

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of April, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Ted Brudz, Foreman of Main Pump Station; Chester Bryan, Town Engineer; Joseph Chojnacki, Lieutenant, Police Department; James Kirisits, Town Attorney; Christopher Kowal, Highway Superintendent; Sal LaGreca, Employment and Training Director II; Robert M. Lis, Chief of Police; Ralph Majchrowicz, Director of Administration and Finance; Ron Marten, Building and Plumbing Inspector; Michael Miecznikowski, Recreation Director; Ray Pugh, Representative of Planning Board; John Schaller, Captain, Police Department; Don Wegner, Chairman of Zoning Board.

I. RESOLUTIONS

Item No. 2a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, John H. Connor has made application and requested the rezoning of property located at 4976 Transit Road from RC-Restricted Business District to C-Retail Business District, said applicant having the written permission of the property owner, namely, Castine, Kidawski, Leising & Sharp, Inc., NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 18, 1988 at 6:30 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

MOTION BY SUPERVISOR SWIA TEK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, John H. Connor has made application and requested the rezoning of property located at 4976 Transit Road from RC-Restricted Business District to C-Retail Business District, said applicant having the written permission

MEETING NO. 7
April 4, 1988

Item No. 2a Cont'd.

of the property owner, namely, Castine, Kidawski, Leising & Sharp, Inc., NOW,
THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under
the provisions of the Zoning Ordinance on April 18, 1988 at 6:15 o'clock P.M.,
Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and
Union Road.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Sonya Rice....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....APR 07 1988.....;
last publication.....APR 07 1988.....;
and that no more than six days intervened be-
tween publications.

.....Sonya Rice.....
Sworn to before me this7th.....
day ofApril....., 1988
.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of April, 1988 at 6:15 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of John H. Connor to Rezone from RC - Restricted Business District to C - Retail Business District on property located at 4976 Transit Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being of Lot No. 46, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:-

BEGINNING at the intersection of the west line of Transit Road with the north line of Strassmer Road; thence westerly along the north line of Strassmer Road, two hundred eighty-three (283) feet; thence northerly parallel with the west line of Transit Road, one hundred fifty-three (153) feet; thence easterly parallel with the north line of Strassmer Road, two hundred eighty-three (283) feet to the West line of Transit Road; thence southerly along the west line of Transit Road, one hundred fifty-three (153) feet to the point of beginning.

By Order of the Town Board
Supervisor, Frank E. Swiatek
Councilman, Thomas M.

Johnson, Jr.
Councilman, Patricia A. Jaworowicz

Councilman, Dennis H.

Gabryszak

Councilman, Andrew A. Kulyk

Councilman, Leo T. Kazukiewicz

Councilman, Richard B. Solecki

PUBLISH: April 7, 1988

MADE FROM EMBROIDERED TYPE
DESIGNED BY THE COMPANY
NOT TO BE REPRODUCED IN ANY FORM
JUSTINE D. DEMBIAK

MEETING NO. 7
April 4, 1988

Item No. 2B Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, a resolution was adopted on March 21, 1988 calling for a Public Hearing to be held on April 4, 1988 for a rezoning on property located at a vacant area to the rear of 6354, 6360 and 6366 Transit Road, from R-Residential District to C-Retail Business District, and

WHEREAS, the applicant, R.M.F. Holding Corporation has requested the Town Board defer the Public Hearing date until April 18, 1988, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 18, 1988 at 6:30 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, a resolution was adopted on March 21, 1988 calling for a Public Hearing to be held on April 4, 1988 for a rezoning on property located at a vacant area to the rear of 6354, 6360 and 6366 Transit Road, from R-Residential District to C-Retail Business District, and

WHEREAS, the applicant, R.M.F. Holding Corporation has requested the Town Board defer the Public Hearing date until April 18, 1988, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 18, 1988 at 6:15 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*Sonya Rice*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*APR 07 1988*.....;
last publication.....*APR 07 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Sonya Rice*.....
Sworn to before me this*7th*.....
day of*April*....., 19*88*.....
.....*Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of April, 1988 at 6:15 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of R.M.F. Holding Corp. to Rezone from R Residential District to C Retail Business District on property located at Vacant area to rear of 6354, 6360, 6366 Transit Rd. and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

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 N. 75, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point 500 feet westerly of a point in the center line of Transit Road distant 1018.10 feet northerly, as measured hereon, from its intersection with the south line of said Lot 75; said point of beginning being on the northerly line of lands conveyed to John H. Brinkman by deed recorded in liber 761 of deeds page 393; thence southerly parallel with the center line of Transit Road, 433 feet more or less to the north line of lands conveyed to Walter Klaia by deed recorded in liber 5023 of deeds page 571; thence easterly along the north line of lands so conveyed to Walter Klaia by deed aforesaid, 125 feet to a point on the westerly boundary of the existing retail business district; thence northerly along said westerly business district boundary 433 feet to a point on the northerly line of lands conveyed to John H. Brinkman by deed recorded in liber 761 of deeds at page 393; thence westerly along the north line of lands so conveyed to John H. Brinkman 125 feet back to the place of beginning.

By Order of the Town Board
Supervisor, Frank E. Swiatek
Councilman, Thomas M. Johnson, Jr.
Councilman, Patricia A. Jaworowicz
Councilman, Dennis H. Gabryszak
Councilman, Andrew A. Kulyk
Councilman, Leo T. Kazukiewicz
Councilman, Richard B. Solecki
PUBLISH: April 7, 1988

Item No. 2C Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Avanti Leasing & Services, Inc., d/b/a Delia Car Corporation has made application and requested the rezoning from M-1 Light Manufacturing District to CM-General Commercial District, and a Special Use Permit for the sale of used cars, all on property located at 4220 Genesee Street, said applicant having the written permission of the property owner, namely, GEJEL Management Services, Inc., NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said requests under the provisions of the Zoning Ordinance on April 18, 1988 at 6:30 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AMENDED RESOLUTION

Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Avanti Leasing & Services, Inc., d/b/a Delia Car Corporation has made application and requested the rezoning from M-1 Light Manufacturing District to CM-General Commercial District, and a Special Use Permit for the sale of used cars, all on property located at 4220 Genesee Street, said applicant having the written permission of the property owner, namely, GEJEL Management Services, Inc., NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said requests under the provisions of the Zoning Ordinance on April 18, 1988 at 6:15 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Sonya Rice....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... APR 07 1988
last publication..... APR 07 1988
and that no more than six days intervened be-
tween publications.

.....Sonya Rice.....
Sworn to before me this
day of April, 1988...

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of April, 1988 at 6:15 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application Avanti Leasing & Services, Inc., d/b/a Della Car Corp./ of GEJEL Management & Services, Inc. for a Special Permit to use property for sale of used cars on property located at 4220 Genesee Street pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

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

BEGINNING at a point in the center line of Genesee Street at the southeast corner of lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by Deed recorded in Liber 1871 of Deeds at page 188; thence westerly along said center line of Genesee Street, 175.28 feet to a point on said center line of Genesee Street distant 254.70 feet easterly from the southeast corner of lands conveyed to The City of Buffalo by Deed recorded in Liber 1817 of Deeds at page 526 as measured along said center line of Genesee Street; thence northerly along a line drawn parallel with the east line of the lands conveyed to The City of Buffalo by the last mentioned Deed, to a point 200.00 feet from the center line of Genesee Street; thence easterly along a line drawn parallel with the center line of Genesee Street for a distance of 100.00; thence southerly along the east line of the lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by the last mentioned Deed, 200.00 feet to the center line of Genesee Street.

EXCEPTING AND RESERVING THEREFROM that portion conveyed to the County of Erie by Deed recorded in Liber 2392 of Deeds at page 432 and also that portion taken by the State of New York by Notice of Appropriation recorded in Liber 7500 of Deeds at page 480 and also that portion which lies within the boundaries of Genesee Street, as presently laid out.

By Order of the Town Board
Supervisor, Frank E. Swiatek
Councilman, Thomas M. Johnson, Jr.

Councilman, Patricia A. Jaworowicz
Councilman, Dennis H. Gabryszak

Councilman, Andrew A. Kulyk

Councilman, Leo T. Kazuklewicz

Councilman, Richard B. Solecki

PUBLISH: April 7, 1988

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*Sonya Rice*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*APR 07 1988*.....;
last publication.....*APR 07 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Sonya Rice*.....
Sworn to before me this*7th*.....
day of*April*....., 19*88*.....
.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of April, 1988 at 6:15 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application Avanti Leasing & Services, Inc. d/b/a Delia Car Corp./ of GEJEL Management & Services, Inc. to Rezone from M-1 Light Manufacturing District to CM - General Commercial District on property located at 4220 Genesee Street and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

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

BEGINNING at a point in the center line of Genesee Street at the Southeast corner of lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by Deed recorded in Liber 1871 of Deeds at page 188; thence westerly along said line of Genesee Street, 175.28 feet to a point on said center line of Genesee Street distant 254.70 feet easterly from the southeast corner of lands conveyed to the City of Buffalo by Deed recorded in Liber 1817 of Deeds at page 526 as measured along said center line of Genesee Street; thence northerly along a line drawn parallel with the east line of the lands conveyed to The City of Buffalo by the last mentioned Deed, to a point 200.00 feet from the center line of Genesee Street; thence easterly along a line drawn parallel with the center line of Genesee Street for a distance of 100.00; thence southerly along the east line of the lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by the last mentioned Deed, 200.00 feet to the center line of Genesee Street.

EXCEPTING AND RESERVING THEREFROM that portion conveyed to the County of Erie by Deed recorded in Liber 2392 of Deeds at page 432 and also that portion taken by the State of New York by Notice of Appropriation recorded in Liber 7500 of Deeds at page 480 and also that portion which lies within the boundaries of Genesee Street, as presently laid out.

By Order of the Town Board
Supervisor, Frank E. Swiatek
Councilman, Thomas M. Johnson, Jr.

Councilman, Patricia A. Jaworowicz

Councilman, Dennis H. Gabryszak

Councilman, Andrew A. Kulyk

Councilman, Leo T. Kazukiewicz

Councilman, Richard B. Solecki

PUBLISH: April 7, 1988

Item No. 2D Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE,

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 18, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 TIMES on the 7th day of April, 1988, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 18, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

OLCOTT PLACE	East side:	from the south curbline of Herbert Avenue southerly to terminus.
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Section 76-103. Parking time limited in designated locations; standing prohibitions shall be amended by deleting therefrom the following:

A. Parking signs: restricted and time limit.

OLCOTT PLACE	East side:	from the south curb of Genesee to thirty (30) feet south of Genesee Street.
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Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

OLCOTT PLACE	West side:	from the south curbline of Herbert Avenue southerly to terminus.
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BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: April 4, 1988

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

..... Sonya Rice, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication APR 07 1988 ;
last publication APR 07 1988 ;
and that no more than six days intervened be-
tween publications.

..... Sonya Rice
Sworn to before me this 7th
day of April , 19⁸⁸..
..... Justine D. Dembik
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19⁹⁰

**LEGAL NOTICE
of Public Hearing**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 18, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime.

OLCOTT PLACE East side:
from the south curbline of Herbert Avenue southerly to terminus.

Section 76-103. Parking time limited in designated locations; standing prohibitions shall be amended by deleting therefrom the following:

A. Parking signs: restricted and time limit.

OLCOTT PLACE East side:
from the south curb of Genesee to thirty (30) feet south of Genesee Street.

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

OLCOTT PLACE West side:
from the south curbline of Herbert Avenue southerly to terminus.

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

Richard M. Moleski, Town Clerk
PUBLISH: April 7, 1988

Item No. 2E Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE,

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 18, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 TIMES on the 7th day of April, 1988, said amendments being set forth in the Notice of Hearing.

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 18, 1988 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic), said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No parking this side or one-side parking.

FLORAL PLACE	North side:	from west curbline of Union to a point thirty (30) feet west.
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F. Miscellaneous parking signs.

(1) Load and unload only.

FLORAL PLACE	North side:	from the west curb of Union Road thirty (30) feet west.
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BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: April 4, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

..... *Sonya Rice*, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... APR 07 1988 ;
last publication..... APR 07 1988 ;
and that no more than six days intervened be-
tween publications.

..... *Sonya Rice*
Sworn to before me this
day of April, 1988

..... *Justine D. Dembik*

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

LEGAL NOTICE

of Public Hearing

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 18, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping
Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No parking this side or one-side parking.

FLORAL PLACE North side:
from west curbline of Union to a point thirty (30) feet west.

F. Miscellaneous parking signs.
(1) Load and Unload only.

FLORAL PLACE North side:
from the west curb of Union Road thirty (30) feet west.

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

Richard M. Moleski, Town Clerk

PUBLISH: April 7, 1988

Item No. 3 Motion by Councilman Solecki Seconded by Councilman Gabryszak

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) 1987 or newer 8-12 ton static roller with less than (200) original hours for use by the Highway Department.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, NY 14227, between the hours of 8:00 A.M. and 3:30 P.M. Monday through Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11 A.M. on April 15, 1988.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for One (1) 1987 or newer 8-12 Ton Static Roller with less than (200) original hours at a public bid opening April 15, 1988 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE (1) 1987 OR NEWER 8-12 TON STATIC ROLLER".

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

Dated: April 4, 1988

Published: April 7, 1988

* * * * *

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Sonya Rice....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....APR 07 1988.....;
last publication.....APR 07 1988.....;
and that no more than six days intervened be-
tween publications.

.....Sonya Rice.....
Sworn to before me this7th.....
day of April, 1988.
.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

LEGAL NOTICE
Notice to Bidders

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for One (1) 1987 or newer 8-12 Ton Static Roller with less than (200) original hours at a public bid opening April 15th, 1988 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked **'BID FOR ONE (1) 1987 OR NEWER 8-12 TON STATIC ROLLER'**.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

PUBLISH: April 7, 1988

Item No. 4A Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, after advertisement therefor, bids were duly received on March 31st, 1988 for One (1) New and Unused 1988 Model (2) Wheel Drive, 3/4 Ton Pick-Up Truck, and

WHEREAS, the Town Highway Superintendent has reviewed and evaluated such bids and has recommended that such bid be awarded to Bison Truck Sales, Inc., being the sole bidder picking up specifications for One (1) New and Unused 1988 Model (2) Wheel Drive, 3/4 Ton Pick-Up Truck, for a total bid price after trade-in of \$7,298.87, NOW, THEREFORE, BE IT

RESOLVED, that the bid for a new and unused 1988 Two (2) Wheel Drive, 3/4 Ton Pick-Up Truck be and hereby is awarded to Bison Ford Truck Sales, Inc., 2370 Walden Avenue, Buffalo, NY 14225 at a new price after trade-in of \$7,298.87.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4B Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Bid Proposals were received for the furnishing of Pool Maintenance Chemicals for the Facilities Department, on March 21, 1988, AND

WHEREAS, said Proposals have been reviewed for compliance under the terms of the Specifications, NOW THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby awards said Bid for Pool Maintenance Chemicals to:

Alden Pools Inc.
12890 Broadway
Alden, New York 14004
937-3341

Item I Bromine @ \$2.079 per lb.
Item II Diatomaceous Earth
@ \$.23 per lb.
Item III Sodium Bicarbonate
@ \$.3712 per lb.
Item IV Soda Ash @ \$.2075 per lb.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4C Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of manhole frames with self-sealing covers and manhole frames with vented covers, which bids were duly received and opened at the March 21, 1988 public bid opening, AND

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

WHEREAS, bids were reviewed and it is recommended that the award be made to the lowest responsible bidder meeting the requirements of the specifications, AND

WHEREAS, funds are available in the Sewer Repair Account #8125.4438, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of manhole frames and covers be and hereby is awarded to the following at the bid prices listed below:

Item No. 4C Cont'd.

<u>BIDDER</u>	<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT BID PRICE*</u>
Syracuse Castings Sales Corporation P.O. Box 190 South Bay Road Cicero, N.Y. 13039	Frame w/24" dia. vented cover (set)	25 50	\$122.00 each \$112.00 each
Syracuse Castings Sales Corporation P.O.Box 190 South Bay Road Cicero, N.Y.13039	Frame w/24" dia. self-sealing cover (set)	25	\$127.00 each
Vellano Bros. Inc. 4401 Walden Ave. Lancaster, NY 14086	Frame w/24" dia. self-sealing cover (set)	50	\$114.50 each

*Delivered Price

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4D Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the United States Environmental Protection Agency approved a grant for Sanitary Sewer District No. 3, Contract No. 1, which grant was accepted by this Town Board by resolution dated October 19, 1987, AND

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for Sanitary Sewer System Rehabilitation and Related Work, Contract No. 1, in the Town of Cheektowaga Sewer District No. 3, which bids were duly received and opened on December 21, 1987, AND

WHEREAS, said bids were referred to the consulting firm of Nussbaumer & Clarke, Inc. and the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in the letter of the Town Engineer to the Town Board dated March 28, 1988, AND

WHEREAS, said report recommends that the contract for Sanitary Sewer Rehabilitation and Related Work in Sanitary Sewer District No. 3, Contract No. 1, be awarded to Firsthyme Construction Corporation, 3527 Genesee Street, Cheektowaga, New York 14225 for the bid price of \$1,053,958.00, said bid being the lowest meeting the requirements of the specifications, AND

WHEREAS, by letter dated February 9, 1988, the New York State Department of Environmental Conservation has authorized the Town of Cheektowaga to award Contract No. 1 to Firsthyme Construction Corporation for their low bid of \$1,053,958.00 and has acknowledged completion by the Town of pre-award requirements for both Federal and State Grant programs, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Sanitary Sewer Rehabilitation, Sanitary Sewer District No. 3, Contract No. 1, be and hereby is awarded to Firsthyme Construction Corporation for their submission of the bid of \$1,053,958.00, said bid being the lowest meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, execute the agreement with Firsthyme Construction Corporation, AND, BE IT FURTHER

RESOLVED, that the aforesaid contract shall be financed by serial bonds as authorized by Town Board resolution dated February 22, 1988 and any amounts received from the United States of America and/or the State of New York shall be

Item No. 4D Cont'd.

expended towards the cost thereof or redemption of said bonds issued therefore or shall be budgeted as an offset to the taxes and/or assessments for payment of the principal of and interest on said bonds.

**SEE NEXT TWO PAGES FOR REPORT

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-3447
716-686-3448

March 28, 1988

TO SUPERVISOR FRANK SWIATEK
AND HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Bid Opening/Contract Award
Sanitary Sewer District No. 3
Sewer System Rehabilitation
Contract No. 1

Gentlemen:

On Monday, December 21, 1987, bids were received, opened and publicly read aloud for the construction of the above referenced project. A summary of the five (5) bids received is as follows:

Firsthyme Construction Corporation	\$1,053,958.00
Milherst Construction, Inc.	\$1,297,607.02
Accadia Enterprises, Inc.	\$1,505,779.50
Amadori Construction, Inc.	\$1,688,524.00
Nichter Construction, Inc.	\$1,747,119.00
Engineer's Estimate	\$754,902.25

The consulting engineer for this project, Nussbaumer & Clarke, Inc., reviewed the bids and the qualifications of the low bidder. Based on this review, the consultants and this office recommend that the contract be awarded to Firsthyme Construction Corporation, 3517 Genesee Street, Cheektowaga, New York 14225 for their submission of the lowest bid meeting the requirements of the specifications, in the amount of \$1,053,958.00

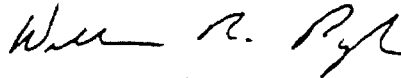
To Supervisor Swiatek and
Town Board Members

March 28, 1988
Page 2

Authorization to award the subject contract has been confirmed by letter dated February 9, 1988 from Mr. William Daigle, P.E., Chief, Western Projects Section, Central/Western Projects Bureau, New York State Department of Environmental Conservation. The subject Contract No. 1, in conjunction with Contract No. 2, Clinton Street Interceptor Sewer and Plant No. 3 Modifications, is to be financed through the 2 million dollar bond issue authorized by Town Board resolution dated February 22, 1988, to be offset by grant monies secured under the Clean Water Act from the United States Environmental Protection Agency in the current Federal share amount of \$578,824.00 for the subject Contract No. 1.

Very truly yours,

TOWN OF CHEEKTOWAGA



William R. Pugh
Assistant Town Engineer

WRP:dms

MEETING NO. 7
April 4, 1988

Item No. 4E Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, The United States Environmental Protection Agency approved a grant for the Clinton Street Interceptor Sewer and Plant No. 3 Flow Monitoring Modifications in Sanitary Sewer District No. 3, which grant also includes State funding of construction costs, and was accepted by this Town Board by resolution dated October 19, 1987, AND

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of the Clinton Street Interceptor Sewer and Plant No. 3 Flow Monitoring Facilities Modifications in Sanitary Sewer District No. 3, Contract No. 2, which bids were duly received and opened on December 21, 1987, AND

WHEREAS, said bids were referred to the consulting firm of Nussbaumer & Clarke, Inc. and the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in the letter of the Town Engineer to the Town Board dated March 28, 1988, AND

WHEREAS, said report recommends that the contract for the construction of the Clinton Street Interceptor Sewer and Plant No. 3 Flow Monitoring Facilities Modifications in Sanitary Sewer District No. 3, Contract No. 2, be awarded to Dolomite Construction Company, Inc., 2303 Union Road, Cheektowaga, New York 14227 for the bid price of \$407,805.00 said bid being the lowest meeting the requirements of the specifications, AND

WHEREAS, by letter dated February 22, 1988 the New York State Department of Environmental Conservation has authorized the Town of Cheektowaga to award Contract No. 2 to Dolomite Construction Company, Inc. for their low bid of \$407,805.00 and has acknowledged completion by the Town of pre-award requirements for both Federal and State Grant Programs, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Clinton Street Interceptor Sewer and Plant No. 3 Flow Monitoring Facilities Modifications, Contract No. 2, be and hereby is awarded to Dolomite Construction Company, Inc. for their submission of the bid of \$407,805.00, said bid being the lowest meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, execute the agreement with Dolomite Construction Company, Inc., AND, BE IT FURTHER

RESOLVED, that the aforesaid contract shall be financed by serial bonds as authorized by Town Board resolution dated February 22, 1988 and any amounts received from the United States of America and/or the State of New York shall be expended towards the cost thereof or redemption of said bonds issued therefore or shall be budgeted as an offset to the taxes and/or assessments for payment of the principal of and interest on said bonds.

**SEE NEXT TWO PAGES FOR REPORT

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.

TOWN ENGINEER

716-686-3447

716-686-3448

March 28, 1988

TO SUPERVISOR FRANK SWIATEK
AND HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Bid Opening/Contract Award
Sanitary Sewer District No. 3
Clinton Street Sewer and
Plant No. 3 Modifications
Contract No. 2

Gentlemen:

On Monday, December 21, 1987, bids were received, opened and publicly read aloud for the construction of the above referenced project. A summary of the three (3) bids received is as follows:

Dolomite Construction Corporation	\$407,805.00
Nichter Utility Construction, Inc.	\$413,000.00
Amadori Construction, Inc.	\$796,000.00

The consulting engineer for this project, Nussbaumer & Clarke, Inc., reviewed the bids and the qualifications of the low bidder. Based on this review, the consultant and this office recommend that the contract be awarded to Dolomite Construction Corporation, 2303 Union Road, Cheektowaga, New York 14227 for their submission of the lowest bid meeting the requirements of the specifications, in the amount of \$407,805.00.

Authorization to award the subject contract has been confirmed by letter dated February 22, 1988 from Mr. William Daigle, P.E., Chief, Western Projects Section, Central/Western Projects Bureau, New York State Department of Environmental Conservation. The subject Contract No. 2, in conjunction with Contract No. 1, Sewer District No. 3 Sewer System Rehabilitation, is to be financed

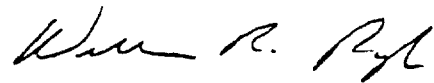
To Supervisor Swiatek and
Town Board Members

March 28, 1988
Page 2

through the 2 million dollar bond issue authorized by Town Board resolution dated February 22, 1988, to be offset by grant monies secured under the Clean Water Act from the United States Environmental Protection Agency in the current grant amounts of \$144,726.00 Federal Share and \$78,942.00 State Share for the subject Contract No. 2.

Very truly yours,

TOWN OF CHEEKTOWAGA



William R. Pugh, P.E.
Assistant Town Engineer

WRP:dms

MEETING NO. 7
April 4, 1988

Item No. 5A Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, earlier this year, James J. Jankowiak, Automotive Foreman in the Central Garage, lett his job with the Town to take a job with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that James J. Jankowiak, Cheektowaga, New York be and hereby is terminated from his position as Automotive Foreman in the Central Garage, effective February 19, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 5B Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

Parks Division - #01-007110-1-0-1491-001

Effective

Earl Scherer

immediately

Billy Joe Spradlin

immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 5C Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time Employees in the Departments listed:

JUSTICE COURT

Effective

Kim Fenske

3/16/88

Deanna McGuire

3/22/88

ASSESSOR'S OFFICE

Judy Golas

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, a vacancy exists in the position of Captain in the Police Department due to the retirement of Frederick Netzel, and

WHEREAS, the Chief of Police and his screening committee have interviewed candidates for such vacancy and have recommended that Lieutenant Joseph Chojnacki be promoted to Captain, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Chojnacki be and hereby is promoted to the position of Captain in the Police Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Captains and Lieutenants Association.

MEETING NO. 7
April 4, 1988

Item No. 6 cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the Erie County Department of Personnel has established the position of Pump Operator to fill vacancies at the Main Pump Station in the Town of Cheektowaga, AND

WHEREAS, said Department of Personnel held a competitive examination for Pump Operator, the results of which have been released, AND

WHEREAS, there is need to fill two (2) vacancies now being held by provisional employees and there is also need to fill two (2) vacancies that will be left open by the retirement of Grade II Plant Operators, NOW, THEREFORE, BE IT

RESOLVED, that the following applicants which have successfully passed the examination for Pump Operator and are listed on the eligible list as submitted by the Erie County Department of Personnel be and hereby are appointed to the position of Pump Operator at the Main Pump Station at a rate in accordance with the current bargaining agreement, said appointment to be effective on April 5, 1988:

Daniel J. Zack

Joseph C. Cywinski

Cheektowaga, NY 14227

Cheektowaga, NY 14225

Peter Pohl

Ronald S. Kozell

Depew, NY 14043

Cheektowaga, NY 14211

AND. BE IT FURTHER

RESOLVED, that the following Pump Operators now serving on a provisional basis at the Main Pump Station shall be terminated from said positions effective April 25, 1988:

Larry E. Kowal
Richard L. Wilson

AND, BE IT FURTHER

RESOLVED, that the necessary paperwork for the position of Pump Operator at the Main Pump Station be forwarded to the Erie County Department of Personnel.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8A Motion by Supervisor Swiatek Seconded by Councilman Kulyk

WHEREAS, William Wielinski, the town's Supervisory Accountant, has requested a (1) one year leave of absence to pursue educational opportunities, NOW, THEREFORE BE IT

MEETING NO. 7
April 4, 1988

Item No. 8A con't.

RESOLVED, that Mr. Wielinski be granted a (1) one year leave of absence, without pay, from April 21, 1988 to April 21, 1989.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8B Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED that Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, be granted a leave of absence from May 20, 1988 through June 3, 1988 to attend active duty training with the United States Army Reserves at Fort Leonard Wood Missouri.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Gabryszak Seconded by Councilman Johnson

BE IT RESOLVED, that the Town Crossing Guards be granted an additional paid holiday for 1988, namely Thanksgiving Day, November 24, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10A Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the New York State Association of Large Towns has arranged for a meeting with Commissioner Jorling of the State Department of Environmental Conservation, on Tuesday, April 12, 1988 in Albany, New York, and

WHEREAS, the Town of Cheektowaga needs necessary technical and financial assistance to implement an effective and efficient garbage disposal system, and

WHEREAS, the support of the executive branch of New York State is vital in achieving this goal, NOW, THEREFORE BE IT

RESOLVED, that Supervisor Frank E. Swiatek, is hereby authorized to attend this conference on April 12, 1988 and that all his reasonable travel expenses be reimbursed.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10B Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the New York State Public Employment Relations Board has scheduled a training seminar on "The Taylor Law : Procedures Update for Labor & Management" on Tuesday, April 12, 1988 in Binghamton, New York, and

WHEREAS, the Chief of Police has requested permission for Assistant Chief of Police Bruce D. Chamberlin to attend this seminar, NOW THEREFORE BE IT

Item No. 10B cont'd.

RESOLVED, that Assistant Chief Bruce D. Chamberlin be and hereby is authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED, that the Town shall reimburse Assistant Chief Chamberlin for registration, lodging and meals, at a cost not to exceed \$125.00, and BE IT FURTHER

RESOLVED, that Assistant Chief Chamberlin be and hereby is authorized to drive a Town vehicle to and from such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10C Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, by resolution dated February 1, 1988, this Town Board authorized Police Officer Gibbs to attend an arson course entitled "Cause and Origin Determination" at the New York State Office of Fire Prevention and Control in Montour Falls, New York from February 8th-12th, 1988, and

WHEREAS, due to arising conflicts, Officer Gibbs was unable to attend on the dates approved, and

WHEREAS, another arson course on "Cause and Origin Determination" has been scheduled for April 11th-15th, 1988 and Officer Gibbs wishes to take such course, NOW, THEREFORE, BE IT

RESOLVED, that Officer Dennis Gibbs be and hereby is authorized to attend the "Cause and Origin Determination" course in Montour Falls, New York from April 11th-15th, 1988, and BE IT FURTHER

RESOLVED, that the cost for such seminar, meals and lodging shall be at Town expense, at a cost not to exceed \$125.00, and BE IT FURTHER

RESOLVED, that Officer Gibbs be and hereby is authorized to drive a Town vehicle to such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga has previously created the position of Director of Administration and Finance, and

WHEREAS, final approval of this position rests with the New York State Civil Service Commission, NOW, THEREFORE BE IT

RESOLVED, that the title of Director of Administration and Finance be hereby changed to Director of Administration and Finance (PJC-Exempt).

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, there is a need for resolving a flooding problem on Laura Court and Edmund Street, which project has been given a high priority by the Town Board and the Highway Superintendent, and

WHEREAS, the Highway Department is prepared to undertake the construction of the necessary drainage system as soon as the Survey and Design for said Storm Sewer System is completed, NOW, THEREFORE, BE IT

RESOLVED that the proposal for doing the necessary Survey and the preparation of plans for the Laura Court and Edmund Street Storm Sewer Project, as submitted by Don Gallo, Consulting Engineer for the Highway Superintendent, and dated March 29th, 1988 be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the Supervisor on behalf of the Town Board, hereby authorizes the Highway Superintendent to sign said agreement with Don Gallo, Consulting Engineer, for professional services, including Survey and Design of the Storm Sewer System and BE IT FURTHER

RESOLVED that the cost for said professional services in the amount of \$14,500.00 are to be charged to 62200.5132315.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13A Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Federal Motor Vehicle Act of 1986 requires operators of vehicles in excess of 26,000 pounds to obtain Class A and B licenses, whereas now such operators need only Class 1 and 2 licenses, and

WHEREAS, the regulations promulgated pursuant to this Act by the U.S. Department of Transportation ("USDOT") state that drivers of fire apparatus in excess of 26,000 pounds, drivers of tractor-trailer type apparatus and drivers of hazardous materials vehicles must have such Class A and B licenses, and

WHEREAS, the USDOT regulations making the aforementioned interpretation (49 CFR Part 383, FHWA Docket No. MC-87-18) are expected to become finalized on or about June 15, 1988, and

WHEREAS, the licensing provisions of the Federal Motor Vehicle Act of 1986 require a physical examination, a written test and a driving practical test every four years, at a cost per applicant of \$200-\$400 every four years, and

WHEREAS, the application of the Federal Motor Vehicle Act of 1986 to operators of fire vehicles is expected to affect the finances and manpower of volunteer fire companies throughout New York State and would serve to overburden taxpayers, and

WHEREAS, in each Fire District in the Town, firemen who operate fire vehicles are already trained, tested and qualified by the Fire District officers and thus there is no need to apply the Federal Motor Vehicle Act of 1986 to them, and

WHEREAS, it appears that the intent of the Federal Motor Vehicle Act of 1986 was to apply only to commercial vehicle operators and not to political subdivisions such as fire districts, and

WHEREAS, this Board feels that the USDOT and the Federal Highway Administration should exempt or grandfather volunteer firemen from the requirements of the Federal Motor Vehicle Act of 1986, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the Federal Highway Administration, the USDOT, the U.S. Congress, the U.S. Senate and the President of the United States to take whatever action necessary to exempt or grandfather

Item No. 13A Cont'd.

volunteer firemen from the licensing requirements of the Federal Motor Vehicle Act of 1986, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Congressman Henry J. Nowak; U.S. Senators Alphonse D'Amato and Daniel Patrick Moynihan; President Ronald Reagan; the Federal Highway Administration and the USDOT.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13B Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the Real Property Tax Law of the State of New York provides for various individuals and corporations to receive exemptions from County, Town and School taxes, and

WHEREAS, volunteer firemen in towns receive no such property tax exemptions, and

WHEREAS, volunteer firemen perform a valuable service to town residents and receive no remuneration for same, and

WHEREAS, recruitment problems have arisen in many town fire districts because there are few incentives for individuals to become volunteer firemen, and

WHEREAS, a bill has been introduced in the State Senate (S.4153) for the 1987-1988 Regular Session, which bill would allow real property owned by disabled firemen or their widows to be exempt from local taxes, and

WHEREAS, this Town Board feels that the enactment of Senate Bill No. 4153 would be beneficial to the fire districts and the residents of this Town, and

WHEREAS, this Town Board feels that senate Bill No. 4153 should be further expanded to include all volunteer firemen, NOW, THEREFORE, BE IT

RESOLVED that this Town Board memorializes the State Senate and Assembly and Governor Cuomo to enact an amended version of Senate Bill No. 4153 to provide for property tax exemptions for all volunteer firemen, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Tokasz, Senator Volker, Governor Cuomo and the Speakers of the State Senate and Assembly.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13C Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, volunteer fire and ambulance companies provide invaluable services to our community by saving lives and property, and

WHEREAS, these groups have seen little or no increase in public funding the past few years, despite dramatically increased costs for financing the purchase, construction and rehabilitation of buildings and equipment, and

WHEREAS, these loans could be used to purchase and improve facilities and equipment that is manufactured in New York State, and

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Item No. 13C Cont'd.

WHEREAS, Pennsylvania has had a similar low-interest revolving loan in place since 1975 which has loaned over \$63 million to volunteer fire and ambulance services, and

WHEREAS, New York State's emergency services deserve the same opportunities to upgrade and maintain their equipment so as to be effective and as safe in their work as possible, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the New York State Legislature to approve Assembly Bill NO. 1642-A and Senate Bill No. 943-A, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul Tokasz, Senator Dale M. Volker, Governor Mario Cuomo and to the Speakers of the State Senate and Assembly.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13D Memorialize U. S. Army Corps of Engineers to complete its review of Walden Galleria.

THE ABOVE RESOLUTION WAS MOTIONED BY COUNCILMAN KULYK BUT FAILED DUE TO THE LACK OF A SECOND.

Item No. 14A Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, a major responsibility of local government is to increase accountability to the general public through sound budget practices, and

WHEREAS, presently, towns in New York State are not required to approve their final budget until after the general election, and

WHEREAS, towns could eliminate the potential abuse of the budget system, and

WHEREAS, town elected officials could bring new accountability to town government by requiring budgets to be finalized before election day so that voters could have full knowledge concerning all expenditures, salaries of officials and property tax rates before they exercise their right to vote, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board go on record supporting legislation introduced by Assemblyman Joseph T. Pillittere, making the necessary modifications in town law regarding the final adopting of the budget, and BE IT FURTHER

RESOLVED that the Town Board of the Town of Cheektowaga, by virtue of this resolution, require all future town budgets to be adopted before election day.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14B Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, the Center City Area Loan Assistance Program, is a major new economic development program sponsored by Governor Mario Cuomo, and

Item No. 14B Cont'd.

WHEREAS, this program is a new initiative to make this state a partner with local government and private enterprise in revitalizing the central business districts of our cities, boroughs and other communities in New York, and

WHEREAS, no other New York State Economic Development Program, currently permits this type of direct assistance to economic development projects of municipalities, and

WHEREAS, the Town of Cheektowaga would be an eligible applicant for the Center City Area Loan Assistance Program, and

WHEREAS, eligible cost would be for planning, acquisitions, demolitions, site work and infrastructure and for development project costs, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board, go on record supporting the Center City Area Loan Assistance Program, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be sent to Assemblyman Paul Tokasz, State Senator Dale Volker, the Governors Office, the Assembly Committee and Commerce Industry Economic Development, the Assembly Ways and Means Committee, the Senate Committee on Commerce, Economic Development and Small Business and the Senate Finance Committee.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

WHEREAS, the Town's Insurance Consultant has received and evaluated proposals for loss control services related to the Town's Self-Insured Workers Compensation program, and

WHEREAS, the Town has found such services reduce employee injuries and the pain and discomfort to employees from such injuries and the compensation costs to the Town, and

WHEREAS, the Insurance Consultant recommends award of a contract to Joseph J. Naples & Associates, Inc. to provide 100 hours of Loss Control Services (50 hours minimum) at \$35.00 per hour, NOW, THEREFORE, BE IT

RESOLVED that the Joseph J. Naples & Associates, Inc. proposal to provide 100 hours of loss control service in 1988 at \$35.00 per hour for an expected annual cost of \$3,500.00, be and hereby is accepted, and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a new Loss Control Service Agreement with Joseph J. Naples & Associates, Inc.; said contract being subject to the approval of the Town Attorney and the Town's Insurance Consultant.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Kulyk, Kazukiewicz
NAYES: Councilman Johnson, Gabryszak and Solecki
ABSENT: 0

Item No. 16 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, Laverack & Haines, Inc. has submitted a proposal for the renewal of their contract for Liability Claims Administration under the Town's established self-insurance program, and

WHEREAS, Laverack & Haines, Inc. will provide such claims administra-

Item No. 16 Cont'd.

tive services for a flat fee of \$10,750 for one year, commencing March 30, 1988, and

WHEREAS, the Town's insurance consultant has evaluated the proposed continuation of the aforementioned contract with Laverack & Haines, Inc., and has recommended that same be accepted by the Town, NOW, THEREFORE, BE IT

RESOLVED that the Town hereby accepts the aforementioned proposal made by Laverack & Haines, Inc., and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a liability claims administration services contract with Laverack & Haines, Inc.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, the Town's Insurance Consultant has requested, received and evaluated proposals for renewal of the Town's general insurance, which expired as of March 30, 1988, and

WHEREAS, the insurance services listed below have been recommended,
and

WHEREAS, acceptance of the insurance services listed below will result in a savings of \$33,000.00 over last year's insurance premiums, NOW, THEREFORE, BE IT

RESOLVED that the Town ratifies the purchase of the following insurance services as arranged by its Insurance Consultant at the advance annual costs reflected below, effective as of the following respective dates:

	<u>Premium</u>	<u>Effective Dates</u>
<u>From Joseph J. Naples & Associates, Inc.</u>		
Building & Contents	\$31,021.59	3/30/88 - 3/29/89
Contractors Equipment	4,826.00	3/30/88 - 3/29/89
Automobile	115,304.00	3/30/88 - 3/29/89
Workers Compensation (SYEP Program)	8,278.00	3/30/88 - 3/29/89
Crime Coverages	1,645.00	3/30/88 - 3/29/89
Public Employees Bond	2,372.00	3/30/88 - 3/29/89
Additional Indemnity	168.00	3/30/88 - 3/29/89

From Hoey Agency

Boiler & Machinery	4,227.00	3/30/88 - 3/29/89
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Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18A Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, effective systems of internal accounting and administrative control provide the basic foundation upon which a structure of public accountability must be built, and

Item No. 18A Cont'd.

WHEREAS, effective systems of internal accounting and administrative control are necessary to assure that the Town of Cheektowaga assets and funds are adequately safeguarded as well as to produce reliable financial records and reports, and

WHEREAS, effective systems of internal accounting and administrative control are necessarily dynamic and must be continuously reviewed and evaluated and where necessary established, changed, or improved, and

WHEREAS, fraud and error are more likely to occur from a lack of effective systems of internal accounting and administrative control in the Town of Cheektowaga, and

WHEREAS, management is responsible for establishing and maintaining systems of internal accounting and administrative control and an auditor can assist management by examining and evaluating the adequacy and effectiveness of the Town of Cheektowaga systems of internal control, and

WHEREAS, reports regarding the adequacy of the systems of internal accounting and administrative control of each department and agency are necessary to evaluate the performance of its public responsibilities and accountability, NOW, THEREFORE,

THE TOWN OF CHEEKTOWAGA HEREBY RESOLVES THAT, the Town Board direct the Town Supervisor, Director of Administration and Finance and the Independent Accounting Firm of Deloitte, Haskins & Sells to assist individual departments in the following objectives:

* Each Department shall have adequate internal accounting and administrative controls to provide reasonable assurance that:

* Obligations and commitments are in compliance with applicable law and policy,

* Funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation, and

* Revenues and expenditures, applicable to the Town of Cheektowaga operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the assets.

* The Town of Cheektowaga programs operate efficiently and in accordance with management's policies, and FURTHER BE IT

RESOLVED that guidelines be established and reviewed in January of each year to ensure compliance.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 18B Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has a playground located on private property owned by St. Patrick's Episcopal Church, 1395 George Urban Boulevard, and

WHEREAS, said playground has basketball and tennis courts and playground equipment to service the residents of Cheektowaga, and

WHEREAS, construction of a maintenance service road has been requested by St. Patrick's Episcopal Church and the Cheektowaga Facilities Department, NOW, THEREFORE, BE IT

Item No. 18B Cont'd.

RESOLVED that the Cheektowaga Town Board hereby authorizes the Superintendent of Highways Christopher Kowal to construct said service road, AND BE IT FURTHER

RESOLVED that road construction material for said project shall be charged to the Facilities Department, Account #7110.4458.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18C Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board (Northeast Board) is to find environmentally sound and cost efficient alternatives for the management and disposal of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, the Town Board authorized the Town to act as the lead agency for all activities involved in the preparation of a final feasibility study and preliminary engineering work concerning the development of a waste-to-energy facility at Wende and

WHEREAS, all of the municipalities comprising the Northeast Board, including the Town of Cheektowaga, have appropriated sufficient funds for the preparation of such feasibility study engineering work, including a \$200,000.00 aid to municipalities grant in contract then, the Northeast Communities Solid Waste Management Board (Represented by Elma, New York) and N.Y.S.D.E.C., and

WHEREAS, the firm of Barton and Loguidice, P.E., Consulting Engineers and land surveyors, were retained to do the necessary feasibility study within budgeted funding therefore, and

WHEREAS, Barton and Loguidice, P.E., have submitted bills to the Northeast Board for their services, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga, as lead agency and chairman for the Northeast Communities Solid Waste Management Board, hereby authorizes the chief fiscal officer of the Town of Elma, being the Treasurer of the Northeast Communities Solid Waste Management Board, to withdraw the sum of \$9,011.51 for services for the period of 11/29/87 through 1/30/88, from the Northeast Board's checking account and to pay said sums to Barton and Loguidice, P.E., for services rendered by such engineers for solid waste management planning and project development to date.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19A Establish Sesquicentennial/BiCentennial Committee
This item was withdrawn.

Item No. 19B Motion by Councilman Kazukiewicz

WHEREAS, sports and other recreational activities are of great interest and concern to the residents of this Town, and

WHEREAS, this Town Board wishes to gain insight into the needs of our constituents for sports and recreational facilities and activities, and

WHEREAS, in order to accomplish this objective, this Town Board

Item No. 19B Cont'd.

desires to establish a panel to investigate and report back to this town Board its findings with respect to sports and recreational activities and facilities desired by our constituents, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Sports Panel, composed of the following individuals:

Herbert Niebergall
Gary Parks
Len Kosobucki
Richard Wipperman

Henry Andrzejewski, Sr.
William Rogowski
John Abraham
Gerald Kupkowski

Matt Szydlowski
Waldemar Pawlowski

and, BE IT FURTHER

RESOLVED that the purpose of the Cheektowaga Sports Panel shall include the following responsibilities:

1. review the needs of our constituents relating to recreation and sports;
2. make recommendations to this Town Board to ensure the use of Town recreational facilities to the fullest;
3. make recommendations to this town Board with respect to lighting and direction of ball diamonds;
4. make recommendations to this Town Board with respect to an outdoor skating arena;
5. make recommendations to this Town Board with respect to the need for a small enclosed all-purpose stadium;
6. make recommendations to this Town Board with respect to the hours of operation of recreational facilities, especially during the summer months.

* * * * *

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN SOLECKI, TO REFER THE ABOVE RESOLUTION TO THE RECREATION COMMITTEE.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

*THE ABOVE RESOLUTION WAS REFERRED TO THE RECREATION COMMITTEE.

Item No. 20 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, by Town Board resolution dated May 18, 1987, the preliminary plan for Losson Park Village Subdivision was approved subject to certain conditions, and

WHEREAS, the developer of such proposed subdivision has satisfied the conditions of the Town Engineer and Highway Superintendent which were stated in such resolution, NOW, THEREFORE, BE IT

RESOLVED that the preliminary plan for the Losson Park Village Subdivision, as shown on Drawing C-86-114-01, Revision 4 is approved by this Town Board, and BE IT FURTHER

RESOLVED that the conditions stated in the first, second and third "RESOLVED" paragraphs of the aforementioned Town Board resolution dated May 18, 1987 be and hereby are rescinded.

Item No. 20 Cont'd.

* * * * *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN JOHNSON, TO REFER THE ABOVE RESOLUTION TO THE PETITIONS AND ZONING COMMITTEE, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

*THE ABOVE RESOLUTION WAS REFERRED TO THE PETITIONS AND ZONING COMMITTEE.

Item No. 21 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board awarded a contract for the Mafalda Drive Drainage Project to M. Falgiano Construction Company,, Inc. by Town Board resolution dated October 19, 1987, and

WHEREAS, it was necessary to repair sanitary lateral crossings and repair of water services and replacement of a section of deteriorated storm sewer on Mafalda Drive, and

WHEREAS, said repairs were affected under the direction of Rudolph E. Bogacki, Project Engineer, with the approval of the Town Engineer and Nussbaumer & Clarke, Inc., Consulting Engineers, NOW, THEREFORE, BE IT

RESOLVED that this town Board approves Change Order #2 at an additional cost of \$2,257.60 as an addition to the contract of M. Falgiano Construction Company, Inc., 95 Leslie Street, Buffalo, New York 14211 for the above mentioned items necessary to complete the below ground portion of this contract, AND, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to sign said Change Order #2 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22A Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, developers are required to install water mains within the right-of-way of new subdivisions, and

WHEREAS, hydrants must be installed in Phase I of Losson Meadows Subdivision prior to acceptance of the water transmission system, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the developer of the Losson Meadows Subdivision to install four (4) hydrants in Phase I, at the locations approved by the Chief of Southline Fire District No. 10, Ralph E. Collins, at locations described as follows:

- 1) North side of Cherrywood Drive at the common lot line of Sublots No. 3 and No. 4
- 2) North side of Cherrywood Drive at the common lot line of Sublots No. 9 and No. 10
- 3) North side of Cherrywood Drive at the common lot line of Sublots No. 16 and No. 17
- 4) North side of Cherrywood Drive at the common lot line of Sublots No. 22

Item No. 22A Cont'd.

and No. 23

AND, BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing the subject hydrants is to be borne by the subdivision developer, to also include relocation of an existing hydrant at the Cherrywood Drive/Borden Road intersection to a location approximately 40' north of the present installation, AND, BE IT FURTHER

RESOLVED that the Town of Cheektowaga is responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the subject hydrants, with said charges being recovered by Town billing to the respective fire company.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22B Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, developers are required to install water mains within the right-of-way of new subdivisions, and

WHEREAS, one (1) hydrant must be installed in Phase I of the Losson Park Estates Subdivision prior to acceptance of the water main extension by the Erie County Water Authority as part of their water transmission system, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the developer of the Losson Park Estates Subdivision to install one (1) hydrant in Phase I, at the location approved by the Board of Fire Commissioners of Bellevue Fire District #9, being situate on the south side of Crabapple Lane opposite the common lot line of S.L. No. 6 and No. 7, AND, BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing said hydrant are to be borne by the subdivision developer, AND, BE IT FURTHER

RESOLVED that the Town of Cheektowaga is responsible for the payment of the annual hydrant rental charge to the Erie County Water Authority for the subject hydrant, with said charge being recovered by Town billing to the respective fire company.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23A Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the town Board pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory committee, and

WHEREAS, the Advisory Committee, at its meeting held on February 19,

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Item No. 23A Cont'd.

1988, rendered the determination(s) shown on the attached memo dated February 23, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the February 23, 1988 memo attached hereto:

Item III

4225 Genesee Street

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23B Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on March 18, 1988, rendered the determinations shown on the attached memo dated March 21, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the March 21, 1988 memo attached hereto:

Item I	Cayuga Rd., N. of Cleveland Drive
Item II	2145 Old Union Road
Item IV	Town of Cheektowaga
Item VIII	765 Dick Road
Item X	3500 Genesee Street
Item XII	Jessica Lane
Item XIII	Kennedy Road

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION, (BY DELETING ITEM XIII) AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23B Cont'd.

AMENDED RESOLUTION

Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on March 18, 1988, rendered the determinations shown on the attached memo dated March 21, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the March 21, 1988 memo attached hereto:

Item I	Cayuga Rd., N. of Cleveland Drive
Item II	2145 Old Union Road
Item IV	Town of Cheektowaga
Item VIII	765 Dick Road
Item X	3500 Genesee Street
Item XII	Jessica Lane

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, the W.N.Y. Loyalty Day Committee, Inc. has requested permission to hold its 9th Annual Loyalty Day Parade on Sunday, May 1, 1988, and to have a police escort for same, and

WHEREAS, the Loyalty Day Parade would begin at the Valu Plaza, corner of So. Rossler and Clinton Street, and proceed west on Clinton Street into the City of Buffalo, and

WHEREAS, this Town Board desires to approve the aforesaid parade and to provide a police escort for same, NOW, THEREFORE, BE IT

RESOLVED that the W.N.Y. Loyalty Day Committee, Inc. be and hereby is authorized to conduct its Loyalty Day Parade at the above mentioned time and place, and BE IT FURTHER

RESOLVED that the Chief of Police be and hereby is directed to provide traffic and escort arrangements for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law of the State of New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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Item No. 25 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga, is desirous of improving taxpayer relations, and

WHEREAS, the Town Board also desires to address neighborhood needs, wants and issues, and

WHEREAS, a key objective of responsive government is accessibility to the citizens, NOW, THEREFORE, BE IT

RESOLVED that the Town Board Meeting scheduled for May 16, 1988, at the town Hall is hereby changed to the Southline Fire Hall on 1049 French Road, and BE IT FURTHER

RESOLVED that the following agenda be followed:

1. 6:30 P.M. Public Hearing (if held)
2. 6:45 P.M. Public Comment (agenda items)
3. 7:00 P.M. Town Board Meeting
4. 8:15 P.M. (approximate) - 1 hour forum on neighborhood issues
5. 9:15 P.M. (approximate) - 1 hour informal social and citizen discussion with Town Board and Department Heads, hosted by the Southline Fire Company.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, and Solecki
NAYES: Councilmen Kulyk and Kazukiewicz
ABSENT: 0

Item No. 26 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

From: \$599.00 (Appropriated Fund Balance)	\$4,086.23
\$1330.4431 (Tax-Equip. Repairs and Maint)	552.90
To: \$7410.4425 (Library-Feasibility Study)	\$4,086.23
\$1330.2209 (Tax-Miscellaneous Office Equipment)	552.90

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 4, 1988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$105,995.12
SPECIAL DISTRICT FUND	46,272.00
HIGHWAY FUND	46,370.00
TRUST AND AGENCY FUND	748.85
PART TOWN FUND	302.96
RISK RETENTION FUND	955.00
CAPITAL FUND	2,635.77
HUD-CDBG FUND	16,398.28
	<u>\$219,678.62</u>

MEETING NO. 7
April 4, 1988

Item No. 27 cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

II. FROM THE TABLE

Item No. 28 Motion by Councilman Kazukiewicz Seconded by Councilman Kulyk

WHEREAS, the next regularly scheduled Town Board meeting will be held on April 4, 1988, and

WHEREAS, April 4, 1988 is Dyngus Day, a traditional holiday, and many festivities take place on such day, and

WHEREAS, it is expected that many Town residents will elect to attend Dyngus Day functions rather than the Town Board meeting, and

WHEREAS, this Town Board desires to change its meeting date to accommodate the public, NOW, THEREFORE, BE IT

RESOLVED, that the next regularly scheduled Town Board meeting date be and hereby is changed from Monday, April 4, 1988 to Tuesday, April 5, 1988.

NO VOTE TAKEN DUE TO IMPOSSIBILITY OF FULFILLMENT

Item No. 30 This item was taken out of order ahead of Item No. 29.

ORIGINAL AMENDED RESOLUTION FROM MARCH 21, 1988 TOWN BOARD MEETING

Motion by Supervisor Swiatek seconded by Councilman Kulyk

WHEREAS, there is a need to fill the vacancy of Working Foreman in the Sewer Maintenance Department, and

WHEREAS, Robert Czubaj, has applied for such position, and

WHEREAS, the position of Working Foreman in the Sewer Maintenance Department must be filled as a temporary appointment since the permanent appointee, Thaddeus P. Brudz, is on a leave of absence from such position, NOW, THEREFORE, BE IT

RESOLVED that Robert Czubaj, residing at , Sloan, New York, 14212 be and hereby is appointed to the temporary position of Working Foreman in the Sewer Maintenance Department, effective immediately.

MOTION BY SUPERVISOR SWIA TEK SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION BY STRIKING THE NAME OF ROBERT CZUBAJ, AND INSERTING THE NAME OF ROBERT SKIBNIEWSKI, and the vote on the amendment was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Gabryszak, Solecki
NAYES: Councilmen Jaworowicz, Kulyk and Kazukiewicz
ABSENT: 0

*SEE NEXT PAGE FOR AMENDED RESOLUTION

MEETING NO. 7
April 4, 1988

Item No. 30 Cont'd.

* * * * *

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz to refer Item No. 30 to the Labor Management Committee and the voting was as follows:

Upon Roll Call....

AYES: Councilmen Jaworowicz, Kulyk and Kazukiewicz
NAYES: Supervisor Swiatek Councilmen Johnson, Gabryszak and Solecki
ABSENT: 0

* THE ABOVE MOTION WAS DEFEATED.

* * * * *

* A THIRD VOTE WAS TAKEN ON THE AMENDED RESOLUTION AS FOLLOWS:

AMENDED RESOLUTION OF APRIL 4, 1988 MEETING

Motion by Supervisor Swiatek seconded by Councilman Kulyk

WHEREAS, there is a need to fill the vacancy of Working Foreman in the Sewer Maintenance Department, and

WHEREAS, Robert M. Skibniewski, has applied for such position, and

WHEREAS, the position of Working Foreman in the Sewer Maintenance Department must be filled as a temporary appointment since the permanent appointee, Thaddeus P. Brudz, is on a leave of absence from such position, NOW, THEREFORE, BE IT

RESOLVED that Robert M. Skibniewski, residing at Cheektowaga, New York, 14206 be and hereby is appointed to the temporary position of Working Foreman in the Sewer Maintenance Department, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 29 This item read the same as the adopted resolution of Item No. 30 and the two therefore became one resolution, henceforth no action needed to be taken.

III. DEPARTMENTAL COMMUNICATIONS

Item No. 31 Building Permits
Received and Filed

Item No. 32 Supervisor's Statement of Funds: August 1987 - February 1988
Received and Filed

Item No. 33 Cheektowaga Traffic Safety Commission: Minutes of March 1988 meeting
Received and Filed

MEETING NO. 7
April 4, 1988

IV. GENERAL COMMUNICATIONS

- Item No. 34 Order to Show Cause: James L. Mann vs. Town of Cheektowaga, Cheektowaga Police Department and Rusiniak's Service Inc. Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert M. Lis, Chief of Police; Laverack and Haines, Insurance Carrier. Received and Filed
- Item No. 35 Summons with Notice: Daniel, Laurie and Vincent Mele vs. Town of Cheektowaga Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert M. Lis, Chief of Police; Laverack and Haines, Insurance Carrier. Received and Filed
- Item No. 36 Notice for Discovery and Inspection: Michael Dorobiala vs. Walter Maleck vs. Town of Cheektowaga Copies were sent to: James Kirisits, Town Attorney; Robert M. Lis, Chief of Police. Received and Filed
- Item No. 37 Notice of Claim: Nancy M. Dispense vs. Town of Cheektowaga Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Christopher E. Kowal, Highway Superintendent; Laverack and Haines, Insurance Carriers. Received and filed.
- Item No. 38 Residents of Losson/Borden area: Petition regarding Losson Road site for public library. Copies were sent to: Frank E. Swiatek, Supervisor; Karen McAuley, Council Secretary and Library Board. Received and filed.
- Item No. 39 Jeffrey Trost, Captain of Cheektowaga Mite Travel Hockey Team: Thank you letter Copies were sent to: Frank E. Swiatek, Supervisor; Karen McAuley, Council Secretary Received and filed.

* * * * *

Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz to suspend the rules to include the following four items and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

MEETING NO. 7
April 4, 1988

V. SUSPENSION OF RULES

Item No. 40 Approval of Ambulance Driver/Attendant Licenses

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board ("EMS BOARD"), and

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for driver(s)/attendant(s), and has recommended that the Town Board license such driver(s)/attendant(s), and

WHEREAS, this Town Board desires to license such driver(s)/attendant(s), NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the EMS Board concerning the licensing of driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the applicant(s) for driver(s)/attendant(s) license(s) set forth on the annexed schedule are hereby approved for licensing by this Town Board for a period to expire upon the expiration of such 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 driver(s)/attendant(s) license(s) to the applicant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

*SEE NEXT PAGE FOR LIST OF NEW AMBULANCE DRIVER/ATTENDANT LICENSEES

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Bailey, Allen J.	,Bflo,NY	Gold Cross	5/31/90
Carson, Barbara K.	, Amherst,NY	Gold Cross	8/31/89
Cummings, Ronald J.	,Gr.Island,NY	Town's Amb.	12/31/90
Delitta,Thomas J. 3	,Bflo.,NY	Gold Cross	5/31/90
Dickie, Susan M.	,Wmsv.,NY	Town's Amb.	5/31/90
Gianello,Steve E.	,W.S.,NY	Gold Cross	12/31/90
Harmon, Elaine Daniels	,Bflo,NY	Gold Cross	1/31/91
Harris, George L.	,Bflo,NY	Gold Cross	1/31/91
Kartzman, Kevin A.	,Amherst,NY	Gold Cross	5/31/89
Lucarelli, Lawrence	,Depew,NY	Gold Cross	1/31/91
Porter, William T.	,Bflo,NY	Gold Cross	12/31/90
Sikora, John H.	,Bflo,NY	Gold Cross	1/31/91
Talmon, Richard W. ,Jr.	,AmherstNY	Town's Amb.	8/31/89
Zimmerman,Jeanne M.	Cktw.,NY	Town's Amb.	1/31/91

MEETING NO. 7
April 4, 1988

Item No. 40 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 41 Approval of Ambulance Driver/Attendant Renewal Licenses

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board (EMS Board), and

WHEREAS, the EMS Board has completed a review and evaluation of the license renewal applications for driver(s)/attendant(s), and has recommended that the Town Board renew such licenses, and

WHEREAS, this Town Board desires to renew such driver(s)/attendant(s) licenses, NOW, THEREFORE, BE IT

RESOLVED that the recommendations of EMS Board concerning the renewal of the licenses for driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the renewal application(s) for driver(s)/attendant(s) set forth on the annexed schedule be and hereby are approved for a period to expire upon the expiration of such 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 renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

*See Next Page for List of Renewal Ambulance Driver/Attendant Licensees

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>RENEWAL</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Altman, Matthew T.		Lockport, NY	Town's Amb.	12/31/90
Christopher, Michael		, Amherst, NY	Town's Amb.	5/31/90
Costello, Henry D.		, Bflo, NY	Town's Amb.	5/31/89
Hamerski, James A.		, Derby, NY	Gold Cross	12/31/90
Henderson, Kenneth		, Snyder, NY	Town's Amb.	5/31/89
Swarts, Kent C.		, Wmsvillle, NY	Town's Amb.	12/31/90

MEETING NO. 7
April 4, 1988

Item No. 41 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 42 Notice to Bidder: One 3/4 ton G-20 Van for Police Department

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, the Police Department's van is scheduled to be sold at public auction, and

WHEREAS, the Police Department is in need of a new van for various uses, and

WHEREAS, moneys were appropriated in the 1988 Police Department budget for the purchase of a new van, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) 3/4 Ton G-20 Van for use by the Police Department, and BE IT FURTHER

RESOLVED, that specifications may be obtained from the Office of the Town Clerk, Town Hall, Broadway and Union Road, Cheektowaga, New York during regular business hours (Mondays through Fridays 9:00 A.M. to 4:30 P.M.), and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on April 15, 1988.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 15, 1988 at 11:00 A.M. Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the purchase of one (1) 1988 Model, 3/4 ton, G-2- Van for the Police Department.

Information for bidders and specifications may be obtained from the Town Clerk at his 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 the order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

Dated: April 4, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*Sonya Rice*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*APR 07 1988*.....;
last publication.....*APR 07 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Sonya Rice*.....
Sworn to before me this*7th*.....
day of*April*....., 19*88*.....
.....*Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
Notice to Bidders**

Sealed proposals will be received by the Town of Cheektowaga on April 15, 1988 at 11:00 A.M. Daylight Savings Time, at the Town Hall, corner of Broadway & Union Road, for the purchase of one (1) 1988 Model, 3/4 ton, G-20 Van for the Police Department.

Information for bidders and specifications may be obtained from the Town Clerk at his 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 interests of the Town, or reject any or all bids.

