage has requested authorization to purchase two 2017 Ford Focuses, AND

WHEREAS, the New York State Thruway Authority solicited bids for the purchase of commercial vehicles and trucks for use by them, AND

WHEREAS, New York State General Municipal Law, Section 103, authorizes the purchase by the Town of vehicles 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 allowing "piggybacking" off the New York State Thruway Authority bid, AND

WHEREAS, the Thruway Authority's bid documents and award contained such provisions, AND

WHEREAS, a local vendor, Delacy Ford, Inc., was a successful bidder and was awarded the bid by the New York State Thruway Authority under Contract Number PC-66774 and is an authorized dealer for Ford Vehicles, AND

WHEREAS, the Town of Cheektowaga solicited a quotation from Delacy Ford, Inc. for said vehicles, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of two 2017 Ford Focuses from

Delacy Ford, Inc.  
3061 Transit Road  
Elma, New York 14059

through the contract awarded by the New York State Thruway Authority State Contract Number PC-66774, for a price not to exceed the sum of \$32,617.44 and, BE IT FURTHER

RESOLVED, that moneys for said purchases shall be appropriated from account number 100-1640-2502 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents to effectuate the purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 6. RESOLUTION 2016-642

### Private Sale of Town Property

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Town of Cheektowaga owns a 2003 International High Velocity Sewer Cleaning Truck which is surplus to the needs of the Town, AND

WHEREAS, said truck was part of an auction that failed to yield a reasonable bid during auction, AND

WHEREAS, Cicero Septic, Inc. d/b/a Hahn's Septic Tank Service has offered to purchase the truck from the Town for \$21,000.00 of which the Town views as adequate consideration, AND

WHEREAS, this is not an impermissible use of public property under Article VIII § 1 of New York State's Constitution and because Town Law permits private negotiations for sale of surplus property, AND

WHEREAS, Cicero Septic, Inc. d/b/a Hahn's Septic Tank Service does not have any relationship with the Town or its subsidiaries, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to sell the 2003 International High Velocity Sewer Cleaning Truck to Cicero Septic, Inc. d/b/a Hahn's Septic Tank Service for \$21,000.00 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to transfer said truck to Cicero Septic, Inc. d/b/a Hahn's Septic Tank Service subject to the approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 7. RESOLUTION 2016-643

### Extend Agreement For Pre-Hospital (Ambulance) Emergency Services

**Sponsored By:** Benczkowski, Adamczyk, Kaminski

WHEREAS, the Town's Agreement for Pre-Hospital Emergency Services with Rural/Metro Corporation, d/b/a/ Rural Metro Medical Services, expired on December 31, 2015, AND

WHEREAS, by Resolution 2015-689, adopted December 21, 2015, this Town Board extended said Agreement for a term of six (6) months, to and including June 30, 2016, pending the negotiation of an updated Agreement, AND

WHEREAS, by Resolution 2016-272, adopted May 2, 2016, this Town Board again extended said Agreement for a term of six (6) months, commencing July 1, 2016 and expiring December 31, 2016, pending the negotiation of an updated Agreement and for an evaluation of response times, AND

WHEREAS, response times have improved, AND

WHEREAS, Rural/Metro Corporation, d/b/a Rural Metro Medical Services was acquired by AMR on October 28, 2015 and is now known as AMR, NOW, THEREFORE, BE IT

RESOLVED, that the Town's Agreement with AMR, for Pre-Hospital Emergency Services be and hereby is further extended on its same terms and conditions for a period of one year, commencing January 1, 2017 and expiring on December 31, 2017 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an extension to the existing Agreement with AMR, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 8. RESOLUTION 2016-644

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### Authorize Supervisor To Execute Agreement with Polish Community Center of Buffalo, Inc.

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**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the United States Government, in accordance with the HOME Investment Partnerships Program, authorized by Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 (42 U.S.C. 12701-12839) (hereinafter referred to as the "Act") recognized the need to supplement private and public spending for housing in the nation's metropolitan centers and to expand the supply of decent and affordable housing, particularly homeownership housing, for low and very low income Americans (the "Program"), AND

WHEREAS, the Town of Cheektowaga is a participant in the Amherst- Cheektowaga-Tonawanda HOME Consortium, having an office located at Amherst Town Hall, 5583 Main Street, Williamsville, New York 14221, (hereinafter referred to as the "Consortium"), AND

WHEREAS, the Consortium receives an Entitlement allocation of HOME Investment Partnership Grant funds (herein referred to as the Grant), Catalogue of Federal Domestic Assistance No. 14.239 from the Department of Housing and Urban Development (herein referred to as HUD), AND

WHEREAS, through participation in the Consortium the TOWN is the recipient of HOME Investment Partnerships Program Funds from HUD, including funds that are reserved for the use of Community Housing Development Organizations, AND

WHEREAS, rules and regulations of HUD which govern the Grant require the acquisition, rehabilitation and reconstruction of housing through a Community Housing Development Organization (herein referred to as CHDO), AND

WHEREAS, Polish Community Center of Buffalo, Inc., d/b/a Lt. Colonel Matt Urban Human Services Center of WNY, represents itself as an eligible CHDO under 24 Part 92.2 of the HOME regulations, AND

WHEREAS, the Polish Community Center of Buffalo, Inc. d/b/a Lt. Colonel Matt Urban Human Services Center of WNY has been certified with the Town as a CHDO, and has submitted a proposal for use of CHDO funds for a CHDO-eligible Project under the HOME regulations, AND

WHEREAS, the Town has previously contracted with the Polish Community Center of Buffalo, Inc., d/b/a Lt. Colonel Matt Urban Human Services Center of WNY, as a CHDO developer to acquire, rehabilitate and reconstruct housing in the Town of Cheektowaga, AND

WHEREAS, the CHDO desires to participate and receive HOME CHDO Operating funds for the purpose of implementing an eligible Project, AND

RESOLVED, that this Town Board hereby approves the agreement with the Lt. Col. Matt Urban Human Services Center of WNY for operating funds; and BE IT FURTHER

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

the CHDO Operating agreement with the Polish Community Center, Inc., d/b/a the Lt. Col. Matt Urban Human Service Center of WNY, 1081 Broadway, Buffalo, NY 14212, subject to review and approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 9. RESOLUTION 2016-645

### Authorize Supervisor To Execute Agreement with Make Communities

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga Office of Community Development wishes to have professional planning assistance to determine neighborhood needs through identification and engagement of citizen constituent groups required under the regulations of its HUD Community Development Block Grant (CDBG) program and its approved Citizen Participation Plan, AND

WHEREAS, HUD allows the utilization of CDBG funds for such planning activities, AND

WHEREAS, Make Communities has submitted a proposal to perform said work and is willing to perform the Consulting services, AND, BE IT

RESOLVED, that the proposal of Make Communities, 74 Edward Street, Buffalo, NY 14202 dated October 28, 2016 as submitted to the Director of Community Development for consulting services for Assessing the Potential for Community Engagement is accepted and approved, AND, BE IT FURTHER