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

PUBLISH; April 7, 1988

16 CHEEKTOWAGA TOWN

16 CHEEKTOWAGA TOWN

MEETING NO. 7
April 4, 1988

Item No. 43 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time employees in the Town Justice Court at the rate of \$3.75 per hour.

Evelyn Bergman

4/4/88

Katherine Zydel

4/4/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 44 Motion by Councilman Johnson Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
TOWN CLERK

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 18th day of April, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Donald Wegner, Chairman of Zoning Board of Appeals; Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Ray Pugh, Member of Planning Board; Casey Kozminski, Town Assessor; Chris Kowal, Highway Superintendent; Ralph Majchrowicz, Director of Administration and Finance; Ken Kopacz, Executive Director of the Youth Bureau; Ted Brudz, Foreman of Main Pump Station.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

OLCOTT PLACE East side: from the south curblin of Herbert Avenue southerly to terminus.

Section 76-103. Parking time limited in designated locations; standing prohibitions shall be amended by deleting therefrom the following:

A. Parking Signs: restricted and time limit.

OLCOTT PLACE East side: from the south curb of Genesee Street to thirty (30) feet south of Genesee Street

Section 76-1021. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

OLCOTT PLACE West side: from the south curblin of Herbert Avenue southerly to terminus

Item No. 2 cont'd

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.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No parking this side or one-side parking.

FLORAL PLACE North side: from west curblin of Union Road
to a point thirty (30) feet west.

F. Miscellaneous parking signs.

(1) Load and unload only.

FLORAL PLACE North side: from the west curb of Union Road
thirty (30) feet west

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.

II. RESOLUTIONS

Item No. 4 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Dr. Paul H. Lee has petitioned for the rezoning from R-Residential District to RC-Restricted Business District of property owned by Elia and Pia Paoletti and located at 2657 Harlem Road, Cheektowaga, New York which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of March, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), 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 subject to the following conditions:

1. the existing garage be demolished
2. landscaping plan be approved by Planning Board

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided

Item No. 4a cont'd

1. the existing garage be removed
2. all parking spaces be installed prior to occupancy
3. drainage be approved by the Town Engineer
4. no permit for remodeling be issued until conditions 1, 2 and 3 are met, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED that the application of Dr. Paul H. Lee for the rezoning from R-Residential District to RC-Restricted Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and the Environmental Advisory Committee, and BE IT FURTHER

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

* See next page for legal description

Upon Roll Call.....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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 twenty-five (25), Township eleven (11), Range seven (7) of the Holland Land Company's survey and further distinguished as subdivision lots seven (7) and eight (8), as shown on Map filed in the Erie County Clerk's Office under Cover Number 1469.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

..... Steven Webb, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... APR 21 1988 ;
last publication..... APR 21 1988 ;
and that no more than six days intervened be-
tween publications.

..... Steven Webb
Sworn to before me this 21st

day of April, 19 88

..... Justine D. Dembik

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 18th day of April, 1988 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Motion by Councilman Kulyk
Seconded by Councilman Gabryszak

WHEREAS, Dr. Paul H. Lee has pe-

tioned for the rezoning from R-Residential District to RC-Restricted Business District of property owned by Elia and Pia Paoletti and located at 2657 Harlem Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of March, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), 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 subject to the following conditions:

1. the existing garage be demolished
2. landscaping plan be approved by Planning Board

and
WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided

1. the existing garage be removed
2. all parking spaces be installed prior to occupancy
3. drainage be approved by the Town Engineer
4. no permit for remodeling be issued until conditions 1, 2 and 3 are met, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED, that the application of Dr. Paul H. Lee for the rezoning from R-Residential District to RC-Restricted Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and the Environmental Advisory Committee, and, BE IT FURTHER

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

Upon roll call...

Swiatek	AYE
Johnson	AYE
Jaworowicz	AYE
Gabryszak	AYE
Kulyk	AYE
Kazukiewicz	AYE
Solecki	AYE

AYES: 7

NAYES: 0

ABSENT: 0

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 twenty-five (25), Township eleven (11), Range seven (7) of the Holland Land Company's survey and further distinguished as subdivision lots seven (7) and eight (8), as shown on Map filed in the Erie County Clerk's Office under Cover Number 1469.

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY, as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on April 18 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 4a, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of April, 1988

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 21, 1988

Item No. 4b Decision on Special Use Permit - 1249 Walden Avenue
This item was withdrawn.

Item No. 5a Award of bid for equipment and operators for public works projects
This item was withdrawn.

Item No. 5b Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, after advertisement therefor, bids were duly received on April 15, 1988 for One 1987 or Newer, 8-12 Ton Static Roller with less than (200) Original Hours, and

WHEREAS, the Town Highway Superintendent has reviewed and evaluated such bids and has recommended that such bid be awarded to Nuttall Equipment Co., Inc. for a New and Unused Bomag Model BW10AS 8-12 Ton Static Roller, for a total bid price, after trade-in, of \$33,700.00, NOW, THEREFORE, BE IT

RESOLVED that the bid for a new and unused BOMAG Model BW10AS 8-12 Ton Static Roller be and hereby is awarded to Nuttall Equipment Co., Inc., 525 Bullis Road, West Seneca, New York 14224, at a net price, after trade-in of \$33,700.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 5c Award of bid for Salt Storage Building
This item was withdrawn.

Item No. 5d Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated April 4, 1988, this Town Board advertised for bids for the purchase of One (1) 3/4 ton G-20 Van for use by the Police Department, and

WHEREAS, such bids were received and opened on April 15, 1988, and

WHEREAS, the General Foreman of the Central Garage and the Chief of Police have reviewed the bids submitted and have recommended that this Town Board award the bid to:

Mernan Chevrolet, Inc.
2751 Bailey Avenue
Buffalo, New York 14215

NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the bid for One (1) 3/4 ton G-20 Van to:

Mernan Chevrolet, Inc.
2751 Bailey Avenue
Buffalo, New York 14215

the lowest responsible bidder at a bid price of \$12,796.00, and BE IT FURTHER

RESOLVED that the moneys for the purchase of such van shall be appropriated from the Police Department budget, line item 3120-2-0-2303-001.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 6a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, it is in order that bids be advertised for the furnishing of furniture and equipment for the Town Hall Council Chambers, and

WHEREAS, funds have been budgeted for this purpose in account #7110.070, Town Hall Miscellaneous, Capital Improvements Account, 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 furniture and equipment for the Town Hall Council Chambers, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 2nd day of May, 1988 at 10:00 A.M., Eastern Daylight Savings Time, 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 May 2, 1988 at 10:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of furniture and equipment for the Town Hall Council Chambers in the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Furniture and Equipment for the Town Hall Council Chambers" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within six (60) 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 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.

Dated: April 18, 1988

* * * * *

Motion by Councilman Johnson, Seconded by Councilman Jaworowicz to table the above resolution.

Item No. 6b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga is sponsoring two (2) summer day camps for developmentally disabled children ("Camp Crabapple" and "Camp JI-IK-DO-WAH-GAH") from July 5, 1988 to August 12, 1988, and

WHEREAS, it is necessary that bus transportation be provided to transport these developmentall disabled children to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH, and

WHEREAS, Section 103 of the General Municipal Law of the State of New York requires certain municipal contracts to be awarded only after competitive bidding, NOW, THEREFORE, BE IT

Item No. 6b cont'd

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the furnishing of the aforesaid bus transportation to be provided from July 5, 1988 to August 12, 1988, said Notice to be published in the April 28, 1988 issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed proposals will be accepted at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York until 11:00 A.M. on Wednesday, June 1, 1988, and BE IT FURTHER

RESOLVED that the Cheektowaga Town Clerk is hereby designated to publicly open and read said sealed bid proposals at 11:00 A.M. on Wednesday, June 1, 1988.

* * * * *

NOTICE TO BIDDERS

PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 a.m., Eastern Daylight Time, on Wednesday, June 1, 1988, for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the St. John Gualbert School, 120 Alexander Avenue, Cheektowaga, New York 14211. Included in the bid should be the daily use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1988 through August 12, 1988. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained any time after Tuesday, May 3rd, from the camp's Program Coordinator, at the Cheektowaga Youth Bureau, 810 Losson Road, Cheektowaga, New York 14227.

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 interests of the Town, or reject any and all bids.

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

RICHARD M. MOLESKI
Town Clerk

Dated: April 14, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Steven Webb, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication..... APR 21 1988 ;
last publication..... APR 21 1988 ;
and that no more than six days intervened be-
tween publications.

Steven Webb
Sworn to before me this 21st
day of April, 1988.
Justine D. Dembik

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

Avenue, Cheektowaga, New York 14211. Included in the bid should be the daily use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1988 through August 12, 1988. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained any time after Tuesday, May 3rd, from the camp's Program Coordinator, at the Cheektowaga Youth Center, 810 Loxson Road, Cheektowaga, New York 14227.

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 low bidder, should it be in the best interests of the Town, or reject any and all bids.

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

RICHARD MOLESKI
Town Clerk
PUBLISH: April 21, 1988

LEGAL NOTICE NOTICE TO BIDDERS PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 A.M. Eastern Daylight Time, on Wednesday, June 1, 1988, for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the St. John Gualbert School, 120 Alexander

April 21, 1988 CHEEKTOWAGA TIMES 21

MEETING NO. 8
April 18, 1988

Item No. 7 Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on April 15, 1988 rendered the determinations shown on the attached memo dated April 15, 1988, and

WHEREAS, the Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the April 15, 1988 memo attached hereto:

Harlem/Genesee

Pine Lawn Chapel, Crematorium

* See next page for memo

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: Councilman Johnson
ABSENT: 0

Office of
BUILDING and PLUMBING INSPECTIONS

RONALD MARTEN
Building and Plumbing Inspector



M E M O

TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
686-3470

TO: Supervisor Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney
SEQR Members

FROM: Thomas Adamczak
Assistant Building Inspector

DATE: April 15, 1988

The following is a summary of a proposal which has been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on April 15, 1988, in the Town Hall Council Chambers.

° Harlem/Genesee - Pine Lawn Chapel/Crematorium

Applicant: Frank Ciminelli
Construction For Mount Calvary Cemetery, Inc.

Determination: Non-Significant (Negative Declaration)
The applicant proposes to construct a 5,000 square foot Chapel/Crematorium. The building is one story high of frame with brick veneer and will face Harlem Road. The building will be approximately 280 feet from the Harlem Road Right-of-Way.

This area has been designated as a cemetery and has been used for that purpose since 1926 with the first internment.

The committee recommends approval with the following conditions:

1. Prior to opening to the public - an agreement be signed with the Pine Hill Fire District and Erie County Water Authority that a fire hydrant be installed along Harlem Road to comply with the New York State Building Code.
2. That the Planning Board approve the landscape-plantings. The applicant's plan exceeds the Town requirement for landscaped area.
3. That a permit be obtained from the New York State DEC to construct and operate an incinerator (retort).

Item No. 8 Motion by Councilman Johnson, Seconded by

WHEREAS, the Town of Cheektowaga has previously received a grant of Rental Rehabilitation funds from the New York State division of Housing & Community Renewal, and

WHEREAS, said funds are to be utilized for the rehabilitation of low to moderate-income rental units in the Cedargrove Heights target area in conjunction with the Town's Community Development Housing Rehabilitation Program, and

WHEREAS, applications for rehabilitation funding under said Programs have been received and reviewed by the Director of Community Development, who has recommended approval of Rental Rehabilitation and Community Development Funding for the projects listed below, NOW, THEREFORE, BE IT

RESOLVED that Rental Rehabilitation Grant Funds of up to \$5000 per unit and Community Development Loan Funds of up to \$5000 per unit be authorized for the owners of the following properties:

Properties Unlimited - 24 C & D Glenwood (2 units)
28 A-E Glenwood (5 units)
91 A-E Windwood (5 units)
2 - 10 Elkins (5 units)

Richard Burzynski 14 A - D Springfield (4 units)

and BE IT FURTHER

RESOLVED that the Supervisor is authorized to sign, on behalf of the Town of Cheektowaga, any loan and grant agreements and all related legal documents with the above property owners, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to sign checks necessary for the timely disbursement of loan funds, provided rehabilitation work has been completed to the satisfaction of the Town's Housing Inspectors, and further provided that all applicable program regulations have been complied with to the satisfaction of the Town's Community Development Director.

* * * * *

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN KAZUKIEWICZ to table the above item.

* * * * *

Item No. 9 Amend resolution of March 21, 1988 regarding funding for Polish-American Arts Festival
This item was withdrawn.

Item No. 10 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, this Town Board, by resolution dated October 6, 1986, approved an agreement with Tallamy, Van Kuren, Gertis & Associates for the provision of professional services relating to the construction of Pfohl Road, and

WHEREAS, in addition to the services outlined in the agreement with said Tallamy, Van Kuren, Gertis & Associates, it was necessary for the Town to avail itself of additional professional services which were within the scope of the agreement and which were requested by the Town Engineer, and

WHEREAS, said consultants, in their letter of April 13, 1988, as submitted to the Town Engineer, outlined the additional services that were necessary in order to complete the project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board accept and approve an increase in the professional fees to Tallamy, Van Kuren, Gertis & Associates as outlined in their letter to the Town Engineer, and BE IT FURTHER

Item No. 10 cont'd

RESOLVED that the cost of said additional professional services in the amount of \$4,400 is to be charged to Capital Project No. 622.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, situate in the Town of Cheektowaga, New York, on Aero Drive, there is a cemetery exclusively dedicated to the memory of those who died in the War of 1812, and

WHEREAS, this cemetery was dedicated for such purpose by the Buffalo and Erie County Historical Society, and

WHEREAS, said cemetery is wholly owned and maintained by the Town of Cheektowaga, and

WHEREAS, said cemetery contains the verified remains of over 200 American soldiers who died during the War of 1812, and nearly 100 British soldiers, and

WHEREAS, an American battle cannon from the Battle of Fort Erie was dedicated to the cemetery by the Town of Fort Erie, Canada, and

WHEREAS, an annual commemorative parade and memorial services are sponsored by the Town, numerous veterans' organizations, and the Cemetery Board of Trustees, and

WHEREAS, said ceremonies also pay tribute to the peace and friendship that has persisted between Canada, Great Britain and the United States since the War of 1812, NOW, THEREFORE, BE IT

RESOLVED that the U.S. Department of Army be and hereby is notified of the continued availability of said cemetery for the reinterment of any and all discovered and/or repatriated remains from the Battle of Fort Erie and any other conflict of the War of 1812, and BE IT FURTHER

RESOLVED that the Department of Army, British, Canadian and American patriotic groups, institutions and organizations are hereby notified that the cemetery is also available for other memorial services which honor those who are buried there, the principles for which they fought, and/or the peace that exists between the participants of that long-ago war, and BE IT FURTHER

RESOLVED that certified copies of this resolution be forwarded to the United States Department of the Army, attention Lt. Col. Robert F. Trotter, Chief, Mortuary Affairs and Casualty Support Division; to the respective Commanders of the Erie County Veterans of Foreign Wars and American Legion; to the Commander of each veterans' organization who serves on the War of 1812 Cemetery Board of Trustees; to the Government of Canada; to the Town of Fort Erie, Canada; to U.S. Congressmen Jack Kemp, John J. LaFalce and Henry J. Nowak; to U.S. Senators Daniel Patrick Moynihan and Alphonse M. D'Amato; to Henry Mazurek, Erie County Commissioner of Veterans' Services; and to the Erie County Friendship Festival Committee; to the Town of Cheektowaga Bicentennial Committee, Patriotic Commission and the Chairman of the War of 1812 Cemetery Board of Trustees.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilman Kulyk, Seconded by

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria Mall, and

WHEREAS, such project is subject to review under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, and

WHEREAS, this project has been undergoing detailed SEQRA review by various governmental agencies since January of 1987, and

WHEREAS, the Town of Cheektowaga was designated the lead agency under SEQRA for this project, and

WHEREAS, as lead agency, the Town Board, by resolution dated September 21, 1987, requested the United States Army Corps of Engineers to provide the Town with its comments concerning the possible impact of the Walden Galleria Mall on the Floodplain zone of Scajaquada Creek and its tributaries, as well as any other comments it deemed advisable for the Town to consider relative to this project, and

WHEREAS, this Town Board has an obligation under SEQRA to make an informed and timely decision concerning the environmental impact of the Walden Galleria Mall, and

WHEREAS, this Town Board wishes to have the requested input from the Army Corps of Engineers before rendering any such decision or finding, and

WHEREAS, this Town Board feels that the Army Corps of Engineers has had sufficient time to adequately review the impact of the Walden Galleria Mall on the floodplain of Scajaquada Creek and any further delay will not be beneficial to anyone, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby memorializes the United States Army Corps of Engineers to complete its review of the Walden Galleria Mall and report back to this Town Board as expeditiously as possible.

* * * * *

THIS RESOLUTION FAILED DUE TO LACK OF A SECOND

* * * * *

Item No. 12a Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Youth Bureau is desirous of sponsoring a New York state Conservation Corps Program for 1988, and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation is sponsoring said program, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Supervisor is authorized to sign an application for this competitive grant.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is desirous of renting campground facilities known as Camp Aloha for a summer camp for handicapped Cheektowaga youths from August 21-27, 1988, and

MEETING NO. 8
April 18, 1988

Item No. 12b cont'd

WHEREAS, said facilities are owned by the Camp Fire Council of Buffalo and Erie County, Inc. and are located in Wales Center, New York, and

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc. is willing to rent such facilities to the Town provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$1,200 and a meals cost not to exceed \$60 per person, and

WHEREAS, such agreement has been prepared and is acceptable between said parties, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an agreement with the Camp Fire Council of Buffalo and Erie County, Inc. for the rental of the aforementioned campground facilities, and BE IT FURTHER

RESOLVED that the Cheektowaga Youth Bureau, as in the past, seek reimbursement from appropriate state and charitable sources, in addition to any camper fees to cover the necessary costs of said activity.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board entered into an agreement with Mount Calvary Cemetery, Inc. so as to grant the Town permission to construct, operate, repair and maintain a storm sewer through Mount Calvary Cemetery property, which sewer provides the outlet for storm waters from Mafalda Drive, and

WHEREAS, as part of the understanding between the cemetery and the Town, it is the Town's obligation to restore the cemetery property along the work site of the storm sewer, and

WHEREAS, application of any asphalt topcoat for the cemetery roadway affected by the storm sewer construction was not included in the contract of M. Falgiano Construction Company, Inc., but rather was planned to be done by the Town Highway Department so as to effect further savings in the Mafalda Drive Storm Drainage Project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board requests the Town Highway Superintendent to undertake the necessary topcoat paving of the cemetery roadways within the storm sewer project area, with the cost of asphalt material in the amount of approximately \$5,500 to be charged to the Mafalda Drive Drainage Project.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, by Town Board resolution dated May 18, 1987, the preliminary plan, as shown on Drawing C-86-114-01, Revision 2, for Losson Park Village Subdivision was approved subject to certain conditions, and

WHEREAS, the developer of such proposed subdivision has satisfied the conditions of the Town Engineer and Highway Superintendent which were stated in such resolution, NOW, THEREFORE, BE IT

MEETING NO. 8
April 18, 1988

Item No. 14 cont'd

RESOLVED that the preliminary plan for the Losson Park Village Subdivision, as shown on Drawing C-86-114-01, Revision 4, is approved by this Town Board, subject to the following conditions:

1. Construction of Towers Boulevard, from Losson Road south to sublots 1-11 and 53-63 shall be included in Phase I of such subdivision and completed prior to beginning Phase II, said phases as other indicated on the Drawing;
2. Upon completion of 80% of the total lots (121) of such subdivision, the developer shall, upon the Town's direction, complete the construction of Towers Boulevard, as shown on the aforementioned Drawing, and connect same to the existing Towers Boulevard to the south, and otherwise be read to have such highway open to the public; and
3. Prior to completion of the subdivision, the developer shall complete the construction of the stub streets shown on the aforementioned Drawing.

and BE IT FURTHER

RESOLVED that the condition stated in the third "RESOLVED" paragraph of the aforementioned Town Board resolution dated May 18, 1987 be and hereby is rescinded.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) had prepared a final Master Plan/Terminal Area Plan Update, which report was presented to the Technical Advisory Committee and also at a public information meeting on March 30, 1988, and

WHEREAS, the Town Engineer and Councilman Thomas Johnson expressed concerns that the Master Plan Update did not contain any references to storm water management and especially to the provision of additional storm water detention facilities, and

WHEREAS, said Town officials pointed out to the NFTA that the flow volume that was previously agreed to by the Town and the NFTA was exceeded with storm waters flowing across Genesee Street and Dick Road during the storm of June 22, 1987 and other such occurrences since the adoption of the 1982 Master Plan, and

WHEREAS, this Town Board supports these concerns, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby petitions the NFTA to commission any necessary study and incorporate measures in the Master Plan for the containment of additional storm waters, so as to abide by the storm water flow restrictions from the airport facility as agreed within the contest of the previous Master Plan.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 8
April 18, 1988

Item No. 15b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Niagara Frontier Transportation Authority has recently acquired property located at #199 Aero Drive and proposes to construct an Automated Flight Service Station on a portion of the subject parcel, and

WHEREAS, the aforesaid property located on Aero Drive is contiguous to the War of 1812 Memorial Cemetery, and

WHEREAS, this Town Board, in conjunction with numerous members of American Legion Organizations, the Patriotic Commission, Cemetery Board, Historical Society and interested parties have met on previous occasions with NFTA representatives and have requested that the construction of the Automated Flight Service Station include provisions to improve the aesthetic qualities of the site and that of the War of 1812 Cemetery by providing a bermed landscaped buffer, also including improvements to site drainage with elimination of an existing ineffective retention pond, and

WHEREAS, this Town Board, having been responsible for the maintenance and upkeep of the War of 1812 Cemetery, supports the proposal by the aforesaid patriotic organizations for expansion of the cemetery boundaries to further enhance this historic landmark, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby petitions the Niagara Frontier Transportation Authority through its Executive Director, Mr. Alfred H. Savage, and Board of Commissioners, to consider donation of a small portion of NFTA lands adjacent to the War of 1812 Cemetery for cemetery purposes, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Mr. Alfred H. Savage, Executive Director of the NFTA.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15c Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a number of Town residents residing on Broadway, east of Old Indian Road, have been subjected to recent flooding due to the lack of maintenance of a drainage system which traverses Conrail right-of-way, and

WHEREAS, the subject drainage system collects stormwaters from Broadway, a State highway, and also localized runoff, conducting said flows to the rear of #3845 Broadway, thence southerly through a series of culverts and an open ditchline located on Conrail property, and

WHEREAS, to restore the efficiency of the subject drainage system, it is imperative that actions be taken by Conrail to immediately improve the drainage system crossing the subject railroad lands, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby petitions Conrail through its Division Superintendent, Mr. Gerald Gates, to take action to immediately improve the aforesaid drainage system, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to the following:

Mr. Gerald Gates, Division Superintendent, Conrail
Mr. A. A. Filonczak, Asst. Resident Engineer, NYSDOT
Mr. Edward Tubbs, Asst. Division Engineer, Conrail
State Senator Dale M. Volker
Assemblyman Paul Tokasz

Item No. 15c cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, the eligibility lists resulting from the civil service examinations for Chief of Police and Assistant Chief of Police for the Town of Cheektowaga are scheduled to expire on June 12, 1988, and

WHEREAS, the duration of such eligible lists was only two years, although civil service lists may have a duration of a maximum of four years, and

WHEREAS, this Town Board desires to continue the existing lists for Chief of Police and Assistant Chief of Police for two more years, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Erie County Department of Personnel to extend the duration of the eligible lists resulting from the examinations for Chief of Police and Assistant Chief of Police for the Town of Cheektowaga until June 12, 1990.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, on September 28, 1988, Thomas Wentland was appointed Detective, and

WHEREAS, such appointment was probationary for a six-month period, and

WHEREAS, such probationary period expired on March 28, 1988 and Mr. Wentland performed satisfactorily on such capacity, NOW, THEREFORE, BE IT

RESOLVED that Thomas Wentland be and hereby is appointed to the permanent position of Detective in the Police Department, effective March 28, 1988, at a salary in accordance with the current collective bargaining agreement between the Town and the Town Police Club.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Gabryszak, Seconded by Councilman Solecki

WHEREAS, a vacancy in the position of Senior Clerk Typist (Temporary) in the Town Clerk's Office was duly posted in accordance with the Collective Bargaining Agreement between the Town and the Cheektowaga Employees Association, and

WHEREAS, Oliada F. Nowicki, a Town Clerk's Office employee, has applied for and meets all of the qualifications for such position, NOW, THEREFORE, BE IT

MEETING NO. 8
April 18, 1988

Item No. 17b cont'd

RESOLVED that Oliada F. Nowicki, 28 Oakwood Drive, Cheektowaga, New York 14227 be and hereby is appointed to the position of Senior Clerk Typist (Temporary) in the Town Clerk's Office, effective April 21, 1988, at a salary in accordance with the agreement between the Town and the Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that the following individual employed in the Facilities Department be and hereby is terminated as follows:

<u>#01-007110-1-0-1391-001</u>	<u>Effective</u>
Carol Brinkworth	4/7/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individual be hired by the Facilities Department to assist in conducting its 1988 Summer Program:

<u>Parks Division - #01-007110-1-0-1623-001 - Pool Mechanic - \$5.00 per hour</u>	
Walter Gardon	effective immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: Councilman Kulyk
ABSENT: 0

Item No. 19b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-time employees in the various Departments as listed:

<u>SANITATION - Part-time - \$5.00 per hour</u>	<u>EFFECTIVE</u>
Richard Somogy	4/13/88
<u>TOWN CLERK'S OFFICE - Seasonal - \$5.00 per hour</u>	
Cheryl Krieger	4/18/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: Councilman Kulyk
ABSENT: 0

MEETING NO. 8
April 18, 1988

Item No. 20a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the New York State Conference for the Aging will be held at Daemen College in Buffalo, New York on June 8-10, 1988, NOW, THEREFORE, BE IT

RESOLVED that Patricia L. Wojcik, Director of Senior Services, and Kathleen Dombrowski, Outreach Worker, be allowed to attend this conference.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, the New York State Branch of the American Public Works Association is holding its spring meeting in the Buffalo area, and

WHEREAS, the technical agenda includes various public works matters that are pertinent to on-going projects in the Town of Cheektowaga addressing itself to public works matters including hazardous waste management, bridge evaluations, pavement re-cycling, and

WHEREAS, the Town Engineer, a member of the American Public Works Association, requests permission to attend said conference, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer and the Assistant Town Engineer be and hereby are authorized to attend the American Public Works Association spring meeting to be held in Buffalo May 1 thru May 4, 1988, and BE IT FURTHER

RESOLVED that the conference fee in the amount of \$120.00 each is to be made chargeable to Sewer District No. 5 Budget Item 8125.4087.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20c Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the City of Springfield, Massachusetts had instituted a unique work incentive program for its Sanitation Department employees, and

WHEREAS, this Town Board is interested in reviewing such program with City officials for possible application in our Town, and

WHEREAS, the Springfield, Massachusetts area also has the distinction of having a new regional shopping center, the Berkshire Mall, come into the area and it would be advantageous for town officials to learn first-hand what effects such mall has and will have on an area, NOW, THEREFORE, BE IT

RESOLVED that Councilman Dennis H. Gabryszak, Councilman Richard B. Solecki and Sanitation Department Foreman Ronald C. Zoeller be and hereby are authorized to travel to Springfield, Massachusetts to meet with City and local officials to learn more about the work incentive program and the Berkshire Mall, and BE IT FURTHER

RESOLVED that such Town officers shall be reimbursed by the Town for their reasonable and necessary expenses incurred in traveling to and from Springfield, Massachusetts.

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN JOHNSON, and the voting was as follows:

Item No. 20c cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the Amended Resolution is as follows:

Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the City of Springfield, Massachusetts had instituted a unique work incentive program for its Sanitation Department employees, and

WHEREAS, this Town Board is interested in reviewing such program for possible application in our Town, NOW, THEREFORE, BE IT

RESOLVED that Sanitation Department Foreman Ronald C. Zoeller be and hereby is authorized to travel to Springfield, Massachusetts, and BE IT FURTHER

RESOLVED that he be reimbursed by the Town for his reasonable and necessary expenses incurred in traveling to and from Springfield, Massachusetts.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, this Town Board awarded the contract for the reconstruction of Pfohl Road to Northeast Diversification, Inc., and

WHEREAS, the contract has been completed and a change order is necessary in order to provide for the adjustment of quantities involved in said said road reconstruction contract, which quantity adjustment resulted in a decrease in the contract in the amount of \$73,394.85, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 4 for a total decrease to the original contract price of \$73,394.88 to Northeast Diversification, Inc. be approved.

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN SOLECKI, SECONDED BY SUPERVISOR SWIATEK, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the Amended Resolution is as follows:

Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, this Town Board awarded the contract for the reconstruction of Pfohl Road to Northeast Diversification, Inc., and

WHEREAS, the contract has been completed and a change order is necessary in order to provide for the adjustment of quantities involved in said said road reconstruction contract, which quantity adjustment resulted in a decrease in the contract in the amount of \$75,397.05, NOW, THEREFORE, BE IT

MEETING NO. 8
April 18, 1988

Item No. 21 cont'd

RESOLVED that Change Order No. 4 for a total decrease to the original contract price of \$75,397.05 to Northeast Diversification, Inc. be approved.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Transfer of Funds
This item was withdrawn.

Item No. 23 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 18, 1988 are hereby approved and made a part hereof.

FUND	AMOUNT
GENERAL FUND	\$151,349.79
HIGHWAY FUND	40,790.70
CAPITAL FUND	42,221.75
TRUST & AGENCY FUND	8,566.25
HUD FUND	4,067.29
PART TOWN FUND	2,373.96
RISK RETENTION FUND	6,122.00
SPECIAL DISTRICTS FUND	80,157.05
	<u>\$335,648.79</u>

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN KUYLK, SECONDED BY COUNCILMAN JAWOROWICZ, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the Amended Resolution is as follows:

Item No. 23 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 18, 1988 are hereby approved and made a part hereof.

FUND	AMOUNT
GENERAL FUND	\$151,269.79
HIGHWAY FUND	40,790.70
CAPITAL FUND	42,221.75
TRUST & AGENCY FUND	8,566.25
HUD FUND	4,067.29
PART TOWN FUND	2,373.96
RISK RETENTION FUND	6,122.00
SPECIAL DISTRICTS FUND	80,157.05
	<u>\$335,568.79</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 24 Minutes of Library Board - March meeting
Received and Filed.
- Item No. 25 Quarterly report from Office of Disaster Preparedness
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 26 N.Y.S. Dept. of Trans. - Notice of Order - Walden at Duke Road
Copies were sent to: Chris Kowal, Highway Superintendent; Robert Lis, Chief of Police; Cheektowaga Traffic Safety Commission.
Received and Filed.
- Item No. 27 County of Erie - Notice of Highway Closure - Aero Drive
Copies were sent to: Chris Kowal, Highway Superintendent; Chester Bryan, Town Engineer
Received and Filed.
- Item No. 28 Summons & Complaint - Lumbermans Mutual as subrogee for M. Filippi vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 29a Notice of Claim - Alfreda Piatek vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Senior Citizens; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 29b Notice of Claim - William Boye vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Senior Citizens; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 29c Notice of Claim - Thruway Mall/Trans Partners/JAB Mngment Co. (Arsell Bell) vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert Lis, Chief of Police; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 29d Edwin Pilat vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Sewer Maintenance; Laverack & Haines, Insurance Carrier.
Received and Filed.

MEETING NO. 8
April 18, 1988

- Item No. 29e Nationwide Insurance for U-Crest Fire District #4 vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chester Bryan, Town Engineer; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 30 Petition requesting construction of Library on French Road
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members
Received and Filed.
- Item No. 31 Petition regarding proposed subdivision "Woodlands at The Park"
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Sal LaGreca, Chairman of Planning Board
Received and Filed.
- Item No. 32 Letter from residents wishing to speak regarding construction of multiple dwelling buildings within Losson Green Estates
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz to suspend the rules to include the following item.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, James Piniewski, a MEO 'A' in the Highway Department, is currently on sick leave from his position, and

WHEREAS, Mr. Piniewski will exhaust all his personal leave, vacation and sick leave as of April 22, 1988, and

WHEREAS, Mr. Piniewski has requested extended sick leave payments for an additional fifteen (15) days, and

WHEREAS, such extended sick leave payments are authorized by Section 8.02 (c) of the agreement between the Town and the Town Employees' Association, NOW, THEREFORE, BE IT

RESOLVED that James Piniewski be and hereby is granted extended sick leave payments for fifteen (15) days, which payments must be repaid to the Town upon his return to service.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd day of May, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II; Christopher Kowal, Highway Superintendent; Ron Marten, Building and Plumbing Inspector; Robert Lis, Chief of Police; Chester Bryan, Town Engineer; Gerald Gabryszak, Community Development Director; Pat Staniaszak, Youth Bureau Coordinator.

I. RESOLUTIONS

Item No. 2a Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, Avanti Leasing & Service, Inc., d/b/a Delia Car Corporation, has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by GEJEL Management, Inc. and located at 4220 Genesee Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Town Board feels that the rezoning of such property would constitute spot zoning in this area of Town, NOW, THEREFORE, BE IT

RESOLVED that the application of Avanti Leasing & Service, Inc., d/b/a Delia Car Corporation for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property known as 4220 Genesee Street and further described in the attached legal description be and hereby is denied.

* See next page for description

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

SCHEDULE "A"

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

BEGINNING at a point in the center line of Genesee Street at the southeast corner of lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by Deed recorded in Liber 1871 of Deeds at page 188; thence westerly along said center line of Genesee Street, 175.28 feet to a point on said center line of Genesee Street distant 254.70 feet easterly from the southeast corner of lands conveyed to The City of Buffalo by Deed recorded in Liber 1817 of Deeds at page 526 as measured along said center line of Genesee Street; thence northerly along a line drawn parallel with the east line of the lands conveyed to The City of Buffalo by the last mentioned Deed, to a point 200.00 feet from the center line of Genesee Street; thence easterly along a line drawn parallel with the center line of Genesee Street for a distance of 100.00; thence southerly along the east line of the lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by the last mentioned Deed, 200.00 feet to the center line of Genesee Street. EXCEPTING AND RESERVING THEREFROM that portion conveyed to the County of Erie by Deed recorded in Liber 2392 of Deeds at page 432 and also that portion taken by the State of New York by Notice of Appropriation recorded in Liber 7500 of Deeds at page 480 and also that portion which lies within the boundaries of Genesee Street, as presently laid out.

Item No. 2b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, R.M.F. Holding Corp. has petitioned for the rezoning from R-Residential District to C-Retail Business District of property owned by it and located at a vacant area to the rear of 6254, 6360 and 6366 Transit Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), 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 Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED that the application of R.M.F. Holding Corp. for the rezoning from R-Residential District to C-Retail Business District of property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN JOHNSON TO
REFER THE ABOVE RESOLUTION TO THE PETITIONS AND ZONING COMMITTEE

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 2c Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, Avanti Leasing & Service Inc., d/b/a Delia Car Corporation, applied for a Special Permit for the sale of used cars on property located at 4220 Genesee Street, Cheektowaga, New York, pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 18th day of April, 1988 at 6:30 o'clock 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 Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Board feels that granting of such special permit would be tantamount to spot zoning in a M-1 Light Manufacturing District, NOW, THEREFORE BE IT

RESOLVED that said Special Permit be and hereby is denied.

* See next page for description

SCHEDULE "A"

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

BEGINNING at a point in the center line of Genesee Street at the southeast corner of lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by Deed recorded in Liber 1871 of Deeds at page 188; thence westerly along said center line of Genesee Street, 175.28 feet to a point on said center line of Genesee Street distant 254.70 feet easterly from the southeast corner of lands conveyed to The City of Buffalo by Deed recorded in Liber 1817 of Deeds at page 526 as measured along said center line of Genesee Street; thence northerly along a line drawn parallel with the east line of the lands conveyed to The City of Buffalo by the last mentioned Deed, to a point 200.00 feet from the center line of Genesee Street; thence easterly along a line drawn parallel with the center line of Genesee Street for a distance of 100.00; thence southerly along the east line of the lands conveyed to Joseph Hoefner and Mary Hoefner, his wife by the last mentioned Deed, 200.00 feet to the center line of Genesee Street.

EXCEPTING AND RESERVING THEREFROM that portion conveyed to the County of Erie by Deed recorded in Liber 2392 of Deeds at page 432 and also that portion taken by the State of New York by Notice of Appropriation recorded in Liber 7500 of Deeds at page 480 and also that portion which lies within the boundaries of Genesee Street, as presently laid out.

MEETING NO. 9
May 2, 1988

Item No. 2c cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 2d Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, John and Angelina Valenti applied for a Special Permit for a self service car wash on property located at 1249 Walden Avenue, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 21st day of March, 1988 at 6:30 o'clock 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 Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Board feels that a self-service car wash would not be conducive to commercial and residential development in this area, NOW, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied.

* SEE LEGAL DESCRIPTION NEXT PAGE *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

All that Tract or Parcel of Land,

situated in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots No.'s 9, 10, 11, 12 and 13 in Section 5 as shown on Map filed under Cover No. 325, bounded and described as follows:

Commencing at a point in the southerly line of Walden Avenue distant 2440.50 feet easterly measured along the said southerly line of Walden Avenue from the easterly boundary line of the City of Buffalo; running thence southerly at a right angle with Walden Avenue a distance of 150 ft.; thence easterly at a right angle and parallel with the southerly line of Walden Avenue a distance of 150 ft. to a point; thence northerly at a right angle a distance of 150 ft. to the southerly line of Walden Avenue; thence westerly along the southerly line of Walden Avenue a distance of 150 ft. to the point or place of beginning.

MEETING NO. 9
May 2, 1988

Item No. 2e Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Tadeusz Glowacki applied for a Special permit for automobile repair specializing in electronic engines on property located at 2033 William Street, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of April, 1988 at 6:30 o'clock 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 Ordinance and the Town Law;; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Board feels that such an automotive repair facility would not be conducive to surrounding development in the area, NOW, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied.

* * * * *

MOTION MADE BY COUNCILMAN KULYK AND SECONDED BY COUNCILMAN JOHNSON, TO REFER THE ABOVE RESOLUTION TO THE PETITION AND ZONING COMMITTEE.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 2f Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, this Town Board held a public hearing on April 18, 1988 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

OLCOTT PLACE East side: from the south curbline of Herbert Avenue
southerly to terminus.

Item No. 2f cont'd.

Section 76-103. Parking time limited in designated locations; standing prohibitions shall be amended by deleting therefrom the following:

A. Parking Signs: restricted and time limit.

OLCOTT PLACE East side: from the south curb of Genesee Street to
thirty (30) feet south of Genesee Street

Section 76-1021. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

OLCOTT PLACE West side: from the south curblane of Herbert Avenue
southerly to terminus

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, 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.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....MAY 05 1988.....;
last publication.....MAY 05 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this 5th

day of May, 1988

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 2nd day of May, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jawarowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on April 18, 1988 at 7:00 pm. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing, and Stopping
Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom following:

B. No parking anytime

OLCOTT PLACE East side: from the south curbline of Herbert Avenue southerly to terminus.

Section 76-103. Parking time limited in designated locations; standing prohibitions shall be amended by deleting therefrom the following:

A. Parking signs: restricted and time limit.

OLCOTT PLACE East side: from the south curb of Genesee to thirty (30) feet south of Genesee Street.

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

OLCOTT PLACE West side: from south curbline of Herbert Avenue southerly to terminus.

Section 2. Time to take effect.

(a) 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.

(b) 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 village of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES 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.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jawarowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,
COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on April 18, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 2F, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the

time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this April 18th, 1988.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: May 5, 1988

Item No. 2g Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on April 18, 1988 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No Parking this side or one-side parking.

FLORAL PLACE North side: from west curbline of Union to a point thirty (30) feet west.

F. Miscellaneous parking signs:

(1) Load and unload only.

FLORAL PLACE North side: from the west curb of Union Road thirty (30) feet west.

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES 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.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*5*..... weeks:
first publication.....*MAY 05 1988*.....;
last publication.....*MAY 05 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*5th*.....
May
day of*1988*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

in the Cheektowaga
paper published in
the town of Cheektowaga

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 2nd day of May, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on April 18, 1988 at 7:00 pm. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing, and Stopping
Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom following:

A. No parking this side or one-side parking.

FLORAL PLACE North side: from west curbline of Union to a point thirty (30) feet west.

F. Miscellaneous parking signs. (1) load and unload only.

FLORAL PLACE North side: from west curb of Union Road thirty (30) feet west.

Section 2. Time to take effect.

(a) 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.

(b) 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 Commission.

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

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES 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.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

**STATE OF NEW YORK,
COUNTY OF ERIE**

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on May 2, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 2G, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said

minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of May, 1988.

RICHARD M. MOLESKI

TOWN CLERK

PUBLISH; May 5, 1988

MEETING NO. 9
May 2, 1988

Item No. 3a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Richard J. LaSpisa has made application and requested the rezoning from R-Residential District to CM-General Commercial District for property located at 68 Floral Place, said applicant being the owner of above listed property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on May 16, 1988 at 6:30 o'clock, Eastern Daylight Saving Time at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....MAY 05 1988.....;
last publication.....MAY 05 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....
Sworn to before me this5th.....
day ofMay....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 **SOUTHLINE FIRE HALL 1049 French Road, Cheektowaga, New York** on the 16th day of May, 1988 at 6:30 o'clock, pm., Eastern Daylight Saving Time of said day for the purpose of considering the application of Richard J. LaSpisa to Rezone from R-Residential District to CM-General Commercial District on property located at 68 Floral Place and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga New York. **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 Seventeen (17) Township Eleven (11), Range Seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Thirty (30) as shown on map filed in Erie County Clerk's Office under Cover Number 1179.

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

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 5, 1988

Item No. 3b Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Reid Petroleum Corp. has made application and requested a Special Use Permit for Convenience store with self-service gasoline facility on property located at 1055 Walden Avenue, with the permission of the owner of the property, namely, Wilson Farms, Inc., NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on May 16, 1988 at 6:30 o'clock, Eastern Daylight Saving Time at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*MAY 05 1988*.....;
last publication.....*MAY 05 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this *5th*.....
May

day of, 19*88*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

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 **SOUTHLINE FIRE HALL 1049 French Road, Cheektowaga, New York** on the 16th day of May, 1988 at 6:30 o'clock, pm., Eastern Daylight Saving Time of said day for the purpose of considering the application of Reid Petroleum Corp/Wilson Farms, Inc. owner for a Special Permit for Convenience Store with self-service gasoline facility on property located at 1055 Walden Avenue pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga New York. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the south line of Walden Avenue (66 feet wide) distant 605 feet easterly from the division line between the City of Buffalo and Town of Cheektowaga as measured a long said south line of Walden Avenue; thence easterly along said south line of Walden Avenue, 150 feet to a point; thence southerly at right angles, 150 feet to a point; thence westerly along a line drawn parallel with said south line of Walden Avenue, 150 feet to a point; thence northerly along a line drawn at right angles to said line of Walden Avenue, 150 feet or place beginning.

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

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 5, 1988

PRINTED BY THE
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Item No. 3c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board feels that lot sizes for two-family dwellings should be enlarged and are desirable for the Town, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 16th day of May, 1988 at 7:00 P.M., at a meeting of the Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the Zoning Ordinance of the Town of Cheektowaga shall be amended as provided in the attached Notice of Hearing; and ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

* * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND
ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a RESolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988, a public hearing will be held on May 16, 1988 at 7:00 P.M., at the Southline Fore Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") shall be amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (1)(b), which pertains to the minimum lot width for two-or-more family residences, shall be amended to read as follows:

- (b) Two-or-more family residence.
 - [1] Interior lot, eight-five (85) feet.
 - [2] Corner lot, ninety-five (95) feet.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82.21 B. (2)(b), which pertains to the minimum lot area for two-family residences, shall be amended to read as follows:

- (b) Two-family residence.
 - [1] Interior lot, ten thousand two hundred (10,200) square feet.
 - [2] Corner lot, eleven thousand four hundred (11,400) square feet.

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

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*MAY 05 1988*.....;
last publication.....*MAY 05 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*5th*.....
day of*May*....., 19*88*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND ZON-
ING ORDINANCE**

NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988, a public hearing will be held on May 16, 1988 at 7:00 pm., at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (1)(b), which pertains to the minimum lot width for two-or-more-family residences, shall be amended to read as follows:

(b) Two-or-more family residence.
[1] Interior lot, eighty-five (85) feet.

[2] Corner lot, ninety-five (95) feet.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82.21 B. (2)(b), which pertains to the minimum lot area for two-family residences, shall be amended to read as follows:

[b] Two-family residence.
[1] Interior lot, ten thousand two hundred (10,200) square feet.

[2] Corner lot, eleven thousand four hundred (11,400) square feet.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE**

**COUN-
TY, NEW YORK.
RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: May 5, 1988**

Item No. 3d Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") be amended or repealed;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 16th day of May, 1988 at 7:00 P.M., at a meeting of the Town Board at Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the "Zoning Ordinance" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

* * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND

ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988, a public hearing will be held on May 16, 1988 at 7:00 P.M., at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE !X - BOARD OF APPEALS, Section 82-66.C., which pertains to the filing of applications and fees for applications for variances to the Zoning Board of Appeals, shall be amended by the deletion of the words "eighty dollars (\$80.) for commercial and industrial cases and forty dollars (\$40.) for residential cases" and by inserting in its place the words "one hundred dollars (\$100.)".

2. RESOLVED THAT ARTICLE X - AMENDMENTS, Section 82-72.A., which pertains to filing of applications and fees for applications for rezonings, special permits and otherwise amending the Zoning Ordinance or Zoning Map of the Town, shall be amended by deleting the words "eighty dollars (\$80.)" and by inserting therein in their place the words "two hundred dollars (\$200.)".

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

Dated: May 2, 1988

RICHARD M. MOLESKI
TOWN CLERK

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*MAY 05 1988*.....;
last publication.....*MAY 05 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*5th*.....

day of*May*....., 19*88*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 15, *1990*

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND ZON-
ING ORDINANCE**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988, a public hearing will be held on May 16, 1988 at 7:00 pm., at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 82-66.C., which pertains to the filing of applications and fees for applications for variances to the Zoning Board of Appeals, shall be amended by the deletion of the words "eighty dollars (\$80.) for commercial and industrial cases and forty dollars (\$40.) for residential cases" and by inserting in its place the words "one hundred dollars (\$100.)."

2. RESOLVED THAT ARTICLE X - AMENDMENTS, Section 82-72.A., which pertains to filing of applications and fees for applications for rezoning, special permits and otherwise amending the Zoning Ordinance or Zoning Map of the Town, shall be amended by deleting the words "eighty dollars (\$80.)" and by inserting therein in their place the words "two hundred dollars (\$200.)."

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: May 5, 1988

NOTARY PUBLIC, STATE OF NEW YORK
COMMISSION EXPIRES FEB. 14, 1990
JUSTINE D. DEGEN

Item No. 3e Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), and

WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, NOW, THEREFORE, ~~BE~~ IT

RESOLVED, that, in accordance with the Town Law of the State of New York, a public hearing be held on the 16th day of May, 1988 at 7:00 P.M., at a meeting of the Town Board at Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the "Environmental Impact Review Ordinance" of the Town of Cheektowaga shall be amended as provided in the attached Notice of Hearing, and ~~BE~~ IT FURTHER

RESOLVED, that the Town Clerk Shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

* * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND

ENVIRONMENTAL IMPACT REVIEW ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988, a public hearing will be held on the 16th day of May, 1988 at 7:00 P.M., at a meeting of the Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and changed as follows:

1. RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee.

Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$100.00
- b. Type I Action \$150.00

2. RESOLVED THAT Section 23A-9, which relates to the membership of the Advisory Committee, shall be amended by deleting therefrom "Town Health Officer" and by inserting in lieu thereof "Town Fire Inspector".

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

Dated: May 2, 1988

RICHARD M. MOLESKI
TOWN CLERK

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*MAY 05 1988*.....;
last publication.....*MAY 05 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*5th*.....
May

day of*5*....., 19*88*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND ENVIRONMENTAL IMPACT REVIEW ORDINANCE**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of May, 1988 a public hearing will be held on the 16th day of May, 1988 at 7:00 pm., at a meeting of the Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York, at which hearing all parties interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined

by the Town Board whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and changed as follows:

1. **RESOLVED THAT** Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee.

Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$100.00
- b. Type I Action \$150.00

2. **RESOLVED THAT** Section 23A-9, which relates to the membership of the Advisory Committee, shall be amended by deleting therefrom "Town Health Officer" and by inserting in lieu thereof "Town Fire Inspector".

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: May 5, 1988

RECEIVED
TOWN OF CHEEKTOWAGA
MAY 10 1988
TOWN CLERK

MEETING NO. 9
May 2, 1988

Item No. 4 Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, as a result of advertisement, bids were received on March 10, 1988 for the furnishing of equipment and operators for public works projects during the calendar year of 1988 in the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated April 28, 1988, AND

WHEREAS, the lowest submitted bid by Custom Topsoil, 320 Crabapple Lane, Cheektowaga, New York, does not guarantee that the State of New York prevailing wage rates will be paid in accordance with the State Labor Law, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of equipment and operators for public works projects in the Town of Cheektowaga be awarded to Chaffee Construction, Route 16, Chaffee, New York 14030 for submission of the lowest bid prices of:

Item 1	Hydraulic Backhoe	\$555.00 per 8 hour day
Item 2	Tractor with Front End Loader	\$400.00 per 8 hour day
Item 3	Dozer	\$400.00 per 8 hour day
Item 4	Dozer	\$490.00 per 8 hour day
Item 5	Dozer	\$490.00 per 8 hour day
Item 6	Tandem Dump Truck	\$320.00 per 8 hour day
Item 7	Landscape Type Tractor	\$ 60.00 per 8 hour day
Item 8	Hydraulic Backhoe	\$260.00 per 8 hour day
Item 9	Laborers	\$116.00 per 8 hour day
Item 10.	Hydraulic Backhoe	\$480.00 per 8 hour day
Item 11	8-10 Ton Static Roller	\$200.00 per 8 hour day
Item 12	Dual Drum Vibratory Roller	\$350.00 per 8 hour day
Item 13	Paver	\$850.00 per 8 hour day
Item 14	Front End Loader	\$350.00 per 8 hour day

AND, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for public works projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items, AND, BE IT FURTHER

RESOLVED, that the foregoing Chaffee Construction equipment plus operators must be used exclusively for budgeted public works not otherwise bid or to be accomplished by Town personnel and equipment.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR LETTER



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

716-686-3447
716-686-3448

April 28, 1988

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Equipment and Operators
Award of Bid

Gentlemen:

Bids were received and opened on March 10, 1988 for the furnishing of equipment and operators for public works projects. Five (5) bids were received and are as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Custom Topsoil, Cheektowaga, NY	\$5,304.00
Chaffee Construction, Chaffee, NY	\$5,321.00
Greenauer Development, Elma, NY	\$6,336.00
Janik Paving, West Seneca, NY	\$8,480.00
Marin Concrete, Cheektowaga, NY	\$8,990.00

The low bidder, Custom Topsoil, has declined the contract on the basis they will not pay State Prevailing Wage Rates.

It is, therefore, recommended that the bid be awarded to Chaffee Construction, Route 16, Chaffee, New York, for their submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Edward Lepczyk
Sr. Engineer Assistant

EL:dms

MEETING NO. 9
May 2, 1988

Item No. 5 Notice to Bidders - Road Materials
This Item was withdrawn.

Item No. 6 Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Chapter 13 of the Code of the Town of Cheektowaga (Law for Administration and Enforcement of the State Building Construction code) requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, and

WHEREAS, by the Town Board resolution dated February 20, 1985, a Building and Plumbing Permit Fee Schedule was adopted, and

WHEREAS, the Building and Plumbing Inspector has recommended that certain of these fees be increased, NOW, THEREFORE, BE IT

RESOLVED that the following amended Building and Plumbing Permit fees be and hereby are established and made a part of the Building and Plumbing Permit Fee Schedule, effective immediately:

FILING FEE (COMMERCIAL PLUMBING)	\$20.00
FILING FEE (RESIDENTIAL PLUMBING)	\$10.00
REINSPECTION FEE	\$10.00

* * * * *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN SOLECKI TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED

Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Chapter 13 of the Code of the Town of Cheektowaga (Law for Administration and Enforcement of the State Building Construction Code) requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, and

WHEREAS, by the Town Board resolution dated February 20, 1985, a Building and Plumbing Permit Fee Schedule was adopted, and

WHEREAS, the Building and Plumbing Inspector has recommended that certain of these fees be increased, NOW, THEREFORE, BE IT

RESOLVED that the following amended Building and Plumbing Permit Fees be and hereby are established and made a part of the Building and Plumbing Permit Fee Schedule, effective June 1, 1988:

FILING FEE (COMMERCIAL PLUMBING)	\$20.00
FILING FEE (RESIDENTIAL PLUMBING)	\$10.00
REINSPECTION FEE	\$10.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day and the week in which it falls as Police Week, and

WHEREAS, the members of the Cheektowaga Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Cheektowaga, and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression and intimidation, and

WHEREAS, the Cheektowaga police Department has grown to be a modern and professional law enforcement agency which unceasingly provides a vital public service, NOW, THEREFORE, BE IT

RESOLVED that this Town Board calls upon the citizens of the Town of Cheektowaga and upon all patriotic, civic and educational organizations to observe the week of May 15 - 21st as Police Week commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens, and BE IT FURTHER

RESOLVED that this Town Board further calls upon all citizens of the Town of Cheektowaga to observe May 15, 1988 as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, by keeping records and maintaining archives for posterity, along with insuring that the decisions of legislative bodies are properly implemented, this public official conscientiously represents the affairs of the communities; and

WHEREAS, just as local government has grown in keeping with the need to be responsive to all its citizens, the Municipal Clerk, who is often the first member of local government with whom citizens interact, insures that the individual's rights and privileges are preserved; and

WHEREAS, it is appropriate that we recognize the accomplishments of our Municipal Clerks who preserve the past with an eye always on the future of our democratic process, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby proclaims the week of May 8-14, 1988 to be Municipal Clerk's Week in full recognition of the Municipal Clerk's outstanding contribution and dedication to public service for the community.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 9
May 2, 1988

Item No. 9 Motion by Councilman Kazukiewicz Seconded by Unanimous

WHEREAS, the Niagara Frontier Transportation Authority ("NFTA") recently released its metro rail ridership figures showing that a large number of Western New Yorkers are taking the light rail rapid transit into downtown Buffalo, and

WHEREAS, the NFTA's studies on the possibility of extending the light rail rapid transit into the suburbs indicates that there is a great interest on the part of suburban residents to have an alternative to driving their cars into downtown Buffalo, and

WHEREAS, there is an existing active rail line used by Conrail and Amtrak in between Buffalo and Cheektowaga/Depew and other suburbs to the east of Buffalo, and

WHEREAS, it is felt that there would be an interest on the part of suburban residents in Cheektowaga, Depew, Lancaster, etc. to have a park-and-ride program initiated using the Conrail/Amtrak line and trains to travel to and from downtown Buffalo on a daily basis, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NFTA, Conrail, Amtrak and the New York State Department of Transportation to conduct a feasibility study on using the existing Conrail/Amtrak tracks to transport suburban residents into the City of Buffalo, and to otherwise consider the use of such rail line between the City of Buffalo and its suburbs, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NFTA, the NYSDOT, Conrail and Amtrak.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Zoning Ordinance of the Town of Cheektowaga and the laws of the State of New York, owners of property located in the Town of Cheektowaga may petition the Town Board for rezonings and special permits for their property, and

WHEREAS, such proposed rezoning and special permit applications can greatly affect residents of this Town, and

WHEREAS, present Zoning Ordinance provisions require that the Town notify area residents only when a public hearing before the Town Board is to be scheduled in relation to such an application, and

WHEREAS, this Town Board is interested in informing and involving the public in the rezoning and special permit application review process earlier in the review process, NOW, THEREFORE, BE IT

RESOLVED that, effective immediately, the Town Clerk's Office be and hereby is directed to forward notification via regular mail, using forms similar to those attached hereto, to the owners of land within 300 feet of the land involved in the application for a rezoning and/or special permit, after receipt of such applications(s) and as soon as the Town Clerk's Office is made aware of the dates of the meetings of the Planning Board and the Environmental Advisory Review Committee pertaining to such application, and FURTHER, BE IT

RESOLVED that the additional mailing expense be charged to line item 01-1410-004-4111.

MEETING NO. 9
May 2, 1988

Item No. 10 cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

SEE ATTACHED DOCUMENTS NEXT PAGE

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to the Zoning Ordinance
of the Town of Cheektowaga, New York, _____
_____ has made application to the Town for
a Special Permit to use property located at _____
_____, Cheektowaga, New York for _____
_____.

Be advised that the Town of Cheektowaga Planning Board and
Environmental Advisory Review Committee will be meeting on the follow-
ing dates and times at the Cheektowaga Town Hall, corner of Broadway
and Union Road, Cheektowaga, New York to review such application:

Planning Board _____

Environmental Advisory Review Committee _____

Such meetings are open to the public and you are invited to attend.

Be further advised that, in the future, you will also be notified
of the date scheduled for a public hearing before the Town Board
of the Town of Cheektowaga.

RICHARD M. MOLESKI
Town Clerk,
Town of Cheektowaga

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that , pursuant to the Zoning Ordinance of the Town of Cheektowaga, New York, _____
_____ has made application to the Town to
rezone property located at _____,
Cheektowaga, New York from _____
to _____.

Be advised that the Town of Cheektowaga Planning Board and Environmental Advisory Committee will be meeting on the following respective dates and times at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to review such application:

Planning Board _____

Environmental Advisory Review Committee _____

Such meetings are open to the public and you are invited to attend.

Be further advised that, in the future, you will also be notified of the date scheduled for a public hearing before the Town Board of the Town of Cheektowaga.

RICHARD M. MOLESKI
Town Clerk,
Town of Cheektowaga

MEETING NO. 9
May 2, 1988

Item No. 11 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board, by resolution dated February 6, 1984, did approve a Grant Application (later submitted on March 2, 1984) with intent to "close-out" DEC/EPA Grant No. C-36-1290-01 for Step II design of sewer rehabilitation in Sewer District #3, AND

WHEREAS, following that submittal, new regulations were applied to the project by the New York State Department of Environmental Conservation requiring changes to the specifications, AND

WHEREAS, during a meeting of the Town Engineer, Nussbaumer & Clarke, Inc., and the NYSDEC in Albany on April 18, 1984, the NYSDEC indicated that separate planned improvements to facilities at Plant #3 (Clinton and Harlem) would be eligible for grant assistance, AND

WHEREAS, additional engineering became necessary to adapt the contract documents to the new NYSDEC regulations and add the proposed Plant #3 improvements to the sewer rehabilitation project, AND

WHEREAS, said additional engineering is necessary in pursuit of a construction grant for the project, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is authorized and directed to sign Addendum 2 for additional engineering services as submitted by Nussbaumer & Clarke, Inc., AND, BE IT FURTHER

RESOLVED that the Supervisor is authorized and directed to sign and submit a grant amendment application with Step II close-out documents, including the cost of the additional engineering, to replace the application submitted on March 2, 1984 which is eligible for both Federal and State reimbursement, AND, BE IT FURTHER

RESOLVED that the cost of the additional engineering in the amount of \$15,000.00 be charged to the Sewer District #3 fund balance account.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the County of Erie, pursuant to a tax foreclosure proceeding, became the owner of 50.24 acre parcel of vacant land situate south of Walden Avenue and west of Harlem Road (hereinafter referred to as "1019 Walden Avenue"), and

WHEREAS, such land is further described in the Assessor's records as S.B.L. numbers 101.04-1-1.1 and 101.60-8-10.1, and

WHEREAS, by resolution dated May 7, 1987, the Erie County Legislature offered to convey such land to the Town for the purchase price of \$2,917.30 provided the Town agrees to clean up such land, and

WHEREAS, the Town Superintendent of Highways has recommended that the Town purchase such land for use of a portion thereof for snow removal purposes, and

WHEREAS, the Town is also interested in obtaining such land for the site of a possible light industrial park to be planned by the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED that a capital project account number 05-8801-0000-0000 in the amount of \$3,500.00 be and hereby is established; and that such account be funded by a transfer of funds from general fund contingency account 01-1910-0004-4711, and BE IT FURTHER

Item No. 12 cont'd.

RESOLVED that the Town of Cheektowaga hereby agrees to purchase 1019 Walden Avenue from the County of Erie for the sum of \$2,917.30 and BE IT FURTHER

RESOLVED that Councilman Thomas M. Johnson, Jr., the Town Attorney and the Town Economic Development Consultant negotiate appropriate terms and conditions of the aforesaid purchase, keeping in mind that such property can be marketed by the Town's Economic Development Corporation as an industrial park with a consequent tax benefit to both the County and the Town.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town Board has been requested to authorize the Town Highway Department to assist in developing Firemens Park, improving the entrance road and drainage system, AND

WHEREAS, funds are available for the construction of said entrance road and drainage system in account #01-7110-0004-4536, AND

WHEREAS, the Engineering and Highway Departments have estimated construction costs in the amount of \$15,000.00, NOW, THEREFORE, BE IT

RESOLVED that this Town Board authorizes the Town Highway Department to complete the necessary work to improve the entrance road and drainage system at Firemens Park.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all improvements that are to be dedicated to the Town and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, Messers Piotrowski and Wycoki, the developers of the Losson Meadows Subdivision, have submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within Phase I of this subdivision which are to be dedicated to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the construction of improvements within Phase I of the Losson Meadows Subdivision, AND, BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$5,839.14 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 9
May 2, 1988

Item No. 15 Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all improvements that are to be dedicated to the Town and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, Los-Green, Inc., the developer of the Losson Green Estates Subdivision, has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within Phase 8 of this subdivision which are to be dedicated to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the construction of improvements within Phase 8 of the Losson Green Estates Subdivision, AND, BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$5,489.31 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, by Town Board resolution dated August 3, 1987, Mr. Horace Smith was requested to travel to this Town to review the site and plans for a proposed golf course in Stiglmeier Park, and

WHEREAS, the Town offered to reimburse Mr. Smith for travel and meal expenses for such visit at a cost not to exceed \$500, and

WHEREAS, Mr. Horace Smith has not yet come to this Town and this Town Board is no longer interested in using his services, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated August 3, 1987 be and hereby is rescinded, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Mr. Horace Smith.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$640,000 in Community Development Block Grant funds for the 1988-89 Program Year, and

WHEREAS, a public hearing regarding the use of said funds was held on March 21, 1988, and

WHEREAS, the Town Director of Community Development has submitted a recommendation regarding the use of said funds, which include activities to principally benefit low and moderate income persons pursuant to the goals and objectives of the Housing and Community Development Act and its governing rules and regulations, NOW, THEREFORE, BE IT

MEETING NO. 9
May 2, 1988

Item No. 17 cont'd.