RESOLVED, that this Town Board hereby approves the agreement with Make Communities for consulting services AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Make Communities subject to review and approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 10. RESOLUTION 2016-646

### Authorize Supervisor to Execute Memorandum of Understanding with Peer Connection for use of the Senior Center Conference Room

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town Board of the Town of Cheektowaga is very concerned for the families and the loved ones of those afflicted with drug addiction, AND

WHEREAS, Mental Health Peer Connection's Critical Response Team which is an OASAS and OMH funded initiative that conducts meetings to inform families and loved ones of resources throughout Erie County that will help them deal with a family member or loved one who suffers from substance use disorders, AND

WHEREAS, substance abuse disorder has reached epidemic proportion with the recent spike in opiate/heroin overdoses, AND

WHEREAS, community leaders along with state and federal governments have been trying to combat this crises through intervention at all levels of treatment and recovery programs, including Family and Caregiver Support, AND

WHEREAS, PEER Connection has requested the use of the conference room located in the Cheektowaga Town Senior Center for the 4<sup>th</sup> Wednesday of each month from 6:30 - 8:30 pm beginning on December 28, 2016 to conduct such meetings, AND

WHEREAS, the Cheektowaga Town Attorney's Office has prepared a Memorandum of Understanding between the Town of Cheektowaga and PEER Connection regarding the use of the Senior Center conference room to conduct such meetings at the aforementioned times and place, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Memorandum of Understanding with PEER Connection.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 11. RESOLUTION 2016-647

### Establish 2017 Program Fees for Youth & Recreation

**Sponsored By:** Councilmember Kaminski, 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 2016 FEEES

#### RESIDENT DISCOUNT CARDS

CHILDREN (7 - 15 YEARS OF AGE)	\$ 7.00 (\$5)
ADULT (16 - 59 YEARS OF AGE)	\$10.00 (\$7)
SENIORS (60 YEARS OF AGE AND OLDER)	\$ 5.00 (FREE)

#### CAMP DARTWOOD, CAMP FLAMINGO & TEEN CLUB

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$828 (\$803)	\$967 (\$938)
PER CHILD WEEKLY	\$148 (\$143)	\$171 (\$166)
SECOND CHILD ALL 6 WEEKS	\$807 (\$783)	\$946 (\$918)
SECOND CHILD WEEKLY	\$142 (\$137)	\$167 (\$160)
THREE (3) DAYS PER WEEK	\$137 (\$133)	\$161 (\$156)

#### YOUTH IN TRAINING

RESIDENT	NON-RESIDENT
\$285 (\$197)	\$318 (\$232)

#### CAMP JI-IK-DO-WAH-GAH/CAMP CRABAPPLE

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$828 (\$803)	\$967 (\$938)
PER CHILD WEEKLY	\$148 (\$143)	\$171 (\$166)
SECOND CHILD ALL 6 WEEKS	\$807 (\$783)	\$946 (\$918)
SECOND CHILD WEEKLY	\$142 (\$137)	\$167 (\$160)
THREE (3) DAYS PER WEEK	\$137 (\$133)	\$161 (\$156)

#### ADAPTED RECREATION PROGRAM – FALL 2017

	RESIDENT	NON-RESIDENT
JANUARY – APRIL	\$155 (\$149)	\$181 (\$175)
OCTOBER - APRIL	\$ 266 (\$258)	\$299 (\$289)

#### SPECIAL OLYMPICS ONLY

	RESIDENT	NON-RESIDENT
OCTOBER-MAY	\$60 (\$60)	\$60 (\$60)
JANUARY-MAY	\$34 (\$34)	\$34 (\$34)

**BREAK CLUBS**

	RESIDENT	NON-RESIDENT
4 DAYS	\$128 (\$116)	\$140 (\$128)
SECOND CHILD	\$120 (\$107)	\$132 (\$120)
5 DAYS	\$160 (\$144)	\$175 (\$160)
SECOND CHILD	\$150 (\$134)	\$165 (\$150)
SINGLE DAY	\$32 (\$29)	\$35 (\$32)
SECOND CHILD	\$30 (\$27)	\$33 (\$30)

**HOME WORK HELPERS – FALL 2017  
PER HOUR**

RESIDENT	NON-RESIDENT
\$12 (\$11)	\$12 (\$11)

**GIRL POWER**

RESIDENT	NON-RESIDENT
\$52 (\$49)	\$62 (\$59)

**GYMNASTICS 2017****BEGINNERS/JUST A BACK HANDSPRING/FLOOR EXERCISE & TUMBLING**

RESIDENT	NON-RESIDENT
\$6 PER CLASS	\$7 PER CLASS

**TINY TUMBLERS**

RESIDENT	NON-RESIDENT
\$5 PER CLASS	\$6 PER CLASS

**INTRO TO ADVANCED GYMNASTICS / ADVANCED I & II**

RESIDENT	NON-RESIDENT
\$7 PER CLASS	\$8 PER CLASS

**OPEN WORKOUT**

RESIDENT	NON-RESIDENT
\$7 (\$7)	\$7 (\$7)

**PRIVATE LESSON**

\$14 (\$13)	\$14 (\$13)
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**PRIVATE LESSON (NOT REGISTERED IN GYMNASTICS CLASS)**

RESIDENT	NON-RESIDENT
\$17 (\$16)	\$1 (\$16)

**PILATES & FLEXIBILITY**

RESIDENT	NON-RESIDENT
\$46 (\$20)	\$51 (\$30)

**ADULT EXERCISE (CLEVELAND HILL)  
FULL YEAR (2X A WEEK)**

RESIDENT	NON – RESIDENT
\$103 (\$100)	\$113 (\$100)

**WALK IN - \$3 PER DAY****SWIMMING – SUMMER-FALL-WINTER**

	RESIDENT	NON-RESIDENT
YOUTH	\$41 (\$41)	\$51 (\$51)
SECOND CHILD	\$38 (\$38)	\$48 (\$48)
PARENT/INFANT	\$30 (\$30)	\$40 (\$40)
SECOND CHILD	\$27 (\$27)	\$37 (\$37)
PRE-SCHOOL	\$30 (\$30)	\$40 (\$40)
SECOND CHILD	\$27 (\$27)	\$37 (\$37)
WATER AEROBICS	\$41 (\$41)	\$51 (\$51)
ADULT	\$41 (\$41)	\$51 (\$51)

GUARD START	\$41	(\$41)	\$51	(\$51)
DAILY USER FEE (All Pools) (without Membership Card)	\$10	(\$7)	\$10	(\$7)
EVENING SWIM LESSONS	\$41	(\$41)	\$51	(\$51)
YOUTH	\$41	(\$41)	\$51	(\$51)
SECOND CHILD	\$38	(\$38)	\$48	(\$48)
YOUTH SWIM LESSONS – 5 WEEKS	\$25	(\$25)	\$31	(\$31)
SECOND CHILD	\$23	(\$23)	\$29	(\$29)

**LIFEGUARD TRAINING** \$148 (\$141) \$188 (\$181)

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 10 CLASSES

SUMMER	RESIDENT	NON-RESIDENT
YOUTH	\$40 (\$38)	\$50 (\$48)
SECOND CHILD	\$35 (\$33)	\$45 (\$43)

### WEE THREE-TWICE THE FUN SEPT. 2017-18

<b>RUNS - 2<sup>ND</sup> WEEK OF SEPT TILL END OF MAY BEFORE MEMORIAL DAY</b>			
FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT	
PER CHILD	\$480 (\$470)	\$520 (\$510)	
SECOND CHILD	\$430 (\$420)	\$470 (\$460)	

### MOM & ME FOR 2's and 3's – FALL 2016

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER CHILD	\$38 (\$36)	\$43 (\$39)
SECOND CHILD	\$34 (\$31)	\$39 (\$34)

	RESIDENT	NON-RESIDENT
<b>ARTIST IN YOU : PAINTING</b>	\$27 (-)	\$29 (-)
<b>ARTIST IN YOU : CRAFTING</b>	\$27 (-)	\$29 (-)

### PUBLIC SKATE

FALL/WINTER		
GENERAL ADMISSION	\$5	(\$5)
	<b>W/ RESIDENT DISCOUNT CARD</b>	
CHILDREN 3 AND UNDER	FREE	(FREE)
CHILDREN 4 TO 15	\$3	(\$3)
ADULTS 16 AND UP	\$4	(\$4)
BIRTHDAY PARTIES	\$8.00 PER PERSON	(\$8.00)
SCHOOL TIME SKATES	\$4.00 PER PERSON	(\$4)
SENIOR CITIZENS	\$2	(\$2)

### LEARN TO SKATE (PER INDIVIDUAL) 2017 FALL SECOND CHILD!

	RESIDENT	NON-RESIDENT
FALL	\$57 (\$52)	\$75 (\$72)
SECOND CHILD	\$52	\$70
WINTER/SPRING	\$47 (\$42)	\$65 (\$62)
SECOND CHILD	\$42	\$60

**ICE HOCKEY – 2016-2017**

FALL/ WINTER	RESIDENT				NON-RESIDENT	
	HOUSE	TRAVEL			HOUSE	TRAVEL
NOVICE	\$500	(\$500)	N/A		\$700	(\$700) N/A
MITE	\$500	(\$500)	N/A		\$700	(\$700) N/A
SQUIRT	\$600	(\$600)	\$750	(\$750)	\$800	(\$800) \$950(\$950)
PEE WEE	\$650	(\$650)	\$800	(\$800)	\$850	(\$850) \$1,000(\$1000)
BANTAM	\$700	(\$700)	\$850	(\$850)	\$900	(\$900) \$1050 (\$1050)
MIDGET	\$800	(\$800)	\$600	(\$600)	\$1000	(\$1000) \$750 (\$750)

- \$100 DISCOUNT FOR BALANCE(S) PAID IN FULL BY OCTOBER 15, 2017
- (FOR BANTAM & BELOW) MIDGET AUGUST 1, 2017
- 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
- HEAD COACH RECEIVES A \$200 DISCOUNT

**ICE RENTALS**

FALL/ WINTER			
PER HOUR	PRIME TIME	\$195 (\$190)	5:00pm-11:00pm M-F All day Sat and Sun and Holidays
	NON-PRIME	\$165 (\$160)	8:00am- 5:00pm M-F – Except holidays

**SPORT COURT RENTALS**

PER HOUR	\$85	(\$80)
PER HOUR AND HALF	\$105	(\$100)
PER 2 HOURS	\$140	(\$135)

**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	(\$40)	\$55	(\$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 1<sup>ST</sup> GAME

\*\*\$150 for Jerseys (Optional)

HIGH SCHOOL IN LINE	\$625	(\$625)	\$700	(\$700)
MIDGET 18U & 16U	\$625	(\$625)	\$700	(\$700)

\*\*INCLUDES REFEREE\*\* 80% OF TEAM MUST BE RESIDENTS FOR RESIDENT RATE

**STREET HOCKEY FESTIVAL**

RESIDENT	NON-RESIDENT
\$125 (\$120)	\$140 (\$135)

**YOUTH SOCCER**

SUMMER CHILD	RESIDENT	NON-RESIDENT
	\$61 (\$58)	\$77 (\$74)

**ADULT INDOOR SOCCER 2016**

ADULT, JUNIORS, MIDGET	\$575 (\$560)	\$640 (\$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 1<sup>ST</sup> GAME\*\*

<b>ALL STAR-ALL SPORTS</b>	\$85 (\$80)	\$95 (\$90)
<b>START SMART SOCCER</b>	\$51 (\$48)	\$66 (\$63)
<b>START SMART BASEBALL</b>	\$68 (\$63)	\$78 (\$73)
<b>START SMART BASKETBALL FALL 2016</b>	\$68 (\$63)	\$78 (\$73)

**YOUTH BASKETBALL 2016 - 2017**

FALL/ WINTER PER PARTICIPANT	RESIDENT	NON-RESIDENT
	\$58 (\$53)	\$68 (\$63)

**ADULT BASKETBALL – FALL 2016**

PER TEAM	\$165 (\$160)
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\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

**YOUTH BOWLING LEAGUE (WITH INSTRUCTION)**

RESIDENT	NON-RESIDENT
\$115 (\$115)	\$125 (\$115)

**VOLLEYBALL (teams pay referee fees each week)**

FALL 2017 INDOOR FALL/ WINTER SESSIONS I & II (Monday, Thursday & Friday)

\$270 (\$260) per team

**SUMMER**

OUTDOOR LEAGUE \$170 (\$160) per team

\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

**DIAMOND PERMITS**

SUMMER (per 2 hour time block)	RESIDENT	NON-RESIDENT
NO LIGHTS	\$65 (\$60)	\$85 (\$80)
LIGHTS	\$95 (\$90)	\$110 (\$105)
13 WEEK SERIES		
NO LIGHTS	\$490 (\$475)	\$720 (\$700)
LIGHTS	\$800 (\$775)	\$975 (\$950)

Additional games added to 13-week series are charged at the regular 2-hour block rate

**SOCCER / FOOTBALL FIELD RENTAL**

	RESIDENT	NON-RESIDENT
PER TWO HOUR TIME BLOCK	\$75 (\$70)	\$90 (\$85)

**VOLLEYBALL COURT RENTAL**

	RESIDENT	NON-RESIDENT
1 COURT PER TWO HOUR BLOCK	\$55 (\$50)	\$75 (\$70)

**PICNIC PAKS**

\$20 (\$20) REFUNDABLE DEPOSIT \$20 (\$20) RENTAL FEE

**TENNIS COURT RENTAL**

	RESIDENT	NON-RESIDENT
1 HOUR BLOCK	\$20 (\$15)	\$35 (\$30)