RESOLVED that the Supervisor be and hereby is authorized and directed on behalf of the Town to submit to the U.S. Department of Housing and Urban Development an application for Community Development Block Grant funds totaling \$640,000 for the 1988-89 Program Year, said application incorporating the attached project allocations of Community Development Block Grant Funds.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS/PROJECT ALLOCATIONS

TOWN OF CHEEKTOWAGA

Community Development Block Grant Application

1988-89 Program Year

Administration	\$80,000
Village of Depew	70,080
Village of Sloan	26,240
Code Enforcement	50,000
Housing Rehabilitation	150,000
Economic Development	250,000
Supplemental Programs (Housing Assistance Center and Supportive Services)	10,000
Contingency	3,630
TOTAL	<hr/> \$640,000

MEETING NO. 9
May 2, 1988

Item No. 18 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated debris on property located at 3622 Genesee Street, Cheektowaga, New York, S.B.L. #91.16-2-54 and according to the Assessors' office is owned by Irving Gottlieb, Buffalo, New York 14222, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by removing the accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the debris be removed by the Town and all cost incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

#01-007110-1-0-1491-001 Effective

William Rogowski 4/25/88

#01-001625-1-0-1491-001

Joseph Trautman 4/23/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time Employees in the Departments listed:

SEWER MAINTENANCE DEPARTMENT EFFECTIVE

James McElligott Immediately

SANITATION DEPARTMENT

Jeff Bobeck 4/14/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, a vacancy exists in the position of Sewer Maintenance Man in the Sewer Department, AND

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town and the Town Employee's Association, AND

WHEREAS, Mark Bessing applied for and is qualified for such position, NOW THEREFORE, BE IT

MEETING NO. 9
May 2, 1988

Item No. 20 cont'd.

RESOLVED that Mark Bessing, Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Man in the Sewer Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employee's Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN KAZUKIEWICZ TO DISPENSE WITH THE READING OF THE NAMES IN ITEM NO. 21.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 21 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-time employees in the Departments listed:

SEWER MAINTENANCE DEPARTMENT -Seasonal- \$3.35 per hour EFFECTIVE

Martin Nowak 5/18/88

TOWN CLERK'S OFFICE -Seasonal- \$3.35 per hour

LouAnn Aepelbacher 5/23/88
Paula Ciminelli 5/25/88
Kelly Jeffords 5/23/88

FACILITIES DEPARTMENT -Seasonal- \$3.35 per hour-Acct.#01-007110-1-0-1491-001

James R. Ralph	Immediately
Marc Wojcik	"
Richard Sacco	"
Thomas Moleski	"
Louis Cavalieri	"
Lawrence Zielinski	"
Gerald Grabner	"
Paul Folsom	"
Brian Wegner	"
Michael Burgio	"
Mark Kirsch	"
Richard Meredith III	"
Alexander Grierson	"
Matthew Hunneshagen	"
Christopher Kusz	"
Michael Mendell	"
Robert Burkard	"
Richard Polowy	"
John Piscitello	"

CENTRAL GARAGE -Seasonal- \$3.35 per hour

Scott Udave Immediately

MEETING NO. 9
May 2, 1988

Item No. 21 cont'd.
Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Mr. Adolph Rakowski, General Mechanic in the Facilities Department, Building Maintenance Division, has requested a fifteen (15) day sick leave extension due to illness, AND

WHEREAS, Mr. Rakowski will have exhausted all accrued sick leave, personal leave and vacation days as of May 16, 1988, AND

WHEREAS, the Collective Bargaining Agreement permits the Town Board to authorize a sick leave extension as per Article 8, Section 8.02, NOW, THEREFORE BE IT

RESOLVED that the Cheektowaga Town Board hereby grants Mr. Adolph Rakowski, Cheektowaga, New York 14206, a fifteen (15) day sick leave extension to commence on May 17, 1988 to be repaid to the Town upon Mr. Rakowski's return to service.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, Police Officer Harold Bollman has requested a military leave of absence from May 18, 1988 to June 5, 1988 to attend training exercises at Fort Leonard Wood, Missouri, and

WHEREAS, Section 242 of the Military Law of the State of New York, allows a military leave for the purpose of attending Military duty, NOW, THEREFORE, BE IT

RESOLVED that Police Officer Harold Bollman is granted a military leave of absence from May 18, 1988 through June 5, 1988, and BE IT FURTHER

RESOLVED that Harold Bollman be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, a session of the Advanced Continuing Education Program for Town and Village Justices, Part I, will be held at Hobart College in Geneva, New York on May 14, 1988, and

WHEREAS, the Office of Court Administration requires that all Town and Village Justices in New York State attend at least two parts of said program on an annual basis, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Town Justice John V. Rogowski be and hereby is authorized to attend the aforementioned seminar, and BE IT FURTHER

MEETING NO. 9
May 2, 1988

Item No. 24 cont'd.

RESOLVED that Town Justice John V. Rogowski shall be reimbursed for his reasonable and necessary expenses associated with his attendance at such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, on May 18, 1987, this Town Board awarded the heating contract for the remodeling of the Roycroft Pump Station to Matthew Kandefer Plumbing & Heating Corporation for the total sum of \$10,495.00, AND

WHEREAS, the scope of work for said Change Order is outlined in the attached letter dated April 27, 1988 and considered part of this resolution, NOW THEREFORE, BE IT

RESOLVED that Change Order No. 1, in the amount of \$948.00, as an increase to the contract of Matthew Kandefer Plumbing & Heating Corporation, 873 Mineral Springs Road, West Seneca, New York 14224 be approved, AND, BE IT FURTHER

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

RESOLVED that funds for said Change Order No. 1 are available in account #25-8125-004-4964,

See Attached Letter

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0
ABSENT: 0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.

TOWN ENGINEER

716-686-3447

716-686-3448

April 27, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Change Order #1
Roycroft Pump Station

Gentlemen:

We are submitting for Town Board review and approval a resolution for Change Order #1 for the Roycroft Pump Station. This Change Order was to furnish and install an eggcrate grill in the dry well and wet well exhaust fan ductwork. This will provide increased vandal-proofing for the station. A sheet metal cap for an existing 6" vent stack was installed which closed the existing opening in the roof thus lessening the heat required to maintain the building temperature. Due to conduit embedded in the ground floor and roof concrete slab, the opening for a roof mounted supply fan and duct supplying wet well had to be relocated necessitating additional length of duct.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski
Sr. Engineer Assistant

ABB:dms

MEETING NO. 9
May 2, 1988

Item No. 26 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

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

GENERAL FUND

FROM:	3120.2501	(Police-Other Equipment)	\$1,440.00
	1110.4051	(Justice Dept.-Microfilming)	700.00
TO:	3120.4095	(Police-K-9 Expense)	\$1,440.00
	1110.4591	(Justice Dept.-Juror Fees)	700.00

HIGHWAY FUND

FROM:	5142.4029	(Highway-Salt)	\$5,000.00
TO:	5140.4071	(Highway-Uniforms)	2,000.00
	5140.4191	(Highway-Misc. Expenses)	2,000.00
	5140.4001	(Highway-Office Supplies)	1,000.00

SPECIAL DISTRICT FUND

FROM:	599.00	(SD #4 Appropriated Fund Balance)	\$3,000.00
TO:	8124.4971	(Alpine Station Maintenance)	3,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to May 2, 2988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$237,154.31
HIGHWAY FUND	52,351.23
CAPITAL FUND	4,400.00
TRUST & AGENCY FUND	555.05
HUD-CDBG FUND	6,411.43
PART TOWN FUND	5,422.67
RISK RETENTION FUND	46,624.38
SPECIAL DISTRICT FUND	99,111.95
	<u>\$452,031.02</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

II. FROM THE TABLE

Item No. 28 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, it is in order that bids be advertised for the furnishing of furniture and equipment for the Town Hall Council Chambers, AND

WHEREAS, funds have been budgeted for this purpose in Account #7110.070, Town Hall Miscellaneous, Capital Improvements Account, 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 furniture and equipment for the Town Hall Council Chambers, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 6th day of June, 1988 at 10:00 A.M., Eastern Daylight Savings Time, 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 June 6, 1988 at 10:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of furniture and equipment for the Town Hall Council Chambers in the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Furniture and Equipment for the Town Hall Council Chambers" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

The Town Board reserved 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.

RICHARD M. MOLESKI
Town Clerk

Dated: May 2, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk,
Kazukiewicz and Solecki
NAYES: Councilman Johnson
ABSENT: 0

*SEE AFFIDAVIT NEXT PAGE+

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....MAY 05 1988..... ;
last publication.....MAY 05 1988..... ;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this5th.....
May
day of1988....., 19

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE TO BIDDERS**

Scaled proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 6, 1988 at 10:00 am., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of furniture and equipment for the Town Hall Council Chambers in the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Furniture and Equipment for Town Hall Council Chambers" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within sixty (60) 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 CHEEKTOW-
AGA, ERIE COUNTY, NEW
YORK.**

**RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: May 5, 1988**

MEETING NO. 9
May 2, 1988

Item No. 29 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga has previously received a grant of Rental Rehabilitation funds from the New York State Division of Housing and Community Renewal, and

WHEREAS, said funds are to be utilized for the rehabilitation of low to moderate-income rental units in the Cedargrove Heights target area in conjunction with the Town's Community Development Housing Rehabilitation Program, and

WHEREAS, applications for rehabilitation funding under said Programs have been received and reviewed by the Director of Community Development, who has recommended approval of Rental Rehabilitation and Community Development Funding for the projects listed below, NOW, THEREFORE, BE IT

RESOLVED that Rental Rehabilitation Grant Funds of up to \$5000 per unit and Community Development Loan Funds of up to \$5000 per unit be authorized for the owners of the following properties:

Properties Unlimited - 24 C & D Glenwood (2 units)
28 A-E Glenwood (5 units)
91 A-E Windwood (5 units)
2-10 Elkins (5 units)

Richard Burzynski 14 A-D Springfield (4 units)

and BE IT

FURTHER RESOLVED that the Supervisor is authorized to sign on behalf of the Town of Cheektowaga, any loan and grant agreement and all related legal documents with the above property owners, and BE IT

FURTHER RESOLVED That the Supervisor is hereby authorized to sign checks necessary for the timely disbursement of loan funds, provided rehabilitation work has been completed to the satisfaction of Town's Housing Inspectors, and further provided that all applicable programs regulations have been complied with to the satisfaction of the Town's Community Development Director.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

ABSTAINED: Councilman Kulyk

III. DEPARTMENTAL COMMUNICATIONS

Item No. 30 Building Permits
Received and Filed

Item No. 31 Cheektowaga Traffic Safety Commission: Minutes of April, 1988 meeting
Received and filed

IV. GENERAL COMMUNICATIONS

Item No. 32 Notice of Claim: Dennis R. Demblewski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak Accounting Department; Christopher E. Kowal, Highway Superintendent; Joseph Naples, Insurance Carriers.
Received and Filed.

MEETING NO. 9
May 2, 1988

Item No. 33 Notice of Claim: Darren Wetzler vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; James Burst, Sewer Maintenance Dept.;
Laverack & Haines, Insurance Carriers.
Received and Filed.

Item No. 34 Notice of Claim: Susan and Richard Kozlowski vs. Town of Cheektowaga
Copies were sent to; Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Christopher E. Kowal, Highway Superintendent;
Laverack & Haines, Insurance Carriers.
Received and Filed.

Item No. 35 Notice of Claim: Joseph Young, Jr. vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Robert M. Lis, Chief of Police;
Laverack & Haines, Insurance Carriers.
Received and Filed.

IV. SUSPENSION OF RULES

* * * * *

Motion by Councilman Kulyk, seconded by Supervisor Swiatek to suspend
the rules to include the following item and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 36 Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, a division of the United States Marines Corps is stationed
on Paris Island, and

WHEREAS, the United States Marine Corps Marching Band and Concert
Band have expressed some interest in performing in the Town of Cheektowaga for the
Town's Sesquicentennial and U.S. Constitution Bicentennial celebration, and

WHEREAS, Councilman Leo T. Kazukiewicz has volunteered to travel to
Paris Island from May 3 - 6, 1988 in an attempt to recruit the Marine Corps Marching
Band and Concert Band to come to the Town of Cheektowaga, and

WHEREAS, Leo T. Kazukiewicz will also receive information from the
Marine Corps concerning its civil defense and disaster preparedness plans for this
area of the State, and

WHEREAS, Councilman Kazukiewicz will be traveling to and from Paris
Island on a U. S. Air Force plane at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED that Councilman Kazukiewicz be and hereby is authorized to
travel to and from Paris Island from May 3 - 6, 1988 on behalf of the Town, and BE
IT FURTHER

RESOLVED that Councilman Kazukiewicz shall be reimbursed for his
reasonable hotel, meal, etc. expenses for such trip at a cost not to exceed \$300.00.

MEETING NO. 9
May 2, 1988

Item No. 36 cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Southline Fire Hall, 1049 French Road, in said Town on the 16th day of May, 1988 at 7:00 o'clock P.M., Eastern Daylight Savings Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II; Chris Kowal, Highway Superintendent; Donald Wegner, Zoning Board Chairman; Ronald Marten, Building and Plumbing Inspector; Ralph Majchrowicz, Director of Administration and Finance; Pat Wojcik, Recreation Director-Senior Citizens; Chester Bryan, Town Engineer; Bruce Chamberlin, Assistant Chief of Police; Ken Kopacz, Executive Director of Youth Bureau.

I. PUBLIC HEARINGS

Item No. 2a This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 82 of the Code of the Town of Cheektowaga, ("Zoning Ordinance") hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (1)(b), which pertains to the minimum lot width for two-or-more family residences, shall be amended to read as follows:

- (b) Two-or-more family residence.
 - [1] Interior lot, eight-five (85) feet.
 - [2] Corner lot, ninety-five (95) feet.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82.21 B. (2)(b), which pertains to the minimum lot area for two-family residences, shall be amended to read as follows:

- (b) Two-family residence.
 - [1] Interior lot, ten thousand two hundred (10,200) square feet.
 - [2] Corner lot, eleven thousand four hundred (11,400) square feet.

* * * * *

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.

Item No. 2b This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 82 of the Code of the Town of Cheektowaga, ("Zoning Ordinance") hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 82-66.C., which pertains to the filing of applications and fees for applications for variances to the Zoning Board of Appeals, shall be amended by the deletion of the words "eighty dollars (\$80.) for commercial and industrial cases and forty dollars (\$40.) for residential cases" and by inserting in its place the words "one hundred dollars (\$100.)".

2. RESOLVED THAT ARTICLE X - AMENDMENTS, Section 82-72.A., which pertains to filing of applications and fees for applications for rezonings, special permits and otherwise amending the Zoning Ordinance or Zoning Map of the Town, shall be amended by deleting the words "eighty dollars (\$80.)" and by inserting therein in their place the words "two hundred dollars (\$200.)".

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.*

*See Item No. 4c for Decision on this Amendment

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 23A of the Code of the Town of Cheektowaga, ("Environmental Impact Review Ordinance") hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee.

Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$100.00
- b. Type I Action \$150.00

2. RESOLVED THAT Section 23A-9, which relates to the membership of the Advisory Committee, shall be amended by deleting therefrom "Town Health Officer" and by inserting in lieu thereof "Town Fire Inspector".

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.*

* See item No. 4b for Decision on this Amendment

II. RESOLUTIONS

Item No. 4a Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Tadeusz Glowacki applied for a Special Permit for automobile repair specializing in electronic engines on property located at 2033 William Street, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

Item No. 4a cont'd

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of April, 1988 at 6:30 o'clock 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 Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Board feels that such an automotive repair facility would not be conducive to surrounding development in the area, NOW, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied.

* See next page for description

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number seventy-five (75), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, being further distinguished as Subdivision Lots Numbers one hundred sixty-seven (167) and one hundred sixty-eight (168) as shown on a map filed in Erie County Clerk's Office under Cover Number 263, being sixty (60) feet front and rear, situate on the south line of William Street.

ALSO, ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number one hundred forty-seven (147), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, being further distinguished as the northerly eighty-five (85) feet of Subdivision Lots Numbers one (1) and two (2) in Block "B" as shown on a map filed in Erie County Clerk's Office under Cover Number 917, being sixty-eight and five tenths (68.5) feet front and rear, situate on the southeast corner of William and Charles Streets.

Item No. 4b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), and

WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Environmental Impact Review Ordinance and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below,

NOW, THEREFORE, ~~BE~~ IT RESOLVED that the Environmental Impact Review Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place

Section 23A-10. Application fee.
Every EAF shall be accompanied by the following
respective fee to defray expenses:
a. Unlisted Action \$100.00
b. Type I Action \$150.00

2. RESOLVED THAT Section 23A-9, which relates to the membership of the Advisory Committee, shall be amended by deleting therefrom "Town Health Officer" and by inserting in lieu thereof "Town Fire Inspector".

and

~~BE~~ IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on May 16, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Environmental Impact Review Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DAWA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*MAY 19 1988*..... ;
last publication.....*MAY 19 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....*Dawa Hicks*.....

Sworn to before me this*19th*.....

day of*May*....., 19*88*.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

line Fire Hall, 1049 French Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 pm.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below,

NOW, THEREFORE, BE IT RESOLVED that the Environmental Impact Review Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10, Application fee.
Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$100.00
- b. Type I Action \$150.00

2. RESOLVED THAT Section 23A-9, which relates to the membership of the Advisory Committee, shall be amended by deleting therefrom "Town Health Officer" and by inserting in lieu thereof "Town Fire Inspector", and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on May 16, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Environmental Impact Review Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,
COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on May 16, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 4B, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have

hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of May, 1988.

RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: May 19, 1988

LEGAL NOTICE EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of May, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), and

WHEREAS, the building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Environmental Impact Review Ordinance and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the South-

Item No. 4c Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga (Zoning Ordinance) be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below,

NOW, THEREFORE, BE IT RESOLVED that the Zoning Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 82-66.C., which pertains to the filing of applications and fees for applications for variances to the Zoning Board of Appeals, shall be amended by the deletion of the words "eight dollars (\$80.) for commercial and industrial cases and forty dollars (\$40.) for residential cases" and by inserting in its place the words "one hundred dollars (\$100.)".

2. RESOLVED THAT ARTICLE X - AMENDMENTS, Section 82-72.A., which pertains to filing of applications and fees for applications for rezonings, special permits and otherwise amending the Zoning Ordinance or Zoning Map of the Town, shall be amended by deleting the words "eighty dollars (\$80.)" and by inserting therein in their place the words "two hundred dollars (\$200.)"

and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on May 16, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*MAY 19 1988*.....;
last publication.....*MAY 19 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*19th*.....

day of*May*....., 19*88*..

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of May, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank B. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga (Zoning Ordinance) be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Southline Fire Hall, 1049 French Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 pm.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard; and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 82-66 C., which pertains to the filing of applications and fees for applications for variances to the Zoning Board of Appeals, shall be amended by the deletion of the words "eighty dollars (\$80.) for commercial and industrial cases and forty dollars (\$40.) for residential cases" and by inserting in its place the words "one hundred dollars (\$100.)."

2. RESOLVED THAT ARTICLE X - AMENDMENTS, Section 82-72A., which pertains to filing of applications and fees for applications for rezonings, special permits and otherwise amending the Zoning Ordinance or Zoning Map of the Town, shall be amended by deleting the words "eighty dollars (\$80.)" and by inserting therein in their place the words "two hundred dollars (\$200.)." and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on May 16, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town

and showing the date of their passage and entry into the minutes.

Upon roll call:

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,

COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on May 16, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 4C, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of May, 1988.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: May 19, 1988

Item No. 5a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, it has recently come to the attention of Town officials and departments that the uncontrolled construction of two-family dwellings in the R-Residence District in new subdivisions in this Town should be seriously reviewed, and

WHEREAS, alternatives to the present situation have been proposed and are being carefully reviewed by the Building Inspector's Office, the Planning Board, the Zoning Board and the Town Attorney's Office, and

WHEREAS, the courts have said that a local legislature may by interim or stop-gap ordinance stop for a reasonable time the commencement of building in an area under immediate consideration for zoning or rezoning, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on permits for a period of 90 days where a zoning change and implementing legislation were under consideration has been found to be appropriate, and

WHEREAS, this Town Board desires to temporarily stop the construction of two-family dwellings in new subdivisions in this Town, NOW, THEREFORE, BE It

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 6th day of June, 1988 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether a "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" should be enacted, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than 10 days prior to the date of said hearing.

* * * * *

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 in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 6th day of June, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Special Review Zoning District Ordinance:

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

1. For a period of 90 days the following area is declared a Special Review Zoning District:

Property bounded on the north side by Broadway; on the south side by French Road; on the east side by Transit Road; and on the west side by Union Road.

2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the construction of two-family dwelling listed in subdivision 1 of this Ordinance.
3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

Item No. 5a cont'd

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

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

Dated: May 16, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....MAY 19 1988.....;
last publication.....MAY 19 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this19th.....

day ofMay....., 1988.....

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 6th day of June, 1988 at 7:00 o'clock pm., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Special Review Zoning District Ordinance:

1. For a period of 90 days the following area is declared a Special Review Zoning District:

Property bounded on the north side by Broadway; on the south side by French Road; on the east side by Transit Road; and on the west side by Union Road.

2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the construction of two-family dwelling listed in subdivision 1 of this ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK**
Richard M. Moleski
Town Clerk
PUBLISH: May 19, 1988

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE, BE IT

RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on June 6, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 TIMES on May 19, 1988, said amendments being set forth in the Notice of Hearing.

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 6, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

CASTLEWOOD DRIVE north side: west from Knollwood Drive to dead end.

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

CASTLEWOOD DRIVE north side: from the west curblin of Knollwood Drive westerly to the east curblin of Barbados Drive.

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

Dated: May 16, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....MAY 19 1988.....;
last publication.....MAY 19 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this19th.....

day ofMay....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF PUBLIC HEAR-
ING**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 6, 1988 at 7:00 pm., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No Parking anytime

CASTLEWOOD drive north side: west from Knollwood Drive to dead end

Section 76-102. Parking prohibited in designated locations, shall be amended by adding thereto the following:

B. No Parking Anytime

CASTLEWOOD north side: from the west curbline of Knollwood Drive westerly to the east curbline of Barbados Drive.

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

Richard M. Moleski

Town Clerk

PUBLISH: MAY 19, 1988

Item No. 5c Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") be amended or repealed;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 6th day of June, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the "Zoning Ordinance" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing, and

BE IT FURTHER RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

NOTICE OF HEARING ON PROPOSAL TO AMEND

ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 16th day of May, 1988, a public hearing will be held on June 6, 1988 at 7:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 82-26 B(2)(b)

which pertains to limitations on permitted uses in the M1 District shall be amended by deletion of the word "noise" so that this section shall read as follows:

(b) Dissemination of atmospheric pollutant, vibration or odor beyond the boundary of the premises on which such use is located

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, 82-26 B(2)

which pertains to limitations on permitted uses in the M1 District shall be amended by the addition of a new Section 82-26 B(2)(d) that shall read as follows:

82-26 B(2)(d)

Where a lot is adjacent to a residential district, the dissemination of noise by any device, equipment or machine beyond the boundary of the premises on which such use, building or structure is located, when the sound produced exceeds the average intensity of the street traffic noise in that residential district.

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

Dated: May 16, 1988

RICHARD M. MOLESKI
Town Clerk

Item No. 5c cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
NAYES: Kazukiewicz and Solecki
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DAWA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... MAY 19 1988 ;
last publication..... MAY 19 1988 ;
and that no more than six days intervened be-
tween publications.

.....*Dawa Hicks*.....

Sworn to before me this 19th

day of May, 1988

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND
ZONING ORDINANCE**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 16th day of May, 1988, a public hearing will be held on June 6, 1988 at 7:00 pm., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE IV-MANUFACTURING DISTRICT REGULATIONS, Section 82-26 B(2)(b) which pertains to limitations on permitted uses in the MI District shall be amended by deletion of the word "noise" so that this section shall read as follows:

(b) Dissemination of atmospheric pollutant, vibration or odor beyond the boundary of the premises on which such use is located

2. RESOLVED THAT ARTICLE IV-MANUFACTURING DISTRICT REGULATIONS, SECTION 82-26 B(2) which pertains to limitations on permitted uses in the MI District shall be amended by the addition of a new Section 82-26 B(2)(d) that shall read as follows:

82-26B(2)(d) Where a lot is adjacent to a residential district, the dissemination of noise by any device, equipment or machine beyond the boundary of the premises on which such use, building or structure is located, when the sound produced exceeds the average intensity of the street traffic noise in that residential district.

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

**Richard M. Moleski
Town Clerk
PUBLISH: May 19, 1988**

Item No. 6 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for a parking lot and bypass road at the Senior Citizen Center, which bids were duly received and publicly opened on April 7, 1988, and

WHEREAS, bids were referred to the Town Engineer and the consulting firm of Nussbaumer & Clarke, Inc. for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer to the Town Board dated May 11, 1988, and

WHEREAS, said report recommends that the bid be awarded to Joseph J. Kelly Blacktop, Inc. as the lowest responsible bidder for the bid price of \$131,469.65 for the construction of the parking lot and bypass road, NOW, THEREFORE, BE IT

RESOLVED that the contract for the parking lot and bypass road at the Senior Citizen Center be and hereby is awarded to Joseph J. Kelly Blacktop, Inc., 1426 Borden Road, Depew, New York, the lowest responsible bidder meeting the requirements of the specifications at the total bid price of \$131,469.65, and BE IT FURTHER

RESOLVED that funding for this construction project shall be charged to Capital Fund Project 05-629, Account #05-8629-7110-0062.

*See next two pages for letter

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

716-686-3447
716-686-3448

May 11, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Parking Lot and Bypass Road
at the Senior Citizen Center

Gentlemen:

As requested by Jim Matecki, Director of Facilities, and Patricia Wojcik, Director of Senior Services, the Town Board authorized the receipt of bids for the construction of additional parking facilities at the rear of the Senior Citizen Center. In addition, a bypass road was to be constructed to direct Town truck traffic away from the Town Hall parking area.

On April 7, 1988, bids were received and publicly opened by the Town Clerk for this project. Nine (9) bidders participated with bids as follows:

BIDDERS	BID ITEM I	BID ITEM II (DEDUCT)
E & R General Construction, Inc.	\$120,945.00	\$25,632.00
Joseph J. Kelly Blacktop, Inc.	\$131,469.65	\$30,860.50
Toro Construction, Inc.	\$147,309.50	\$32,490.00
Northeast Diversification, Inc.	\$149,623.50	\$28,130.00
Custom Topsoil, Inc.	\$157,526.25	\$33,445.00
Tom Greenauer Development, Inc.	\$158,882.00	\$32,054.50
Omer Construction, Inc.	\$168,955.28	\$37,936.40
M. Falgiano Construction Co., Inc.	\$181,637.00	\$37,193.50
GBH Paving, Inc.	\$215,077.00	\$44,300.00

The bids were reviewed by Nussbaumer & Clarke, Inc. with the recommendation in their letter of April 28, 1988 that the bid be awarded to Joseph J. Kelly Blacktop, Inc. This was the lowest responsible bidder who was qualified to do the work.

To the Supervisor and
Town Board Members

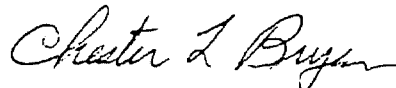
May 11, 1988
Page 2

On April 19, 1988, we met with the lowest bidder, E & R General Construction, Inc., and Nussbaumer & Clarke, Inc. to determine their ability to comply with the contract and to perform the work that was outlined. Our review was based on Article IX, "Statement of Bidder's Qualifications" which was included on page IB-5 of the bid specifications. Based on our meeting with the contractor, and our question as to their ability to perform the work to the degree that was outlined, it was mutually agreed by all parties that in the best interest of the Town, the low bidder be disqualified.

It is the recommendation of the consulting engineers and ourselves that the bid be awarded to the lowest qualified bidder, Joseph J. Kelly Blacktop, Inc., for submission of the lowest bid price meeting the requirements of the specifications. This is for the total contract in the amount of \$131,469.65 which includes the construction of the bypass road. Should funding in this account not be adequate to cover this total amount, then the bid can be awarded in the amount of \$100,609.15. The contractor has agreed to hold his road construction price (Bid Item 2) for the remainder of this year's construction season.

Very truly yours,

TOWN OF CHEEKTOWAGA



Chester L. Bryan, P.E.
Town Engineer

CLB:dms

Item No. 7 Rejection of bids for salt storage building
This item was withdrawn.

Item No. 8 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, this Town Board has continually expressed concern about both the past development and future development of the Town of Cheektowaga, and

WHEREAS, the appearance of all land areas in the Town and developments therein are of further concern to all of the inhabitants of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the period of May 23, 1988 through May 27, 1988, be and hereby is designated as "CLEAN-UP, PAINT-UP, FIX-UP WEEK" in the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 9 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, on June 26, 1987, an automobile operated by Patrick F. Roche and owned by Joyce E. Schieber caused damage to result to a Town Sanitation truck, and

WHEREAS, the insurance carrier for the owner of such vehicle, the Home Indemnity Company, offered to settle this claim for \$1,435.47, and

WHEREAS, the Foreman of the Sanitation Department recommended that the Town accept such settlement, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned settlement offer be and hereby is accepted by this Town Board, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute a release and any other papers to finalize such settlement.

MOTION BY COUNCILMAN KAZUKIEWICZ, SECONDED BY COUNCILMAN GABRYSZAK to table the above item.

Item No. 10a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, on November 7, 1987 and December 7, 1987, the Town of Cheektowaga enter into agreements with Child and Family Services and Catholic Charities Manpower Services, Inc. for operating a "Yough Service Project", and

WHEREAS, there is a desire and need to have Child and Family Services and Catholic Charities Manpower Services, Inc. provide counseling to school youths who are in need of crisis counseling in order to respond to unforeseen and tragic occurrences, and

WHEREAS, Child and Family Services and Catholic Charities Manpower Services, Inc. have agreed to provide such counseling on a short term basis to school youths in the Town at no additional cost to the Town, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached addendums to the existing agreements with Child and Family Services and Catholic Charities Manpower Services, Inc. to provide for short-term counseling to student youths.

* See next pages for copies of Addendums

ADDENDUM

TO

AGREEMENT

THE AGREEMENT, dated the 7th day of December, 1987, by and between the TOWN OF CHEEKTOWAGA ("TOWN") and CATHOLIC CHARITIES MANPOWER SERVICES, INC. ("AGENCY") be and hereby is amended to include the following new paragraph:

6. A. The AGENCY, in response to a request from Cheektowaga Central School District ("School") agrees to provide short-term counseling to School youths in conjunction with an emergency plan to be designed by School officials in order to respond to unforeseen and tragic occurrences which may create a crisis situation amongst the School's student body.


The AGENCY agrees to respond in a similar fashion to other school districts serving Cheektowaga youth as may be requested by an individual School District.

The AGENCY services provided by this paragraph shall be provided as part of the existing aforementioned agreement between the TOWN and the AGENCY at no additional cost to the TOWN.

This Addendum shall be effective immediately and expire on December 31, 1988.

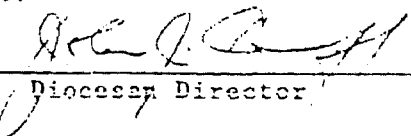
TOWN OF CHEEKTOWAGA

By


Supervisor

CATHOLIC CHARITIES MANPOWER SERVICES,
INC.

By


Diocesan Director

ADDENDUM

TO

AGREEMENT

THE AGREEMENT, dated the 7th day of November, 1987, by and between the TOWN OF CHEEKTOWAGA ("TOWN") and CHILD AND FAMILY SERVICES ("AGENCY") be and hereby is amended to include the following new paragraph:


6. A. The AGENCY, in response to a request from Cheektowaga Central School District ("School") agrees to provide short-term counseling to School youths in conjunction with an emergency plan to be designed by School officials in order to respond to unforeseen and tragic occurrences which may create a crisis situation amongst the School's student body.

The AGENCY agrees to respond in a similar fashion to other school districts serving Cheektowaga youth as may be requested by an individual School District.

The AGENCY services provided by this paragraph shall be provided as part of the existing aforementioned agreement between the TOWN and the AGENCY at no additional cost to the TOWN.

This Addendum shall be effective immediately and expire on December 31, 1988.

TOWN OF CHEEKTOWAGA

By 
Supervisor

CHILD AND FAMILY SERVICES

By 
President

Item No. 10a cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES:
ABSENT: 0

Item No. 10b Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, in November of 1979, the owners of properties abutting Anderson Place Extension (a paper street) in the Town of Cheektowaga petitioned the Town to abandon said avenue as a Town Highway, and

WHEREAS, it was determined that such avenue was never used as a Town highway and the Town had no need for such lands; therefore, such avenue was abandoned as a Town highway, and

WHEREAS, the aforementioned Anderson Place Extension is still known on the Assessor's Map as a highway and no assessment is levied thereon, and

WHEREAS, it is desirable to place such property on the assessment roll in the names of the abutting owners and to derive Town tax revenues from such property,

WHEREAS, the abutting owners have requested quit claim deeds from the Town to accomplish this end, and

WHEREAS, the Town, by executing quit claim deeds, makes no claim or representation concerning title to such property, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached quit claim deeds relating to Anderson Place Extension, and BE IT FURTHER

RESOLVED that this resolution is subject to a permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk's Office be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive referendum in the Cheektowaga Times.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on May 16, 1988, adopted a resolution conveying, by Quit Claim deeds, the Town's interest, if any, in a formerly abandoned avenue known as Anderson Place Extension described below to the two adjoining property owners:

ALL THAT PORTION of Anderson Place between sublots 1 and 24 under Map Cover 1065; said portion of Anderson Place which is a strip of land 50 feet wide by 113 feet in depth and said subplot 24 is in Block D and said Sublot 1 in in Block H.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: May 16, 1988

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

RICHARD M. MOLESKI
Town Clerk

Item No. 10b cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication.....*MAY 19 1988*.....;
last publication.....*MAY 19 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this^{19th}.....

day of*May*....., 19⁸⁸.....

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19⁹⁰

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

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on May 16, 1988, adopted a resolution conveying, by Quit Claim deeds, the Town's interest, if any, in a formerly abandoned avenue known as Anderson Place Extension described below to the two adjoining property owners:

ALL THAT PORTION of Anderson Place between sublots 1 and 24 under Map Cover 1065; said portion of Anderson Place which is a strip of land 50 feet wide by 113 feet in depth and said subplot 24 is in Block D and said subplot 1 is in Block H.

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.**

Richard M. Moleski
Town Clerk
PUBLISH: May 19, 1988

Item No. 10c Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has previously received a grant of Rental Rehabilitation funds from the New York State Division of Housing & Community Renewal, and

WHEREAS, said funds are to be utilized for the rehabilitation of low to moderate-income rental units in the Cedargrove Heights target area in conjunction with the Town's Community Development Housing Rehabilitation Program, and

WHEREAS, applications for rehabilitation funding under said Programs have been received and reviewed by the Director of Community Development, who has recommended approval of Rental Rehabilitation and Community Development Funding for the projects listed below, NOW, THEREFORE, BE IT

RESOLVED that Rental Rehabilitation Grant Funds of up to \$5000 per unit and Community Development Loan Funds of up to \$5000 per unit be authorized for the owners of the following properties:

Mr. & Mrs. Kenneth Ruppert - 3-9 Nugget (3 units)

Marilyn Janeczko/Kathleen Bykowicz - 29 Glenwood (4 units)

and BE IT FURTHER

RESOLVED that the Supervisor is authorized to sign, on behalf of the Town of Cheektowaga, any loan and grant agreements and all related legal documents with the above property owners, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to sign checks necessary for the timely disbursement of loan funds, provided rehabilitation work has been completed to the satisfaction of the Town's Housing Inspectors, and further provided that all applicable program regulations have been complied with to the satisfaction of the Town's Community Development Director.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10d Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Town previously engaged the services of Alternative Business Solutions, computer programmers, for the development of a housing rehab loan tracking system for the Community Development Office, and

WHEREAS, the Town wishes to incorporate modifications in the computer program being developed, and

WHEREAS, the Alternative Business Solutions has submitted a proposal for said modifications at an additional cost of \$475.00, NOW, THEREFORE, BE IT

RESOLVED that the Town's contract with Alternative business Solutions is hereby amended to incorporate said modifications at the cost of \$475.00, and the Supervisor is hereby authorized to execute said amendment on behalf of the Town Board.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by Resolution dated August 4, 1986, this Town Board rezoned various properties located on Losson Road in the Town of Cheektowaga, and

WHEREAS, on the 27th day of August, 1986 the Town of Cheektowaga was served with a Notice of Motion and Petition in a Special Proceeding entitled "Los-Green, Inc., Petitioner vs Daniel Weber, Supervisor, et al., Respondents"; which Special Proceeding called for the annulling of the aforementioned Resolution, and

WHEREAS, the Honorable Thomas F. McGowan, Justice of the Supreme Court, on May 2, 1988, signed an Order, adjudging and decreeing that the zoning classification of Petitioner's property be restored to the General Commercial zoning classification as existed prior to the Town's action in 1986, and

WHEREAS, this Town Board feels that the decision of the Hon. Thomas F. McGowan is in error, NOW, THEREFORE, BE IT

RESOLVED that the Town Attorneys Office be and hereby is directed to appeal the Order of the Honorable Thomas F. McGowan, Justice, Supreme Court, with reference to the lawsuit entitled "Los-Green, Inc. vs. Daniel Weber, et al".

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, in 1981, when the Town of Cheektowaga Employee's Federal Credit Union was formed, such credit union was given permission to use the vacant Town structure east of the incinerator building, and

WHEREAS, such building is no longer suitable for the credit union's needs and the Town is desirous of demolishing same, and

WHEREAS, the Town of Cheektowaga Employee's Credit Union has purchased, with its own funds, a trailer and desires to locate such trailer at the same site on Town property where the credit union office building presently stands, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga Employee's Federal Credit Union be and hereby is authorized to locate its office trailer on Town property at the location of the existing credit union office building, and BE IT FURTHER

RESOLVED that the Town hereby agrees to continue to provide electricity, gas and basic telephone service to the Town of Cheektowaga Employee's Credit Union office in its new trailer.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board (The Board) is to find environmentally sound and cost efficient alternatives for the management and disposal of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, this town board authorized the Town to act as the lead agency for all activities involved in the preparation of a final feasibility study and preliminary engineering work concerning the development of a waste-to-energy facility at Wende, and

Item No. 13 cont'd

WHEREAS, all of the municipalities comprising the Board, including the Town of Cheektowaga, have appropriated sufficient funds for the preparation of such feasibility study and engineering work, and

WHEREAS, the Supervisor was authorized to, and executed for and on behalf of the Town of Cheektowaga, a municipal cooperation agreement between the Town and other members of the Northeast Communities Solid Waste Management Board concerning the Town's rights and responsibilities in representing the Board in relation to the consultant contract for a final feasibility study and preliminary engineering work on the development of a waste to energy project, and

WHEREAS, the Supervisor was further authorized to and executed the agreement for engineering services for solid waste management planning and project development between the Board and Barton and Loguidice, P.C., and

WHEREAS, it has been determined that additional consulting services beyond the original scope and the requirement of the first, second and third amendment dated November 14, 1986, December 7, 1987 and December 21, 1987 respectively are required to complete the engineering work,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be and hereby is authorized to execute the fourth amendment to the agreement for engineering services for solid waste management and project development between the Town Board and Barton and Loguidice, P.C.

* See next two (2) pages for agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

5

FOURTH AMENDMENT
TO
AGREEMENT FOR ENGINEERING SERVICES
BETWEEN

THE NORTHEAST COMMUNITIES SOLID WASTE MANAGEMENT BOARD

AND

BARTON & LOGUIDICE, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
SYRACUSE, NEW YORK

IN CONJUNCTION WITH
ENGINEERING SERVICES
FOR
SOLID WASTE MANAGEMENT PLANNING AND PROJECT DEVELOPMENT

This Agreement hereby revises the original agreement noted above which is dated June 4, 1986, and the First, Second and Third Amendments thereto. Except as noted herein, the original Agreement and aforementioned Amendments thereto shall remain in full force.

ARTICLE III - PAYMENT FOR SERVICES

Article III is hereby revised to increase the payment for work in Article II by \$15,000 to \$133,500.

IN WITNESS WHEREOF, the parties hereto have made and executed on the 16th day of May, 1988, this Fourth Amendment to the Agreement of June 4, 1986.

NORTHEAST COMMUNITIES
SOLID WASTE MANAGEMENT BOARD

BY:

Frank E. Smith

BARTON & LOGUIDICE, P.C.

BY:

Frank A. Loguidice
Frank A. Loguidice, P.E.
President

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this 19th day of May, 1988, before me personally appeared Frank E. Swiatek, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, Erie County, New York, and is the duly elected Supervisor for the Northeast Communities Solid Waste Management Board, the party of the first part described in and which executed the within Instrument, and that he executed the within Instrument pursuant to authority in him vested.

Vickie L. Dankowski
Notary Public

VICKIE L. DANKOWSKI
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES SEPT. 30, 1989

STATE OF NEW YORK)
COUNTY OF ONONDAGA) SS:

On this 19th day of April, 1988, before me personally appeared FRANK A. LOGUIDICE, to me personally known, who, being by me duly sworn, did depose and say that he resides in the City of Syracuse, New York, and is the duly elected President of Barton & Loguidice, P.C., the corporation described in and which executed the foregoing Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Christine R. Pawlinski
Notary Public

Item No. 14 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, by municipal cooperation agreement dated June 17, 1982, the Village of Alden and the Towns of Alden, Clarence, Elma, Lancaster and Newstead established the Northeast Communities Solid Waste Management Board ("the Board"), and

WHEREAS, thereafter the Town of Cheketowaga and the Village of Lancaster became members of the Board, and

WHEREAS, the current members of the Board have given their unanimous consent to the addition of the Towns of Marilla and West Seneca and the Villages of Akron, Depew, Sloan and Williamsville as members of the Board, and

WHEREAS, members of the Board have recommended formally adding the above mentioned members and amending the Board's operating arrangements, and

WHEREAS, a Joint Municipal Agreement has been prepared and 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 the attached Joint Municipal Agreement Expanding the Northeast Communities Solid Waste Management Board and Amending the Operating Arrangements of the Northeast Board.

* See next seven (7) pages for agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

JOINT MUNICIPAL AGREEMENT
EXPANDING THE NORTHEAST COMMUNITIES
SOLID WASTE MANAGEMENT BOARD AND AMENDING
THE OPERATING ARRANGEMENTS
OF THE NORTHEAST BOARD

FILE: NORTHEAST
SOLID WASTE
Mgmt Board

AGREEMENT, entered into this 16th day of MAY,
1988, by and between the TOWN OF ALDEN, CHEEKTOWAGA, CLARENCE,
ELMA, LANCASTER, MARILLA, NEWSTEAD AND WEST SENECA, and the
VILLAGES of AKRON, ALDEN, DEPEW, LANCASTER, SLOAN and WILLIAMS-
VILLE, all in the County of Erie, State of New York, hereinafter
referred to as the MUNICIPALITIES.

W I T N E S S E T H:

SECTION 1

WHEREAS, by a municipal cooperation agreement dated June
17, 1982, entered into pursuant to Article 5-G of the General
Municipal Law, the VILLAGE OF ALDEN and the TOWNS OF ALDEN,
CLARENCE, ELMA, LANCASTER and NEWSTEAD established the North-
east Communities Solid Waste Management Board (the Board);
and

WHEREAS, Section Five of the aforesaid agreement provides
for adding municipal members upon the unanimous approval of
all the members thereof, and upon execution of an agreement
undertaking all rights and responsibilities of such agreement;
and

WHEREAS, the TOWN OF CHEEKTOWAGA and the VILLAGE OF LANCASTER
became members of the Board by agreement of April 15, 1985,
and

WHEREAS, the VILLAGE OF AKRON was accepted unanimously as a member by all the then existing MUNICIPALITIES, and has acted as a member in good standing; but, due to an oversight, was not made a party to the agreement of April 15, 1985; and the MUNICIPALITIES wish to correct such oversight; and

WHEREAS, all current members have given their unanimous assent to the addition of the TOWNS OF MARILLA and WEST SENECA and the VILLAGES OF DEPEW, SLOAN and WILLIAMSVILLE as members of the Board; and

WHEREAS, the MUNICIPALITIES entered into an agreement, dated May 29, 1986, concerning consulting engineering services for a feasibility study and preliminary engineering work on a public project known as the Northeast Waste-to-Energy Project, which agreement was amended (a) by agreement dated December, 1986 empowering the Chief Fiscal Officer of the TOWN OF ELMA to apply for and to receive an appropriation under the State "Aid-to-Localities"; and (b) by agreement dated January 7, 1987 concerning the shared liability of all MUNICIPALITIES with the TOWN of ELMA in the \$200,000 State "Aid-to-Localities" contract with the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; and

WHEREAS, the aforesaid agreement of May 29, 1986, also contained provisions for the sharing of costs for services provided to the MUNICIPALITIES; and

WHEREAS, by agreement dated December 29, 1986, the TOWN of CREEKTOWAGA was given the authority to obtain proposals for long-term solid waste disposal services, to which all

MUNICIPALITIES would have the option of participating on an equal basis; and

WHEREAS, on March 7, 1988, the TOWN of CHEEKTOWAGA, awarded a twenty-five year solid waste disposal contract to the Occidental Chemical Corporation, which will also allow the TOWNS of MARILLA and WEST SENECA, and the VILLAGES OF DEPEW, SLOAN, and WILLIAMSVILLE the option of participating on an equal basis when they become members of the Northeast Board; and

SECTION 2

WHEREAS, the Board wishes to have unanimous approval of all MUNICIPALITIES in amending its operating arrangements; and

WHEREAS, the said municipal cooperation agreement may only be amended by written instrument executed by all member MUNICIPALITIES.

NOW, THEREFORE, IT IS AGREED

SECTION I

1. The VILLAGE OF AKRON undertakes all rights and responsibilities of the said municipal cooperation agreement, as amended; and is hereby recognized as a member of the Board as of April 15, 1985.
2. That the TOWN of MARILLA, and WEST SENECA, and the VILLAGES OF DEPEW, SLOAN, and WILLIAMSVILLE each undertake all rights and responsibilities of each of the above referenced agreements and amendments;

and, as a condition of membership, on or before July 1, 1988, make the payment shown in Attachment A in proportion to those previously made by the MUNICIPALITIES in the agreement of May 29, 1986.

3. The TOWNS of ALDEN, CHEEKTOWAGA, CLARENCE, ELMA, LANCASTER and NEWSTEAD, and the VILLAGES of AKRON, ALDEN and LANCASTER each agrees to accept the TOWNS of MARILLA and WEST SENECA and the VILLAGES of DEPEW, SLOAN and WILLIAMSVILLE as equal members of the Northeast Communities Solid Waste Management Board.

SECTION 2

5. That Section One, Paragraphs One and Two of the agreement dated June 17, 1982, are replaced by the following two paragraphs:

The municipalities hereby agree that the NORTHEAST COMMUNITIES SOLID WASTE MANAGEMENT BOARD shall be created to investigate and further study the solid waste problems of the Municipalities. Said board shall consist of one (1) member from each of the Municipalities which is party to this agreement. The Legislative Board of each member Municipality shall appoint one (1) Board member and one (1) alternate to represent the respective Municipality. Once named the member and alternate shall serve until replaced by the respective Municipality. Said Board member may be the Mayor, Supervisor or other official from each Municipality. The alternate need not be a municipal

official. The members of the NORTHEAST COMMUNITIES SOLID WASTE MANAGEMENT BOARD shall serve without pay, except the ordinary and necessary expenses incurred in the performance of their normal duties shall be a proper expense and may be reimbursed by the Board.

The Board shall elect one of its members or alternates to be Chairman for each calendar year. The Board shall also appoint one of its members or alternates as Secretary of the Board to keep the minutes of each meeting. The meetings of the Board shall be held at a convenient location. The Secretary of the Board shall notify the members of a meeting of the Board at least ten (10) days in advance by mail. The meetings of the Board shall be open to the public in accordance with New York State Open Meetings Law. The Board may adopt by-laws for the running of the meeting and other administrative details. Each member of the Board shall have one (1) vote at all meetings. In order to take any formal action, the Board must have a quorum of at least 50% of its members. Resolutions adopted by the Board must receive a majority vote of the members of the Board present at a meeting.

EXHIBIT A

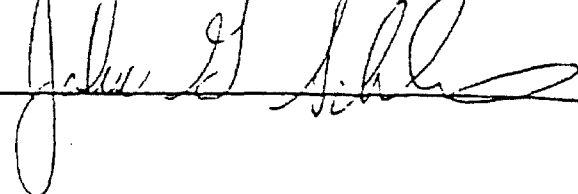
	<u>Pop.</u>	<u>Increase in NE Board Pop.*</u>	<u>Funding Commitments</u>	<u>Phase I Share</u>
Marilla (T)	4861	3.0%	\$ 4,100	\$ 1,050
Sloan (V)	4529	2.8%	3,800	1,000
West Seneca (T)	51210	31.7%	43,100	11,100
Williamsville (V)	6017	3.7%	5,000	1,300
Depew (V)	<u>19819</u>	<u>12.3</u>	<u>16,700</u>	<u>4,300</u>
	86436	53.5%	\$72,700	\$18,750

*Northeast Communities population used in agreement of May 29, 1986 was 161,584.

(SEAL)

Dated: 8/22/88


TOWN OF ALDEN

By: 

(SEAL)

Dated: 8/1/88

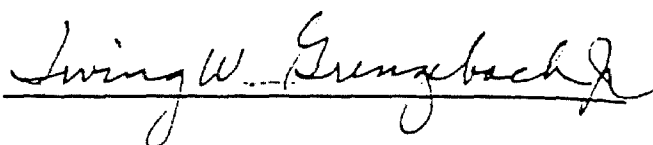
TOWN OF CHEEKTOWAGA

By: 

(SEAL)

Dated: 8-10-88

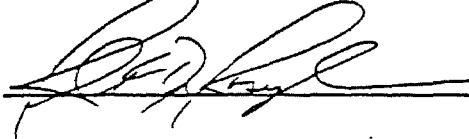
TOWN OF CLARENCE

By: 

(SEAL)

Dated: 5/16/88


TOWN OF ELMA

By: 

(SEAL)

Originally signed 5/16/88
formed Dated: 8/3/88

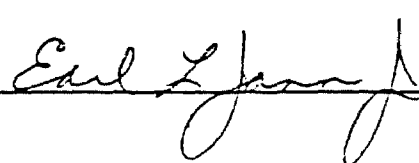
TOWN OF LANCASTER

By: 

(SEAL)

Dated: 8/10/88

TOWN OF MARILLA

By: 

(SEAL)

Dated: 8/10/88

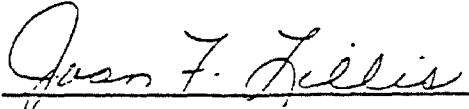
TOWN OF NEWSTEAD

By: 

(SEAL)

Dated: _____

TOWN OF WEST SENECA

By: 

(SEAL)

Dated: 8-5-88

VILLAGE OF AKRON

By: 

(SEAL)

Dated: 8-5-88

VILLAGE OF ALDEN

By: 

(SEAL)

Dated: 6-21-88

VILLAGE OF DEPEW

By: 

(SEAL)

Dated: 8/15/88

VILLAGE OF LANCASTER

By: 

(SEAL)

Dated: 6-14-88

VILLAGE OF SLOAN

By: 

(SEAL)

Dated: 8-3-88

VILLAGE OF WILLIAMSVILLE

By: 

jrf143

Item No. 15 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the New York State Department of Transportation (NYSDOT) is in the process of designing the reconstruction of William Street from Buffalo City Line to Laura Court incorporating the improvement of William Street drainage system, and

WHEREAS, the Town is planning on the construction of a major drainage system running southerly from William Street to the Buffalo River within the Lehigh and Lake Erie right-of-way, and

WHEREAS, it would be appropriate and economical to include the drainage crossing of William Street which is to constitute part of the Town drainage system into the NYSDOT William Street Reconstruction Project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board petitions NYSDOT to incorporate, as part of its drainage system, the piping across William Street as shown on Town Drawing F-4 and Nussbaumer & Clarke Drawing C-86159-1, and BE IT FURTHER

RESOLVED that the Town Engineer transmit a copy of this request to Mr. Robert J. Russell, Regional Design Engineer of the NYSDOT.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, Section 48-2 of Chapter 48 of the Code of the Town of Cheektowaga ("Parks Ordinance") prohibits public meetings and parades in Town park except by permission of the Town Board, and

WHEREAS, the Girl Scout Council of Buffalo and Erie County, Inc. has requested permission to have a bicycle rodeo in Town Park near the Recreation Center on Friday, May 20, 1988 from 4:00 - 7:00 P.M. (raindate of Sunday, May 22, 1988 from 4:00 to 7:00 P.M.), and

WHEREAS, the Girl Scout Council of Buffalo and Erie County, Inc. has procured a certificate of insurance covering the Town for such event, NOW, THEREFORE, BE IT

RESOLVED that the Girl Scout Council of Buffalo and Erie County, Inc. be and hereby is granted permission to have their bicycle rodeo in Town Park on Friday, May 20, 1988 from 4:00 - 7:00 P.M. (raindate of Sunday, May 22, 1988 from 4:00 to 7:00 P.M.), and BE IT FURTHER

RESOLVED that the Director of the Recreation Department be and hereby is directed to cooperate and assist the Girl Scout Council of Buffalo and Erie County, Inc. with said bicycle rodeo.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, representatives from John F. Kennedy High School have requested permission to host the Second Annual JFK Cross-Country Invitational Meet at John C. Stiglmeier Park on Saturday, October 1, 1988, and desire to utilize the trails, terrain and grass areas of such park, and

WHEREAS, the First Annual JFK Cross-Country Invitational Meet held last year at Stiglmeier Park was very successful, NOW, THEREFORE, BE IT

Item No. 16b cont'd

RESOLVED that permission be and hereby is granted to John F. Kennedy High School to hold its Second Annual JFK Cross Country Invitation in John C. Stiglmeier Park on Saturday, October 1, 1988, and BE IT FURTHER

RESOLVED that John F. Kennedy High School is also granted permission to use the mens' and womens' rest rooms in such park and to use the area in front of such comfort station building for concessions, and BE IT FURTHER

RESOLVED that the Director of the Facilities Department is directed to provide assistance to the representatives from John F. Kennedy High School for such cross-country invitational meet.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure at 830 Borden Road, Cheektowaga, New York, SBL #114.20-9-12 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessors' Office is owned by Borden - Losson Corporation, 38 Quincy Street, Lancaster, New York 14086, and

WHEREAS, this condition requires that immediate steps be taken to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time Employees in the Department(s) listed:

MAIN PUMP STATION

Joseph Mazur

EFFECTIVE

5/27/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

BE IT RESOLVED that the position of Public Safety Dispatcher be and hereby is created in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the necessary Form PO-17 for such position and transmit same to the Erie County Department of Personnel.

Item No. 19a cont'd

MOTION BY COUNCILMAN JAWOROWICZ, SECONDED BY COUNCILMAN JOHNSON to amend the above resolution, and the amended resolution is as follows:

Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the Job Title of Public Safety Dispatcher be hereby is established in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the necessary Form PO-17 for such Job Title and transmit same to the Erie County Department of Personnel.

THIS AMENDMENT WAS WITHDRAWN.

Since the amendment to the original resolution was withdrawn, another motion was made.

MOTION BY SUPERVISOR SWIA TEK, SECONDED BY COUNCILMAN JAWOROWICZ to amend the original resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the amended resolution is as follows:

Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

BE IT RESOLVED that the Supervisor be and hereby is authorized and directed to execute the necessary Form PO-17 for such position of Public Safety Dispatcher and transmit same to Erie County Department of Personnel.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated December 7, 1987, this Town Board requested the Erie County Department of Personnel to schedule a promotional examination for the position of Principal Engineer Assistant in order to fill in a gap which existed in the Town Engineering Department with respect to job responsibilities, and

WHEREAS, such examination was held and the results of same have been released showing that three Town employees are eligible for such positions, and

WHEREAS, only one position of Principal Engineer Assistant is presently listed and one more position must be created, and

Item No. 19b cont'd

WHEREAS, it is the intent of this Town Board to abolish the two lower positions of Sr. Engineering Assistant once appointments are made to the Principal Engineer Assistant positions, NOW, THEREFORE, BE IT

RESOLVED that another promotional position of Principal Engineer Assistant be and hereby is created, effective immediately, and BE IT FURTHER

RESOLVED that the two promotional positions of Principal Engineer Assistant be posted in accordance with the collective bargaining agreement between the Town and the Town Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a vacancy exists in the position of MEO "A" Operator in the Sewer Maintenance Department, and

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town and the Town Employee's Association, and

WHEREAS, Jerome Borowski applied for and is qualified for such position, NOW, THEREFORE, BE IT

RESOLVED that Jerome Borowski, Cheektowaga, New York 14211 be and hereby is appointed to the position of MEO "A" Operator in the Sewer Maintenance Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employee's Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20b Appointment of Laborer in Sanitation
This item was withdrawn.

Item No. 21a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be hired for the Cheektowaga Conservation Corps at the designated titles and salaries:

Trainee Supervisors (7310.1811) \$6.00/hr.

Timothy Dusza	14227
James Hornung	14225
Christopher Kowalewski	14043
Alan Miano	14225
Larry Osswald	14225

Youth Leaders (7310.1812) \$4.25/hr.

John Budzynski	14225
Peggy Hellenbach	14225
Jeff Kowalewski	14043
Richard Musielak, Jr.	14043
Michael Wojtkowiak	14227

Item No. 21a cont'd

In the event that the Youth Bureau is successful in obtaining a state grant for the New York State Conservation Corps or a vacancy occurs among the staff position, ~~BE~~ ^{IT FURTHER}

RESOLVED that Jim Hornung, Cheektowaga, New York 14225, be elevated to the position of New York State Conservation Corps Supervisor at the salary rate of \$6.50/hr. and the following individuals be hired as alternate Youth Leaders for the Conservation Corps; at the below listed title and salary:

Youth Leaders (7310.1812) \$4.25/hr.

John K. Jarzynski
Glen Osswald

14225
14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21b Motion by Councilman Gabryszak, Seconded by Councilman Solecki

~~BE~~ IT RESOLVE that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1988 soccer program.

SOCCER ATTENDANTS - \$3.35 per hour - A7140-1611

John Hanf
Timothy Kronenweitier

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21c Motion by Councilman Solecki, Seconded by Councilman Gabryszak

~~BE~~ IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time Employees in the various Departments and at the rates listed:

TOWN CLERK'S OFFICE - Dog Enumerator - \$4.00 per hour

EFFECTIVE

Amy Meyers
Elizabeth Chrzonowski
Donna Gannon
Thomas Bollman
Mary Love
Kara Jean Jeffords

Immediately
Immediately
Immediately
Immediately
Immediately
Immediately

TOWN CLERK'S OFFICE - Seasonal/Clerical \$3.35 per hour

Tracy Krawczyk

Immediately

SANITATION - Part-Time - \$5.00 per hour

William Galuszka
Julian Szeglowski

5/16/88
5/16/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 10
May 16, 1988

Item No. 22 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be transferred from the Adapted Recreation Program (7310.1802) to the Day Camp for the Developmentally Disabled (7310.1802) effective June 6, 1988:

Recreation Supervisors (Activity Directors \$5.25

David Imiola	East 14227
Bonnie Lynch	14043
Paulette Mecca	14225

Recreation Supervisor Senior Counselor) \$4.00

Barbara Zielinski	14225
-------------------	-------

Recreation Attendants (Counselor I) \$3.35

Louanne Balus	14225
---------------	-------

Recreation Attendant (Counselor II) \$3.50

Bethann Schaller	14043
------------------	-------

Recreation Supervisor (Program Supervisor) \$6.50

Deborah Wojtkowski	14043
--------------------	-------

Recreation Supervisor (Assistant Program Coordinator) \$5.75

Christine Phillips	14225
--------------------	-------

and BE IT FURTHER

RESOLVED that the following individuals be transferred from the Adapted Recreation Program (7310.1803) to the Day Camp for Developmentally Disabled (7310.1802) with the following change in title and salary, effective June 6, 1988:

Christy Male from Recreation Attendant (Counselor II) to Senior Counselor at \$4.00 per hour

From Recreation Attendants (Counselor I) \$3.35 to Counselor II, at \$3.50

Lynda Diemert	14225
Paul Marchewka	14227
Anne Priester	14225
Cindy Principato	14225
Robin Straker	14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the Town is currently involved in an assessment review proceeding relating to K-Mart, 2055 Walden Ave., Cheektowaga, New York, and

WHEREAS, the Assessor is in need of a court ready appraisal on the said property, and

WHEREAS, the Town of Cheektowaga has appropriated monies in the budget for these items, NOW, THEREFORE, BE IT

RESOLVED that the Assessor be and hereby is authorized to contract with GAR Associates to make the necessary appraisal. The approximate cost of said appraisal will be \$4500 with a maximum of 75 days.

Item No. 23 cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24a Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

WHEREAS, the New York State Bar Association is sponsoring a one-day seminar on Labor Law in the Public Sector, and

WHEREAS, Chief of Police Robert Lis and Councilman Andrew Kulyk, Chairman of the Labor-Management Committee, have requested permission to attend said seminar, and

WHEREAS, it would be beneficial to the Town to have representatives attend this seminar, since the Town will be engaging in negotiations this year for new collective bargaining agreements with all its employee bargaining units, NOW, THEREFORE, BE IT

RESOLVED that Chief of Police Robert Lis and Councilman Andrew Kulyk be and hereby are authorized to attend such seminar on Thursday, May 26, 1988, at the Holiday Inn - Rochester South in Rochester, New York, and BE IT FURTHER

RESOLVED that Chief Lis and Councilman Kulyk be reimbursed for all reasonable expenses and be provided the use of a Town vehicle.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24b Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, Christopher J. Kowal, Highway Superintendent, has advised the Town Board of his intent to attend the TOWN AND COUNTY OFFICERS TRAINING SCHOOL OF THE STATE OF NEW YORK at Cornell University, Ithaca, NY on June 6th, 7th and 8th, 1988 together with Robert Nader, a Foreman in the Highway Department, NOW, THEREFORE, BE IT

RESOLVED that Highway Superintendent, Christopher J. Kowal, and his Foreman, Robert Nader, are hereby authorized to attend the above training course, arriving at the Howard Johnson, Ithaca, NY, the evening of June 5th, 1988, and BE IT FURTHER

RESOLVED that Christopher J. Kowal will be using his highway vehicle for transportation and that they will be reimbursed for all travel and necessary expenses in connection with said training school, as provided for through budgeted line item, Highway Travel - 5130.4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, on April 18, 1988 this Town Board approved Change Order No.4 for the deduction of \$75,397.05 to the contract of Northeast Diversification for the reconstruction of Pfohl Road, which amount was incorrectly stated on said resolution, and

Item No. 25 cont'd

WHEREAS, the correct amount of the Change Order No. 4 deduction for said contract should have read \$74,395.95, NOW, THEREFORE, BE IT

RESOLVED that this Town Board rescinds the previous resolution of April 18, 1988 and approves this resolution for Change Order No. 4 to be in the amount of \$74,395.95.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Johnson, Seconded by Unanimous

WHEREAS, prior to 1986 the Town was the owner of a landlocked parcel of land north of Losson Road and south of John C. Stiglemeier Park, commonly known as the Volunteer Firemen's Memorial Park, and

WHEREAS, in 1986, the Town acquired a parcel of land providing access to the Volunteer Firemen's Memorial Park from Losson Road, and

WHEREAS, thereafter, the Town initiated plans to improve such park and desires to formally establish a capital project account and provide funding therein for improvements to such park, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby approves the Firemen's Park Capital Project and establishes Capital Project Account number 05-8729-7110-0200 for same, and BE IT FURTHER

RESOLVED that the \$26,000.00 transferred from the General Account in December of 1987 to the Capital Project Account number 05-8729-7110-0200 be and hereby is retroactively validated and reaffirmed, and BE IT FURTHER

RESOLVED that the \$20,000.00 in the Facilities Department budget account number 01-7110-0004-4536 be and hereby is transferred into the Capital Project Account number 05-8729-7110-0200, and BE IT FURTHER

RESOLVED that the Director of the Facilities Department, be and hereby is named as the project manager for Capital Project Account number 05-8729-7110-0200 and is responsible for all transactions involved with such project, including the authorization of invoices for same.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has approved a bond resolution for its local share of the Sanitary Sewer District No. 3 Capital Improvement Project, and

and WHEREAS, the bond proceedings will not take place until late summer,

WHEREAS, New York State Local Finance Law Section 165.10 authorizes temporary advances from funds, NOW, THEREFORE, BE IT

RESOLVED that \$500,000. be temporarily advanced from Sanitary Sewer District No. 3 fund balance to the 1988 Sanitary Sewer District No. 3 Capital Improvement Project until the bond proceeds are received.

MEETING NO. 10
May 16, 1988

Item No. 27 cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

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

GENERAL FUND

FROM: 1910.4711 (Contingency)	\$ 2,917.30
7110.4536 (Facilities-Firemen's Park)	20,000.00
TO: 9950.0000 (Capital Fund-Proj. #8801)	\$ 2,917.30
9950.0000 (Capital Fund-Proj. #8729)	20,000.00

CAPITAL FUND

FROM: 5031.0000 (Interfund transfer-in Gen.)	\$ 2,917.30
5031.0000 (Interfund Transfer-in Gen.)	20,000.00
TO: 8801.0000 (Capital Proj. #801 (Expense)	\$ 2,917.30
8729.7110 (Firemen's Park)	20,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to May 16, 1988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$ 3,199,579.96
HIGHWAY FUND	1,516,369.03
TRUST & AGENCY FUND	3,129,562.66
PART TOWN FUND	46,923.21
RISK RETENTION FUND	35,780.00
HUD REHABILITATION FUND	10,780.00
SPECIAL DISTRICT FUND	1,274,042.31
DEBT SERVICE FUND	971,380.00
CAPITAL FUND	58,700.01
	<u>\$10,243,125.76</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 30 Minutes of Cheektowaga Planning Board
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 31 N.Y.S. Dept. of Trans. - Designation of Restricted Highway - French Road at Azalea Drive
Copies were sent to: Frank E. Swiatek, Supervisor; Cheektowaga Town Board Members; Chris Kowal, Highway Superintendent; Robert Lis, Chief of Police; Cheektowaga Traffic Safety Commission.
Received and Filed.
- Item No. 32a NOTICE OF CLAIM - Larry Chirico vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman-Sanitation; Joseph J. Naples, Insurance Carrier.
Received and Filed.
- Item No. 32b NOTICE OF CLAIM - David & Patricia Stanley vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ron Marten, Building & Plumbing Inspector; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 32c NOTICE OF CLAIM - Alfred J. Brassard vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Superintendent; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 32d NOTICE OF CLAIM - Edward & Alice Baron vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chester Bryan, Town Engineer; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 33 Additional Petition regarding construction of library on French Road
Copies were sent to: Frank E. Swiatek, Supervisor; Cheektowaga Town Board Members
Received and Filed.
- Item No. 34 Letter from residents wishing to speak regarding proposed subdivision "Woodlands at the Park"
Copies were sent to: Frank E. Swiatek, Supervisor; Cheektowaga Town Board Members; James Kirisits, Town Attorney
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Kulyk, Seconded by Councilman Gabryszak to suspend the rules to include the following two (2) items.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 10
May 16, 1988

Item No. 35 Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, by resolution dated March 7, 1988, Arthur Ferdinand was appointed to the position of Automotive Mechanic Foreman in the Central Garage, and

WHEREAS, Arthur Ferdinand has requested a one-year leave of absence from his former position of Auto Body Repairman in the Central Garage, and

WHEREAS, pursuant to Section 11.02 of the collective bargaining agreement between the Town and the Town Employee's Association, employees in such bargaining unit are entitled to a leave of absence, NOW, THEREFORE, BE IT

RESOLVED that Arthur Ferdinand be and hereby is granted a leave of absence beginning March 7, 1988 and ending March 6, 1989, from his position as Auto Body Repairman in the Central Garage.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Cleveland Hill Baseball, Inc. will be holding its Opening Day Ceremonies on Saturday, May 21, 1988, and

WHEREAS, Cleveland Hill Baseball, Inc. has requested permission to conduct a parade as part of its Opening Day Ceremonies beginning at 11:00 A.M., and

WHEREAS, the parade will begin behind Cleveland Hill High School, proceed to Cleveland Drive, west to Harlem Road, and south on Harlem Road to Homesgarth Avenue, NOW, THEREFORE, BE IT

RESOLVED that for pedestrian and vehicular safety, the Chief of Police is hereby authorized to arrange for necessary traffic safety and escort services and to insure compliance with the Vehicle and Traffic Law.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Kazukiewicz, Seconded by Councilman Solecki to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS

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RESOLUTIONS

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No. 11

No. 12

SPECIAL MEETING

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Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of June, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II; Donald Wegner, Zoning Board Chairman; Ronald Marten, Building and Plumbing Inspector; Ralph Majchrowicz, Director of Administration and Finance; Chester Bryan, Town Engineer; Robert M. Lis, Chief of Police; Ken Kopacz, Executive Director of Youth Bureau. Raymond Pugh, Representative of Planning Board; Emil Lennert, Representative of Planning Board.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting a Special Review Zoning District Ordinance of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed ordinance being as follows:

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

1. For a period of 90 days the following area is declared a Special Review Zoning District:

Property bounded on the north side by Broadway; on the south side by French Road; on the east side by Transit Road; and on the west side by Union Road.

2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the construction of two-family dwelling listed in subdivision 1 of this Ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

* * * * *

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.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

CASTLEWOOD DRIVE North side: west from Knollwood Drive to dead end

Section 76-102. Parking prohibited in designated locations; shall be amended by adding thereto the following:

B. No parking anytime

CASTLEWOOD DRIVE North side: from the west curblin of Knollwood Drive westerly to the east curblin of Barbados Drive.

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.

Item No. 4 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 82 of the Code of the Town of Cheektowaga, ("Zoning Ordinance") hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 82-26 B(2)(b) which pertains to limitations on permitted uses in the M1 District shall be amended by deletion of the word "noise" so that this section shall read as follows:

(b) Dissemination of atmospheric pollutant, vibration or odor beyond the boundary of the premises on which such use is located.

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 82-265 B (2) which pertains to limitations on permitted uses in the M1 District shall be amended by the addition of a new Section 82-26 B(2)(d) that shall read as follows:

82-26 B(2)(d)

Where a lot is adjacent to a residential district, the dissemination of noise by any device, equipment or machine beyond the boundary of the premises on which such use, building or structure is located, when the sound produced exceeds the average intensity of the street traffic noise in that residential district.

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.

II. RESOLUTIONS

Item No. 5a Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Reid Petroleum Corporation applied for a Special Permit for a self-service gasoline station on property located at 1055 Walden Avenue, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 16th day of May, 1988 at 6:30 o'clock 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 Ordinance 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 the Special Permit and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 1055 Walden Avenue, and has rendered a determination that the Special Permit will not have a significant effect on the environmental subject to the following conditions:

1. the drainage and catch basins be approved by the Engineering Department.
2. the pumps and containment of spilled fuel be subject to approval by the Fire Inspector

and,

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject the aforementioned conditions recommended by the Town Environmental Advisory Committee.

MOTION MADE BY SUPERVISOR SWIATEK AND SECONDED BY COUNCILMAN JAWOROWICZ to table the above item.

Item No. 5b Decision on Rezoning: 68 Floral Place
This item was withdrawn.

Item No. 5c Motion by Councilman Kulyk Motion by Councilman Solecki

WHEREAS, John H. Connor has petitioned for the rezoning from RC-Restricted Business District to C-Retail Business District of property owned by Castine, Kidowski, Leising & Sharp, Inc. and located at 4976 Transit Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Town Board feels that commercial development on this property would be detrimental to the quality of life for owners of adjoining properties on Strasmer Road, NOW, THEREFORE, BE IT

MEETING NO. 11
June 6, 1988

Item No. 5c cont'd.

RESOLVED that the application of John H. Connor for the rezoning from RC-Restricted Business District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby denied.

* See next page for description.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

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. 46, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:-

BEGINNING at the intersection of the west line of Transit Road with the north line of Strassmer Road; thence westerly along the north line of Strassmer Road, two hundred eighty-three (283) feet; thence northerly parallel with the west line of Transit Road, one hundred fifty-three (153) feet; thence easterly parallel with the north line of Strassmer Road, two hundred eighty-three (283) feet to the west line of Transit Road; thence southerly along the west line of Transit Road, one hundred fifty-three (153) feet to the point of beginning.

MEETING NO. 11
June 6, 1988

Item No. 5d Motion by Councilman Johnson Motion by Councilman Jaworowicz

WHEREAS, it has recently come to the attention of Town Officials and departments that the uncontrolled construction of two-family dwellings in the R-Residence District in new subdivisions in this Town should be seriously reviewed, and

WHEREAS, alternatives to the present situation have been proposed and are being carefully reviewed by the Building Inspector's Office, the Planning Board, the Zoning Board and the Town Attorney's Office, and

WHEREAS, the courts have said that a local legislature may be interim or stop-gap ordinance stop for a reasonable time the commencement of building in an area under immediate consideration for zoning or rezoning, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on permits for a period of 90 days where a zoning change or implementing legislation were under consideration has been found to be appropriate, and

WHEREAS, a public hearing on a proposed "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" was duly held by this Town Board on the 6th day of June, 1988 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to adopt the "SPECIAL REVIEW ZONING DISTRICT ORDINANCE", NOW, THEREFORE, BE IT

RESOLVED that the "SPECIAL REVIEW ZONING DISTRICT ORDINANCE", as attached hereto, be and hereby is adopted, and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the Town Board of the Town of Cheektowaga held on June 6, 1988, and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that the "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry in the minutes.

* * * * *

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

1. For a period of 90 days the following area is declared a Special Review Zoning District:

Property bounded on the north side by Broadway; on the south side by French Road; on the east side by Transit Road; and on the west side by Union Road.

2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the construction of two-family dwellings listed in subdivision 1 of the Ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, morals and general welfare of the Town.

* * * * *

Item No. 5d cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*MAA HILKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*JUN 09 1988*..... ;
last publication.....*JUN 09 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this*9th*.....

day of*June*....., 19*88*.

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek

Councilman Thomas M. Johnson,

Jr. Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, it has recently come to the attention of Town officials and departments that the uncontrolled construction of two-family dwellings in the R-Residence District in new subdivisions in this Town should be seriously reviewed, and

WHEREAS, alternatives to the present situation have been proposed and are being carefully reviewed by the Building Inspector's Office, the Planning Board, the Zoning Board and the Town Attorney's Office, and

WHEREAS, the courts have said that a local legislature may by interim or stop-gap ordinance stop for a reasonable time the commencement of building in an area under immediate consideration for zoning or rezoning, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on permits for a period of 90 days where a zoning change and implementing legislation were under consideration has been found to be appropriate, and

WHEREAS, a public hearing on a proposed "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" was duly held by this Town Board on the 6th day of June, 1988 at 7:00 pm. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; and at which hearing all parties in interest and citizens

sit Road; and on the west side by Union Road.

2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the construction of two-family dwelling listed in subdivision 1 of this ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

**STATE OF NEW YORK,
COUNTY OF ERIE**

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 6, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 5d, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of June, 1988.

RICHARD M. MOLESKI

TOWN CLERK

PUBLISH: June 9, 1988

MEETING NO. 11
June 6, 1988

Item No. 5e Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board feels that lot sizes for two-family dwellings should be enlarged and are desirable for the Town, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting changes to the Zoning Ordinance relating to the lot size for two-family dwellings and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below, NOW, THEREFORE, BE IT

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (1)(b), which pertains to the minimum lot width for two-or-more family residences, shall be amended to read as follows:

- (b) Two-or-more family residence.
 - [1] Interior lot, eight-five (85) feet.
 - [2] Corner lot, ninety-five (95) feet.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82.21 B. (2)(b), which pertains to the minimum lot area for two-family residences, shall be amended to read as follows:

- (b) Two-family residence.
 - [1] Interior lot, ten thousand two hundred (10,200) square feet.
 - [2] Corner lot, eleven thousand four hundred (11,400) square feet.

and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 6, 1988; and that a certified copy thereof be published in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HIGGS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUN 09 1988 ;
last publication..... JUN 09 1988 ;
and that no more than six days intervened be-
tween publications.

.....Dana Higgs.....

Sworn to before me this 9th

day of June, 1988

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board feels that lot sizes for two-family dwellings should be enlarged and are desirable for the Town, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting changes to the Zoning Ordinance relating to the lot size for two-family dwellings and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 16th day of May, 1988 at 7:00 pm.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below, NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (1)(b), which pertains to the minimum lot width for two-or-more-family residences, shall be amended to read as follows:

- (b) Two-or-more family residence.
[1] Interior lot, eighty-five (85) feet.
[2] Corner lot, ninety-five (95) feet.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B. (2)(b), which pertains to the minimum lot area for two-family residences, shall be amended to read as follows:

- (b) Two-family residence.
[1] Interior lot, ten thousand two hundred (10,200) square feet.
[2] Corner lot, eleven thousand four hundred (11,400) square feet.
and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 6, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance of the Town of Cheektowaga, New York" shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,
COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 6, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 5E, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of June, 1988.

RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: June 9, 1988

MEETING NO. 11
June 6, 1988

Item No. 5f Motion by Councilman Solecki Seconded by Supervisor

WHEREAS, Williamstowne Associates has heretofore commenced proceedings against the Assessor and the Board of Assessment Review of the Town of Cheektowaga, pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the tax years 1986 and 1987, and

WHEREAS, Williamstowne Associates and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, Williamstowne and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for Williamstowne Associates and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended that the attached Settlement Agreement be approved, NOW, THEREFORE, BE IT

RESOLVED that this Town Board does hereby approve the attached Settlement Agreement between Williamstowne Associates and the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that this Town Board does direct that the Settlement Agreement be submitted to the Supreme Court of the State of New York for an Order approving said Settlement Agreement between Williamstowne Associates and the Town of Cheektowaga.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

*See next pages for Settlement Agreement

At a Special Term of the
Supreme Court of the State
of New York, held in and
for the County of Erie at
the Erie County
Courthouse, Buffalo, New
York on the _____ day of
_____, 1988.

PRESENT: Supreme Court Justice

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
WILLIAMSTOWNE ASSOCIATES,
Petitioner,

ORDER

-vs-

TOWN OF CHEEKTOWAGA,
Respondent.

Index No.
H-88723

For Review of Tax Assessments under
Article 7 of the Real Property Tax
Law-1987.

PETITIONER having heretofore commenced the within
proceeding under Article 7 of the Real Property Tax Law to review
the assessments of certain parcels of real property designated as
Tax Map No. 113.15-1-3 in the Town of Cheektowaga, Erie County,
New York for the taxable status dates June 1, 1986 and designated
as Tax Map No. 113.15-1-3, 113.15-1-7 and 113.15-1-8 for the
taxable status date June 1, 1987 and it now being proposed that
the within proceeding be settled upon the terms and conditions set
forth in the annexed Settlement Agreement entered into between the

parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement and also the Affidavit of the Assessor of the Town of Cheektowaga, sworn to the ____ day of April, 1988, requesting approval of the annexed Settlement Agreement as being in the best interests of the Town of Cheektowaga.

NOW, on the joint Motion of Nixon, Hargrave, Devans & Doyle, attorneys for the Petitioner, and Joseph Galvin Sacco, attorney for the Respondent, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the Respondent and that the same be, and hereby is, approved; and it is further

ORDERED AND ADJUDGED, that the appropriate financial officer is hereby directed and authorized to disburse to Petitioner at the time specified in the annexed Settlement Agreement the refund, if any, referred to in said Agreement, together with appropriate interest calculated as set forth in said Agreement.

proved
to
in
the
the

Justice of the Supreme Court

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
WILLIAMSTOWNE ASSOCIATES,

Petitioner,

-vs-

TOWN OF CHEEKTOWAGA,

Respondent.

**SETTLEMENT
AGREEMENT**

Index No. . .
H-88723

For Review of Tax Assessments under
Article 7 of the Real Property Tax
Law-1987.

WHEREAS, Petitioner has instituted the captioned proceeding under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessments of certain parcels or real property in the Town of Cheektowaga, Erie County, New York designated as Tax Map No. 113.15-1-3 for the tax assessment rolls for the year 1986 and designated as Tax Map Nos. 113.15-1-3, 113.15-1-7 and 113.15-1-8 for the tax assessment roll for the year 1987; and

WHEREAS, Petitioner and Respondent have had extensive settlement negotiations, and after due consideration of all material facts, Petitioner and Respondent have agreed to resolve their differences without further litigation and to settle and terminate proceedings.

NOW, THEREFORE, IT IS STIPULATED AND AGREED BY THE ATTORNEYS FOR THE RESPECTIVE PARTIES THAT:

1. Based upon the 1987 assessment roll for 1987 assessments for all accounts and an adjustment to the 1986

assessment for the account designated as Tax Map No. 113.15-1-3, the assessments of Petitioner's property in the Town of Cheektowaga, Erie County by the Respondent for all applicable taxable status dates were as follows:

<u>Tax Account No.</u>			<u>Assessment</u>
Section 113.15	Block 1	Lot 3	\$ 4,439,000
Section 113.15	Block 1	Lot 7	466,500
Section 113.15	Block 1	Lot 8	<u>6,852,600</u>
TOTAL ASSESSMENT OF PETITIONER'S PROPERTY			\$11,758,100

2. The parties agree that as part of this settlement the assessment for Petitioner's property designated as Tax Map No. 113.15-1-3 for the 1986 tax assessment roll will remain at \$4,439,000, as set forth in paragraph 1.

3. As a compromise, the parties agree that as part of this settlement the total assessment for Petitioner's property in the Town of Cheektowaga, Erie County should be deemed to have been \$11,123,964 for the 1987 tax assessment roll and allocated among the respective tax account numbers of Petitioner's property as follows:

<u>Tax Account No.</u>			<u>Assessment</u>
Section 113.15	Block 1	Lot 3	\$3,950,664
Section 113.15	Block 1	Lot 7	466,500
Section 113.15	Block 1	Lot 8	<u>6,706,800</u>
TOTAL ASSESSMENT OF PETITIONER'S PROPERTY			\$11,123,964

The parties acknowledge that these assessments are fair, equitable and proper for purposes of the settlement.

4. The 1987-88 School tax bill and 1988 County tax bill for Petitioner's property were issued and levied based on the original assessments set forth in paragraph 1. Petitioner is entitled to refunds for the excess taxes paid based upon the difference in the total assessments set forth in paragraphs 1 and 3 along with interest at the statutory rate to the date of payment of the refund pursuant to §726 of the Real Property Tax Law.

5. All refunds due and owing by the Town of Cheektowaga, the County of Erie and the Cheektowaga Central School District shall be paid by cash or certified check to Petitioner's attorneys pursuant to Real Property Tax Law §726. Such payments shall be made by the County of Erie on behalf of itself and the Town of Cheektowaga by ^{June 30}~~May 1~~, 1988, and by the Cheektowaga Central School District on behalf of itself by October 1, 1988.

6. The parties acknowledge that each of the assessments as adjusted for each of the properties specified as fair, equitable and proper for purposes of settlement.

7. Petitioner on its behalf and on behalf of its distributees, successors and assigns hereby covenants and agrees that it will not protest any assessment nor commence any proceeding to review any assessment with regard to the properties specified herein with respect to the assessments completed for the taxable status dates of June 1, 1988, June 1, 1989 and June 1, 1990, so long as the assessments for each of the properties for each of the tax years mentioned in this paragraph remain at the assessment specified in this Agreement for the tax year 1987-88

for that property.

Petitioner further covenants and agrees that notwithstanding anything provided herein to the contrary, if any assessable additions, alterations or improvements are made after the date of this Agreement, or if any portion of the improvements on the subject premises shall be destroyed, demolished, removed or impaired, this covenant shall not be binding and the assessment may be adjusted accordingly.

8. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any Order entered thereupon, and to otherwise enforce such terms by whatever means provided by law including, but not limited to, the resumption of the prosecution of the within matter.

9. It is understood and agreed by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

10. This Agreement constitutes the entire understanding and agreement among the parties. Nothing therein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1990-91 tax year.

11. The parties authorize their attorneys to seek an Order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: April 18 , 1988

John B. Hargrave, Esq.
NIXON, HARGRAVE, DEVANS & DOYLE
Attorneys for Petitioner

Dated: April 26 ~~April 18~~ , 1988

Joseph Galvin Sacco
JOSEPH GALVIN SACCO
Attorney for Respondent

MEETING NO. 11
June 6, 1988

Item No. 6a Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, David J. Wybieracki (as agent for Benderson Development Company, Inc.) has made application and requested the Rezoning from M2-General Manufacturing District to CM-General Commercial District and a Special Use Permit for Mobile Home Community for property located adjacent to N.Y.S. Thruway, south side of Broadway, East of Kennedy, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on June 20, 1988 at 6:30 o'clock, Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clark..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....JUN 09 1988.....;
last publication.....JUN 09 1988.....;
and that no more than six days intervened be-
tween publications.

.....[Signature].....
Sworn to before me this 9th.....

day of June....., 1988.....

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 20th day of June, 1988 at 6:30 o'clock, pm., Eastern Daylight Savings Time of said day for the purpose of considering the application of Benderson Development Company to Rezone from M2 General Manufacturing District to CM General Commercial District on property located at south side of Broadway adjacent to NYS Thruway and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga New York.

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

Supervisor Frank E. Swiatek
 Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk
 Councilman Leo T. Kazuklewicz
 Councilman Richard B. Solecki
 RICHARD M. MOLESKI
 Town Clerk

LEGAL DESCRIPTION OF KENNEDY PARK MOBILE HOME COMMUNITY

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

Beginning at a point in the west line of lands conveyed to Ida T. Hagen by deed recorded in the Erie County Clerk's Office in liber 3487 of deeds at page 331 on January 11, 1944 being 973.05 feet southerly from the south line of Broadway as measured along said westerly line which point is also the most southerly corner of lands conveyed to the Peter J. Schmitt Company Inc. by deed recorded in the Erie County Clerk's Office in liber 6676 at page 459 on July 13, 1961; thence southerly along said Hagen's west line a distance of 1464.89 feet to a point on the north line of lands conveyed to the New York Lackawanna and Western Railroad Company by deed recorded in the Erie County Clerk's Office in liber 976 at page 369 on April 18 1904; thence easterly along said railroads north line at an exterior angle in the north west quadrant of 88 degrees 41 minutes 43 seconds a distance of 696.33 feet to a point on the west line of lands of the Niagara, Lockport and Ontario Power Company; thence northerly along said power company's west line at an interior angle of 87 degrees 03 minutes 46 seconds a distance of 2301.44 feet to a point, said point being the southwest corner of premises conveyed to John H. Heubusch by deed recorded in the Erie County Clerk's Office in liber 855 of deeds at page 24 on October 11, 1898, said point also being the southeast corner of parcel B as conveyed to the Benderson Development Company, Inc. by deed recorded in the Erie County Clerk's Office in liber 9034 at page 355 on January 13, 1982; thence northerly along said Benderson Development's

east line, also being the west line of said power company a distance of 128.62 feet to a point being the southeast corner of property conveyed to Bronislaus Zamrok by deed recorded in the Erie County Clerk's Office in liber 4314 of deeds at page 405; thence westerly along the south line of Zamrok a distance of 50.00 feet to a point; thence northerly along the west line of Zamrok and parallel to said power company's west line a distance of 140.00 feet to a point on the southerly of Broadway; thence westerly along said southerly line of Broadway a distance of 21.51 feet to a point being the northeast corner of parcel A as conveyed to the Benderson Development Company by deed recorded in the Erie County Clerk's Office in liber 9034 of deeds at page 355 on January 13, 1982; thence westerly continuing along said southerly line of Broadway a distance of 116.725 feet to a point being the northwest corner of said parcel A; thence westerly along said southerly line of Broadway a distance of 50.78 feet to a point being the northeast corner of lands conveyed to George Dietzel by deed recorded in the Erie County Clerk's Office in liber 854 of deeds at page 398 on August 19, 1898; thence southerly at an interior angle in the southeast quadrant of 100 degrees 30 minutes 25 seconds along the easterly line of said lands of Dietzel a distance of 140.00 feet to a point being the southeast corner thereof; thence westerly along the south line of said lands 32.5 feet to a point on the east line of lands conveyed to E.L. Merrihew by deed recorded in the Erie County Clerk's Office in liber 2922 of deeds at page 153 on September 28, 1939; thence southerly at right angles to said Dietzel's south line a distance of 65.50 feet to a point being the southeast corner of said lands of Merrihew thence easterly at right angles to the east line of Merrihew at a distance of 24.21 feet to a point; thence southerly at an exterior angle in the southwest quadrant of 89 degrees 51 minutes 09 seconds and parallel with the west line of Hagen a distance of 60.66 feet to a point of curve; thence southerly along a line curving to the east, having a radius of 500 feet for an arc distance of 97.34 feet to a point of tangent; thence southerly along said tangent line a distance of 132.35 feet to a point; thence southwesterly at an exterior angle of 129 degrees 37 minutes 14 seconds with the last described line a distance of 420.00 feet to a point of curve; thence southwesterly along a line curving to the south, having a radius of 591.04 feet for an arc distance of 206.34 feet to a point; thence southwesterly a distance of 77.48 feet to the point or place of beginning, subject to all easements and restrictions of record affecting the said property.

PUBLISH: June 9, 1988

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....JUN 09 1988.....;
last publication.....JUN 09 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....
Sworn to before me this9th.....

day ofJune....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 20th day of June, 1988 at 6:30 o'clock, pm., Eastern Daylight Savings Time of said day for the purpose of considering the application of Benderson Development Company for a Special Permit to Use property for Mobile Home Community "Kennedy Park" on property located at south side of Broadway adjacent to NYS Thruway pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, New York. 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

Supervisor Frank E. Swiatek
 Councilman Thomas M.

Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk
 Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki
 RICHARD M. MOLESKI

Town Clerk

LEGAL DESCRIPTION OF KENNEDY PARK MOBILE HOME COMMUNITY

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

Beginning at a point in the west line of lands conveyed to Ida T. Hagen by deed recorded in the Erie County Clerk's Office in liber 3487 of deeds at page 331 on January 11, 1944 being 973.05 feet southerly from the south line of Broadway as measured along said westerly line which point is also the most southerly corner of lands conveyed to the Peter J. Schmitt Company Inc. by deed recorded in the Erie County Clerk's Office in liber 6676 at page 459 on July 13, 1961; thence southerly along said Hagen's west line a distance of 1464.89 feet to a point on the north line of lands conveyed to the New York, Lackawanna, and Western Railroad Company by deed recorded in the Erie County Clerk's Office in liber 976 at page 369 on April 18 1904; thence easterly along said railroads north line at an exterior angle in the north west quadrant of 88 degrees 41 minutes 43 seconds a distance of 696.33 feet to a point on the west line of lands of the Niagara, Lockport and Ontario Power Company; thence northerly along said power company's west line at an interior angle of 87 degrees 03 minutes 46 seconds a distance of 2301.44 feet to a point, said point being the southwest corner of premises conveyed to John H. Heubusch by deed recorded in the Erie County Clerk's Office in liber 855 of deeds at page 24 on October 11, 1898, said point also being the southeast corner of parcel B as conveyed to the Benderson Development Company, Inc. by deed recorded in the Erie County Clerk's Office in liber 9034 at page 355 on January 13, 1982; thence northerly along said Benderson Development's east line, also being the west line of said power company a distance of 128.62 feet to a point being the southeast corner of property conveyed to Bronislaus Zamrok by deed recorded in the Erie County Clerk's Office in liber 4314 of deeds at page 405; thence westerly along the south line of Zamrok a distance of 50.00 feet to a point; thence northerly along the west line of Zamrok and parallel to said power company's west line a distance of 140.00 feet to a point on the southerly of Broadway; thence westerly along said southerly line of Broadway a distance of 21.51 feet to a point being the northeast corner of parcel A as conveyed to the Benderson Development Company by deed recorded in the Erie County Clerk's Office in liber 9034 of deeds at page 355 on January 13, 1982; thence westerly continuing along said southerly line of Broadway a distance of 116.725 feet to a point being the northwest corner of said parcel A; thence westerly along said southerly line of Broadway a distance of 50.78 feet to a point being the northeast corner of lands conveyed to George Dietzel by deed recorded in the Erie County Clerk's Office in liber 854 of deeds at page 398 on August 19, 1898; thence southerly at an interior angle in the southeast quadrant of 100 degrees 30 minutes 25 seconds along the easterly line of said lands of Dietzel a distance of 140.00 feet to a point being the southeast corner thereof; thence westerly along the south line of said lands 32.5 feet to a point on the east line of lands conveyed to E.L. Merrihew by deed recorded in the Erie County Clerk's Office in liber 2922 of deeds at page 153 on September 28, 1939; thence southerly at right angles to said Dietzel's south line a distance of 65.50 feet to a point being the southeast corner of said lands of Merrihew thence easterly at right angles to the east line of Merrihew at a distance of 24.21 feet to a point; thence southerly at an exterior angle in the southwest quadrant of 89 degrees 51 minutes 09 seconds and parallel with the west line of Hagen a distance of 60.66 feet to a point of curve; thence southerly along a line curving to the east, having a radius of 500 feet for an arc distance of 97.34 feet to a point of tangent; thence southerly along said tangent line a distance of 132.35 feet to a point; thence southwesterly at an exterior angle of 129 degrees 37 minutes 14 seconds with the last described line a distance of 420.00 feet to a point of curve; thence southwesterly along a line curving to the south, having a radius of 591.04 feet for an arc distance of 206.34 feet to a point; thence southwesterly a distance of 77.48 feet to the point or place of beginning, subject to all easements and restrictions of record affecting the said property.

PUBLISH: June 9, 1988

Item No. 6b Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE,

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) be held on June 20, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 TIMES on the 9th day of June, 1988, said amendments being set forth in the Notice of Hearing

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 20, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Hillpine Road	North-south	Butternut Rd.	Eastbound	S.W.corner
Hillpine Road	North-south	Rushford Lane	Eastbound	S.W.corner
Rushford Lane	North-south	Butternut Rd.	Westbound	N.E.corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No Parking This Side or One Side Parking

SHANLEY STREET	East Side	from the north curbline of Richard Drive northerly to the terminus
SHANLEY STREET	West Side	from the north side of the driveway at #376 Shanley Street southerly to the south side of the driveway at #370 Shanley Street; a distance of 86 ft.±

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

DATED: June 6, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DAWA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*JUN 09 1988*.....;
last publication.....*JUN 09 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this*9th*.....

day of*June*....., 19*88*..

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE OF PUBLIC HEAR-
ING**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 20, 1988 at 7:00 pm., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic)); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Street - Hillpine

Direction - North-south

Entrance Street - Butternut Rd.

Traffic Stops - Eastbound

Sign Location - S.W. Corner

Street - Hillpine Road

Direction - North-south

Entrance Street - Rushford Lane

Traffic Stops - Eastbound

Sign Location - S.W. Corner

Street - Rushford Lane

Direction - North-south

Entrance Street - Butternut Rd.

Traffic Stops - Westbound

Sign Location - N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No Parking This Side or One Side Parking

SHANLEY STREET East side from Richard Drive north to dead end.

Section 76-102. Parking prohibited in designated locations shall be amended by adding hereto the following:

B. No Parking anytime

SHANLEY STREET West side from the north curbline of Richard Drive northerly to the terminus

SHANLEY STREET West side from the north side of the driveway at #376 Shanley Street southerly to the south side of the driveway at #370

Shanley Street; a distance of 86 feet

BY ORDER OF THE TOWN

BOARD OF THE TOWN OF

CHEEKTOWAGA, ERIE

COUNTY, NEW YORK.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: June 9, 1988

JUSTINE D. DEMBICK

MEETING NO. 11
June 6, 1988

Item No. 6c Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance) was adopted by Town Board resolution dated August 27, 1979, and

WHEREAS, Subdivision B. of Section 23 A-5 of such ordinance designates areas within the Town as critical environmental areas, and

WHEREAS, a portion of the Reinstein Woods/Nature Preserve is one of the critical environmental areas, and

WHEREAS, there is a need to amend the description for the Reinstein Woods/ Nature Preserve and to provide a protective barrier around its perimeter, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 20th day of June, 1988 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the Environmental Impact Review Ordinance of the Town of Cheektowaga shall be amended and whether the area around the Reinstein Woods/Nature Preserve shall be expanded, as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

* * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND

ENVIRONMENTAL IMPACT REVIEW ORDINANCE

AND TO

EXPAND A CRITICAL ENVIRONMENTAL AREA

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of June, 1988, a public hearing will be held on the 20th day of June, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time it shall be determined whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and whether the critical environmental area near the Reinstein Woods/Nature Preserve should be amended and changed as follows:

1. RESOLVED, that Subsection B.(1) of Section 23 A-5, which relates to the Reinstein Preserve being designated a critical environmental area, shall be deleted and a new subsection B.(1), which reads as follows, shall be enacted in its place;

Section 23 A-5. Types of actions.

B. (1) a. That land commonly known as the Reinstein Woods, a 269.41-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park and Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's Office)

b. That land comprising 4.74+ acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

c. A four hundred foot wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office).

MEETING NO. 11
June 6, 1988

Item No. 6c cont'd.

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

Dated: June 6, 1988

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....JUN 09 1988.....;
last publication.....JUN 09 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this9th.....

day ofJune....., 19..88..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND ENVI-
RONMENTAL IMPACT RE-
VIEW ORDINANCE AND TO
EXPAND A CRITICAL ENVI-
RONMENTAL AREA
NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of**

the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of June, 1988, a public hearing will be held on the 20th day of June, 1988 at 7:00 pm., at a meeting of the Town Board at the Cheektowaga Town Hall, Broadway and Union, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time it shall be determined whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and whether the critical environmental area near the Reinstein Woods/Nature Preserve should be amended and changed as follows:

1. RESOLVED, that Subsection B(1) of Section 23 a-5, which relates to the Reinstein Preserve being designated a critical environmental area, shall be deleted and a new subsection B. (1), which reads as follows, shall be enacted in its place:

Section 23 A-5. Types of actions.

B.(1) a. That land commonly known as the Reinstein Woods, a 269.41-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park and Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's Office)

b. That land comprising 4.74± acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

c. A four hundred foot wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office).

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

Richard M. Moleski

Town Clerk

PUBLISH: June 9, 1988

MEETING NO. 11
June 6, 1988

Item No. 7a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga is sponsoring two (2) summer day camps for developmentally disabled children ("Camp Crabapple" and "Camp JI-IK-DO-WAH-GAH") from July 5, 1988 to August 12, 1988, and

WHEREAS, it is necessary that bus transportation be provided to transport these developmentally disabled children to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH, and

WHEREAS, Section 103 of the General Municipal Law of the State of New York requires certain municipal contracts to be awarded only after competitive bidding, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the furnishing of the aforesaid bus transportation to be provided from July 5, 1988 to August 12, 1988, said Notice shall be published in the June 9, 1988 issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bid proposals will be accepted at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York until 11:00 a.m. on Wednesday, June 15, 1988, and BE IT FURTHER

RESOLVED that the Cheektowaga Town Clerk is hereby designated to publicly open and read said sealed bid proposals at 11:00 a.m. on Wednesday, June 15, 1988.

* * * * *

NOTICE TO BIDDERS

PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 a.m. Eastern Daylight Time, on Wednesday, June 15, 1988 for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the St. John Gualbert School, 120 Alexander Avenue, Cheektowaga, New York 14211. Included in the bid should be the daily use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1988 through August 12, 1988. Arrival time at camp is acheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transporation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained any time after Thursday, June 9th, from the camp's Program Coordinator, at the Cheektowaga Youth Bureau, 810 Losson Road, Cheektowaga, New York 14227.

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 low bidder, should it be in the best interests of the Town, or reject any and all bids.

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

RICHARD MOLESKI
Town Clerk

Dated: June 1, 1988

* * * * *

MEETING NO. 11
June 6, 1988

Item No. 7a cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*JUN 09 1988*.....;
last publication.....*JUN 09 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....
Sworn to before me this*9th*.....

day of*June*....., 19*88*..

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
PROPOSALS
NOTICE TO BIDDERS**

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 am, Eastern Daylight Savings Time, on Wednesday, June 15, 1988, for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the St. John Gualbert School, 120 Alexander Avenue, Cheektowaga, New York 14211. Included in the bid should be the daily use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment.

Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1988 through August 12, 1988. Arrival time at camp is scheduled for 9:30 am. Dismissal and take home is scheduled for 2:30 pm. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained anytime after Thursday, June 9th, from the camp's Program Coordinator, at the Cheektowaga Youth Bureau, 810 Losson Road, Cheektowaga, New York 14227.

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 interests of the Town, or reject any and all bids.

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

**Richard Moleski
Town Clerk
PUBLISH: June 9, 1988**

MEETING NO. 11
June 6, 1988

Item No. 7b Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, it is in order that bids be advertised to cover the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, AND

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE,
BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the application of a chemical root control agent to sanitary sewer lines, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on June 20, 1988 at 11:00 A.M., Eastern Daylight Saving Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 20, 1988 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the application of a chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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.

RICHARD M. MOLESKI
Town Clerk

Dated: June 6, 1988

* * * * *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*JUN 09 1988*..... ;
last publication.....*JUN 09 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....
Sworn to before me this*9th*.....

day of*JUNE*....., 19*88*.

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 20, 1988 at 11:00 am., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the application of a chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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.

**Richard M. Moleski
Town Clerk
PUBLISH: June 9, 1988**

JUSTINE D. DEMIRK
TOWN CLERK
TOWN OF CHEEKTOWAGA, NEW YORK

MEETING NO. 11
June 6, 1988

Item No. 8 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board (Northeast Board) is to find environmentally sound and cost efficient alternatives for the management and disposal of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, this Town Board authorized the Town to act as the lead agency for all activities involved in the preparation of a final feasibility study and preliminary engineering work concerning the development of a waste-to-energy facility at Wende and

WHEREAS, all of the municipalities comprising the Northeast Board, including the Town of Cheektowaga, have appropriated sufficient funds for the preparation of such feasibility study and engineering work, including a \$200,000 aid to municipalities grant in contract then, the Northeast Communities Solid Waste Management Board (Represented by Elma, New York and N.Y.S.D.E.C.), and

WHEREAS, the firm of Barton and Loguidice, P.E., consulting engineers and land surveyors, were retained to do the necessary feasibility study within budgeted funding therefore, and

WHEREAS, Barton and Loguidice, P.E., have submitted bills to the Northeast Board for their services, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Town of Cheektowaga, as lead agency and chairman for the Northeast Communities Solid Waste Management Board, hereby authorizes the chief fiscal officer of the Town of Elma, being the Treasurer of the Northeast Communities Solid Waste Management Board, to withdraw the sum of \$30,043.77 for services for the period 1/30/88, through 4/30/88, (\$11,462.81 under contract amendment 1, 2, and 4, and \$18,580.96 under contract amendment 4), from the Northeast Board's checking account and to pay said sums to Barton and Loguidice, P.E. for services rendered by such engineers for solid waste management planning and project development to date.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

*See Letters Next Pages



BARTON & LOGUIDICE, P.C.
CONSULTING ENGINEERS & LAND SURVEYORS

OFFICERS:

EDWIN J. BARTON, P.E., L.S.
FRANK A. LOGUIDICE, P.E.
LAWRENCE W. WORMALD, P.E.
PAUL F. DUDDEN, P.E.
S. THOMAS AUSTON, P.E.
ROBERT W. HORNADAY, P.E.
WILLIAM F. SOUTHERN, P.E.

May 12, 1988

B&L #396.02

INVOICE

ENGINEERS:

WILLIAM H. HUGHES, P.E.
PAUL R. CZERWINSKI, P.E.
JOHN E. HARTER, P.E.
MICHAEL J. MADIGAN, P.E.
W. PAUL SUDOL, P.E.
RICHARD D. VANDERLINDE, P.E.

OFFICE MANAGER:

ANNE R. PAWLICK

TO: NORTHEAST COMMUNITIES SOLID
WASTE MANAGEMENT BOARD
c/o John R. Finster, P.E.
Solid Waste Coordinator
Erie County Office Building
95 Franklin Street
Buffalo, New York 14202

FOR: Engineering services in connection with Solid
Waste Management Planning and Project Develop-
ment per Agreement dated June 4, 1986 and
Amendments Nos. 1, 2 and 4.

Services from 1/31/88 thru 4/30/88.

Vice President	29.0 hrs. @ \$90.00 =	\$ 2,610.00
Environ. Specialist	89.0 hrs. @ \$68.00 =	6,052.00
Project Engr.	17.0 hrs. @ \$53.00 =	901.00
Drafter	1.0 hr. @ \$32.00 =	32.00
Engrg. Aide	1.5 hrs. @ \$32.00 =	48.00
Word Processor	4.0 hrs. @ \$25.00 =	100.00
Travel	398 mi. @ 25¢ =	99.50
Thruway Tolls	At cost	12.20
Tel. Tolls	"	98.70
Postage	"	4.71
Federal Express	"	67.50
Photocopies	"	92.20
Subcontract - R&D Engineering - At cost		<u>1,345.00</u>

TOTAL

\$11,462.81

Billings To Date \$54,607.81
Authorized \$63,000.00

Frank A. Loguidice, member of the firm of
Barton & Loguidice, P.C., hereby
certifies and states that the services as charged
above have been rendered and that no part
thereof has been paid or satisfied.

BARTON & LOGUIDICE, P.C.

By: Frank A. Loguidice

Title: President



BARTON & LOGUIDICE, P.C.
CONSULTING ENGINEERS & LAND SURVEYORS

OFFICERS:

EDWIN J. BARTON, P.E., L.S.
FRANK A. LOGUIDICE, P.E.
LAWRENCE W. WORMALD, P.E.
PAUL F. DUDDEN, P.E.
S. THOMAS AISTON, P.E.
ROBERT W. HORNADAY, P.E.
WILLIAM F. SOUTHERN, P.E.

May 12, 1988

B&L #396.03

INVOICE

ENGINEERS:

WILLIAM H. HUGHES, P.E.
PAUL R. CZERWINSKI, P.E.
JOHN E. HARTER, P.E.
MICHAEL J. MADIGAN, P.E.
W. PAUL SUDOL, P.E.
RICHARD D. VANDERLINDE, P.E.

OFFICE MANAGER:

ANNE R. PAWLICK

TO: NORTHEAST COMMUNITIES SOLID
WASTE MANAGEMENT BOARD
c/o John R. Finster, P.E.
Solid Waste Coordinator
Erie County Office Building
95 Franklin Street
Buffalo, New York 14202

FOR: Engineering services in connection with Solid
Waste Management Planning and Project Develop-
ment per Agreement dated June 4, 1986 and
Amendment No. 3 - regarding transfer analysis,
recycling, and green waste composting.

Services thru 4/30/88.

Vice President	24.0 hrs. @ \$90.00 =	\$ 2,160.00
Envir. Specialist	131.5 hrs. @ \$68.00 =	8,942.00
Managing Engineer	6.0 hrs. @ \$68.00 =	408.00
Project Engr.	119.0 hrs. @ \$53.00 =	6,307.00
Drafter	14.5 hrs. @ \$32.00 =	464.00
Word Processor	1.5 hrs. @ \$25.00 =	37.50
Travel	524 mi. @ 25¢ =	131.00
Thruway Tolls	At cost	9.65
Crystal Photo	"	2.14
Tel. Tolls	"	53.83
Photocopies	"	33.00
Syracuse Movie Labs	"	32.84

TOTAL \$18,580.96

Frank A. Loguidice, member of the firm of
Barton & Loguidice, P.C., hereby
certifies and states that the services as charged
above have been rendered and that no part
thereof has been paid or satisfied.

BARTON & LOGUIDICE, P.C.

By: 

Title: 

MEETING NO. 11
June 6, 1988

Item No. 9 Determination of Environmental Quality regarding Woodlands at the Park Subdivision. This item was withdrawn.

Item No. 10a Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, north of Walden Avenue and east of Harlem Road lies a historically-significant family cemetery known as the Bennet Cemetery, and

WHEREAS, such cemetery has local historical significance because it was one of the first settlers' cemeteries in the Town and the Town's first Town Clerk, Elnathan Bennet, and Franklin Hitchcock, son of Appollos Hitchcock, are burried here, and

WHEREAS, the Town Historian has recommended that the Town obtain such cemetery land so that it could be properly maintained and be accessible to the public and

WHEREAS, the current owners of such Bennet Cemetery, Mr. and Mrs. Joseph F. Basil, Jr., have expressed a willingness to turn such cemetery over to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby expresses its willingness and desire to obtain ownership of the Bennet Cemetery, including easement rights for access to such cemetery from Walden Avenue, and BE IT FURTHER

RESOLVED that the Town Attorney's Office be and hereby is directed to prepare the necessary deed and easement forms for the conveyance of such property and to transimit same to Mr. and Mrs. Joseph F. Basil, Jr. for their signatures, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute any other papers necessary to effectuate the transfer of the Bennet Cemetery property and easement to the Town.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 10b Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, the Town has obtained ownership of a vehicle impounded in a narcotics investigation, and

WHEREAS, the following listed vehicle has been determined to be suitable for operation on the public highways and the Chief of Police has requested permission to convert such vehicle to Town use in his department, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby determines that the following listed vehicle is suitable for operation on the public highway and shall be converted to Town use in the Police Department;

Vehicle Identification No. 2H37W92503640

and, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute any documents necessary to effectuate the Town's ownership and use of the aforementioned vehicle.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

MEETING NO. 11
June 6, 1988

Item No. 10c Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, Sonwil Distribution Center, Inc. is the owner of certain property known as Sonwil Industrial Park, which is located off of Genesee Street in the Town of Cheektowaga, and

WHEREAS, a certain private roadway known as Sonwil Drive provides access to such industrial park from Genesee Street, and

WHEREAS, the Erie County Water Authority has refused to allow the extension of the existing water main so as to provide water to two new structures located along Sonwil Drive, and

WHEREAS, it has been proposed that, if the Town of Cheektowaga accepts Sonwil Drive as a town highway, water service can be provided by the Erie County Water Authority, and

WHEREAS, at present Sonwil Drive does not meet the Town's standards for acceptance of a Town highway, and

WHEREAS, Sonwil Distribution Center, Inc. has proposed entering into an agreement with the Town wherein it pledges to improve such roadway according to Town standards and to convey same to the Town, and

WHEREAS, such agreement is acceptable to this Town Board, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement with Sonwil Distribution Center, Inc.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

*See Agreement Next Page

AGREEMENT

This agreement made this 6th day of June, 1988, by and between the Town of Cheektowaga, Erie County, New York and Sonwil Distribution Center, Inc. a New York corporation with its office and principal place of business at 100 Sonwil Drive, Cheektowaga, New York.

RECITALS

WHEREAS, Sonwil Distribution Center, Inc. is the owner of certain premises commonly known as Sonwil Industrial Park, located in Cheektowaga, New York, and

WHEREAS, there is located upon such premises, or upon easements granted to Sonwil Distribution Center, Inc. appurtenant to such premises, a certain private roadway known as Sonwil Drive, and

WHEREAS, the Town of Cheektowaga and Sonwil Distribution Center, Inc. wish to enter into an agreement regarding the dedication and improvement of Sonwil Drive, all as more particularly set forth hereinbelow,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, it is hereby agreed as follows:

1. Sonwil Distribution Center, Inc. agrees that within two years from the date of this agreement it will deliver to the Town of Cheektowaga (i) a quit claim deed transferring all its right, title and interest (including an assignment of its easement rights) in and to the premises known as Sonwil Drive, as more particularly described and outlined in red on Schedule A hereto; and (ii) a petition pursuant to Section 200 of the Town Law signed

by Sonwil Distribution Center, Inc. as owner of at least 50% of the real estate fronting or abutting on Sonwil Drive, requesting that the Town of Cheektowaga improve such private road and assess the expense thereof against said real estate fronting or abutting thereon and benefited thereby in accordance with law.

2. Upon receipt of such deed and petition, the Town of Cheektowaga agrees to proceed pursuant to Section 200 of the Town Law and, subject to completion of the necessary legal proceedings, to authorize the improvement of such private road as determined by the Town Board with the cost thereof to be assessed against the benefited properties and to adopt the appropriate bonding resolutions pursuant to the Local Finance Law in order to authorize the financing of the construction of such improvements, all to the extent and in the manner permitted by law.

3. Upon the adoption of a resolution determining to make the aforesaid improvement and adoption of such bonding resolutions, the Town of Cheektowaga agrees to accept dedication of Sonwil Drive pursuant to such quit claim deed, and to cause any necessary improvements to be made to Sonwil Drive for the purpose of using same as a public highway, all to the extent, and in the manner permitted by law.

4. At the time of acceptance of such deed, Sonwil Distribution Center, Inc. agrees to pay the premium for a title insurance policy covering Sonwil Drive, issued by a title insurance company licensed by the State of New York, in the minimum amount

for which such a title insurance policy may be issued, all in form and substance acceptable to counsel for the Town of Cheektowaga.

IN WITNESS WHEREOF, the respective parties hereto have caused this agreement to be signed by their duly authorized officers and their respective seals to be attached hereto.

Town of Cheektowaga

By: Frank E. Swiatek
Supervisor

Sonwil Distribution Center, Inc.

By: Stuart J. Wilson
Stuart J. Wilson, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 8th day of ~~May~~ ^{June}, 1988, before me personally came Frank E. Swiatek, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York; that he the Supervisor of the Town of Cheektowaga, the corporation described in and who executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board; and that he signed his name thereto by like order.

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County

My Commission Expires Feb. 28, 19 89

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 6th day of ~~May~~ ^{June}, 1988, before me came Stuart J. Wilson, to me known, who, being by me duly sworn, did depose and say that he resides at _____, that he is the President of Sonwil Distribution Center, Inc., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

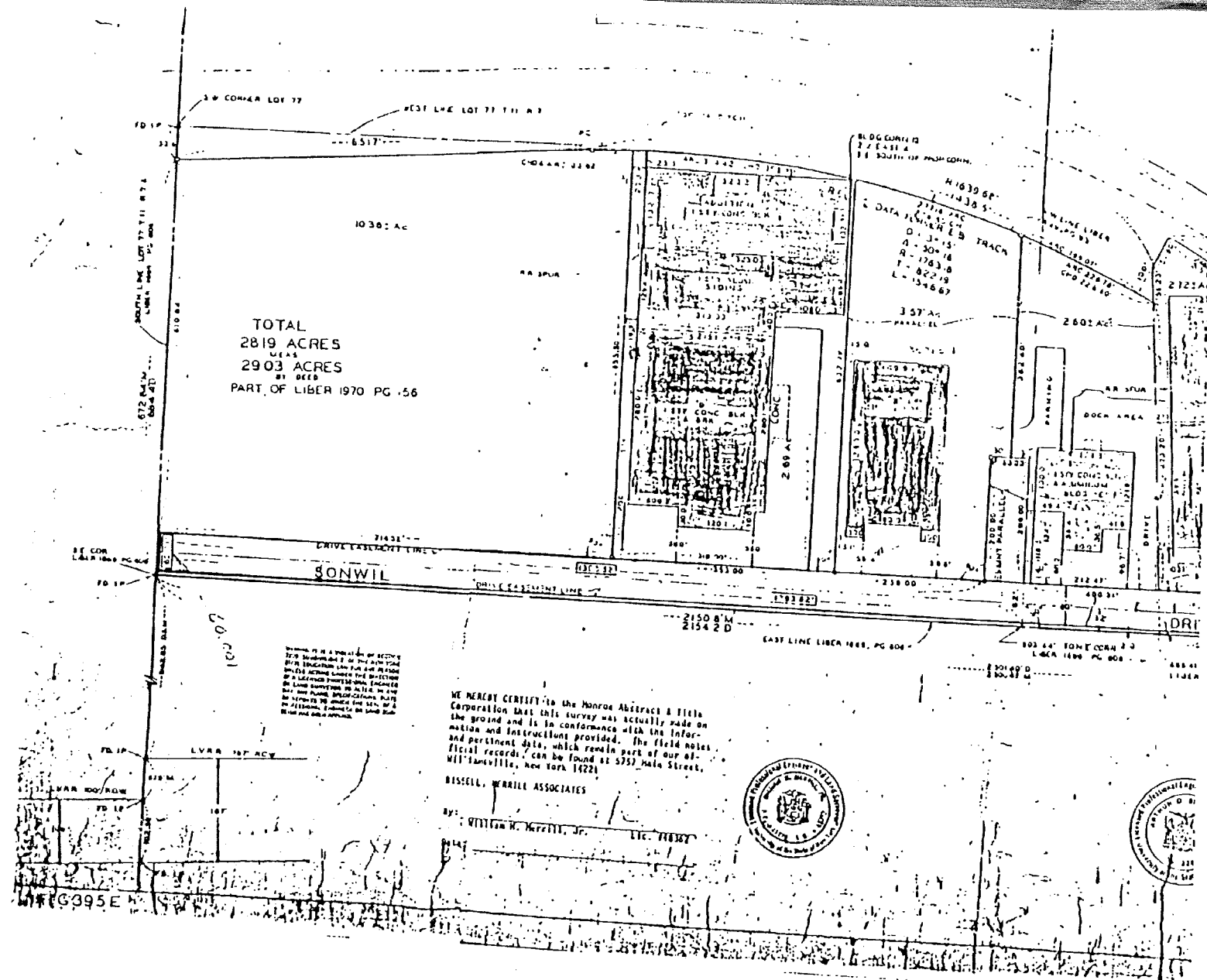
SHIRLEY A. BREWSTER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 9, 19 89

Sheryl A. Brewster

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

COMMENCING at the center line of Genesee Street and the northeast corner of lands conveyed by deed recorded in Erie County Clerk's Office in Liber 452 of Deeds at page 389; thence southwesterly along the center line of Genesee Street, a distance of 257.85 feet to the principal point or place of beginning; thence south parallel to the west line of Lot No. 77 a distance of 189.29 feet to a point on the northwest boundary of the right of way (100 feet wide) now or formerly of the New York, West Shore and Buffalo Railway (V.S. Number 122); thence southeasterly along the line that is drawn at right angles to the said northwest boundary of the right of way now or formerly of the New York, West Shore and Buffalo Railway (V.S. Number 122), a distance of 515.76 feet to a point, said point being 2 feet westerly of, as measured at right angles to the east line of lands conveyed to New York State Realty and Terminal Company by deed recorded in Erie County Clerk's Office in Liber 1689 of Deeds at page 606; thence southerly along a line drawn parallel with and distant 2 feet westerly of, as measured at right angles to, the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606, a distance of 1793.82 feet to a point, said point being on the south line of Lot No. 77 and the south line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606; thence westerly along said line, a distance of 60 feet to its point of intersection with a line drawn parallel with and distant 62 feet westerly of, as measured at right angles to, the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606; thence northerly along said last mentioned parallel line, a distance of 1765.83 feet to a point; thence northwesterly along a line that is drawn at right angles to said right of way now or formerly of the New York, West Shore and Buffalo Railway (V.S. Number 122), a distance of 511.83 feet to a point, said point being on the northwest boundary of said right of way now or formerly of the New York, West Shore and Buffalo Railway (V.S. Number 122); thence northerly along a line drawn parallel to the west line of Lot No. 77, a distance of 206 feet to a point, said point being in the center line of Genesee Street; thence northeasterly along said center line of Genesee Street, a distance of 60 feet to the point or principal place of beginning.

SCHEDULE A



TOTAL
2819 ACRES
2903 ACRES
PART OF LIBER 1970 PG. 56

BEFORE ME, a Notary Public for the State of New York, on this 10th day of June, 1968, personally appeared the undersigned, who are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

WE HEREBY CERTIFY to the Monroe Abstract & Title Corporation that this survey was actually made on the ground and is in accordance with the information and instructions provided. The field notes and pertinent data, which remain part of our official records, can be found at 5757 Main Street, West Seneca, New York 14224.

WISSELL, WARELL ASSOCIATES

BY: WILLIAM M. WARELL, Jr. Lic. 118307



W 6395 E

BEGINNING at a point in the northwesterly exterior line of the right-of-way of the West Shore Railroad of the Grantor opposite Chaining Station 2202 plus 027 in the center line thereof; and running

Thence southwesterly, along said northwesterly exterior line, sixty-six and twenty-six hundredths (66.26) feet;

Thence southeasterly, at right angles to the last preceding course, two hundred fifty-four (254) feet, more or less, to a point in the northwesterly line of the premises conveyed or about to be conveyed by New York State Realty & Terminal Company to the Grantee herein as aforesaid;

Thence northeasterly, along said northwesterly line of the premises conveyed or about to be conveyed by New York State Realty & Terminal Company to the Grantee herein as aforesaid, sixty-eight (68) feet, more or less, to its intersection with a line drawn southeasterly, parallel with the second course above described, from the above described point of beginning;

Thence northwesterly, along said line drawn southeasterly, as aforesaid, two hundred thirty-nine (239) feet, more or less, to the point and place of beginning.

[Description of portion of Sonwil Drive covered by an easement across railroad right-of-way, and included within description of Sonwil Drive on page one of this Schedule A.]

SCHEDULE A CONTINUED

MEETING NO. 11
June 6, 1988

Item No. 10d Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, funding pursuant to Title 9 of regulations for the Environmental Quality Bond Act of 1986 was made available to municipalities in New York State for municipal park projects, and

WHEREAS, projects which are eligible for funding include acquisition of lands for public recreation uses and projects designed to preserve scenic or natural values, and

WHEREAS, it has recently come to the attention of this Town Board that a 300 foot by 1300 foot long parcel of land lying north of the Reinstein Woods and west of Honorine Drive should be acquired by the Town in order to provide a protective barrier between the Reinstein Woods and a proposed subdivision, and

WHEREAS, this Town Board wishes to avail itself of funds under Title 9 of the Environmental Quality Bond Act of 1986 to purchase such property from the current owners thereof, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to apply for funding under Title 9 of the Environmental Quality Bond Act of 1986 for the acquisition of the aforementioned property, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to obtain the aforementioned funding.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10e Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the Town of Cheektowaga (the "Applicant") after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the planning, design and construction of certain works, required for the treatment of sewage, generally described as the Rehabilitation of interceptor sewer and the modification to the existing flow control facilities to Erie County Sewer District No. 4 and identified as project Number C-36-1290-03-0, herein called the "Project," is desirable and in the public interest, and to that end it is necessary that action preliminary to the planning, design and construction of said Project be taken immediately; and

WHEREAS, under the Federal Water Pollution Control Act, as amended, the United States of America has authorized the making of grants to aid in financing the cost of planning, design and construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans and specifications in connection therewith; and

WHEREAS, Chapter 659 of the Laws of 1972 of the State of New York provide financial aid for the planning, design and construction of Water Quality Improvement Projects; and

WHEREAS, the Applicant has examined and duly considered the Water Pollution Control Act, as Amended and Chapter 659 of the Laws of 1972 of the State of New York and the applicant deems it to be in the public interest and benefit to file an application under these laws and to authorize other action in connection therewith;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cheektowaga hereby authorizes the Supervisor to execute the attached State Construction Grant Contract, and BE IT FURTHER

MEETING NO. 11
June 6, 1988

Item No. 10e cont'd.