**ADULT SOFTBALL LEAGUES**

SUMMER	LEAGUE	LEAGUE
	RESIDENT	NON-RESIDENT
CO-ED	\$380 (\$370)	\$460 (\$450)
WOMEN'S	\$380 (\$370)	\$460 (\$450)
MEN'S	\$380 (\$370)	\$460 (\$450)
MEN'S OVER 40	\$380 (\$370)	\$460 (\$450)
WOODEN BAT LEAGUE	\$320 (\$310)	\$320 (\$310)
FALL – ALL LEAGUE	\$200 (\$200)	\$200 (\$200)

\*\*ALL TEAMS ARE RESPONSIBLE FOR PAYING THE UMPIRE FEES EACH WEEK

\*\*THE \$25 ASA FEE WILL BE INCLUDED WITH THE REGISTRATION FEE

\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

**KICKBALL LEAGUES**

SUMMER	LEAGUE	LEAGUE
	RESIDENT	NON-RESIDENT
(CO-ED TUES/THURS)	\$265 (\$265)	\$265 (\$265)

**CHEEKTOWAGA FILM ACADEMY**

MON-WED-FRI CLASS	RESIDENTS	NON-RESIDENTS
	\$80 (\$80)	\$90 (\$80)

**BROADWAY YOUTH GOLF**

TUESDAYS	RESIDENTS	NON-RESIDENTS
	\$93 (\$93)	\$103 (\$103)

**CULTURAL CENTER (BAND SHELL) LOCATED IN TOWN PARK**

THE RENTAL FEE IS FOR FOUR HOURS ANY TIME PRIOR TO OR AFTER THE SPECIFIED RENTAL TIME THE RENTER IS RESPONSIBLE FOR THE COSTS OF KEEPING STAFF ON.

**RESIDENTS**

\$400 for a four hour period. Additional hours before or after the specified rental time will be billed at \$125 per hour.

NON-RESIDENTS

\$800 for a four hour period. Additional hours before or after the specified rental time will be billed at \$195 per hour.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 12. RESOLUTION 2016-648

### Retain Foreign Language Interpreters 2017

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

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, for calendar year 2017, 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 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 13. RESOLUTION 2016-649

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## Retain Stenographers for the Calendar Year 2017

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is 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 2017 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 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 14. RESOLUTION 2016-650

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### Travel Authorization Police Department

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**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Heroin/Opioid Prevention and Investigation Seminar is being held January 27, 2017, in Hamburg, New York, AND

WHEREAS, Lieutenant Thomas Gerace and Detectives John Skonecki, Kevin Schmitt, Robert Laskowski and Michael Pilat, 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 \$415, AND

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

RESOLVED, that Lieutenant Thomas Gerace and Detectives John Skonecki, Kevin Schmitt, Robert Laskowski and Michael Pilat be and hereby are authorized to attend the Heroin/Opioid Prevention and Investigation Seminar being held January 27, 2017, in Hamburg, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 15. RESOLUTION 2016-651

### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, Patrol Officer Survival Training is being held December 19, 2016 through December 20, 2016 in Oriskany, New York, AND

WHEREAS, Police Officer Matthew Maggio 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 \$64, AND

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

RESOLVED, that Police Officer Matthew Maggio be and hereby is authorized to attend the Patrol Officer Survival Training being held December 19, 2016 through December 20, 2016 in Oriskany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christine Adamczyk, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## X. Suspension of Rules

Motion by Councilmember Hammer, Seconded by Councilmember Adamczyk to waive the rules to include the following resolutions: 2016-652, 2016-653 and 2016-654. Motion carried.
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## 1. RESOLUTION 2016-652

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### **Authorize Supervisor to Execute Agreement with Erie County for the Stay Fit Dining Program for the Elderly**

**Sponsored By:** Councilmember Kaminski, Councilmember Adamczyk

WHEREAS, the Town of Cheektowaga, in concert with the County of Erie, has for years been operating the Stay Fit Program for the elderly, 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 Stay Fit Program for the Year 2017, AND

WHEREAS, the Town of Cheektowaga wishes to continue to offer this service to our Town residents, NOW, THEREFORE, BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



## 2. RESOLUTION 2016-653

### Authorize Supervisor to Execute Agreement for Nutrition Program for the Elderly for 2017

**Sponsored By:** Councilmember Kaminski, Councilmember Adamczyk

WHEREAS, the Town of Cheektowaga operates nutrition programs for the elderly at the

Infant of Prague Parish, 921 Cleveland Drive  
 Cayuga Village Senior Housing, L.P., 100 Hutchens Drive  
 Maryvale East Management Corp., 100 Moorman Drive  
 Bell Tower Senior Apartments, 893 French Road/42 Haley Lane  
 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 2017, 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 2017, NOW, THEREFORE, BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer



### 3. RESOLUTION 2016-654

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## Authorize Supervisor to Execute Agreement with Elderly for Transportation Services for the Elderly

**Sponsored By:** Councilmember Kaminski, Councilmember Adamczyk

WHEREAS, the Town of Cheektowaga, in concert with the County of Erie, has for years been operating a transportation program for the elderly utilizing vans, AND

WHEREAS, the County of Erie has prepared and submitted to the Town an agreement between the Town of Cheektowaga and the County of Erie relative to the operation of said transportation program for the Year 2017, and

WHEREAS, the Town of Cheektowaga wishes to continue to offer this service to our Town residents, NOW, THEREFORE, BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer

## **XI. Communications**

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

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

## **XII. Comments**

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

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

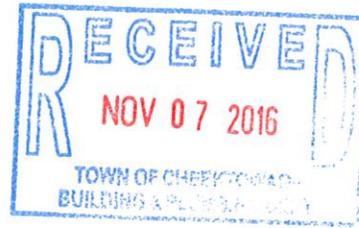
### ***C. Public Comments***

## **XIII. Adjournment**

Motion by Councilmember Hammer, Seconded by Councilmember Adamczyk to adjourn meeting at 7:26 PM.

Vickie L. Dankowski

Town Clerk



November 1, 2016

**BUFFALO NIAGARA**  
INTERNATIONAL AIRPORT

4200 Genesee Street  
Buffalo, New York 14225  
716-630-6000  
Fax: 716-630-6070  
www.buffaloairport.com

Daniel J. Ulatowski, ACIP  
Cheektowaga Zoning & Planning Department  
275 Alexander Avenue, 2<sup>nd</sup> Floor  
Cheektowaga, NY 14227

Re: Application for development review. Life Storage (Site #538 – Buffalo, NY). 550 Cayuga Road, Cheektowaga, NY. GPI Job No. BUF-2015049.06

Dear Mr. Ulatowski,

The subject project was reviewed and the BNIA has the following comments:

- 1) The proposed project has already received the Determination of No Hazard to Air Navigation from the FAA. However, as noted in the document you must complete the 7460-2 Part 2 within 5 days after the construction reaches its greatest height.

The web site: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

- 2) Please note that when any lighting is added to a site, potential pilot glare must be considered in design and placement of lighting fixtures.
- 3) Regardless of the FAA Determination, the Air Traffic Control Tower (ATCT) should be notified 72 hours in advance of any construction (633-0665) in order to advise the FAA Tower of planned work.