RESOLVED that:

1. The filing of application in the form required by the State of New York and the United States and in conformity with the Water Pollution Control Act, as amended and Chapter 659 of the Laws of 1972 of the State of New York is hereby authorized including all understandings and assurances contained in said applications;

2. That the Town Engineer is directed and authorized as the official representative of the applicant to act in connection with the applications and to provide such additional information as may be required;

3. the Applicant agrees that it will fund its portion of the cost of said Water Quality Improvement Project;

4. one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together with the Federal and State application.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, during the summer months, numerous ball games are played at the ball diamonds in Stiglmeier Park, and

WHEREAS, in the evening hours, teams playing on the back diamonds leave after their games are over and exit the park by passing areas where other ball games, including little league games are being played, and

WHEREAS, a potential safety hazard exists in having cars passing through areas where ball games are still in progress, and

WHEREAS, an alternative means of exiting Stiglmeier Park in the evening hours is needed, and

WHEREAS, the Stiglmeier Park Maintenance Service Road, which presently is closed in the evening hours, would provide a viable means for ball players to exit the park without passing through areas where other games are being played, NOW, THEREFORE BE IT

RESOLVED that the Director of Facilities Department be and hereby is directed to open Stiglmeier Park Maintenance Service Road daily from 7:00 P.M. to 9:00 P.M. for exit purposes only and to post appropriate signs notifying ball players of the means to exit the park, and BE IT FURTHER

RESOLVED that the Director of the Facilities Department be and hereby is further directed to erect stop signs at locations as recommended by the Cheektowaga Safety Commission along the Stiglmeier Park Maintenance Service Road, and BE IT FURTHER

RESOLVED that the Town Clerk be directed to forward copies of this resolution to the Director of the Facilities Department and the Cheektowaga Traffic Safety Commission.

MOTION BY SUPERVISOR SWIA TEK AND SECONDED BY COUNCILMAN JOHNSON TO TABLE THIS RESOLUTION AND REFER IT TO THE TRAFFIC SAFETY COMMISSION.

MEETING NO. 11
June 6, 1988

Item No. 12 Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, Assembly Bill No. A5906-C will allow veterans of World War II, the Korean War and the Vietnam War to purchase military service credits for use towards retirement in the New York State Retirement System, THEREFORE BE IT

RESOLVED that the Cheektowaga Town Board hereby petitions the New York State Legislature to act favorably on said Bill, AND, BE IT FURTHER

RESOLVED that certified copies of this resolution be forwarded to New York State Assemblyman Paul Tokasz and Senator Dale Volker.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the recent plight of a Buffalo police officer who was accidentally stuck with a hypodermic needle during an arrest highlighted the need for legislation designed to provide a simple procedure to gain access to information for testing when the information is not available on a voluntary basis, and

WHEREAS, a joint bill has been submitted in the State Senate and Assembly (Senate Bill No. 8298; Assembly Bill No. 11332) which would enable a person exposed to an infectious disease to apply to the State Supreme Court to compel the disclosure of evidence which is necessary to determine whether or not such person may have been infected, and

WHEREAS, this Town Board feels that such legislation is needed to provide a legal procedure whereby a person can get information needed to determine whether or not he or she has been exposed to a dangerous disease, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the State Senate Assembly and Governor Cuomo to enact Senate Bill No. 8298/Assembly Bill No. 11332 into law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Assemblyman Paul A. Tokasz, State Senator Dale M. Volker, Governor Mario Cuomo, and the Speakers of the State Assembly and Senate.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, a joint bill has been sponsored in the State Senate and Assembly (Senate Bill No. 2487/Assembly Bill No. 1671) which would amend the Not-For-Profit Corporation Law to establish a State Cemetery Vandalism Restoration Fund to be used to maintain cemeteries in municipalities across New York State, and

WHEREAS, such bill has already been passed in the State Assembly and is on the State Senate floor at present, and

WHEREAS, such bill would be beneficial to communities throughout New York State since it would provide needed revenues to maintain neglected and vandalized cemetery properties, NOW, THEREFORE, BE IT

MEETING NO. 11
June 6, 1988

Item No. 13b cont'd.

RESOLVED that this Town Board supports such bill and memorializes the State Senate and Governor Cuomo to adopt same, and BE IT FURTHER

RESOLVED that this Town Board also memorializes the State Senate, Assembly and Governor to further amend such bill to authorize payments to municipalities for cemeteries being maintained by such municipalities, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Senator Dale Volker, Governor Mario Cuomo and the Speaker of the State Senate.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Gabryszak Seconded by Councilman Kulyk

WHEREAS, representatives from John F. Kennedy High School have requested permission to hold cross-country track meets in Stiglmeier Park on Tuesday, October 11, 1988 and Tuesday, October 18, 1988, and

WHEREAS, permission has been granted in the past for such track meets and they have proven to be conducted without interference to others using the park, NOW, THEREFORE, BE IT

RESOLVED that the John F. Kennedy High School Cross-Country teams be and hereby are granted permission to hold their October 11, 1988 and October 18, 1988 track meets in Stiglmeier Park, and BE IT

RESOLVED that the coaches of such cross-country teams be requested to contact the Director of the Facilities Department to make arrangements for such track meets.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on May 13, 1988 and May 27, 1988, rendered the determinations shown on the attached memo dated May 17, 1988 and May 31, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

MEETING NO. 11
June 6, 1988

Item No. 15 cont'd.

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the May 17, 1988 and May 31, 1988 memos attached hereto:

May 17, 1988 memo
Item I

May 31, 1988 memo
Item IV
Item V

Walden & Dick Road
3081 Harlem Road

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

*See next 3 pages for memo from Environmental Advisory Committee

Item No. 16 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated debris on property located at 1035 Rein Road, North Corner of Pfohl Road, Cheektowaga, New York, (S.B.L. #81.04-2-4) and according to the Assessors' Office is owned by James W. Zimmer, Willimsville, New York 14221, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No.17 Motion by Councilman Solecki Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga employs hundreds of people who work in various fields of municipal government, and

WHEREAS, technical changes and improvements are constantly occurring within all areas of municipal work, and

WHEREAS, seminars providing Town employees with updated and innovative information on all aspects of municipal-related work occasionally are offered, and

WHEREAS, this Town Board desires to establish a uniform policy concerning the attendance of Town employees at such seminars, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the following seminar and travel policy for institution in the Town in the future:

1. No more than one (1) supervisor nor more than two (2) employees from one department may attend any given seminar.
2. Department heads shall be responsible for ensuring that employees in their department who attend seminars out-of-town make every effort to mitigate expenses for travel, meals and lodging.

MEETING NO. 11
June 6, 1988

Item No. 17 cont'd.

3. Meal expenses shall not include alcoholic beverages and BE IT FURTHER

RESOLVED that any exceptions to the above-stated seminar and travel policy shall not be approved except by unanimous vote of those Town Board members present at a meeting of the Town Board, and BE IT FURTHER

RESOLVED that this seminar and travel policy shall supercede any previous seminar and travel policy heretofore adopted by the Town Board of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, the Town Board has established the position of Building Inspector in the Town of Cheektowaga, AND

WHEREAS, the Labor-Management Committee has negotiated a salary level with the Town of Cheektowaga Employees Association and has issued a Memorandum of Agreement, NOW, THEREFOORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign the attached Memorandum of Agreement.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

*SEE MEMORANDUM OF AGREEMENT NEXT PAGE

MEMORANDUM OF AGREEMENT
Between
TOWN OF CHEEKTOWAGA
And
TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

RECEIVED
1988 JUN 27 PM 2:39
TOWN CLERK

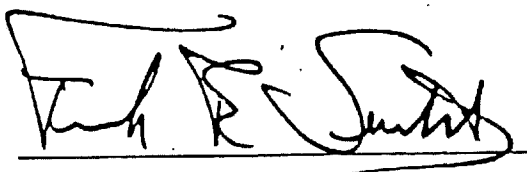
It is hereby agreed between the Board and the Association that the 1986-1988 Collective Bargaining Agreement between said parties shall be amended as follows:

Wage Schedule - 1988, White Collar, January 1 to December 31, 1988

	<u>(1) Start</u>	<u>(2) 12 mo.</u>	<u>(3) 18 mo.</u>	<u>(4) 2 yrs.</u>
Building Inspector	26,417.18 (12.652)	27,355.77 (13.101)	28,177.29 (13.495)	28,953.66 (13.867)

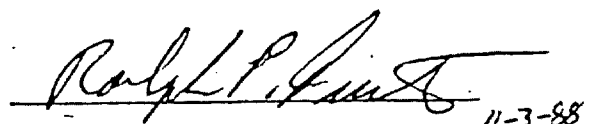
Such agreement shall be effective as of June 7, 1988.

TOWN OF CHEEKTOWAGA



Frank E. Swiatek, Supervisor

TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION


11-3-88

Ralph P. Fuerter, President

MEETING NO. 11
June 6, 1988

Item No. 19 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, this Town Board is currently reorganizing its Building Inspection Department to augment its staff and better address the needs of the community, AND

WHEREAS, this Town Board has previously established the position of Housing Inspector, NOW, THEREFORE, BE IT

RESOLVED that the salary for this position be funded from line item #836201700.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk to dispense with the reading of the names on Items 20a, 20b, 20c

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

Item No. 20a Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

#01-007110-1-0-1491-001 - Parks Division Effective

Frederick Roll	5/8/88
Lawrence G. Zielinski	5/15/88
Bruce Blachowski	6/20/88
John Bratek	6/20/88
Richard Coffta	6/20/88
Gordon Hagmier	6/20/88
John Kochel	6/20/88
Jeff Kocielny	6/20/88
Felix Lampke	6/20/88
Joseph Lenartowicz	6/20/88
John Mueller	6/20/88
Steve Rutkowski	6/20/88
Randy Palmisano	6/20/88
Stanley Siejak	6/20/88
John Trzaska, Jr.	6/20/88
Lawrence Williams	6/20/88
Scott Kowal	6/20/88
Marie Brutcher	6/20/88
Joseph Dolecki	6/20/88
Harry Rogalski	6/20/88
Cam Viverto	6/20/88

#01-001625-1-0-1491-001 - Building Maintenance Division

Joseph Coffta	6/20/88
Steve Dunkowski	6/20/88
Donald Nowicki	6/20/88
Francis Strong	6/20/88
Leonard Stachowiak	6/20/88

MEETING NO. 11
June 6, 1988

Item No. 20a cont'd.

#01-001625-1-0-1391 - Building Maintenance Division - Clerical

Joanne Krajewski

6/20/88

#01-007110-1-0-1491 - Parks Division

Marc Wojcik

Immediately

Richard Sacco

Immediately

John Piscitello

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 20b Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following seasonal employees be terminated
from the Recreation Department effective June 6, 1988.

Michael Arber
Richard Binner
Michael Bogdan
Richard Brecker
Samuel Burgio
Susan Ciezak
Mark Cleary
Barbara Coia
Ronald Cyrankowski
Mary Lou Czajka
Paul Dennis
Laila Desjardins
Maurice Desjardins
David Fitch
Gregory Florczak
John Flynn
Jomark Garbotowicz
Cynthia Gehl
Barbara Gemerek
Matthew Haberl
Brian Hickson
Mary Beth Hopkins
Dale Idzik
Kevin Jajkowski
Mark Jajkowski
Remy Jakson
Sharon Jester
Thomas Kazmierczak
Gregory Kiel
Douglas Konczak
Lisa Kostelny
Kenneth Kowalewski
Robert Kowaleski
Jenny Krier
Mark Kryszczak
Michelle Kunkel
Dean Lach
Darlene Leahy
Kevin McHale
Jay Meyers
Rohan Miller
Thomas Minorczyk
Lisa Miranda
Elaine Myszka
Joseph Nowak

MEETING NO. 11
June 6, 1988

Item No. 20b cont'd.

Beverly Nowicki
Anthony Orzel
Michael Ostempowski
Jerome Pazderski
Lynn Peters
Amy Prindiville
Bernard Ruda
Norbert Rzeski
Jeffrey Schneider
Roy Schneiderman
Nancy Szymkowiak
Colleen Tonsoline
John Wanat
David Weber
Mary White
Colleen Witucki
David Wojciechowski
Timothy Wrotny

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20c Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time employees in the various departments listed:

MAIN PUMP STATION

EFFECTIVE

Mark Burkard	Immediately
Terri Burst	Immediately
Joseph Mazur	Immediately
Brian Mirkiewicz	Immediately
Dean Sarago	Immediately

SEWER MAINTENANCE DEPARTMENT

James Ferdinand	6/20/88
Alex Pajak	6/20/88

SANITATION DEPARTMENT

Julian Szeglowski	6/1/88
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POLICE DEPARTMENT

Kimberly Bannister	Immediately
Scott Chamberlin	Immediately
Cathleen Chojnacki	Immediately
Joyce Fleck	Immediately
Scott Grant	Immediately
Jennifer Johnson	Immediately
Kelly Netzel	Immediately
Colleen Burke	Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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Item No. 20d Motion by Councilman Solecki Seconded by Councilman Gabryszak

BE IT RESOLVED, that Richard Gerlach, Cheektowaga, New York; hereby is terminated from his position as Laborer in the Sanitation Department, effective May 22, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21a Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, this Town Board is currently reorganizing the Building Inspection Department to augment its staff and better address the needs of the community, AND

WHEREAS, this Town Board wishes to establish a job title for the department's top two assistants which better encompass the broader duties of that function, NOW, THEREFORE, BE IT

RESOLVED that the Town Board establish the promotional position of Building Inspector at a salary in accordance with the Collective Bargaining Agreement with the Town of Cheektowaga Employees Association, AND BE IT FURTHER

RESOLVED that such salary be funded from line item #836201400, AND BE IT FURTHER

RESOLVED that the Supervisor is authorized to submit the necessary PO-17 form to the Erie County Department of Personnel, AND BE IT FURTHER

RESOLVED that two promotional positions of Building Inspector be posted in accordance with the Collective Bargaining Agreement between the Town and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21b Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, this Town Board has established that there is a need for an Assistant Building Inspector to assist the Building Inspection Department in executing duties of that department in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the part-time position of Assistant Building Inspector be and hereby is established in the Building Inspection Department at a salary of \$7.00 per hour, not to exceed \$8,000 on an annualized basis, AND BE IT FURTHER

RESOLVED that such salary be funded from line item #836201600, AND BE IT FURTHER

RESOLVED that the Supervisor is authorized to execute and forward the necessary PO-17 form to the Erie County Department of Personnel for the creation of this position.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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Item No. 21c Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, this Town Board has established that there is a need for a Zoning Enforcement Officer to assist the Building Inspection Department in enforcing code requirements in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the part-time position of Zoning Enforcement Officer be and hereby is established in the Building Inspection Department at a salary of \$7.00 per hour, not to exceed \$8,000 on an annualized basis, AND BE IT FURTHER

RESOLVED that such salary be funded from line item #836201500, AND BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute and forward the necessary PO-17 form to the Erie County Department of Personnel for the creation of this position.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, this Town Board is currently reorganizing its Building Inspection Department to augment its staff and better address the needs of the Community, AND

WHEREAS, this Town Board wishes to establish a job title for the Department Head which better encompasses the broader duties of that function, AND

WHEREAS, Ronald Marten, Building and Plumbing Inspector, has served capably in his capacity as head of that department, NOW, THEREFORE, BE IT

RESOLVED that this Town Board establish the position of Supervising Building and Plumbing Inspector (exempt) at an annual salary of \$39,313, and BE IT FURTHER

RESOLVED that such salary be funded from line item #836201100, AND BE IT FURTHER

RESOLVED that Ronald Marten be appointed to the position of Supervising Building and Plumbing Inspector, AND BE IT FURTHER

RESOLVED that the Supervisor is authorized to submit the necessary PO-17 form to the Erie County Department of Personnel.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23a Appointment of two principal engineering assistants in Engineering Dept. - This item was withdrawn.

Item No. 23b Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, a vacancy exists in the position of Pump Operator at the Main Pump Station, AND

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town and the Town Employee's Association, AND

WHEREAS, Taras P. Kulyk applied for and is qualified for such position, NOW, THEREFORE, BE IT

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Item No. 23b cont'd.

RESOLVED that Taras P. Kulyk, Cheektowaga, New York be and hereby is appointed to the position of Pump Operator at the Main Pump Station, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and Town Employee's Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23c Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, there is an opening in the Central Garage for an Auto Mechanic, AND

WHEREAS, this vacancy has been posted in accordance with the Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW THEREFORE,

BE IT RESOLVED that the following individual be and hereby is appointed to the position of Auto Mechanic, effective June 7, 1988 at the rate in accordance with the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

Michael Lewandowski

Cheektowaga, New York 14206

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Gabryszak, Solecki
NAYES: Councilmen Jaworowicz, Kulyk, Kazukiewicz
ABSENT: 0

Item No. 23d Appointment to position of Automotive Mechanic in Central Garage
This item was withdrawn.

Item No. 24 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated May 16, 1988, this Town Board created a promotional position of Principal Engineer Assistant and directed that such position and an existing Principal Engineer Assistant position be posted in accordance with the union contract, and

WHEREAS, Rudolph E. Bogacki and Allan B. Blachowski, Sr. Engineer assistants in the Town Engineering Department applied for such position and appear on the civil service eligible list for such position, NOW, THEREFORE, BE IT

RESOLVED that Rudolph E. Bogacki and Allan B. Blachowski be and hereby are promoted to the positions of Principal Engineer Assistant in the Town Engineering Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employee's Association, and BE IT FURTHER

RESOLVED that the two positions of Sr. Engineer Assistant in the Town Engineering Department be and hereby are abolished, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 11
June 6, 1988

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN KULYK TO
DISPENSE WITH THE READING OF THE NAMES IN ITEMS 25a, 25b and 25c

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the below individuals be hired at the designated
titles and salaries (7310.1802):

RECREATION ATTENDANTS (COUNSELOR II) - \$3.50

Cynthia Boje	14225
Doreen Skowron	14212
Sean Bulger	14215
Mary Sieroslowski	14043

RECREATION ATTENDANT (COUNSELOR I) - \$3.35

Kristen Hallnan	14227
Kristen Ryan	14043
Denise Bogdan	14206
Marie Juergens	14225

RECREATION SUPERVISOR (ACTIVITY DIRECTOR)- \$5.25

Mark Jagord	14227
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RECREATION SUPERVISOR (SENIOR COUNSELOR) - \$4.00

Jeffrey Kaczorowski	14227
Dawn McFadden	14206
Kim Giczkowski	14043

RECREATION SUPERVISOR (COUNSELOR III) - \$3.65

Denise Syracuse	14225
Allayne Yeostros	14225
Jennifer Kusmierczyk	14227
Sharon Pikul	14206

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25b Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired
as Seasonal and/or Part-time Employees in the various departments and at the rates
listed:

SEWER MAINTENANCE - Seasonal - \$3.35 per hour

EFFECTIVE

John Bobeck	5/25/88
Dean Sarago	Immediately
Scott Chamberlin	Immediately
Mark Andrzejewski	Immediately
Robert Carter	Immediately

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Item No. 25b cont'd.

POLICE DEPARTMENT - Seasonal -\$3.35 per hour

EFFECTIVE

Kelly Donnelly	6/6/88
Kerry Ann Ertel	5/16/88
Lisa Dynowski	6/6/88
Annette Keem	6/6/88

FACILITIES DEPARTMENT - Seasonal \$3.35 per hour

John Bartkowiak, Jr.	Immediately
Eugene Nowicki	Immediately
Joseph Lenartowicz	Immediately
Anthony Schubert	Immediately
Daniel Olejniczak	Immediately
William Yetman	Immediately
Mark Urbanski	Immediately
Mark Meszkotowicz	Immediately
Robert Lee	Immediately
Timothy Przepiora	Immediately
Sean Kohler	Immediately

TOWN CLERK'S OFFICE - DOG ENUMERATORS - \$4.00 per hour

Susan Bochinski	Immediately
Korri Ann Kaminski	Immediately
Andrew Kucharski	Immediately

SANITATION DEPARTMENT - Part-Time - \$5.00 per hour

Kurt Emmanuele	6/6/88
Jeff Jozwiak	6/6/88
Jeff Choinski	6/6/88
Eric Ozolins	6/6/88
Dennis Kazmierczak	6/6/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 25c Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1988 summer programs.

POOL DIRECTOR - \$295.00 per week - 10 weeks - A7180.1902

Brian Hansen

SPECIAL EVENTS SUPERVISOR - \$220.00 per week - 10 weeks - A7180.1902

John Hartman

POOL SUPERVISORS - \$190.00 per week - 10 weeks - A7180.1902

Town Park Pool

Catherine Giles
Pamela Miller

POOL SUPERVISORS - \$180.00 per week - 10 weeks - A7180.1902

Maryvale and Dingens Pools

Sharon Gandy
Michelle Kunkel
Joelle Miranda
Kevin Kuehmeier
Eric Solberg

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Item No. 25c cont'd.

LIFEGUARDS - \$3.60 W/WSI - \$3.35 without WSI - A7180.1903

Charles Ashton
Melissa Bialkowski
Kathleen Bobeck
Gregory Burke, Jr.
Christopher Cegielski
Jodi Colognino
Shannon Connors
Lisa Cook
Gregory Czarnecki
Joseph Filipski
Elizabeth Gagola
Norman Galenski
Lisa Glasser
Patrick Glasser
Ann Marie Gorski
Lisa Grace
Kurt Hansen
Deborah Hartman
Wendy Hartman
Melissa Heath
Pamela Heath
Michael Herrmann
Keith Hopkins
Christopher Kemp
Jennifer Kemp
Carl Kolasny
Douglas Kenjockety
William Kolasa
Robert Limpert
Mark Lipowski
Lori Malkiewicz
Michelle McFarland
Michael Minotti
Rebecca Okoniewski
Mark Olieman
Paul Owens, Jr.
Edward Pawlowski
Frederick Piwko
Liane Raczkowski
Roger Rebman
Todd Roland
Kristin Selmensberger
Denise Szalasny
Julie Szalasny
Dale Taglienti
Laurie Tarapata
Denise Tasca
Barbara Wloch
Greg Zyla

LIFEGUARDS - ALTERNATES

Candace Zoeller
Lisa D'Amico
Laurie Gemerek
Jackie Houser
Jacqueline Lang
Sandra Large
Lisa Milbrand
Linda Skowron
John Staniszewski
Lisa Uzar
Kathleen Measer

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Item No. 25c cont'd.

BASKET CHECKERS - \$2.50 Per Hour - A7180.1901

Timothy Anderson
George Cameron
Beth Ciesielski
Christine Conley
Bill Farkas
Vicki Ferdinand
Tim Gast
Tracy Gielinski
Kevin Glewa
Gordon Gracie
Laurie Kremblas
Rosemarie Kurz
Jacqueline Lang
Laurie Lesniewski
Cheryl Martens
Jill O'Rawe
Kim Philips
Mark Schmigiel
James Schreiner
Barb Schwab
Cheri Seiler
Michael Stachura
Sandra Stevens
Michelle Mariano
James Osinski
Kerry Kolbert
Kolleen Kolbert
Jacquelyn Jablonski
Jill Tokasz

GYMNASTICS SUPERVISOR - \$6.00 Per Hour - A7140.1613

Colleen Tonsoline

ASSISTANT GYMNASTICS SUPERVISOR - \$4.50 Per Hour - A7140.1615

Constance Paxson
Jeffrey Schneider

GYMNASTICS INSTRUCTORS - \$3.50 Per Hour - A7140.1615

Jenny Krier
Caren Morella
Kimberly Orshek
Philip Tripi
Kristen Zimmerman

RECREATION SUPERVISOR - CLEVELAND HILL HIGH SCHOOL - \$5.00 Per Hour -
A7140.1615

Christopher Luksch

RECREATION SUPERVISOR - MARYVALE HIGH SCHOOL - \$5.00 Per Hour - A7140.1615

Richard Binner

RECREATION ATTENDANTS - MARYVALE HIGH SCHOOL - \$3.35 Per Hour - A7140.1615

Joseph Nowak
Anthony Orzel

EXERCISE INSTRUCTOR - \$5.00 Per Hour - A7140.1613

Laila Desjardins
Beverly Nowicki

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June 6, 1988

Item No. 25c cont'd.

TENNIS COURT SUPERVISORS - \$180.00 Per Week - A7140.1613

Mark Kryszczak

TENNIS COURT INSTRUCTORS - \$150.00 Per Week - A7140.1613

Donald Nowak
Michael Sacilowski
Amy Skretny
Lynn Staszak

RECREATION SUPERVISORS - TINY TOTS - \$5.00 Per Hour - A7140.1613

Barbara Rusin
Karen Stamp
Nadine Verga

SPECIAL EVENTS SUPERVISORS - \$180.00 Per Week - A7140.1613

Susan Ciezak
Mary Lou Czajka

ASSISTANT SOFTBALL COORDINATOR - \$5.00 Per Hour - A7140.1622

Richard Andrzejewski

SOCCER SUPERVISORS - \$5.00 Per Hour - A7140.1611

Paul Dennis
Robert Keil

BASKETBALL SUPERVISOR - \$5.00 Per Hour - A7140.1613

Mark Rzemek

SOCCER INSTRUCTORS - \$4.25 Per Hour - A7140.1611

Maurice Desjardins
Matthew J. Haberl

SOCCER ATTENDANTS - \$3.35 Per Hour - A7140.1611

Barbara Gemerek
Remy Jakson
Jay Meyers
Roy Schneiderman
John Smyczynski
Colleen Witucki

RECREATION SUPERVISORS - CULTURAL CENTER - \$5.00 Per Hour - A7140.1613

Thomas Kazmierczak, III
Timothy Wrotny

RECREATION LEADERS - \$4.25 Per Hour - A7140.1614

Barbara Coia
Julianna Conway
Jennifer Donnelly
Julie Kaczorowski
Lisa Kostelny
Norine Reichert
Marjorie Schultz
Corrine Wirth

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Item No. 25c cont'd.

ARTS & CRAFTS SUPERVISORS - \$180.00 Per Week - A7140.1613

Samuel Burgio
Nancy Colucci
Sharon Jester
Barbara Majchrzak
Elaine Myszka
Amy Prindiville
Cathy Tom

PLAYGROUND SUPERVISORS - \$180.00 Per Week - A7140.1613

Gregory Florczak
Mary Beth Hopkins
Nancy Kubiak
James Mazurek
Lisa Miranda
Peter Odrobina
Bernard Ruda

RECREATION ATTENDANTS - \$3.35 Per Hour - A7140.1614

Heidi Arendt
Karen Banaszak
Jeffrey Barnhard
Brenda Besl
Keith Bova
Heather Brandon
Deborah Braniecki
Richard Brecker
Michele Brown
Nadine Bucolo
Steven D'Amico
Tammy Cavalieri
Kathleen Campbell
Bob Cenkner
Carol Ciepiela
Lisa Ciepiela
Domenica Cimato
Ronald Cyrankowski
John Cywinski
Philip Dettelis
Catherine Esford
Timothy Filonczuk
Christopher Fitch
Rosalie Folts
Jomark Garbatowicz
Maureen Giambelluca
Lori Gill
Faye Hertel
Scott Homac
Ann Marie Jakubowski
Tina Kaczorowski
Sharon Kasprzak
Michael Kennuth
Caryl Kist
Scott Klein
Suzanne Kusmierczyk
Kathleen Majchrzak
Jeffrey Mazurek
Timothy McGuire
Thomas Minorczyk
Michael Ostempowski
Joseph Palmer
Michele Patterson
Jerome Pazderski
Robert Ponoosny

MEETING NO. 11
June 6, 1988

Item No. 25c cont'd. Recreation Attendants \$3.35 per hour #A7140.1614

David Pyc
John Russ
Tracy Ryan
Andrea Rzeski
Susan Schuhmacher
Mary Pat Speyer
Rebecca Stoll
Kelley Szwajkos
Jeffrey Szyklinski
Janine Urbanski
Rachael Walter
Mary White
Rodney Burns
Jim Demler
Nina Diane Balyga
James Choinski
Karl Mackowiak
Dawn Marie Leister

RECREATION ATTENDANTS - ALTERNATES - A7140.1614

Amy Bakowski
Tiffany Boehringer
Melanie Ernst
Kenneth Hangen
Kathy Ickowski
Kevin Jajkowski
Christopher Joseph
Dawn Kopacz
L. Daniel Mendez
Amy Nelson
David Roehmholdt
Michael Ruszka
Kimberle Shampoe
Jennifer Stachura
Mark Szymusiak
Magdalena Wnuk
Lorri Wyzykowski
Sarah Zebehazy
Tammy Sypniewski
Jeffrey Sandrowicz
Heather Hunneshagen

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25d Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, there is a need for two additional substitute school crossing guards due to the recent retirement of two school crossing guards, NOW, THEREFORE, BE IT

RESOLVED that the following individuals be and hereby are hired as substitute school crossing guards, effective immediately, at a salary of \$5.25 per hour:

Patricia Kanton

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 11
June 6, 1988

Item No. 26a Motion by Councilman Solecki Seconded by Councilman Kulyk

WHEREAS, Sandra Metros, Senior Clerk Typist in the Sanitation Department, has requested an unpaid leave of absence for 2 days per week (Wednesdays and Thursdays) for 10 weeks (from June 29, 1988 to September 1, 1988) for personal reasons, and

WHEREAS, the General Foreman of the Sanitation Department is agreeable to the granting of such leave of absence, NOW, THEREFORE, BE IT

RESOLVED that Sandra Metros be and hereby is granted an unpaid leave of absence for 2 days per week (Wednesdays and Thursdays) from June 29, 1988 to September 1, 1988, for a total of 20 days.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26b Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, Walter L. Mika, an employee in the Town's Main Pump Station, has been ordered to report to Fort Leonard Wood, Missouri, for military training exercises, June 16-July 2, 1988, AND

WHEREAS, Section 242 of the Military Law of the State of New York, allows a military leave for the purpose of attending military duty, NOW, THEREFORE, BE IT

RESOLVED that Walter L. Mika be and hereby is granted a military leave of absence from June 16-July 2, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, Joseph Wisniewski, a Sewer Maintenance Man in the Sewer Maintenance Department, is currently on sick leave from his position, and

WHEREAS, Mr. Wisniewski will exhaust all his personal leave, vacation and sick leave as of May 23, 1988, and

WHEREAS, Mr. Wisniewski has requested extended sick leave payments for an additional fifteen (15) days, and

WHEREAS, such extended sick leave payments are authorized by Section 8.02 (c) of the agreement between the Town and the Town Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Joseph Wisniewski be and hereby is granted extended sick leave payments for fifteen (15) days, which payments must be repaid to the Town upon his return to service.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 11
June 6, 1988

Item No. 28a Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, the International Society of Fire Service Instructors ("ISSFI") and the Institute for Life Safety Technology and Emergency Management Education will be sponsoring a seminar on Explosive Devices and Terroristic Incidents on June 11, 1988 at the Erie County Fire Academy, and

WHEREAS, the Chief of Police has recommended that Officer Thomas Dryja be authorized to attend such seminar, and

WHEREAS, such seminar will provide the Town police officer with important information concerning explosive device detection, precautions and investigation, NOW, THEREFORE, BE IT

RESOLVED that Officer Thomas Druja be and hereby is authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED that Officer Dryja shall be reimbursed for the registration fee of \$107.00 and ISFI membership fee of \$60.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28b Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, the Public Safety Communications Specialist is sponsoring a dispatch training seminar on June 25, 1988 in Rochester, New York, and

WHEREAS, the Chief of Police has requested permission for his department's two communications supervisors, Lt. John Howlett and Sergeant Eugene Leahy, and Training Sergeant Gary Grieco to attend this seminar, and

WHEREAS, such seminar will be very beneficial to the Town, especially with the institution of the E-911 system in the Town, NOW, THEREFORE, BE IT

RESOLVED that Lt. John Howlett, Sergeant Eugene Leahy and Training Sergeant Gary Grieco be and hereby are authorized to attend the aforementioned dispatch training seminar, and BE IT FURTHER

RESOLVED that the Town shall pay the \$95.00 per person registration fee for such police officers for such seminar, and BE IT FURTHER

RESOLVED that such police officers shall be permitted to use a Town vehicle to go to and from such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28c Authorization for employees in various departments to attend
Defensive Driving Course
This item was withdrawn.

Item No. 28d Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the New York State Department of State is sponsoring Course #43-0079 relating to General Building Construction, and

WHEREAS, it is a requirement that all Code Enforcement Officers for the Town of Cheektowaga attend this required course, NOW, THEREFORE BE IT

MEETING NO. 11
June 6, 1988

Item No. 28d cont'd.

RESOLVED that Richard J. Willis, Housing Inspector for the Office of Community Development, be and hereby is authorized to attend the above listed Code Enforcement Course, on the dates and times given below, at the Erie County Fire Training Academy:

June 21, 22, 23 and 24, 1988 - 9:00 A.M. to 4:00 P.M.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28e Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, the New York State Association of Traffic Safety Boards is holding its quarterly meeting in Albany, New York, on June 14 and 15, 1988, AND

WHEREAS, the Cheektowaga Traffic Safety Commission has requested that its Chairman, Mr. Carl Perlino, attend said meeting and be reimbursed for any expenses associated with the meeting, NOW, THEREFORE, BE IT

RESOLVED that Carl Perlino be and hereby is authorized to attend the quarterly meeting of the New York State Association of Traffic Safety Boards on June 14 and 15, 1988, and shall be reimbursed for all necessary and reasonable expenses not to exceed \$250.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 29a Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

Be it resolved that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	7310.1804 (Administrative Interns)	\$4,350.00
	1910.4711 (Contingency)	5,000.00
TO:	7310.4001 (Office Supplies)	\$850.00
	7310.4681 (In-Service Training)	2,000.00
	7310.4683 (Publications, Printing)	1,500.00

PART TOWN FUND

FROM:	3620.1122 (Building Inspector)	22,506.90
	3620.1165 (Fire Inspector)	2,183.00
	3620.1402 (Asst.Plumbing Inspector)	53,397.00
TO:	3620.1100 (Supervisor-Bldg. & Plumbing)	24,482.90
	3620.1400 (Building Inspector)	29,000.00
	3620.1500 (Zoning Enforcement)	4,800.00
	3620.1600 (Asst. Bldg. Inspector)	4,800.00
	3620.1700 (Housing Inspector)	15,004.00

CAPITAL FUND

TO:	9950.8802 (Project #8802)	5,000.00
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Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 11
June 6, 1988

Item No. 29b Transfer of Funds for Police Department.
This item was withdrawn.

Item No. 29c Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, alterations are needed in the Dispatch room of the Police portion of the Police and Court Building in order to allow such room to accommodate the new E-911 system in the Town, and

WHEREAS, architectural fees for a proposed layout of such Dispatch room are estimated at \$5,000., and

WHEREAS, this Town Board desires to formally establish a capital project account and provide funding for alterations to the Dispatch room, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the Dispatch Room Capital Project and establishes Capital Project Account number 05-8802-3120-0220 for same, and BE IT FURTHER

RESOLVED that \$5,000 from the contingency fund, be and hereby is transferred into the Capital Project Account number 05-8802-3120-0220 to fund said architectural fees, and BE IT FURTHER

RESOLVED that no additional amounts may be spent on this project until the architectural plans have been finalized and submitted for Board approval at which time full funding for the project can be provided, and BE IT FURTHER

RESOLVED that the Chief of Police be and hereby is named as the project manager for the Dispatch Room Capital Project and is responsible for all transactions involved with such project, including the authorization of invoices for same.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 29d Transfer of funds regarding Pest Control.
This item was withdrawn.

Item No. 30 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to June 6, 1988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$3,606.414.09
HIGHWAY FUND	1,007,334.67
CAPITAL FUND	75,548.86
TRUST & AGENCY FUND	698,429.45
PART TOWN FUND	233,430.10
RISK RETENTION FUND	114,652.97
DEBT SERVICE FUND	1,422,078.75
HUD-REHAB. FUND	4,315.50

MEETING NO. 11
June 6, 1988

Item No. 30 cont'd.

FUND	AMOUNT
SPECIAL DISTRICT FUND	\$1,839,975.35
FEDERAL REVENUE SHARING FUND	54,290.48
HUD-CDBG FUND	55,052.29
	<u>\$9,111,522.51</u>
	=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Solecki Seconded by Councilman Johnson

WHEREAS, on June 26, 1987, an automobile operated by Patrick F. Roche and owned by Joyce E. Schieber caused damage to result to a Town Sanitation truck, and

WHEREAS, the insurance carrier for the owner of such vehicle The Home Indemnity Company, offered to settle this claim for \$1,435.47, and,

WHEREAS, the Foreman of the Sanitation Department recommended that the Town accept such settlement, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the aforementioned settlement offer be and hereby is accepted by this Town Board, and ~~BE~~ IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute a release and any other papers to finalize such settlement.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 32 Building Permits
Received and Filed

Item No. 33 Supervisor's Statement of Funds for March, 1988
Received and Filed

Item No. 34a Cheektowaga Library Board: Minutes of May, 1988 meeting
Received and Filed

Item No. 34b Cheektowaga Traffic Safety Commission: Minutes of April 1988 meeting
Received and Filed

Item No. 35 NYSDOT - Designation of Restricted Highway Dick Rd. & Geo.Urban Blvd.
Received and Filed

Item No. 36 Letter from Erie County Town Clerk's Association regarding Primary
Election hours in New York State.
Received and Filed

MEETING NO. 11
June 6, 1988

- Item No. 37 Summons and Complaint: Alfreda Piatek vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Senior Citizens; Laverack & Haines, Insurance Carriers.
- Item No. 38a Notice of Claim: Anthony Guzzo vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Highway Department; Laverack & Haines, Insurance Carriers.
- Item No. 38b Notice of Claim: Otis Flowers vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert M. Lis, Chief of Police; Laverack & Haines, Insurance Carriers.
- Item No. 38c Notice of Claim: Marilyn S. Metz vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Sewer Maintenance Dept.; Laverack & Haines, Insurance Carriers.
- Item No. 38d Notice of Claim: Joan Capron vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Highway Department; Laverack & Haines, Insurance Carriers.
- Item No. 38e Notice of Claim: Alice A. & Thomas J. Lillis vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Highway Department; Laverack & Haines, Insurance Carriers.
- Item No. 39 Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz to adjourn the meeting .

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 13th day of June, 1988 at 6:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Sal LaGreca, Employment and Training Director II; Chester Bryan, Town Engineer; Don Wegner, Zoning Board Chairman; Tom Adamczak, Assistant Building Inspector; Chris Kowal, Highway Superintendent.

I. RESOLUTIONS

Item No. 2 Motion by Unanimous, Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria (the "Project"), and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), an Environmental Assessment Form was submitted to the Town for the Project in January of 1987, and

WHEREAS, the Town Board of the Town of Cheektowaga was designated to serve as lead agency for the environmental review of the Project under SEQRA, and

WHEREAS, based upon the informal review of the government agencies and their various comments, a Draft Environmental Impact Statement with respect to the Project ("DEIS") was submitted to the Town Board, on June 8, 1987, and

WHEREAS, the Town Environmental Quality Review Advisory Committee (the "Advisory Committee"), at the request of the Town Board, independently reviewed the DEIS and on June 15, 1987 recommended that the DEIS be determined complete as to scope, content and adequacy by the Town Board in its capacity as lead agency, and

WHEREAS, at its regular meeting of June 15, 1987, the Town Board considered the DEIS and the recommendation of the Town Advisory Committee, however, in order to provide its members with additional time in which to review and consider the DEIS, the Town Board voted to postpone any action upon the DEIS until a Special Meeting scheduled for June 22, 1988, and

WHEREAS, the Town Board at its Special Meeting on June 22, 1987 determined the DEIS to be complete as to scope, content and adequacy and caused the DEIS to be filed and circulated along with a Notice of Completion of DEIS to other involved agencies and the public as required by the SEQRA regulations (6NYCRR Part 617), and

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 2 cont'd

WHEREAS, the Town Board duly scheduled and published notice of a public hearing to solicit comments on the DEIS from all interested persons, which hearing was held on July 15, 1987, at which time all members of the public wishing to make statements concerning the DEIS were heard, and

WHEREAS, the public comment period on the DEIS closed on July 17, 1987 in accordance with the Town Board's previously filed and published Notice of Completion of DEIS, and

WHEREAS, the Applicant, on August 31, 1987, submitted to the Town Board and other involved agencies a proposed Final Environmental Impact Statement ("FEIS") which consisted not only of the DEIS, revisions to the DEIS, an Appendix and summary of public comments on the DEIS but also comments from involved agencies and responses to the substantive comments received, together with the additional information initially requested to be included in a supplemental EIS as well as data prepared in response to the public comments received, and

WHEREAS, the Applicant after meeting with the Town Advisory Committee prepared an Addenda to the FEIS which consisted of revisions to the proposed FEIS based on the comments of involved agencies and additional indices of comments on the DEIS, and

WHEREAS, the Town Advisory Committee carefully considered the entire FEIS submitted by the Applicant and met with representatives of the Applicant on numerous occasions including September 3 and 10 to review the FEIS, Appendix and Addenda and members of the Advisory Committee discussed the FEIS with representatives of other involved or concerned governmental agencies and the public and, on September 14, 1987, recommended to the Town Board that the FEIS contained an adequate discussion of all significant impacts associated with the Walden Galleria Project and that the FEIS should be determined complete, and

WHEREAS, the members of the Town Board not only reviewed the public comments received on the DEIS which are summarized and responded to in the FEIS but also reviewed the FEIS and public comments received by the Town Board on the issue of the completeness of the FEIS as well as the recommendations of the Town Advisory Committee, and discussed issuance of the FEIS at its Special Meeting of September 17, 1987, and regular meeting of September 21, 1987, and

WHEREAS, the Town Board at its regular meeting of September 21, 1987, determined that the FEIS, its Appendix and Addenda were complete and voted in favor of issuing a Notice of Completion of FEIS, and

WHEREAS, the FEIS and Notices of Completion were filed and circulated as required by the SEQRA Regulations, and

WHEREAS, the Town Board, in its September 21, 1987 resolution also directed that the FEIS be made available to the public for consideration and comment for a period of 30 days, and caused copies of the FEIS, Appendix and Addenda to be placed in four public libraries in the Town of Cheektowaga, as well as in the Town Clerk's Office and Town Building Inspector's Office in order to facilitate greater public consideration and review of the FEIS, and

WHEREAS, the town Board in the exercise of its sound discretion directed that copies of the FEIS and related documentation be made available to the public at more locations than required by law; permitted public consideration and reivev of the FEIS for a significantly longer period than required by law; and invited full public participation in all of the various SEQRA proceedings, including opportunities to meet with the Town Advisory Committee, and

WHEREAS, the Town Board received additional comments during this 30-day period of public consideration of the FEIS, which comments have been carefully reviewed by the Town Board, and

WHEREAS, the Town Advisory Committee has also carefully reviewed the additional comments on the FEIS as well as in all comments submitted well after the 30-day period has expired through June, 1988, and

Item No. 2 cont'd

WHEREAS, upon review of all applications, the DEIS and the FEIS, as well as all agency and public comments thereon regarding the Project (and after careful consideration of all of the circumstances and applicable law), the Town Advisory Committee has recommended, and the Town Board concurs, that a Supplemental Environmental Impact Statement is not required to be completed for the Project, and

WHEREAS, the Town Board and its applicable department heads have extensively reviewed and fully considered the Applicant's requests for (i) permission to construct the Project in accordance with Chapter 21A of the Town Code ("Drainage Systems Ordinance"), (ii) permission to construct the Project in accordance with Chapter 30 of the Town Code ("Flood Damage Prevention Local Law"), (iii) permission to use certain Town-owned lands pursuant to a License and Maintenance Agreement, said lands being more particularly described in the DEIS and FEIS, in connection with its stormwater management plan, (iv) issuance of public improvement permits for the Applicant's proposed public improvements to be constructed in conjunction with the Project, namely, Galleria Drive, a relocated sanitary sewer line, Creek Bank stabilization work and the stormwater detention basins, (v) acceptance of an easement for the relocated sanitary sewer line and (vi) acceptance of a License and Maintenance Agreement for maintenance of a detention basin on Applicant's property, (collectively the "Applications"), and

WHEREAS, a public hearing was duly noticed and held on November 2, 1987, in accordance with Section 21A-5(F) of the Code of the Town of Cheektowaga concerning the Applicant's proposed removal of a Conrail bridge and abutments over Scajaquada Creek and related construction activities affecting Scajaquada Creek at which time all members of the public wishing to make statements concerning the Applicant's plans were heard, and

WHEREAS, the Town Board in its Resolution of September 21, 1987, requested the U.S. Army Corps of Engineers (the "Corps") to review and comment on the potential impacts of the Walden Galleria Project on the floodplain zone of Scajaquada Creek and its tributaries as well as the Corps' flood control project on Scajaquada Creek, and

WHEREAS, the Corps has completed its review of the Project and has communicated its comments on the stormwater management and flood control study ("the Study"), with respect to the Project to the Town Board, and

WHEREAS, the Town Engineer, in consultation with Camp, Dresser & McKee, has considered the Study, the Corps' comments and the engineering plans submitted by the Applicant under the Flood Damage Prevention Local Law (Chapter 30 of the Code of the Town of Cheektowaga), and

WHEREAS, in accordance with the Town Board's Resolution adopted on September 21, 1987, the Town Advisory Committee met numerous times and has reviewed and carefully considered the Applications in light of the FEIS, as well as all comments on the FEIS and the Applications received from members of the Town Board, involved, concerned and reviewing agencies, Town departments, the public and two independent consultants employed by the Town, specifically Camp, Dresser & McKee, and Nussbaumer & Clarke, and the Town Advisory Committee submitted to the Town Board for its consideration and use a recommended SEQRA Findings Statement for the Proposed Walden Galleria, including its suggestions as to proposed conditions and mitigation measures to be made a part of any approvals of the Applications, and

WHEREAS, the separate and independent jurisdiction and permit issuance authority, of all governmental agencies is in no way affected by SEQRA, and

WHEREAS, the Town Board has participated in the drafting of and carefully reviewed the recommended Findings Statement as amended ("the Findings Statement") prepared on its behalf by its independent Advisory Committee and believes that the Findings Statement fairly and accurately reflects the views of the Town Board, NOW, THEREFORE, BE IT

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 2 cont'd

RESOLVED that the Town Board has considered the need for a Supplemental Environmental Impact Statement ("SEIS") and has determined that there are no changes to the Project or changes in circumstances which may result in a significant adverse environmental effect or any newly discovered information about significant adverse environmental effects which were not previously addressed and that the changes proposed for the Project since the adoption of the FEIS in fact will mitigate adverse environmental impacts of the Project and that therefore no SEIS is required, and BE IT FURTHER

RESOLVED that this Town Board hereby adopts and incorporates herein as its own the attached Findings Statement for the Walden Galleria, and based thereon, approves the Applications subject to the Approval Conditions and Mitigation Measures set forth in the Findings Statement, as amended, and in so doing hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Project,
2. The requirements of the SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Town of Cheektowaga Ordinances have been met,
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Project and the Applications, as approved and subject to the conditions set forth in (a) through (cc) of the Findings Statement minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS,
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided by incorporating as "Project and Application approval conditions the mitigative measures which were identified as practicable, set forth as conditions (a) through (cc) in the Findings Statement,

and BE IT FURTHER

RESOLVED that a copy of this resolution and Findings Statement be filed with all Town department heads, involved agencies, the Applicant and filed in the Town Clerk's Office.

* See next sixty (60) pages for Findings Statement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

FINDINGS STATEMENT

PROPOSED WALDEN GALLERIA MALL

TOWN OF CHEEKTOWAGA, NEW YORK

PYRAMID COMPANY OF BUFFALO

Developer

JUNE 1988

PREPARED FOR THE CHEEKTOWAGA TOWN BOARD
BY: CHEEKTOWAGA ENVIRONMENTAL QUALITY
REVIEW ADVISORY COMMITTEE

Cheektowaga Town Hall
Broadway & Union Road
Cheektowaga, N.Y. 14227
Phone: (716) 686-3400

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INTRODUCTION

1. The following statement on the Walden Galleria Mall, the Project, is the result of many months of studies and analyses by various agencies and Town departments. The Final Environmental Impact Statement (FEIS) for this project consists of six volumes of material, the original four-volume Draft Environmental Impact Statement (DEIS) and two-volume Final Environmental Impact Statement (FEIS) together with the Addendum. These documents, as well as studies and evaluations submitted by agencies, individuals, and interested groups, together with the public hearing, have provided the basis for the Town Board to issue a Findings Statement and decision on the application submitted by Pyramid Company of Buffalo (the Developer).

2. The Town Board recognizes that qualified experts on any topic may differ in their conclusions and, in particular, may differ in the judgments employed during analysis. The Town Board acknowledges that review of a project such as Walden Galleria and the debate over the various benefits and impacts of the project could go on forever. Nevertheless, the Town Board has carefully reviewed many hundreds of pages of documentation on the various issues that have been submitted by government agencies, other experts and the general public that reflect hundreds of hours

of examination of the Project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this Project.

3. The development of the Walden Galleria Project with up to 1.4 million s.f. of gross leasable area ("GLA") will provide the Town of Cheektowaga with a significant new source of tax revenues, employment opportunities (both short and long-term), greater shopping diversity, and will be a source of community pride. Based upon the anticipated net increases to municipal revenues and the sufficiency of existing services and/or capacity for expansions, the Town Board finds no significant adverse impacts upon community services and finds, in many instances, a positive impact on community services.

4. The design and review of the Project, including its potential future expansion up to 1.4 million s.f. of GLA, has taken into account and addressed the critical issues of flood plain construction, storm water management and traffic control with the Developer bearing the cost of providing the necessary public improvements. Other potential impacts associated with the Project, including its potential future expansion up to 1.4 million s.f. of GLA, have been thoroughly evaluated and will be eliminated, fully compensated or minimized to the maximum extent

practicable by the Developer implementing the mitigation measures proposed, including the conditions of approval imposed by the Town Board and several regulatory agencies with concurrent approval authority. A balancing of environmental, social and economic factors leads to the conclusion that the Walden Galleria Project should be approved subject to the conditions and mitigation measures set forth in this Findings Statement.

5. The State Environmental Quality Review Act (SEQRA) was designed to foster careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequences has the most meaning. This review is conducted prior to any agency decision regarding permits or approvals and when the proposed project is still in its conceptual state. Frequently in large, complex projects such as this, final approval is dependent upon several concurrent government agency reviews. The filing of conceptual plans for major projects is common and affords every opportunity to incorporate changes in the final construction plans and detailed drawings resulting from studies and analysis of the Project, recommendations by interested parties and conditions mandated by the Lead Agency as part of its Findings Statement and Decision. Throughout the course of the SEQRA process, the Developer has incorporated new studies and accepted suggested ideas in the Project site plans. All parties should be fully aware of the

fact the final design of a major project such as this is an on-going process and that this process involves additional formal review procedures by the Town to insure the fulfillment of public objectives and the protection of the public interest at each step.

PROJECT DESCRIPTION

6. The Developer, Pyramid Company of Buffalo, proposes to construct a fully enclosed shopping mall. The Project may consist of up to seven (7) anchor stores and approximately one hundred seventy five (175) smaller specialty, retail or service establishments, totalling 1.4 million square feet of gross leaseable area when both phases are completed. The Project is planned as a two-level structure throughout and will be constructed in two phases. Phase I of approximately 960,000 square feet and Phase II of approximately 440,000 square feet.

7. Parking areas will surround the mall structure. They will be at various levels, as the needs of the tenants dictate. At least one parking ramp, and possibly more, will be constructed. Parking will ultimately be provided for approximately 6,000 vehicles.

8. Access to the site would be accomplished by constructing an entrance at Walden Avenue at the Leonard Post VFW facility; at

Walden Avenue East of the Sheraton Hotel; and with the construction of "Galleria Drive", at Postal Drive and Union Road and at Walden Avenue opposite Anderson Road.

9. Four bridges spanning Scajaquada Creek are proposed. Three will be for vehicular traffic and one will be for pedestrian traffic between the mall and the parking area.

10. The U-Crest Ditch will be crossed at two points by means of bridges or culverts.

PROJECT SITE DESCRIPTION

11. The Project site, exclusive of the Ernst Steel property, is approximately 75 acres in area bounded on the South by Walden Avenue (NYS Route 952Q), on the West by the New York State Thruway (I-90), on the North by an abandoned Conrail Right-of-Way, and on the East, generally by Union Road (NYS Route 277) and Cheektowaga Consolidated Central School District property. Scajaquada Creek flows from East to West through the northern half of this site.

12. A portion of the Project site is presently occupied by the Leonard Post VFW building, which will be demolished with the Phase I construction. A portion of the site will also occupy

lands formerly occupied by The Ernst Steel Corporation.

13. In addition to information they received through the SEQRA process, the Town Board members, as residents of the Town, are intimately familiar with the project site, its geographic location in the Town, the main and local roadways in the area and current site and traffic conditions.

GOVERNMENTAL ACTIONS UNDER CONSIDERATION

14. A number of governmental agencies will be required to render a decision on various aspects of the project. The Developer proposes considerable improvements on existing roads, construction of new roadways, and traffic signals. These proposals are designed to more efficiently and safely accommodate current and future vehicular traffic in the area of the shopping mall. The improvements proposed for Walden Avenue and Union Road require NYS Department of Transportation approval. Access road construction and/or modifications to existing access roads require NYS Thruway Authority approval.

15. Due to the location of Scajaquada Creek on the site, the U.S. Army Corps of Engineers and NYS Department of Environmental Conservation may be required to make decisions on proposed site work in the vicinity of Scajaquada Creek. The proposed work includes construction of three new bridges spanning the creek,

removal of an existing railroad bridge and replacement with a new four-lane vehicular bridge and the construction of detention basins.

16. The Town of Cheektowaga will be required to make decisions on work in the vicinity of the creek, the acceptance of the new four-lane road ("Galleria Drive"), sewer easements, maintenance agreements and traffic signals on "Galleria Drive".

17. As part of any decision or approval, maintenance/reimbursement agreements may be required by any of the approval agencies .

ZONING AND LAND USE

18. The development site for the proposed Walden Galleria Project, on both sides of Scajaquada Creek, is currently zoned M-1, Light Manufacturing, which permits, as of right, use of the property for commercial and retail purposes. Accordingly, the construction and operation of a regional shopping center with up to 1.4 million s.f. GLA on the site is permitted within the existing zoning classification and, therefore, represents a land use consistent with existing and anticipated Town planning objectives and can be said to satisfy an identified public need for commercial development at this site.

19. At present, the existing commercial uses in the immediate vicinity consist of a discount store of over 60,000 square feet, offices, warehousing, a food processing plant, a truck stop, restaurant facilities, VFW Post, steel fabricator, and 8-story hotel. Directly East of the site is the Cheektowaga Consolidated School District Campus which consists of a junior-senior high school and separate elementary school building. To the North of the site is a residential area and a Town park. This northern area is "buffered" by drainage ditches, utility company rights-of-way and an abandoned Conrail right-of-way.

20. Development in the form of an enclosed regional shopping center, with one master plan for design, as opposed to haphazard, piecemeal development, is desirable from the Town's planning perspective because it avoids the adverse effects of multiple curb cuts, uncontrolled traffic movements and exacerbation of existing drainage problems. The site of the Walden Galleria is a preferred location for retail development because of the presence of a superior regional arterial roadway network which, together with the extensive roadway improvements to be constructed at the Developer's expense, will serve to mitigate traffic impacts to the maximum extent practicable. Moreover, the project site is also highly suitable for development of this regional shopping center due to its size and configuration, existing utilities and infrastructure available at no additional public cost, adjacent

compatible uses, and sufficient land and transportation corridors to separate and buffer residential areas in the general vicinity of the site.

PROPOSED USE OF TOWN LAND

21. The Project site presently occupies a portion of the Scajaquada Creek Flood Plain. The existing site acts to detain creek waters during 100-year storms as shown on the FEMA maps. To replace the loss of this flood plain storage area, the Developer is proposing to construct three detention basins with a flood storage capacity exceeding two and one-half times (250%) (based on the data in the DEIS/FEIS) of the lost storage capacity in a 100-year storm event and has submitted to the Town a plan outlining the use of Town-owned property to the West of the NYS Thruway as the ideal location for two of the three basins. The third basin will be constructed on land owned by the Developer, also West of the N.Y.S. Thruway and west of Basin No. 1. The third basin would be connected to Basin No. 1 by means of an overflow weir and a spillway.

22. Basins Nos. 1 and 2 would be constructed south and north of Scajaquada Creek, respectively, on properties owned primarily by the Town of Cheektowaga and by the Niagara Mohawk Power Corporation. Basin No. 3 would be constructed south of Scajaquada Creek on land owned by the Developer. The three basins

are designed to compensate for fill placed in the flood plain area and will have a detention capacity in excess of two and one-half times (250%) of the lost storage area in the 100-year storm event.

23. The estimated cost of construction of the three basins is in excess of two million dollars. This construction cost would be borne entirely by the Developer and maintenance would be a Town responsibility. However, maintenance costs would be wholly reimbursed by the Developer.

DRAINAGE MANAGEMENT PLAN

24. The development of any major regional shopping center, such as the proposed Walden Galleria, raises the potential for significant effects on storm water run-off and drainage.

25. Scajaquada Creek crosses the development site from east to west about 200 feet north of the northerly end of the proposed buildings of Phase I. This waterway is a drainage system which transports large volumes of surface run-off water through the Town.

26. A portion of the development site and possible future expansion site adjacent to the creek lie in a 100-year floodplain.

27. The design of the Walden Galleria project has taken into account such potential effects, and the Developer has proposed, as an integral part of its development, the construction of three storm water detention basins and related improvements. Basins Nos. 1 and 2 will be constructed on land owned by the Town and by Niagara Mohawk Power Corporation. Basin No. 3 will be constructed on land owned by the Developer. (Basins Nos. 1, 2, and 3 will be collectively referred to hereinafter as the "Basins"). The Basins will not only offset the anticipated effect of Walden Galleria, but will provide a net improvement to existing storm water drainage and flood control conditions in the vicinity of the site up through a 100-year storm event.

28. The construction of the Walden Galleria will result in increased storm water run-off as a result of conversion of certain vegetated areas to the impervious surfaces of buildings and paved areas, and the need to place a volume of 42 acre-feet of fill in the flood plain to accommodate the project and its possible future expansion(FEIS).

29. The Developer proposes to construct the Basins at his own expense.

30. With respect to a 100-year storm event, the Basins will provide a total flood storage capacity in excess of two and one-

half times (250%) the flood storage capacity that is lost due to the project as presently proposed and any future expansion as outlined in the FEIS.

31. The Basins have been designed to collect and hold surface water run-off during peak run-off periods when conditions are most susceptible to flooding. The water collected during such run-off periods will be released at a controlled rate back into the natural water drainage system. In addition, according to the May 17, 1988 letter to the Town of Cheektowaga from the U.S. Army Corps of Engineers, the presence of Basins Nos. 1 and 3 and the proposed Galleria Drive would serve as a barrier to Scajaquada Creek waters flowing to the west, thus reducing the incidence of flooding in this area (including the McParlin, McNaughton neighborhood) outside the Federal Flood Control Project.

32. In addition, although in no way related to the project, the Developer has agreed, at no cost to the Town, to install a bypass or diversion of storm water from Tributary 1, which flows through the Walden Avenue, McParlin, McNaughton area into proposed detention Basin 1 (overflowing into Basin No. 3 under certain conditions) and then into Scajaquada Creek to provide the residents in that neighborhood relief from existing periodic flooding.

33. The net effect of the Walden Galleria project will be to increase the storage capacity of the flood plain of Scajaquada Creek. The Town Environmental Quality Review Advisory Committee has recommended that the Town Board approve use of land-locked Town lands for construction of two of the three storm water detention basins.

34. The Town and Niagara Mohawk will continue to own their respective parcels of land on which Basins Nos. 1 and 2 will be constructed. The Developer proposes to pay the Town for all the reasonable annual expenses associated with the Town's operation and maintenance of the three detention basins.

35. Additional analysis was reviewed by the U.S. Army Corps of Engineers on the downstream effect of removing the upper portion of the existing railroad bridge abutements. The proposed "Galleria Drive" will cross Scajaquada Creek by means of a 48-foot span bridge located in the present railroad right-of-way. This would provide a larger area for Creek flow and, in conjunction with the three Basins, will provide a net improvement to existing stormwater drainage and flood control conditions in the vicinity of the site up through a 100-year storm event.

36. The passage of the proposed Galleria Drive under the Thruway will not require any modification to the piers and

casings supporting the Thruway underpass. In fact, the Scajaquada Creek bank stabilization work in this area required as a consequence of the road construction will result in the repair and improvement of erosion protection for certain of these piers.

37. The proposed crossing of U-Crest ditch will be accomplished by means of bridge spans or culverts. No material modifications will be made to the bed or banks of the ditch at either crossing.

38. The ring-road proposed to be built as a means of moving traffic around the site and to and from the parking lot to be built on the north side of the Creek will require three bridge crossings, two vehicular and one pedestrian. All three bridges will span the 150-foot floodway area along the Creek.

39. The elevation of the bridges will be set to provide a minimum of two feet of clearance between the bottom of the span structure and the 100-year flood elevation.

40. Upstream Conditions - With respect to storm events up to and including the 100-year storm event, water surface elevations in Scajaquada Creek and U-Crest Ditch between the N.Y.S. Thruway Bridge and Union Road would be lower after the construction of the project than current undeveloped conditions.

41. The FEIS and DEIS also described and examined the impacts of three alternative methods for constructing an expansion (Phase II) of Walden Galleria including: (i) relocation of a segment of Scajaquada Creek, (ii) culverting Scajaquada Creek through its reach on the site and (iii) spanning Scajaquada Creek with the shopping center building. Any final development proposal for expansion of Walden Galleria would depend upon numerous factors, including the then existing economic and retail market climates as well as consideration of the most appropriate ways to integrate Scajaquada Creek into the development in light of the specific requirements of appropriate regulatory authorities.

AIR QUALITY

42. The DEIS did not contain computer studies which both the NYS Department of Environmental Conservation and public groups indicated were crucial in determining environmental impacts on air quality. The Developer enlisted the services of Malcolm Pirnie Inc. to run and analyze the computer generated studies on air quality, more specifically (CO) carbon monoxide levels at the four proposed entrance/exit locations to the center and at the intersection of Walden Avenue and Union Road. CO was selected because, of the six criteria pollutants, only CO is considered by the scientific and regulatory community to be emitted in significant amounts as a result of vehicle operation (Section V-FEIS).

43. These models, the USEPA Mobile 3 and USEPA-recommended Caline 3, project the amount of air pollution that will result from a project of this magnitude under worst case meteorological and traffic conditions. After a thorough analysis utilizing conservative modeling techniques, it was determined by Malcolm Pirnie that the CO levels at all locations, including the west wall of the Cheektowaga Central School District Elementary School, will be within the ambient air standards for CO, even assuming maximum peak hour traffic. Highest CO levels are expected to occur during highly stable atmospheric conditions, typically, cold winter evenings (when extended out-of-doors exposure by school pupils and others is at a low level).

44. Malcolm Pirnie's analysis was reviewed by the NYSDEC Division of Air and incorporated criteria specified by it, such as emission factors and background CO levels. NYSDEC has determined that "no significant air impact will result from the project" and that the discussion of the air impacts in the FEIS was "adequate and complete".

45. Construction of Walden Galleria will result in minor short-term increases in fugitive dust to local ambient air. The amount of fugitive dust can be reduced, if necessary, by the application of agglomerating agents or water spraying.

46. Emissions of asbestos from automobile brake linings has been estimated by the U.S. Environmental Protection Agency to contribute only a small percentage of the concentration of asbestos in ambient air, and most of this exposure occurs during the manufacturing and servicing of brake linings. Therefore, any increase in traffic stemming from the project will not create any meaningful increase in asbestos fiber emissions.

47. With respect to emissions of lead, the only source of lead emissions to the air that could result from the project would be the combustion of leaded gasoline by automobiles. Due to the widespread use of unleaded gasoline and the reduction of lead in the few remaining vehicles using leaded gasoline, the levels of lead in the atmosphere have declined 79 percent in the last decade, according to the U. S. Environmental Protection Agency, and lead emissions from motor vehicles are no longer considered, by themselves, likely to create a violation of ambient air standards for lead.

HISTORICAL/ARCHEOLOGICAL RESOURCES

48. The DEIS did not contain a report on cultural resources of the site, more specifically archeological surveys. The FEIS contains a report from Ecology and Environment Inc. which was submitted to the NYS Department of Environmental Conservation for review. This report indicates that the finds on the site were of

a low-density lithic scatter dating to the Archaic Period and would probably not require further study or registry with NYS as an area to be preserved.

49. A letter, dated September 23, 1987 from the NYS Office of Parks, Recreation and Historic Preservation, states that it is their opinion that this site is of no great importance and a project of this type will not have any impact upon archeological resources.

HAZARDOUS WASTE - ERNST STEEL SITE

50. Part of "Galleria Drive" and Basin No. 3 will be constructed on property acquired from Ernst Steel Corp., west of the NYS Thruway (the "Ernst Steel Site"). This property is currently listed in the New York State Registry of Inactive Hazardous Waste Disposal Sites (Site Code: 915022 - classified "2a" - further study necessary).

51. The Ernst Steel Site has been the subject of a "Phase I" investigation by DEC wholly apart from its connection to this project. The Phase I investigation of the site identified five waste piles on the site. Analyses of samples collected from these five piles disclosed the presence of lead and chromium in elevated amounts in several of the piles. The results of the

Developers study, conducted by Ecology and Environment, and other pertinent data are found in Section V of the FEIS. They conclude that there are some deposits of heavy metals near the surface in several piles on the site. The results indicate that vertical migration of metal contamination, in terms of leachability, is limited to less than 6 inches below grade. Therefore remedial activity on the East parcel of the Ernst Steel property would involve the removal of the waste piles and the first 6 inches of soil underlying each pile.

52. The Developer has agreed to remove the waste piles and to conduct a "post clean-up" investigation of the entire Ernst Steel Site. The Developer and NYSDEC are negotiating an Order on Consent for the work. The DEC has expressed its intention to issue a letter authorizing the Developer to proceed with the clean-up pending execution of the Order on Consent.

53. The NYSDEC also conducted an on-site inspection for further evidence of hazardous waste. In a letter dated October 16, 1987, the DEC states that they "... were unable to locate any evidence of hazardous waste disposal on the site..."

54. Based on its review of the E & E report, NYSDEC has concluded that the use of the site will not result in an adverse environmental impact, provided that the surface contamination is

removed. Construction of "Galleria Drive" on the Ernst Steel Site will not commence until the contaminated soil is removed.

NOISE

55. Consultants studied projected noise levels during construction, as well as noise levels during the operating hours of the mall. The consultants, FMK Technology Inc. and Angevine Acoustical Consultants Inc., concluded that the construction noise will have a short term impact on the surrounding areas while the long term increase in noise will be imperceptible when combined with existing ambient noise levels i.e. New York State Thruway, main arterial roads, and aircraft flyovers.

56. According to FMK Technology, Inc., in their analysis of construction noise, the construction activity would have an unavoidable short-term minor impact on noise levels in the vicinity of the project site, but this increase would be barely perceptible, given the existing ambient noise levels in the area and should have no adverse affect on the performance of children in nearby schools.

57. The impact created by the loss of vegetation and replacement with a hard surface would have an insignificant impact on noise levels, according to Angevine Acoustical Consultants, Inc.

58. The Developer will include, as part of the site work, landscaping and barriers which will reduce noise migration and shield "Galleria Drive" from nearby residences.

59. Also, as part of the overall landscaping plan, a continuous landscaped barrier between the mall and school district property will be constructed.

SOLID WASTE

60. All solid waste from this facility will be hauled by private contractors, most probably to the Niagara Falls Occidental Waste to Energy site. The Town Sanitation Department will not provide service to the mall, therefore will not be affected.

WATER QUALITY

61. Controls to be utilized during construction that will maintain the quality of Scajaquada Creek are outlined in the DEIS and the FEIS. These methods include hay bales, sedimentation basins, and filter fabrics to reduce erosion and sedimentation and turbidity.

62. The NYSDEC must accept these methods of quality control before work can begin in the vicinity of Scajaquada Creek.

PUBLIC SAFETY

63. The shopping mall will have its own security force. This force will cooperate with the Town Police Department to maintain the safety of mall patrons. The Town of Cheektowaga Police services will be called upon to process offenses which are likely to occur from time to time. The most frequent typical offenses are those of shoplifting and passing of bad checks. Town Police officials indicate that they do not expect the need to add officers or equipment as a result of opening the Walden Galleria.

64. The existing local malls within the Town have similar arrangements. Such cooperation does not appear to have created problems or undue burdens for the Town Police Force, which numbers approximately 130 officers.

VEGETATION AND WILDLIFE

65. The Town of Cheektowaga Planning Board has reviewed a landscape plan submitted by the Developer and has given preliminary approval for the perimeter landscaping. The "interior" landscaping has yet to be determined due to an incomplete parking plan. Additional landscaping islands and areas have not been finalized, but will be part of the overall-site-landscaping to be reviewed by the Town. Some site landscaping will form part of the Wildlife Mitigation Plan.

66. The project will result in the loss of many acres of vegetative cover and habitat for wildlife now found in the area, none of which have been identified by the NYSDEC as endangered or threatened species.

67. A report appended to the DEIS concluded that the site did not encompass any regulated wetlands, and the Developer has provided the Town with written confirmation of the absence of wetlands by NYSDEC and the U.S. Army Corps of Engineers.

68. It is anticipated that wildlife species displaced from their habitat due to the construction will be able to move to nearby areas over the short-term.

69. The Developer has had discussions with the NYSDEC on the long-term loss of habitat. Mitigation measures will include improving the habitat quality of land surrounding the detention basins through such means as plantings of shrubs attractive to wildlife, planting of wildlife preferred trees and shrubs at the Walden Galleria site and along "Galleria Drive" and by preserving other areas in the Town of Cheektowaga as wildlife habitat.

TRAFFIC AND ROADWAY IMPROVEMENTS

70. The site of the proposed shopping mall is served by a network of regional and local roads. The major roadways are under the jurisdiction of the NYS Department of Transportation and NYS Thruway Authority.

71. The NYS Thruway (I-90) is a major limited-access highway running through the entire State of New York with a full interchange (Exit 52) with Walden Avenue adjacent to the proposed shopping mall site. The Thruway will thus afford the access to the site from the outer reaches of the trade area and throughout Erie County.

72. Walden Avenue (NYS Route 952Q) is a major arterial running East and West from the City of Buffalo to the Town of Lancaster. In the vicinity of the project it is a six-lane highway with a paved median suitable for left turn lanes.

73. To the East of the site, is Union Road (NYS Route 277) which runs from the Town of Amherst, North of the site, South to the Town of Orchard Park. This roadway is four lanes with left turn lanes and right turn lanes at the intersection of Walden Avenue.

74. Construction of the Walden Galleria Mall will increase existing traffic volume and is likely to alter existing traffic patterns, as well as peak periods of traffic flow. Construction of any future expansion to the Mall would further increase the then increased vehicle volume. Some peak holiday traffic, such as that found during Christmas week or after Thanksgiving will exceed projections, but are extreme situations and not considered normal.

75. The Developer has been designing road improvements and coordinating these efforts with the NYS Department of Transportation (NYSDOT) and the NYS Thruway Authority since January of 1987. The road improvements and construction of "Galleria Drive" are necessary to maintain "levels of service" on adjacent roadways. ("Level of service" is a term employed by traffic engineers in evaluating the ability of a highway to accomodate traffic flows.) Pursuant to the May 10, 1988 letter from NYSDOT to the Town, NYSDOT has completed its review of the mitigation measures of traffic impacts proposed by the Developer for the Walden Galleria project. The mitigation measures, as approved by NYSDOT, are listed in the Approval Conditions and Mitigation Measures section.

76. The study conducted by the Developer, and reviewed by the NYSDOT, indicates levels of service will be maintained or improved

by construction of the proposed roadway improvements and "Galleria Drive".

77. Roadway improvements include the construction of a new road, "Galleria Drive." The design and construction of the road will be subject to review and approval by the Town Engineering and Highway Departments. Provided the Town Engineering and Highway Departments and the Town Attorney approve the design and construction of the road and the legal requirements for conveyance, it is the intention of the Town to accept the dedication of the road as a Town highway. All work associated with the construction of "Galleria Drive" will be paid for by the Developer.

78. The proposed "Galleria Drive" will connect Walden Avenue with Union Road at its current intersection with Postal Road. "Galleria Drive" would commence at Walden Avenue at the existing Ernst Steel Corp. property driveway opposite Anderson Road and cross the Ernst Steel property to the abandoned railroad bed at the northern boundary of the property. It would follow the abandoned railroad bed, crossing Scajaquada Creek and passing under the Thruway to emerge along the north side of U-Crest ditch. "Galleria Drive" would continue along the U-Crest ditch, crossing it by bridge or culvert to join Postal Drive. Access from "Galleria Drive" to the ring road circling the site would be

accomplished by crossing another bridge or culvert at the U-Crest ditch located near the western boundary of the site, as generally described in Figures 4A and 4B, Site Plan, of the DEIS.

79. "Galleria Drive" would also carry traffic between the NYS Thruway and the proposed site by means of a slip ramp proposed to be constructed off of the current westbound exit from the Thruway at Walden Avenue Interchange No. 52 merging into "Galleria Drive" as it approaches the abandoned railroad bed in a northerly direction from Walden Avenue.

80. Road improvements proposed for Walden Avenue include additional traffic signals, left turn lanes, and construction of double left turn lanes off Union Road at the Walden intersection. In addition a left turn lane would be constructed on Union Road at Postal Drive.

81. While a consultant for the mall opponents has questioned the reliability of the Developer's traffic projections, the NYSDOT has accepted the Developer's traffic studies as being accurate and adequate for review of the project. The proposed road improvements are the result of the extensive review process. The NYSDOT is responsible for the State Highway System and all intersections with State Highways. State Highways in the project area are Walden Avenue and Union Road.

SOCIO-ECONOMIC EFFECTS

82. The Developer believes it has identified a need in the Western New York area for a state-of-the-art shopping mall. Its contention is that the existing shopping centers throughout the area are to some degree obsolete or antiquated. Its intention is to construct this state-of-the-art facility to attract retailers who are not presently located in the area and who could offer a mix of goods and services not currently available in the trading area. As a result of such marketing, the Developer expects to attract a substantial number of shoppers from Canada, the greater Buffalo metropolitan area as well as the greater Niagara Falls metropolitan area.

83. The mall, at a size of approximately 960,000 s.f. GLA, will result in approximately 2100 construction jobs and approximately 1930 permanent and part-time positions within the mall itself. A portion of these positions will be the result of store relocations and transfers, but it is the belief of the Developer that a larger number of jobs will be newly created positions.

84. The mall, if constructed with 1.4 million s.f. GLA, will result in approximately 2870 permanent and part-time positions within the mall itself. A portion of these positions will be the result of store relocations and transfers, but it is the belief

of the Developer that a larger number of jobs will be newly created.

85. A new shopping mall may adversely affect the least competitive retailers in the vicinity of the site. A new facility may affect most directly the closest existing shopping centers and malls. It was suggested by the Developer that if the retailers alter their marketing strategies and/or make capital investments in their existing buildings (remodeling), the existing economic conditions could improve. The Town Board maintains that the new mall will improve the overall retail climate by bringing additional customers into the local marketplace which will tend to reverse the trend of retailers exodus from the community.

86. The project has been supported by the Cheektowaga Chamber of Commerce as well as numerous small businesses, and has been opposed by some other small businesses, competing malls and residents.

87. The project will financially benefit both the local and regional community in terms of tax revenues and additional employment opportunities. The project will also result in the expenditure of large amounts of money for public improvements. These improvements will benefit the public and be funded solely by the Developer. It is not possible to predict precisely, the

levels of expected tax revenue and employment. Actual revenues and employment are dependent on a number of variables including the actual number of square feet of GLA constructed and occupied, the specific length of time of construction and external economic factors over which neither the developer nor Town can exercise complete control.

88. Specifically, Walden Galleria, with approximately 960,000 s.f. GLA, will generate estimated net government revenues from increased property taxes, sales taxes, building and utility fees in the first full year of operation of up to \$13.7 million.

89. The Town is expected to receive sales tax revenue of over \$100,000, real property tax revenues of approximately \$80,000, with the Cheektowaga Central School District receiving approximately \$375,000 in revenues. Other local taxing districts and Erie County will also receive significant revenues generated by Walden Galleria.

90. If Walden Galleria were to be constructed with up to 1.4 million s.f. GLA, total estimated net government revenues would yield over \$20.6 million. The Town of Cheektowaga would receive approximately \$270,000 in sales and real property taxes. The Cheektowaga Central School District would receive approximately \$560,000 in sales and real property taxes.

91. The Walden Galleria may adversely affect the least competitive retailers in the vicinity of the site. Specifically, concern has been raised about the impact of the Walden Galleria on local malls, which have recently evidenced a declining trend, with a number of major tenants leaving the shopping centers. It is recognized that neither the Developer nor the Town has an obligation under SEQRA or other provisions of law to protect the local malls from the effects of competition and that responsibility for the fiscal health of these retailers lie with their management.

92. Any reduction in the gross leaseable area of the Walden Galleria would proportionately reduce the net revenues to be realized by government taxing authorities.

SOCIAL EFFECTS AND COMMUNITY SERVICES

93. Water supply for the Walden Galleria will be provided by the Erie County Water Authority which has adequate capacity to supply the Project.

94. Sewage disposal for the Walden Galleria Project is provided by means of a trunk sewer of adequate capacity through the Town of Cheektowaga Sanitary Sewer District No. 7 which pumps waste to the City of Buffalo for treatment.

95. Electrical service to the site is available from both Niagara Mohawk Power Corporation and New York State Electric and Gas Corporation. Natural Gas is available from National Fuel Gas Corporation.

96. Fire protection is provided by Forks Fire District #3, U-Crest Fire District #4, and Walden Fire District #2 which currently have sufficient manpower and equipment to accommodate the proposed Walden Galleria. In addition to these three districts, all Town of Cheektowaga fire districts have a mutual-aid system which enables any chief to request additional pieces of fire apparatus or personnel in an emergency situation.

97. Combined additional tax revenues to be received by the Forks, U-Crest, and Walden Fire Districts annually are projected to be \$45,000 for a 963,000 s.f. GLA shopping center and will provide a source of funds for any additional equipment required in the future.

98. The Walden Galleria building will be fully sprinklered to meet fire protection requirements. Additionally, the parking lot will contain a number of fire hydrants to form a loop around the building.

99. The mall concourse will have a smoke detection system and pull stations tied into communication panels in the mall and a digital communicator to the Town Fire Dispatch Office.

100. Walden Galleria will not diminish any public or private recreation activity. The Cheektowaga Central School District recreation facilities on the site will be relocated to other portions of the school campus for which the Developer, in addition to the agreed upon purchase price, has contributed an additional \$600,000 on account of relocation costs.

101. Ambulance services, which are privately owned and operated, and local health care facilities available to serve Walden Galleria should not be affected by the Project since the expected impact on population growth is minimal.

102. The structure's state-of-the-art design will provide both formal and informal settings for a variety of community events and social activities.

103. Community room facilities will be provided in Walden Galleria under the supervision of the mall management office. These facilities will be available for use by private and community groups.

104. The Developer has indicated that the Walden Galleria will be available for such activities as antique shows, auto shows, fashion shows, boat shows and art shows which are frequently sponsored by business, charitable groups and associations. Walden Galleria will also contain a multi-screen cinema complex.

105. Walden Galleria will be available to senior citizen groups for meetings and organization of a "Mall Walkers" group which provides an opportunity for regular exercise, free from the rigors of Western New York weather.

106. From an architectural and aesthetic perspective, Walden Galleria will represent an improvement over existing buildings in the vicinity of the site.

107. With respect to the proposed shopping mall's proximity to the Cheektowaga Central School campus, research indicates that the mall is unlikely to create attendance problems with the student population.

108. As a precaution, the Developer has stated that it is willing to work together with the school officials to prevent students from using the mall as a place to "hang out" during school hours.

109. The Developer has also expressed a willingness to establish internship, job placement and distributive education programs for students interested in retailing and other aspects of a mall operation. Any such program will be coordinated with the school officials.

GROWTH INDUCING EFFECTS

110. Due to the project's location in an existing commercial center near already populated and commercially developed areas, it is anticipated that little commercial growth would be induced in the vicinity of Walden Galleria. Rather, the project is expected to encourage the improvement and renovation of commercial enterprises that already exist in the area.

111. Although Walden Galleria will provide permanent employment to approximately 1,930 employees and will employ approximately 2,100 persons during construction, it is expected that most of these positions will be filled locally, with no significant stimulus to the Town or Erie County resident population.

112. The permanent employment opportunities generated at Walden Galleria are expected to result in a net gain of approximately \$12.8 million per year in wages and salaries in the Erie County economy in the first full year of operation, resulting in

increased demands for goods and services that will, through a "ripple effect," stimulate the County economy by approximately an additional \$22.8 million per year. These additional employment opportunities will also help to reduce the present unemployment rate in the County.

113. Because the project will induce no significant increase in the Town or County population, there will be no significant impact on the demand for housing, public community facilities, schools, water and sewerage facilities, other than those site-specific impacts identified in the DEIS and FEIS.

UNAVOIDABLE IMPACTS AND IRREVERSIBLE COMMITMENTS OF RESOURCES

114. Although its impact can be mitigated to some extent, the project will have the inevitable effect of eliminating potential wildlife habitat from most of the site. Certain mitigative actions can be taken to enhance the habitat in nearby areas and in landscaped areas on-site, but the loss of the project site as wildlife habitat itself cannot be avoided.

115. Development of Walden Galleria will generate increased traffic volumes in the vicinity of the site, however, proposed roadway improvements will essentially mitigate the effects of any increase in traffic on adjacent roadways.

116. Additional demands on various Town departments will be an unavoidable impact of the project. These demands are consistent with those associated with a substantial retailing operation or commercial facility, and will involve, for example, the review of construction plans and issuance of building permits, sign permits, assessment of property for real estate tax purposes, road maintenance, and assisting Walden Galleria's security personnel in the processing of complaints. The cost of these services will, however, be more than offset by receipt of fees and increased tax revenues resulting from operation of Walden Galleria.

117. Construction activities at Walden Galleria may also create short-term unavoidable impacts. Land-clearing and grading activities may increase dust and the potential for erosion and transportation of sediment from the property. These impacts will be mitigated to a substantial extent through use of standard construction practices designed to minimize such effects, including: water spraying of construction roads and application of agglomerating agents to reduce dust; use of temporary sedimentation basins, hay bales and filter fabrics to reduce erosion and sedimentation.

118. The energy, labor and building materials used during construction of Walden Galleria are permanent commitments of

resources that cannot be recovered. Also, development will involve the conversion of undeveloped land zoned for commercial use to an actual commercial retail development. This conversion is an irreversible commitment of resources that cannot be avoided.

ENERGY CONSUMPTION

119. The operation of Walden Galleria will require energy for heating, cooling and transportation. All structures will comply with the New York State Energy Code, which requires the use of advanced techniques to reduce energy consumption, such as extensive use of insulation, controls to maximize economical energy usage and water conservation fixtures.

120. Energy will be consumed in the construction of the mall and this energy is irretrievable.

ALTERNATIVES

121. The proposed site plan for Walden Galleria was developed taking into account the physical conditions of the site, in particular the presence of Scajaquada Creek.

122. In evaluating alternatives, the proposed Walden Galleria site plan represents a careful balance of the competing needs of

the business entities which will make a the regional shopping center complex, the essential transportation requirements of patrons of the complex and the nearby commercial establishments, and environmental considerations associated with construction of this large complex including storm water run-off and flood plain management, open space and local land use requirements and objectives.

123. The Developer was unable to locate an available alternative site for this project in the greater Buffalo metropolitan area that would be suitable in meeting the Developer's criteria for a successful regional shopping mall.

124. The FEIS considered the alternative of initially developing only a 600,000 square foot shopping center. In general, the environmental effects of a smaller center would be similar, however, the tax revenues, employment and income generated by the shopping center would be significantly less. Wildlife displacement and loss of vegetation would likely remain significant. It is likely that some of the extensive traffic improvements proposed by the Developer, including the linking of Walden Avenue with Union Road through a new "Galleria Drive", would not be undertaken due to its expense and since it would not be required to maintain adequate levels of service.

125. The No-Action alternative was also analyzed. This alternative would not achieve the objectives of the Developer, but was assessed to provide a base of comparison between the proposed Walden Galleria and existing conditions. This alternative would result in the project remaining as a vacant, undeveloped parcel available for haphazard, less-regulated commercial development or for larger manufacturing development.

126. Significant loss of benefits to be derived by the public from the Developer's undertaking of costly, but desirable, highway and drainage improvements, and diminished opportunities for increased tax revenues, employment and other income-generating aspects of the project would also occur if the proposed project is not constructed.

RESPONSE TO FURTHER COMMENTS

127. Correspondence was received from the Erie County Department of Environment and Planning dated December 17, 1987, and from the Cheektowaga Task Force dated January 4, 1988. The letters requested the Town Board to consider preparation of a Supplemental Environmental Impact Statement (SEIS) based on newly discovered information or major modifications.

128. The Town of Cheektowaga Environmental Quality Review Advisory Committee can find no basis in the requests for the SEIS. No newly discovered information or new adverse impact has been revealed during the review process.

129. The current SEQRA regulations, which do not apply to this Project but provide useful guidance, note that a lead agency may require a SEIS in certain limited situations and under several circumstances, none of which appear to apply in this situation. An SEIS may be required in the following situations: where changes are proposed which may result in significant adverse environmental impacts; where newly discovered information arises about significant adverse environmental effects which were not previously addressed; where a change in circumstances arises which may result in a significant adverse environmental effect.

130. The items cited by Erie County and the Cheektowaga Task Force have been discussed in the Draft and/or Final Environmental Impact Statement, including the replacement/reconstruction of the Conrail bridge over Scajaquada Creek, rerouting of Tributary T-1, alternative roadway improvements and related traffic impacts, and wildlife relocation.

131. The requests to the Developer were for additional information to substantiate or clarify statements made in the DEIS and FEIS on certain aspects of the Project.

132. In response to comments made regarding the loss of wildlife habitat at the project site, the Developer engaged the services of Ecology & Environment to formulate a wildlife mitigation plan. The detailed study and mitigation measures, as proposed, are acceptable to the Town as adequately reducing the adverse impact to an existing wildlife habitat.

133. The report, dated January 19, 1988, compares the entire project site, developed to 1.4 million s.f. GLA, with a 12.93 acre site located on the north side of Cayuga Creek adjacent to Stiglmeier Town Park and near the Reinstein Woods Nature Preserve, operated by the State of New York. The site includes approximately 2,200 feet of frontage along Cayuga Creek, intended primarily to mitigate the loss of aquatic habitat along Scajaquada Creek following construction of the Project and any future expansion.

134. The 12.93 acre parcel will be purchased from a private landowner and conveyed to the Town, subject to a legal life estate benefitting the owner. The owner will be contractually obligated to maintain the parcel in its natural state throughout the term of the life estate. Upon the death of the owner, the life estate will terminate and the land will be available to the Town for use as a wildlife preserve.

135. Included in the report are means of enhancing the wildlife habitat on the project site and in the vicinity of the detention basins. This would consist of planting various species of shrubs and trees, depending on the soil/water conditions and the purpose of the plantings, i.e. food source or shelter.

136. The proposed wildlife mitigation plan would appear to provide better habitat for a wider variety of wildlife than is now found at the existing site, especially along Scajaquada Creek.

137. Changes made to the overall concept/design are in the form of modifications of proposed mitigation measures or entirely new mitigation measures intended to reduce or eliminate impacts on the community. The changes themselves do not create or aggravate adverse environmental impacts.

138. The Town Board has proceeded cautiously and directed the Town Engineering office and its expert independent engineering firm, Camp, Dresser and McKee, to monitor the Corps' technical review of the Stormwater Management and Flood Control Study. The Town Board believes that none of the design changes currently being contemplated, which include leaving the lower portion of the Conrail bridge abutements in place, and, potentially, deepening and enlarging Basin Nos. 1 and 2 and the construction of a third basin on the Ernst Steel property as outlined in the FEIS, either

individually or collectively, would give rise to new or different significant adverse environmental impacts. Indeed, all of the revisions under consideration will only improve environmental conditions by further protecting against the risk of flooding. Providing public protection for greater than 100-year storms and employing other "worst case" methodology in the technical analyses as conducted by the Corps has not been routinely utilized in the review of other projects in the Town or in the Scajaquada Creek watershed; however, it is obvious that applying such conservative analyses to further mitigate a potential impact provides even greater flood protection.

139. In order to preserve the public benefit to be enjoyed by the Town of Cheektowaga and other downstream municipalities as derived from the flood storage capacity of the three detention basins and related flood storage improvements proposed to be constructed by, and at the expense of, the Developer, enforcement agencies as well as municipalities located upstream from the project are urged to impose flood storage standards for future upstream development as rigorous as those to which the Developer of this project was held.

APPROVAL CONDITIONS AND MITIGATION MEASURES

The Developer, as well as the various government agencies, have considered suitable mitigation measures to insure that all foreseeable adverse environmental impacts are minimized to the maximum extent practicable for both the Town and the area residents who will be affected by the project. In addition to those mentioned elsewhere, the Pyramid Company of Buffalo, as part of the Walden Galleria Project, and prior to receipt of Certificates of Occupancy for the Walden Galleria, shall comply with the following conditions and implement the following mitigation measures:

(a) Design and construct no less than three (3) storm water detention basins capable of impounding a minimum of two and one-half times (250%) the lost flood plain storage capacity as described in the stormwater management and flood control study (Section H of DEIS Appendices I) as modified by the requirements of the U.S. Army Corps of Engineers;

(b) Prior to the commencement of fill operations on those portions of the site within the 100-year flood plain, the Developer shall submit plans and a construction sequencing schedule substantially the same as the one attached hereto and incorporated herein by reference (see exhibit "A"), to the Town Engineer for his approval which demonstrates that there will be no substantial loss of flood storage capacity during construction;

(c) Design and construct the following roadway improvements:

1). Union Road will be widened between McKesson Parkway and Postal Drive to provide a left turn lane for north-bound traffic. Union Road will be widened between Postal Drive and George Urban Blvd. to provide a five lane section. Existing driveways within State Right-of-Way and signalization at the Union Road/Postal Drive intersection will be modified as required for safety, access, and proper operation.

2). Galleria Drive will be constructed as a four-lane highway between Walden Avenue at Anderson Road and Postal Drive. Postal Drive will be widened to provide four lanes.

3). A new I-90 westbound exit ramp to Galleria Drive will be constructed. The new connection will satisfy all requirements of the N.Y. State Thruway Authority and the Federal Highway Administration (FHWA). The Developer shall bear the costs of inspection and certification of this exit ramp.

4). The Walden Avenue/Anderson Road intersection will be reconstructed as necessary to provide a level-of-service acceptable to NYSDOT.

5). Walden Avenue between I-90 and Union Road will be modified to provide for two access points to the Walden Galleria and acceptable traffic operations throughout this area. Mall entrances will be located directly opposite Duke Road and opposite an access point to K-Mart. The proposed modifications to Walden Avenue will include construction of turn lanes at Mall

entrances, reconstruction and widening of the I-90 eastbound exit to Walden Avenue eastbound, provisions for maintaining safe and adequate access to existing properties along Walden Avenue, and installation of an interconnected vehicle-actuated signal system at the Walden Avenue intersections with I-90 eastbound exit, Mall Driveway #1/Duke Road, Mall Driveway #2/K-Mart, and Jim's Truck Plaza. Modifications will satisfy all requirements of the New York State Department of Transportation, N.Y. State Thruway Authority, and/or the Federal Highway Administration, for items under their respective jurisdictions.

6). The intersection of Walden Avenue/Union Road will be widened and modified as detailed in the Draft EIS to provide a level of service acceptable to NYSDOT and safe operation for all traffic movements.

7). The Applicant proposes to reroute storm water drainage now crossing Walden Avenue in a culvert west of Anderson Road so that it enters Scajaquada Creek in the same manner as storm water drainage now crossing Walden Avenue in a culvert east of Anderson Road. Any newly constructed detention basins must not inhibit flow from either drainage system.

8). All of the preceeding work will conform to NYSDOT Design Standards and be performed under a NYSDOT highway work permit. All work will be subject to NYSDOT review and approval. Should the acquisition of right-of-way be deemed necessary by NYSDOT for any mandated improvements, the

right-of-way will be acquired by the applicant, at applicant expense. All costs necessary for New York State construction inspection will be borne by the applicant.

9). An agreement on traffic mitigation measures will not preclude a reevaluation of traffic impacts if the Walden Galleria is expanded beyond the first phase scope at some future date. The Applicant, for an expanded mall, will reevaluate traffic impacts based upon traffic conditions and forecasts which are appropriate at that time.

(d) Cause to be delivered to the NYSDOT and the Thruway Authority performance bonds equal to the full estimated cost of highway improvements enumerated in (c) above;

(e) Design and construct a new road, which the Town intends to accept as a dedicated Town highway, to be named "Galleria Drive" from Walden Avenue opposite Anderson Road to Postal Drive at its terminus with Union Road as described in the DEIS Appendices II, to be constructed as a four-lane roadway throughout its entire length and subject to the approval of the Town Engineering Department and Highway Department and Town Attorney, pursuant to recommendations which may be made by the Traffic Safety Commission;

(f) Design and construct "Galleria Drive" with appropriate screening to provide a visual/noise buffer along the new "Galleria Drive" in the vicinity of homes located on McNaughton Avenue and St. Boniface which border the existing railroad right-of-way, and along the common property line of Nokomis Parkway, subject to the approval of the Town Engineering and Highway Departments, pursuant to recommendations which may be made by the Traffic Safety Commission;

(g) Design and construct "Galleria Drive" with appropriate fencing to provide a safety "barrier" between the new "Galleria Drive" along the common property line of Nokomis Park, subject to the approval of the Town Engineering and Highway Departments, pursuant to recommendations which may be made by the Traffic Safety Commission;

(h) Design, furnish and install an adequate roadway lighting system for portions of "Galleria Drive", where the Town deems necessary, which will avoid the intrusion of light onto residential areas;

(i) Install hydrants along "Galleria Drive" in the sizes and numbers deemed adequate for fire protection purposes by the appropriate agencies;

(j) Design and construct a continuous barrier along the entire common boundary line between the Cheektowaga Consolidated Central School District property and the project site, landscaped on both sides for the full length of its construction, and subject to the requirements of the Town Zoning Board of Appeals, Cheektowaga Central Board of Trustees, Town Planning Board and Town Building Inspection Department;

(k) Design, furnish and install one traffic control signal at the intersection of the westerly most Walden Galleria driveway and "Galleria Drive", further, conduct traffic analyses at the other intersections of Walden Galleria driveways with "Galleria Drive" (the "Intersections") for a period of two years commencing on the first anniversary of the opening of the Walden Galleria project (the "Monitoring Period"), to determine the necessity of traffic control signals at the Intersections pursuant to NYSDOT criteria;

(l) Design, furnish and install at the Intersections, prior to the fourth anniversary of the opening of the Walden Galleria project, those traffic signals which the Town determines to be necessary pursuant to NYSDOT criteria based on the traffic analyses conducted during the Monitoring Period;

(m) Execution of an agreement providing for the Developer to assume the maintenance costs of the signals, referred to in (k), in a form approved by the Town Attorney;

(n) Preparation and execution of an agreement providing for the maintenance of the storm water detention basins in a form approved by the Town Attorney, the Town Engineering Department and the Town Highway Department which provides for the payment by the Developer of all of the Town's annual cost of the detention basins' maintenance;

(o) Prior to the start of construction of the respective improvements, cause to be delivered to the Town, in an amount equal to the full estimated construction cost, performance (completion) bond(s) or other acceptable surety to secure the completion of Detention Basins Nos. 1, 2 & 3, related drainage systems and related creek stabilization work. Requests to reduce and/or release any portion of the bond(s) or surety shall only be granted upon verification by the Town Engineer that an improvement has been constructed in accordance with approved plans and specifications;

(p) Certification by licensed engineering firms, acceptable to the Town of Cheektowaga, that "Galleria Drive", the detention basins, drainage systems, bridges, Thruway exit ramp to

"Galleria Drive", and shopping center building have been inspected during the course of construction and have been constructed in accordance with plans submitted to and approved by the Town Engineering, Town Highway, and Building Departments;

(q) Certification by a licensed land surveyor shall be furnished, during construction of the ground floors and as required by the Town Engineer or Building Inspector, which demonstrates that ground floor elevations of the shopping center buildings meet the requirements of the Flood Damage Control Ordinance of the Town of Cheektowaga;

(r) Implementation of sedimentation and soil erosion control including hay bales, silt fences and other such protective measures will be utilized on the entire project site and at each bridge location throughout construction periods;

(s) Implementation of good construction practices to control fugitive dust including, but not limited to, use of water spray trucks and application of agglomerating agents;

(t) Construction of a protective fence around any active construction area and provide continuous security for the entire site, until completion, to minimize safety hazards to any member of the public with particular attention to the safety of school

children and their activities on nearby school property;

(u) Minimization of construction noise by requiring that all construction vehicles have mufflers which are in good working order and limiting the number of operating construction vehicles operating in the vicinity of the boundary line of the Cheektowaga School Campus during school hours to the maximum extent practicable for each separate phase of these construction activities;

(v) Execution of all agreements regarding easements, maintenance agreements, and reimbursement agreements with regard to roads, signals, lighting, detention basins, drainage systems, bridges, and any other items which will become the responsibility of the Town of Cheektowaga;

(w) Preparation and execution of an agreement for the use and maintenance of "Galleria Drive" where it passes under the NYS Thruway bridge subject to the approval of the Town of Cheektowaga and the NYS Thruway Authority;

(x) Design and construct a bypass or diversion from Tributary 1 (which flows through the Walden, McParlin, McNaughton area) into proposed Detention Basin #1 and then into Scajaquada Creek, subject to the approval of the Town of Cheektowaga Engineering Department, Highway Department and NYSDOT;

(y) Purchase and convey to the Town, or other governmental agency, for wildlife preserve purposes a portion of SBL 114.10-1-1 of 12.93 acres, lying along Cayuga Creek with approximately 2200+ feet of creek frontage to offset the loss of wildlife and aquatic habitat from the project site;

(z) Post a "Hot-Line" telephone number which local citizens and government personnel may call to deal with any unforeseen construction difficulties or problems;

(aa) Provide, to the Town, certification that all hazardous waste have been removed from the Galleria Drive Right-of-Way or elsewhere on the Ernst Steel site in conformity with a Order on Consent issued by the New York State Department of Environmental Conservation;

(bb) Provide and implement a rodent control program acceptable to the Erie County Health Department and the Town of Cheektowaga in the event a rodent problem develops during or after the construction process;

(cc) Provide and implement a security plan developed in coordination with the Town of Cheektowaga Police Department both during and after Mall operation hours to protect and ensure the safety of shoppers, employees and others utilizing services at the project.

Exhibit "A"

Revised: 5/25/88

Proposed Construction Scheduling to Maintain Adequate Stormwater Storage Capacity

A copy of the site plan for the Walden Galleria project (Raymond Keyes Associates, Inc. ["RKA"] Figure 4-C); on file at the Town Engineer's office, has been marked to show the volume of existing stormwater storage on the project site, broken down by building area or parking field. Separate portions of the site have been marked to show the approximate amount of existing stormwater storage displaced by construction stated in acre-feet. The volume of storage displaced has been calculated on the basis of both a 100-year and a 500-year flood plain, the perimeter outline of each of which is shown on Figure 4-C. Also, each area is designated with a number which is referenced below.

The applicant proposes to conduct its construction activities in a manner that will provide new stormwater storage capacity which when combined with remaining natural storage on-site at all times meets or exceeds on-site storage volumes prior to any construction.

With respect to construction activities having an impact on stormwater storage, this objective is accomplished according to the following construction sequence scheduling:

1. Commencement of Construction of Basin No. 1, Site Clearing and Sedimentation Basin Construction

Commencement of construction for the project will begin with the excavation of Detention Basin No. 1 and the installation of erosion control measures to protect against any siltation of Scajaquada Creek. Simultaneously, clearing the construction site of existing vegetation and topsoil stripping and removal activities on the southern portion of the site will begin. As topsoil stripping is done the sedimentation basins will be constructed. The stripping of topsoil on the project site will involve removal of about 30,000 cubic yards of material. Approximately 60% of the topsoil to be removed or about 11 acre feet is located within the 100-year flood plain and nearly all of such topsoil or about 18 acre feet is located within the 500-year flood plain. Accordingly, the removal of topsoil will substantially over compensate for the small amount of fill required for the construction of the Department Store A pad. Additionally, the sedimentation basins will provide about 1.9 acre feet of new storage capacity on the site.

2. Construction of Building Pad for Department Store "A" (Area 1)

As soon as the south one-third of the site has been stripped of topsoil the building pad for Department Store "A" will be constructed. Construction of this building pad area will require the placement of fill in the 100-year flood plain and displace a volume of only about 0.04 acre feet of existing stormwater storage.

3. Complete Construction of Basin No. 1

Excavation of Detention Basin No. 1 is expected to require 10 to 14 working days depending on weather conditions. Excavation of Basin No. 1 will involve the removal of about 42,200 cubic yards of material. Upon completion this basin will have a capacity to store about 36 acre feet of stormwater in a 100-year event, of which about 27.5 acre feet is new storage capacity. (See RKA Drawings SD-18 and SD-50, on file at the Town Engineer's office, which show the construction design for Basin No. 1.)

4. Construction of Parking Field East and South of Department Store "A" (Area 2)

Beginning at about the same time the construction of Basin No. 1 is completed, operations will begin for the construction of the parking fields east and south of Department Store "A". This work will involve the construction of underground utility lines, the importation of hard fill and rough grading. These parking fields will require the placement of fill in the 100-year flood plain and displace about 0.26 acre feet of existing stormwater storage.

5. Construction of Detention Basin No. 2 and Construction of Building Pad for Mall Building and Department Stores "B" and "D", (Area 3) and Parking Field East of Department Store "B" (Area 4)

The excavation of Detention Basin No. 2 will begin immediately after completion of Detention Basin No. 1. In order to utilize Basin No. 2 for stormwater storage as it is excavated the basin inlet culvert will be constructed simultaneously with the initial excavation work. Stormwater which may enter the basin during construction would be evacuated by standby pumps until the proposed pumping station is in place. The construction of Detention Basin No. 2 will involve the removal of about 132,300 cubic yards of material all of which, if suitable for fill material, will be placed on the construction site. When completed, Detention Basin No. 2 will have a stormwater storage capacity of about 67 acre feet in a 100-year event. (See RKA Drawings SD-18, SD-19 and SD-50, on file at the Town Engineer's office, which show the construction design for Basin No. 2.). Construction of the building pad areas for the mall building and Department Stores "B" and "D" and the small parking field east of Department Store "B" will begin as soon as this portion of the site has been cleared and stripped of topsoil. This work will begin when the site work for the parking field east of Department Store "A" is still underway. This work will require the placement of fill in the 100-year flood plain and displace about 17.57 acre feet of existing stormwater storage.

6. Construction of Parking Field West of the Mall Building and East of Department Store A (Area 5 & 6)

The placement of fill in the area of the parking field west of the mall building requiring placement of fill in the 100-year flood plain and displacing about 22.3 acre feet of storage will be coordinated with the excavation of Detention Basin No. 2.

8. Additional Site Work Requiring Fill

Presented below is a table showing the change and cumulative change in available stormwater storage through the construction sequencing set out above. All storage capacities are calculated for the 100-year storm event.

* () Denotes area designation on Figure 4C

*** Reflects the addition of 67 acre feet of new storage capacity less 17.6 acre feet displaced by the construction activities indicated.

State and local law and regulations establish construction design standards for work proposed in a flood plain which relate to the 100-year flood plain perimeter as mapped by the Federal Emergency Management Agency ("FEMA") and FEMA 100-year storm event water surface elevations. However, during the course of their review of the Stormwater Management and Flood Control Plan for the Walden Galleria project the U. S. Army Corps of Engineers ("ACOE") directed the Applicant to analyze stormwater discharge levels through the project site which are representative of discharges associated with storms up to a 500-year event. ACOE took the position that stormwater mitigation measures must be designed to protect the Federal Flood Control Project downstream of the site against any increase in the peak discharge level of a range of storms through the 500-year event. Presented below is a table showing the change and cumulative change in available stormwater storage through the construction sequencing set out above in which storage capacities are calculated for the 500-year storm event.

	<u>Change In Storage Capacity (acre-feet)</u>	<u>Cumulative Change In Storage Capacity (acre-feet)</u>
1. Begin Basin No. 1, clear and strip topsoil, build sedimentation basins	+19.9**	+19.9
2. Build department store "A" pad (1)*	- 3.2	+16.7
3. Complete Basin No. 1	+29.6	+46.3
4. Build department store "A" south and east parking fields (2)*	- 7.7	+38.6
5. Build Basin No. 2, mall pad, department store pads "B" and "D" (3)*, department store "B" parking field (4)*	+57.0***	+95.6
6. Build mall west parking (5 & 6)*	-56.3	+39.3
7. Build Basin No. 3	+57.2	+96.5

* () Denotes area designation of Figure 4C

** Reflects the sum of new storage capacity of 18 acre feet attributable to topsoil removal and 1.9 acre feet attributable to construction of sedimentation basins.

*** Reflects the addition of 109.7 acre feet of new storage capacity less 52.7 acre feet displaced by the construction activities indicated.

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 3 Motion by Unanimous Seconded by Unanimous

WHEREAS, Section 21A-5 of the Code of the Town of Cheektowaga (Drainage Systems Ordinance) provides that no owner, subdivider, developer or other person shall erect structures upon, contain in pipes or conduits or alter the banks and alignment or cause encroachment by placement of fill upon the stream bed or banks of any creek, ditch, waterway or watercourse except by Town Board approval and subject to a public hearing, and

WHEREAS, the Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer wherein it proposes to remove the existing Conrail bridge and a portion of the abutments over the Scajaquada Creek west of the New York State Thruway, and to conduct related activity involved construction on the bed or on the banks of the Scajaquada Creek, and

WHEREAS, such proposed action by the Pyramid Company of Buffalo falls within the mandate of the Drainage Systems Ordinance, and

WHEREAS, by resolution dated October 19, 1987, this Town Board called for a public hearing under the Drainage Systems Ordinance concerning the proposed removal of the Conrail bridge and abutments over the Scajaquada Creek and any related activity involving construction on the bed or on the banks of the Scajaquada Creek and due notice of such public hearing was given, and

WHEREAS, such public hearing was duly held on the 2nd day of November, 1987 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, and all interested persons were heard concerning such matter, and

WHEREAS, the Town Engineering Department has reviewed the plans and drawings submitted to it by the Pyramid Company of Buffalo and has recommended that this Town Board approve such plans, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the plans and drawings submitted by the Pyramid Company of Buffalo to remove the existing Conrail bridge and a portion of the abutments over Scajaquada Creek west of the New York State Thruway and to conduct any related activity involving construction on the bed or on the banks of the Scajaquada Creek pursuant to the Drainage Systems Ordinance.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Town of Cheektowaga is the owner of two parcels of property situated west of the New York State Thruway and north of Walden Avenue ("Town Property"), and

WHEREAS, the Pyramid Company of Buffalo has requested permission from the Town to construct two stormwater detention basins on the Town Property, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed this matter and has recommended that this Town Board approve the use of the Town Property for construction of such detention basins, and

WHEREAS, this Town Board is in agreement with the Town Environmental Quality Review Advisory Committee's recommendation, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby authorizes the Pyramid Company of Buffalo to construct two detention basins on Town Property in accordance with the terms of the attached License and Maintenance Agreement, and BE IT FURTHER

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 4 cont'd

RESOLVED that the Supervisor be and hereby is authorized to execute the attached License and Maintenance Agreement and all other documents necessary to effectuate the terms of such License and Maintenance Agreement.

* See next twenty-five (25) pages for License and Maintenance Agreement No. 1.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: Councilman Johnson
ABSENT: 0

LICENSE AND MAINTENANCE AGREEMENT 1

LICENSE AND MAINTENANCE AGREEMENT

This License and Maintenance Agreement ("the License and Maintenance Agreement") is made and entered into this ____ day of _____, 19__ by and between the Town of Cheektowaga, New York ("Licensor") and Pyramid Company of Buffalo ("Licensee").

WITNESSETH:

WHEREAS, Licensor is the owner of certain real property located in the Town of Cheektowaga, New York ("the Premises"), which Premises are more particularly described on the attached deeds (Exhibit A) and are shown in the Site Diagram (Exhibit B, "the Site Diagram"), and are more fully shown in the Construction Documents of Raymond Keyes Associates, Inc., Nos. SD-18, SD-19, and SD-50 which are hereby incorporated by reference and are on file in the Town Engineer's Office, Town Hall, Cheektowaga, New York and

WHEREAS, Licensee is the developer of the proposed Walden Galleria, which is located on a parcel of property situated in a floodplain adjacent to the Premises; and

WHEREAS, the construction of the proposed Walden Galleria in a portion of the 100-year floodplain adjacent to Scajaquada Creek will eliminate approximately 42 acre feet of floodwater storage capacity currently existing on the

project site with respect to a one hundred year storm event;
and

WHEREAS, Licensee is willing to construct, at its own expense, two stormwater detention basins ("Basin #1" and "Basin #2," or collectively, "the Basins") on the Premises and adjacent land owned by the Niagara Mohawk Power Corporation as shown on the Site Diagram; and

WHEREAS, Licensee is also willing to construct, at its own expense, a third stormwater detention basin ("Basin #3") on its own property, which basin is the subject of a separate License and Maintenance Agreement; and

WHEREAS, the three basins will provide floodwater storage capacity with respect to a one hundred year storm event, in excess of two-and-one-half times (250%) of the storage capacity that is required to offset the volume of fill placed in the floodplain; and

WHEREAS, the Town of Cheektowaga Environmental Review Advisory Committee has recommended the use of the Premises for the construction of the Basins as a means of diminishing the potential for flooding; and

WHEREAS, the Cheektowaga Town Board has issued its findings on the proposed Walden Galleria wherein the Town Board granted, inter alia, permission to construct a portion of the Basins on the Premises, subject to the execution of a mutually satisfactory License and Maintenance Agreement with respect thereto.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, Licensor and Licensee agree as follows:

1. Licensor hereby authorizes and grants to Licensee, its successors and assigns as provided below, a License ("the License") to enter upon the Premises to install and construct the Basins in accordance with the Construction Documents as approved by the Town Engineer (or any modification of the Construction Documents agreed to and approved by the Town Engineer), together with the right of ingress and egress over Licensor's adjacent lands to the extent necessary to exercise the rights granted by this License and Maintenance Agreement.

2. This License and Maintenance Agreement shall permit Licensee, its contractors, agents and employees to enter the Premises (and any adjacent lands for ingress and

egress) and store equipment and materials as necessary to exercise the rights granted by this License and Maintenance Agreement.

3. The License granted herein shall take effect as of the date of this License and Maintenance Agreement and continue thereafter until: a) the Basins have been completed and all necessary approvals and certifications obtained (as provided in Section 54-11 of the Cheektowaga Code), and the Basins have been formally dedicated to and accepted by the Town Board, or b) the Walden Galleria project has either been abandoned by the Licensee, or so modified such that the Basins are no longer needed for floodwater storage capacity, whichever occurs earlier (the "Period of this License"), at which time the License shall automatically expire, unless extended by written agreement of the parties, without the necessity of any notice or action on the part of Licensor.

4. During the Period of the License, the License granted by this License and Maintenance Agreement is irrevocable.

5. The rights granted by this License are given and accepted subject to any and all outstanding leases, tenancies, easements, licenses or other tenures and/or

claims of title affecting the Premises or any portion thereof; and subject also to any and all encumbrances, liens, conditions, restrictions and/or reservations subject to or under which Licensor holds the same.

6. Licensee shall provide to Licensor, prior to the commencement of construction of the Basins, and keep in force until the Termination Date of this Maintenance Agreement (as defined in Paragraph 9) unless waived in writing by Licensor, a general Public Liability insurance policy which shall include contractual coverage. Such policy(s) shall be written by a company and contain language and policy limits to be approved by Licensor. The type of policy, nature of special endorsements, if any, and amount of coverage shall be as follows:

(a) General Liability policy providing premises and operations liability pertaining to the Basins with a minimum of \$1,000,000.00 combined single limit of liability, naming the Town of Cheektowaga and its employees as the named insured.

(b) Owner's Protective Liability covering all operations by the Licensee (its subcontractors and sub-subcontractors) from inception of work until all work is completed and accepted by the Town. The policy shall describe the Named Insured as: Town of Cheektowaga and its Employees.

Bodily Injury - \$1,000,000 Each Occurrence.
Property Damage - \$ 500,000 Each Occurrence/
Aggregate.

(c) The following minimum insurance shall be

purchased and maintained in continuous effect during construction by the Licensee (its subcontractors and sub-subcontractors). All such insurance shall provide at least 30 days advance written notice of cancellation, reduction, or non-renewal of coverage to the Town.

<u>Coverages Required</u>	<u>Limits Required</u>
A. General Liability, including Products, Completed Operations, and Contractual Liability	
Bodily Injury	\$1,000,000 Each Occurrence/ Aggregate**
Property Damage*	\$ 500,000 Each Occurrence/ Aggregate**
OR	
Bodily Injury and Property Damage* Combined	\$1,000,000 Each Occurrence/ Aggregate**
B. Automobile Liability, including all owned, non-owned, and hired autos	
Bodily Injury and Property Damage Combined	\$1,000,000 Each Occurrence
C. Excess/Umbrella Liability	
Bodily Injury and Property Damage* Combined	\$1,000,000 Each Occurrence/ Aggregate**

*Explosion, Collapse, and Underground Hazard
Exclusions must be deleted.

**If new Commercial General Liability annual aggregate policy, the annual aggregate limits must total at least \$5,000,000.

- D. 1. Worker's Compensation New York Statutory
2. Employers Liability \$1,000,000 Each Accident

(d) Licensee shall provide thirty-day prior written notice to Licensor of any threatened termination or lapse of insurance for any failure to pay premiums or otherwise.

7. Licensee shall provide not less than thirty (30) inches of cover over any underground facilities installed by Licensee on the Premises; such cover shall be compacted so as to be capable of withstanding AASHO-H20 highway loading. Licensee shall install, maintain and provide adequate drainage facilities and/or structures so that there will not be a collecting or pooling of run-off waters or surface waters upon the Premises resulting from the installation, construction, maintenance and operation of the Basins. Detention basins shall be so constructed as to prevent permanent ponding. Photographs of the conditions of the Premises shall be taken by Licensee both prior to and after the completion of all construction by Licensee, and prints of such photographs shall be made available to Licensor. Suitable two inch (2") permanent plastic markers extending a minimum of three feet (3') above ground shall be installed by Licensee at the points of entrance and exit of any pipelines, cable or other underground facilities installed by Licensee across the Premises.

8. Upon completion of the Basins, and subsequent to the grant of all necessary approvals and certifications required by Section 54-11 of the Cheektowaga Code, Licensee and Licensor agree that the Basins shall be dedicated to and accepted by the Town of Cheektowaga as public improvements,

and except as herein provided Licensee shall thereafter have no right, title or interest in the Basins.

9. Upon formal acceptance of the Basins by Licensor, Licensor agrees to maintain, restore and repair the Basins, as necessary, until the Walden Galleria project has been abandoned by the Licensee, or so modified such that the Basins are no longer needed for floodwater storage capacity (the "Termination Date of this Maintenance Agreement"). In order to provide for funding the estimated cost of maintaining the Basins, warning signage, and the pump for Basin #2, upon execution of this License and Maintenance Agreement by the parties Licensee shall deposit the sum of SIX THOUSAND DOLLARS (\$6,000), the receipt of which is hereby acknowledged, into an interest-bearing account administered by the Town of Cheektowaga entitled Basin Maintenance Fund Account ("the Fund"). Licensor's ordinary ~~reasonable~~ expenses incurred in the maintenance, restoration and repair of the Basins, warning signage and the pump for Basin #2 ("Expenses") shall be reimbursed out of the Fund as incurred. The Fund shall be reconciled annually. Any surplus shall remain in the Fund to the extent necessary to achieve the Beginning Balance (defined herein). Any deficiency shall be paid by Licensee to Licensor within 30 days of written demand for payment with appropriate documentation

evidencing the Expenses incurred. In any event, each year until the Termination Date of this Maintenance Agreement, Licensee shall deposit into the Fund such sums as are necessary to establish an annual beginning balance equivalent to 110% of the Expenses of the previous year ("Beginning Balance"). Furthermore, Licensee agrees to reimburse Licensor for the cost of extraordinary ~~reasonable~~ maintenance expenses within 30 days of written demand for payment with appropriate documentation evidencing the expenses incurred.

10. Licensor agrees, represents and warrants that until the Termination Date of this Maintenance Agreement it will not take any action to reduce or alter in any material way, exclusive of routine maintenance or repairs, the stormwater detention capacity of the Basins.

11. Except as provided in Paragraph 10, all rights granted under this License and Maintenance Agreement shall be subject and subordinate to rights as follows:

(a) The paramount right of Licensor now and hereafter to occupy and use all or any portion of the Premises;

(b) The right of Licensor from time to time to grant to others or to authorize the occupancy or use by others of any portion of the Premises for any purpose whatsoever, provided, however,

that any such future grant or authorization shall not interfere with the rights conferred by this License and Agreement with respect to the Basins.

12. Licensee shall give Licensor written notice before commencing any field work hereunder whether in the initial construction or subsequently. Any request, notice, demand or other communication made hereunder from Licensee to Licensor shall be addressed as follows:

Town Hall
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227
Attn: Town Engineer

Copy to: Town Attorney

Any request, notice, demand or communication made hereunder from Licensor to Licensee shall be addressed as follows:

Pyramid Company of Buffalo
c/o The Clinton Exchange
4 Clinton Square
Syracuse, New York 13202-1078
Attn: Kenneth D. Cannon

Whiteman Osterman & Hanna
28 Church Street
Buffalo, New York 14202
Attn: Alice J. Kryzan

Licensor and Licensee respectively reserve the right to designate other or different addresses on notice to the other.

13. Licensee shall erect signs as reasonably approved by Licensor to warn of potential danger in the area of the Basins.

14. (a) To the fullest extent permitted by law, the Licensee shall indemnify and hold harmless the Licensor and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or exxpense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or ommission of the Licensee (its subcontractor or sub-subcontractors) regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.

(b) In any and all claims against the Licensor or any of their agents or employees by any employee of the

Licensee (its subcontractor or sub-contractors), the indemnification obligation under this Paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Licensee under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

15. Licensee shall comply with all applicable laws, ordinances, orders, rules and regulations of the United States, the State of New York, the County of Erie, and the Town of Cheektowaga insofar as the same relate to the exercise of any privilege or the performance of any duty under this License and Maintenance Agreement and whether the same are obligatory under the License or upon the Licensor.

16. No provision of this License and Maintenance Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by the party against whom waiver is alleged. This License and Maintenance Agreement contains the entire agreement between the parties and any executory agreement hereafter made shall be ineffective to change, modify or discharge it in whole or in part unless such executory agreement is in writing and signed by the parties.


17. Unless agreed to in writing by Licensor, Licensee shall not assign this License and Maintenance Agreement or any rights in or under it, nor shall the same be deemed to be assigned by operation of law, but a merger or consolidation to which Licensee may be a party shall not be deemed such an assignment, and subject to this restriction, this License and Maintenance Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties.

18. This License and Maintenance Agreement shall be governed by and construed in accordance with the laws of the State of New York.

19. Licensee agrees to cooperate with Licensor in establishing a special tax district, the purpose of which will be to fund the cost of maintenance pursuant to this License and Maintenance Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA

By: 
Town Supervisor

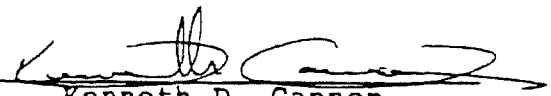
STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

On this 13th day of June, 1988, before me personally came Frank E. Swiatek, to me known, who, being by me duly sworn, did depose and say that he resides in , Town of Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.


Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1989

PYRAMID COMPANY OF BUFFALO

By: 
Kenneth D. Cannon
Partner

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

On the 13th day of June, 1988 before me personally came
Kenneth D. Cannon, to me known, who being by me duly
sworn, did depose and say that he is partner of
Pyramid Co. of Buffalo, the general partnership described in, and
which executed, the within instrument.


Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 19 89

EXHIBIT A

EXHIBIT A

This Indenture,

Made the 15 day of April, Nineteen Hundred and Fifty-seven, between VICTOR REINSTEIN, residing at 11 Danforth Street, Town of Cheektowaga, Erie County, N. Y.,

part y of the first part, and The TOWN OF CHEEKTOWAGA, a municipal corporation in the County of Erie, in the State of New York,

part y of the second part, Witnesseth that the part y of the first part, in consideration of One and no more Dollars (\$1.00 and no more lawful money of the United States, paid by the party of the second part, do as hereby remise, release and quitclaim unto the part y of the second part, its successors and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm lot 17, Township 11, and Range 7 of the Holland Land Company's survey, and being more particularly described and described as follows:

Beginning at a point five hundred sixty-five and fifty-two hundredths (565.52) feet, more or less, south of the intersection of the new south right of way line of George Urban Bouliavere and the west right of way line of the Ontario Thruway, said point being the intersection of the west right of way line of the Ontario Thruway and the south line of the lands conveyed to the Niagara Mohawk Power Corporation; running thence southerly, along the west right of way line of the Ontario Thruway, seven hundred thirty-seven (737) feet, more or less, to the southerly line of said lot 17, Township 11, Range 7, at the point of intersection of the north line of the property of the County of Erie and the west right of way line of the Ontario Thruway running thence westerly, along the said south line of said lot 17, and the north line of the property of the County of Erie, four hundred and eighty (480) feet, more or less, to the point of intersection of the east line of the lands conveyed to the Niagara Mohawk Power Corporation; running thence northerly, along the east line of the lands conveyed to the Niagara Mohawk Power Corporation, seven hundred thirty-seven (737) feet, more or less, to the point of intersection of the east line and the south line of the lands conveyed to the Niagara Mohawk Power Corporation; running thence easterly, along the south line of the lands conveyed to the Niagara Mohawk Power Corporation, four hundred eighty (480) feet, more or less, to the point or place of beginning,

The premises conveyed herein shall be part of The Anne M. Reinsteins Park Memorial; but the Town may use said premises or authorize the use thereof for any Town purpose whatsoever. And it is specifically understood that said Town of Cheektowaga shall have the right, as far as this grantor (said Victor Reinsteins) is concerned, to grant to Niagara Mohawk Power Corporation or its successors and assigns, an easement (over and across the lands herein conveyed) to construct, operate and maintain electric transmission lines, in accordance with the provisions of an Agreement dated March 23, 1957, between said Victor Reinsteins and said Town of Cheektowaga and said Niagara Mohawk Power Corporation,

This deed is executed and delivered in pursuance of said agreement dated March 23, 1957 (between the parties hereto and Niagara Mohawk Power Corporation) for the purpose of rescinding and annulling the limitations contained in said deed dated December 17, 1956 with respect to drainage and recreational purposes and the said limitations to such drainage and recreational purposes are hereby rescinded and annulled, which said deed was duly recorded in the Erie County Clerk's Office, State of New York, on January 2, 1957, in Liber 612 of Deeds, at page 26.