BNIA has no further concerns with the project, should you have any questions feel free to call me at 716-630-6133.

Sincerely,

Samantha Brenzel  
Sr. Aviation Planner

Attachment: NFTA Reply (RES-2016-640 : Accept Site Plan - 550 Cayuga Road)



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No  
 2016-AEA-8766-OE

9.4.b

Issued Date: 10/20/2016

Timothy MacVittie  
 Life Storage Inc.  
 6467 Main Street  
 Buffalo, NY 14221

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Life Storage-Climate Controlled Self Storage  
 Location: Cheektowaga, NY  
 Latitude: 42-56-47.02N NAD 83  
 Longitude: 78-44-42.64W  
 Heights: 700 feet site elevation (SE)  
 30 feet above ground level (AGL)  
 730 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 04/20/2018 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (817) 222-5922. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-AEA-8766-OE.

**Signature Control No: 305199092-307918905**  
Debbie Cardenas  
Technician

( DNE )



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Monday, December 19, 2016

6:45 PM

Council Chambers

### I. Pledge of Allegiance

### II. Moment of Silence for Our Veterans

### III. Invocation

### IV. Call to Order

6:45 PM Meeting called to order on December 19, 2016 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	
Alice Magierski	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Robert Brandon, Zoning Board Chairman  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Marthe Jane Bwalya Ngwashi, Town Attorney  
Mark Wegner, Highway Superintendent

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Meyers to approve the minutes. Motion Carried.

## VII. Public Comment Period

## VIII. Public Hearings

1. **Special Use Permit Request -  
1259 Cleveland Drive**

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

2. **Amend the Landlord Licensing Law**

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

## IX. Presentation

1. **National Weather Service Storm Ready**

## X. Resolutions



## 1. RESOLUTION 2016-655

### Appointment to Councilmember Vacancy

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Councilmember as a result of Diane Benczkowski being elected Supervisor of the Town of Cheektowaga, AND

WHEREAS, Alice Magierski was elected to fill said vacancy by the voters of the Town of Cheektowaga during the general election in November, 2016, AND

WHEREAS, Alice Magierski meets all the requirements for the position of Councilmember for the Town of Cheektowaga, NOW, THEREFORE BE IT

RESOLVED, that Alice Magierski be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective immediately, at a salary established for such position, AND, BE IT FURTHER

RESOLVED, that such appointment shall be effective until December 31, 2017.

Motion by Councilmember Adamczyk, Seconded by Councilmember Hammer to act upon Resolution 2016-655 following the Call to Order.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer
<b>EXCUSED:</b>	Alice Magierski



## 2. RESOLUTION 2016-656

### Transfer of Funds

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

**GENERAL**

FROM:	100.1910.2680	Insurance Recoveries	\$4,297.73
	100.1110.4082	Business Travel	2,500.00
	100.1110.4592	Contracted Personnel	800.00
	100.7310.1971.1816	PT. Reg. Youth Conservation Corps	4,500.00
	100.7140.1971.1630	PT. Reg. Gymnastics Salaries	4,000.00
	100.7140.1971.1642	PT. Reg. Tennis Salaries	300.00
	100.7140.1971.1630	PT. Reg. Gymnastics Salaries	2,000.00
	100.7140.1971.1642	PT. Reg. Tennis Salaries	15.00
	100.7140.1971.1646	PT. Reg. Sports Camp Salaries	300.00
	100.7140.1971.1613	PT. Reg. Playgrounds Supervisor	2,500.00
	100.7310.1971.1816	PT. Reg. Youth Conservation Corps	10,000.00
	100.7310.1971.1804	PT. Reg. Administrative Interns	7,300.00
	100.7310.1971.1804	PT. Reg. Administrative Interns	4,100.00
	100.7310.1971.1816	PT. Reg. Youth Conservation Corps	1,000.00
	100.7140.1971.1648	PT. Reg. Arts/Crafts Rotation Salaries	3,550.00
TO:	100.1640.4447	Collision Repairs	\$4,297.73
	100.1110.4001	Office Expense	3,300.00
	100.7140.1971.1611	PT. Reg. Rink Personnel	4,500.00
	100.7140.1971.1627	PT. Reg. Volleyball Salaries	4,000.00
	100.7140.1971.1636	PT. Reg. Soccer Salaries	300.00
	100.7140.1971.1639	PT. Reg. Hockey Salaries	2,000.00
	100.7140.1971.1640	PT. Reg. In-Line Skating	15.00
	100.7140.1971.1654	PT. Reg. Basketball Salaries	300.00
	100.7140.1971.1654	PT. Reg. Basketball Salaries	2,500.00
	100.7140.1971.1664	PT. Reg. Pre-K Salaries	10,000.00
	100.7310.1971.1801	PT. Reg. Alexander Day Camp	7,300.00
	100.7310.1971.1803	PT. Reg. Adapted Rec. Program Sal.	4,100.00
	100.7310.1971.1811	PT. Reg. Youth Cons. Corps Supervisor	1,000.00
	100.7310.1971.1814	PT. Reg. Teen Center Initiative	3,550.00
HIGHWAY			
FROM:	300.5140.4293	Ash Tree Removal	\$31,828.79
	300.5110.4162	Gas & Oil	99,582.00
TO:	300.5141.1902	Overtime Payroll	\$31,828.79
	300.5130.2407	Misc. Highway Equipment	99,582.00

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Diane Benczkowski, Supervisor  
**SECONDER:**    Timothy J. Meyers, Councilmember  
**AYES:**         Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



### 3. RESOLUTION 2016-657

## Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 19, 2016 are hereby approved and made part hereof;

GENERAL FUND	\$6,034,333.21
RISK RETENTION FUND	2,460,752.21
NYS HOME PROGRAM	0.00
DEBT	18,514,486.99
HUD HOUSING REHABILITATION FUND	25,062.00
SPECIAL DISTRICTS FUND	1,874,259.64
HIGHWAY FUND	2,157,593.69
CAPITAL FUND	297,708.59
TRUST & AGENCY FUND	9,629.56
HUD CDBG FUND	73,014.05
PART TOWN FUND	231,338.13
NYS AFFORDABLE HOUSING	23,748.00
	<hr/>
	\$31,701,926.07

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



#### 4. RESOLUTION 2016-658

### Negative SEQR Declaration Part of 450 Sonwil Drive and SBL 92.19-7-25

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

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, an application was submitted by Sonwil Distribution Center, Inc. for the construction of two office/warehouse buildings having a total building area of 82,234 s.f. on vacant land which is part of 450 Sonwil Drive and SBL 92.19-7-25, 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, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of December 8, 2016, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on December 7, 2016 is recommending a determination of non-significance, 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).

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to amend Resolution to read "Pending approval of the Cheektowaga Zoning Board of Appeals on any and all variances needed."

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 5. RESOLUTION 2016-659

### Accept Site Plan Part of 450 Sonwil Drive and SBL 92.19-7-25

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

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, Sonwil Distribution Center, Inc submitted a development review application for the construction of two office/warehouse buildings having a total building area of 82,234 s.f. on vacant land which is part of 450 Sonwil Drive and SBL 92.19-7-25, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of December 8, 2016 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. Providing a truck turn around for the Highway Department for snow maintenance at the end of Sonwil Drive.
2. Providing the Town of Cheektowaga with an easement allowing for Town Highway Department access and snow deposition.
3. Providing the Asst. Town Engineer with evidence that a Nationwide Wetlands Permit has been issued prior to any impact to delineated wetlands.

Motion by Councilmember Rogowski, Seconded by Supervisor Benczkowski to amend the Resolution to read as follows: "Provision 4. Providing the Cheektowaga Zoning Board of Appeals approves any and all variances needed for the project."

Attachments:  
building elevations (PDF)

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Diane Benczkowski, Supervisor  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 6. RESOLUTION 2016-660

### Award of Bid - Custodial Supplies for 2017, 2018, 2019

#### (Bid 2016-29)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, bids were received on November 16, 2016 for the Supplying of Custodial Supplies for 2017, 2018 and 2019 , 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 2017, 2018, and 2019 be awarded to the following at the total bid price listed below:

		<u>TOTAL BID PRICE</u>	<u>VENDOR</u>
<b>CATEGORY I</b>	Paper Products	\$54.13 Inc./Del.	<b>Dobmeier</b>
<b>CATEGORY II</b>	Polyethylene Liners	\$46.81 Inc./Del.	<b>Dobmeier</b>
<b>CATEGORY III</b>	Cleaner/Disinfectant	\$239.28 Inc./Del.	<b>Dobmeier</b>
<b>CATEGORY IV</b>	Cleaner/Polishers	\$62.59 Inc./Del.	<b>HJS Supply</b>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 7. RESOLUTION 2016-661

### Award of Bid - 2017 Portable Chemical Toilets (Bid 2016 - 33)

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 7, 2016 AND

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

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

Reliable Onsite Services  
6089 Loomis Road  
Farmington, New York 14425

Category A -	Single Units	\$3.19 Per day per unit Items I through X
Category B -	Handicapped Units	\$6.63 Per day per unit Items I and II
Category C -	Special Events	\$63.00 Per day per unit items I through VIII

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 8. RESOLUTION 2016-662

### Approve Purchase of One New and Unused Television Inspection Camera Head

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, by Town Board Resolution #2015-252 the Town Board authorized the purchase of one new and unused 2015 pipeline television inspection van for use by the Sewer Maintenance Department, AND

WHEREAS, said van came equipped with one video camera head for all television inspection work, AND

WHEREAS, said camera head endures daily wear and tear due to the environment it is used in and is in need of occasional maintenance and repair, AND

WHEREAS, said camera head is shipped out to the original manufacturer for all maintenance and repair work leading to weeks when the television inspection van is not available for inspections, AND

WHEREAS, to avoid the down time of this highly important television inspection van it is recommended that a second camera head be purchased for use by the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of one new and unused 2016 Aries PE3410 self-cleaning Pathfinder television inspection camera head in the amount of \$19,900.00 from:

J & J Equipment, LLC  
9055 Brewerton Road  
Brewerton, New York 13029

be approved, AND BE IT FURTHER

RESOLVED, that funds have been budgeted for the purchase of one 2016 television inspection camera head in Account #255-8125-2550.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 9. RESOLUTION 2016-663

### Establish Town Board Meeting Dates for 2017

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2017 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

January 10<sup>th</sup> and January 24<sup>th</sup>  
 February 14<sup>th</sup> and February 28<sup>th</sup>  
 March 14<sup>th</sup> and March 28<sup>th</sup>  
 April 11<sup>th</sup> and April 25<sup>th</sup>  
 May 9<sup>th</sup> and May 23<sup>rd</sup>  
 June 13<sup>th</sup> and June 27<sup>th</sup>  
 July 11<sup>th</sup> and July 25<sup>th</sup>  
 August 8<sup>th</sup> and August 22<sup>nd</sup>  
 September 12<sup>th</sup> and September 26<sup>th</sup>  
 October 10<sup>th</sup> and October 24<sup>th</sup>  
 November 14<sup>th</sup> and November 28<sup>th</sup>  
 December 12<sup>th</sup>

And, BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 7:00 P.M. and the meetings promptly will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this Resolution to the Cheektowaga Bee, Buffalo News and Metro Source/Courier and BE IT FURTHER

RESOLVED, that the work session meetings of the Town Board of the Town of Cheektowaga for the calendar year 2017 shall be held on the same dates referenced herein immediately preceding each Town Board regular meeting and, BE IT FURTHER

RESOLVED, that the above meeting dates shall be posted on the Town's website.

Motion by Councilmember Kaminski, Seconded by Councilmember Magierski to table Resolution.

**RESULT:** TABLED [UNANIMOUS] Next: 1/3/2017 12:00 AM  
**MOVER:** Diane Benczkowski, Supervisor  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 10. RESOLUTION 2016-664

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### Approve Snow and Ice Removal Agreement with Erie County for 2016-2019

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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, 2016, 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, 2016 to August 31, 2019, AND

WHEREAS, said agreement is acceptable to the Town Superintendent of Highways, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement with the County of Erie for snow and ice removal on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 11. RESOLUTION 2016-665

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### Erie County Youth Agreement 2017

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that subject to the approval of the Town Attorney the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute the 2017 Youth Development Program Award Contract #LYB-1179 in the amount of \$36,000.00 on behalf of the Department of Youth & Recreational Services and the Erie County Youth Bureau.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 12. RESOLUTION 2016-666

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### Agreement with Catholic Charities (SIS)

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**Sponsored By:** Councilmember Kaminski, 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, 741 Delaware Ave, Buffalo, New York, 14209, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2017 through December 31, 2017 with a total cost not to exceed the sum of \$133,845.00 and BE IT FURTHER

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



### 13. RESOLUTION 2016-667

## Agreement with Catholic Charities (YES)

**Sponsored By:** Councilmember Kaminski, 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, 741 Delaware Ave, Buffalo, New York, AND

WHEREAS, said program, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers and is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2017 through December 31, 2017 with a total payment to Catholic Charities not to exceed the sum of \$53,238.00 and the New York State Office of Children and Family services will reimburse the Town \$36,000.00 leaving the actual cost to the Town at \$17,238.00.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 14. RESOLUTION 2016-668

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### Agreement with Public Library

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at Cheektowaga's two branch libraries, to provides special activities that encourage children to read and become more familiar with the library, and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2017 through December 31, 2017 with a total cost not to exceed \$2,090.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 15. RESOLUTION 2016-669

### Authorize Supervisor To Execute Engagement Letter to Retain Outside Counsel For Labor And Employment Matters

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist the Town with labor and employee relations matters, and

WHEREAS, moneys have been budgeted by the Town for this purpose, and

WHEREAS, Lisa A. Coppola, Esq., on behalf of the firm Lisa A. Coppola, LLC has submitted an engagement letter to the Town of Cheektowaga to provide these services to the Town; indicating she has the necessary expertise in this area, and NOW, THEREFORE, BE IT

RESOLVED, that Lisa A. Coppola, LLC, be and hereby is retained as outside counsel to assist the Town of Cheektowaga and the Town's Coordinator of Employee Relations on an as-needed basis with respect to labor and employee relations matters within the Town AND, BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100-1430-4502; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said engagement letter, subject to approval of the Law Department

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 16. RESOLUTION 2016-670

### Retain Firm For Grant Consulting

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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

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

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

WHEREAS, Grantmakers Advantage, Inc. has submitted a proposal to perform grant development, writing and administration services to the Town for the 2017 calendar year, and

WHEREAS, this Town Board wishes to continue to retain the services of a grants consultant for the calendar year 2017, and

WHEREAS, the Town agrees to pay Grantmakers the sum of \$36,500 in equal quarterly installments of \$9,125 to prepare a maximum of fourteen (14) grant applications per contract year, and

WHEREAS, Grantmakers shall receive \$65 per hour, when applicable, not to exceed a total of \$4,000 per contract year for grant administration services, and

WHEREAS, should the Town desire Grantmakers to prepare more than fourteen (14) grant applications per contract year, fees for additional grant development and grant writing services will be billed at a rate of \$100.00 per hour, upon approval by the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Grantmakers Advantage, Inc, and BE IT FURTHER

RESOLVED, that the fee(s) stipulated in such agreement, shall be appropriated from budget line item number 0100-1220-4957.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 17. RESOLUTION 2016-671

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### Call to the NYS Legislature to Pass and Governor Cuomo to Sign Proposed Senate Bill S8196 Establishing a Tree Removal and Emerald Ash Elimination Tax Credit

**Sponsored By:** Benczkowski, Meyers, Adamczyk, Kaminski, Rogowski, Hammer, Magierski

**WHEREAS**, the Emerald Ash Borer was first discovered in the United States in 2002, and

**WHEREAS**, the Department of Environment & Conservation has stated that the Emerald Ash Borer is responsible for the destruction of over 50 million ash trees in the United States, and

**WHEREAS**, there are approximately 900 million ash trees in New York State alone that the Emerald Ash Borer is a threat to, and

**WHEREAS**, residents in New York, including many in Erie County, Town of Cheektowaga, Village of Depew and the Village of Sloan have to remove trees from their private property that have been killed by the Emerald Ash Borer, and

**WHEREAS**, removal of dead ash trees can cost up to \$500.00 per tree,

**WHEREAS**, New York State Senator Tim Kennedy has introduced legislation in the New York State Legislature to allow residents to apply for a tax credit of 50% of the cost of the removal of each tree, capped at \$300.00 per tree. The bill also allows a tax credit of \$100.00 or 50% of the cost of the treatment for each ash tree on their private property, **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Cheektowaga calls on the New York State Legislature to pass Senate Bill S8196 to amend the tax code to allow taxpayers to claim credits for treating and removing trees infected by the Emerald Ash Borer, and **BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Cheektowaga calls on Governor Andrew Cuomo to sign Senate Bill S8196 when it reaches his desk, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Cheektowaga is hereby directed to transmit copies of this resolution to New York State Senator Patrick Gallivan, New York Assemblywoman-elect Monica Wallace, State Senator Tim Kennedy, State Senator Catharine Young (Chairwoman of the Senate Finance Committee), Assemblyman Herman Farrell, Jr. (Chairman of the Assembly Ways & Means Committee), Governor Andrew Cuomo, and to other municipalities within Erie County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 18. RESOLUTION 2016-672

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### Accept Resignation Letter

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that this Town Board hereby accepts the resignation letter from Thomas S. Kulaszewski from his position as Chairman of the Board of Ethics effective December 7, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 19. RESOLUTION 2016-673

### Reassign Sanitation Dept. Supervision Duties

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by resolutions dated April 19, 1999 the Cheektowaga Town Board assigned the duties of the supervision of the Sanitation Department to the Superintendent of Highways, at a salary of \$12,000 per year which was in addition to the salary for Superintendent of Highways, chargeable to the Consolidated Refuse and Garbage District Fund;

WHEREAS, by resolution dated December 27, 2007 (RES 2007-700) the Cheektowaga Town Board returned the Sanitation Department supervisory duties to the Sanitation Department; and

WHEREAS, Section 32 of the Town Law provides for the Town Board to assign further duties as the Town Board may determine not inconsistent with the law to its elected Superintendent of Highways; and

WHEREAS, after careful review and thorough study and deliberation, the members of this Town Board believe that bona fide financial benefits will result in the Superintendent of Highways of the Town of Cheektowaga taking on the additional duties of supervising the operation and function of the Sanitation Department, including but not limited to supervising all department employees; keeping appropriate time and material records; certifying payrolls; preparing department rules, practice and procedures; maintaining discipline, as well as any and all other matters relating to supervision and control; and he has also stated that such additional duties will not interfere with the performance of his duties and responsibilities as Superintendent of Highways under the Highway Law, NOW THEREFORE BE IT

RESOLVED, that this Town Board, under Section 32 of the Town Law is assigning the additional duties of supervision of the Sanitation Department to the Superintendent of Highways, and BE IT FURTHER

RESOLVED, that effective immediately the Superintendent of Highways be and hereby is assigned the duties of supervision of the Sanitation Department at an additional salary of \$12,000 per year.

<b>RESULT:</b>	<b>DEFEATED [3 TO 4]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Diane Benczkowski, Timothy J. Meyers, Linda Hammer
<b>NAYS:</b>	James P. Rogowski, Gerald Kaminski, Christine Adamczyk, Alice Magierski



## 20. RESOLUTION 2016-674

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### Youth & Recreation Terminations

**Sponsored By:** Councilmember Kaminski, 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:

Jessica Woods

10/15/16

14225

Motion by Councilmember Magierski, Seconded by Councilmember Meyers to waive the reading of names for the following Resolutions: 2016-674, 2016-675. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Gerald Kaminski, Councilmember

**SECONDER:** James P. Rogowski, Councilmember

**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 21. RESOLUTION 2016-675

### Hiring/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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:

INFORMATION TECHNOLOGY AND RECORDS MANAGEMENT Clerk \$9.75/hour effective 12/26/16

Irene M. Jerge, Depew, New York

ACCOUNTING DEPARTMENT Clerk \$9.75/hour effective 12/20/16

Jonathan C. Adams, Cheektowaga, New York

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

#### FACILITIES DEPARTMENT

Tyler M. Elis effective 11/5/16

Michael P. Tomczak effective 11/20/16

#### SANITATION DEPARTMENT

Richard E. Anderson effective 11/5/16

Andrew P. Babcock effective 11/19/16

Gregory F. Merritt effective 11/19/16

#### INFORMATION, TECHNOLOGY AND RECORDS MANAGEMENT DEPARTMENT

Kyle Zawadzki effective 10/4/16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 22. RESOLUTION 2016-676

### Reappointments to Veterans Affairs Committee

**Sponsored By:** Councilmember Rogowski, Councilmember Kaminski

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 expire on December 31, 2016, 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, 2017 and expiring on December 31, 2017:

Joseph Porempski, Cheektowaga, New York  
 Karyn Porempski, 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  
 Denise Williams, Cheektowaga, New York  
 Richard Zydel, Cheektowaga, New York  
 Joseph Reger, Cheektowaga, New York  
 Jeff Sundquist, Depew, New York  
 Roger Heymanowski, Cheektowaga, New York  
 Russell Freund, Depew, New York  
 Gary Kruger, Depew  
 Kenneth Speaker, Cheektowaga, New York  
 Nelson Oldfield, Cheektowaga, New York  
 Jerzy Galazka, Cheektowaga, New York  
 Mark Hamberger, Cheektowaga, New York  
 Director or Representative of Erie County Veterans Service Agency, Buffalo, New York)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



## 23. RESOLUTION 2016-677

### Travel Authorization Assessor's Office

**Sponsored By:** Councilmember Hammer, Councilmember Adamczyk

WHEREAS, the Application of Three Approaches to Value Seminar is being held January 23, 2017 through January 27, 2017 in Syracuse, New York; AND

WHEREAS, Assistant Field Assessor Jill Oxley has been recommended to attend said seminar; AND

WHEREAS, Town Assessor Jeneen McSkimming has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,542; AND

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

RESOLVED, that Assistant Field Assessor Jill Oxley be and hereby is authorized to attend the Application of Three Approaches to Value Seminar being held January 23, 2017 through January 27, 2017 in Syracuse, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Christine Adamczyk, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

## **XI. Communications**

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

1. **Supervisor's Statement of Funds - July 2016**
2. **Supervisor's Statement of Funds - August 2016**

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

1. **Notice of Claim: Kelly A. Eich vs. Town of Cheektowaga**
2. **Notice of Claim: Donald White vs. Town of Cheektowaga**
3. **Summons: Nationstar Mortgage, LLC, vs. Celena Barreto, Town of Cheektowaga & Etal Premises: 33 Olcott Place**

## **XII. Comments**

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

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

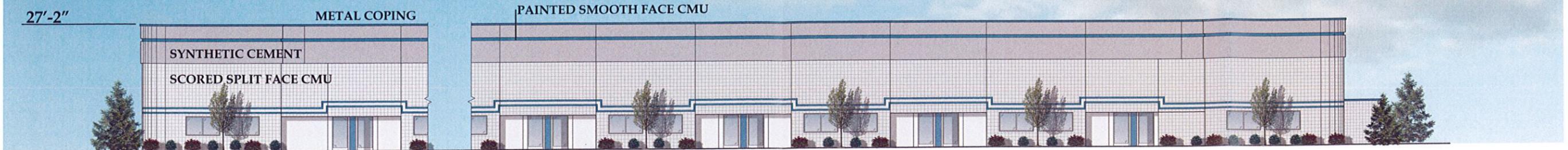
### ***C. Public Comments***

## **XIII. Adjournment**

Motion by Councilmember Meyers, Seconded by Councilmember Kaminski to adjourn meeting at 8:45 PM.

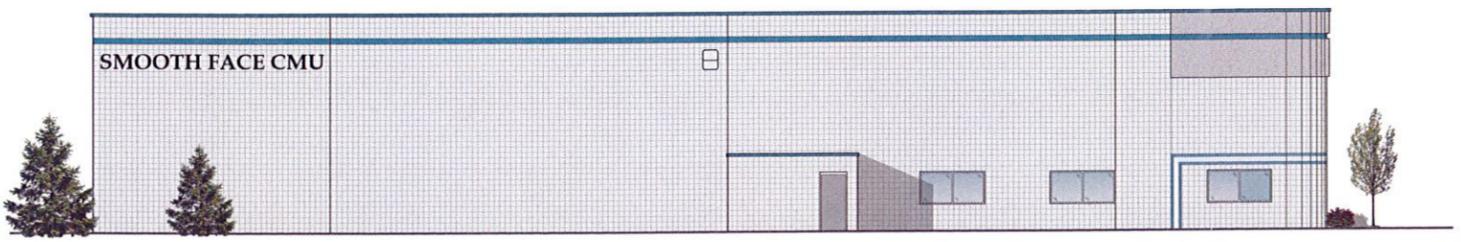
Vickie L. Dankowski

Town Clerk

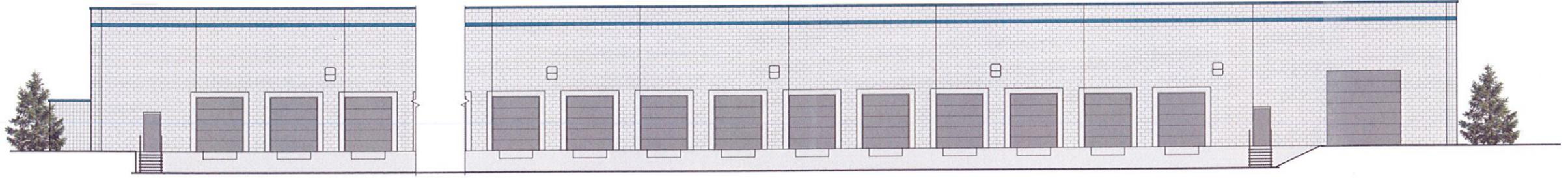


FRONT ELEVATION

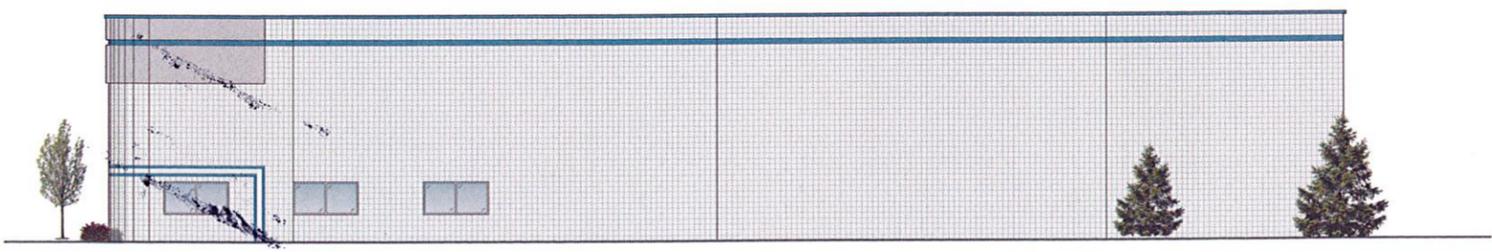
ALUMINUM FRAME DOOR AND WINDOWS



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



**500 AND 550 SONWIL DRIVE - PROPOSED BUILDING ELEVATIONS**

Attachment: building elevations (RES-2016-659 : Accept Site Plan-Part of 450 Sonwil Drive and SBL 92.19-7-25)