Together with the appurtenances and all the estate and rights of the part y of the first part in and to said premises,

To have and to hold the premises herein granted unto the part y of the second part, its successors and assigns forever.

In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In Presence of

Victor Reinstein

State of New York } ss. On this 15 day of April, 1957
County of Erie } Nineteen Hundred and Fifty-seven,
before me, the subscriber, personally appeared

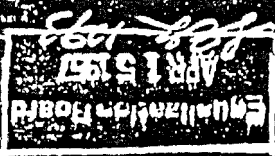
VICTOR REINSTEIN

to me personally known and known to me to be the same person described in and who executed the within instrument, and he duly acknowledged to me that he executed the same.

Thomas E. Delahunt
THOMAS E. DELAHUNT
Notary Public, Erie Co. Pa.
My Commission Expires 3/30/58

State of New York } ss. On this
County of } Nineteen Hundred and
before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same.



FILED

VICTOR REINSTEIN 197 APR 15 PM 12 14

TO E. 71
ERIE COUNTY
CLERK'S OFFICE

THE TOWN OF CHESTNUT

Dated April 15 1957

STATE OF NEW YORK

ERIE COUNTY CLERK'S OFFICE

Recorded in Liber 6152 Page 567

of 15 days of

1957, at 12:14 o'clock P.M.

and examined

Edward A. Oriskany

Clerk

1-300-6

This Indenture.

Made this 2nd day of April, Nineteen Hundred and
Fifty-seven

Between COUNTY OF ERIE

a municipal corporation organized under the laws of the State of New York

party of the first part, and
TOWN OF CHEEKTOWAGA, a municipal corporation organized
under the laws of the State of New York, having its principal office
in the Town Hall, Cheektowaga, New York,

Witnesseth, that the party of the first part, in consideration of
SEVEN HUNDRED FORTY-ONE and 60/100 Dollars
(\$741.60) lawful money of the United States

paid by the party of the second part,
have hereby rented, release and quitclaim unto the party of the second part
its successors and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga,
County of Erie and State of New York, being part of Farm Lot 15,
Township 11, Range 7 of the Holland Land Company's Survey and more
particularly described as follows:

commencing at the intersection of the north line of said Farm Lot
15, with the east line of the lands of the Niagara Mohawk Power Cor-
poration) running thence easterly along the said northerly line of
Farm Lot 15 Four Hundred Thirty-six and Seventy-eight hundredths
(436.78) feet to the west boundary line of the New York State Ontario
Thruway; running thence southerly along said west line of the New York
State Ontario Thruway Ninety-eight and Thirty-three hundredths (98.33)
feet to a point in the northwest line of the West Shore Railroad;
running thence southwesterly along the said northwest line of the West
Shore Railroad Five Hundred and Fifty-six hundredths (500.56) feet to

6155-1021

a point in the said easterly line of the Niagara Mohawk Power Corporation; running thence northerly along said easterly line as aforesaid Three Hundred Forty-seven and Sixteen Hundredths (347.16) feet to the point or place of beginning and containing 2.218 acres.

ALSO, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot 16, Township 11, Range 7 of the Holland Land Company's Survey and more particularly described as follows:

COMMENCING at the intersection of the east boundary line of the lands of the Niagara Mohawk Power Corporation with the southeast line of the lands of the West Shore Railroad; running thence northeasterly along the said southeasterly line of the West Shore Railroad Four Hundred Eight and Ten Hundredths (408.10) feet to a point in the westerly boundary line of the New York State Ontario Thruway; running thence southerly along the said westerly boundary line as aforesaid Five Hundred Seventy-one and Thirteen Hundredths (571.13) feet to a point; thence continuing southwesterly along said boundary of the New York State Ontario Thruway Two Hundred Thirty-five and Eighty-five Hundredths (235.85) feet to a point; thence continuing southwesterly along said boundary of New York State Ontario Thruway Two Hundred Fifty-one and Sixty-eight Hundredths (251.68) feet to a point in the said east boundary line of the lands of the Niagara Mohawk Power Corporation; running thence northerly along the said east boundary line of the Niagara Mohawk Corporation Seven Hundred Fourteen and Ninety-five Hundredths (714.95) feet to the point or place of beginning and containing 5.198 acres;

Subject to easements and rights of way owned by the County of Erie and excepting that part of the above described premises conveyed to or dedicated by the County of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie.

Also, subject to the 1957 taxes and assessments.

This conveyance is made and accepted pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 22, page 84 of the Minutes of the Proceedings of said Board for February 11, 1957.

This conveyance is made subject to the further condition that premises will be used for municipal purposes only.

Together with the appurtenances and all the estate and right of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

In Presence of

In Witness Whereof, The party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer, the day and year first above written.

COUNTY OF ERIE

Approved As To Form

4/2/57

W. A. Pettibone

Deputy Erie Co. Atty.

W. A. Pettibone

By

Chairman, Board of Supervisors

6155 PAGE 224
State of New York
County of Erie
City of Buffalo

ss.

On this 2nd day of April Nineteen Hundred and Fifty-seven before me personally came JOHN K. THOMPSON to me personally known who, being by me duly sworn did depose and say that he resides in the Village of Angola, Erie County, New York, that he is the Chairman of the Board of Supervisors of COUNTY OF ERIE the corporation described in and which executed the above Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Supervisors of said corporation, and that he signed his name thereto by like order.

John B. LeDuc

Notary Public, Erie County, N. Y.

Commissioner of Deeds, Buffalo, N. Y.

FILED

1957 APR 23 AM 11:51

ERIE COUNTY
CLERK'S OFFICE

1395-6666
Equalization Board
APR 23 1957

Filed
CORPORATION-JUN. ELAM

COUNTY OF ERIE

60

TO

TOWN OF CHESTNUTMONG

Dated: April 2, 1957

State of New York

County of Erie ss.

RECORDED
ON THE 21st of April 1957
in the Office of the
CLERK OF DEEDS
in the City of Buffalo, N. Y.
PAGE 224 of 224

Edward A. Rade

ELMER R. WEIL
ATTORNEY FOR COUNTY OF ERIE
ERIE COUNTY N.Y.
BUFFALO, N.Y.

EXHIBIT B

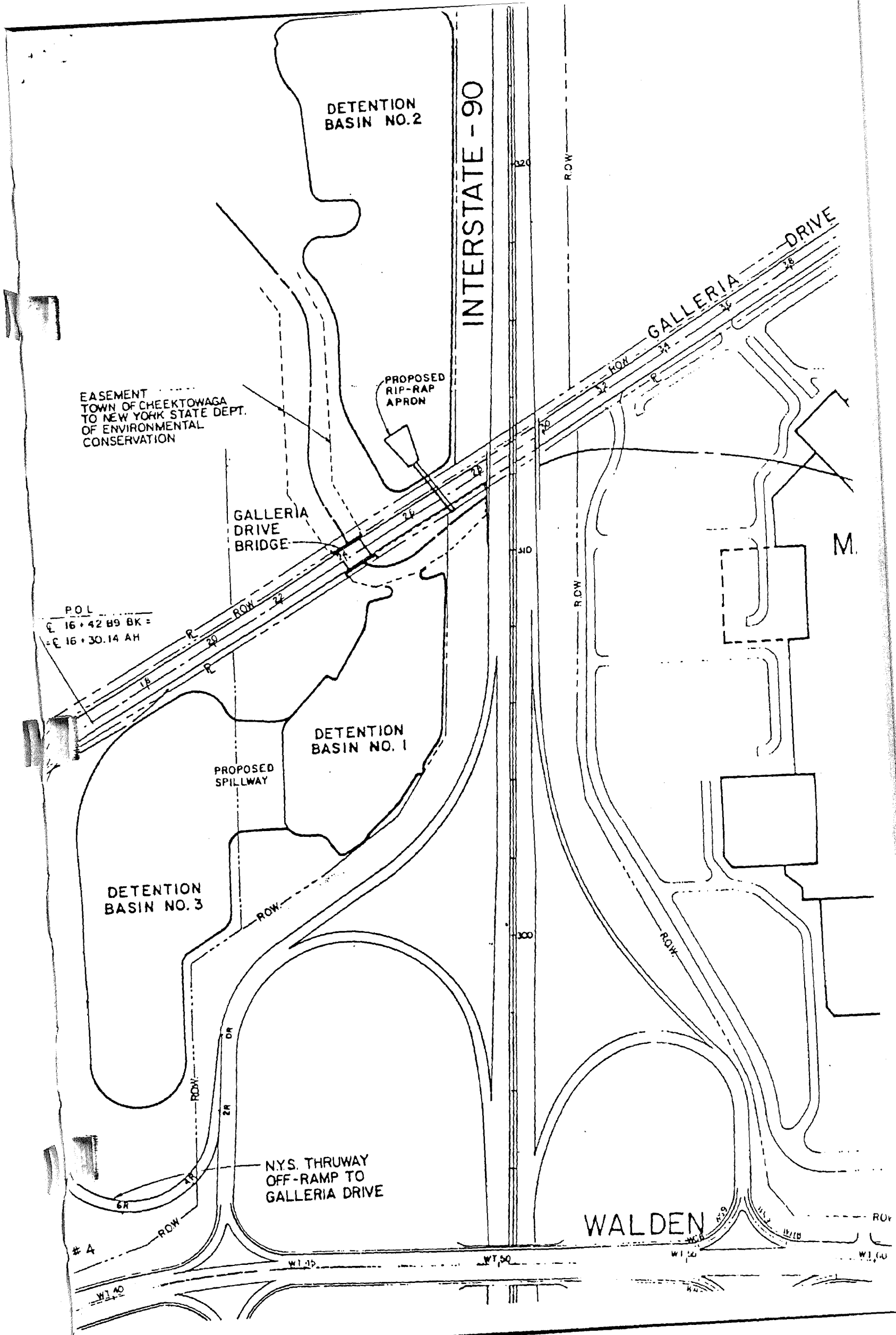


EXHIBIT "B"

Note: Not to scale.

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 5 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo ("the Applicant") has proposed the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria (the "Project"), and

WHEREAS, as part of the Project, the Applicant will be constructing, at its own expense, three storm water detention basins in the vicinity of the Project, and

WHEREAS, one of these detention basins (Basin #3) will be constructed on property owned by the Applicant, and

WHEREAS, the Town Engineer has recommended that the Town assume maintenance responsibility for Basin #3, as well as the other two basins, and

WHEREAS, a License and Maintenance Agreement has been prepared wherein it is stated that the Town is granted permission to enter the Applicant's property to maintain Basin #3 and that the Applicant shall pay all reasonable costs associated with such maintenance, and

WHEREAS, this License and Maintenance Agreement is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached License and Maintenance Agreement and all other documents necessary to effectuate the terms of such License and Maintenance Agreement.

* See next sixteen (16) pages for License and Maintenance Agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

415

LICENSE AND MAINTENANCE AGREEMENT 2

LICENSE AND MAINTENANCE AGREEMENT

This License and Maintenance Agreement is made and entered into this ___ day of _____, 19__ by and between Pyramid Company of Buffalo ("Licensor") and the Town of Cheektowaga, New York ("Licensee").

WITNESSETH:

WHEREAS, Licensor is the owner of certain real property located in the Town of Cheektowaga, New York, which property is more particularly described in Exhibit A and shown in the Site Diagram as "Detention Basin #3" (Exhibit B, "the Site Diagram"), and is more fully shown in the Construction Documents of Raymond Keyes Associates, Inc., No. SD-18A which is hereby incorporated by reference and is on file in the Town Engineer's Office, Town Hall, Cheektowaga, New York; and

WHEREAS, Licensor is the developer of the proposed Walden Galleria ("the Project"); and

WHEREAS, the construction of the proposed Walden Galleria in a portion of the 100-year floodplain adjacent to Scajaquada Creek will eliminate approximately 42 acre feet of floodwater storage capacity currently provided by the floodplain; and

WHEREAS, Licensor is willing to construct, at its own expense, three stormwater detention basins which will provide with respect to a one hundred year storm event, in excess of two-and-one-half times (250%) of the storage capacity that is required to offset the volume of fill placed in the floodplain; and

WHEREAS, the three stormwater detention basins will provide a major benefit to the Licensee and the residents of the Town of Cheektowaga; and

WHEREAS, one of the three basins ("Basin #3") will be constructed on the Licensor's property (that portion of the Licensor's property on which Basin #3 will be located is referred to herein as "the Premises") while the other two basins will be constructed on property owned by the Licensee and the Niagara Mohawk Power Corporation; and

WHEREAS, the Licensee has agreed to maintain, restore and repair the other two basins pursuant to a separate License and Maintenance Agreement; and

WHEREAS, the project will require placement of protective rip-rap or bank stabilization material at several locations along the banks of Scajaquada Creek ("Bank

Stabilization Work"); and

WHEREAS, the Licensee has agreed to maintain, restore and repair such Bank Stabilization Work;

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, Licensor and Licensee agree as follows:

1. Licensor hereby authorizes and grants to Licensee, its successors and assigns as provided below, a License ("the License") to enter upon the Premises together with the right of ingress and egress over Licensor's adjacent lands to the extent necessary to exercise the rights granted by the License and Maintenance Agreement.

2. This License and Maintenance Agreement shall permit Licensee, its contractors, agents and employees to enter the Premises (and any adjacent lands for ingress and egress) and maintain, restore and repair Basin #3 and the Bank Stabilization Work.

3. The License granted herein shall take effect as of the date of this License and Maintenance Agreement and continue thereafter until the Walden Galleria project has

either been abandoned by the Licensor, or so modified such that Basin #3 is no longer needed for floodwater storage capacity and the Bank Stabilization Work is no longer necessary, whichever occurs earlier (the "Period of this License"), at which time upon 30 days written notice to Licensee the License shall expire, unless extended by written agreement of the parties.

4. During the Period of the License, the License granted by this License and Maintenance Agreement is irrevocable except in writing upon the mutual consent of the parties and their successors and assigns.

5. The rights granted by this License are given and accepted subject to any and all outstanding leases, tenancies, easements, licenses or other tenures and/or claims of title affecting the Premises or any portion thereof; and subject also to any and all encumbrances, liens, conditions, restrictions and/or reservations subject to or under which Licensor holds the same.

6. Licensor shall provide to Licensee, prior to the commencement of construction of the Basins, and keep in force until the Termination Date of this Maintenance Agreement (as defined in Paragraph 8) unless waived in

writing by Licensee, a general Public Liability insurance policy which shall include contractual coverage. Such policy(s) shall be written by a company and contain language and policy limits to be approved by Licensee. The type of policy, nature of special endorsements, if any, and amount of coverage shall be as follows:

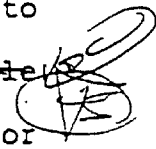
(a) General Liability policy providing premises and operations liability pertaining to Basin #3 with a minimum of \$1,000,000.00 combined single limit of liability, naming the Town of Cheektowaga and its employees as the named insured.

(b) Licensor shall provide thirty-day prior written notice to Licensee of any threatened termination or lapse of insurance for any failure to pay premiums or otherwise.

7. Licensor shall provide not less than thirty (30) inches of cover over any underground facilities installed by Licensor on the Premises; such cover shall be compacted so as to be capable of withstanding AASHO-E20 highway loading. Licensor shall install, maintain and provide adequate drainage facilities and/or structures so that there will not be a collecting or pooling of run-off waters or surface waters upon the Premises resulting from the installation, construction, maintenance and operation of Basin #3. Basin #3 shall be so constructed as to prevent permanent ponding. Photographs of the conditions of the Premises shall be taken by Licensor both prior to and after the completion of all

construction by Licensor, and prints of such photographs shall be made available to Licensee. Suitable two inch (2") permanent plastic markers extending a minimum of three feet (3') above ground shall be installed by Licensor at the points of entrance and exit of any pipelines, cable or other underground facilities installed by Licensor across the Premises.

8. Upon completion of Basin #3 and the Bank Stabilization Work by Licensor, Licensee agrees to maintain, restore and repair Basin #3 and the Bank Stabilization Work, as necessary, until the Walden Galleria project has been abandoned by the Licensor, or so modified such that Basin #3 and the Bank Stabilization Work are no longer needed for floodwater storage capacity and bank stabilization (the "Termination Date of this Maintenance Agreement"). In order to provide for funding the estimated cost of maintaining Basin #3 and the Bank Stabilization Work, upon execution of this License and Maintenance Agreement by the parties Licensor shall deposit the sum of TWO THOUSAND DOLLARS (\$2,000), the receipt of which is hereby acknowledged, into an interest-bearing account administered by the Town of Cheektowaga entitled Basin Maintenance Fund Account ("the Fund"). Licensee's ordinary ~~reasonable~~ expenses incurred in the maintenance, restoration and repair of Basin #3 and the

Bank Stabilization Work shall be reimbursed out of the Fund as incurred. The Fund shall be reconciled annually. Any surplus shall remain in the Fund to the extent necessary to achieve the Beginning Balance (defined herein). Any deficiency shall be paid by Licensor to Licensee within 30 days of written demand for payment with appropriate documentation evidencing the Expenses incurred. In any event, each year until the Termination Date of this Maintenance Agreement, Licensor shall deposit into the Fund such sums as are necessary to establish an annual beginning balance equivalent to 110% of the Expenses of the previous year ("Beginning Balance"). Furthermore, Licensor agrees to reimburse Licensee for the cost of extraordinary ~~reasonable~~ maintenance expenses within 30 days of written demand for payment with appropriate documentation evidencing the expenses incurred. 

9. Licensor and Licensee agree, represent and warrant that until the Termination Date of this Maintenance Agreement as defined in Paragraph 8 they will not take any action to reduce or alter in any material way, exclusive of routine maintenance or repairs, the stormwater detention capacity of Basin #3.

10. Except as provided in Paragraph 9, all rights

granted under this License and Maintenance Agreement shall be subject and subordinate to rights as follows:

(a) The paramount right of Licensor now and hereafter to occupy and use all or any portion of the Premises;

(b) The right of Licensor from time to time to grant to others or to authorize the occupancy or use by others of any portion of the Premises for any purpose whatsoever, provided, however, that any such future grant or authorization shall not interfere with the rights conferred by this License and Agreement with respect to the Basins.

11. Any request, notice, demand or other communication made hereunder from Licensee to Licensor shall be addressed as follows:

Pyramid Company of Buffalo
c/o The Clinton Exchange
4 Clinton Square
Syracuse, New York 13202-1078
Attn: Kenneth D. Cannon

Whiteman Osterman & Hanna
28 Church Street
Buffalo, New York 14202
Attn: Alice J. Kryzan

Any request, notice, demand or communication made hereunder from Licensor to Licensee shall be addressed as follows:

Town Hall
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227
Attn: Town Engineer
Town Attorney

Licensor and Licensee respectively reserve the right to designate other or different addresses on notice to the other.

12. Licensee shall comply with all applicable laws, ordinances, orders, rules and regulations of the United States, the State of New York, the County of Erie, and the Town of Cheektowaga insofar as the same relate to the exercise of any privilege or the performance of any duty under this License and Maintenance Agreement and whether the same are obligatory under the License or upon the Licensee.

13. No provision of this License and Maintenance Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by the party against whom waiver is alleged. This License and Maintenance Agreement contains the entire agreement between the parties and any executory agreement hereafter made shall be ineffective to change, modify or discharge it in whole or in part unless such executory agreement is in writing and signed by the parties.

14. Unless agreed to in writing by Licensor, Licensee shall not assign this License and Maintenance Agreement or any rights in or under it, nor shall the same be deemed to be assigned by operation of law, but a merger or

consolidation to which Licensee may be a party shall not be deemed such an assignment, and subject to this restriction, this License and Maintenance Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties.

15. This License and Maintenance Agreement shall be governed by and construed in accordance with the laws of the State of New York.

16. Licensee agrees to cooperate with Licensor in establishing a special tax district, the purpose of which will be to fund the cost of maintenance pursuant to this License and Maintenance Agreement.

-11-

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

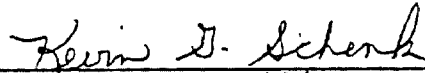
TOWN OF CHEEKTOWAGA

By: 

Town Supervisor

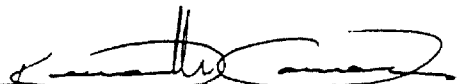
STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

On this 15th day of June, 1988, before me personally came Frank E. Swiatek, to me known, who, being by me duly sworn, did depose and say that he resides in Town of Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.


Notary Public

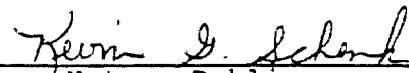
KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1989

PYRAMID COMPANY OF BUFFALO

By: 
Kenneth D. Cannon
Partner

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

On the 13th day of June, 1988, before me personally came Kenneth D. Cannon, to me known, who being by me duly sworn, did depose and say that he is Partner of Pyramid Co. of Buffalo the general partnership described in, and which executed, the within instrument.


Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1989

EXHIBIT "A"

LICENSOR'S PROPERTY

All that tract or parcel of land, located on the north side of Walden Avenue and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 24, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point four hundred sixty-seven and ten hundredths feet (467.10') northeasterly as measured along the south line of the lands of the New York Central Railroad from its point of intersection with the east line of lands conveyed to Delevan Industries Inc. by deed recorded in the Erie County Clerk's Office in Liber 8478 of Deeds at Page 145; thence continuing northeasterly along said south line of lands of the New York Central Railroad, six hundred sixty-eight and ninety-three hundredths feet (668.93') to a point in the east line of Lot 24, Township 11, Range 7, being also the northeast corner of lands conveyed to Walden Properties, Inc. by deed recorded in the Erie County Clerk's Office in Liber 3980 of Deeds at Page 480, thence southerly along said east line of Lot 24 and Liber 3980 of Deeds at Page 480, seven hundred twenty-four and eighty-six hundredths feet (724.86') to a point, said point being in the north line of lands taken by New York State by deed recorded in the Erie County Clerk's Office in Liber 4840 of Deeds at Page 466; thence on the following courses and distances along said Liber 4840 of Deeds at Page 466, southwesterly along a line making an interior angle of $121^{\circ}57'00''$ with the last

DESCRIPTION (CON'T)

2

mentioned line, one hundred sixty-one and twenty-two hundredths feet (161.22') to a point; thence southerly along a line making an interior angle of $237^{\circ}55'30''$ with the last mentioned line, five hundred eighty-eight and two hundredths feet (588.02') to a point; thence southwesterly along a line making an interior angle of $123^{\circ}54'00''$ with the last mentioned line, one hundred fifty and ninety hundredths feet (150.90') to a point; thence westerly along a line making an interior angle of $163^{\circ}23'00''$ with the last mentioned line, one hundred twenty-seven and no hundredths feet (127.00') to a point; thence southerly along a line at 90° to the last mentioned line, one and no tenths foot (1.0') to a point in the northerly line of Walden Avenue Interchange; thence westerly along said north line, one hundred ninety-nine and fifty-nine hundredths feet (199.59') to a point; thence continuing along said north line of Walden Avenue, making an interior angle of $184^{\circ}00'30''$ with the last mentioned line, two hundred seventeen and thirty-nine hundredths feet (217.39') to a point; thence northerly along a line making an exterior angle of $111^{\circ}35'30''$ with the last mentioned line, one hundred twenty and no tenths feet (120.0') to a point; thence northeasterly along a line making an interior angle of $119^{\circ}24'27''$ with the last mentioned line, fifty-one and two hundredths feet (51.02') to a point; thence northeast at a deflection to the left of $60^{\circ}58'20''$ three hundred nineteen and sixty-four hundredths feet (319.64'); thence northerly along a line parallel with the east line of lands conveyed to Delevan Industries, Inc. by Liber 8478 of Deeds at Page 145, and at a deflection to the left of $27^{\circ}38'11''$ eight hundred ninety-four and thirty-four hundredths feet (894.34') to the point or place of beginning, containing 16.45 acres, more or less.



Denotes Lands of
Licensor

DETENTION
BASIN NO.2

INTERSTATE - 90

EASEMENT
TOWN OF CHEEKTOWAGA
TO NEW YORK STATE DEPT.
OF ENVIRONMENTAL
CONSERVATION

PROPOSED
RIP-RAP
APRON

GALLERIA
DRIVE
BRIDGE

P.O.L.
E 16 + 42.89 BK =
= E 16 + 30.14 AH

DETENTION
BASIN NO. 1

PROPOSED
SPILLWAY

DETENTION
BASIN NO. 3

NYS. THRUWAY
OFF-RAMP TO
GALLERIA DRIVE

WALDEN

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 6 Motion by Unanimous Seconded by Unanimous

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 Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for the construction of three (3) stormwater detention basins to be located on Town and on private property as shown more fully in the Construction Documents of Raymond Keyes Associates, Inc., Nos. SD-18, SD-18A, SD-19, and SD-50 which are on file in the Town Engineer's Office, and

WHEREAS, the Town Engineering Department, the Town Highway Department, and the engineering consultants retained by the Town have reviewed the plans and specifications and have approved the design of the three (3) detention basins as outlined in the attached letter of the Town Engineer dated June 7, 1988, attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be approved for the construction of three (3) stormwater detention basins for the Walden Galleria regional shopping center, the issuance of which shall be contingent upon the Pyramid Company of Buffalo submitting a performance bond to the Town acceptable to the Town Engineer and the Town Attorney, and BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$69,925.97 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

* See next two (2) pages for letter

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL — BROADWAY AND UNION ROAD — CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

716-686-3447
716-686-3448

June 7, 1988

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Walden Galleria, P.I.P.
Detention Basins Nos. 1, 2 and 3

Gentlemen:

Mr. C.J. Kowal, Highway Superintendent, Nussbaumer & Clarke, Inc., and I have reviewed the plans for the construction of Detention Basins No. 1, 2 and 3, and find that the plans conform to current specifications of the Town of Cheektowaga.

All improvements will conform to current standards in effect.

Detention Basin No. 1 is briefly described as follows:

A stormwater detention basin covering approximately six (6) surface acres, bounded by abandoned Conrail right-of-way to the north, Interstate 90 to the east, Interstate 90 southbound exit ramp to the south, and lands owned by Pyramid Company of Buffalo to the west.

Detention Basin No. 2 is briefly described as follows:

A stormwater detention basin covering approximately nine (9) surface acres, generally bounded by George Urban Boulevard to the north, Interstate 90 to the east, abandoned Conrail right-of-way to the south and Scajaquada Creek to the west.

Detention Basin No. 3 is briefly described as follows:

A stormwater detention basin covering approximately nine (9) surface acres, generally bounded by an abandoned Conrail right-of-way to the north, lands of the Town of Cheektowaga to the east, Walden Avenue to the south and the U.S. Steel Supply Inc. to the east.

Note that this approval does not pertain to the pump to be placed in Detention Basin No. 2 because the pump design is yet to be finalized (the estimated cost of the pump has been included in the cost estimate, however).

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS

June 7, 1988

We approve the construction plans for Detention Basins Nos. 1, 2 and 3 and recommend Town Board approval of the Public Improvement Permit (P.I.P.). Should modifications be made to the plans so as to increase the costs of the work, a revised P.I.P. will be submitted for Town Board approval.

Very truly yours,

TOWN OF CHEEKTOWAGA



Chester L. Bryan, P..E
Town Engineer

CLB:mjh

cc: J. Kirisits, Town Attorney
C. Kowal, Highway Superintendent
R. Marten, Building Inspector
R. Moleski, Town Clerk
K. Cannon, Pyramid Companies

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 7 Motion by Unanimous Seconded by Unanimous

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 Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for creek bank stabilization work to be located on Town and private property as shown more fully in the Construction Documents of Raymond Keyes Associates, Inc., numbers SD-13, SD-14, SD-18, SD-18 and SD-50, which are on file in the Town Engineer's Office, and

WHEREAS, the Town Engineering Department, the Town Highway Department, and the engineering consultant retained by the Town have reviewed the plans and specifications and find that they conform with Town requirements as outlined in the attached letter of the Town Engineer dated June 7, 1988, attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be and hereby is approved for creek bank stabilization work as a part of the Walden Galleria Project, the issuance of which shall be contingent upon the Pyramid Company of Buffalo submitting a performance bond to the Town acceptable to the Town Engineer and the Town Attorney, and BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$3,960.00 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

* See next page for letter

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.

TOWN ENGINEER

716-686-3447

716-686-3448

June 7, 1988

TO SUPERVISOR FRANK SWIATEK
AND TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Walden Galleria
Public Improvement Permit
Creek Bank Stabilization

Gentlemen:

Mr. Christopher J. Kowal, Superintendent of Highways, Nussbaumer & Clarke, Inc., and myself have reviewed the plans for creek bank stabilization along Scajaquada Creek in the vicinity of the Walden Galleria Project, and find that the plans conform to current specifications of the Town of Cheektowaga and that all improvements will conform to current standards in effect.

The creek bank stabilization work is briefly described as follows:

Placement of protective rip-rap along banks of Scajaquada
Creek in vicinity of outlets of Detention Basin Nos. 1,
2 and 3, bridge crossings and storm drain outlet pipes.

We approve the creek bank stabilization plans and recommend approval by the Town Board of the Public Improvement Permit for this work. Should additions or modifications be made to the scope of work as submitted to date, a revised Public Improvement Permit will be submitted for Town Board approval.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB:dms

CC: C. Kowal, Highway Supt.
J. Kirisits, Town Attorney
R. Marten, Bldg. Insp.
K. Cannon, Pyramid Company

Item No. 8 Motion by Unanimous Seconded by Unanimous

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 Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for the construction of a four lane highway connecting Walden Avenue to Union Road, said highway to be known as "Galleria Drive", and

WHEREAS, the Town Engineering Department, the Town Highway Department and the engineering consultant retained by the Town reviewed the plans and specifications and find that the design of the subject highway conforms with Town requirements as outlined in the letter of the Town Highway Superintendent dated June 9, 1988 and in the letter of the Town Engineer dated June 7, 1988, attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be and hereby is approved for the construction of Galleria Drive by the Pyramid Company of Buffalo, and BE IT FURTHER

RESOLVED that the subject permit fee amount to \$72,539.07 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

* See next two (2) pages for letters

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-3447
716-686-3448

June 7, 1988

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Walden Galleria, P.I.P.
Galleria Drive

Gentlemen:

Mr. C.J. Kowal, Highway Superintendent, Mr. T.R. Skowron, Highway Department Engineer, Nussbaumer & Clarke, Inc., and I have reviewed the plans for the Galleria Drive Roadway and find that the plans conform to current specifications of the Town of Cheektowaga.

All improvements will conform to current standards in effect.

The road is briefly described as follows:

A 70' width R.O.W., 1.2 miles long, beginning at a point north of Walden Avenue opposite Anderson Road and terminating at a point at the present terminus of Postal Drive as it intersects Union Road.

Approval at this time does not pertain to the bridge crossing Scajaquada Creek, U-Crest crossing, street lighting or traffic control signalization, because design review of these items has not been completed to date.

We approve the construction plans of Galleria Drive and recommend Town Board approval of the Public Improvement Permit (P.I.P.) as submitted for those above portions of the Galleria Drive design as noted. It is further recommended that our consulting engineer act as the inspector for the New York State Thruway access road under our P.I.P. program. This off ramp is necessary only because of a future Town road (Galleria Drive) to be constructed. It is understood that the developers' consultant will provide the necessary certification.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

c: J. Kirisits, Town Attorney
C. Kowal, Highway Superintendent
R. Marten, Building Inspector
K. Cannon, Pyramid Companies
L. DePrima, NYS Thruway Authority
R. Moleski, Town Clerk

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

June 9, 1988

RECEIVED
JUN 10 PM 2:33
TOWN CLERK

Honorable Frank Swiatek, Supervisor
Honorable Town Board Members
Town of Cheektowaga, NY

Supervisor & Town Board Members:

RE: APPROVAL OF PLANS FOR GALLERIA DRIVE

Mr. C. L. Bryan, Town Engineer, Mr. T. R. Skowron, Highway Department Engineer, Nussbaumer & Clarke, Inc., and I have reviewed the plans for the Galleria Drive roadway and find that the plans conform to current specifications of the Town of Cheektowaga.

All improvements will conform to current standards in effect.

The road is briefly described as follows: A 70' wide R.O.W., 1.2 miles in length, beginning at a point in the north side of Walden Ave., opposite Anderson Rd., and terminating at a point in the present terminus of Postal Dr., as it intersects Union Rd.

This letter does not pertain to the Galleria Dr. bridge crossing Scjacquada Crk., street lighting or traffic control signalization, as design review of these items is still in process.

All matters being satisfactory, I recommend approval of the plans for Galleria Dr., as stated above.

Very truly yours,

Christopher J. Kowal
Superintendent of Highways

ji

cc: Town Clerk
Town Engineer
Town Attorney
Building Inspector
K. Cannon

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 9 Motion by Unanimous Seconded by Unanimous

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 Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for the construction of a 30" sanitary sewer line to be located within an easement on lands owned by the Pyramid Company of Buffalo, and

WHEREAS, the Town Engineering Department and the engineering consultant retained by the Town have reviewed the plans and specifications and find that the design of the subject sanitary sewer conforms with Town requirements as outlined in the attached letter of the Town Engineer dated June 9, 1988, attached hereto and made a part hereof, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Public Improvement Permit be and hereby is approved for the construction of a 30" sanitary sewer by the Pyramid Company of Buffalo, and ~~BE~~ IT FURTHER

RESOLVED that the subject permit fee amounting to \$12,248.70 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

* See next page for letter

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.

TOWN ENGINEER

716-686-3447

716-686-3448

June 9, 1988

TO SUPERVISOR FRANK SWIATEK
AND TOWN-BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Walden Galleria
Public Improvement Permit
Trunk Sanitary Sewer

Gentlemen:

Nussbaumer & Clarke, Inc. and I have reviewed the plans for the relocation of a thirty inch (30") trunk sanitary sewer on lands owned by Pyramid Company of Buffalo, and find that the plans conform to current specifications of the Town of Cheektowaga and that all improvements will conform to current standards in effect.

The sanitary sewer is briefly described as follows:

A 30" trunk sanitary sewer line beginning 16.65' west of the property line dividing lands of Cheektowaga Central School District and Pyramid Company of Buffalo, heading northwest 954.28', then heading southwest 554.77' and terminating at a point at 13.96' west of the property line dividing lands of Pyramid Company of Buffalo from lands of the New York State Thruway Authority, (total length 1509.05').

We approve the relocation of the trunk sanitary sewer as per plans submitted by the Pyramid Company and recommend Town Board approval of necessary easement documentations as necessary for this sewer relocation and also approval of the Public Improvement Permit.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB:dms

CC: C. Kowal, Highway Supt.
J. Kirisits, Town Attorney
R. Marten, Bldg. Insp.
K. Cannon, Pyramid Company

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 10 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo ("Applicant") has proposed the construction of a regional shopping Center in the Town of Cheektowaga known as the Walden Galleria ("the Project"), and

WHEREAS, the Applicant has committed to perform, at its own cost, extensive public improvement work providing public benefit such as the construction of detention basins, a four lane highway, a relocated sanitary sewer and Creek bank stabilization work, and

WHEREAS, accomplishing these scopes of work within the available construction season will require the Applicant to work hours greater than the "normal working hours" as defined in the Town Public Improvements Ordinance, Chapter 54 of the Town Code, and

WHEREAS, because Applicant will be working hours greater than "normal working hours", additional fees may be required to cover inspection and design review by the Town and/or its consultants, and

WHEREAS, it is the intention of the Town of Cheketowaga to require the Applicant to comply with the regulations of the Town relating to noise, Chapter 45 and Section 82-26.B(2) of the Town Code, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby approves of the Applicant working greater than "normal working hours" as defined in Chapter 54 of the Town Code, provided the Applicant complies at all times with the regulations of the Town relating to noise, and BE IT FURTHER

RESOLVED that, should the Town's costs for inspection and design review exceed the fee established in §54-4 of the Town Code, Pyramid shall pay the Town additional public improvement permit fees, based on the published hourly rate schedules of the Town and/or its consultants, provided such additional fees are documented and verified by the Town Engineer and/or Town Superintendent of Highways.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Town of Cheektowaga presently has a sanitary sewer line and easement therefor over lands owned by the Pyramid Company of Buffalo, and

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of the Walden Galleria regional shopping center on its property and desires to relocate the existing sanitary sewer line, and

WHEREAS, such sanitary sewer line relocation will necessitate the Town acquiring an easement from the Pyramid Company of Buffalo for that portion of the relocated sewer line on property owned by the Pyramid Company of Buffalo, and

WHEREAS, the Town Engineer and the Town Attorney have reviewed such easement and find same acceptable as to form, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accepts the attached easement from the Pyramid Company of Buffalo subject to the completion of the construction of the relocated sanitary sewer line, the Town Engineer's approval of such construction, and the acceptance by the Town Board of the public improvement, and BE IT FURTHER

RESOLVED that upon the Town Board's acceptance of such sanitary sewer line, the Town Supervisor be and hereby is authorized to execute such easement, and BE IT FURTHER

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 11 cont'd

RESOLVED that upon compliance with the conditions stated above, the Town Attorney be and hereby is directed to record such easement in the Erie County Clerk's Office.

*See next eight (8) pages for easement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* RESOLUTION WAS APPROVED ON APRIL 26, 1989, MEETING #11 ITEM #7 SUPERCEDING

THIS RESOLUTION, THEREFORE, THERE WILL BE NO EASEMENT.

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 12 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo is proposing the construction of the Walden Galleria regional shopping center in the Town of Cheektowaga, and

WHEREAS, as part of the construction of the project, Pyramid Company of Buffalo is constructing a new sanitary sewer line and a new site stormwater drainage system to be located on property owned by the Pyramid Company of Buffalo, and

WHEREAS, the existing sanitary and storm sewer lines located on property owned by the Pyramid Company of Buffalo will no longer be needed for their intended purposes and will be abandoned, and

WHEREAS, upon completion of the construction of the new sanitary sewer line and site stormwater drainage system by the Pyramid Company of Buffalo, as approved by the Town Engineer's Office, the existing sanitary and storm sewer lines will be abandoned and, pursuant to the terms of the documents granting the easements for the existing sanitary and storm sewer lines, such easements will be automatically terminated, NOW, THEREFORE, BE IT

RESOLVED that upon completion of the construction of the new sanitary sewer line and site stormwater drainage system by the Pyramid Company of Buffalo, as approved by the Town Engineer's Office, the Town Supervisor be and hereby is authorized to execute acknowledgments of termination of the easements, which acknowledgments shall be filed in the Erie County Clerk's Office.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Unanimous Seconded by Unanimous

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a regional shopping center in the Town of Cheektowaga (the "Town") known as the Walden Galleria (the "Project"), and

WHEREAS, as part of the Project, the Applicant has proposed the construction at Applicant's expense, of a 1.2 mile four-lane highway to be known as "Galleria Drive", and

WHEREAS, Galleria Drive is intended to be dedicated to the Town as a public improvement upon completion and will improve or maintain levels of service in relation to local traffic conditions, and

WHEREAS, the proposed Galleria Drive commences at a point opposite the intersection of Walden Avenue and Anderson Road, runs beneath the I-90 overpass, and terminates at the intersection of Postal Drive and Union Road, and

WHEREAS, the New York State Thruway Authority ("NYSTA") is in the process of obtaining fee title to the area generally described as the area beneath the I-90 overpass of Scajauada Creek (the "Easement Area"), and

WHEREAS, the Town is desirous of obtaining a permanent easement from the NYSTA for the construction and operation of Galleria Drive and related underground utility improvements in the Easement Area as well as any rights necessary to allow the Applicant's construction of Galleria Drive and related underground utility improvements in the Easement Area prior to NYSTA obtaining their fee title, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby formally requests the NYSTA grant to the Town of Cheektowaga a permanent easement for the construction and operation of Galleria Drive and related underground utility improvements in the Easement Area and also to grant to the Applicant any and all rights necessary to construct and operate same pursuant to occupancy and work permits the terms of which shall be mutually acceptable to the NYSTA and the Applicant, and BE IT FURTHER

SPECIAL MEETING NO. 12
June 13, 1988

Item No. 13 cont'd

RESOLVED that, prior to acceptance of Galleria Drive as a public improvement, an agreement acceptable to the Town and between the Town and the Applicant concerning the costs of maintenance of the portion of Galleria Drive which lies under the Thruway overpass will be required.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS HELD AT 6:30 P.M.

<u>NO.</u>	<u>ITEM</u>
<u>Meeting No. 13 June 20, 1988</u>	
1	Rezoning from M2-General Mfg. District to CM-General and a Special Use Permit for Mobile Home Community for property located <u>adjacent to N.Y.S. Thruway, south of Broadway, East of Kennedy</u>
<u>Meeting No. 14 July 5, 1988</u>	
1	Special Use Permit - Auto Leasing, Sales and Rental Agency on property located at <u>4652 Genesee Street</u>
<u>Meeting No. 15 July 18, 1988</u>	
1	Special Use Permit - <u>4890 Transit Road</u> (corner of Madeira for a Mini-Plaza
2	Special Use Permit - <u>3105 William Street</u> to operate a car wash
3	Rezoning - <u>4785 Union Road</u> from R-Residential to C-Retail Business

No. 14

No. 15

No. 16

P U B L I C H E A R I N G S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 13 June 20, 1988</u>		
2	Amendment to Traffic Ordinance - Art. VII "Stop & Yield Int." HILLPINE, RUSHFORD; Art. X "Parking, Standing, Stopping" - SHANLEY	1-2
3	Amendment to Environmental Impact Review Ordinance - Sect. 23 A-5	2
<u>Meeting No. 14 July 5, 1988</u>		
2	Proposed Regulations pertaining to Neighborhood Block Parties	1-2
3	Proposed Local Law No. 1 of the Year 1988 entitled "A Local Law known as Residency Law"	2-3
<u>Meeting No. 15 July 18, 1988</u>		
2	Street Improvement - parcel fronting on South side of Broadway between Harlem and Wallace	1

RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 13 June 20, 1988</u>	
4	DECISIONS:	
	a. Amendment to Traffic Ordinance - Art. X "Parking, Standing Stopping" - CASTLEWOOD	2-3
	b. Amendment to Zoning Ordinance - Art. IV - Manufacturing Dist.	4
	c. Amendment to Environmental Impact Review Ordinance	5
5	Amendment to Decision on Zoning Ordinance - Article II	6
6	CALL FOR PUBLIC HEARINGS:	
	a. Special Use Permit - 4652 Genesee Street	7
	b. Adopt regulations pertaining to Neighborhood Block Parties	8-9
	c. Proposed Local Law #1 of 1988 entitled "A Local Law known as Residency Law"	10
7	Award of bid - Bus Transportation (Youth Bureau)	11
8	Notice to Bidders - motor oils, lubricants, etcl for Highway	11-12
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Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of June, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Ken Kopacz, Executive Director of Youth Bureau; Rudy Santa Maria, Member of Assessment Board of Review and past Councilman; Robert Lis, Chief of Police; Ray Pugh, Planning Board Member; Casimir Kozminski, Town Assessor; Sal LaGreca, Employment and Training Director II, also Planning Board Chairman; Joseph Yantomasi, Zoning Board Member; Earl Loder, Disaster Preparedness Coordinator; Chris Kowal, Highway Superintendent; Ron Marten, Building & Plumbing Inspector.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Hillpine Road	North-South	Butternut Rd.	Eastbound	S.W. Corner
Hillpine Road	North-South	Rushford Lane	Eastbound	S.W. Corner
Rushford Lane	North-South	Butternut Rd.	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No Parking This Side or One Side Parking

SHANLEY STREET East side from Richard Drive north to dead end

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

Item No. 2 cont'd

B. No parking anytime

SHANLEY STREET West side from the north curblin of Richard Drive
northerly to the terminus

SHANLEY STREET West side from the north side of the driveway at #376 Shanley
Street southerly to the south side of the driveway
at #370 Shanley Street; a distance of 86 feet +

* * * * *

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.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 23A of the Code of the Town of Cheektowaga, ("Environmental Impact Review Ordinance"), regarding the critical environmental area near the Reinstein Woods/Nature Preserve, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED that Subsection B.(1) of Section 23 A-5, which relates to the Reinstein Preserve being designated a critical environmental area, shall be deleted and a new subsection B.(1), which reads as follows, shall be enacted in its place:

Section 23 A-5. Types of actions.

B. (1) a. That land commonly known as the Reinstein Woods, a 269.41-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park nad Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's Office)

b. That land comprising 4.74+ acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

c. A four hundred foot wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map in the Town Clerk's Office.

* * * * *

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. See Item No. 4C for a Decision on the above.

II. RESOLUTIONS

Item No. 4a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on June 6, 1988 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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,

Item No. 4a cont'd

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

CASTLEWOOD DRIVE north side: west from Knollwood Drive to dead end

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

CASTLEWOOD DRIVE north side from the west curbline of Knollwood Drive
westerly to the east curbline of Barbados
Drive.

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, 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.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DAVID* *HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*June 23, 1988*.....;
last publication.....*June 23, 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Sam Hicks*.....

Sworn to before me this*28th*.....

day of*June*....., 19*88*..

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Johnson, Seconded by Councilman Solecki.

WHEREAS, this Town Board held a public hearing on June 6, 1988 at 7:00 pm. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 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 X

Parking, Standing, and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

B. No parking anytime

CASTLEWOOD DRIVE north side: west from Knollwood Drive to dead end

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No Parking anytime

CASTLEWOOD DRIVE north side: from the west curbline of Knollwood Drive westerly to the east curbline of Barbados Drive.

Section 2. Time to take effect.

(a) 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.

(b) 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 the villages of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES 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.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,

COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on

June 20, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 4a, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of June, 1988.

RICHARD M. MOLESKI

TOWN CLERK

PUBLISH: June 23, 1988

No. 14

No. 15

No. 16

Item No. 4b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga (Zoning Ordinance) be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance and gave due notice thereof was required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of June, 1988 at 7:00 P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below,

NOW, THEREFORE, ~~BE~~ IT RESOLVED that the Zoning Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 82-26 B(2)(b)

which pertains to limitations on permitted uses in the M1 District shall be amended by deletion of the word "noise" so that this section shall read as follows:

- (b) Dissemination of atmospheric pollutant, vibration or odor beyond the boundary of the premises on which such use is located

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATION, Section 82-26 B(2)

which pertains to limitations on permitted uses in the M1 District shall be amended by the addition of a new Section 82-26 B(2)(d) that shall read as follows:

82-26 B(2)(d)

Dissemination of noise by any device, equipment or machine beyond the boundary of the premises on which such use, building or structure is located, and onto any lot in an adjacent residence district when the sound produced by any such device, equipment or machinery exceeds the average intensity of the street traffic noise in that residence district.

and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 20, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Zoning Ordinance of the Town of Cheektowaga shall be effect ten (10) days after such publication but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA H. H. H.*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*JUN 23 1988*.....;
last publication.....*JUN 23 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this*23rd*.....
day of*June*....., 19*88*..
.....*Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga has recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga (Zoning Ordinance) be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of June, 1988 at 7:00 pm.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard; and

WHEREAS, it is in the public interest to amend the Zoning Ordinance as set forth below

NOW, THEREFORE, BE IT RESOLVED that the zoning Ordinance be and the same hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE IV-MANUFACTURING DISTRICT REGULATIONS, Section 82-26 B(2)(b) which pertains to limitations on permitted uses in the M1 District shall be amended by deletion of the word "noise" so that this section shall read as follows:

(b) Dissemination of atmospheric pollutant, vibration or odor beyond the boundary of the premises on which such use is located

2. RESOLVED THAT ARTICLE IV-MANUFACTURING DISTRICT REGULATION, Section 82-26 B(2) which pertains to limitations on permitted uses in the M1 District shall be amended by the addition of a new Section 82-26 B(2)(d) that shall read as follows:

82-26 B(2)(d)

Dissemination of noise by any device, equipment or machine beyond the boundary of the premises on which such use, building or structure is located, and onto any lot in an adjacent residence district when the sound produced by any such device, equipment or machinery exceeds the average intensity of the street traffic noise in that residence district.

and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 20, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk

The aforementioned changes to the Zoning Ordinance of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK,
COUNTY OF ERIE

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 20, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 4b, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of June, 1988.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 23, 1988

Item No. 4c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, by resolution dated June 6, 1988, this Town Board called for a public hearing on a proposal to amend Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") to alter areas established as critical environmental areas in the Town, and

WHEREAS, a public hearing on such proposal was held on June 20, 1988, at which time all parties in interest and citizens were given an opportunity to be heard and were heard, and

WHEREAS, this Board feels it is in the public interest to adopt the proposed amendments to Chapter 23A of the Code of the Town of Cheektowaga, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that Chapter 23A of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

1. RESOLVED that Subsection B.(1) of Section 23 A-5, which relates to the Reinstein Preserve being designated a critical environmental area, shall be deleted and a new subsection B.(1), which reads as follows, shall be enacted in its place:

Section 23 A-5. Types of actions.

B. (1) a. That land commonly known as the Reinstein Woods, a 269.41-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park and Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's Office)

b. That land comprising 4.74+ acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

c. A four hundred foot wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map in the Town Clerk's Office.

and ~~BE~~ IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 20, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and the affidavit of such publication shall be filed with the Town Clerk, and ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk shall forward certified copies of this resolution and boundary maps to the Commissioner of the NYSDEC in Albany, the regional office of the NYSDEC, and any other agency regularly involved in approving, undertaking or funding actions in the Town, and ~~BE~~ IT FURTHER

RESOLVED that the designation of these new critical environmental areas shall take effect 30 days after filing with the aforementioned agencies.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....PAULA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....JUNE 23, 1988.....;
last publication.....JUNE 23, 1988.....;
and that no more than six days intervened be-
tween publications.

.....Paula Hicks.....

Sworn to before me this23rd.....

day ofJune....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,
Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, by resolution dated June 6, 1988, this Town Board called for a public hearing on a proposal to amend Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") to alter areas established as critical environmental areas in the Town, and

WHEREAS, a public hearing on such proposal was held on June 20, 1988, at which time all parties in interest and citizens were given an opportunity to be heard and were heard, and

WHEREAS, this Board feels it is in the public interest to adopt the proposed amendments to Chapter 23A of the Code of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Chapter 23A of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

1. **RESOLVED**, that Subsection B.(1) of Section 23 A-5, which relates to the Reinstein Preserve being designated a critical environmental area, shall be deleted and a new subsection B.(1), which reads as follows, shall be enacted in its place:

Section 23 A-5. Types of actions.

B.(1)a. That land commonly known as the Reinstein Woods, a 269.41-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park and Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's Office)

b. That land comprising 4.74 acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

c. A four hundred foot wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's Office)

and **BE IT FURTHER**

RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on June 20, 1988, and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk, and **BE IT FURTHER**

RESOLVED, that the Town Clerk shall forward certified copies of this resolution and boundary maps to the Commissioner of the NYSDEC in Albany, the regional office of the NYSDEC, and any other agency regularly involved in approving, undertaking or funding actions in the Town, and **BE IT FURTHER**

RESOLVED, that the designation of these new critical environmental areas shall take effect 30 days after filing with the aforementioned agencies.

Upon roll call,

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

**STATE OF NEW YORK,
COUNTY OF ERIE**

I, Richard M. Moleski, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 20, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board,

and such minutes appear at item 4c, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of June, 1988.

**RICHARD M. MOLESKI
TOWN CLERK
PUBLISH: June 23, 1988**

MEETING NO. 13
June 20, 1988

Item No. 5 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, by resolution dated May 2, 1988, this Town Board called for a public hearing on proposed amendments to Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") to enlarge the lot width and area requirements for two-family residences, and

WHEREAS, a public hearing on such proposed amendments was held on May 16, 1988, and such amendments were adopted by resolution dated June 6, 1988, and

WHEREAS, it was this Town Board's intention to have such amendments apply prospectively only to lots in subdivisions which were not previously approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated June 6, 1988 pertaining to the adoption of amendments to Sections 82-21.B.(1)(b) and 82-21.B(2)(b) be and hereby is amended as follows:

1. RESOLVED that the last paragraph of such resolution shall be amended by adding thereto the following wording after the word "publication" and prior to the word "but":

and apply only to lands for which no subdivision map has been previously approved by this Town Board; otherwise, the provisions of Sections 82-21.B.(1)(b) and 82-21.B.(2)(b), as they existed prior to June 6, 1988, shall apply.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HICKS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*JUN 23 1988*.....;
last publication.....*JUN 23 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*23rd*.....

day of*June*....., 19*88*.

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of June 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, by resolution dated May 2, 1988, this Town Board called for a public hearing on proposed amendments to Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") to enlarge the lot width and area requirements for two-family residences, and

WHEREAS, a public hearing on such proposed amendments was held on May 16, 1988, and such amendments were adopted by resolution dated June 6, 1988, and

WHEREAS, it was this Town Board's intention to have such amendments apply prospectively only to lots in subdivisions which were not previously approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated June 6, 1988 pertaining to the adoption of amendments to sections 82-21.B. (1)(b) and 82-21.B. (2)(b) be and hereby is amended as follows:

1. RESOLVED, that the last paragraph of such resolution shall be amended by adding thereto the following wording after the word "publication" and prior to the word "but":
and apply only to lands for which no subdivision map has been previously approved by this Town Board; otherwise, the provisions of Sections 82-21.B. (1)(b) and 82-21.B. (2)(b), as they existed prior to June 6, 1988, shall apply.

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 23, 1988

MEETING NO. 13
June 20, 1988

Item No. 6a Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Kathleen King, President of Montreal Royal Leasing, has made application and requested a Special Use Permit for an Automobile Leasing, Sales, Rental Agency on property located at 4652 Genesee Street with the permission of the property owner, namely, Arthur Radwanski, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on June 5, 1988 at 6:30 o'clock P.M., Eastern Daylight Savings Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DANA HIKES....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....JUN 23 1988..... ;
last publication.....JUN 23 1988..... ;
and that no more than six days intervened be-
tween publications.

.....[Signature].....

Sworn to before me this23rd.....

day ofJune....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 in the said Town of Cheektowaga, corner of Broadway and Union Road on the 5th day July, 1988 at 6:30 o'clock, pm., Eastern Daylight Saving Time of said day for the purpose of considering the application of Kathyleen King/MRL Ltd./A. Radwanski for a Special Permit to use property for retail sales of automobiles and rental agency on property located at 4652 Genesee Street pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

Certificate of Complete Record Search, County of Erie against all that plot of land situated in the Town of Cheektowaga, County of Erie and State of New York being part of Lot Number seventy-seven (77), Township (11), Range seven (7) of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street eight hundred sixty-one and seventy-four hundredths (861.74) feet northeasterly measured along said center line from its point of intersection with the west line of Lot Number seventy-seven (77), Township eleven (11), Range seven (7); thence northerly making a northeast angle of 78 degrees-03' four hundred fifty-four and twenty-eight hundredths (454.28) feet to a point in the southwest line of lands of the Lehigh Valley Railroad Company at the northeast corner of lands now owned by Mrs. Johnson; thence southeasterly along the southwest line of lands of the Lehigh Valley Railroad Company seventy-five and seventy hundredths (75.70) feet to a point; thence southerly parallel with the first described boundary line one hundred ninety-one and twelve hundredths (191.12) feet to an angle point; thence southeasterly one hundred ninety-one and forty hundredths (191.40) feet to a point in the center line of Genesee Street distant sixty-two and forty-nine hundredths (62.49) feet northeasterly from the point of beginning; thence southwesterly along the center line of Genesee Street sixty-two and forty-nine hundredths (62.49) feet to a point of beginning.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek

Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Richard M. Moleski

Town Clerk

PUBLISH: June 23, 1988

Item No. 6b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, subdivision 10-b of Section 64 of the Town Law of the State of New York authorizes this Town Board, after a public hearing on at least five days notice, to adopt regulations for the Town Highway Superintendent to issue permits for the holding of neighborhood block parties, celebrations and events on Town streets, and

WHEREAS, the Chief of Police and Town Superintendent of Highways have recommended regulations and restrictions with respect to block parties, etc., NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 5th day of July, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it may be determined by the Town Board whether regulations relating to the temporary closing of streets for neighborhood block parties, etc. shall be adopted as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than five (5) days prior to the date of such hearing.

* * * * *

NOTICE OF HEARING ON PROPOSAL TO ADOPT REGULATIONS
PERTAINING TO NEIGHBORHOOD BLOCK PARTIES, ETC.

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 20th day of June, 1988, a public hearing will be held on July 5, 1988 at 7:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether "Regulations Pertaining to Neighborhood Block Parties, etc." shall be adopted as follows:

REGULATIONS PERTAINING TO
NEIGHBORHOOD BLOCK PARTIES, ETC.

1. Permit Required. The holding of Neighborhood block parties or celebrations or events on Town streets shall be prohibited unless a valid permit therefor is obtained from the Town Superintendent of Highways.
2. Application. Application for the temporary closing of Town streets shall be made to the Town Superintendent of Highways at least one (1) week in advance of the date such temporary street closing is requested.
3. Consent of Residents. No permit for the temporary closing of a Town street shall be issued unless 75% of the residents along that portion of street to be closed consent thereto.
4. Limitations. a. No more than one (1) permit per year shall be issued for the temporary closing of any given portion of a street.
b. No permit shall be issued for streets along the perimeter of parks on days of special events, concerts, parades, etc.
c. Permits may only be issued during the months of June, July and August.

Item No. 6b cont'd

d. Streets may not be closed prior to sunrise or after sunset.

e. One-half of the width of the paved portion of the street must remain open and free of obstructions in order that emergency vehicles are allowed access.

f. The applicant must erect barricades, warning signs, etc. acceptable to the Town Superintendent of Highways at the ends of the street closed to traffic.

g. The applicant shall be responsible for cleaning the street after the event is over.

5. Notification of Police Department. The Town Superintendent of Highways shall notify the Chief of Police at least 48 hours prior to the temporary closing of any Town street.

6. Other Laws Applicable. The issuance of any permit hereunder does not constitute a waiver or variance to any State or Town laws (i.e. noise, criminal nuisance).

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

Dated: June 20, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

DAVID HICKS, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication JUN 23 1988 ;
last publication JUN 23 1988 ;
and that no more than six days intervened be-
tween publications.

[Signature]
Sworn to before me this 23rd
day of June, 1988
Justine D. Dembik

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO ADOPT REGU-
LATIONS PERTAINING TO
NEIGHBORHOOD BLOCK
PARTIES, ETC.**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 20th day of June, 1988, a public hearing will be held on July 5, 1988 at 7:00 pm., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether "Regulations Pertaining to Neighborhood Block Parties, Etc." should be adopted as follows:

**REGULATIONS PERTAINING
TO NEIGHBORHOOD BLOCK
PARTIES, ETC.**

1. Permit required. The holding of neighborhood block parties or celebrations or events on Town streets shall be prohibited unless a valid permit therefore is obtained from the Town Superintendent of Highways.

2. Application. Application for the temporary closing of Town streets

shall be made to the Town Superintendent of Highways at least one (1) week in advance of the date such temporary street closing is requested.

3. Consent of Residents. No permit for the temporary closing of a Town street shall be issued unless 75% of the residents along that portion of street to be closed consent thereto.

4. Limitations. a. No more than one (1) permit per year shall be issued for the temporary closing of any given portion of a street.

b. No permit shall be issued for streets along the perimeter of parks on days of special events, concerts, parades, etc.

c. Permits may only be issued during the months of June, July and August.

d. Streets may not be closed prior to sunrise or after sunset.

e. One-half of the width of the paved portion of the street must remain open and free of obstructions in order that emergency vehicles are allowed access.

f. The applicant must erect barricades, warning signs, etc. acceptable to the Town Superintendent of Highways at the ends of the street closed to traffic.

g. The applicant shall be responsible for cleaning the street after the event is over.

5. Notification of Police Department. The Town Superintendent of Highways shall notify the chief of Police at least 48 hours prior to the temporary closing of any Town street.

6. Other Laws Applicable. The issuance of any permit hereunder does not constitute a waiver or variance to any State or Town laws (i.e. noise, criminal nuisance).

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
Richard M. Moleski
Town Clerk**

PUBLISH: June 23, 1988

Item No. 6c Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk

WHEREAS, by resolutions dated February 18, 1975 and April 7, 1975, the Cheektowaga Town Board mandated that all present and/or future employees of the Town of Cheektowaga must be residents of the Town, and

WHEREAS, this Town Board also feels that Town employees should reside in the Town, and

WHEREAS, this Town Board wishes to strengthen and reinforce its residency requirements, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held on the 5th day of July, 1988 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the advisability of adopting Local Law No. 1 of the Year 1988 entitled "A Local Law known as Residency 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 Times on June 23, 1988.

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 5th day of July, 1988 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to enact Local Law No. 1 of the Year 1988 entitled "A Local Law known as Residency Law". A brief description of Local Law No. 1 of the Year 1988, entitled "A Local Law known as Residency Law" is as follows:

Town of Cheektowaga

Local Law No. 1 of the Year 1988

A Local law

- (1) stating that every employee of the Town of Cheektowaga shall, as a qualification for employment, be and remain a resident of the Town of Cheektowaga
- (2) stating that those persons who cease to be a Town resident shall forfeit their right of continued employment with the Town

A copy of the complete text of Local Law No. 1 of the Year 1988 shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Dated: June 20, 1988

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....*DANA HARRIS*....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*JUN 23 1988*..... ;
last publication.....*JUN 23 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this*23rd*.....

day of*June*....., 19*88*..

.....*Justine D. Dembik*.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE OF PUBLIC HEAR-
ING**

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 Town Board of the Town of Cheektowaga on the 5th day of July, 1988 at 7:00 pm., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to enact Local Law No. 1 of the Year 1989 entitled "A Local Law known as Residency Law." A brief description of Local Law No. 1 of the Year 1988, entitled "A Local Law known as Residency Law" is as follows:

**Town of Cheektowaga
Local Law No. 1 of the Year 1988
A local law**

(1) stating that every employee of the Town of Cheektowaga shall, as a qualification for employment, be and remain a resident of the Town of Cheektowaga

(2) stating that those persons who cease to be a Town resident shall forfeit their right of continued employment with the Town

A copy of the complete text of Local Law No. 1 of the Year 1988 shall be on file in the Town Clerk's Office, where

the same may be examined during regular business hours.

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

**Richard M. Moleski
Town Clerk**

PUBLISH: June 23, 1988

Item No. 7 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, bids were received by the Cheektowaga Town Clerk and publicly opened and read on June 15, 1988, for bus transportation to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH from July 5, 1988 until August 12, 1988 for the Town of Cheektowaga, and

WHEREAS, said bids were referred to the Cheektowaga Youth Bureau for analysis, tabulation and report, on the said bid proposal, and

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

RESOLVED that the bid be awarded to the bidder, National School Bus Service, Inc., 2036 Walden Avenue, Cheektowaga, New York 14225, at a total bid price of \$8,500.00; said bidder being the sole responsible bidder meeting specifications.

Motion by Supervisor Swiatek, Seconded by Councilman Johnson to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

THE AMENDED RESOLUTION IS AS FOLLOWS:

Item No. 7 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, bids were received by the Cheektowaga Town Clerk and publicly opened and read on June 15, 1988, for bus transportation to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH from July 5, 1988 until August 12, 1988 for the Town of Cheektowaga, and

WHEREAS, said bids were referred to the Cheektowaga Youth Bureau for analysis, tabulation and report, on the said bid proposal, and

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

RESOLVED that the bid be awarded to the bidder, National School Bus Service, Inc., 2036 Walden Avenue, Cheektowaga, New York 14225, at a total bid price of \$8,500.00; said bidder being the sole responsible bidder meeting specifications, moneys to be charged to Line Item T and A No. 894 and Line Item 73-10-4691.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of motor oils, lubricants, anti-freeze, etc. for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, N.Y. 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on July 1st, 1988 at the Cheektowaga Town Hall Council Chambers.

Item No. 8 cont'd

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for Motor Oils, Lubricants, Anti-Freeze, etc. at a public bid opening July 1, 1988 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR MOTOR OILS, LUBRICANTS, ETC.".

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

Dated: June 20, 1988

Published: June 23, 1988

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....DAWA HICKS....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....JUN 23 1988.....;
last publication.....JUN 23 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dawa Hicks.....
Sworn to before me this23rd.....

day ofJune....., 1988..

.....Justine D. Dembik.....

Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO BID-
DERS**

NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that

the Town of Cheektowaga Highway Department will receive proposals for Motor Oils, Lubricants, Anti-Freeze, etc. at a public bid opening July 1, 1988 at 11:00 am. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR MOTOR OILS, LUBRICANTS, ETC".

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

**Richard M. Moleski
Town Clerk**

PUBLISH: June 23, 1988

RECEIVED
JULY 1988
TOWN OF CHEEKTOWAGA
CLERK'S OFFICE

Item No. 9a Motion by Councilman Kazukiewicz, Seconded by Councilman Solecki

WHEREAS, on March 15, 1988, a Special Election was held for the purpose of filling a vacancy in the position of State Assemblyman in the 143rd District, and

WHEREAS, funding for such Special Election was not included in the Town's 1988 budget since the vacancy occurred after the Town budget was adopted, and

WHEREAS, the Town Clerk has informed this Board that the cost to the Town for such special election was \$43,105.85, and

WHEREAS, subdivision 2 of Section 4-136 of the Election Law of the State of New York provides that expenses for special elections are not the responsibility of Towns, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the State of New York to reimburse the Town for the aforesaid costs for the March 15, 1988 Special Election, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator Dale M. Volker, Governor Mario Cuomo, the Speakers of the State Assembly and Senate and the State Board of Elections.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, the Town will be celebrating its sesquicentennial in 1989, and

WHEREAS, the Town is desirous of sponsoring many activities to celebrate the 150th anniversary of the founding of the Town, and

WHEREAS, in the past other communities have received funding from the State to assist them in celebrating their sesquicentennials, and

WHEREAS, this Town Board desires to avail itself of such State funding the 1989-90 State budget, and

WHEREAS, State Assemblyman Paul A. Tokasz and State Senator Dale M. Volker has expressed a willingness to have moneys appropriated in the 1989-90 State budget for the Town's sesquicentennial, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests State Assemblyman Paul A. Tokasz and State Senator Dale M. Volker to place their requests as soon as possible for funding for the Town's sesquicentennial in the 1989-90 State budget, and BE IT FURTHER

RESOLVED that this Town board further memorializes the State Assembly, Senate and Governor to adopt a 1989-90 budget which allocates moneys to the Town for the Town's sesquicentennial, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, and the Speakers of the State Senate and Assembly.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 13
June 20, 1988

Item No. 9c Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, both Harlem Road and Union Road are State highways under the jurisdiction of the New York State Department of Transportation ("NYSDOT"), and

WHEREAS, open culverts exist along a portion of Harlem Road in front of Town Park and a portion of Union Road in front of the Police and Court Building, and

WHEREAS, it is the opinion of this Board that such open culverts/drainage ditches should be piped and covered so as to eliminate existing dangerous traffic conditions, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NYSDOT to pipe the aforementioned existing open culverts/drainage ditches along Harlem Road and Union Road, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the regional office of the NYSDOT.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Create Town Sesquicentennial Committee
This item was withdrawn.

Item No. 11 Appointment of Councilman Kazukiewicz to Executive Committee of
Sesquicentennial Committee
This resolution was withdrawn.

Item No. 12 Motion by Councilman Kazukiewicz, Seconded by Unanimous

WHEREAS, numerous residents from the Town of Cheektowaga fought and gave their lives in the Korean and Vietnam Wars to preserve and promote liberty and democracy in the world, and

WHEREAS, this Town Board desires to honor those Town residents who lost their lives during the Korean and Vietnam Wars with a memorial containing their names, and

WHEREAS, the Town Superintendent of Highways has agreed to provide a rock/boulder for the memorial, and

WHEREAS, it is necessary to form a committee to plan and oversee the Korean and Vietnam War Memorial, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby creates a Korean and Vietnam War Memorial Committee, the duties of which shall be to:

1. Conduct an investigation to obtain the names of those soldiers enlisted from the Town of Cheektowaga who lost their lives in the Korean and Vietnam Wars
2. Seek donations of time and money to have the names of Korean and Vietnam War veterans who died placed on the memorial
3. Arrange to have the Memorial dedicated during the Town's Sesquicentennial Celebration in 1989

and BE IT FURTHER

Item No. 12 cont'd

RESOLVED that the following individuals shall serve as co-chairman of such committee:

Joseph Lipowski (veteran of Korean War)
George Ross (veteran of Vietnam War)

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, Tom Greenauer Development, Inc. has submitted a preliminary site plan for Woodlands at the Park, a proposed subdivision consisting of 32 lots, and

WHEREAS, such proposed subdivision is shown to be approximately 300 feet from the Reinstein Woods Nature Preserve, a critical environmental area in the Town, and

WHEREAS, the Town Environmental Advisory Committee has reviewed such preliminary site plan for Woodlands at the Park and has determined that it will not have a significant effect on the environment subject to the following conditions:

1. the developer install a berm and any other related items along the south property line as requested by the N.Y.S. Department of Environmental Conservation
2. the developer consider alternative foundation design and carefully engineer any foundation being installed in the development

and

WHEREAS, the developer and co-owner of the lands constituting the Woodlands at the Park Subdivision have agreed to convey a 200 foot wide by 1300 foot long parcel of property (the buffer between the Reinstein Preserve and the proposed subdivision) to the Town pursuant to the attached agreement, NOW, THEREFORE, BE IT

RESOLVED that this Town Board concurs with the aforementioned determination made by the Town Environmental Advisory Committee and grants preliminary site plan approval for Woodlands at the Park subdivision, as shown on a map prepared by Francis J. Domino, P.E., dated May 18, 1988, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the developer and co-owner of the proposed Woodlands at the Park subdivision and adjoining lands.

* See next six (6) pages for agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

RECEIVED

JUN 24 PM 2:26

CHEEKTOWAGA
OWN CLERK

AGREEMENT

This Agreement made and entered into this 21st day of June, 1988 by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road, Cheektowaga, New York, hereinafter referred to as the "Town",

and

TOM GREENAUER DEVELOPMENT CORP., a domestic corporation organized under the laws of the State of New York and having its principal place of business at 2966 Transit Road, Elma, New York, and EDWARD LEPCZYK, residing at Depew, New York, hereinafter referred to as the "Developers".

W I T N E S S E T H:

WHEREAS, the Developers have proposed a 32-lot subdivision known as Woodlands at the Park on property located generally at the southwest corner of Como Park Boulevard and Honorine Drive, and

WHEREAS, south of the proposed Woodlands at the Park Subdivision and 100 feet north of the Reinstein Woods Nature Preserve exists a 200 foot wide by 1300 foot long strip of land, hereinafter referred to as the "buffer area", and

WHEREAS, the Developers have agreed to convey the buffer area to the Town, and the Town has agreed to approve the preliminary plans for the Woodlands at the Park subdivision, pursuant to the terms of this Agreement.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES HERETO, as follows:

1. The Town will make a good faith effort to apply in the 1989 grant

year to the State Department of Parks, Recreation and Historic Preservation for a grant under Title 9 of the Environmental Quality Bond Act of 1986 for moneys representing the fair market value of the buffer area and, if a grant is forthcoming to the Town, the Town agrees to remit such funds to the Developers.

2. The developers agree to:

a. not develop or improve the buffer area in any manner;

b. convey the buffer area to the Town for:

1. the then current fair market value of such property if a State grant is made available to the Town for the value of such property, or

2. if no State grant is made available to the Town for the purchase of the buffer area, for \$1.00 and no more.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the day and year first above written.

TOM GREENAUER DEVELOPMENT CORP.

By:

Thomas D. Greenauer

Edward Lepczyk
EDWARD LEPCZYK

TOWN OF CHEEKTOWAGA

Frank E. Swiatek
By: Frank E. Swiatek, Supervisor

The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
686-3457

JAMES J. KIRISITS
TOWN ATTORNEY
KEVIN G. SCHENK
Deputy Town Attorney
MICHAEL J. STACHOWSKI
Special Prosecutor

June 24, 1988

State of New York
Dept. of Environmental Conservation
50 Wolf Road
Albany, New York 12223

Re: Critical Environmental Area
Town of Cheektowaga, Erie County, New York

Dear Sir or Madam:

Please be advised that the Town Board of the Town of Cheektowaga has, after a public hearing, established new and revised critical environmental areas in the Town pursuant to §617.4 of 6 NYCRR Part 617. Such areas are described on the enclosed Town Board resolution dated June 20, 1988 and are further shown on the enclosed maps.

Feel free to contact me if you have any questions.

Very truly yours,

DEPARTMENT OF LAW

Kevin G. Schenk
Deputy Town Attorney

KGS:jr
Encl.
CC: Town Clerk
Thomas Adamczak
Certified Mail #P773 771 040
Return Receipt Requested

RECEIVED
1988 JUN 24 PM 2:26
CHEEKTOWAGA
TOWN CLERK

The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
686-3457

JAMES J. KIRISITS
TOWN ATTORNEY
KEVIN G. SCHENK
Deputy Town Attorney
MICHAEL J. STACHOWSKI
Special Prosecutor

June 24, 1988

Erie County Water Authority
Ellicott Square Building
Buffalo, New York 14203

Re: Critical Environmental Area
Town of Cheektowaga, Erie County, New York

Dear Sir or Madam:

Please be advised that the Town Board of the Town of Cheektowaga has, after a public hearing, established new and revised critical environmental areas in the Town pursuant to §617.4 of NYCRR Part 617. Such areas are described on the enclosed Town Board resolution dated June 20, 1988 and are further shown on the enclosed maps.

Feel free to contact me if you have any questions.

Very truly yours,

DEPARTMENT OF LAW

Kevin G. Schenk
Deputy Town Attorney

KGS:jr
Encl.
CC: Town Clerk
Thomas Adamczak

The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
686-3457

JAMES J. KIRISITS
TOWN ATTORNEY
KEVIN G. SCHENK
Deputy Town Attorney
MICHAEL J. STACHOWSKI
Special Prosecutor

June 24, 1988

State of New York
Dept. of Environmental Conservation
600 Delaware Avenue
Buffalo, New York 14202

Re: Critical Environmental Area
Town of Cheektowaga, Erie County, New York

Dear Sir or Madam:

Please be advised that the Town Board of the Town of Cheektowaga has, after a public hearing, established new and revised critical environmental areas in the Town pursuant to §617.4 of NYCRR Part 617. Such areas are described on the enclosed Town Board resolution dated June 20, 1988 and are further shown on the enclosed maps.

Feel free to contact me if you have any questions.

Very truly yours,

DEPARTMENT OF LAW

Kevin G. Schenk
Deputy Town Attorney

KGS:jr

Encl.

CC: Town Clerk
Thomas Adamczak

The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY

TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
686-3457

JAMES J. KIRISITS
TOWN ATTORNEY

KEVIN G. SCHENK
Deputy Town Attorney

MICHAEL J. STACHOWSKI
Special Prosecutor

June 24, 1988

County of Erie
Dept. of Environment & Planning
95 Franklin Street
Buffalo, New York 14202

Re: Critical Environmental Area
Town of Cheektowaga, Erie County, New York

Dear Sir or Madam:

Please be advised that the Town Board of the Town of Cheektowaga has, after a public hearing, established new and revised critical environmental areas in the Town pursuant to §617.4 of NYCRR Part 617. Such areas are described on the enclosed Town Board resolution dated June 20, 1988 and are further shown on the enclosed maps.

Feel free to contact me if you have any questions.

Very truly yours,

DEPARTMENT OF LAW

Kevin G. Schenk
Deputy Town Attorney

KGS:jr
Encl.
CC: Town Clerk
Thomas Adamczak

Item No. 14 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the traffic signal at the intersection of Dick Road and George Urban Boulevard is being updated under a New York State Department of Transportation construction project, and

WHEREAS, this traffic intersection improvement project will include a new updated signal and equipment to better control the intersection and will include a cable interconnect to permit coordination for signal timing progression with the existing signal at the Wegman's Super Store/Valu driveways about 500 feet to the north on Dick Road, and

WHEREAS, the traffic signal at the Wegmans' Super Store/Valu driveways was installed and is owned and maintained by Wegmans' Super Store with the permission of the Town of Cheektowaga and with the understanding that it would be interconnected for progression with the signal at Dick Road and George Urban Boulevard, and

WHEREAS, the progression of the traffic signals cannot be completed unless a coordination unit and related equipment is installed at the signal owned by Wegmans' Super Store, and

WHEREAS, the traffic signal progression would increase vehicular capacity and safety at the intersections, NOW, THEREFORE, BE IT

RESOLVED that this Town Board requests Wegmans' Super Store to proceed with a program to update their traffic signal on Dick Road to permit progression timing with the traffic signal improvements now under way at the Dick Road/George Urban Boulevard intersection, such interconnection with the Dick Road/George Urban Boulevard traffic signal was to have been provided by Wegmans' Super Store under its original traffic installation permit.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board (EMS Board), and

WHEREAS, the EMS Board has completed a review and evaluation of the license renewal applications for driver(s)/attendant(s), and has recommended that the Town Board renew such licenses, and

WHEREAS, this Town Board desires to renew such ambulance driver(s)/attendant(s) licenses, NOW, THEREFORE, BE IT

RESOLVED that the recommendations of EMS Board concerning the renewal of the licenses for driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the renewal application(s) for ambulance driver(s)/attendant(s) set forth on the annexed schedule be and hereby are 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 renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>RENEWAL</u> <u>ADDRESS</u>	<u>AMBULANCE</u> <u>COMPANY</u>	<u>EMT</u> <u>EXPIRES</u>
DAVID CISZKOWSKI	CHEEKTOWAGA, N.Y. 14225	GOLD CROSS	5/31/89
DANIEL P. DOMEKO	HAMBURG, NY 14075	GOLD CROSS	3/31/91
ALVIN P. DONIUS	WILLIAMSVILLE, NY 14221	TOWN'S	5/31/90
THOMAS J. KOWALCZYK	WEST SENECA, NY 14224	GOLD CROSS	1/31/91
JEFFREY W. PLACE	CHEEKTOWAGA, N.Y. 14227	TOWN'S	12/31/90
ROBERT P. VOELKER	TONAWANDA, N.Y. 14150	TOWN'S	5/31/89
BRIAN S. WAKOFF	WILLIAMSVILLE, NY 14221	TOWN'S	3/31/91

Item No. 15a cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board ("EMS BOARD"), and

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for ambulance driver(s)/attendant(s), and has recommended that the Town Board license such driver(s)/attendant(s), and

WHEREAS, this Town Board desires to license such ambulance driver(s)/attendant(s), NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the EMS Board concerning the licensing of driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the applicant(s) for driver(s)/attendant(s) license(s) set forth on the annexed schedule are hereby approved for licensing by this Town Board for a period to expire upon the expiration of such 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 driver(s)/attendant(s) license(s) to the applicant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

JUNE 20, 1988

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>*NEW*</u> <u>ADDRESS</u>	<u>AMBULANCE</u> <u>COMPANY</u>	<u>EMT</u> <u>EXPIRES</u>
AKENS, SCOTT M.	Williamsville, NY 14221	Town's Amb.	12/31/90
BUCCILLI, JOE A.	Cheektowaga, NY 14227	Town's Amb.	5/31/90
CUILLO, ROBERT J.	Buffalo, N.Y. 14212	Town's Amb.	3/31/91
CARNEVALE, JOHN D.	Buffalo, N.Y. 14213	Gold Cross	1/31/91
COOK, CARL E.	West Seneca, NY 14224	Gold Cross	1/31/91
COOPER, SCOTT J.	PERRYSBURG, NY 14129	TOWN'S	12/31/90
**DAVIS, THOMAS D.	ANGOLA, N.Y. 14006	TOWN'S	1/31/91
DIJAMES, DANIEL V.	AMHERST, N.Y.	TOWN'S	3/31/91
DOLLER, MICHAEL I	WILLIAMSVILLE, NY 14221	GOLD CROSS	8/31/89
FOGANT, HOPE S.	LANCASTER, NY 14086	TOWN'S	1/31/91
**GREENLEE, DEXTER	BUFFALO, N.Y. 14201	GOLD CROSS	12/31/90
HAUK, MARY J.	TONAWANDA, N.Y. 14150	TOWN'S	12/31/90
HERON, RAYMOND J.	CHEEKTOWAGA, N.Y. 14225	TOWN'S	1/31/91
HILL, SUSAN E.	BUFFALO, N.Y. 14206	GOLD CROSS	12/31/90
HOOPER, ELMER S.	BUFFALO, N.Y. 14210	TOWN'S	12/31/90
**JULIANO, PETER T.	BUFFALO, N.Y. 14215	TOWN'S	1/31/91
** KOHN, LANCE J. III	Tonawanda, N.Y. 14150	Town's Amb.	5/31/90
** KOSTYO, ANTHONY R.	Cheektowaga, N.Y. 14227	Town's Amb.	5/31/90
LANGE, KEITH W.	Buffalo, N.Y. 14213	Gold Cross	8/31/90
** LYDON, MICHAEL	Niagara Falls, NY 14301	Gold Cross	1/31/91
OWENS, MICHAEL R.	Buffalo, N.Y. 14216	Town's Amb.	12/31/90
SOUTHWORTH, JOHN T.	Angola, N.Y. 14006	Gold Cross	1/31/91

DESIGNATES ATTENDANT ONLY LICENSES

STARR, JEFFREY A.	BUFFALO, N.Y. 14213	TOWN'S AMB.	5/31/89
THOMAS, TODD A.	BOSTON, NY 14025	TOWN'S AMB.	1/31/91*
TITTERINGTON, JAMES C.	BUFFALO, NY 14211	TOWN'S AMB.	1/31/91
WALKER, BLAKE J.	WILLIAMSVILLE, NY 14221	GOLD CROSS	1/31/91
WOODWORTH, TAMMY J.	LACKAWANNA, N.Y. 14218	TOWN'S AMB.	5/31/90

Item No. 16 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on June 10, 1988, rendered the determinations shown on the attached memo dated June 14, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 14, 1988 memo attached hereto:

Item III	4890 Transit Road corner Madeira Drive
Item IV	60 Boxwood
Item V	George Urban Blvd./Union Plaza
Item VI	Como Park Blvd. and Honorine

* * * * *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN KAZUKIEWICZ to amend the above resolution and the voting was as follows: (Item III was referred to the Petitions Committee)

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

The amended resolution is as follows:

Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on June 10, 1988, rendered the determinations shown on the attached memo dated June 14, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

Office of
BUILDING and PLUMBING INSPECTIONS

RONALD MARTEN
Building and Plumbing Inspector



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
686-3470

M E M O

TO: Supervisor Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Assistant Building Inspector

DATE: June 14, 1988

RECEIVED
JUN 15 1988
TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on June 10, 1988, in the Town Hall Council Chambers.

ITEM 1 2501 Broadway - 29,900 Sq. Ft. Addition To
 Near Harlem Allied Frozen Storage
 Facility

Applicant: Allied Frozen Storage Inc.

Determination - Tabled - The applicant has filed to construct this addition to the facility now being built at 2501 Broadway. The additional space will be for frozen storage and dock area; no additional refrigeration units will be added at this time. The applicant will be adding a fire hydrant at the rear of the facility to meet building construction codes. Since the original drainage plan for the site was designed to handle only the building now under construction, site drainage must be modified and the Town Engineer must review these revisions. This item will remain tabled until the Town Engineer is satisfied that the revised site drainage plans will handle storm waters properly.

ITEM 11 587 Aero Drive - Proposed 12,000 Sq.
 Ft. Office/Warehouse

Applicant: O'Tooles Restaurant Inc.

RE: EQR - June 10, 1988
June 14, 1988
Page 2

Determination - Tabled - The applicant proposes to construct a combination office/warehouse to be the U.S. Corporate offices for O'Tooles Restaurant Inc. of Rexdale, Ontario, Canada. The warehouse portion of the building will be used for storage of interior finishes and miscellaneous items used in the decoration of O'Tooles Restaurant to be constructed in the United States. The site itself is in an area that is offices, warehouses and has an existing construction yard to the East. The site is on the South side of Aero Drive between Amherst Villa Road and Holtz Road. It is not in the Floodplain but the Town Engineer must review the site drainage plan and has requested additional information of the applicant. The plan itself shows the Easterly side of the site to be developed with an additional warehouse/office but at this point in time the applicant does not foresee construction of such a facility for another two years. The item before this Committee is for the initial Westerly development only. In addition to tabling for drainage review, the applicant was informed that he must approach the Planning Board with the landscaping plan.

ITEM III 4890 Transit Road - Proposed 5,800 Sq. Ft.
 Corner of Madeira Drive Mini-Plaza & Special
 Permit For Gas Sales

Applicant: Johnstone Reid, Architect

Determination: Non-Significant With Stipulations
This item had been previously reviewed and found to be compatible with the area. At the previous meeting the Architect was informed that several changes must be made to the plans. The storm receiver located closest to the gasoline pumps must be moved and an oil separator installed. Also the Architect must furnish to the Engineering Department additional information on elevations and locations of the existing Town drainage ditch. The item was also referred to Traffic Safety for their recommendations. The Architect, at this meeting, submitted revised plans showing all changes and additional information. Therefore the Committee decided that the item was non-significant subject to Traffic Safety's recommendations and Engineering's final approval of the drainage.



Determination: Non Significant With Stipulations



Determination: Non Significant With Stipulations

This item had been before the Committee at a previous meeting and at that time the applicant was informed that a wider driveway must be installed, that additional drainage information must be provided and landscaping must be installed. The new submitted plan showed additional drainage information and a wider driveway to accommodate emergency vehicles. The use is compatible with surrounding uses and the determination was made based on Planning Board acceptance of the landscaping plan and the Town Engineer's final approval of drainage.

Applicant: Tom Greenauer Development

RE: EQR - June 10, 1988
June 14, 1988
Page 4

Determination: Non-Significant With Stipulations

This item had been before the Committee at several meetings and objections were raised by "Friends Of The Woods", an environmental/conservation oriented citizens group. The objections raised were concerned with the loss of natural vegetation and woodlands to development and their proximity to the Wildlife Preserve operated by the NYSDEC. The original proposal was for 70 lots with the entire site being developed for residential purposes. Subsequent meetings and discussions resulted in the subdivision being reduced to 56 lots. The objections continued because the Developer desired to still utilize the entire site for development.

The latest plan submitted to the EQR Advisory Committee showed a development of 32 lots but along the South side of the subdivision would be located a 200 foot wide buffer or undeveloped area. This 200 feet of land coupled with the 100 feet owned by a private party provided a 300 foot wide "buffer" zone along the South side of the subdivision. In a previous meeting, the "Friends Of The Woods" had Mr. Bruce Kirshner, an Environmental Scientist, speak on the impacts to the Preserve. At that time he indicated that a 300 foot wide buffer was the minimum buffer desired by conservation groups around any wildlife preserve.

One of the conditions of the approval is that the Developer install the berm and any other related items along the South property line as requested by the NYSDEC.

This item will be referred again to Traffic Safety Commission, NYSDEC and ECDEP for their comments since the plan has changed to a large extent since the original submittal. Even though the changes have been to reduce the impacts and reduce and or mitigate the anticipated impacts the agency comments will be solicited.

In a letter to the Town dated May 9, 1988, the NYSDEC indicated there would be no effect upon the water levels upon the Preserve Ponds however, it was suggested to the Developer that he may wish to take a very positive step and substitute slab construction for traditional cellar construction. The reason for this suggestion was to prevent potential problems for future homeowners with respect to house drainage, hydrostatic pressure in cellar walls with resulting basement leakage and continuous sump pump operation. It is the suggestion of this Committee that the Developer consider alternative foundation design and to carefully engineer any foundation being installed in the development.

MEETING NO. 13
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Item No. 16 cont'd

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 14, 1988 memo attached hereto:

Item IV	60 Boxwood
Item V	George Urban Blvd./Union Plaza
Item VI	Como Park Blvd. and Honorine

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 17a Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Cheektowga Youth Bureau is in need of renting a vehicle for use by it in its youth programs, and

WHEREAS, Economy Truck Rental has proposed a rental agreement for such vehicle, a copy of which is attached hereto, and

WHEREAS, such agreement is acceptable to this Town Board, NOW,
THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to execute such lease/rental agreement, and BE IT FURTHER

RESOLVED that the Town shall also accept the Collision Damage Waiver for the rental of such vehicle, and BE IT FURTHER

RESOLVED that moneys for the rental of such vehicle shall be appropriated out of the Youth Bureau's budget.

* See next page for rental agreement

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

ECONOMY TRUCK RENTAL
5080 GENESEE ST.
CHEEKTOWAGA, NY 14225 (716) 681-0250

VEHICLE MAKE & TYPE 1986 Chevy Van VEHICLE NO. 114
LICENSE NO. D15450 STATE NY
LOCAL STATION CODE 0250

METHOD OF PAYMENT ☒ CASH ☐ AMEX. ☐ A.T.C. ☐ CARTE BLANCHE ☐ DINERS

CREDIT CARD & NO.
X RENTER NAME Frank E. Surolek
ADDRESS
CITY & STATE

RENTER'S SOCIAL SECURITY NO.
FIRM NAME Town of Cheektowaga Youth Center
FIRM ADDRESS Broadway & Union Rd
CITY Cheektowaga STATE NY 14227
LOCAL CONTACT NAME

ADDRESS LOCAL PHONE 866 3323
VEHICLE WILL BE RETURNED ON DEPOSIT

VEHICLE WILL BE RETURNED TO 5080 GENESEE ST. Other Co Drivers

VEHICLE WILL BE USED IN STATES OF ONLY
CHECK - OUT ☐ SPARE ☐ JACK
CHECK - IN ☐ SPARE ☐ JACK
SPECIAL INSTRUCTIONS - ADDITIONAL INFORMATION
FULL TANK OF GAS
James J. Hornung 51258
ADDITIONAL DRIVER'S LICENSE STATE EXPIRATION DATE
1136772066954351258 NY '90
SIGNATURE OF ADDITIONAL RENTER
James J. Hornung
RENTER'S DRIVER'S LICENSE STATE EXPIRATION DATE
SIGNATURE OF RENTER
X Frank E. Surolek

RENTAL CHARGE COMPUTATION

MILES @ 154 MILEAGE IN
2800 miles free MILEAGE OUT 1265
DAYS @ 14.0 MILEAGE DRIVEN
@ 800 PLUS ALT. VEH. MILEAGE
CHARGES FINAL CHECK - IN TOTAL MILEAGE
TOTAL TIME AND MILEAGE CHARGES
PAYS OWN GAS DATE & TIME OUT 7-5-88 A.M. P.M.
NET TIME AND MILEAGE CHARGES TOTAL TIME USED

SUBJECT TO INTERCITY FEE OF:
PER DAY PER WEEK
TOTAL TAXABLE CHARGES
TAX @ % 7.5
DAMAGE VIOLATION OTHER
TOTAL CHARGES
LESS DEPOSIT
LESS - GAS OIL REPAIRS
AMOUNT DUE
REFUND (IF ANY)

ALTERNATE VEHICLE
MILEAGE IN
MILEAGE OUT
MILEAGE DRIVEN
DATE AND TIME OF EXCHANGE A.M. P.M.
DESIGNATE PAID OR CHARGE USE BALL POINT
COMPUTATION SUBJECT TO FINAL AUDIT
OUT BY IN BY
REFUND RECEIVED BY

PHYSICAL CONDITION MARK DAMAGED PART-WITH AN X ON PICTURES

FRONT AND LEFT SIDE REAR AND RIGHT SIDE

DESCRIBE DAMAGE TO CAR/TRUCK AS SHOWN ON PICTURE

MARK DAMAGED PART WITH AN X

DENT LEFT REAR BUMPER
SCUFF LEFT FRONT BUMPER
DENT PASS DOOR

FRONT AND RIGHT SIDE

THIS AGREEMENT SUBJECT TO THE TERMS AND CONDITIONS SHOWN ON REVERSE SIDE
ONLY AUTHORIZED RENTER(S) SHOWN ABOVE MAY DRIVE THIS VEHICLE

RENTER IS LIABLE FOR ALL PARKING AND TRAFFIC VIOLATIONS
ALL CORRESPONDENCE AND REMITTANCES MUST SHOW THIS NUMBER

WARNING
CUSTOMER IS RESPONSIBLE FOR ALL OVERHEAD AND SIDE DAMAGE TO VEHICLE FOR INSUFFICIENT CLEARANCE

RENTER'S COPY

Item No. 17b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau has been selected as a grant recipient by the New York State Office of Parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1988, and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has agreed to pay an amount of \$14,827.74 towards the total cost of the project, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is authorized to sign the agreement between the Town of Cheektowaga and the New York State Office of Parks, Recreation and Historic Preservation.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, it is proposed to extend Towers Boulevard northerly to Losson Road, as part of the proposed Losson Park Village Subdivision, which road construction will necessitate the installation of a traffic signal at the intersection of Towers Boulevard, Losson Road and the Stiglmeier Park entrance, and

WHEREAS, residents of the Cathedral Heights Subdivision have been petitioning this Town Board for a traffic control signal at Losson Road and Philip Drive, and

WHEREAS, there is need to conduct an engineering and traffic control analysis at both locations in order to substantiate the need for any traffic control devices along Losson Road, a County Highway, and in order to obtain traffic signal permits from the Erie County Department of Highways, NOW, THEREFORE, BE IT

RESOLVED that the proposal of EMS Consulting, as submitted to the Town Engineer, be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, sign said agreement with EMS Consulting to conduct the engineering analysis and traffic control study along Losson Road for the intersection of the proposed Towers Boulevard Extension and at the Losson Road/Philip Drive intersection, and BE IT FURTHER

RESOLVED that the cost for said professional services, which are not to exceed \$3,500.00, is to be chargeable to the Signal Upgrade Account #01-3310-0004-4478.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals hired for employment in the Facilities Department be and hereby are terminated as follows:

#01-007110-1-0-1491-001 - Parks Division

Effective

Paul Folsom
Alexander Grierson
Michael Burgio
Brian Wegner

Immediately
Immediately
Immediately
Immediately

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Item No. 18a cont'd

Christopher Kusz	Immediately
Richard Burkard	Immediately
Gerald Grabner	Immediately
John Trzaska, Jr.	6/12/88
Richard Polowy	6/8/88
Thomas Moleski	Immediately
Mark Kirsch	Immediately
Robert A. Oberg	Immediately
John Bartkowiak, Jr.	Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time Employees in the various departments listed:

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT - Seasonal</u>	
Annette Keem	Immediately
<u>MAIN PUMP STATION</u>	
Norman Anderson	7/5/88
John Johnson	7/5/88
Chet Kensy	7/5/88
Leroy Linkner	7/5/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, this Town Board has established two promotional positions entitled Building Inspector within the Building Inspection Department, and

WHEREAS, such promotional positions were duly posted in accordance with the collective bargaining agreement between the Town and the Town Employees' Association, and

WHEREAS, Thomas J. Adamczak and Eugene E. Martin, who are presently employed by the Town as Assistant Building Inspectors, have applied for and meet the qualifications for such positions, NOW, THEREFORE, BE IT

RESOLVED that Thomas J. Adamczak and Eugene E. Martin be and they are hereby appointed to the promotional positions of Building Inspector in the Building Inspector Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees' Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 13
June 20, 1988

Item No. 19b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a vacancy exists in the position of Sewer Maintenance Man in the Sewer Maintenance Department, and

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town and the Town Employees' Association, and

WHEREAS, Robert Latshaw, an employee in the Highway Department, applied for and is qualified for such position, NOW, THEREFORE, BE IT

RESOLVED that Robert Latshaw, 122 Poinciana Pkwy., Cheektowaga, New York be and hereby is appointed to the position of Sewer Maintenance Man in the Sewer Maintenance Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees' Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Motion by Councilman Jaworowicz, Seconded by Councilman Johnson to dispense with the reading of the names on Items 20A, 20B, 20C, 20D and 20E.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 20a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, funds are available under the Buffalo - Cheektowaga - Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program staff, will be starting on June 21st, 1988, at salaries listed below, and with a termination date not to exceed September 16th, 1988, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired as our Summer Youth Staff at salaries specified:

PRINCIPAL COUNSELOR at \$10.15 per hour

Peter Tonsoline

SENIOR COUNSELOR at \$9.10 per hour

Vincent Frisicaro

MONITOR AT \$6.75 per hour (FOR CHEEKTOWAGA & TONAWANDA)

Master, Michael

SENIOR ADVISORS AT \$5.25 per hour

Joseph Balthaser
Timothy Terranova

ADVISOR at \$4.95 per hour

Kathleen Makolinski

Item No. 20a cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, funds are presently available under the Buffalo-Cheektowaga
Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program starts on June 30th, 1988, participants work a maximum of 40 hours per week at \$3.35 per hour, and a termination date not to exceed September 16, 1988, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired based on fund availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

Ackerman, Clifford	14227
Anderson, Michael	14225
Anthony, Derrick	14227
Ast, Karen	Depew 14043
Baginski, Kim	14206
Bernys, Daryl	Depew 14043
Berst, Michael	14225
Bona, Luca	14227
Bona, Marcella	14227
Bona, Marco	14227
Boody, Mark	14227
Bova, Cathy	14225
Bova, Fawn	14225
Brady, Ronald	14225
Buck, Danny	14225
Buck, Lora	14225
Buck, Nathan	14225
Bulgrin, Darren	14227
Burgasser, Laurie	14225
Busalachi, John	14227
Caprio, David	14225
Cavalieri, Tammy	14227
Chellino, Gina	14227
Coleman, Donna	14227
Comiss, Danyele	Depew 14043
Creighton, Jeffrey	14225
Cwiklinski, Johns	14227
Dablewski, David	14225
Danner, Amy	14227
Danner, Patricia	14227
Dascomb, Deanna	14225
DeFries, Tricia	14225
DeGuire, Denise	14225
DelMonte, Paul	14225
Delotto, Jean Nicole	14225
Derkovitz, Shari-Lyn	14225
Dibble, Donna	14227
Dibble, Edward	14227
Dibble, Jennifer	14227
Dibble, Lynn	14227
Dillon, Patrick	14225
Doughty, Brian	Depew 14043
Dungan, Karen	14227
Dungan, Sheryl	14227
Dussias, Andrew	14225
Dusza, Robin	14225

Item No. 20b cont'd

Edmonson, Robert	14206
Fleck, Christopher	14225
Fleck, Robert	14225
Fronczak, Robin	14225
Gaghich, Tracy	14225
Gallagher, Graden	Sloan 14212
Gast, Timothy	14225
Gawron, Tammy	14225
Geisler, Amy	14225
Gerlach, Eric	14227
Gerstner, Dennis	14225
Glanowski, Paul	14227
Glass, Thomas	14227
Glasser, Patrick	Depew 14043
Golebiewski, Brian	14227
Goodheart, Todd	14225
Gott, Tracy	14206
Gould, Lorin	1425
Grace, John	14225
Grassl, Sheila	14225
Greenwalt, Rob	14227
Guarino, Rachelle	14225
Hagerty, Timothy	14225
Haskins, Denise	14225
Haskins, Teri	14225
Hennessey, James	14227
Herko, David	14211
Hidy, Jasen	14225
Hirschman, Justin	14227
Hutson, Martin	14225
Ineson, Jason	Sloan 14212
Karam, Bryon	14225
Karam, Christopher	14225
Kastler, Gina	14215
Kazmierczak, James	14225
Kielma, Dale	14227
Kilianski, Roger	14206
Kopcinski, Eric	14211
Kotlowski, Denene	Depew 14043
Kowal, Regina	Depew 14043
Kowalski, Michael	14227
Kraebel, James	14225
Krauss, Debra	14225
Kresin, Edward	14225
Kresin, Steven	14225
Krieger, Susan	14206
Krolczyk, Ray	14225
Kropp, Denise	Depew 14043
Krzyzkowski, Daniel	14225
Ksiazkiewicz, Christopher	14227
Kuhl, Carrie	14227
Kuhl, Robert	14227
Kupczyk, Michael	Depew 14043
Kush, Kevin	Bflo. 14206
Lampka, Dennis	14225
Lane, Paul	14206
Larkman, David	14227
Laschinger, Thomas	14211
Lattuca, Gregory	14225
Lawler, Kathryn	14225
Lazar, Kerry Beth	14225
Lazzaro, Christopher	14225
Lewandowski, Lynn	Bflo 14225
Liddick David	14225
Lopez, Mario	14225
Lorenz, Michelle	14225
Loschiavo, Joseph	14225

Item No. 20b cont'd

Luciow, Jeffrey	14227
Male, Marc	14225
Malecki, Carl	14206
Mammoser, Joseph	14227
Marranco, Joseph	Depew 14043
Martin, Robert	14225
Marzolf, Gary	14227
Mazurek, James	14227
Mazurowski, Andrew	14225
Mc Call, Vickie	14225
Mc Carthy, Michelle	14225
Mc Closkey, Patrick	14225
Mc Kibbin, Michael	Depew 14043
Michalski, Shawn	14227
Migon, Michelle	Bflo. 14215
Miller, Mark	14225
Mook, Susan	14225
Mueller, Jennifer	14206
Nadler, Joseph	14225
Nastaga, Edward	14211
Nati, Andrea	14225
Nati, Daniel	14206
Nati, Darrell	14206
Nati, Glory	14206
Niewczyk, Michelle	14225
Nixon, Robin	14227
O'Hara, Tracy	14227
Olejniczak, Edward	14227
Olin, Dawn	14225
Olivieri, Lino	Depew 14043
Orticelli, Barbara	14227
Orticelli, Billie-Jo	14227
Pokorski, Shawn	Sloan 14212
Radwanski, Jacqueline	14227
Rambadt, Karry Ann	14225
Rambadt, Billy	14225
Rejnal, Paulette	14225
Riedere, Christopher	14225
Riley, Rhonda	14225
Riley, Shane	14225
Roche, Michael	14225
Rote, David	14225
Rotilio, Antonella	14227
Rotilio, Claudia	14227
Rowland, Lisa	14206
Rowland, Marvin	14206
Royle, Geroge	14225
Rozell, Michelle	14227
Rudolph, Glenn	Depew 14043
Ruth, Cyril	14225
Ruth, Neil	14225
Ruth, Suann	14225
Saemenes, James	14225
Schultz, Paul	Depew 14043
Schultz, Todd	14227
Serra, Daniel	14212
Serra, Joseph	14212
Shotwell, Mark	14227
Sieroslowski, James	Depew 14043
Sieroslowski, John	Depew 14043
Sigman, Leonard	14225
Skotarczak, Becky	14225
Skotarczak, Theresa	14225
Skowron, Donna	14212
Skrabski, Dawn	14206
Skupien, Thomas	14225
Smith, Suan	14225

Item No. 20b cont'd

Sodus, David	14225
Sosnowski, Michael	14211
Spoly, Thomas	14225
Staffeldt, William	Depew 14043
Stalker, Eric	14225
Stango, Donna	14227
Stanko, RobbiJo	14225
Stanko, Michele	14225
Stanko, Poppy	14225
Stein, Joseph	14225
Stevens, Janet	14225
Strasser, Scott	14225
Sundquist, Renee	14225
Suozzi, Francis	14227
Tobolski, Kyle	14227
Tripi, Angela	14225
Tripi, Paul	14225
Tripi, Philip	14225
Trombley, Ann	14225
Truskey, Dina	14227
Vanderwalker, Daren	14225
Wardak, Brian	14206
Weber, Michael	14227
Weber, Penny	14225
Widzinski, Michael	14227
Witkowski, Danielle	14225
Wodarczak, Mark	14227
Wolford, Kelly	Depew 14043
Wolford, Michael	Depew 14043
Wong, Steven	14225
Zbytek, Kenneth	14227
Zietkiewicz, Brian	14227
Zimmerman, Daniel	14206
Zipp, Judy	Depew 14043
Bogdan, Michael	14225
Colligan, Kenneth	14225
Dombrowski, Scott	14227
Gesegnet, Keith	14227
Hornung, Jeff	14225
Syrell, Regina	14225
Villa, Monica	Bflo. 14211
Warchol, Kristen	Eden 14057
Was, Daniel	14225

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 20c Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that the following individuals be and hereby are hired in the Facilities Department to assist in conducting its 1988 Summer Program:

#01-007110-1-0-1491-001 - Parks Division - \$3.35 per hour EFFECTIVE

Bruce Blachowski	Immediately
Felix Lampke	Immediately
Richard Coffta	Immediately
John Kochel	Immediately
Jeff Kocielny	Immediately
John Mueller	Immediately
Steve Rutkowski	Immediately

Item No. 20c cont'd

Randy Palmisano	Immediately
Stanley Siejak	Immediately
Lawrence Williams	Immediately
Scott Kowal	Immediately
Marie Brutcher	Immediately
Joseph Dolecki	Immediately
Harry Rogalski	Immediately
Cam Viverto	Immediately
Dean Lauber	

#01-001625-1-0-1491-001-Bldg. Maintenance Division - \$3.35 per hour

Joseph Coffta	Immediately
Steve Dunkowski	Immediately
Donald Nowicki	Immediately
Francis Strong	Immediately
Leonard Stachowiak	Immediately

#01-007110-1-0-1491-001 - Parks Division - \$4.00 per hour

John Bratek	Immediately
Gordon Hagmier	Immediately

#01-001625-1-0-1391 - Bldg. Maintenance Division-Clerical - \$3.75 per hour

Joanne Krajewski	Immediately
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Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that the following individuals be hired at the designated titles and salaries:

Cheektowaga Conservation Corps-Summer Trainees (7310-1812) - \$3.35 per hour

Mark Syzdek	14206
Krista Bull	14227
Kirk Koenig	14227
Jason Berardi	14227
Keith Beaver	14227
Robert Mallak	14227
Nicole Gabrielli	14043
Jeffrey Keller	14227
Mark Bucolo	14043
Anthony Kennedy	14227
Robert Ziembiec	14227
Paul Heary	14225
Edward Kwiatkowski	14225
Chris Schneider	14227
Rich Zydel	14227
James Saemenes	14227
Kenneth Siller	14227
Lorraine Jones	14043
Martin Sypniewski	14212
William Levy	14206
Peter Zglinicki	14212
Joseph Leonarczyk	14212
Stephen Hummeshagen	14043
Paul Czaja	14227
Charles Off	14225
Keith Gawronski	14227

Item No. 20d cont'd

April Amadore	14043
Sean Ollila	14227
Ernest Kiefer	14043
Kris Carrick	14227
Charles Kuznicki	14227
Mike Jaskier	14227
Matt Keefe	14043
Scott Simon	14043
Michael Miller	14227
Dave Lupejkis	14043
Kevin Robinson	14043
Kevin Wisniewski	14227
Todd Skobjak	14227
Craig Piotrowski	14043

Camp Crabapple/Camp JI-IK-DO-WAH-GAH - Senior Counselor (Alternate)
\$4.00 per hour - (7310.1802):

Carl Vella	14043
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and BE IT FURTHER

RESOLVED that Richard Musielak, Jr. of , Depew, New York 14043, previously hired as a Youth Leader (7310.1812) for the Cheektowaga Conservation Corps Program be elevated to the position of Trainee Supervisor (7310.1811) at \$6.00 per hour, and BE IT FURTHER

RESOLVED that the following individuals be elevated to the positions and rates of pay as described (Administrative Interns - Clerks; 7310.1804):

Beth Kuerzdoerfer, Level III, at \$5.25 per hour
Kerry Switalski, Level II, at \$4.65 per hour
Deborah Ryan, Level I, at \$3.50 per hour

and BE IT FURTHER

RESOLVED that the following individuals' names be removed from the hiring roles due to their acceptance of other employment:

Cheektowaga Conservation Corps - Alternate Youth Leaders (7310.1812)

Glen Osswald	14225
John K. Jarzynski	14225

Camp Crabapple/Camp JI-IK-DO-WAH-GAH - Recreation Supervisor - Counselor II
(7310.1802)

Denise Syracuse	14225
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Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20e Motion by Councilman Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or part-time employees in the various departments and at the rates listed:

SANITATION DEPARTMENT - Part-Time - \$5.00 per hour

Gary Cammilleri
Mark Zarczynski

EFFECTIVE

Immediately
Immediately

Item No. 20e cont'd

Andrew Balash	Immediately
Ronald Budney	Immediately
Thomas Brudz	Immediately

SEWER MAINTENANCE DEPARTMENT - Seasonal - \$3.35 per hour

James Ferdinand	6/21/88
Robert Kowalewski	6/21/88

COMMUNITY DEVELOPMENT - Part-Time Clerical - \$4.00 per hour

Lynette Wasielski	6/9/88
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POLICE DEPARTMENT - Seasonal - \$3.35 per hour

Holly Biedron	Immediately
Susan Orr	Immediately

RECREATION DEPARTMENT - Basket Checkers - \$2.50 per hour

Brian Tokarczyk	Immediately
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RECREATION DEPARTMENT - Recreation Attendant-Alternate - \$3.35 per hour

Gregory Loucks	As needed
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and BE IT FURTHER

RESOLVED that David Tomasello of , hired as a part-time employee in the Sanitation Department, be and hereby is transferred to the Facilities Department as a seasonal employee at a rate of \$3.35 per hour, effective immediately.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 21 Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that the following seasonal Recreation employees be transferred as follows:

FROM LIFEGUARD ALTERNATE TO BASKET CHECKER A7180.1901

Linda Skowron

FROM BASKET CHECKER TO LIFE GUARD A7180.1903

Christine Conley

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 22a Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, the Buffalo-Niagara Frontier Safety Council, in cooperation with the New York State Department of Motor Vehicles and the New York State Department of Insurance, sponsors a 6-hour Defensive Driving Course, and

Item No. 22a cont'd

WHEREAS, it would be in the best interest of the Town of Cheektowaga to have its motor vehicle operators participate in said Defensive Driving Course in order to improve their driving and accident avoidance skills, and

WHEREAS, the Town's Risk Management Consultant has recommended such training, and

WHEREAS, said program would be conducted on Town premises at a cost of \$19.00 per person, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby requires participation, at Town cost, in such Defensive Driving Course by employees who operate motor vehicles, other than passenger cars, in the Highway, Sanitation, Facilities, Engineering, Central Garage and Sewer Maintenance Departments, and BE IT FURTHER

RESOLVED that those motor vehicle operators in the above-stated Departments who have recently completed said course be reimbursed, and BE IT FURTHER

RESOLVED that funds, not to exceed \$3,000, shall be charged to Account # 1910-04-4085.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22b Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the New York State Assessors' Association is conducting a Seminar on Appraising for Assessors at the Cornell University, Ithaca, New York on July 24, 1988 thru July 29, 1988, and

WHEREAS, said seminar is administered by the New York State Division of Equalization and Assessment for Assessors to obtain continuing education credits, and

WHEREAS, the State Board of Equalization and Assessment Continuing Education Program will reimburse the costs to the Town as per their schedule, NOW, THEREFORE, BE IT

RESOLVED that Casimir A. Kozminski, Assessor, be and hereby is authorized to attend said Seminar on July 24th thru July 29, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22c Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau has been selected as a granted recipient by the New York State Office of parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1988, and

WHEREAS, it entails a four day training session requiring the presence of the Executive Director, Kenneth J. Kopacz, and the Work Crew Supervisor, James Hornung, NOW, THEREFORE, BE IT

RESOLVED that Kenneth J. Kopacz, Cheektowaga, New York 14225, and James Hornung, Cheektowaga, New York 14225, be authorized to attend said training session from June 27th to June 30th, and BE IT FURTHER

Item No. 22c cont'd

RESOLVED that all necessary travel expenses be reimbursed, not to exceed \$250.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23a Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga has received notification of an unsafe abandoned structure at Cheektowaga, New York, SBL #114.20-9-12 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessor's Office is owned by Borden-Losson Corporation, 38 Quincy Street, Lancaster, New York 14086, and

WHEREAS, this condition requires that immediate steps be taken to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23b Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at (Tree Pickle), Cheektowaga, New York, SBL #114.20-9-12 and according to the Assessor's Office is owned by Borden Losson Corporation, 38 Quincy, Lancaster, New York 14086, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23c Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located North of 62 Colton Street, Lot #18, #19, Cheektowaga, New York, SBL # 112.67-4-16 and according to the Assessor's Office is owned by Walter Kajtoch, Buffalo, New York 14206, and

Item No. 23c cont'd

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23d Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located North of 354 North Pleasant Parkway, Sublot #15, Cheektowaga, New York, SBL # 112.67-5-1 and according to the Assessor's Office is owned by Peter J. Schmitt Company, Incorporated, P.O. Box 2, 355 Harlem Road, West Seneca, New York 14224, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23e Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property, formerly Bell's, located at 1999 William Street, Cheektowaga, New York, SBL # 112.67-4-1 and according to the Assessor's Office is owned by Peter J. Schmitt Company, Incorporated, P.O. Box 2, 355 Harlem Road, West Seneca, New York 14224, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 13
June 20, 1988

Item No. 24 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to disconnect two (2) 14,400 lumen H.P.S. luminaires on poles 1-9 and 1-11, line 2509, for an annual decrease in the General Lighting District of \$253.46, as outlined on the attached New York State Electric & Gas proposal dated June 15, 1988, and BE IT FURTHER

RESOLVED that all costs associated with the removal of the subject utility owned lighting equipment, including undepreciated value, shall be borne by the Pyramid Company of Buffalo, who has requested its removal in conjunction with the construction of the Galleria Mall.

* See next page for proposal

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

NYSEG

June 15, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Union Road Cheektowaga Central High School Athletic Field)

Remove 2-14400 lumen hps lamps @ \$126.73 ea. ----- \$ 253.46
Poles 1-9, 1-11, Line 2509

Pyramid Co. of Buffalo has requested these lights be removed, as they are on property purchased by them and are in the way of construction. All charges associated with the removal (labor, unrecovered cost, etc.) will be paid by Pyramid Co. of Buffalo.

TOTAL ANNUAL DECREASE --- \$ 253.46

MEETING NO. 13
June 20, 1988

Item No. 25a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, on November 16, 1987 this Town Board awarded the contract for the Cheektowaga Firemen's Park Sanitary Sewer and Water Line Project for the total sum of \$14,091.00 to Kandey Co., Inc., and

WHEREAS, the Town Engineer and the Project Engineer, Mr. Allan Blachowski approved Change Order No. 1 for the sum of \$1,716.00 as a reduction to the contract's final revised bid items, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 1 for a total decrease to the original contract price of \$1,716.00 to Kandey Co., Inc., be approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Board, is hereby authorized and directed to sign Change Order No. 1.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, on November 16, 1987 this Town Board awarded the contract for Various Sewer Connections, Districts No. 5 and No. 7 for the total sum of \$149,795.00 to Toro Construction, Inc., and

WHEREAS, the Town Engineer, the consulting firm of Nussbaumer & Clarke, Inc. and the Project Engineer, Mr. Allan Blachowski, approved Change Order No. 1 in the sum of \$6,615.69 as a reduction in the contract's final revised bid quantities, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 1 for a total decrease to the original contract price of \$6,615.69 to Toro Construction, Inc. be approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said Change Order No. 1.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26a Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, the Cheektowaga Police Department's Child and Sexual Abuse division is in need of certain equipment and simulation devices (i.e. puppets) to assist in its investigations, and

WHEREAS, recently the Police Department held an auction of bicycles which were impounded or abandoned to them, and such auction resulted in revenues of \$720 to the Town, and

WHEREAS, such revenues were deposited in the General Fund, and

WHEREAS, Kenneth J. Kopacz, Director of the Youth Bureau, has informed the Police Department that he could purchase the equipment and simulation devices needed by the Police Department's Child and Sexual Abuse division at a discount, and

WHEREAS, this Board desires to transfer funds from the General Fund to the Youth Bureau's budget for the purchase of equipment and simulation devices for the Police Department, NOW, THEREFORE, BE IT

MEETING NO. 13
June 20, 1988

Item No. 26a cont'd

RESOLVED that funds in the amount of \$720 be transferred from the General Fund to the Youth Bureau's budget, line item 7310.4671 for the purchase of equipment and simulation devices for the Police Department's Child and Sexual Abuse division.

* * * * *

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

and the amended resolution is as follows:

Item No. 26a Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, the Cheektowaga Police Department's Child and Sexual Abuse division is in need of certain equipment and simulation devices (i.e. puppets) to assist in its investigations, and

WHEREAS, recently the Police Department held an auction of bicycles which were impounded or abandoned to them, and such auction resulted in revenues of \$720 to the Town, and

WHEREAS, such revenues were deposited in the General Fund, and

WHEREAS, Kenneth J. Kopacz, Director of the Youth Bureau, has informed the Police Department that he could purchase the equipment and simulation devices needed by the Police Department's Child and Sexual Abuse division at a discount, and

WHEREAS, this Board desires to transfer funds from the General Fund to the Youth Bureau's budget for the purchase of equipment and simulation devices for the Police Department, NOW, THEREFORE, BE IT

RESOLVED that funds in the amount of \$720 be transferred from the General Fund to the Youth Bureau's budget, line item 7310.4671 for the purchase of equipment and simulation devices for the Police Department's Child and Sexual Abuse division, and that \$3,000 be transferred from the Contingency Account #19-10-4711.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, with the implementation of the E-911 system in the Town, an education and information campaign will have to be undertaken to alert the public to such system, and

WHEREAS, the County will fund only a portion of the money necessary to undertake such campaign, and

WHEREAS, it is estimated that another \$3,000 will be necessary to effectively inform and education the residents of this Town, NOW, THEREFORE, BE IT

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Item No. 26b cont'd

RESOLVED that \$3,000 be transfered from Account No. 01-3120-0004-2501 to Capital Project Account No. 05-8802-3120-0100, said moneys to be used to pay expenses associated with informing the public about the E-911 system.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Motion by Councilman Kulyk, Seconded by Councilman Gabryszak to dispense with read of figures in Item No. 26C.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 26c Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

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

GENERAL FUND

FROM:	1220.1304	(Supervising Accountant)	\$15,919.88
	1430.1125	(Co-ordinator Emp. Relations)	8,080.12
	7110.4451	(Building & Grounds)	1,860.00
	7110.4458	(Improvement Projects)	8,003.00
	1910.4711	(Contingency)	3,000.00
	3120.2501	(Other Equipment-Police Dept.)	3,000.00
TO:	1220.1306	(Director-Administration & Finance)	24,000.00
	1910.4711	(Contingency)	9,863.00
	1910.4085	(Local Education Expense)	3,000.00
	9950.8802	(Interfund Transfer to Capital Fund)	3,000.00

SPECIAL DISTRICT FUND

FROM:	599.0000	(Fund Balance - S.D.#3)	\$15,000.00
	8135.4087	(Training & Seminars - Plant #5)	500.00
TO:	8123.9950	(Interfund transfer out to Capital Proj.)	15,000.00
	8135.4071	(Clothing Replacement)	500.00

CAPITAL FUND

FROM:	5031.0000	(Interfund Transfer In-SD#3)	\$15,000.00
	5031.0000	(Interfund Transfer In-From Gen. Fund)	3,000.00
TO:	8120.0220	(Capital Proj. #32 Arch. Eng. Fees)	15,000.00
	3120.0100	(911 Project-Admin. Expense)	3,000.00

CAPITAL FUND - CORRECTION OF 6/6/88 RESOLUTION

FROM:	5031.0000	(Interfund Transfer In-From gen. Fund)	\$ 5,000.00
TO:	3120.0220	(Capital Project #8802)	5,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
and Kazukiewicz
NAYES: Councilman Solecki
ABSENT: 0

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Item No. 27 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to June 20, 1988, are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$2,266.113.08
HIGHWAY FUND	656,292.74
CAPITAL FUND	290,871.30
TRUST & AGENCY FUND	408,494.88
HUD-CDBG FUND	2,519.63
PART-TOWN FUND	72,802.63
RISK RETENTION FUND	55,034.38
HUD-REHAB FUND	12,337.00
SPECIAL DISTRICT FUND	851,153.70
	<u>\$4,615.619.34</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. FROM THE TABLE

Item No. 28 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Reid Petroleum Corporation applied for a Special Permit for a self-service gasoline station on property located at 1055 Walden Avenue, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga, ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 16th day of May, 1988 at 6:30 o'clock 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 Ordinance 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 Permit, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 1055 Walden Avenue, and has rendered a determination that the Special Permit will not have a significant effect on the environment subject to the following conditions:

1. the drainage and catch basins be approved by the Engineering Department
2. the pumps and containment of spilled fuel be subject to approval by the Fire Inspector.

and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Town Environmental Advisory Committee.

Upon Roll Call....

AYES: 0
NAYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
ABSENT: 0

OK
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the south line of Walden Avenue (66 feet wide) distant 605 feet easterly from the division line between the City of Buffalo and Town of Cheektowaga as measured along said south line of Walden Avenue; thence easterly along said south line of Walden Avenue, 150 feet to a point; thence southerly at right angles, 150 feet to a point; thence westerly along a line drawn parallel with said south line of Walden Avenue, 150 feet to a point; thence northerly along a line drawn at right angles to said south line of Walden Avenue, 150 feet or place of beginning.

This conveyance is made by

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- Item No. 29 Direct Facilities Director to open service road at Stiglmeier Park during evening hours
This resolution was referred to the Traffic Safety Commission and the Parks and Recreation Committee.

IV. DEPARTMENTAL COMMUNICATIONS

- Item No. 30 Supervisor's Statement of Funds for April
Received and Filed.
- Item No. 31 Cheektowaga Planning Board - minutes of May meeting
Received and Filed.

V. GENERAL COMMUNICATIONS

- Item No. 32 Notice of Petition - John & Angelina Valentin vs Town Board of Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; Cheektowaga Town Board Members; James Kirisits, Town Attorney; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Chairman of Planning Board.
Received and Filed.
- Item No. 33 Tentative Special Franchise Assessments - New York Telephone
Copies were sent to: Casey Kozminski, Town Assessor.
Received and Filed.
- Item No. 34a Notice of Claim - Judith Flick vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Sewer Department; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 34b Notice of Claim - Eric Roeser as parent of Jason, infant vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Superintendent; Laverack & Haines, Insurance Carrier.
Received and Filed.

VI. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

- Item No. 35 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Youth Bureau will be sponsoring Camp Crabapple and Camp JI-IK-DO-WAH-GAH for disabled youths from July 5, 1988 through August 12, 1988, and

Item No. 35 cont'd

WHEREAS, the Cheektowaga Youth Bureau is desirous of utilizing the St. John Gualbert School for the purpose of sponsoring these camps, and

WHEREAS, St. John Gualbert Parish owns and has authorized the use of the St. John Gualbert School by the Cheektowaga Youth Bureau for this purpose for a cost not to exceed \$1,200, and

WHEREAS, an Agreement for the use of the St. John Gualbert School for the aforementioned purposes has been prepared, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Youth Bureau is hereby authorized to conduct and sponsor Camp Crabapple and Camp JI-IK-DO-WAH-GAH at the St. John Gualbert School for the period from June 27, 1988 through August 17, 1988, and BE IT FURTHER

RESOLVED that the Supervisor of the Town of Cheektowaga is hereby authorized, directed and empowered to execute the Agreement with the Pastor of St. John Gualbert Parish relating to the use and occupancy of the St. John Gualbert School for the purposes set forth above (A7310.4691/T.A.894)

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 36 Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk