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Meeting No. 6 February 27, 1989 cont'd

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MEETING NO. 1  
January 3, 1989

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 3rd day of January, 1989 at 7:00 o'clock P.M., Eastern Standard 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: U

Also present were: Mary F. Holtz, Deputy Town Clerk; James Kirisits, Town Attorney, Casimir Kozminski, Sole Assessor, Chester Bryan, Town Engineer; Christopher Kowal, Highway Superintendent; Ron Marten, Building and Plumbing Inspector; Ralph Majchrowicz, Director of Administration and Finance; Robert Lis, Chief of Police, Pat Staniaszak, Youth Bureau Coordinator.

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:

1. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(2) shall be amended to add the words "and county" after the word "town" and before the word "roads" and to add the following named county roads to such subsection:

<u>Name of Street</u>	<u>Limits</u>
Aero Drive	between 0.1 mile east of Holtz Drive west to Williamsville Village line
Beach Road	from Genesee Street to Amherst town line
Bennett Road	from Union Road to Como Park Boulevard
Borden Road	from Broadway to West Seneca town line
Cayuga Road	from Genesee Street to Amherst town line
Cayuga Creek Road	Entire length
Cleveland Drive	from Cayuga Road to Buffalo city line
Como Park Boulevard	from Union Road to Lancaster town line
Dick Road	Entire length
Dingens Street	from Cass Avenue to Buffalo city line

Item No. 2. continued

Eggert Road	Entire length
French Road	Entire length
George Urban Boulevard	from Union Road to Depew village line from Genesee Street to Union Road
Holtz Road	Entire length
Kensington Avenue	from Buffalo city line to Amherst town line
Losson Road	from Union Road to Transit Road
Maryvale Drive	from Pine Ridge Road to Sandstone from Beach Road to Cayuga Road
Pine Ridge Road	Entire length
Rowley Road	from Indian Road to Depew village line
William Street	from Union Road to Buffalo city line

2. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(3) shall be amended to read as follows:

(3) The following county road(s) shall have an established speed limit of forty-five (45) miles per hour:

<u>Name of Street</u>	<u>Limits</u>
Aero Drive	between 0.1 mile east of Holtz Drive to Transit Road (N.Y. Route 78)

\* \* \* \* \*

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. 3a Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

BE IT RESOLVED that the regular Town Board meetings of the Town of Cheektowaga for the calendar year 1989 shall be held at 7:15 P.M. in the Council Chamber of the Town Hall, at Broadway and Union Road, Cheektowaga, New York on the following referenced dates:

- \*First and Third Mondays of January, March, April, May, June, August, October, November, and December
- \*February 6th and 20th, 1989
- \*July 3rd and 17th, 1989
- \*September 4th and 18th, 1989
- \*March 22, 1989 - Re-enactment of Cheektowaga Town Board meeting (Sesquicentennial Event)

and BE IT FURTHER

RESOLVED that such meetings shall begin with the public comment period of 15 minutes duration maximum, and the meetings proper will begin immediately thereafter.

\* \* \* \* \*

MOTION BY SUPERVISOR SWIA TEK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION BY CHANGING THE TIME OF THE TOWN BOARD MEETING AND THE VOTING WAS AS FOLLOWS:

MEETING NO. 1  
January 3, 1989

Item No. 3a continued

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 Supervisor Swiatek, seconded by Councilman Johnson

BE IT RESOLVED that the regular Town Board meetings of the Town of Cheektowaga for the calendar year 1989 shall be held at 7:30 P.M. in the Council Chamber of the Town Hall, at Broadway and Union Road, Cheektowaga, New York on the following referenced dates:

- \*First and Third Mondays of January, March, April, May, June, August, October, November, and December
- \*February 6th and 20th, 1989
- \*July 3rd and 17th, 1989
- \*September 4th and 18th, 1989
- \*March 22, 1989 - Re-enactment of Cheektowaga Town Board meeting (Sesquicentennial Event)

and BE IT FURTHER

RESOLVED that such meetings shall begin with the public comment period of 15 minutes duration maximum, and the meetings proper will begin immediately thereafter.

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.

*Amy C. Meyers*....., 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..... JAN 05 1989 ..... ;  
last publication..... JAN 05 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....

Sworn to before me this .....<sup>5th</sup>.....

day of .....*January*....., 19*89*..

.....*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 3rd day of January, 1989 at 7:00 o'clock p.m. Eastern Standard 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 Gabryszak

Seconded: Councilman Jaworowicz

**BE IT RESOLVED** that the regular Town Board meetings of the Town of Cheektowaga for the calendar year 1989 shall be held at 7:30 P.M. in the Councilman Chamber of the Town Hall, at Broadway and Union Road, Cheektowaga, New York on the following referenced dates:

\*First and Third Mondays of January, March, April, May, June, August, October, November and December

\*February 6th and 20th, 1989

\*July 3rd and 17th, 1989

\*September 4th and 18th, 1989

March 22, 1989 - Re-enactment of Cheektowaga Town Board meeting (Sesquicentennial Event)

**and BE IT FURTHER**

**RESOLVED** that such meetings shall begin with the public comment period of 15 minutes duration maximum, and the meetings proper will begin immediately thereafter.

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

**PUBLISH: January 5, 1989**

Item No. 3b Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the Town Board shall hold work sessions in the calendar year 1989 as follows:

January, February,  
March, April, May  
October, November  
December

Second Saturday of the  
month at 10:00 a.m.

June, July,  
August, September

Fourth Monday of the  
month at 6:00 p.m.

said work sessions to be held in the Council Office, Town Hall, 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.

Amy C. Meyers....., 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..... JAN 05 1989.....;  
last publication..... JAN 05 1989.....;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this .....<sup>5th</sup>.....  
day of January....., 1989..  
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 3rd day of January, 1989 at 7:00 o'clock p.m. Eastern Standard 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 Kazukiewicz

**BE IT RESOLVED** that the Town Board shall hold work sessions in the calendar year 1989 as follows:

January, February, March, April,  
May October, November December:  
Second Saturday of month at 10:00 a.m.

June, July, August, September:  
Fourth Monday of the month at 6:00 p.m.

said work sessions to be held in the Council Office, Town Hall, Cheektowaga, New York.

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**

**PUBLISH: January 5, 1989**

MEETING NO. 1  
January 3, 1989

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

BE IT RESOLVED, that Marine Midland Bank, N.A. (Cheektowaga Office), Norstar Bank and Trust Company (Harlem Road Office), Key Bank (Cheektowaga Office), Chase Lincoln First Bank of Western New York, N.A. (Depew Office), Manufacturers and Traders Trust Company (Airport Plaza Office), and Manufacturers Hanover Trust Company Western, N.A. (Depew Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of money against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of Frank E. Swiatek, Supervisor

AND the Marine Midland Bank, N.A. (Cheektowaga Office), Norstar Bank and Trust Company (Harlem Road Office), Key Bank (Cheektowaga Office), Chase Lincoln First Bank of Western New York, N.A. (Depew Office), and Manufacturers and Traders Trust Company (Airport Plaza Office), shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto, if such signature resembles the facsimile specimen or specimens duly certified to or filed with said banks by the Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

Upon Roll Call....

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

Item No. 5 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

BE IT RESOLVED that the following banking institutions be names official Town Depositors for the year 1989:

Marine Midland Bank N.A. (Cheektowaga Office)  
Manufacturers and Traders Trust Company (Airport Plaza)  
Key Bank (Como Mall & Union Road)  
Norstar Bank, N.A. (Harlem Road Office) \$2.54 FRS \$ but bid on CD's  
Chase Lincoln First (Depew Office)

Upon Roll Call....

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

Item No. 6 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following holidays shall be observed by the Town of Cheektowaga in 1989:

New Year's Day	January 1, 1989 (Sunday)
Day After New Year's	January 2, 1989 (Monday)
Washington's Birthday	February 20, 1989 (Monday)
Good Friday	March 24, 1989 (Friday)
Memorial Day	May 29, 1989 (Monday)
Independence Day	July 4, 1989 (Tuesday)
Labor Day	September 4, 1989 (Monday)
Columbus Day	October 9, 1989 (Monday)
Election Day	November 7, 1989 (Tuesday)
Veteran Day	November 11, 1989 (Saturday)
Thanksgiving Day	November 23, 1989 (Thursday)
Day After Thanksgiving	November 24, 1989 (Friday)
Christmas Eve	December 24, 1989 (Sunday)
Christmas Day	December 25, 1989 (Monday)

MEETING NO. 1  
January 3, 1989

Item No. 7 Motion by Councilman Gabryszak, Seconded by Councilman Solecki

WHEREAS, it is in order that bids be advertised for a preventative maintenance and service agreement for various Town owned buildings, AND

WHEREAS, bid specifications are ready for such a preventative maintenance and service agreement, which specifications involve temperature controls and energy saving equipment, HVAC and mechanical equipment consisting of pumps, air handling, fans, boilers, hot water heaters, air conditioning equipment, thermostats, air compressors, valves and related devices used to control HVAC equipment in Town buildings, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for said preventative maintenance and service agreement, said notice to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 16th day of January, 1989, Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

\* \* \* \* \*

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, Erie County, New York, on the 16th day of January, 1989 at 11:00 A.M., Eastern Standard Time, in the Town Hall in the Town of Cheektowaga, New York, for a Preventative Maintenance Agreement for Various Town Municipal Buildings. Work under this agreement is to encompass building temperature control and energy saving equipment, HVAC and mechanical equipment consisting of pumps, air handling units, fans, boilers, DHW heaters, air conditioning equipment, thermostats, air compressors, valves and related devices used to control HVAC equipment in buildings throughout the Town. Work includes scheduled inspection of system components, record keeping and report generation. Work required on an "as needed" basis will include trouble-shooting and repair of system components.

Documents are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents and Instructions to Bidders may be examined at the above office. Specifications may be obtained from the Town Clerk at his office in said Town upon payment of \$50 per set of documents. Deposits should be made in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for A Preventative Maintenance Agreement for Various Town Municipal Buildings".

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

Any bidder returning the documents in good condition within thirty (30) days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the documents before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of documents may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this thirty (30) day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

MEETING NO. 1  
January 3, 1989

Item No. 7 continued

Each proposal must be accompanied by a certified check for a sum equal to ten percent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten percent (10%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a Bidder's Certificate of Non-Collusion. Such Certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

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

Richard M. Moleski  
Town Clerk

DATED: January 3, 1989

\* \* \* \* \*

Upon Roll Call....

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

2 AFFIDAVITS - NEXT PAGES

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

*Amy C. Meyers*....., 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..... JAN 05 1989 ..... ;  
last publication..... JAN 05 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this ..... 5th .....  
day of ..... January....., 1989..  
..... 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

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The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to ten percent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten percent (10%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) day after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a Bidder's Certificate of Non-Collusion. Such Certificate is part of the bid or proposal form and, unless complied with, such bids will not be accepted.

By Order of the Town Board of the Town of Cheektowaga, Erie

County, New York.  
RICHARD M. MOLESKI  
Town Clerk

PUBLISH: January 5, 1989

SUNPACK dedicated flash for Minolta, new, in box, \$75. \$27-7399

634 Clothing

WEDDING Gown, size 18, with hat, slip, \$275/best offer. Call 947-4194

638 Computers & Supplies

APPLE IIe/compatible, 256K drives, 192K of RAM, 2 moni-tors, Apple Cal. Modem, 10y stick Warranty, \$825. \$62-5620

IBM Wheelwriter Letter-Quail-ly Printer, automatic sheet feed/tractor, 16ppd, \$795/best offer. \$49-3007

MAC Plus, ImagedWriter II, ex-cel & word, used 1 mo. Cost \$2909, sell \$1600. 723-1379

MTA-C-IBM-XT, 440K, 2 floppy disk drives, 20 meg hard disk, color graphics card, amber monitor including over \$1000+ of software, \$1500. \$91-5107

639 Construction Equipment & Supplies

FORD Model 3500 8 1/2 hp lift with snow buckets, chains & cab, \$8500. 741-2282

FORD 1974 Dump with 9 ft. Meyers snowplow, \$8900. 1986 9 ton Eager Beaver trailer. \$4500. 434-7191

FORKLIFTS air and hard tires, also loader, 648-7588 or 824-1743

GRACO PT 2500 airless spray-er, 50 ft. hose, 2 guns, other accessories, \$450. 876-3439

KOHLER Engine, 1 cyl, cast iron, 8 HP, horizontal, elec start, excellent, \$200. 882-4499

STORAGE TRAILERS, Pick up & delivery available. Best rates around, 875-7631.

642 Farm Equipment

FORD 8N tractor with cab, front hydraulic snow plow, \$3000. Call 549-3434

FORD 8N, \$1650. Massey Fer-puson, \$5, \$3500. front snow-plow, \$165. rear 3 pt blade, \$150. 941-6394

TRACTOR, Ferguson TO-20 with 3 pt hitch scraper blade, made

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that she/~~he~~ is Principal Clerk of BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 5 th day of January 1989

*D. Eileen Perry*

Sworn to before me this 6th day

of January 19 89

*Paul E. Bielman*

Notary Public, Erie County, N.Y.

PAUL E. BIELMAN  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires November 30, 1989



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

RICHARD M. MOLESKI  
Town Clerk  
Dated: January 3, 1989

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that she/~~he~~ is Principal Clerk of BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 5 th day of January 1989

*D. Eileen Perry*

Sworn to this 6th day

of 9 89

*Paul E. Buda*

Notary Public, Erie County, N.Y.

ELMAN  
of New York  
Erie County  
November 30, 1989

MEETING NO. 1  
January 3, 1989

Item No. 8a Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, bids were received on December 19, 1988 for the purchase of dimensional and pressure treated lumber, 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 December 30, 1988, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the purchase of dimensional and pressure treated lumber for the year of 1989 be awarded to the following at the total bid prices listed below:

ITEM I - Dimensional Lumber

Average bid price per foot of thirteen various sizes: \$ .87

ITEM II - Plywood

Average bid price per sheet of eleven various sizes: \$12.87

ITEM III - Nova Board and Particle Board

Average bid price per sheet of six various sizes: \$17.80

ITEM IV - Pressure Treated Lumber

Average bid price per foot of nine various sizes: \$ 1.16

AWARD OF ITEMS, I, III, IV TO:

Forest Materials, Inc.  
1665 Harlem Road  
Cheektowaga, New York 14206

AWARD OF ITEM II TO:

Quality Lumber and Builders Supply  
1700 Union Road  
West Seneca, New York 14224

Upon Roll Call....

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

Item No. 8b Award of Bid: Emergency snow removal  
This item was withdrawn.

Item No. 9 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

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

SANITATION DEPARTMENT

EFFECTIVE

Sobocinski, Ronald	12/31/88
Somogyi, Richard	12/31/88
Tomasello, David	12/31/88
Weaver, Scott	12/31/88
Yetman, William	12/31/88
Zarczynski, Mark	12/31/88
Brudz, Thomas	12/31/88

MEETING NO. 1  
January 3, 1989

Item No. 9 continued  
Upon Roll Call....

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

\*\*\*\*\*

Motion by Councilman Solecki to read names of bingo inspectors individually. Motion was lost due to lack of second.

\*\*\*\*\*

Item No. 10 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are reappointed as Town Bingo Inspectors, effective January 1, 1989:

Kenneth Jeffords	Cheektowaga, New York
Stanley Sliwinski, Jr.	Cheektowaga, New York
Charlotte Janiak	Cheektowaga, New York
Longin M. Olech	Cheektowaga, New York
Jacqueline Blachowski	Cheektowaga, New York

and, BE IT FURTHER

RESOLVED that Alexander Mazgajewski of Cheektowaga, N.Y. be and hereby is appointed Bingo Inspector Chairman, effective January 1, 1989.

Upon Roll Call....

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

Item No. 11a Appointment of Town Justice  
This Item was withdrawn.

\*\*\*\*\*

Motion by Councilman Solecki to appoint Thomas Gagola as Town Justice. Motion was lost due to lack of second.

\*\*\*\*\*

Item No. 11b Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, on November 8, 1988, Cheektowaga Town Justice John V. Rogowski was elected to the position of Erie County Court Judge, the term for which commences on January 1, 1989, and

WHEREAS, by letter dated December 27, 1988, John V. Rogowski notified the Town Clerk and this Town Board of his resignation from the position of Cheektowaga Town Justice, effective midnight on December 31, 1988, and

WHEREAS, this Town Board interviewed interested candidates for the position of Cheektowaga Town Justice, and

WHEREAS, this Town Board feels that Dennis J. Ciotuszynski, residing at , Cheektowaga, New York would best serve the interests of the Town of Cheektowaga by being appointed to the vacancy in the position of Cheektowaga Town Justice, NOW, THEREFORE, BE IT

Item No. 11b continued

RESOLVED that Dennis J. Ciotuszynski, residing at Cheektowaga, N.Y. be and hereby is appointed to the vacancy existing in the position of Cheektowaga Town Justice, effective immediately, at a salary established for such position.

Upon Roll Call....

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

Item No. 11c Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, in 1988, this Town Board created the position of Coordinator of Employee Relations and appointed an individual to such position, and

WHEREAS, moneys are appropriated in the 1989 Town budget for the appointment of a Clerk-Stenographer in the Office of the Coordinator of Employee Relations, and

WHEREAS, the Town of Cheektowaga Employees Association agreed that the position of Clerk-Stenographer in the Office of Coordinator of Employee Relations would be a non-union position, and

WHEREAS, according to Town personnel records, there is a vacancy in the position of Clerk-Stenographer in the Town, and

WHEREAS, Juliana M. Sisti, a Clerk-Stenographer in the Office of the Town Council has been performing the duties of Clerk-Stenographer for the Office of Coordinator of Employee Relations, is familiar with the duties of such position, meets all the requirements for such positions and applied for such position, NOW, THEREFORE, BE IT

RESOLVED that Juliana M. Sisti be and hereby is transferred to and appointed to the position of Clerk-Stenographer in the Office of the Coordinator of Employee Relations, effective immediately, at an annual salary of \$20,960; and BE IT FURTHER

RESOLVED that Juliana M. Sisti be and hereby is granted a leave of absence from her position as Clerk-Stenographer in the Office of the Town Council, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Agreement with the Town of Cheektowaga Employees Association relating to Ms. Sisti's leave of absence from her union position and her right to return to a union Clerk-Stenographer position.

\* See next page(s) for Memorandum of Agreement

Upon Roll Call....

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

Item No. 11d Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, a vacancy in the position of Clerk-Typist (Temporary) in the Justice Court was duly posted in accordance with the Collective Bargaining Agreement and between the Town and the Cheektowaga Employees Association, AND

WHEREAS, TERESA M. GOLAS, a Clerk-Typist in the Accounting/Payroll Department has applied for and meets all of the qualifications for such position, NOW, THEREFORE, BE IT

RESOLVED that TERESA M. GOLAS of Cheektowaga, New York be and hereby is appointed to the position of Clerk-Typist (Temporary) in the Justice Court, effective January 4, 1989 and at a salary in accordance with the Agreement between the Town of Cheektowaga 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. 11e Appointment of Bingo Inspector.

Motion by Councilman Solecki. Motion failed for lack of second.

\*\*\*\*\*

Motion by Councilman Kulyk and Seconded by Councilman Kazukiewicz to dispense with reading of names in Item 12.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*\*\*\*\*

Item No. 12 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

BE IT RESOLVED, that the following individual(s) be and hereby are hired in the department(s) listed:

Justice Court at \$5.00 an hour

Evelyn Bergman

Theresa Majchrzak

Effective

Immediately

Immediately

Tax Office - \$3.60 per hour or \$28.80 per day

Arlene Jankowski

Patricia Jaroszewski

Waltraud Piffl

Sandra Rakowski

Margaret Trautmann

1-1-89

"

"

"

"

Tax Office - \$3.35 per hour or \$26.80 per day

Beatrice Clark

Patricia Cosimano

Linda Dietl

Dorothea Gielinski

Geraldine Glascott

Dawn Hanna

Eleanor Kantowski

Mary Kwiek

Joanne Ludtka

Florence Magiera

Carol Malkiewicz

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Item No. 12 cont'd

Ann McGuire	"
Susan Melber	"
Patricia Miller	"
Emilie Ring	"
Elizabeth Marie Wichlacz	"
Rita Wick	"
Joan Wojtkowski	"

Upon Roll Call....

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

Item No. 13a Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm for the services in the area of:

- A. Annual Audit - A complete certified audit of the Town's records will be performed to include:
  - a. Preparation of the Annual Financial Report to the New York Department of Audit and Control.
  - b. Preparation of audit report on regular Town Audit.
  - c. Preparation of management letter relative to regular audit.
  - d. Newly required compliance audit of major Federal programs in conformity with "Single Audit Act".
- B. Consultive Service - Periodic consultation will be provided to the Supervisor, and the Town Accountant on areas such as: Federal Revenue Sharing, State Revenue Sharing, Borrowings, Legislative Developments and other areas as requested.
- C. Benefit Basis Budget Preparation - Assistance will be provided to the Supervisor, Town Board and the Town Accountant in various phases of the preparation of the 1990 benefit basis budget.
- D. Mid-Year Review and Forecast - The firm will provide reviewed financial statements of the Town operating funds as of June 30, 1989 and also a compilation forecast for those funds through December 31, 1989.
- E. Ad Valorem Budget Consultation - Additionally, the firm will review the 1990 tentative Ad Valorem Budget and meet with the Town Board to report as to our observations and recommendations on that document. They will provide any additional budgetary consulting services as requested at that time.
- F. Audit of Town Clerk, Tax Receiver and Town Justice Budgets.
- G. Preparation of the Comprehensive Annual Financial Report to be Submitted to the Government Finance Officer's Association.

and,

WHEREAS, the Town Board desires to retain the services of Deloitte, Haskins & Sells, CPA's for those services, NOW, THEREFORE, BE IT

RESOLVED that Deloitte, Haskins & Sells be retained to perform the services listed above for the year 1989 according to the following fee schedule:

\$25,000.00	General Fund
\$15,000.00	Sanitary Sewer District #3
\$25,000.00	Sanitary Sewer District #5
\$65,000.00	
=====	

MEETING NO. 1  
January 3, 1989

Item No. 13a cont'd

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 Kulyk

WHEREAS, Ernest A. Holfoth has submitted a proposal to the Town for the provision of risk management and insurance-related services for 1989 for \$19,200, and

WHEREAS, Mr. Holfoth has performed such services for the Town in previous years and this Town Board has found his services invaluable, and

WHEREAS, this Board desires to continue to retain Mr. Holfoth's services in 1989, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Consulting Agreement with Ernest A. Holfoth for the calendar year 1989.

\*\*SEE NEXT PAGE FOR CONSULTING AGREEMENT\*\*

Upon Roll Call....

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



JAN 7 1989



ERNEST A. HOLFOTH, CPCU, ARM

MUNICIPAL AND CORPORATE RISK MANAGEMENT  
GENERAL AND LIFE INSURANCE CONSULTANT

4947 LAKE SHORE ROAD, HAMBURG, NEW YORK 14075

TELEPHONE: (716) 627-5828

December 14, 1988

CONSULTING AGREEMENT

CLIENT: Town of Cheektowaga

ADDRESS: Broadway & Union Road, Cheektowaga, New York 14227

I, Ernest A. Holfoth (or successor corporation), CONSULTANT, agree to provide Risk Management and/or General Insurance Consulting Services as described below:

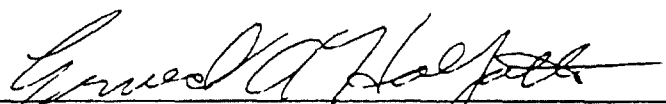
Effective From: January 1, 1989 to December 31, 1989

For a fee of: \$19,200 payable \$1,600 monthly, plus actual expenses for: (1) telegraph, long distance telephone, express delivery, and photocopy services; (2) travel and lodging outside of the CLIENT'S local area (automobile @ .22 per mile, parking and tolls); and (3) other direct expenses incurred at the request of the CLIENT. Travel time is chargeable.


SPECIFIED SERVICES: Risk management and General Insurance management consulting services as determined appropriate to the CLIENT'S self-insured and insured program.

Inspections: Neither the right to make inspections, nor the making thereof, nor any advice resulting therefrom shall constitute an undertaking on behalf of or for the benefit of the CLIENT or others to determine or warrant that its property or operations are safe, healthful, or are in compliance with any law, rule, or regulation.

This Agreement may be terminated by either party by giving 30 days notice to the other.

  
Ernest A. Holfoth, CPCU, ARM

Accepted by

  
Name Title Date  
1/4/89



Item No. 14 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz

WHEREAS, S.I.S. Services, Inc. has submitted a proposal for the renewal of their contract for claims administration under the Town's established self-insurance worker's compensation program, and

WHEREAS, S.I.S. Services, Inc. will provide such claims administrative services for a flat fee of \$18,500 for one year, commencing January 1, 1989 and

WHEREAS, the Town's insurance consultant has evaluated the proposed continuation of the aforementioned contract with S.I.S. Services, 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 S.I.S. Services, Inc., and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a workers' compensation self-insurance claims administration services contract with S.I.S. Service, Inc.

**\*\*SEE NEXT PAGES FOR CLAIM SERVICE AGREEMENT\*\***

Upon Roll Call....

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

S.I.S. SERVICES  
OF NEW YORK

JAN 7 1989 CH

CLAIM SERVICE AGREEMENT # H777

This Agreement entered into this 1st day of January,  
19 89 by and between Town of Cheektowaga, hereafter called  
the Client, and Self Insurers Service, Inc., (S.I.S.) hereafter  
called the Service Agent, for the administration of  
Workers' Compensation Claims in the State of New York.

SECTION I: Service Agent

The Service Agent shall provide the following services to the Client:

1. Investigate, adjust and otherwise administer all of the above referenced claims during the period of this contract.
2. Determine the compensability, if any, the settlement thereof and pay all claims, with funds provided by the Client.
3. Prepare and file all claim reports in accordance with the established procedures and state guidelines.
4. Maintain a separate claim file on each reported claim.
5. Provide computerized monthly loss reports disclosing pertinent claims data as well as a copy of each check issued.
6. Coordinate all litigation activity with selected outside legal counsel.
7. Establish appropriate reserves for each file.
8. Advise the excess carrier of claims which may penetrate the self-insured retention and/or coverages provided by the excess insurance company.
9. Keep the Client informed of major claim changes.
10. Completion of Internal Revenue 1099 forms annually when due.

SECTION II: Client

The Client agrees to:

1. Provide adequate funds from which to pay all claims and allocated expenses, and the timely replenishment of same.

S.I.S. SERVICES  
OF NEW YORK

2. Provide up to date information on all excess insurance.
3. Cooperate fully in the disposition of all claims.
4. Establish a settlement authority of \$ 10,000 per claim.
5. Report on a timely basis all claims, incidents, claim reports and all other claim correspondence.
6. Establish an Escrow Account from which to pay all claims and allocated expenses.
7. Promptly pay the Service Agent's fee.

SECTION III: General Conditions

The Client agrees that it will indemnify and hold harmless the Service Agent and its directors, officers, employees, parents, subsidiaries and affiliates from and against any and all claims, loss, liability, costs, damages and reasonable attorneys' fees incurred by the Service Agent as the direct or indirect result of any misconduct, error or omission of the Client, or any of its' directors, officers, employees, parents, subsidiaries or affiliates taken in connection with the furtherance or performance of any provision of this agreement, provided that said claims, loss, liability costs, damages and reasonable attorneys' fees have not been directly caused by any misconduct, error or omission of the Service Agent, its' directors, officers, employees, parents, subsidiaries and affiliates.

The Service Agent agrees that it will indemnify and hold harmless the Client and its directors, officers, employees, parents, subsidiaries and affiliates from and against any and all claims, loss, liability costs, damages and reasonable attorneys' fees incurred as the direct or indirect result of any misconduct, error or omission of the Service Agent or any of its' directors, officers, employees, parents subsidiaries or affiliates taken in connection with the furtherance or performance of any provision of this agreement, provided that said claims, loss, liability, costs, damages, and reasonable attorneys' fees have not been directly caused by any misconduct, error or omission of the Client, its' directors, officers, employees, parents, subsidiaries and affiliates.

S.I.S. SERVICES  
OF NEW YORK

SECTION IV: Fees

The Client agrees to pay the Service Agent an annual service fee of \$ 18,500, payable quarterly in the amount of \$ 4,625 beginning January 1, 19 89 through December 31, 19 89.

(The above annual fee may be renegotiated at the end of each twelve (12) month period.)

In addition to the above service fee, and subject to the Client's prior approval, the Client agrees to pay all Allocated Expenses as defined below:

Allocated Loss Expenses means any cost or expense we incur on your behalf as a result of our engaging the service of firms or persons outside our organization for work in connection with the investigation, adjustment, settlement or defense of a Claim. Allocated Loss Expenses includes, but is not limited to the following: subrogation; rehabilitation; automobile or other physical damage appraisal; all court costs, fees, and expenses; fees for service of process; fees to attorneys; the cost of services of undercover operations and detectives; fees of independent adjusters or attorneys for investigation or adjustment of Claims in areas removed from reasonable access to our salaried employees; the cost of employing experts for the purpose of preparing maps, photographs, diagrams, and chemical or physical analysis, or for expert advice or opinion; the cost of obtaining copies of any public records; and the costs of depositions and court reporters or recorded statements.

SECTION V: Cancellation

This Agreement may be cancelled by either the Client or the Service Agent, by giving to the other, in writing, notice of his intention to cancel this Agreement, sixty (60) days prior to the actual date of cancellation.

S.I.S. SERVICES  
OF NEW YORK

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf by the undersigned duly authorized persons.

SELF INSURERS SERVICE, INC.

By: \_\_\_\_\_

[Signature]

Title: \_\_\_\_\_

Supervisor

Date: \_\_\_\_\_

1/4/89

By: \_\_\_\_\_

[Signature]

Deborah L. Breisacher  
Title: Regional Manager

Date: \_\_\_\_\_

12/7/88

Item No.15a Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, the New York State Division of Alcoholism and Alcohol Abuse and the New York State Police Conference are sponsoring a seminar on "Alcohol, Law Enforcement and Employee Assistance Programs" in Albany, New York on January 3-4, 1989, and

WHEREAS, the Town's Assistant Chief of Police, Bruce Chamberlin, requested permission to attend this seminar and verbally was granted permission, NOW, THEREFORE, BE IT

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

RESOLVED, that Bruce Chamberlin shall be reimbursed for reasonable expenses incurred by him in attending such seminar in an amount not to exceed \$250.00, and BE IT FURTHER

RESOLVED, that Bruce Chamberlin be and hereby is authorized to use a Town vehicle to travel 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. 15b Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, the State Uniform Fire Prevention and Building Code requires that Code Enforcement Personnel complete twenty-four (24) hours of in-service educational training per year, AND

WHEREAS, the Niagara Frontier Building Officials Association is sponsoring an Education Conference on February 6, 7, and 8, 1989 in Batavia, New York that will provide eighteen (18) in-service education training hours, AND

WHEREAS, the Supervising Building and Plumbing Inspector has requested that two Building Inspectors be authorized to attend such educational conference, NOW, THEREFORE, BE IT

RESOLVED that Thomas Adamczak and Eugene Martin be authorized to attend such educational conference at a cost not to exceed \$125.00 per inspector, AND BE IT FURTHER

RESOLVED that Mr. Adamczak and Mr. Martin be authorized to use a Town vehicle for transportation to and from such conference site.

Upon Roll Call....

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

Item No. 16 Authorization for attendance of Association of Towns meeting.  
This item was withdrawn.

Item No. 17 Decision regarding SEQR review of Scajaquada Creek Crossing and U-Crest Ditch (Walden Galleria). This item was withdrawn.

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

WHEREAS, the New York State Department of Transportation and the Erie County Department of Public Works sponsored a Transportation System Management Study for the Town of Cheektowaga, AND

Item No. 18 cont'd

WHEREAS, the study identified the Kensington Avenue/Century Road/Cleveland Drive intersection complex as a vehicular capacity and safety problem as documented in a traffic study report approved by both the State and County agencies, AND

WHEREAS, a project to alleviate the identified problems was included in the Niagara Frontier Transportation Committee Transportation Improvement Program for construction after state fiscal year 1991-1992.

WHEREAS, the severity of the problem has increased with time and is expected to increase further once sections of the Kensington Expressway are closed for reconstruction starting in 1989 for an anticipated two year period, AND

WHEREAS, the proposed installation of a three color traffic signal by the State at the intersection of Century Road and Cleveland Drive will help, but will not alleviate potential Traffic grid-lock during construction of the Kensington Expressway, NOW THEREFORE, BE IT

RESOLVED that the Town Board expresses deep concern for traffic conditions at the Kensington Avenue/Century Road/Cleveland Drive intersection complex and petitions the County of Erie to sponsor an amendment to the current Transportation Improvement Program to permit the needed roadway and traffic control improvement to be completed in the 1989 construction season.

Upon Roll Call....

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

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

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

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

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

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

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

RESOLVED that Joan E. Dudek, Receiver of Taxes and Assessments for the Town of Cheektowaga, be and hereby is authorized to invest Town real property tax moneys on a short-term basis, and BE IT FURTHER

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

Upon Roll Call....

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

Item No. 19b 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 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 Lojuidice, P.E., consulting engineers and land surveyors, were retained to do the necessary feasibility study within budgeted funding therefore, and

WHEREAS, the firm of Barton and Lojuidice, 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 \$9,306.34 for services for the period 8/1/88 through 10/15/88, from the Northeast Board's checking account and to pay said sums to Barton and Lojuidice, 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. 19c Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga is operating a nutrition program for the elderly at the facilities of St. John Gualbert's Parish, located at 83 Gualbert Avenue, Cheektowaga, New York; Our Lady of Czestochowa Parish, located at 23 Willowlawn Pkwy. Cheektowaga, New York; Maryvale Drive Presbyterian Church, located at 425 Maryvale Drive, Cheektowaga, New York; Infant of Prague Parish, located at 921 Cleveland Drive, Cheektowaga, New York and Cayuga Village Community Center, located at 100 Hutchens Drive, Cheektowaga, and

WHEREAS, an agreement between the Town of Cheektowaga and the above facilities has been drafted relative to the operation of the said nutrition program for the year 1989, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of the said nutrition program for the year 1989, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign all the said agreements on behalf of the Town of Cheektowaga retroactive to January 1, 1989.

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 Gabryszak

WHEREAS, it was necessary to perform a sanitary sewer main repair at #124 Seton Road in a timely fashion utilizing a private contractor due to the depth of the sewer line and its location within a rear yard easement, AND

WHEREAS, Mar-Wal Construction Company, Inc. was delegated to perform the required work which is outlined in the December 29, 1988 memorandum of the Assistant Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the voucher of Mar-Wal Construction Company, Inc. in the amount of \$1,138.80 for labor and equipment required to make the necessary sewer repair be and hereby is approved, AND, BE IT FURTHER

RESOLVED that payment for said emergency sewer repair be and hereby is chargeable to Sanitary Sewer District #5 Sewer Repairs, Budget Item 25-8125-04-4438.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk  
Kazukiewicz  
NAYES: 0  
ABSENT: 0  
ABSTAINED: 1

III. FROM THE TABLE

Item No. 21 Appointment to temporary position of Sewer Maintenance Man.

Motion by Councilman Kulyk. Seconded by Councilman Kazukiewicz

WHEREAS, a temporary vacancy exists in the Sewer Maintenance Department for the position of Sewer Maintenance Man, AND

WHEREAS, Randy Palmisano of , seasonal laborer in the Facilities Department, has applied for and meets the qualifications for the position, NOW, THEREFORE, BE IT

RESOLVED that Randy Palmisano be and hereby is appointed to the temporary position of Sewer Maintenance Man, at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective immediately.

MOTION MADE BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE ITEM.

Upon Roll Call....

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

MOTION TO TABLE FAILED DUE TO LACK OF MAJORITY.

\*\*\*\*\*

Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, a temporary vacancy exists in the Sewer Maintenance Department for the position of Sewer Maintenance Man, AND

WHEREAS, Randy Palmisano of , seasonal laborer in the Facilities Department, has applied for and meets the qualifications for the position, NOW, THEREFORE, BE IT

RESOLVED that Randy Palmisano be and hereby is appointed to the temporary position of Sewer Maintenance Man, at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective immediately.

Item No. 21 cont'd

Upon Roll Call....

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

THE ABOVE RESOLUTION WAS ADOPTED

Item No. 22 Retain firm for Preventative Maintenance & Service programs for Town  
Buildings  
This item was withdrawn.

Item No. 23 Award of Bid: Leasing and Servicing of Portable Chemical Toilets  
This item was withdrawn.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Building Permits  
Received and Filed

Item No. 25 Supervisors's Statement of Funds: October 1988, November 1988  
Received and Filed

V. GENERAL COMMUNICATIONS

Item No. 26 NYSDOT: Notice of Maintenance responsibilities for Town regarding  
intersection improvements at E. Delavan Avenue at Pine Ridge and  
French Road at Azalea Drive.  
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board  
Councilmen; Christopher E. Kowal, Highway Superintendent; Chester  
Bryan, Town Engineer.  
Received and Filed.

Item No. 26b NYSDOT: Notice of Order: Repeal left turn prohibitions on Walden  
Avenue near Two Guys Dept. Store and at Leonard Post VFW driveway.  
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board  
Councilmen; Christopher Kowal, Highway Superintendent; Traffic  
Safety Commission; Robert M. Lis, Chief of Police.  
Received and Filed.

Item No. 27a County of Erie: Notice of Hearing for two proposed amendments to  
Erie County Sanitary Code.  
Copies were sent to: Frank E. Swiatek, Supervisor; Chester Bryan,  
Town Engineer; Town Board Councilmen.  
Received and Filed.

Item No. 27b County of Erie: Approval of Completed Works; Edgeport Subdivision.  
Received and Filed

Item No. 28 Summons and Complaint: Edward and Alice Baran 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 and  
Haines, Insurance Carrier.  
Received and Filed.

MEETING NO. 1  
January 3, 1989

Item No. 29a Notice of Claim: Mark S. Szymanski 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 Carrier  
Received and Filed.

Item No. 29b Notice of Claim: Isabelle Klementowski 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 Carrier.  
Received and Filed.

Item No. 29c Notice of Claim: William S. Lukasiak 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 Carrier  
Received and Filed.

Item No. 29d Notice of Claim: Marilyn and Daniel Parisi 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 Carrier  
Received and Filed.

Item No. 30 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz to  
adjourn the meeting.

\* \* \* \* \*

Prior to the start of the meeting, Supervisor Swiatek announced that  
the meeting would be adjourned to a Special Meeting on Monday, January 9, 1989 at  
6:00 P.M.

\* \* \* \* \*

\_\_\_\_\_  
MARY F. HOLTZ  
Deputy Town Clerk

SPECIAL MEETING NO. 2  
January 9, 1989

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 9th day of January, 1989 at 6:00 o'clock P.M., Eastern Standard 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: U

Also present were: Mary F. Holtz, Deputy Town Clerk; James Kirisits, Town Attorney, Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Donald Wegner, Chairman Zoning Board

I RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch and related activities (collectively referred to as the "Project") in conjunction with the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Town Board of the Town of Cheektowaga was the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") pertaining to the construction and operation of the Walden Galleria and issued a Final Environmental Impact Statement ("FEIS") and Statement of Findings approving various permits and activities required for the construction and operation of the Walden Galleria, and

WHEREAS, in November of 1988, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Applicant submitted materials to the Town Board in support of a request for approval to construct the Project in accordance with various plans and drawings, which Project was described generally in the FEIS previously issued by the Town Board, and

WHEREAS, pursuant to SEQRA, an Environmental Assessment Report ("EA Report") was submitted to the Town, which included an Environmental Assessment Form ("EAF"), in support of the request for approval, and

WHEREAS, the EA Report and the EAF were prepared with knowledge of the content of the FEIS and contained discussion of any and all issues regarding the Project which were not previously considered in the FEIS, and

WHEREAS, upon receipt of the request for approval to construct the structural span pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Town Board, with the concurrence of the New York State Department of Environmental Conservation ("NYSDEC") declared its intention to continue as lead agency for environmental review of the Project, and

SPECIAL MEETING NO. 2  
January 9, 1989

Item No. 2 continued

WHEREAS, the Town Board duly published notice of the receipt of the EA Report and the EAF to solicit comments on the application for approval of the construction of the Project, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, at which time all members of the public wishing to make statements concerning the Project were heard, and

WHEREAS, public comments were received expressing concern about the possible upstream and downstream flooding of Scajaquada Creek resulting from the Project but were not accompanied by technical information or other support for the concern expressed, and

WHEREAS, the public comment period on the EA Report and the EAF closed on December 5, 1988, and

WHEREAS, the Town Environmental Quality Review Advisory Committee (the "Advisory Committee") reviewed the Project in light of the FEIS and Statement of Findings previously issued by the Town Board and has expressed its opinion that the only potential impact of the Project not previously considered by the Town Board was the possible upstream and downstream flooding related to the specific design of the Project, and

WHEREAS, the Advisory Committee independently reviewed the EA Report and the EAF and, on December 22, 1988, recommended to the Town Board that a negative declaration be issued for the Project, provided that the Town is in receipt of a report from its independent consultants, Camp, Dresser & McKee, stating that the Project will not have a significant adverse impact on either the upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, and

WHEREAS, the Town Environmental Quality Review Advisory Committee also recommended that the Town obtain the necessary maintenance and easement agreements from the Applicant to ensure the maintenance of Scajaquada Creek and the U-Crest Diversion Ditch across the Project site, and

WHEREAS, the Applicant has made a written commitment to execute the necessary maintenance and easement agreements as requested by the Town Environmental Quality Review Advisory Committee, and

WHEREAS, the Town Board, upon the recommendation of the Advisory Committee, resolved on November 7, 1988 to engage the services of Camp, Dresser & McKee ("CDM"), independent consulting engineers, to assist in the environmental review of the Project, in particular the potential upstream and downstream effects, and to report to the Town Engineer and the Town Supervisor its conclusions bearing on the expected environmental significance of the Project, and

WHEREAS, CDM has reviewed the EA Report and the EAF as well as all hydraulic analyses and engineering plans submitted by the Applicant and, in view of CDM's finding that the Project with certain qualifications will not have a significant adverse environmental impact on either upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, has recommended that the Town grant a negative declaration of adverse impact for the design of the Project as presented in the Stormwater Management and Flood Control Study Supplement dated October, 1988, and

WHEREAS, the applicant has agreed to the following project design element changes to address the requirements of the Town Engineering consultants:

- (1) Preparation and execution of an easement agreement granting easement rights to the Town to enable the Town to have access to Applicant's property in order for the Town to inspect and, if need be, maintain the bed and banks, etc. of Scajaquada Creek and the U-Crest Diversion Ditch as they cross the Applicant's property and to enable the Town to otherwise have access to such property to perform such work; such easement agreement to be in a form approved by the Town Attorney, the Town Engineer and the Town Superintendent of Highways.

SPECIAL MEETING NO. 2  
January 9, 1989

Item No. 2 continued

(2) Preparation and execution of a maintenance agreement which provides that:

(I) the Applicant assume all costs associated with maintaining those portions of Scajaquada Creek and U-Crest Diversion Ditch under or effected by the structural span of Scajaquada Creek and multi-plate arch enclosure of the U-Crest Diversion Ditch; such agreement to be in a form approved by the Town Attorney, the Town Engineer and the Town Superintendent of Highways.

(II) If scouring or redistribution of Scajaquada Creek channel bottom occurs, Applicant will install stable channel bottom lining as required by the Town Engineer.

(III) Applicant make available adequate lighting to enable the Town to inspect and, if need be, maintain the bed and banks of Scajaquada Creek and the U-Crest Diversion Ditch under the structural span and arch enclosure.

(IV) The Town will be absolved of liability for damage caused to Applicant's property.

b. In conjunction with the construction of the multi-plate arch enclosure of the U-Crest Diversion Ditch, improve the area immediately upstream of the U-Crest Diversion Ditch and downstream of the existing 96 inch culvert in U-Crest Diversion Ditch in such a way that the Town's engineering consultants, Camp, Dresser & McKee, are satisfied that the Project will not create an adverse impact on residents adjoining the reach of the U-Crest Diversion Ditch between the enclosure and the Fath Drive culvert.

c. Provides for a sufficient degree of security underneath the structural span of Scajaquada Creek and the enclosure of U-Crest Diversion Ditch.

Included among the items examined in depth, among others are the following:

- The possible impact of the proposed Project on upstream and downstream conditions in Scajaquada Creek and in the U-Crest Diversion Ditch;
- The security measures to restrict access to the Creek included as part of the structural span;
- The requirements for maintenance, particularly those maintenance activities necessary to preserve the hydraulic characteristics of the Project; and
- The proposed grading and erosion control and sedimentation plans, and

WHEREAS, it is the determination of this Town Board that completion of the foregoing design element changes will result in no adverse impact, NOW THEREFORE BE IT

RESOLVED, that upon completion of the aforesaid design element changes permits may be issued under the Town Drainage Systems Ordinance and Flood Damage Prevention Ordinance, and BE IT FURTHER

RESOLVED, that a copy of this resolution be filed with all Town department heads, involved agencies, the Applicant and the Town Clerk's Office.

Upon Roll Call....

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

SPECIAL MEETING NO. 2

January 9, 1989

Item No. 3 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch and related activities (collectively referred to as the "Project") in conjunction with the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Town Board of the Town of Cheektowaga was the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") pertaining to the construction and operation of the Walden Galleria and issued a Final Environmental Impact Statement ("FEIS") and Statement of Findings approving various permits and activities required for the construction and operation of the Walden Galleria, and

WHEREAS, in November of 1988, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Applicant submitted materials to the Town Board in support of a request for approval to construct the Project in accordance with various plans and drawings, which Project was described generally in the FEIS previously issued by the Town Board, and

WHEREAS, pursuant to SEQRA, an Environmental Assessment Report ("EA Report") was submitted to the Town, which included an Environmental Assessment Form ("EAF"), in support of the request for approval, and

WHEREAS, the EA Report and the EAF were prepared with knowledge of the content of the FEIS and contained discussion of any and all issues regarding the Project which were not previously considered in the FEIS, and

WHEREAS, upon receipt of the request for approval to construct the structural span pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Town Board, with the concurrence of the New York State Department of Environmental Conservation ("NYSDEC") declared its intention to continue as lead agency for environmental review of the Project, and

WHEREAS, the Town Board duly published notice of the receipt of the EA Report and the EAF to solicit comments on the application for approval of the construction of the Project, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, at which time all members of the public wishing to make statements concerning the Project were heard, and

WHEREAS, public comments were received expressing concern about the possible upstream and downstream flooding of Scajaquada Creek resulting from the Project but were not accompanied by technical information or other support for the concern expressed, and

WHEREAS, the public comment period on the EA Report and the EAF closed on December 5, 1988, and

WHEREAS, the Town Environmental Quality Review Advisory Committee (the "Advisory Committee") reviewed the Project in light of the FEIS and Statement of Findings previously issued by the Town Board and has expressed its opinion that the only potential impact of the Project not previously considered by the Town Board was the possible upstream and downstream flooding related to the specific design of the Project, and

WHEREAS, the Advisory Committee independently reviewed the EA Report and the EAF and, on December 22, 1988, recommended to the Town Board that a negative declaration be issued for the Project, provided that the Town is in receipt of a report from its independent consultants, Camp, Dresser & McKee, stating that the Project will not have a significant adverse impact on either the upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, and

WHEREAS, the Town Environmental Quality Review Advisory Committee also recommended that the Town obtain the necessary maintenance and easement agreements from the Applicant to ensure the maintenance of Scajaquada Creek and the U-Crest Diversion Ditch across the Project site, and

SPECIAL MEETING NO. 2

January 9, 1989

Item No. 3 continued

WHEREAS, the Applicant has made a written commitment to execute the necessary maintenance and easement agreements as requested by the Town Environmental Quality Review Advisory Committee, and

WHEREAS, the Town Board, upon the recommendation of the Advisory Committee, resolved on November 7, 1988 to engage the services of Camp, Dresser & McKee ("CDM"), independent consulting engineers, to assist in the environmental review of the Project, in particular the potential upstream and downstream effects, and to report to the Town Engineer and the Town Supervisor its conclusions bearing on the expected environmental significance of the Project, and

WHEREAS, CDM has reviewed the EA Report and the EAF as well as all hydraulic analyses and engineering plans submitted by the Applicant and, in view of CDM's finding that the Project with certain qualifications will not have a significant adverse environmental impact on either upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, has recommended that the Town grant a negative declaration of adverse impact for the design of the Project as presented in the Stormwater Management and Flood Control Study Supplement dated October, 1988, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga finds as follows:

1. The Town Board hereby reaffirms and reiterates its prior determination that the requirements of Part 617, New York Code of Rules and Regulations, Volume 6, as well as Chapter 23A of the Code of the Town of Cheektowaga, have been met, and
  - a. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Project and the applications to be approved, subject to the conditions stated hereinafter in this resolution minimize or avoid adverse environmental effects to the maximum extent practicable, and
  - b. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EAF will be minimized or avoided by incorporating as conditions those mitigative measures which are practicable and are identified hereinafter in this resolution.
2. Following examination of the request for approval and the EA Report and the EAF, the Town Board finds that the Project will have no significant impacts provided the Applicant, as part of the Project:
  - a. Prior to issuance of the Town Drainage Systems Ordinance permits:
    - (1) Preparation and execution of an easement and agreement granting easement rights to the Town to enable the Town to have access to Applicant's property in order for the Town to inspect and, if need be, maintain the bed and banks, etc. of Scajaquada Creek and the U-Crest Diversion Ditch as they cross the Applicant's property and to enable the Town to otherwise have access to such property to perform such work; such easement agreement to be in a form approved by the Town Attorney, the Town Engineer and the Town Superintendent of Highways.
    - (2) Preparation and execution of a maintenance agreement which provides that:



Item No. 3 continued

(I) the Applicant assume all costs associated with maintaining those portions of Scajaquada Creek and U-Crest Diversion Ditch under the structural span of Scajaquada Creek and multi-plate arch enclosure of the U-Crest Diversion Ditch; such agreement to be in a form approved by the Town Attorney, the Town Engineer and the Town Superintendent of Highways.

(II) If scouring or redistribution of Scajaquada Creek channel bottom occurs, Applicant will install stable channel bottom lining as required by the Town Engineer.

(III) Applicant make available adequate lighting to enable the Town to inspect and, if need be, maintain the bed and banks of Scajaquada Creek and the U-Crest Diversion Ditch under the structural span and arch enclosure.

(IV) The Town will be absolved of liability for damage caused to Applicant's property.

- b. In conjunction with the construction of the multi-plate arch enclosure of the U-Crest Diversion Ditch, improve the area immediately upstream of the U-Crest Diversion Ditch and downstream of the existing 96 inch culvert in U-Crest Diversion Ditch in such a way that the Town's engineering consultants, Camp, Dresser & McKee, are satisfied that the Project will not create an adverse impact on residents adjoining the reach of the U-Crest Diversion Ditch between the enclosure and the Fath Drive culvert.
- c. Provides for a sufficient degree of security underneath the structural span of Scajaquada Creek and the enclosure of U-Crest Diversion Ditch.

Included among the items examined in depth, among others are the following:

- The possible impact of the proposed Project on upstream and downstream conditions in Scajaquada Creek and in the U-Crest Diversion Ditch;
  - The security measures to restrict access to the Creek included as part of the structural span;
  - The requirements for maintenance, particularly those maintenance activities necessary to preserve the hydraulic characteristics of the Project; and
  - The proposed grading and erosion control and sedimentation plans.
2. The requirements of SEQRA and its implementing regulations as well as the applicable portions of Chapter 21A and 23A of the Code of the Town of Cheektowaga have been met.

and, BE IT FURTHER

RESOLVED that a copy of this resolution be filed with all Town department heads, involved agencies, the Applicant and the Town Clerk's Office.

\* \* \* \* \*

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

\* \* \* \* \*

SPECIAL MEETING NO. 2  
January 9, 1989

Item No. 3 continued

Upon Roll Call....

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

\* \* \* \* \*

AMENDED RESOLUTION

Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch and related activities (collectively referred to as the "Project") in conjunction with the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Town Board of the Town of Cheektowaga was the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") pertaining to the construction and operation of the Walden Galleria and issued a Final Environmental Impact Statement ("FEIS") and Statement of Findings approving various permits and activities required for the construction and operation of the Walden Galleria, and

WHEREAS, in November of 1988, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Applicant submitted materials to the Town Board in support of a request for approval to construct the Project in accordance with various plans and drawings, which Project was described generally in the FEIS previously issued by the Town Board, and

WHEREAS, pursuant to SEQRA, an Environmental Assessment Report ("EA Report") was submitted to the Town, which included an Environmental Assessment Form ("EAF"), in support of the request for approval, and

WHEREAS, the EA Report and the EAF were prepared with knowledge of the content of the FEIS and contained discussion of any and all issues regarding the Project which were not previously considered in the FEIS, and

WHEREAS, upon receipt of the request for approval to construct the structural span pursuant to Chapter 21A of the Code of the Town of Cheektowaga, the Town Board, with the concurrence of the New York State Department of Environmental Conservation ("NYSDEC") declared its intention to continue as lead agency for environmental review of the Project, and

WHEREAS, the Town Board duly published notice of the receipt of the EA Report and the EAF to solicit comments on the application for approval of the construction of the Project, pursuant to Chapter 21A of the Code of the Town of Cheektowaga, at which time all members of the public wishing to make statements concerning the Project were heard, and

WHEREAS, public comments were received expressing concern about the possible upstream and downstream flooding of Scajaquada Creek resulting from the Project but were not accompanied by technical information or other support for the concern expressed, and

WHEREAS, the public comment period on the EA Report and the EAF closed on December 5, 1988, and

WHEREAS, the Town Environmental Quality Review Advisory Committee (the "Advisory Committee") reviewed the Project in light of the FEIS and Statement of Findings previously issued by the Town Board and has expressed its opinion that the only potential impact of the Project not previously considered by the Town Board was the possible upstream and downstream flooding related to the specific design of the Project, and

SPECIAL MEETING NO. 2  
January 9, 1989

Item No. 3 continued

WHEREAS, the Advisory Committee independently reviewed the EA Report and the EAF and, on December 22, 1988, recommended to the Town Board that a negative declaration be issued for the Project, provided that the Town is in receipt of a report from its independent consultants, Camp, Dresser & McKee, stating that the Project will not have a significant adverse impact on either the upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, and

WHEREAS, the Town Environmental Quality Review Advisory Committee also recommended that the Town obtain the necessary maintenance and easement agreements from the Applicant to ensure the maintenance of Scajaquada Creek and the U-Crest Diversion Ditch across the Project site, and

WHEREAS, the Applicant has made a written commitment to execute the necessary maintenance and easement agreements as requested by the Town Environmental Quality Review Advisory Committee, and

WHEREAS, the Town Board, upon the recommendation of the Advisory Committee, resolved on November 7, 1988 to engage the services of Camp, Dresser & McKee ("CDM"), independent consulting engineers, to assist in the environmental review of the Project, in particular the potential upstream and downstream effects, and to report to the Town Engineer and the Town Supervisor its conclusions bearing on the expected environmental significance of the Project, and

WHEREAS, CDM has reviewed the EA Report and the EAF as well as all hydraulic analyses and engineering plans submitted by the Applicant and, in view of CDM's finding that the Project with certain qualifications will not have a significant adverse environmental impact on either upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, has recommended that the Town grant a negative declaration of adverse impact for the design of the Project as presented in the Stormwater Management and Flood Control Study Supplement dated October, 1988, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga finds as follows:

1. a. The Town Board hereby reaffirms and reiterates its prior determination that the requirements of Part 617, New York Code of Rules and Regulations, Volume 6, as well as Chapter 23A of the Code of the Town of Cheektowaga, have been met and  
b. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Project and the applications are approved, and
2. Following examination of the request for approval and the EA Report and the EAF, the Town Board finds that the Project will have no significant impacts.

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be filed with all Town department heads, involved agencies, the Applicant and the Town Clerk's Office.

Upon Roll Call....

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

Item No. 4 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz to adjourn the meeting.

MARY F. HOLTZ  
DEPUTY 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 16th day of January, 1989 at 7:30 o'clock P.M., Eastern Standard 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: Mary F. Holtz, Deputy Town Clerk; James Kirisits, Town Attorney; Robert Lis, Chief of Police; Chris Kowal, Highway Superintendent; Sal LaGreca, Employment and Training Director II; Casimer Kozminski, Town Assessor; Chester Bryan, Town Engineer; Pat Staniszak, Youth Bureau-Program Coordinator; Ron Marten, Building and Plumbing Inspector.

I. RESOLUTIONS

Item No. 2 Decision on amendment to Traffic Ordinance - Art. IX: Speed Regulations: Add certain County Roads and establish speed limit on Aero Drive  
This item was withdrawn.

Item No. 3 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 the a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on February 6, 1989 at 7:30 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 Notice of Hearing in the CHEEKTOWAGA TIMES on the 19th day of January, 1989, 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 February 6, 1989 at 7:30 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:

Item No. 3 cont'd

ARTICLE X

Parking, Standing, Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

Grunner Road      north side      for a distance of 20 feet east of the  
intersection of Wallace Avenue

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

DATED: January 16, 1989

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.

Amy C. Meyers....., 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.....JAN 19 1989..... ;  
last publication.....JAN 19 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this .....19th.....  
day of .....January....., 1989..  
.....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  
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 February 6, 1989 at 7:30 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 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner  
Grunner Road  
north side

for a distance of 20 feet east of the intersection of Wallace Avenue

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

**RICHARD M. MOLESKI**

Town Clerk

PUBLISH: January 12, 1989

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

WHEREAS, only one bid was received on December 5, 1988 for the Leasing and Servicing of Portable Chemical Toilets for the year 1989, and

WHEREAS, another vendor has expressed an interest in furnishing Portable Chemical Toilets with potential economic benefits to the Town, NOW, THEREFORE, BE IT

RESOLVED that the sole bid submitted by Johnny on the Spot, Inc. on December 5, 1988, is hereby rejected.

Upon Roll Call....

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

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

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the purchase of baseball and football equipment for use in the Cheektowaga Recreation Department, as a result of advertisement thereof and such bids were referred to the Director of Recreation for analysis, tabulation and report, and

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

RESOLVED that the bid be awarded to the following bidders, meeting specifications as follows: (see attached)

Laux Sporting Goods  
441 Broadway  
Buffalo, New York 14212

Jim Ludtka Sporting Goods  
3383 Harlem Road  
Cheektowaga, New York 14225

and BE IT FURTHER

RESOLVED that any purchases resulting from the award of this bid for the Recreation Department will be funded through line item 01-7140-04-4601 Aid to Youth Programs, or 01-7140-04-4025 Athletic Supplies.

\* See next twelve (12) pages for tabulation.

Upon Roll Call....

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



BID ITEMSITEM 1 BATTERS HELMETS

- A) Rawlings NOCSAI PL 95 and L.L. approved youth helmet equipped for chin straps. High impact shell, single density foam padding.

Amount ordered S      M      L      XL       
Color                     

Bid price each 10.05  
Total Price                     

Laux

- B) RCS chin straps

Amount ordered                     

Bid price each 1.95  
Total price                     

Laux

- C) ABC-YBH Little League approved batters helmets. High impact shell.

Amount ordered S      M      L      XL       
Color                     

Bid price each 10.95  
Total price                     

Ludtka

- D) Cooper BC 5 L.L. and NOCSAE approved helmet. Chin strap included.

Amount ordered S      M      L      XL       
Color                     

Bid price each 10.35  
Total price                     

Laux

ITEM 2 CATCHERS HELMETS

- A) ABC Little League approved catchers helmet. Impact composition padding, full each coverage, includes strap and buckle to attach mask.

Amount ordered S      M      L      XL       
Color                     

Bid price each 14.25  
Total price                     

Ludtka

- B) Cooper CL 87 catchers helmet. High impact ABS shell, replaceable liner, L.L. approved.

Amount ordered S      M      L      XL       
Color                     

Bid price each 14.20  
Total price                     

Laux

- C) ~~Rawlings CSC~~ Rawlings CSC adult catchers helmet, polycarbonate, fully foam padded in dark blue and red.

Amount ordered S      M      L      XL       
Color                     

Bid price each 12.30  
Total price                     

Laux

- D) Rawlings LLCH Little League approved. Cycloc ABS shell, single foam padding. Adjustable, replaceable harness straps.

Amount ordered S      M      L      XL       
Color                     

Bid price each 13.45  
Total price                     

Laux

\* NOTE: Sizes for helmets are as follows:  
(S) 6 5/8 - 6 3/4; (M) 6 7/8 - 7; (L) 7 1/8 - 7 1/4; (XL) 7 3/8 - 7 1/2.

ITEM 3 MASKS

- A) MAC B26 softball mask with replaceable stretch straps.

Amount ordered                     

Bid price each 9.45  
Total price                     

Laux

Replacement pad B26P	Bid price each	5.75	Laux
Amount ordered _____	Total price	_____	
Replacement harness B26H	Bid price each	5.25	Laux
Amount ordered _____	Total price	_____	
B) Macgregor B24 Little League approved masks, durable plasticol coated lightweight wire frame, foam filled vinyl snap on pack and adjustable harness.			
Amount ordered _____	Bid price each	11.75	Laux
	Total price	_____	
Replacement pad Macgregor B24P	Bid price each	6.75	Laux
Amount ordered _____	Total price	_____	
Replacement harness Macgregor M24H	Bid price each	5.75	Laux
Amount ordered _____	Total price	_____	
C) Rawlings PWM-1, pro use, nylon coated wire frame snap on padding, vinyl covering, harness with triple adjustment.			
Amount ordered _____	Bid price each	14.25	Laux
	Total price	_____	
Replacement pad, Rawlings PWM-1	Bid price each	6.45	Laux
Amount ordered _____	Total price	_____	
Replacement harness, Rawlings PWMH-1	Bid price each	4.75	Laux
Amount ordered _____	Total price	_____	
D) Champro CM05 softball mask with straps	Bid price each	9.50	Ludtka
Amount ordered _____	Total price	_____	
E) Champro CM02 youth mask with ear extension.	Bid price each	9.50	Ludtka
Amount ordered _____	Total price	_____	
F) Champro CM03 youth mask	Bid price each	9.50	Ludtka
Amount ordered _____	Total price	_____	
G) Champro CM01 Major League wire frame mask	Bid price each	15.95	Ludtka
Amount ordered _____	Total price	_____	
ITEM 4 <u>THROAT PROTECTORS</u>			
A) Macgregor B28 rugged molded vinyl with heavy foam padding. Fits any make of mask.	Bid price each	4.35	Laux
Amount ordered _____	Total price	_____	
B) Cooper TP molded of high density polyethylene laces to Cooper masks.	Bid price each	3.20	Laux
Amount ordered _____	Total price	_____	
C) Steve Yeager - baseball model	Bid price each	No award	
Amount ordered _____	Total price	_____	
D) Rawlings TP5, 8" long velcro fastener	Bid price each	3.20	Laux
Amount ordered _____	Total price	_____	
E) Champro 6½" adult protector with snaps CM06	Bid price each	2.75	Ludtka
Amount ordered _____	Total price	_____	
F) Champro 4½" youth protector with snaps CM07	Bid price each	2.50	Ludtka
Amount ordered _____	Total price	_____	

## ITEM 5 BODY PROTECTORS

- A) Wilson A3250-JZ Little League approved, adjustable neck pad, cotton padding, adjustable body straps, water repellant, vinyl bound for durability.
- Amount ordered \_\_\_\_\_ Bid price each 15.75 Laux  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- B) Rawlings LLBP Little League approved, adjustable and replaceable body straps.
- Amount ordered \_\_\_\_\_ Bid price each 17.55 Laux  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- C) Champro CPO1 adjustable neck pad and body straps, cotton padding, water repellent.
- Amount ordered \_\_\_\_\_ Bid price each 17.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- D) Rawlings - Pro-model, nylon twill, cotton back, ribbed padding, extended shoulder piece. RGP
- Amount ordered \_\_\_\_\_ Bid price each 29.20 Laux  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- E) Macgregor B78 (outside) chest protector
- Amount ordered \_\_\_\_\_ Bid price each 24.45 Laux  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- F) All Star CPU-2 Umpire chest protectors, (inside)
- Amount ordered \_\_\_\_\_ Bid price each 33.70 Laux  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- G) Champro CPO31 Little League with half harness.
- Amount ordered \_\_\_\_\_ Bid price each 12.50 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- H) Champro CPO2 Collegiate body protectors
- Amount ordered \_\_\_\_\_ Bid price each 17.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- I) Champro CPO1 Pro Body protector
- Amount ordered \_\_\_\_\_ Bid price each 17.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- J) Champro CPO41 Tee Ball chest protector
- Amount ordered \_\_\_\_\_ Bid price each 11.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- K) Champro CPO7 Umpires chest protector (outside)
- Amount ordered \_\_\_\_\_ Bid price each 23.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_
- L) Champro CPO6 Umpires chest protectors (inside)
- Amount ordered \_\_\_\_\_ Bid price each 26.95 Ludtka  
 Color \_\_\_\_\_ Total price \_\_\_\_\_

## ITEM 6 SHIN GUARDS

A) Rawlings 9C Little League approved, combination calf and ankle pad, armor lite plastic caps, shin and instep pieces, adjustable elastic straps.	Bid price each	13.45	Laux
Amount ordered _____	Total price	_____	
B) Rawlings 76C-1 Youth Model approved, combination calf and ankle pad, armor lite plastic caps, shin and pieces, adjustable elastic straps.	Bid price each	15.75	Laux
Amount ordered _____	Total price	_____	
C) Macgregor B-65 Babe Ruth use, 11" shin plate ultra lite padding, replaceable straps.	Bid price each	28.50	Laux
Amount ordered _____	Total price	_____	
D) Macgregor B-61 double knee cap protect, 12" shin plate, ultra lite padding, replacement straps.	Bid price each	53.80	Laux
Amount ordered _____	Total price	_____	
E) Wilson A3417 shin plate, calf and ankle pad, elastic caps, shin and instep pieces, adjustable elastic straps.	Bid price each	21.95	Ludtka
Amount ordered _____	Total price	_____	
F) Rawlings, OMW pro leg guards hinged double knee vinyl padding, calf and ankle wing, adjustable elastic straps.	Bid price each	54.05	Laux
Amount ordered _____	Total price	_____	
G) Wilson A3417 pro model umpire leg protector GLG-MLU.	Bid price each	19.95	Ludtka
Amount ordered _____	Total price	_____	
H) Rawlings 76DU, double hinged knee	Bid price each	21.65	Laux
Amount ordered _____	Total price	_____	
I) Champro CG12 youth shin guards	Bid price each	12.95	Ludtka
Amount ordered _____	Total price	_____	
J) Champro CG05 girls shin guards	Bid price each	16.95	Ludtka
Amount ordered _____	Total price	_____	
K) Champro CG04 Babe Ruth shin guards	Bid price each	21.95	Ludtka
Amount ordered _____	Total price	_____	
L) Champro CG02 high school double knee protector	Bid price each	23.95	Ludtka
Amount ordered _____	Total price	_____	
M) Champro CG01 pro triple leg guard	Bid price each	32.95	Ludtka
Amount ordered _____	Total price	_____	
N) Champro CG08 Umpires leg guards	Bid price each	19.95	Ludtka
Amount ordered _____	Total price	_____	
O) Champro CG06 LL double knee protector	Bid price each	18.95	Ludtka
Amount ordered _____	Total price	_____	

## ITEM 7 CATCHERS GLOVES

A) Cooper 662 single flex leather (steer hide) extended palm pro toe feature, hinged webs skip crotch lacing.	Bid price each	29.95	Ludtka
Amount ordered _____	Total price	_____	
Left _____ Right _____			

- B) Cooper 242 single flex leather (steer hide) pro toe feature, open style strap, leather lined.

Amount ordered \_\_\_\_\_  
Left \_\_\_\_\_ Right \_\_\_\_\_

Bid price each 25.95  
Total price \_\_\_\_\_

Ludtka

- C) Champro Classic IV pro catchers glove

Amount ordered \_\_\_\_\_  
Left \_\_\_\_\_ Right \_\_\_\_\_

Bid price each 41.95  
Total price \_\_\_\_\_

Ludtka

- D) Champro CPX 555 full size catchers glove

Amount ordered \_\_\_\_\_  
Left \_\_\_\_\_ Right \_\_\_\_\_

Bid price each 37.95  
Total price \_\_\_\_\_

Ludtka

- E) Champro CPX 444 youth catchers glove

Amount ordered \_\_\_\_\_  
Left \_\_\_\_\_ Right \_\_\_\_\_

Bid price each 32.95  
Total price \_\_\_\_\_

Ludtka

ITEM 8 BASEBALLS

- A) Wilson A1074

Amount ordered \_\_\_\_\_

Bid price per dozen 28.90

Ludtka

- B) Wilson A1082

Amount ordered \_\_\_\_\_

Bid price per dozen 30.50

Ludtka

- C) Wilson A1010

Amount ordered \_\_\_\_\_

Bid price per dozen 40.95

Ludtka

- D) Debeers LL #91

Amount ordered \_\_\_\_\_

Bid price per dozen 32.90

Laux

- E) Debeers BR #93

Amount ordered \_\_\_\_\_

Bid price per dozen 32.90

Laux

- F) Debeers Maj. League #101

Amount ordered \_\_\_\_\_

Bid price per dozen 44.40

Laux

SOFTBALLS

- A) Dudley SB 12LND

Amount ordered \_\_\_\_\_

Bid price per dozen 45.95

Ludtka

- B) Dudley P-12

Amount ordered \_\_\_\_\_

Bid price per dozen 37.45

Laux

- C) Worth Red Dot

Amount ordered \_\_\_\_\_

Bid price per dozen 54.80

Laux

- D) Cooper 11" girls softball

Amount ordered \_\_\_\_\_

Bid price per dozen 62.35

Laux

ITEM 9 BATS

NOTE: Order in dozen or half dozen units ONLY for each lettered item except aluminum bats.

- A) Rawlings 21BE softball wood bat

Amount ordered 27" \_\_\_\_\_  
28" \_\_\_\_\_  
29" \_\_\_\_\_  
30" \_\_\_\_\_  
31" \_\_\_\_\_  
32" \_\_\_\_\_

Bid price per dozen 58.70  
Total price \_\_\_\_\_

Laux

Worth 90SB

B) ~~XXXXXXXXXX~~ official girls softball bats

Amount ordered    27" \_\_\_\_\_  
                          28" \_\_\_\_\_  
                          29" \_\_\_\_\_  
                          30" \_\_\_\_\_  
                          31" \_\_\_\_\_  
                          32" \_\_\_\_\_

Bid price per    71.95  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

Laux

## C) Easton (re. grip) softball S-9. Black Max.

Amount ordered    33" \_\_\_\_\_  
                          34" \_\_\_\_\_

Bid price per    308.95  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

Ludtka

## D) Easton softball S-3 Smoke

Amount ordered    29" \_\_\_\_\_  
                          30" \_\_\_\_\_  
                          31" \_\_\_\_\_  
                          32" \_\_\_\_\_  
                          33" \_\_\_\_\_  
                          34" \_\_\_\_\_

Bid price per    261.95  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

Ludtka

## E) Easton Aluminum bat, Little League L9 PRO

Amount ordered    27" \_\_\_\_\_  
                          28" \_\_\_\_\_  
                          29" \_\_\_\_\_  
                          30" \_\_\_\_\_  
                          31" \_\_\_\_\_  
                          32" \_\_\_\_\_

Bid price per    267.95  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

Ludtka

## F) Easton Aluminum bat, B.R. 85 (Magnum)

Amount ordered    32" \_\_\_\_\_  
                          33" \_\_\_\_\_  
                          34" \_\_\_\_\_

Bid price per    275.95  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

Ludtka

## G) Power Flite SBO softball aluminum bat

Amount ordered    29" \_\_\_\_\_  
                          30" \_\_\_\_\_  
                          31" \_\_\_\_\_  
                          32" \_\_\_\_\_  
Power Flite SBI 32" \_\_\_\_\_  
                          33" \_\_\_\_\_  
                          34" \_\_\_\_\_

SBO 135.00  
SBI 150.00

Ludtka

Bid price per  
dozen \_\_\_\_\_  
Total price \_\_\_\_\_

## H) Adirondak TBWB 26"

Amount ordered \_\_\_\_\_

Bid price per dozen 164.80

Laux

Total price \_\_\_\_\_

## I) Adirondak models 302F &amp; 302JF wood baseball bat.

Amount ordered (JF) 26" \_\_\_\_\_  
 27" \_\_\_\_\_  
 28" \_\_\_\_\_  
 29" \_\_\_\_\_  
 30" \_\_\_\_\_  
 31" \_\_\_\_\_  
 32" \_\_\_\_\_

Bid price per dozen 88.70

Laux

Total price \_\_\_\_\_

Amount ordered (F) 32" \_\_\_\_\_  
 33" \_\_\_\_\_  
 34" \_\_\_\_\_  
 35" \_\_\_\_\_

Bid price per dozen 104.80

Laux

Total price \_\_\_\_\_

## J) Louisville wood baseball bat

Amount ordered 26" \_\_\_\_\_  
 125 LL 27" \_\_\_\_\_  
 28" \_\_\_\_\_  
 29" \_\_\_\_\_  
 30" \_\_\_\_\_  
 31" \_\_\_\_\_

Bid price per dozen 104.95

Ludtka

Total price \_\_\_\_\_

Amount ordered 32" \_\_\_\_\_  
 125 33" \_\_\_\_\_  
 34" \_\_\_\_\_  
 35" \_\_\_\_\_  
 36" \_\_\_\_\_

Bid price per dozen 129.70

Laux

Total price \_\_\_\_\_

K) ~~XXXXXXXXXX~~ Power Flite little league baseball bat.

Amount ordered PFS 26" \_\_\_\_\_  
 27" \_\_\_\_\_  
 28" \_\_\_\_\_

Bid price per dozen 129.95

Ludtka

Total price \_\_\_\_\_

~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~

PF.LL1 29" \_\_\_\_\_  
 30" \_\_\_\_\_  
 31" \_\_\_\_\_

Bid price per dozen 139.95

Ludtka

Total price \_\_\_\_\_

- L) Power Flite Mach 4 Babe Ruth aluminum baseball bat.

Amount ordered      29" \_\_\_\_\_  
                                  30" \_\_\_\_\_  
                                  31" \_\_\_\_\_  
                                  33" \_\_\_\_\_  
                                  34" \_\_\_\_\_

Bid price per dozen 250.00  
 Total price \_\_\_\_\_

Ludtka

ITEM 10 EQUIPMENT BAGS

- A) Everlast 6885 standard bat bag holds 18 bats.

Amount ordered \_\_\_\_\_

Bid price each 12.25  
 Total price \_\_\_\_\_

Ludtka

- B) Macgregor BL2G heavy off-white linen laminated to vinyl lining holds 12 bats

Amount ordered \_\_\_\_\_

Bid price each 16.40  
 Total price \_\_\_\_\_

Laux

- C) Heavy duty Army duffle utility bag ~~Kampak~~ <sup>Tuffy</sup>

Amount ordered \_\_\_\_\_

Bid price each 15.30  
 Total price \_\_\_\_\_

Laux

- D) Champro E002 waterproof bat bags 12½" x 39"

Amount ordered \_\_\_\_\_

Bid price each 12.95  
 Total price \_\_\_\_\_

Ludtka

- E) Champro E017 nylon bag 36" x 14"

Amount ordered \_\_\_\_\_

Bid price each 11.95  
 Total price \_\_\_\_\_

Ludtka

ITEM 11 UMPIRE INDICATORS

- A) Champion P1, palm size, plastic counter keeps track of balls, strikes and outs.

Amount ordered \_\_\_\_\_

Bid price each 1.10  
 Total price \_\_\_\_\_

Ludtka

- B) Everlast 6878 official stainless steel keeps track of balls, strikes and outs.

Amount ordered \_\_\_\_\_

Bid price each 1.30  
 Total price \_\_\_\_\_

Ludtka

- C) Macgregor B99 molded plastic keeps track of balls, strikes and outs.

Amount ordered \_\_\_\_\_

Bid price each 1.29  
 Total price \_\_\_\_\_

Laux

TBA 120

- D) ~~Stonex~~ plastic, keeps track of balls, strikes, outs and innings.

Amount ordered \_\_\_\_\_

Bid price each 1.90  
 Total price \_\_\_\_\_

Laux

ITEM 12 SCOREBOOKS

- A) Official baseball-softball HARD COVER

Bidders Note: List manufacturer, number of games and size. 25 games 8½x13

List Manufacturer Champion SC1

Amount ordered \_\_\_\_\_

Bid price each 2.00  
 Total price \_\_\_\_\_

Ludtka

TAG Collegiate

- B) ~~Eden~~ softball-baseball, slo-pitch 15 batters \$1500 - 25 games.

Amount ordered \_\_\_\_\_

Bid price each 1.90  
 Total price \_\_\_\_\_

Laux

TAG Collegiate

- C) ~~Eden~~ baseball-softball, standard 11 players \$1100 - 25 games.

Amount ordered \_\_\_\_\_

Bid price each 1.90  
 Total price \_\_\_\_\_

Laux



ITEM 13	A) COLLEGIATE HEAVY DUTY T-BALL SETS BT 70	Bid price each	21.80	Laux
	Amount ordered _____	Total price	_____	
	B) MACGREGOR B7 HEAVY DUTY T-BALL SETS	Bid price each	24.70	Laux
	Amount ordered _____	Total price	_____	
	C) CHAMPRO BOSO HEAVY DUTY BATTING TEE	Bid price each	21.95	Ludtka
	Amount ordered _____	Total price	_____	
ITEM 14	BASES			
A)	Everlast model #6810 nylon and canvas	Bid price each	41.65	Laux
	Amount ordered _____	Total price	_____	
B)	Macgregor "Major League" bases B101 15"x15"x3" set of 3 bases and anchors.	Bid price each	88.65	Laux
	Amount ordered _____	Total price	_____	
C)	B95 base anchor for Macgregor "Major League" base	Bid price each	26.45	Laux
	Amount ordered _____	Total price	_____	
D)	Everlast model #6830 nylon hardball base	Bid price each	33.70	Laux
	Amount ordered _____	Total price	_____	
E)	Everlast #6850 nylon softball base	Bid price each	30.45	Laux
	Amount ordered _____	Total price	_____	
F)	Everlast #6861 Home Plate	Bid price each	13.45	Laux
	Amount ordered _____	Total price	_____	
G)	Collegiate LP 40 (LL) Home Plate	Bid price each	10.15	Laux
	Amount ordered _____	Total price	_____	
H)	Everlast #6867 (Official League) Home Plate	Bid price each	16.90	Laux
	Amount ordered _____	Total price	_____	
I)	Everlast #6867 Pitchers Plate	Bid price each	11.50	Laux
	Amount ordered _____	Total price	_____	
J)	Collegiate LP 40 (LL) Pitchers Plate	Bid price each	7.50	Laux
	Amount ordered _____	Total price	_____	
K)	Collegiate official OP 30 Pitchers Plate	Bid price each	11.50	Laux
	Amount ordered _____	Total price	_____	
L)	Corbett SRB-C size B33 set of 3 bases 14"x14"x2" with anchor	Bid price each	119.95	Laux
	Amount ordered _____	Total price	_____	
M)	Champro B001 Hollywood base set complete	Bid price each	110.00	Ludtka
	Amount ordered _____	Total price	_____	
ITEM 15	1) DRY LINE MARKER - steel tank, four 10" rubber wheels three way control, 100 lb. capacity.			
	List Manufacturer: Stackhouse LHBM	Bid price each	177.00	Ludtka
	Amount ordered _____	Total price	_____	

- 2) DRY LINE MARKER - steel tank 2 rubber wheels, adjustable line from 2-4", 20 lb. capacity.

List manufacturer Stackhouse CLTW

Amount ordered \_\_\_\_\_

Bid price each 84.50

Laux

Total price \_\_\_\_\_

ITEM 16 FIRST AID SUPPLIES

- A) COLD PACK - Regular instant chemical ice compress approximate size 5 1/4 x 9, double wall outer bag.

List manufacturer American Phys. Therapy

Amount ordered \_\_\_\_\_

Bid price each .73

Laux

Total price \_\_\_\_\_

- B) JR. SIZE COLD PACK - Instant chemical ice compress approximate size 4 5/8 x 7 3/8.

List manufacturer \_\_\_\_\_

Amount ordered \_\_\_\_\_

Bid price each No award

Total price \_\_\_\_\_

- C) RE-USABLE FLEXIBLE ice compress size 5 1/4 x 9.

List manufacturer Cramer

Amount ordered \_\_\_\_\_

Bid price each 1.22

Laux

Total price \_\_\_\_\_

ITEM 17 Baseball Pitching Machine

- A) Curve ball

List manufacturer Jugs

Bid price each 1,334.00

Laux

Total price \_\_\_\_\_

- B) Softball

List manufacturer Jugs

Bid price each 888.00

Laux

Total price \_\_\_\_\_

- C) Combination Hardball - Softball

List manufacturer Jugs

Bid price each 1,578.00

Laux

Total price \_\_\_\_\_

- D) Generator - Jugs 1000

Bid price each 545.00

Laux

Total price \_\_\_\_\_

- E) ATCC Soft Toss Pitching Machine

Bid price each 488.00

Laux

Total price \_\_\_\_\_

- F) Jugs Junior Pitching Machine

Bid price each 489.00

Laux

Total price \_\_\_\_\_

- G) Practice balls for pitching machine (Softball & Baseball)

Bid price each 3.15

Laux

Total price \_\_\_\_\_

ITEM 18 MISCELLANEOUS ACCESSORIES TAG TBA 135

- A) Umpire Plate brush ~~XXXXXXXXXX~~

Amount ordered \_\_\_\_\_

Bid price each 1.90

Laux

Total price \_\_\_\_\_

- B) Umpire Plate brush

List manufacturer TAG TBA 135

Amount ordered \_\_\_\_\_

Bid price each 1.90

Laux

Total price \_\_\_\_\_

- C) Baseball Glove

Replacing kit Macgregor B110

Amount ordered \_\_\_\_\_

Bid price each No award

Total price \_\_\_\_\_

- D) Cooper RGRC replacement glove rawhide 48" long by 5/32" wide.

Amount ordered \_\_\_\_\_

Bid price each No award

Total price \_\_\_\_\_

E) SBL0 softball caddy - holds 10 bats and 10 balls, bat size 32" - 36" Amount ordered _____	Bid price each <u>49.95</u> Total price _____	Ludtka
F) SBL5 softball caddy - holds 5 bats and 6 balls, bat size 32" - 36" Amount ordered _____	Bid price each <u>44.95</u> Total price _____	Ludtka
G) SBL1 softball caddy - holds 10 bats and 10 balls, bat size 28" - 34" Amount ordered _____	Bid price each <u>49.95</u> Total price _____	Ludtka
H) SBL5 softball caddy - holds 5 bats and 6 balls, bat size 28" - 34" Amount ordered _____	Bid price each <u>44.95</u> Total price _____	Ludtka
I) BBL5 Little League caddy - holds 5 bats and 8 balls, bat size 28" - 34" Amount ordered _____	Bid price each <u>44.95</u> Total price _____	Ludtka
J) BBL1 Little League caddy - holds 10 bats and 12 balls, bat size 28" - 34" Amount ordered _____	Bid price each <u>49.95</u> Total price _____	Ludtka
K) BBL0 baseball caddy - holds 10 bats and 12 balls, bat size 32" - 36" Amount ordered _____	Bid price each <u>49.95</u> Total price _____	Ludtka

FOOTBALL EQUIPMENT AND ACCESSORIES

<u>Item</u>	<u>Approximate quantity</u>		<u>Bid Price</u>
1) Helmets: a) Bike IV 7780 white with full blue cage	12	Laux	62.88
b) Chin straps - for bike helmet	24	Laux	2.88
c) Chin straps - for air helmet	24	Laux	2.45
d) Jaw pads - for Riddell lining	20	Laux	2.65
2) Neck Brace - Adams USA PCNR 23-2 inch #232	20	Laux	9.75
3) a) Collegiate PRO 50 shoulder pads			
Size: XL	-		
L	10	Laux	27.80
S	-		
b) Spirit Pro 50 shoulder pads			
Size: XL	-		
L	12	Laux	27.80
M	24	Laux	27.80
S	-		
c) Auxiliary shoulder pads	12	Laux	9.75
4) a) Rib pads - All Star RP83JV	12	Laux	12.95
b) Rib pads - Rawlings BRV-JR U.S.A.	15	Laux	19.20
5) a) Girdle - GDK - 3Y YGN3 Rawlings			
Size: L	20	Laux	13.85
M	20	Laux	13.85
S	20	Laux	13.85
b) Girdle - Sandknit YFS 1052S			
Youth Size: L	-		
M	20	Laux	7.45
S	-		
6) Thigh pads YTG	25	Laux	3.85.pr.
7) a) Knee pads - Collegiate YKP	25	Laux	3.50 pr.
b) Knee pads - U325S	20	Laux	4.20 pr.
8) Miscellaneous - Swivel T hooks MTH 150	24	Laux	1.65
9) a) Footballs - Boden F 100	4	Laux	7.85
b) Footballs - Boden F 200	2	Laux	7.85
c) Footballs - Mikassa 7"	4	Ludtka	9.95
d) Footballs - Mikassa 6"	6	Ludtka	9.95
10) a) Pants - Champion - White Russell 91936			
Youth Size: Medium	20	Laux	9.35
Large	20	Laux	9.35
b) Pants - Sandknit (Game) Blue/Yellow stripe			
Youth Size: Medium YFP 4059S	15	Laux	17.95
Large	15	Laux	17.95
c) Pants - Sandknit (Practice)			
Youth Size: Medium YFP 4007S	10	Laux	10.95
Large	10	Laux	10.95
d) Pants - Sweats Navy Blue			
Youth Size: Medium Soffee B7041	15	Laux	6.90
Large	15	Laux	6.90
11) Jersey - Sandknit (Game) YFJ 2144S-15			
Youth Size: Small	50	Laux	13.95
Medium w nos	50	Laux	13.95
12) Sweater JAL8 Dehen Knit Co.	5	Laux	38.95
13) Skirt 8PSA Dehen Knit Co.	5	Laux	21.95

MEETING NO. 3  
January 16, 1989

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

WHEREAS, bids were received on December 19, 1988 for the purchase of custodial supplies for the 1989 fiscal year, 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 January 11, 1989, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of custodial supplies for the year 1989 be awarded to the following at the total bid prices listed below:

CATEGORY I - Paper Products	
Total Bid Price	\$ 83.91
CATEGORY II - Liners	
Total Bid Price	\$ 76.42
CATEGORY III - Cleaners/Disinfectants	
Total Bid Price	\$208.02
CATEGORY IV - Cleaners/Polishers	
Total Bid Price	\$144.89

AWARD OF CATEGORY I TO:

D.J. Mead/Hubbs & Howe, Inc.  
2200 Harlem Road  
Cheektowaga, New York 14225

AWARD OF CATEGORY II TO:

Jochum Distributors  
29 Kingswood Drive  
Cheektowaga, New York 14225

AWARD OF CATEGORY III & IV TO:

Corr Distributors, Inc.  
33 Chandler Street  
Buffalo, New York 14207

\* See next two (2) pages for report

Upon Roll Call....

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

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
*Erie County, New York*

January 11, 1989

TO SUPERVISOR SWIATEK AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Custodial Supplies  
Award of Bid

Gentlemen:

Bids were received and opened on December 19, 1988 for the purchase of custodial supplies for the year of 1989. Five (5) bidders submitted bids as follows:

	CATEGORY I Paper Products	CATEGORY II Liners	CATEGORY III Cleaner/ Disinfectant	CATEGORY IV Cleaners/ Polishers
D.J. Mead/Hubbs & Howe, Inc.	\$83.91**	\$86.58	\$356.63	\$195.72
Dobmeier Janitor Supply Inc.	\$68.92*	\$94.05	\$360.70	\$332.90
Airkem Professional Products of WNY, Inc.	No Bid	No Bid	\$250.25	\$173.75
Corr Distributors, Inc.	No Bid	No Bid	\$208.02	\$144.89
Jochum Distributors	No Bid	\$76.42	\$254.38	\$159.05

\* Price for paper products does not compare favorably to that of D.J. Mead/Hubbs & Howe, Inc. when bids are broken down by quantities based on rolls per case and lineal footage.

\*\* Price firm for period of six (6) months. There "may" be slight increase in final six (6) month period. Even with the possible increase, this is still the lower bid when broken down as stated above.

TO THE SUPERVISOR AND  
TOWN BOARD MEMBERS

January 11, 1989  
Page 2

The bids were reviewed by the Engineering and Facility Departments. It is, therefore, recommended that bids be awarded to the following bidders for their submission of the lowest bid meeting the requirements of the specifications.

CATEGORY I - Paper Products - be awarded to D.J. Mead/Hubbs & Howe, Inc.,  
2200 Harlem Road, Cheektowaga, New York 14225.

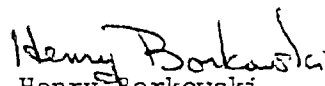
CATEGORY II - Liners - be awarded to Jochum Distributors, 29 Kingswood Drive,  
Cheektowaga, New York 14225.

CATEGORY III - Cleaner/Disinfectants - be awarded to Corr Distributors, Inc.,  
33 Chandler Street, Buffalo, New York 14207.

CATEGORY IV - Cleaner/Polishers - be awarded to Corr Distributors, Inc.  
33 Chandler Street, Buffalo, New York 14207.

Very truly yours,

TOWN OF CHEEKTOWAGA

  
Henry Borkowski  
Engineering Aide

HB:dms

MEETING NO. 3  
January 16, 1989

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

WHEREAS, by resolution dated December 19, 1988, this Town Board directed that a Notice to Bidders be published advertising for labor and equipment necessary to remove snow during a snow emergency, and

WHEREAS, such bids were duly received and opened on December 30, 1988, and

WHEREAS, the Town Superintendent of Highways has reviewed such bids and has made his recommendation concerning such bids, NOW, THEREFORE, BE IT

RESOLVED that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Custom Topsoil, Inc. 320 Crabapple Lane, Cheektowaga, New York 14227, being the only bidder at the bid prices specified on the attached tabulation sheet, as prepared by such company.

\* See next two (2) pages for letter from company and letter from Highway Superintendent

Upon Roll Call....

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



FORMAL BID PROPOSAL ON

EMERGENCY SNOW REMOVAL

FOR THE TOWN OF CHEEKTOWAGA 1988-89 WINTER SEASON

Covered by Specifications ADVERTISED ON: 12/22/88 This bid must be returned to the Town Clerk's Office, Cheektowaga Town Hall, Broadway & Union Rd., Cheektowaga, NY 14227 on or before 11:00 A.M., December 30, 1988. At which time all bids will be publicly opened.

THE UNDERSIGNED SUBMITS THE FOLLOWING BID WHICH IS IN COMPLETE CONFORMITY WITH THE INTENT OF THE SPECIFICATIONS:

SUPERVISOR WITH PICK-UP TRUCK

35.<sup>00</sup>/HRS.

	<u>BASE HOURLY RATE</u>	<u>PREMIUM TIME</u>
3 C.Y. Loaders	\$ 50. <sup>00</sup> / HRS.	NONE
4 C.Y. Loaders	\$ 75. <sup>00</sup> / HRS.	NONE
5 C.Y. Loaders	\$ 90. <sup>00</sup> / HRS.	NONE
Road Graders	\$ 75. <sup>00</sup> / HRS.	NONE
Tandem Axle Dump Trucks	\$ 45. <sup>00</sup> / HRS.	NONE

CONTRACTOR Custom Topsoil Inc

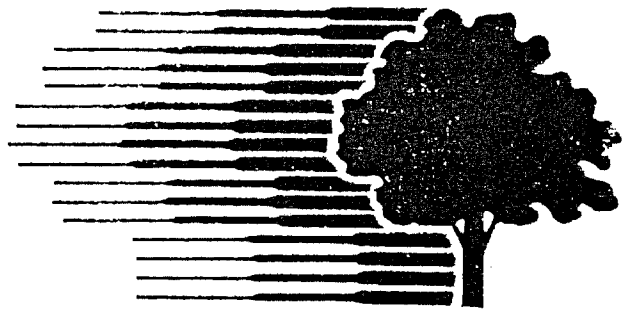
ADDRESS 320 CRABAPPLE LANE

PHONE NO. 716-668-4444

**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

January 12, 1989

RECEIVED  
JAN 12 PM 1:35  
CHEEKTOWAGA  
TOWN CLERK

SUPERVISOR FRANK E. SWIATEK  
TOWN BOARD MEMBERS  
Cheektowaga NY 14227

Re: Rental of Emergency Snow Removal Equipment

Dear Town Board Members:

Based on my review together with Kevin Schenk, on bids submitted for Emergency Snow Removal, I find that Custom Topsoil Inc., 320 Crabapple Lane, Cheektowaga NY 14227 is the lowest responsible bidder meeting specifications.

Although bid submitted by Timoney Technology Inc. was lower in some items it did not meet specifications of the minimum of 50 vehicles available in snow emergency situations.

Very truly yours,

Christopher J. Kowal  
Highway Superintendent

CJK: jrg

cc: Town Board Members  
Town Attorney  
Law Office  
Town Clerk

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184  
Promoting Pride - Progress - Professionalism!



Item No. 6a Motion by Councilman Gabryszak, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, utilizes Portable Chemical Toilets at various locations to service Recreation Department activities and Special Events, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the Leasing and Servicing of Portable Chemical Toilets, and BE IT FURTHER

RESOLVED that specifications for said Leasing and Servicing of Portable Chemical Toilets be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 30th day of January, 1989 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

\* \* \* \* \*

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 30, 1989 at 11:00 A.M. Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the Leasing and Servicing of Portable Chemical Toilets for the year 1989.

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.

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

RICHARD M. MOLESKI  
Town Clerk

Dated: January 16, 1989

\* \* \* \* \*

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.

Amy C. Meyers....., 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..... JAN 19 1989 ..... ;  
last publication..... JAN 19 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....

Sworn to before me this ..... 19<sup>th</sup> .....

day of ..... January ....., 1989.

..... 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<sup>90</sup>

**LEGAL NOTICE  
TOWN OF CHEEKTOWAGA  
NOTICE TO BIDDERS**

Sealed proposals will be received by the Town Clerk on January 30, 1989 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the Leasing and Servicing of Portable Chemical Toilets for the year 1989.

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.

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

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: January 12, 1989**

Item No. 6b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, it is in order that bids be advertised for the purchase of lighting supplies for the 1989 fiscal year for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of lighting supplies, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on February 6, 1989 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 6, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the supplying of lighting supplies.

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.

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

RICHARD M. MOLESKI  
Town Clerk

DATED: January 16, 1989

\*\*\*\*\*

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.

Amy C. Meyers....., 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..... JAN 19 1989  
last publication..... JAN 19 1989  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this ..... 19th  
day of ..... January....., 1989..  
..... 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  
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 6, 1989 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the supplying of lighting supplies.

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.

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

**RICHARD M. MOLESKI**  
Town Clerk

PUBLISH: January 12, 1989



MEETING NO. 3  
January 16, 1989

Item No. 6c Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Facilities Department, Parks Division, requires Softball and Hardball Diamond Supplies, and

WHEREAS, said supplies are required for the various Town sponsored Youth and Adult Programs, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for Softball and Hardball Diamond Supplies, and BE IT FURTHER

RESOLVED that specifications for said supplies may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 30th day of January, 1989 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

\* \* \* \* \*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Clerk on January 30, 1989 at 11:00 A.M., Eastern Standard Time at the Town Hall corner of Broadway and Union Roads, for Softball and Hardball Diamond Supplies for the year 1989.

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.

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

RICHARD M. MOLESKI  
Town Clerk

DATED: January 16, 1989

\* \* \* \* \*

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.

Amy C. Meyers....., 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..... JAN 19 1989  
last publication..... JAN 19 1989 ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this ..... 19th  
day of ..... January....., 1989  
..... 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  
NOTICE TO BIDDERS**

Scaled proposals will be received by

the Town Clerk on January 30, 1989 at  
11:00 am Eastern Standard Time at the  
Town Hall, corner of Broadway and  
Union Roads for Softball and Hardball  
Diamond Supplies for the year 1989.

Information for bidders and speci-  
fications 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 pre-  
pared and submitted in accordance  
with the provisions of the specifica-  
tions and contract documents and may  
waive any informalities, make an  
award to other than the low bidder  
should it be in the best interest of the  
Town, or reject any or all bids.

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

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: January 12, 1989**

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

WHEREAS, direct library service is not available to Town residents in the Dick Road-George Urban Boulevard area of the Town, and

WHEREAS, Store Front Libraries have proven to be successful in the United States, Erie County and the Kelly Drive area of Cheektowaga, and

WHEREAS, a store front library in the Dick Road-George Urban Boulevard area appears to be a cost-effective alternative to a full-service library in such area, and

WHEREAS, there is a store front available in the Urbandale Plaza in Cheektowaga for such a library, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Buffalo and Erie County Public Library Board of Trustees to approve the Town's proposal for instituting a store front library in the Dick Road-George Urban Boulevard area of Town, and BE IT FURTHER

RESOLVED that the Erie County Legislature be and hereby is requested to approve any funding necessary for the establishment of a store front library in the Dick Road-George Urban Boulevard area of Town, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Buffalo and Erie County Public Libraries and to Raymond Dusza, County Legislator representing the Town of Cheektowaga.

Upon Roll Call....

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

Item No. 8 Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk

WHEREAS, the Town of Cheektowaga was formed in 1839 and will be celebrating its Sesquicentennial in 1989, and

WHEREAS, this Town Board wishes to give public recognition to the Town's Sesquicentennial, and

WHEREAS, one method for giving recognition to the Town's Sesquicentennial is by designating a highway within the Town in honor of such sesquicentennial, and

WHEREAS, Walden Avenue, a major east-west thoroughfare in the Town which provides access to the Town via the New York state thruway, would be an ideal highway for designation as the Sesquicentennial highway, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby designates Walden Avenue as the Town's Sesquicentennial Highway for the period beginning March 22, 1989 and ending March 21, 1990, and BE IT FURTHER

RESOLVED that this Town Board hereby requests the New York State Department of Transportation to grant the Town permission to erect signs, etc. along the sides of Walden Avenue in recognition of the Town's Sesquicentennial, and BE IT FURTHER

RESOLVED that businesses and other owners of property along Walden Avenue in the Town be and hereby are encouraged to cooperate with the Town in making Walden Avenue the Town's Sesquicentennial Highway, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the New York State Department of Transportation.

Item No. 8 cont'd

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 Gabryszak

WHEREAS, by resolution dated March 7, 1988, this Town Board entered into a Solid Waste Disposal Agreement with Occidental Chemical Corporation ("Occidental"), and

WHEREAS, Occidental possesses confidential information relating to environmental pass escalations, which information Occidental will disclose to the Town provided the Town does not reveal such information to third parties, and

WHEREAS, the Town is desirous of obtaining such confidential information and is willing to enter into the attached Secrecy Agreement, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Secrecy Agreement with Occidental Chemical Corporation.

\* See next two (2) pages for agreement

Never received signed agreement - Occidental Chemical never returned it)

Upon Roll Call....

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

# Occidental Chemical

## SECRECY AGREEMENT

OCCIDENTAL CHEMICAL CORPORATION ("OxyChem") and the Town of Cheektowaga ("Recipient") hereby agree as follows:

1. OxyChem possesses confidential information relating to Environmental Cost Pass escalations from BFI landfill operation, which OxyChem is willing, subject to the terms and conditions of this Agreement, to disclose Recipient as may be necessary for the purposes of enabling Recipient to review these cost pass through for the Town of Cheektowaga.
2. The term "Confidential Information" as used in this Agreement means all information, data and experience, samples, models and other physical things of the type described in paragraph 1 above, whether of a technical, engineering, operational or economic nature, supplied or obtained by Recipient in writing, orally or by observation, except information that was in Recipient's possession free of any obligation of secrecy at the time of receipt from OxyChem, or information that subsequently comes into Recipient's possession from an independent third source not under obligation of secrecy to OxyChem.
3. In consideration of OxyChem's disclosure of Confidential Information to Recipient, Recipient shall:
  - (a) not make any use of Confidential Information except for the purposes specified in paragraph 1 above;
  - (b) not reveal any Confidential Information to third parties;
  - (c) maintain the secrecy of Confidential Information and to that end, to cause all materials relating to or containing such information, including all samples, models, sketches, drawings, reports and notes, and all copies, reproductions, reprints and translations, to be plainly marked to indicate the secret and confidential nature thereof and to prevent unauthorized use or reproduction thereof, and to limit access to such information to those of Recipient's employees who are involved in the work to carry out the purposes described in paragraph 1 above, and to assume the responsibility that such employees with access will preserve the secrecy of such information; and
  - (d) return all Confidential Information to OxyChem immediately upon its request therefor.

## Occidental Chemical

---

SECURITY AGREEMENT

Page 2

4. The obligation of confidence of Paragraph 3 with respect to each item of Confidential Information shall terminate three (3) years after OxyChem's communication of the Confidential Information to Recipient.
5. In communications with OxyChem, Recipient shall not violate the proprietary rights of any third party and such communications shall be made without any obligation of confidence.
6. The parties acknowledge that the information to be disclosed represents valuable business information to OxyChem and its landfill.
7. This Agreement shall govern all communications between OxyChem and Recipient that are made during the period from the date this Agreement has been signed by both parties to the date on which either party receives from the other written notice that subsequent communications shall not be so governed.
8. Recipient shall not export, directly or indirectly, any technical data or any products acquired from OxyChem under this Agreement without OxyChem's prior written consent.
9. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New York.

OCCIDENTAL CHEMICAL CORPORATION

RECIPIENT

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

SECURITY

Item No. 10a Easement - Scajaquada Creek (Walden Galleria)  
This item was withdrawn.

Item No. 10b Easement - U-Crest Diversion Ditch (Walden Galleria)  
This item was withdrawn.

Item No. 11 Agreement to inspect/maintain Scajaquada Creek & U-Crest Ditch  
(Walden Galleria)  
This item was withdrawn.

Item No. 12 Approval under Drainage Systems Ordinance and Flood Damage Prevention  
Ordinance regarding structural Creek crossing and Ditch enclosure  
(Walden Galleria)  
This item was withdrawn.

\* \* \* \* \*

NOTE: The above four (4) items will be brought up at a Special Town  
Board Meeting to be held on January 23, 1989.

\* \* \* \* \*

Item No. 13 Establishment of postage accounts for Councilman  
This item was withdrawn.

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

WHEREAS, the Town of Cheektowaga is 150 years old, and during such  
time, has had numerous individuals who have served the Town as Supervisor, and

WHEREAS, this Town Board wishes to recognize those individuals who  
have given their time and served this Town as Supervisor during the Town's history,  
NOW, THEREFORE, BE IT

RESOLVED that room be left on such plaque to allow for names of  
future Supervisors to be placed thereon, and BE IT FURTHER

RESOLVED that moneys for such plaque shall be appropriated from  
budget line item number.

\* \* \* \* \*

MOTION BY COUNCILMAN SOLECKI, 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

and the amended resolution is as follows:

\* \* \* \* \*

Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk

WHEREAS, the Town of Cheektowaga is 150 years old, and during such  
time, has had numerous individuals who have served the Town as Supervisor, and

WHEREAS, this Town Board wishes to recognize those individuals who  
have given their time and served this Town as Supervisor during the Town's history,  
NOW, THEREFORE, BE IT



Item No. 14 cont'd

RESOLVED that room be left on such plaque to allow for names of future Supervisors to be placed thereon, and BE IT FURTHER

RESOLVED that moneys for such plaque shall be appropriated from budget line item number 6410-04-4191, not to exceed \$1500.00.

Upon Roll Call....

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

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

BE IT RESOLVED that the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 1989:

Supervisor	\$49,407.
Councilman (6)	\$16,029.
Receiver of Taxes	\$35,142.
Town Clerk	\$39,139.
Highway Superintendent	\$45,017.
Town Justices (2)	\$35,500.
Budget Director	\$ 5,000.

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 Johnson to waive the reading of the salaries in the following resolution.

Upon Roll Call....

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

\*\*\*\*\*

Item No. 15b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

RESOLVED that the salaries of the following Town Officials and employees are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 1989:

Town Attorney	\$37,792.
Deputy Town Attorney	\$25,721.
Prosecuting Attorney	\$21,443.
Town Engineer	\$51,660.
Director of Administration & Finance	\$34,000.
Junior Accountant	\$30,405.
Supervising Building & Plumbing Inspector	\$41,279.
Assessor	\$36,417.
Real Property Appraiser	\$34,133.
Executive Director - Youth	\$35,711.
Program Coordinator	\$25,000.
Director of Recreation	\$33,747.

Item No. 15b cont'd

Senior Recreation Supervisor	\$24,910.
Clerk to Justice Court	\$32,240.
Clerk to Justice Court	\$25,107.
Director of Community Development	\$33,886.
Council Secretary	\$25,118.
Secretary to Supervisor	\$25,118.
Deputy Receiver of Taxes	\$23,944.
First Deputy Town Clerk	\$26,616.
Second Deputy Town Clerk	\$25,084.
Working Crew Chief - Sanitation	\$35,886.
Senior Citizens Director	\$30,043.
Deputy Highway Superintendent	\$39,884.
Employment & Training Director	\$41,661.
Disaster Coordinator	\$11,000.
Mail Clerk - Part Time	\$ 5,750.
Bingo Inspector (5)	\$ 5,634.
Chairman (1)	\$ 5,899.
Planning Board (5)	\$ 2,723.
Secretary (1)	\$ 3,447.
Chairman (1)	\$ 4,023.
Zoning Board (4)	\$ 3,210.
Chairman (1)	\$ 4,457.
Assessment Review Board (4)	\$ 1,131.
Chairman (1)	\$ 1,406.
Coordinator of Employee Relations	\$35,267.
Secretary to Coordinator of Employee Relations	\$20,960.
Police Matrons (2 1/2)	\$ 8,451.
School Crossing Guards	\$ 5.75/hr.
Recreation Attendants	\$ 7,659.
Part Time - Tax Office	
Day Shift	\$ 4.75/hr.
Night Shift	\$ 4.25/hr.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988, this Town Board appointed Taras P. Kulyk to the position of Pump Operator at the Main Pump Station, and

WHEREAS, the Erie County Department of Personnel notified the Town that an eligible civil service list existed for such position and should have been canvassed, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated June 6, 1988 be and hereby is amended, effective as of June 6, 1988, to Taras P. Kulyk's appointment to the position of Pump Operator at the Main Pump Station was temporary, pending the canvassing of a civil service list for such position.

\* \* \* \* \*

Motion by Councilman Gabryszak, Seconded by Councilman Johnson to table 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 ABOVE RESOLUTION WAS TABLED.

Item No. 16b Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988 (amended January 16, 1989), Taras P. Kulyk was appointed to the temporary position of Pump Operator at the Main Pump Station, pending the canvassing of a civil service list for such position, and

WHEREAS, the civil service list for Pump Operator was canvassed and it has been determined that no valid list exists for such position and that a new examination must be held, and

WHEREAS, a new examination for the position of Pump Operator has been requested, NOW, THEREFORE, BE IT

RESOLVED that the resolution dated June 6, 1988 (amended January 16, 1989) be and hereby is amended to provide that Taras P. Kulyk is appointed to the position of Pump Operator (Provisional), pending the results of the civil service examination for Pump Operator.

\* \* \* \* \*

Motion by Councilman Gabryszak, Seconded by Councilman Johnson to table 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 ABOVE RESOLUTION WAS TABLED.

\* \* \* \* \*

Item No. 17 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

WHEREAS, the Central Police Training Academy for new appointees will be starting on January 30, 1989, and

WHEREAS, the Town Board, at a meeting held on the 7th day of November, 1988, passed a resolution transferring \$28,000 to the police budget for patrolmen's salaries, and

WHEREAS, Lieutenant Gary Wolinski will be retiring on February 2, 1988 creating a vacancy, and

WHEREAS, the Chief of Police and his screening committee held interviews and studied resumes and background checks on candidates on the civil service list for patrolmen, and

WHEREAS, the Chief of Police recommends that Robert Mullen of Cheektowaga, New York and Thomas Allen of Depew (Cheektowaga), New York be appointed as patrolmen, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are appointed patrolmen in the Town of Cheektowaga, effective January 27, 1989; said salaries to be paid from budget line item 01-3120-0001-1541:

Robert Mullen

Thomas Allen

Cheektowaga, New York 14225

Depew, New York 14043

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 James Brado of Depew, New York be hired as part-time van driver (Job Class 0111) at a rate of \$4.25 an hour and Jacqueline Mongiovi of Cheektowaga, New York 14225 be hired as a substitute nutrition site manager (Job Class 0109) at a rate of \$4.25 an hour in the Department of Senior Services. Funding source: Account 7620.1639.

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 Supervisor Swiatek

RESOLVED that the following individuals be and hereby are authorized to attend the annual Association of Towns Convention, held in New York City, February 19-22, 1989 and that their reasonable and proper travel expenses be reimbursed by the Town:

Cheektowaga Town Board Members  
Casimer Kozminski, Town Assessor  
Chester Bryan, Town Engineer  
Richard Moleski, Town Clerk  
Ralph Majchrowicz, Director of Administration & Finance  
Christopher Kowal, Highway Superintendent  
Dennis Gabryszak, Councilman - is designated as the Official  
Voting Delegate representing  
the Town of Cheektowaga

Julia Reinstein

\* \* \* \* \*

Motion by Councilman Solecki, 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:

\* \* \* \* \*

Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

RESOLVED that the following individuals be and hereby are authorized to attend the annual Association of Towns Convention, held in New York City, February 19-22, 1989 and that their reasonable and proper travel expenses be reimbursed by the Town:

Cheektowaga Town Board Members  
Casimer Kozminski, Town Assessor  
Chester Bryan, Town Engineer  
Richard Moleski, Town Clerk  
Ralph Majchrowicz, Director of Administration & Finance  
Christopher Kowal, Highway Superintendent  
Dennis Gabryszak, Councilman - is designated as the Official  
Voting Delegate representing  
the Town of Cheektowaga

Julia Reinstein

Ron Zoeller, Working Foreman - Sanitation

Item No. 19a cont'd

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 Kulyk

WHEREAS, the Niagara Frontier Building Officials Association will conduct its annual education conference on February 5-8, 1989, in Batavia, New York, and

WHEREAS, the conference provides eighteen (18) credit hours of the State mandated twenty-four (24) credit hours of in-service training required annually of the Town's Inspectors, NOW, THEREFORE, BE IT

RESOLVED that Lawrence J. Kensy and Richard J. Willis, Town Housing Inspectors, be and hereby are authorized to attend said conference in Batavia, New York, on February 5-8, 1989, and BE IT FURTHER

RESOLVED that the fee of \$125.00 per person for said conference be paid from the 1988 Community Development Block Grant Code Enforcement Budget.

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 Gabryszak

WHEREAS, a defective joint in the 16" steel force main at the Alpine Lift Station permitted the pressurized discharge from the aforesaid facility to surface on Herbert Avenue necessitating immediate repair, and

WHEREAS, M.C. Morgan Contractors, Inc. was delegated to perform the required repair work as outlined in the attached memorandum of James R. Burst, General Foreman of the Sewer Maintenance Department, dated December 28, 1988 and as directed by the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the voucher of M.C. Morgan Contractors, Inc. in the amount of \$1,240.00 for labor and equipment required to make the necessary sewer repair, be and hereby is approved, and BE IT FURTHER

RESOLVED that the payment for said emergency repair be and hereby is chargeable to Sewer District No. 5 Contracted Repairs Budget Item 25-8125-0001-4543.

\* See next page for memorandum

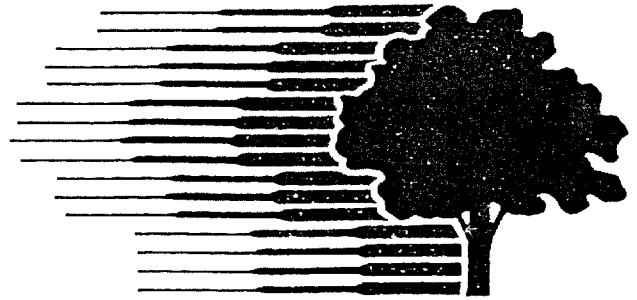
Upon Roll Call....

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

Sewer Maintenance Department

James R. Burst  
General Foreman

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
Erie County, New York

To: Mr. Bryan  
From: James R. Burst  
Date: December 28, 1988  
Re: Alpine Pump Station

The 16" forced main at Alpine Lift Station, 50 Herbert Avenue sprung a leak over the Christmas weekend. Fire Dispatch notified us that water was coming out of the street. As per our conversation Tuesday December 26, 1988, I called Morgan Contractors to make the repair. It was agreed that we would supply dump trucks to haul soil and provide stone for back fill. We would also supply the necessary pumps to take care of the sewage entering the lift station while the repair was underway.

The personnel started the job Tuesday December 26, 1988 in the A.M. and the repair was completed that day. The dresser fitting connecting two of the discharge pipes sprang several leaks. After excavating and measuring the OD of the steel pipe, we were unable to locate a dresser of that size. Erie County Water was also contacted to no avail. It was decided that Morgan's people would try to weld these holes and we would apply several pails of water plug to the coupling to make the repair. The work was completed and a time sheet was turned in for the man hours and equipment by the contractor.

The personnel from Morgan Contractors provided the correct OD size of this steel pipe. Because the size is different than what is used by Erie County Water and the line is approximately fifty years old, I would advise we order one of these dresser fittings for future use. This coupling may have to be made special for us.

We also will square cut the street and have Highway blacktop to avoid additional cost from the contractor.

Enclosed are photos of the job, Morgans time sheet and Sewer Maint. repair form. If you are in need of any further information please call.

RECEIVED

DEC 29 1988

ENGINEERING

Sewer Maintenance Department • 200 Southern Parkway • Cheektowaga, New York 14225 • 716, 896-7502

Very truly yours,

*James R. Burst*  
James R. Burst  
General Foreman

MEETING NO. 3  
January 16, 1989

Item No. 21a 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 remove one (1) 45,000 lumen H.P.S. luminaire located on Union Road, just south of the Lehigh Valley Railroad crossing, Std. PB4, L-SU815, for an annual decrease to the General Lighting District of \$250.11 in accordance with the New York State Electric & Gas proposal dated January 11, 1989, which is attached hereto and made a part of this resolution.

\* See next page for proposal

Upon Roll Call....

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



January 11, 1989

STREET LIGHTING PROPOSAL  
TOWN OF CHEEKTOWAGA

Union Road (s/o LeHigh Valley Railroad)

Remove 1-45000 lumen hps lamp @ \$250.11 ea. ----- \$ 250.11  
(Std. PB4, L-SU815)

This light was originally installed between LeHigh Valley Railroad bridges on retaining wall. PB4 is no longer necessary, as the bridge to the south of PB4 has recently been removed. This area is now being illuminated by a light on a wood pole approximately 40 feet south of PB4.

TOTAL ANNUAL DECREASE ----- \$ 250.11



MEETING NO. 3  
January 16, 1989

Item No. 21b 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 remove three (3) 7000 lumen M.V. luminaires and one (1) 45000 lumen H.P.S. luminaire located within the Town Highway Department yard for an annual decrease to the General Lighting District of \$591.03, with the removal of the subject lighting equipment resulting in a one-time charge to the Town in the amount of \$783.56 in accordance with the New York State Electric & Gas proposal dated December 23, 1988, which is attached hereto and made a part of this resolution.

\* See next page for proposal

Upon Roll Call....

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



December 23, 1988

STREET LIGHTING PROPOSAL  
Town of Cheektowaga

Town Highway Yard

Remove 3-7000 lumen MV lamps @ \$113.64 ea. ----- \$ 340.91  
(Poles 242-1, 242-2, 244-5, Line 423)

Remove 1-45000 lumen HPS lamp @ \$250.11 ea. ----- \$ 250.11  
(Pole 2, Line 3561)

Annual Decrease -----    591.03

Associated with the removal of the above street lights is a one-time charge of \$783.56 for unrecovered cost plus labor to remove one street light and bracket from pole #2; disconnect street light conductors from pole 242 and pole 3; less present day value of street light equipment removed from pole 2. The street lights, poles, brackets, etc. (#'s 242-1, 242-2 & 244-5; will be retired in place by NYSEG; the Town of Cheektowaga will own all equipment and be responsible for its removal and disposal.

Item No. 22 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 January 16th, 1989 are hereby approved and made a part hereof.

FUND	AMOUNT
GENERAL FUND	\$ 669,665.47
HIGHWAY FUND	213,575.55
CAPITAL FUND	119,398.72
TRUST AND AGENCY FUND	150,034.49
HUD-CDBG FUND	1,822.50
PART TOWN FUND	18,713.85
HUD RENTAL REHABILITATION FUND	60,832.79
RISK RETENTION FUND	37,141.70
HUD REHABILITATION FUND	35,151.75
SPECIAL DISTRICTS FUND	1,716,666.10
	<u>\$3,023,002.92</u>

\*\*\*\*\*

Motion by Councilman Solecki, Seconded by Councilman Kulyk to separate the GENERAL FUND from the rest of the items on the Warrant List.

Upon Roll Call....

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

The two resolutions are as follows:

\*\*\*\*\*

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 January 16th, 1989 are hereby approved and made a part hereof.

FUND	AMOUNT
GENERAL FUND	<u>\$ 669,665.47</u>

Upon Roll Call....

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

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 January 16th, 1989 are hereby approved and made a part hereof.

NO. 4  
NO. 5  
NO. 6

Item No. 22 cont'd

FUND	AMOUNT
HIGHWAY FUND	213,575.55
CAPITAL FUND	119,398.72
TRUST AND AGENCY FUND	150,034.49
HUD-CDBG FUND	1,822.50
PART TOWN FUND	18,713.85
HUD RENTAL REHABILITATION FUND	60,832.79
RISK RETENTION FUND	37,141.70
HUD REHABILITATION FUND	35,151.75
SPECIAL DISTRICTS FUND	1,716,666.10
	<u>\$2,353,337.45</u>

Upon Roll Call....

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Cheektowaga Planning Board - minutes of December meeting  
Received and Filed.

Item No. 24a Annual report of Building Department  
Received and Filed.

Item No. 24b Annual report of Receiver of Taxes & Assessments

III. GENERAL COMMUNICATIONS

Item No. 25 Report of Deloitte, Haskins & Sells regarding Federal Financial  
Assistance for year ending December 31, 1987.  
Received and Filed.

Item No. 26a Notice of Claim - Terry Scherrer 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. 26b Joyce & Robert Selapack 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. 26c Daniel Bautz 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. 27

Motion by Councilman Gabryszak, Seconded by Councilman Kulyk  
to adjourn the meeting.

MARY F. HOLTZ  
Deputy Town Clerk

NO. 4

NO. 5

NO. 6

SPECIAL MEETING NO. 4  
January 23, 1989

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 23rd day of January, 1988 at 6:00 o'clock P.M., Eastern Standard 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; Chester Bryan, Town Engineer; Casimer Kozminski, Town Assessor; Ralph Majchrowicz, Director of Administration & Finance; Ron Marten, Supervising Building & Plumbing Inspector; Don Wegner, Chairman of Zoning Board of Appeals.

\* \* \* \* \*

PLEASE NOTE: Councilman Gabryszak was absent for the first three (3) items.

\* \* \* \* \*

I. RESOLUTIONS

Item No. 2a Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo (the "Owner") is the developer of the Waldo Galleria (the "Project") in the Town of Cheektowaga, New York (the "Town"), and

WHEREAS, the one hundred fifty foot floodway of Scajaquada Creek (the "Floodway") is located on the Project development site, and

WHEREAS, the town has agreed to inspect and maintain the Floodway throughout the Project development site at Owner's expense, and

WHEREAS, the Town is desirous of obtaining an easement to inspect and maintain the Floodway on the real property of the Owner, and the Owner has agreed to grant such easement, and

WHEREAS, the Town Attorney, Town Engineer and Town Superintendent of Highways have reviewed such easement and find same acceptable as to form, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the attached easement from the Owner, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute such easement, and BE IT FURTHER

RESOLVED that the Town Attorney's Office be and hereby is directed to record such easement in the Erie County Clerk's Office.

\* See next twelve (12) pages for easement

FILED

1989 JAN 27 AM 10:49

ERIE COUNTY  
CLERK'S OFFICE

*Box 480*

SCAJAQUADA CREEK EASEMENT

PYRAMID COMPANY OF BUFFALO

to

TOWN OF CHEEKTOWAGA, NEW YORK

Dated: January 20, 1989

55

RECEIVED  
1989 FEB -3 AM 10:14  
CHEEKTOWAGA  
TOWN CLERK

STATE OF NEW YORK

ERIE COUNTY CLERK'S OFFICE

Recorded in Liber *9977* Page *582*

of ..... *Deeds* .....

on the .. *27* .. day of .. *Jan* .....

A.D., 19 .. *89* .. at *10:49* .. o'clock .. *a* .. M

and examined.

*David J. Swartz*  
CLERK

U009977P 582

*chg F28031*

*7- 4,00 -20*

*Box 480*

SCAJAQUADA CREEK EASEMENT

THIS INDENTURE, made and entered into this 20th day of January 1989, by and between PYRAMID COMPANY OF BUFFALO, a general partnership organized under the laws of the State of New York, with its principal office and place of business located at 4 Clinton Square, Syracuse, New York (hereinafter referred to as the "Owner"), and

TOWN OF CHEEKTOWAGA, NEW YORK, a domestic municipal corporation having its principal office and place of business located at the Town Hall, Broadway and Union Road, in the Town of Cheektowaga, County of Erie and State of New York (hereinafter referred to as the "Town"), and

WHEREAS, Owner owns certain real property in the Town of Cheektowaga, New York, described at Exhibit "A" which is annexed hereto and made a part hereof, on which Owner is developing a regional shopping center known as the Walden Galleria (hereinafter referred to as the "Project"); and

WHEREAS, Owner has proposed the construction of a structural span (the "Structural Span") which will cross the one hundred and fifty foot floodway of Scajaquada Creek (the "Floodway") for a distance of approximately 1,500 feet through the Project site as reflected on Exhibit "B" annexed hereto and made a part hereof; and

WHEREAS, the Town intends to perform or cause to be performed inspection and maintenance work in the Floodway through the Project site on the property of Owner and therefore the Town is desirous of obtaining easement rights to facilitate the performance of such work,

NOW THEREFORE WITNESSETH:

THAT the Owner, in consideration of the sum of One Dollar (\$1.00) and no more and other good and valuable consideration paid by the Town, does hereby grant and release unto the Town on the terms and subject to the conditions hereinafter set forth, a permanent right-of-way and easement for the purposes of:

- (i) regular inspection of the Floodway through the Project site, including the area beneath the Structural Span (hereinafter referred to as the "Easement Area"), in order to inspect the Easement Area for the accumulation of sediments or debris or other circumstances which may impede water flow, and to perform maintenance and pest control; and
  - (ii) removal or correction of any such water flow impediment from the Easement Area.
- (purposes (i) and (ii) above being hereinafter referred to as the "Work").

TOGETHER with the grant to the Town, its agents, contractors, and employees, of the right to enter Owner's property, as described at Exhibit "A", and gain access to the Easement Area via the proposed Access Roads which will be constructed generally in the locations shown on Exhibits "C" and "D", annexed hereto and made a part hereof (field conditions will dictate the final configuration and exact location of the Access Roads). Nothing herein shall be deemed to grant to the Town a right of access to the Easement Area through or from above the Structural Span or any buildings or other improvements of the Owner, its successors or assigns.

11009977P 583



RESERVING, to Owner, its successors and assigns, the right to build, rebuild, restore, renovate or otherwise affect the improvements located over and within the Easement Area.

Nothing herein contained shall be deemed to convey any rights to modify, alter or change any improvements within the Easement Area constructed by Owner, its successors or assigns.

Nothing herein contained shall be deemed to prohibit the construction of an expanded Structural Span in the Easement Area in addition to that which is currently proposed in conjunction with the Project.

Owner expressly reserves the right to grant easements to others in or crossing through the Easement Area, so long as said uses do not interfere with the performance of the Work as defined herein.

The rights and easements are herein granted to the Town upon the express understanding that if, in entering the Easement Area for any purpose, any damage is done by the contractors or subcontractors of the Town to landscaped areas, paved areas or other real or personal property located on Owner's lands, then the responsible contractors or subcontractors of the Town shall, at their own cost and expense, promptly repair any and all such damage as necessary to substantially restore the affected area to the condition which existed immediately prior to the commencement of the activities that resulted in such damage. The contractors or subcontractors of the Town shall be responsible for all damage and consequences caused by their negligence during the performance of the Work.

The rights and easements herein granted to the Town are subject to the following specific conditions:

- (a) the Work must be promptly completed and performed; and
- (b) the Town shall require any contractor performing any part of the Work to maintain adequate liability and workers' compensation insurance.

Prior to the commencement of the Work, the Town shall notify the Walden Galleria Mall Manager employed by Owner for the purpose of coordinating security measures for the area beneath the Structural Span.

It is specifically understood and agreed that nothing contained herein shall be construed so as to prohibit Owner from having the right to fully use and enjoy the Easement Area so long as such use and enjoyment does not impair the rights granted under this Easement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA

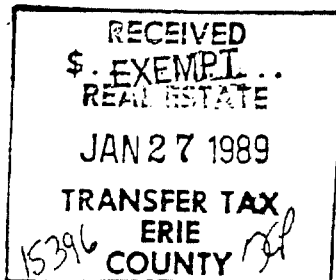
By: 

Town Supervisor

PYRAMID COMPANY OF BUFFALO

By: 

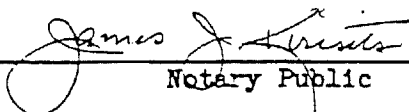
Kenneth D. Cannon, Partner



11009977P 584

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On this 23<sup>rd</sup> day of January, 1989, before me personally came Frank E. Swiatek, to me known, who, being by me duly sworn, did depose and say that he resides in the 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

JAMES J. KIRISITS  
Notary Public, State of New York  
Qualified in Erie County  
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On this 20 day of January, 1989, before me personally came Kenneth D. Cannon, to me known, who being by me duly sworn, did depose and say that he is a General Partner of Pyramid Company of Buffalo, the general partnership described in, and which executed, the within instrument.

  
Notary Public

PATRICK D. HENNIGAN  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires June 20, 1990

U1009977P 585

EXHIBIT A

PERIMETER BOUNDARY DESCRIPTION  
OF LANDS EAST OF THRUWAY  
PYRAMID COMPANY OF BUFFALO  
(WALDEN GALLERIA)

Being all that tract or parcel of land located on the north side of Walden Avenue, west of Union Road in the Town of Cheektowaga, County of Erie, State of New York and being part of Lots 16 and 17, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at the intersection of the east line of the New York State Thruway (Parcel 28, Map 28, R-3) with the southerly line of lands now or formerly owned by the Consolidated Rail Corporation (formerly West Shore Railroad); thence northeast along the southerly line of the railroad one thousand five hundred twenty-four and seventy-three hundredths feet (1524.73') to the south line of lands conveyed to New York State Electric and Gas Corporation by Liber 5258 of Deeds at Page 511; thence east at an included angle with the last described line of  $150^{\circ}11'04''$  one thousand twenty-six and forty hundredths feet (1026.40') to the northwest corner of lands conveyed to Westinghouse Electric Corporation by Liber 9356 of Deeds at Page 170; thence south at an included angle with the last described line of  $90^{\circ}21'18''$  and along the west line of said lands three hundred fifty and thirty-one hundredths feet (350.31') to the north line of Postal Drive; thence west along the north line of Postal Drive and at an included angle with the last described line of  $90^{\circ}0'$  three hundred one and three hundredths feet (301.03'); thence south at right

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angles to the last described line eighty and no tenths feet (80.0') to the south line of Postal Drive, which point is also the northwest corner of lands conveyed to the United States Postal Service by Liber 9081 of Deeds at Page 151; thence south at an included angle with the last described line of  $178^{\circ}39'05''$  and along the west line of said lands three hundred ninety-four and seventy-nine hundredths feet (394.79') to the north line of lands conveyed to Foremost McKesson, Inc. by Liber 7381 of Deeds at Page 77; thence northwest at an included angle with the last described line of  $81^{\circ}26'13''$  one hundred seven and sixty-one hundredths feet (107.61'); thence south at an angle with the last described line measured from the east to the south of  $80^{\circ}21'48''$  two hundred seventy-nine and eighty-six hundredths feet (279.86'); thence southwest at an included angle with the last described line of  $152^{\circ}11'29''$  eighty-three and sixty hundredths feet (83.60') to the north right of way line of McKesson Drive; thence west at an included angle with the last described line of  $126^{\circ}44'06''$  and along the north right of way line of McKesson Drive one hundred fifty and no hundredths feet (150.00'); thence north at right angles to the last described line three hundred twenty and no tenths feet (320.0'); thence west at right angles with the last described line sixty and no tenths feet (60.0'); thence south at right angles with the last described line five hundred thirty-three and one hundred nine thousandths feet (533.109') to the north line of lands of the Cheektowaga Central School District; thence northwest at an included angle with the last described line of  $72^{\circ}16'43''$  and along the north line of said lands two hundred fifty-five and twenty hundredths feet (255.20') to the northeast corner of lands conveyed to Pyramid Company of Buffalo by Cheektowaga Central School District by Liber 9765 of Deeds at Page 431; thence south at an angle with the last described line measured from the southeast to the south of  $72^{\circ}16'43''$  and along said line one thousand eighty and twenty-eight

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hundredths feet (1080.28'); thence east at an angle with the last described line measured from the north to the east of  $89^{\circ}07'$  four hundred and one hundredths feet (400.01'); thence south at an included angle with the last described line of  $89^{\circ}07'$  eight hundred fifty-five and fifty hundredths feet (855.50') to the northerly right of way line of Walden Avenue, said point being the southeast corner of lands conveyed by the Cheektowaga Central School District to Pyramid Company of Buffalo by Liber 9765 of Deeds at Page 431; thence northwest along the northerly line of Walden Avenue and at an included angle with the last described line of  $65^{\circ}24'36''$  ninety-three and forty-eight hundredths feet (93.48'); thence north at a deflection to the right of  $65^{\circ}24'36''$  two hundred twenty-nine and sixty-one hundredths feet (229.61'); thence northeast at a deflection to the right of  $15^{\circ}00'$  fifty-seven and ninety-six hundredths feet (57.96'); thence north at a deflection to the left of  $15^{\circ}00'$  three hundred seventy and no hundredths feet (370.00'); thence northwest at a deflection to the left of  $41^{\circ}52'02''$  seventy-nine and thirty-eight hundredths feet (79.38'); thence west at an angle with the last described line measured from the southeast to the west of  $130^{\circ}59'02''$  four hundred five and seventy-three hundredths feet (405.73'); thence southwest at a deflection to the left of  $37^{\circ}14'22''$  two hundred forty-seven and eighty-four hundredths feet (247.84') thence south at a deflection to the left of  $51^{\circ}52'38''$  one hundred eighty-seven and thirty-seven hundredths feet (187.37') to the northeast corner of lands conveyed to Cheektowaga Holding Corporation by Liber 7242 of Deeds at Page 246; thence northwest at an included angle with the last described line of  $78^{\circ}01'11''$  one hundred twenty-eight and thirty-seven hundredths feet (128.37'); thence southwest at an angle with the last described line measured from the east to the southwest of  $131^{\circ}48'58''$  sixty-four and sixty-seven hundredths feet (64.67'); thence southerly at an angle

11009977P 588

with the last described line measured from the northeast to the south of  $138^{\circ}11'02''$  fifty and no tenths feet (50.0') to the northerly right of way line of Walden Avenue, said point being the southwest corner of lands conveyed by Liber 7242 of Deeds at Page 246; thence westerly along the northerly right of way line of Walden Avenue and at right angles to the last described line thirty-two and twenty-one hundredths feet (32.21'); thence westerly along the northerly right of way line of Walden Avenue and at an included angle with the last described line of  $187^{\circ}17'07''$  three hundred thirteen and twenty-six hundredths feet (313.26') to the intersection of the northerly right of way line of Walden Avenue (Parcel 79, Map 79, R-2) and the easterly line of the New York State Thruway (Parcel 77, Map 77, R-3); thence northwest along the easterly line of the New York State Thruway and at an included angle with the last described line of  $128^{\circ}44'22''$  one hundred thirteen and three hundredths feet (113.03'); thence north at an included angle with the last described line of  $151^{\circ}25'11''$  one hundred seventy-two and twenty-three hundredths feet (172.23') to a point of curve; thence northwest along a curve to the left having a radius of four hundred fifty feet (450') and a central angle of  $31^{\circ}18'46''$  two hundred forty-five and ninety-three feet (245.93') to a point of tangency; thence northwest tangent to the last described curve two hundred fifty-four and fourteen hundredths feet (254.14'); thence northwest along the easterly line of the New York State Thruway and at an included angle with the last described line of  $173^{\circ}33'12''$  four hundred twenty-three and fifty hundredths feet (423.50'); thence north along the easterly line of the New York State Thruway and at an included angle of  $155^{\circ}14'24''$  two hundred one and fifty-six hundredths feet (201.56'); thence north along the east line of the New York

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PERIMETER BOUNDARY DESCRIPTION (CON'T)

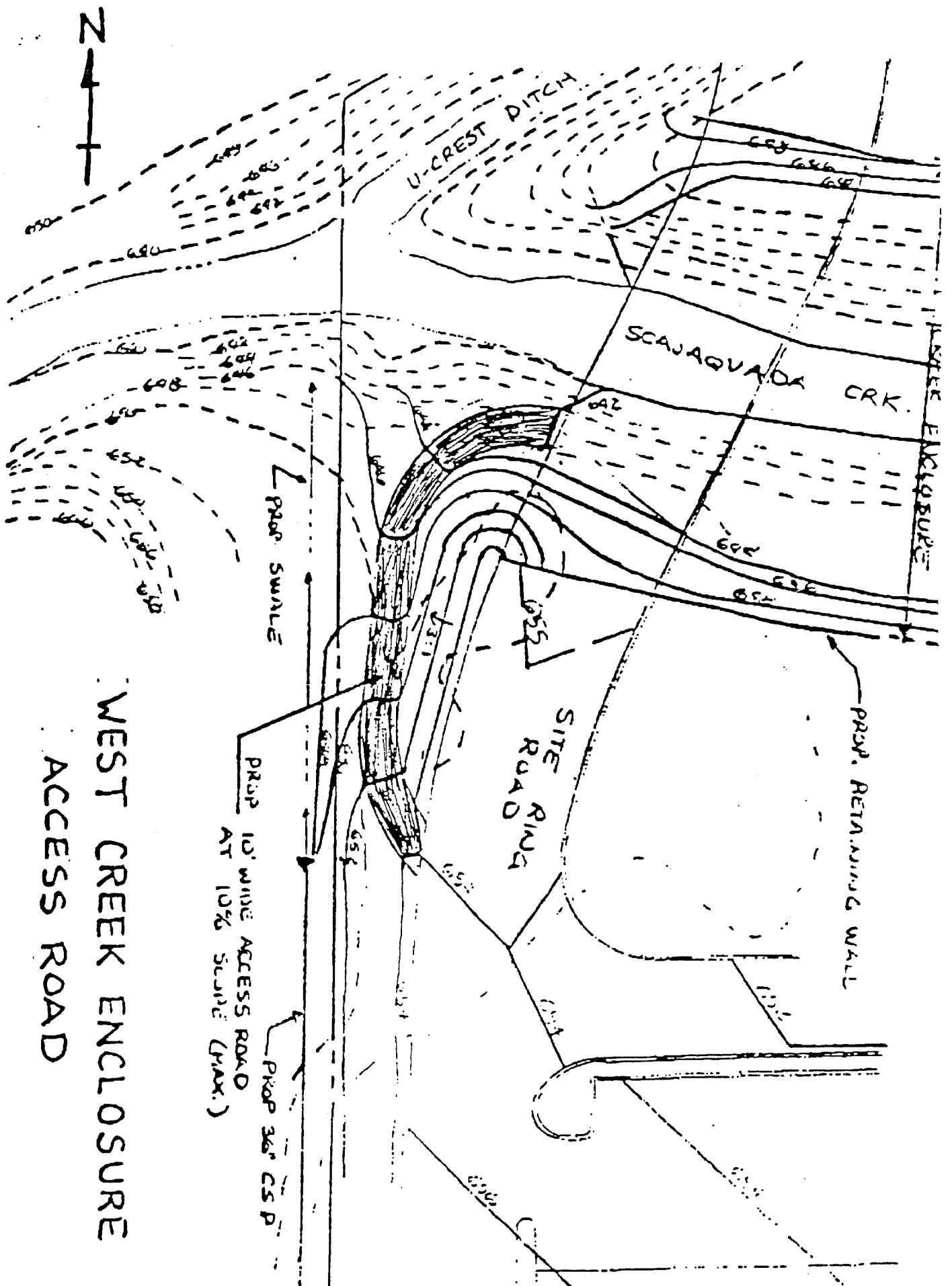
5

State Thruway and at an included angle with the last described line of  $172^{\circ}52'30''$  seven hundred eighty-eight and thirty-two hundredths feet (788.32') to the point of beginning and forming an included angle with the first described line of  $122^{\circ}13'00''$ .

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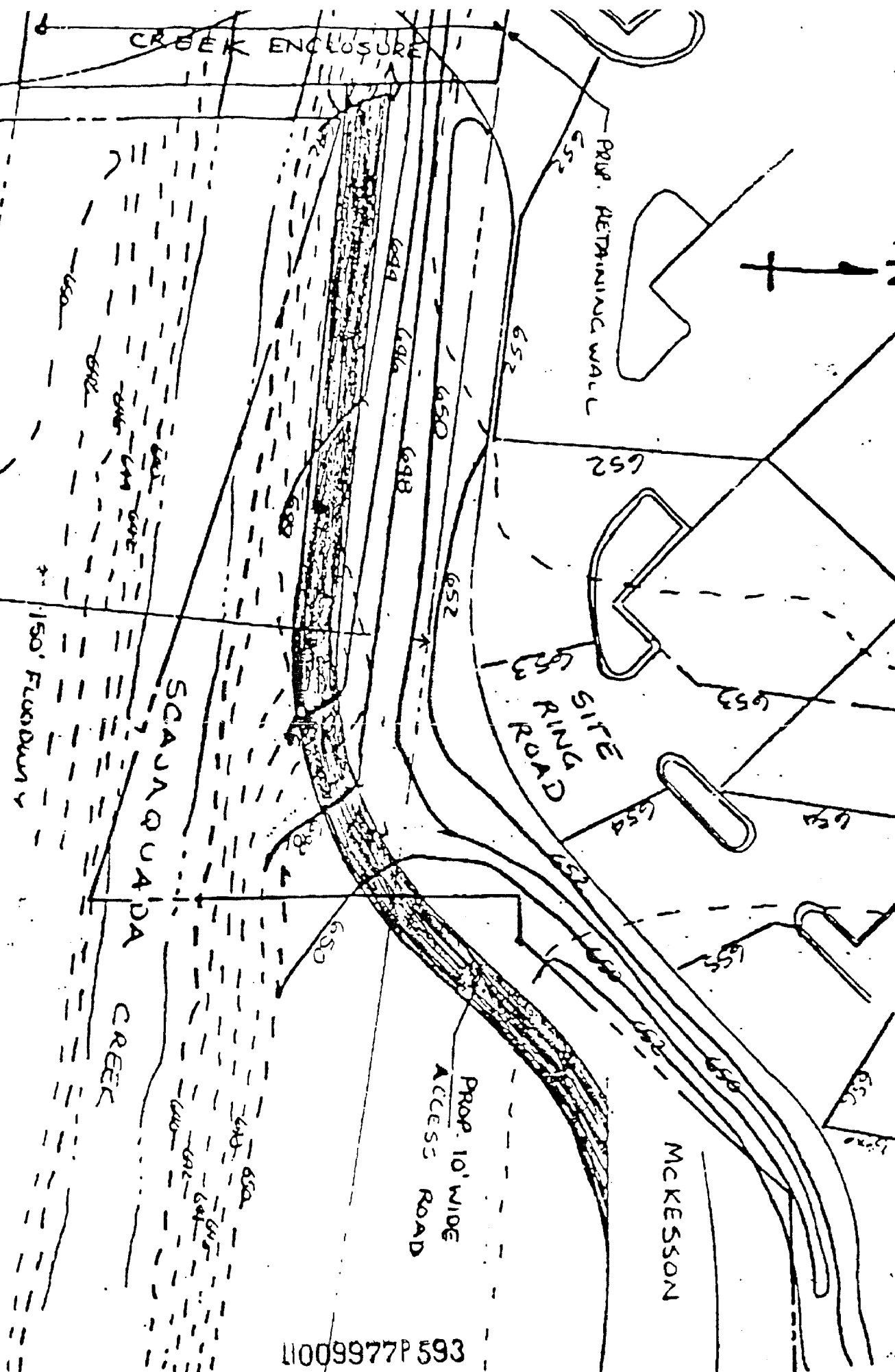


WEST CREEK ENCLOSURE  
ACCESS ROAD

1009977P 592

EXHIBIT "C"

EAST CREEK ENCLOSURE  
ACCESS ROAD



11009977P 593

EXHIBIT "D"

MEETING NO. 5  
February 6, 1989

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 February, 1989 at 7:30 o'clock P.M., Eastern Standard 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; Robert Lis, Chief of Police; Chris Kowal, Highway Superintendent; Casimer Kozminski, Town Assessor; Chester Bryan, Town Engineer; Ralph Majchrowicz, Director of Administration and Finance; Donald Wegner, Chairman Zoning Board of Appeals; Bruce Chamberlin, Assistant Chief of Police; Raymond Dusza, Erie County Legislator; Ron Marten, Building and Plumbing Inspector.

I. PUBLIC HEARING

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, Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

Grunner Road      north side      for a distance of 20 feet east of the  
intersection of Wallace Avenue

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

DATED: January 16, 1989

RICHARD M. MOLESKI  
Town Clerk

\*\*\*\*\*

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. 3      Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, the next regular Town Board meeting is scheduled for February 20, 1989, and

WHEREAS, the Association of Towns will be holding its annual meeting during the week of February 20, 1989 and Town officials will be attending such meeting, NOW, THEREFORE, BE IT

RESOLVED that the Town Board meeting scheduled for February 20, 1989 be and hereby is rescheduled for February 27, 1989 at 7:30 p.m. in the Council Chambers of Town Hall, and BE IT FURTHER

RESOLVED that the Town Clerk's Office be and hereby is directed to give public notice of this meeting to the news media and post such notice on his sign board at least 72 hours prior to February 27, 1989 meeting.

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.

Taney L. Reifonyde, 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..... ;  
last publication..... ;  
and that no more than six days intervened be-  
tween publications.

T. Reifonyde

Sworn to before me this .....

day of ....., 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, 19 90

## == LEGAL NOTICES ==

### 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 February, 1989 at 7:30 o'clock p.m. Eastern Standard 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

Kazukiewicz  
WHEREAS, the next regular Town Board meeting is scheduled for February 20, 1989, and

WHEREAS, the Association of Towns will be holding its annual meeting during the week of February 20, 1989 and Town officials will be attending such meeting, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board meeting scheduled for February 20, 1989 be and hereby is rescheduled for February 27, 1989 at 7:30 p.m. in the Council Chambers of Town Hall, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to give public notice of this meeting to the news media and post such notice on his sign board at least 72 hours prior to the February 27, 1989 meeting.

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

PUBLISH: February 9, 1989

MEETING NO. 5  
February 6, 1989

Item No. 4a Motion by Councilman Johnson, Seconded by Councilman Solecki

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 February 27, 1989 at 7:30 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 February, 1989, said amendments being set forth in the Notice of Hearing.

\*\*\*\*\*

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board 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 February 27, 1989 at 7:30 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>
Ellen Drive	East-West	Bert Road	Northbound	S.E. Corner
Terry Lane	North-South	Redleaf Lane	Eastbound	S.W. Corner
Terry Lane	North-South	Redleaf Lane	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BERT ROAD east side from Ellen Drive to Redleaf Lane  
REDLEAF LANE south side from Terry Lane to Bert Drive  
PRINCETON CT. west side from Cleveland Drive north to the terminus

F. Miscellaneous parking signs

(15) No Stopping

AZALEA DRIVE east side & from the north curbline of French Road to a point  
west side 520 feet northerly therefrom

Section 103 shall be amended by deleting therefrom:

A. Parking signs: restricted and time limit.

(11) Two hour parking 7:00 a.m. to 7:00 p.m.

MC INTOSH COURT west side from north curb of Cleveland Drive to seventy (70) feet  
therefrom

Item No. 4a continued

Section 106 shall be amended by deleting therefrom:

Handicapped parking

A. No person shall stop, stand or park a vehicle in any of the following areas ...

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first three (3) spaces west of the center  
mall: three (3) spaces

Section 106 shall be amended by adding thereto:

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first five (5) spaces west of the center  
mall: (5) spaces

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

Dated: February 6, 1989

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.

Tandy L. Reifonyder....., 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.....;  
last publication.....;  
and that no more than six days intervened be-  
tween publications.

T. Reifonyder.....

Sworn to before me this .....

day of ....., 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 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 February 27, 1989 at 7:30 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**

Street	Direction	Entrance		Sign Location
		Street	Traffic Stops	
Ellen Dr.	East-West	Bert Rd.	Northbound	S.E. Corner
Terry Ln.	North-South	Redleaf Ln.	Eastbound	S.W. Corner
Terry Ln.	North-South	Redleaf Ln.	Westbound	N.E. Corner

**ARTICLE X**

**Parking, Standing and Stopping**

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BERT ROAD	east side	from Ellen Drive to Redleaf Lane
REDLEAF LANE	south side	from Terry Lane to Bert Drive
PRINCETON CT.	west side	from Cleveland Drive north to the terminus

F. Miscellaneous parking signs

AZALEA DRIVE	east side & west side	(15) No Stopping from the north curbline of French Road to a point 520 feet northerly therefrom
--------------	-----------------------	--

Section 103 shall be amended by deleting therefrom:

A. Parking signs: restricted and time limit

MCINTOSH COURT	west side	(11) Two hour parking 7:00 a.m. to 7:00 p.m. from north curb of Cleveland Drive to seventy (70) feet therefrom
----------------	-----------	---

Section 106 shall be amended by deleting therefrom:

Handicapped parking

A. No person shall stop, stand or park a vehicle in any of the following areas...

CHEEKTOWAGA SENIOR CITIZENS CENTER--first three (3) spaces

west of the center mall: three (3) spaces

Section 106 shall be amended by adding thereto:

CHEEKTOWAGA SENIOR CITIZEN CENTER--first five (5) spaces west of the center mall: (5) spaces

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: February 9, 1989

MEETING NO. 5  
February 6, 1989

Item No. 4b Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center has made application and requested the Rezoning from M-2 General Manufacturing District to M-1 Light Manufacturing District for property located at 2501 Broadway. NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on February 27, 1989 at 7:00 o'clock P.M., Eastern Standard 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.

Amy C. Meyers....., 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 .....1..... weeks:  
first publication.....FEB 9 1989..... ;  
last publication.....FEB 9 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this .....15th.....  
day of .....February....., 19..89..  
.....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, 1996

**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 27th day of February, 1989, at 7:00 o'clock P.M., Eastern Standard Time of said day for the purpose of considering the application of New Erie Industrial Center to Rezone from M-2 - General Manufacturing District to M-1 - Light Manufacturing District on property located at 2501 Broadway 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. Kazukiewicz

Councilman Richard B. Solecki

**RICHARD M. MOLESKI**

Town Clerk

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the south line of Broadway, at the northeast corner of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at Page 316; thence southerly along the east line of Puffer's land, nine hundred one and three hundredths (901.03) feet to the northwest corner of lands conveyed to the International Railway Company by deed recorded in said Clerk's Office in Liber 1364 of Deeds at Page 127; thence easterly along the north line of said Railroad, seven hundred sixty-six (766) feet more or less to the northeast corner of said lands, said point being on the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence northerly along the west line of lands shown on Map filed in said Office under Cover No. 1185, one thousand seven and fifty-four hundredths (1007.54) feet to the south line of Broadway; thence westerly along the south line of Broadway, seven hundred seventy-five and five tenths (775.5) feet to the point of beginning.

**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 Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the east line of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at Page 316, distant nine hundred one and three hundredths (901.03) feet southerly from the south line of Broadway; thence southerly along the east line of said Puffer's land, sixty-six and four hundredths (66.04) feet; thence N 87 degrees 32' E, seven hundred sixty-six (766) feet more or less to a point in the

west line of lands shown on map filed in said Clerk's Office under Cover No. 1185; thence northerly along said west line, sixty-six and four hundredths (66.04) feet; thence S 87 degrees 32' W, seven hundred sixty-six (766) feet to the point of beginning.

**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 Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the east line of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at Page 316, distant nine hundred sixty-seven and seven hundredths (967.07) feet southerly from the south line of Broadway, said point being the southwest corner of lands conveyed to the International Railway Company by deed recorded in said Clerk's Office in Liber 1364 of Deeds at Page 127; thence easterly along the south line of said Railroad, seven hundred sixty-six (766) feet more or less to a point in the east line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence southerly parallel with the east line of Puffer's lands as aforesaid, seven hundred forty-two and seventy-four hundredths (724.74) feet more or less to the south line of lands conveyed to Victor Reinstein by deed recorded in said Clerk's Office in Liber 1520 of Deeds at Page 412; thence westerly along the south line of Reinstein's lands, three hundred thirty-two (332) feet more or less to the southeast corner of lands conveyed to Eugene Tayntor by deed recorded in said Clerk's Office in Liber 7432 of Deeds at Page 73; thence northerly along the east line of lands conveyed to said Tayntor as aforesaid by deeds recorded in said Clerk's Office in Liber 7628 of Deeds at Page 535 and in Liber 8381 of Deeds at Page 325, two hundred (200) feet to the northeast corner of lands conveyed by deed recorded in said Clerk's Office in Liber 8381 of Deeds at Page 325, thence westerly along the north line of lands conveyed by deed recorded in said Clerk's Office in Liber 8381 of Deeds at Page 325, four hundred twenty and eighty-three hundredths (420.83) feet to the east line of lands conveyed to Simon Puffer as aforesaid; thence northerly along the east line of Puffer's lands, five hundred eleven and ninety-seven hundredths (511.97) feet to the point of beginning.

**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 Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at the northwest corner of Subdivision Lot No. 11 as shown on Map filed in Erie County Clerk's Office under Cover No. 337; thence southerly along the west line of said Subdivision Lot No. 11 to the north line of Subdivision Lot No. 15 as shown on said Subdivision Map; thence westerly along the north line of Subdivision Lots Nos. 15 to 26 inclusive according to Map filed in said Clerk's Office under Cover No. 337 to the northwest corner of Subdivision Lot No. 26; thence northerly, thirty and twenty-eight hundredths (30.28) feet to the north line of lands shown on Map filed in said Clerk's Office under Cover No. 337 to the northwest corner of Subdivision Lot No. 26; thence northerly, thirty and twenty-eight hundredths (30.28) feet to the north line of lands shown on Map filed in said Clerk's Office under Cover No. 337; thence easterly along the north line of said Map filed in said Clerk's Office under Cover No. 337 to the northwest corner of Subdivision Lot No. 11 at the point of beginning.

**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 Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey and according to Map filed in Erie County Clerk's Office under Cover 337, is known as Subdivision Lots Number twenty-five (25) and twenty-six (26).

**PUBLISH: February 9, 1989**

MEETING NO. 5  
February 6, 1989

Item No. 4c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Rocco M. Santoro has made application and requested the Rezoning from R-Residential District to CM-General Commercial District for property located at 3035 Genesee Street (sublot 136), NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on February 27, 1989 at 7:00 o'clock P.M., Eastern Standard 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.

Tandy Reifsnnyder....., 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..... FEB 9 1989 ;  
last publication..... FEB 9 1989 ;  
and that no more than six days intervened be-  
tween publications.

T. Reifsnnyder.....  
Sworn to before me this ..... 15th  
day of February....., 1989  
..... 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 27th day of February, 1989, at 7:00 o'clock P.M., Eastern Standard Time of said day for the purpose of considering the application of Rocco M. Santoro to Rezone from R-Residential District to CM-General Commercial District on property located at 3035 Genesee St. (Sublot 136 Toelsin) 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. Kazukiewicz  
Councilman Richard B. Solecki  
**RICHARD M. MOLESKI**  
Town Clerk

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 Lot Number one hundred thirty-six (136) as shown on a map of Sattler's Prosperity Subdivision, filed in Erie County Clerk's Office under Cover Number 1546.

**PUBLISH: February 9, 1989**



MEETING NO. 5  
February 6, 1989

Item No. 5a Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for a three (3) year Preventative Maintenance and Service Agreement for various Town owned buildings, which bids were received and publicly opened on January 16, 1989, AND

WHEREAS, bids were referred to the Town Engineer and the Director of Facilities for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 2, 1989, AND

WHEREAS, said report recommends that the bid be awarded to Mollenberg-Betz Inc., 300 Scott Street, Buffalo, New York 14204 for the total bid price of \$92,404.00, AND, BE IT FURTHER

RESOLVED that the contract for a three (3) year Preventative Maintenance and Service Agreement for various Town owned buildings be and hereby is awarded to Mollenberg-Betz Inc., the lowest responsible bidder meeting the requirements of the specifications at the total bid price of \$92,404.00, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign said agreement with Mollenberg-Betz Inc.

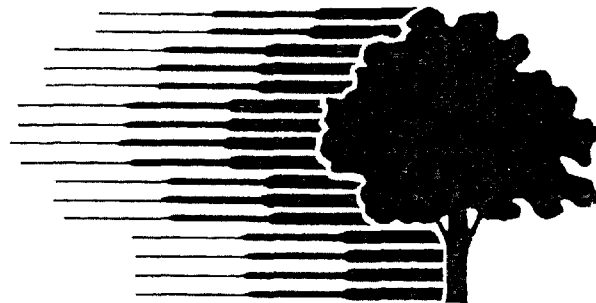
\* See Next Page for report

Upon Roll Call....

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

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
*Erie County, New York*

February 2, 1989

TO THE SUPERVISOR AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Preventative Maintenance  
and Service Agreement

Gentlemen:

In an effort to effect savings in the handling of preventative maintenance work, it was determined through the Recreation and Facilities Committee to bid such work over a three (3) year period. Work involves maintenance associated with heating, air conditioning, and components within these specialties. Bids were received and opened on January 16, 1989 at 11:00 A.M. Three (3) bids were received and are as follows:

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>Three Year Total</u>
Davis Refrigeration	\$30,504	\$31,369	\$31,943	\$93,816
Mollenberg-Betz Inc.	\$29,050	\$30,771	\$32,583	\$92,404
Johnson Controls, Inc.	\$33,310	\$34,975	\$36,640	\$104,925

The base bid includes maintenance and servicing of the following Facilities Department buildings:

Facilities Department  
Dartwood Park Community Center  
Losson Road Community Center  
Maryvale Community Center  
Town Park Recreation Center  
Senior Citizens Center  
Town Hall  
Police & Court Building  
Reinstein Branch Library  
North Branch Library  
South Branch Library

TO THE SUPERVISOR AND  
TOWN BOARD MEMBERS

February 2, 1989  
Page 2

The most beneficial award by the Town for this work would be an award to Mollenberg-Betz in the amount of \$92,404.00 for submission of the lowest bid meeting the requirements of our specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

*Henry Borkowski*  
Henry Borkowski  
Engineering Aide

HB:dms

MEETING NO. 5  
February 6, 1989

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

WHEREAS, bids were duly received and opened at the January 4, 1989 public bid opening as the result of advertisement, therefore, for the furnishing of work uniforms to Town of Cheektowaga employees, 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 February 1, 1989, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to Kristen Sales, 4232 Ridge Lea Rd. Suite 2, Amherst, N.Y. 14226.

ITEM I	Work Pants (sizes up to 42)	\$ 9.00
ITEM II	Work Pants (sizes 44 and up)	\$ 9.90
ITEM III	Shirts (long sleeve, sizes up to 17 1/2)	\$ 6.60
ITEM IV	Shirts (long sleeve, sizes 18 and up)	\$ 7.45
ITEM V	Chambray Shirts (long sleeve, sizes up to 17 1/2)	\$ 7.50
ITEM VI	Chambray Shirts (long sleeve, sizes 18 and up)	\$ 8.25
ITEM VII	Shirts (short sleeve, sizes up to 17 1/2)	\$ 5.80
ITEM VIII	Shirts (short sleeve, sizes 18 and up)	\$ 6.60
ITEM IX	Chambray Shirts (short sleeve, sizes up to 17 1/2)	\$ 6.60
ITEM X	Chambray Shirts (sizes 18 and up)	\$ 7.70
ITEM XI	Coveralls (long sleeve, sizes 36-52 regular)	\$12.65
ITEM XII	Coveralls (long sleeve, sizes 36-52 long)	\$14.30
ITEM XIII	Denim Jeans (sizes up to 42)	\$ 7.70
ITEM XIV	Denim Jeans (sizes 44 and up)	\$ 8.80
ITEM XV	Bib Overalls	\$14.50
ITEM XVI	Packaging/Employee	No Charge

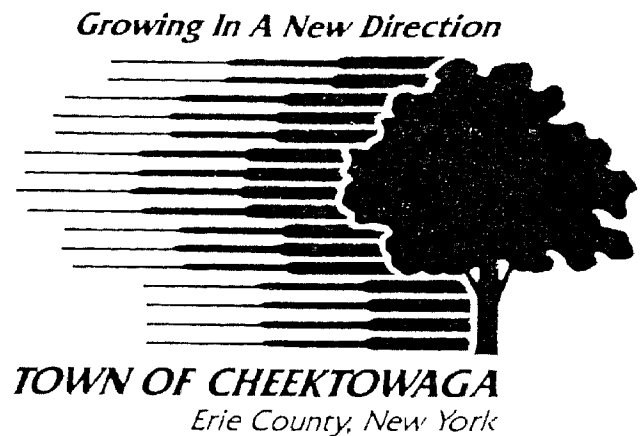
said bid being a responsible bidder meeting the requirements of the specifications.

\* SEE NEXT PAGE FOR LETTER

Upon Roll Call....

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

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER



February 1, 1989

TO THE SUPERVISOR AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Award of Bid  
Work Uniforms

Gentlemen:

On January 4, 1989 bids were received and opened for the furnishing of work uniforms to Town employees as required through the Cheektowaga Employees Association Agreement. Six (6) bidders submitted bids on sixteen (16) items of the specifications. The totals of the bids submitted are as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Kristen Sales	\$ 9,983.20
Flirts	\$10,903.10
J & J Workclothes	\$11,035.60
Amherst Wholesalers	\$11,691.20
Lancaster/Depew Surplus Alt. Bid	\$11,988.15
Rubens Royal Uniform	\$13,953.70
Lancaster/Depew Surplus	\$15,012.35

All of the three (3) lowest bidders met the requirements of the specifications. It is recommended, therefore, that the bid be awarded to Kristen Sales, 4232 Ridge Lea Road, Suite 2, Amherst, New York 14226 for the furnishing of work uniforms, said bid being the lowest bid meeting the general intent of the specifications.

TO THE SUPERVISOR AND  
TOWN BOARD MEMBERS


February 1, 1989  
Page 2

This bid will be awarded on the basis of unit prices which are quoted as follows:

ITEM I	Work Pants (sizes up to 42)	\$9.00
ITEM II	Work Pants (sizes 44 and up)	\$9.90
ITEM III	Shirts (long sleeve, sizes up to 17½)	\$6.60
ITEM IV	Shirts (long sleeve, sizes 18 and up)	\$7.45
ITEM V	Chambray Shirts (long sleeve, sizes up to 17½)	\$7.50
ITEM VI	Chambray Shirts (long sleeve, sizes 18 and up)	\$8.25
ITEM VII	Shirts (short sleeve, sizes up to 17½)	\$5.80
ITEM VIII	Shirts (short sleeve, sizes 18 and up)	\$6.60
ITEM IX	Chambray Shirts (short sleeve, sizes up to 17½)	\$6.60
ITEM X	Chambray Shirts (sizes 18 and up)	\$7.70
ITEM XI	Coveralls (long sleeve, sizes 36-52 regular)	\$12.65
ITEM XII	Coveralls (long sleeve, sizes 36-52 long)	\$14.30
ITEM XIII	Denim Jeans (sizes up to 42)	\$7.70
ITEM XIV	Denim Jeans (sizes 44 and up)	\$8.80
ITEM XV	Bib Overalls	\$14.50
ITEM XVI	Packaging/Employee/Department	No Charge

Very truly yours,

TOWN OF CHEEKTOWAGA



Allan B. Blachowski  
Principal Engineer Assistant

ABB:dms

MEETING NO. 5  
February 6, 1989

Item No. 5c Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, Bid Proposals were received for Softball and Hardball Diamond Supplies on January 30, 1989, 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 Softball and Hardball Diamond Supplies to:

Ruby's Sporting Goods	Item #1 Everlast #6810 @ \$36.79 per set
853-857 Clinton Ave. SO.	Item #2 Everlast #6830 @ \$27.40 per set
Rochester, New York 14620	Item #3 Everlast #6850 @ \$28.69 per set
	Item #4 Everlast #6861 @ \$11.69 ea.
	Item #5 Everlast #6867 @ \$ 9.30 ea.

Upon Roll Call....

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

Item No. 5d Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Bid Proposals were received for the Leasing and Servicing of Portable Chemical Toilets on January 30, 1989, 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 the Leasing and Servicing of Portable Chemical Toilets to:

Downing Container	Category I Single Units @ \$1.50 per day
191 Ganson Street	Category III Handicapped Units @ \$3.00 per day
Buffalo, New York 14203	

Rural Sanitation Serv. Inc. Category II Multiple Units @ 19.50/Unit/Day  
10187 Main Street  
Clarence, New York 14031

Upon Roll Call....

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

Item No. 6a Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for public works projects in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment and operators for said public works projects, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 21st day of February, 1989 at 10:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

\* \* \* \* \*

MEETING NO. 5  
February 6, 1989

Item No. 6a continued

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 21, 1989 at 10:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment, operators and laborers for public works projects 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 Equipment, Operators and Laborers for Public Works Projects" 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 Town of Cheektowaga, Erie County, New York.

Richard M. Moleski  
Town Clerk

DATED: February 6, 1989

\* \* \* \* \*

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.

Tarney L. Reifmeyer, 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.....;  
last publication.....;  
and that no more than six days intervened be-  
tween publications.

T. Reifmeyer.....

Sworn to before me this .....

day of ....., 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**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 21, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment, operators and laborers for public works projects 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 Equipment, Operators and Laborers for Public Works Projects" 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 Town of Cheektowaga, Erie County, New York

**RICHARD M. MOLESKI**  
Town Clerk

PUBLISH: February 9, 1989

MEETING NO. 5  
February 6, 1989

Item No. 6b      Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised to cover the purchase of corrugated metal pipe and reinforced concrete pipe requirements for the 1989 calendar year, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of corrugated metal pipe and reinforced concrete pipe, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 21st day of February, 1989 at 11:00 A.M., Eastern Standard 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 by the Town of Cheektowaga on February 21, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of corrugated metal pipe and reinforced concrete pipe for the 1989 calendar year.

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 an 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: February 6, 1989

\* \* \* \* \*

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.

*Amy C. Meyers*....., 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..... FEB 9 1989 ..... ;  
last publication..... FEB 9 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this ..... 15<sup>th</sup> .....  
day of *February*....., 19*89*.....  
.....*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**

Scaled proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 21, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of corrugated metal pipe and reinforced concrete pipe for the 1989 calendar year.

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 and all bids.

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

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: February 9, 1989**

MEETING NO. 5  
February 6, 1989

Item No. 6c Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised to cover the purchase of traffic control signs, street name signs and brackets for the 1989 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of traffic control signs, street name signs and brackets, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 21st day of February, 1989 at 11:00 A.M., Eastern Standard 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 February 21, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of traffic control signs, street name signs and brackets for the 1989 calendar year.

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, made 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: February 6, 1989

\* \* \* \* \*

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.

Amy C. Meyers....., 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 .....1..... weeks;  
first publication..... FEB 9 1989 ..... ;  
last publication..... FEB 9 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this .....15th.....  
day of .....February....., 1989.....  
.....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**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 21, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of traffic control signs, street name signs and brackets for the 1989 calendar year.

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 and all bids.

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

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: February 9, 1989**



MEETING NO. 5  
February 6, 1989

Item No. 7 Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, the New York State Association of Towns holds its annual meeting in the month of February and schedules seminars of various municipal topics during such meeting, and

WHEREAS, the seminars include discussions on a variety of municipal-related topics of interest to the Town, and

WHEREAS, the agenda for the Association of Towns annual meeting is not distributed to Town officials until mid-late January prior to the February meeting, and

WHEREAS, in order for this Town Board to properly make decisions as to which Town officials should attend the Association of Towns meeting and in order to have sufficient time to make reservations for such meeting, it is imperative that this Town Board be informed of the items on the agenda for such Association of Towns meeting before the end of December prior to the February meeting, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the Association of Towns to prepare and distribute its agenda for its annual meeting no later than December 30th of the preceding year, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the Association of Towns.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 8 Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, in the recent past the Town has agreed to 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 certain lands in the Town of Cheektowaga, and

WHEREAS, in furtherance of the aforesaid grant, the Town should establish a municipal park project or capital project for the acquisition, development and/or improvement of the following described lands for public outdoor recreation purposes and/or as an addition to Stiglmeier Park and/or to preserve the scenic, environmental and natural value of the Reinstein Woods, and

WHEREAS, the aforesaid lands, which are adjacent to Stiglmeier Park and the Reinstein Woods, are generally described as follows:

Parcel #1	Owner:	Estate of Victor Reinstein
	Size:	5.17 $\pm$ acres
	S.B.L. #:	114.10-2-1
Parcel #2	Owner:	Thomas N. Greenauer & Edward Lepczyk
	Size:	5.96 $\pm$ acres
	S.B.L. #:	114.11-1-5.2 and 114.11-1-6.2
Parcel #3	Owner:	Stanley V. Barniak and Wife
	Size:	2.98 $\pm$ acres
	S.B.L. #:	114.11-1-7, and

WHEREAS, regulations promulgated under the Environmental Quality Bond Act provide in section 437.1(a)(5) that the "municipality shall secure at least one appraisal of the appropriate type for each parcel to be acquired," and

WHEREAS, Howard P. Schultz is a real estate appraiser who is familiar with the aforesaid parcels, and he has submitted a proposal to prepare "a thorough

MEETING NO. 5  
February 6, 1989

Item No. 8 continued

analysis and documentation as to the market value of each property listed above" for a fee of \$850.00,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves the establishment of the Woodlands Capital Project, and directs that an appropriate account number be given to such Project by the Director of Administration & Finance, and BE IT FURTHER

RESOLVED that the Director of Administration & Finance, in conjunction with the Budget Director, prepare an appropriate budget transfer resolution for the funding of the aforesaid account with the sum of \$1,000.00 needed for a fair market value appraisal and related expenses, if any.

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, Pfohl Road has been reconstructed utilizing funds appropriated under the 1986 bond issue for the reconstruction and resurfacing of various Town streets, with the exception of that portion of Pfohl Road crossing the tracks of Consolidated Rail Corporation, AND

WHEREAS, pursuant to Section 91 of the State Railroad Law, a hearing was held relative to the Town's request for construction work associated with the railroad crossing of Pfohl Road, which hearing was held on June 23, 1987 with a determination subsequently following said hearing, AND

WHEREAS, Conrail has submitted to the Town an agreement covering the widening and rehabilitation of the grade crossing with work to be performed by Conrail forces at an estimated cost of \$78,200., and which agreement also stipulates a 50% sharing of cost for the replacement of the drainage structures along the railroad right-of-way, AND

WHEREAS, funds have been encumbered to complete the Pfohl Road Reconstruction Project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the completion of the Pfohl Road Project and approves entering into a Town/Railroad Agreement covering road work associated with the railroad crossing with the Town making payment to Conrail for doing the work, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board be and hereby is authorized and directed to sign said agreement with the Consolidated Rail Corporation 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. 10 Motion by Councilman Johnson Seconded by Councilman Gabryszak

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

MEETING NO. 5  
February 6, 1989

Item No. 10 continued

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

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

Upon Roll Call....

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

\* SEE NEXT PAGE

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
** CICCARELLI, DEAN A.	Niagara Falls, NY 14301	Gold Cross	3/31/91
** DIMITROFF, RUSSELL J.	Hamburg, N.Y. 14075	Town's	5/31/91
GIAN, MICHAEL F.	Derby, N.Y. 14047	Gold Cross	12/31/90
** MILKS, DOUGLAS E.	Angola, N.Y. 14006	Town's	5/31/91
SMITH, PAUL J.	Cheektowaga, NY 14227	Town's	5/31/91

\*\*Denotes Renewal Licenses

MEETING NO. 5  
February 6, 1989

Item No. 11 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, the Friends of the Woods, LTD., Cheektowaga, New York, President Michael A. Paparo, has offered to donate 1000 seedling trees to be planted at John C. Stiglmeier Park, AND

WHEREAS, said plantings shall be installed by the Cheektowaga Youth Conservation Corps under the direction of Facilities Department Director James J. Matecki and Conservation Corps Program Coordinator Robert Off, within the flood plain, and

WHEREAS, said donation shall enhance the native wildlife habitat and conform with the long range objective of preserving the flood plain for nature trails and conservation improvement, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby accepts the donation of 1000 seedling trees from the Friends of the Woods, LTD. for use at John C. Stiglmeier Park.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, pursuant to the Environmental Impact 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 Impact Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on January 13, 1989 rendered the determinations shown on the attached memo dated January 17, 1989, 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 January 17, 1989 memo attached hereto:

Item I 3600 Genesee Street

Upon Roll Call....

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

\* SEE NEXT PAGE

**OFFICE OF  
BUILDING & PLUMBING INSPECTIONS**

**RONALD MARTEN**

Supervising Bldg. and Plbg. Inspector

Town Hall, Broadway and Union Road

Cheektowaga, New York 14227

686-3470

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
*Erie County, New York*

M E M O

RECEIVED

JAN 20 1989

TOWN ATTORNEY

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

FROM: Thomas Adamczak  
Building Inspector

DATE: January 17, 1989

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 January 13, 1989, in the Town Hall Council Chambers.

ITEM I      3600 Genesee Street      -      New Sales Office For Used  
Car Sales

Applicant: Keller Chevrolet

Determination: Non-Significant With Stipulations

The applicant at the present time has a used car sales lot as an accessory use to new-car sales. There is a small trailer type office as the present time but the applicant wishes to construct a permanent building for the used car salesmen. This proposal is totally compatible with what is on the site at the present time. The Planning Board, at their meeting of January 12, 1989, approved the proposal with additional landscaping. This landscaping will be shown in a revised plan to be submitted at a later date. Drainage must be coordinated with the Town Engineering Department and this too will be done at a later date.

The stipulations are that the revised landscaping plan must conform to what was discussed at the Planning Board meeting of January 12, 1989 and the drainage must be approved by the Town Engineer.

MEETING NO. 5  
February 6, 1989

Item No. 13 Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, the Employee Relations Department is in need of a petty cash fund to pay, in advance of audit, properly itemized and verified or certified bills for materials, supplies and/or services provided to the Town, AND

WHEREAS, subdivision 1-a of Section 64 of the Town Law of the State of New York provides for the establishment of a petty cash fund for any town officer or head of a department or office in the Town in an amount not to exceed \$200.00, AND

WHEREAS, this Town Board feels that the establishment of a petty cash fund in said department is warranted, NOW, THEREFORE, BE IT

RESOLVED that a petty cash fund in the amount of \$100.00 be and hereby is established, effective immediately, and BE IT FURTHER

RESOLVED that at the time of payment from such fund, the officer for which the fund was established shall require delivery to him of a bill in form sufficient for audit by this Town Board as required by law.

Upon Roll Call....

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

Item No. 14 Motion by Councilman Solecki Seconded by Councilman Gabryszak

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

WHEREAS, by resolution dated November 18, 1985, this Town Board authorized the Town to act as lead agency for all activities involved in preparation of engineering work, and

WHEREAS, the Northeast Board, including the Town of Cheektowaga have appropriated sufficient funds for the preparation of such engineering work, including a \$200,000 grant in contract with the Northeast Board and N.Y.S.D.E.C., and

WHEREAS, the firm of Barton and Loguidice, P.E., consulting engineers, were retained to do the necessary study within the budgeted funding, 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 for the Northeast 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 \$6,615.47 for services for the period 10/6/88 through 12/3/88, from the Northeast Board's account and to pay said sums to Barton and Loguidice, P.E., for services rendered to date per agreement dated June 4, 1986 and Amendment No. 5

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 Solecki and Councilman Johnson

WHEREAS, the Town of Cheektowaga will be celebrating its Sesquicentennial in 1989 and has planned numerous events in recognition of same, and

WHEREAS, subdivision 14.a of Section 64 of the Town Law authorizes

Item No. 15 cont'd

the Town to appropriate only \$3,000.00 annually for historical/publicity fund purposes, and

WHEREAS, under subdivision 14 of Section 64 of the Town Law, other towns in Erie County and New York State have been granted special exceptions to such law to authorize them to appropriate up to \$150,000 for historical event/publicity fund purposes, and

WHEREAS, in the 1989 Town budget, the Town anticipated spending \$45,000., for Sesquicentennial events and is desirous of spending such amount for these events in 1989, and

WHEREAS, State Assemblyman Paul Tokasz and State Senator Dale M. Volker have sponsored legislation (Assembly Bill No. 2970; Senate Bill No. 1905) in the State Legislature to amend subdivision 14 of Section 64 of the Town Law to authorize the Town of Cheektowaga to appropriate up to \$50,000 in a given year, subject to permissive referendum, for historical even/publicity fund purposes, and

WHEREAS, this Town Board supports such legislation, NOW, THEREFORE,  
BE IT

RESOLVED that this Town Board hereby strongly requests the New York State Assembly and Senate to adopt and enact Assembly Bill No. 2970 and Senate Bill No. 1905, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized and directed to execute the Home Rule Request forms for the aforementioned Assembly and Senate bills, and BE IT FURTHER

RESOLVED that the Town Attorney's Office be and hereby is directed to forward executed copies of such Home Rule Request forms to the State Senate, State Assembly, Assemblyman Paul Tokasz and Senator Dale M. Volker.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board by resolution dated October 26, 1988, granted permission to Losson Park Village, Inc. to erect model homes at #825, #829, #833 and #837 Losson Road, AND

WHEREAS, the granting of building permits for the aforesaid properties was contingent on the posting of escrow funds with the Town in the amount of \$4,050.00 by Losson Park Village, Inc. to guarantee the installation of public sanitary sewer facilities to serve #825, #829, #833 and #837 Losson Road, AND

WHEREAS, the sanitary sewer facilities which serve the aforesaid properties fronting on Losson Road, located in Erie County Sewer District No. 1, have been constructed and found acceptable as outlined in a letter dated January 9, 1989 from the Erie County Department of Environment and Planning, attached hereto, NOW, THEREFORE, BE IT

RESOLVED that escrow funds in the amount of \$4,050.00 being held by the Town of Cheektowaga in Account No. 06-0830-00000000 be returned to Losson Park Village, Inc., whom has deposited same.

\*\* See next page for letter

Upon Roll Call....

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





## County of Erie

DENNIS T. GORSKI  
COUNTY EXECUTIVE

### DEPARTMENT OF ENVIRONMENT AND PLANNING

RICHARD M. TOBE  
COMMISSIONER

CHARLES J. ALESSI, P.E.  
DEPUTY COMMISSIONER  
Sewerage Management

January 9, 1989

Anastasi Trucking & Paving  
6495 Transit Road  
Bowmansville, New York 14026

Attn: Mr. Jack R. Patterson

COPY

RE: Erie County Sewer District No. 1  
Losson Park Estates Subdivision

Dear Mr. Patterson:

The sanitary sewerage facilities associated with a portion of this sewer extension project have been constructed, successfully tested and the manholes visually inspected and found acceptable. These sewers may now be put into use. The sewers involved are from an existing manhole on the south side of Losson Road westerly to MH 34 to MH 35.

Very truly yours,

Roger F. Gerwitz, P.E.  
Assistant Sanitary Engineer

RFG:pag  
cc: W. Czechowski  
G. Devlin/1.2.5.1

RECEIVED

JAN 13 1989

ENGINEERING  
DEPT.

MEETING NO. 5  
February 6, 1989

Item No. 16b Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the developer of the Losson Meadows Subdivision has completed the installation of the street lighting system as required in conjunction with the development of Phase I of said subdivision, AND

WHEREAS, the New York State Electric & Gas Corporation has energized the lighting system in Phase I of the Losson Meadows Subdivision and the subject equipment is functioning satisfactorily, AND

WHEREAS, the developer has previously placed funds in escrow with the Town to guarantee installation of the subject street lighting system in accordance with the Public Improvement Permit Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$8,800.00 currently being held in escrow by the Town be released to the person or persons whom have deposited same, AND, BE IT FURTHER

RESOLVED that the luminaires, fiberglass standards, conductors and conduit for the below described installations, whose ownership has been transferred to the Town, are to be maintained by the Town of Cheektowaga, and the connections, energy and lamp replacements are to be supplied by the New York State Electric & Gas Corporation.

STREET LIGHTING EQUIPMENT

LOCATION

Std. No. 1	South side of Cherrywood Drive Northeast corner of S.L. 49
Std. No. 2	South side of Cherrywood Drive Between S.L. 46 & 47
Std. No. 3	South side of Cherrywood Drive Northwest corner of S.L. 44
Std. No. 4	North side of Cherrywood Drive Midpoint S.L. 9
Std. No. 5	South side of Cherrywood Drive Midpoint S.L. 39
Std. No. 6	North side of Cherrywood Drive Between S.L. 15 & 16
Std. No. 7	South side of Cherrywood Drive Midpoint S.L. 33
Std. No. 8	North side of Cherrywood Drive Between S.L. 21 & 22
Std. No. 9	North side of Cherrywood Drive Between S.L. 24 & 25
Std. No. 10	East side of Cherrywood Drive Southwest corner of S.L. 29
Std. No. 11	East side of Baywood Drive Southwest corner of S.L. 43

Upon Roll Call....

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

MEETING NO. 5  
February 6, 1989

Item No. 17a Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the firm Scaffidi & Moore Architects has been previously retained to prepare an intended use plan and preliminary cost estimate for the facility known as Alexander Street Community Center, AND

WHEREAS, said intended use plan and cost estimate contains under Phase I Development, Building Code Compliance, Handicapped Accessibility, Safety and Security Improvements, Maintenance and Program Rehabilitation and Construction, AND

WHEREAS, the firm of Scaffidi & Moore Architects has submitted a proposal in the amount of \$35,000.00 to furnish and prepare specifications and drawings for Phase I Development of Alexander Street Community Center, review bid documents and make recommendations to the Board, and provide supervision during construction, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby agrees to retain the firm of Scaffidi & Moore Architects, 4535 Bailey Avenue, Buffalo, New York 14225, to provide professional architectural service related to Phase I Development at the Alexander Street Community Center at a fee not to exceed \$35,000.00, AND BE IT FURTHER

RESOLVED that funds for said Town Board action are available from Account #05-1625-8811-0400

Upon Roll Call....

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

Item No. 17b Retain firm for conservation consultant service  
This item was withdrawn.

Item No. 18a Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

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

SEWER DEPARTMENT

EFFECTIVE

Martin Nowak  
Robert Kowalewski

Immediately  
"

COUNCIL OFFICE

Ann Marie Wojciechowski

1/16/89

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 Solecki

BE IT RESOLVED that Richard A. Majchrzak, and Andrew Mason, be terminated as Part-Time Van Drivers (Job Class 0111) in the Department of Senior Services.

Funding Source: Account 7620.1639

Upon Roll Call....

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

MEETING NO. 5  
February 6, 1989

Item No. 19a      Creation of Account Clerk in Central Garage  
This item was withdrawn.

Item No. 19b      Creation of Working Foreman recycling position in Sanitation Dept.  
This item was withdrawn.

Item No. 20      Provisional appointment to position of Superintendent-Wastewater Pump  
Station  
This item was withdrawn.

Item No. 21      Creation of and appointment to position of temporary Working Foreman  
in Wastewater Pump Station  
This item was withdrawn.

Item No. 22a      Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, in order to provide for the provision of emergency medical services on a uniform basis, this Town Board has, on May 7, 1984, adopted an Ambulance Service Ordinance ("Ordinance"), and

WHEREAS, said Ordinance provides for the establishment and authorization of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town of Cheektowaga in the implementation of the Ordinance, and

WHEREAS, the completion of the EMS Board is set forth in Section 4A-7 of the Ordinance, and

WHEREAS, by resolution dated November 7, 1988, this Town Board appointed individuals to serve as members of the EMS Board for a term of one year, and

WHEREAS, U-Crest Fire District No. 4 has notified the Town that it has designated different individuals to serve as its representative and alternate on the EMS Board, NOW, THEREFORE, BE IT

RESOLVED that the following individuals shall be substituted for the representative and alternate members of the EMS Board for U-Crest Fire District No. 4:

Representative  
Alternate

Stanley P. Pinski  
Vincent R. Osika

and, BE IT FURTHER

RESOLVED that the terms for such EMS Board appointees shall expire on November 6, 1989.

Upon Roll Call....

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

NAYES:            0

ABSENT:           0

Item No. 22b      Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the retirement of Lieutenant Gary Wolinski has left the Department with two (2) vacancies for Lieutenant, AND

WHEREAS, three candidates from the Civil Service list were interviewed and their resumes and work performances were studied, AND

WHEREAS, the Chief of Police requests that one (1) of the vacancies be filled at this time, AND

Item No. 22b continued

WHEREAS, the Chief of Police and his screening committee recommend that Sergeant Cheryl Rucinski be promoted to Lieutenant, AND

BE IT RESOLVED that Cheryl Rucinski is hereby promoted to Lieutenant effective immediately. The Lieutenant's salary will be from budget line item 01312000011511.

Upon Roll Call....

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

Item No. 22c Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the Board of Plumbing and Drainage Examiners of the Town of Cheektowaga consists of five (5) members, including the Supervising Bulding and Plumbing Inspector, the Town Engineer, and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership, AND

WHEREAS, the last three (3) members shall be appointed by the Supervisor, by and with the consent of the other members of the Town Board, and must be residents of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are appointed to the Board of Plumbing and Drainage Examiners of the Town of Cheektowaga for a term of two years, at a compensation not to exceed Two Hundred Fifty Dollars (\$250.00) per year.

Joseph V. Schmigel,	, Cheektowaga, N.Y.
Louis Costrino,	Cheektowaga, N.Y.
Joseph A. Piccione,	, Cheektowaga, N.Y.

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 Jaworowicz

BE IT RESOLVED that the following be and hereby are hired as part-time clerical employees to assist Joan E. Dudek, Receiver of Taxes and Assessments, in the 1988-89 tax collection and at the rate of \$4.25 per hour:

EFFECTIVE

Denise Myers 1/16/89

June Peterson 1/16/89

Upon Roll Call....

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

Item No. 23b Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following be hired by the Cheektowaga Recreation Dept. to assist in conduction its school wrestling program.

Item No. 23b continued

WRESTLING SUPERVISOR - CHEEKTOWAGA CENTRAL SCHOOL A7140.1615 - \$5.00 per/hr.

Gerald Hickson

WRESTLING INSTRUCTORS - A7140.1615 - \$3.35 per hour

John Wanat

Jason Wartinger

Upon Roll Call....

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

Item No. 24a Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, Diane Swiatek, Clerk-Stenographer, has requested a maternity leave of absence from her position in the Engineering Department for a period of approximately three (3) months, commencing on February 13, 1989, AND

WHEREAS, Diane Swiatek will utilize accumulative sick leave and vacation days prior to her commencing a four (4) month unpaid leave of absence, NOW, THEREFORE, BE IT

RESOLVED that Diane Swiatek be and hereby is granted a three (3) month maternity leave to be followed by a four (4) month leave of absence without pay.

Upon Roll Call....

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

Item No. 24b Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Mr. Robert Sosnowski, employed in the Cheektowaga Facilities Department is a member of the United States Air Force Reserve, HQ 914 Combat Support Squadron (AFRES), AND

WHEREAS, employees are eligible for benefits under Section 242 and 243 of the Military Law of the State of New York; are guaranteed such benefits in full accordance with the law, BE IT

RESOLVED that the Cheektowaga Town Board approves said Military Leave for Mr. Robert Sosnowski, Cheektowaga, New York, 14211, for the period of February 4, 1989 through February 18, 1989.

Upon Roll Call....

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

Item No. 25a Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, various business matters, especially associated with the Town's wastewater projects, flood control and drainage projects are presently pending between the Town of Cheektowaga and a number of State agencies and departments in Albany, New York and agencies in New York City, AND

WHEREAS, conferences, meetings and consultations are expected to be held between representatives of State and Federal agencies and others to transact

MEETING NO. 5  
February 6, 1989

Item No. 25a continued

business affecting the Town of Cheektowaga during the coming months, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer be and hereby is authorized to attend such meetings as are necessary to transact business on behalf of the Town and to attend the spring meeting of the New York Water Pollution Control Association and the September conference and equipment show of the American Public Works Association within the period ending December 31, 1989, AND, BE IT FURTHER

RESOLVED that all reasonable and necessary expenses to attend such meetings be reimbursed by the Town and chargeable to the Sanitary Sewer District #3 and Sewer District #5 Budget Items #308123.4087 and #508125.4087.

Upon Roll Call....

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

Item No. 25b Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, a study was made of the Town's Police computer system in the winter of 1988 by Counterpoint Institute, which recommended that an additional person be made knowledgeable of the programming and retrieval of information as a back-up support to the present programmer and operator, and

WHEREAS, in August of 1988, the Town Board authorized Sergeant Eugene Leahy to attend an introductory course on computers conducted by the State University of New York at Buffalo ("SUNY"), and

WHEREAS, Sergeant Leahy has successfully completed that course and is ready to continue his studies with step 2, a course entitled "Introduction to Telecommunications" also taught at SUNY, and

WHEREAS, Robert M. Lis, Chief of Police recommends that the Town Board send Sergeant Leahy for this training, NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Leahy is authorized to attend the aforementioned computer course at a cost of \$148.05 and that such cost will be paid by the Town from budget line item 013120000044085, Local Education Expenses.

Upon Roll Call....

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

Item No. 25c Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, the Town Board has previously authorized the concept of a Townwide computer system, and a full and complete review of the existing financial systems software and suggested software packages, and

WHEREAS, the Director of Administration and Finance has reviewed proposals from four independent software vendors and has conducted preliminary review of said software systems, and

WHEREAS, the final phase of the software review will consist of on-site observation of the proposed software and discussions with various personnel of the municipalities currently using the proposed systems, and

WHEREAS, the Director of Administration and Finance has determined that this is the most important phase of the software review and is critical for proper software selection, and

MEETING NO. 5  
February 6, 1989

Item No. 25c continued

WHEREAS, Municipalities of a size and/or configuration similar to the Town of Cheektowaga are located as follows:

<u>VENDOR</u>	<u>LOCATION</u>
A.S.A. (Digital)	Saratoga Springs, New York
New World (IBM)	Detroit, Michigan
KVS (NCR)	(To Be Determined)
Niagara Business (Same)	Dunkirk, NY/Penfield, NY

NOW, THEREFORE, BE IT

RESOLVED that all reasonable and necessary costs of such travel to include where necessary hotel accomodations and plane fares are hereby authorized at an amount not to exceed \$1,250.00 and THEREFORE, BE IT

RESOLVED that \$1,250.00 from contingency account 01-1220-004-4711 by and is hereby transferred to Capital Project Account 05-1910-8821-0200 for said purpose and BE IT FURTHER

RESOLVED that the following individuals shall be authorized for said travel subject to the availability of funds as indicated above:

Ralph A. Majchrowicz, Director of Administration and Finance  
Joseph Kardas, WNY Business Services Consultant  
Terry Rusin, Junior Accountant  
Joanne Orr, Senior Clerk

Upon Roll Call....

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

\*\*\*\*\*

Motion by Councilman Kulyk Seconded by Supervisor Swiatek to dispense with reading of transfer accounts 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. 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:	1430-04-4502	(legal)	\$ 850.00
	1410-04-4001	(Office Supplies)	1,017.00
	1410-04-4001	(Office Supplies)	6,252.00
TO:	1430-02-2201	(Office Supplies)	850.00
	1410-04-4431	(Equipment Maintenance)	1,017.00
	1410-04-4188	(Equipment Rental)	6,252.00



MEETING NO. 5  
February 6, 1989

Item No. 26 continued

HIGHWAY FUND

FROM:	5140-04-4001	(Office Supplies)	366.00
TO:	5140-04-4431	(Equipment Maintenance)	366.00

PART TOWN FUND

FROM:	3620-04-4191	(Miscellaneous Expenses)	471.75
TO:	3620-04-4188	(Equipment Maintenance)	471.75

SPECIAL DISTRICT FUND

FROM:	8160-04-4001	(Office Supplies)	2,000.00
	8135-04-4356	(Buffalo Sewer Authority)	50,000.00
TO:	8160-04-4188	(Equipment Rental)	2,000.00
	8135-04-4501	(Legal Expenses)	50,000.00

CDBG FUND

FROM:	1986-0069-0770	(Housing Rehab-Cheektowaga)	120,000.00
TO:	1986-0069-0801	(Housing Rehab-AHC Match)	120,000.00

Upon Roll Call....

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

III. FROM THE TABLE

Item No. 27a Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988, this Town Board appointed Taras P. Kulyk to the position of Pump Operator at the Main Pump Station, and

WHEREAS, the Erie County Department of Personnel notified the Town that an eligible civil service list existed for such position and should have been canvassed, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated June 6, 1988 be and hereby is amended, effective as of June 6, 1988, to Taras P. Kulyk's appointment to the position of Pump Operator at the Main Pump Station was temporary, pending the canvassing of a civil service list for such position.

Upon Roll Call....

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

Item No. 27b Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988 (amended January 16, 1989), Taras P. Kulyk was appointed to the temporary position of Pump Operator at the Main Pump Station, pending the canvassing of a civil service list for such position, and

WHEREAS, the civil service list for Pump Operator was canvassed and it has been determined that no valid list exists for such position and that a new examination must be held, and

MEETING NO. 5  
February 6, 1989

Item No. 27b continued

WHEREAS, a new examination for the position of Pump Operator has been requested, NOW, THEREFORE, BE IT

RESOLVED that the resolution dated June 6, 1988 (amended January 16, 1989) be and hereby is amended to provide that Taras P. Kulyk is appointed to the position of Pump Operator (Provisional), pending the results of the civil service examination for Pump Operator.

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Building Permits  
Received and Filed

Item No. 29a Cheektowaga Traffic Safety Commission: Minutes of Nov. 1988 meeting  
Received and Filed

Item No. 29b Cheektowaga Library Board: Minutes of December, 1988 meeting  
Received and Filed

Item No. 30 Office of Disaster Preparedness: Quarterly Rep. from Oct.- Dec. 1988  
Received and Filed

Item No. 31a Justice Court Annual Report for 1988  
Received and Filed

Item No. 31b Office of the Town Clerk Annual Report for 1988  
Received and Filed

Item No. 31c Town of Cheektowaga Historian Annual Report for 1988  
Received and Filed

V. GENERAL COMMUNICATIONS

Item No. 32 Report from NYS Commission on Cable Television.  
Copies were sent to Frank E. Swiatek, Supervisor and the Town Board  
Received and Filed.

Item No. 33 Petition from residents regarding rezoning of vacant land s. of 35  
Milson Avenue.  
Copies were sent to Frank E. Swiatek, Supervisor; Cheektowaga Town  
Board members and Cheektowaga Planning Board  
Received and Filed.

Item No. 34 Petition from residents of Daniel Avenue requesting storm sewers  
Copies were sent to Frank E. Swiatek, Supervisor; Cheektowaga Town  
Board members; Engineering Department, and Highway Department  
Received and Filed.

MEETING NO. 5  
February 6, 1989

Item No. 35a Notice of Claim: Helen Schneider 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; Ronald Zoeller, Sanitation Department; Laverack & Haines, Insurance Carriers.

Item No. 35b Notice of Claim: Commercial Union Ins./Antonia Russillo 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 J. Naples, Insurance Carriers.  
Received and Filed.

Item No. 35c Notice of Claim: Joseph & Calagera Curcio 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, Engineering Department, Laverack & Haines, Insurance Carriers.  
Received and Filed.

Item No. 35d Notice of Claim: Dolores M. Charvat 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.

IV. SUSPENSION OF RULES

\*\*\*\*\*

Motion by Supervisor Swiatek Seconded by Councilman Johnson to suspend the rules to include the following 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

\*\*\*\*\*

Item No. 36 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board engaged EMS Consulting to perform an engineering analysis and traffic control study on Losson Road, which study included a detailed analysis of the Losson Road/Philip Drive intersection, AND

WHEREAS, the Traffic Analysis Report by EMS Consulting recommends the installation of a flashing traffic signal at the intersection of Losson Road and Philip Drive, AND

WHEREAS, this Town Board supports the recommendation of EMS Consulting for the installation of a flashing traffic signal at the Losson Road/Philip Drive intersection, AND

WHEREAS, the subject report prepared by EMS Consulting has been submitted by the Town to the Deputy Commissioner, Erie County Highway Department, for permit approval, AND

Item No. 36 continued

WHEREAS, monies have been budgeted under the 1988 Capital Improvements Bond Authorization, Account No. 3310-8814-1102 to provide for the design and installation of a flashing traffic signal at the Philip Drive/Losson Road intersection, NOW, THEREFORE, BE IT

RESOLVED that this Town Board respectively requests a timely review and determination relative to permit approval from the Erie County Highway Department for the aforesaid intersection signal improvement to enable implementation during 1989, AND, BE IT FURTHER

RESOLVED that a copy of this resolution be forwarded to Raymond Dusza, Erie County Legislator for the 8th District.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk

Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 37 Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the Chief of Police was contacted by Agent Calvin Walbert of the Federal Aviation Agency, (FAA) and requested to have K-9 Officer Thomas Dryja attend their Airport Security Seminar in Oklahoma, O.,. from February 13 to February 17, 1989, and

WHEREAS, all cost is paid by the FAA including travel, rooms and food and there is no cost to the town, and

WHEREAS, this training is necessary to give support for security to the airport located in the Town of Cheektowaga,

BE IT RESOLVED, that Thomas Dryja is authorized to attend the above mentioned seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk

Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 38 Motion by Supervisor Swiatek Seconded by Unanimous

WHEREAS, on December 22, 1988, the FAA took the liberty of overturning 39 years of regulations that mandated U.S. airlines perform all airline maintenance, repair and overhaul work in this country. Not only is this a threat to the traveling public as a safety issue, this is a threat to the hundreds of jobs that are supported by the airlines in the Town of Cheektowaga, and

WHEREAS, the present system regarding aircraft maintenance and repair work is a system that works with a great degree of success and excellence and which benefits the Town of Cheektowaga as a whole, and

WHEREAS, domestic airlines which employ 500,000 people in a \$50 billion per year industry, and

WHEREAS, the aviation industry is an essential ingredient in our nation's international competitive position, and is a leading developer of new technologies, and

WHEREAS, parts made in foreign countries may also be used further jeopardizing manufacturing jobs in the Town of Cheektowaga, THEREFORE, BE IT

MEETING NO. 5  
February 6, 1989

Item No. 38 continued

RESOLVED that we the members of the Cheektowaga Town Board stand fast in our opposition to F.A.R. 145 and be it further,

RESOLVED that in concurrence in this resolution your Town Board wishes to emphasize the importance of domestic aircraft maintenance not only to the Town of Cheektowaga, but also to the Nation, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Mr. Bill Hamilton of , President, I.A.M. Local Lodge 75, Buffalo, New York.

Upon Roll Call....

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

Item No. 39 Motion by Councilman Johnson Seconded by Councilman Kulyk

BE IT RESOLVED that Ann Marie Wojciechowski of Sloan, New York, be and hereby is hired as a part-time clerical employee in the Council Office at a rate of \$5.00 per hour, effective immediately, AND

BE IT FURTHER RESOLVED that salary for said position shall be paid from Budget Line Item #1010-0001-1391

Upon Roll Call....

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

Item No. 40 Motion by Supervisor Swiatek Seconded by Councilman Kulyk

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to February 6, 1989 are hereby approved and made a part hereof.

<u>FUND</u>	<u>AMOUNT</u>
General	\$1,429,762.78
Highway	\$ 422,948.79
Capital Fund	\$1,169,326.45
Trust and Agency Fund	\$ 440,251.69
HUD-CDBG Fund	\$ 9,366.55
Part Town Fund	\$ 27,584.76
HUD Rental Rehabilitation Fund	\$ 65,661.30
Risk Retention Fund	\$ 84,377.59
HUD Rehabilitation Fund	\$ 44,326.75
Special Districts Fund	\$2,445,140.09
	-----
	\$6,138,746.75
	=====

MEETING NO. 5  
February 6, 1989

Item No. 40 continued

\*\*\*\*\*

Motion by Councilman Solecki and Seconded by Councilman Kulyk to amend the Warrant List 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 Supervisor Swiatek Seconded by Councilman Kulyk

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to February 6, 1989 are hereby approved and made a part hereof.

<u>FUND</u>	<u>AMOUNT</u>
General	\$1,429,762.78
Highway	\$ 422,948.79
Capital Fund	\$1,169,326.45
Trust and Agency Fund	\$ 440,251.69
HUD-CDBG Fund	\$ 9,366.55
Part Town Fund	\$ 27,584.76
HUD Rental Rehabilitation Fund	\$ 65,661.30
Risk Retention Fund	\$ 84,377.59
HUD Rehabilitation Fund	\$ 44,326.75
<u>Special Districts Fund</u>	\$2,895,727.94
	-----
	\$6,589,334.60
	=====

Upon Roll Call....

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

\*\*\*\*\*

Item No. 41 Motion by Councilman Kazukiewicz and seconded by Councilman Jaworowicz to adjourn the meeting in memory of Richard Spider, former Trustee of Sloan.

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 27th day of February, 1989 at 7:00 o'clock P.M., Eastern Standard 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; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II; Chris Kowal, Highway Superintendent; Casey Kozminski, Town Assessor; Robert Lis, Chief of Police; Donald Wegner, Chairman of Zoning Board of Appeals; Legislator Ray Dusza.

#### I. PUBLIC HEARING

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>
Ellen Drive	East-West	Bert Road	Northbound	S.E. Corner
Terry Lane	North-South	Redleaf Lane	Eastbound	S.W. Corner
Terry Lane	North-South	Redleaf Lane	Westbound	N.E. Corner

#### ARTICLE X

##### Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

##### B. No parking anytime

BERT ROAD	east side	from Ellen Drive to Redleaf Lane
REDLEAF LANE	south side	from Terry Lane to Bert Drive
PRINCETON CT.	west side	from Cleveland Drive north to the terminus

Item No. 2 cont'd

F. Miscellaneous parking signs

(15) No Stopping

AZALEA DRIVE east side & from the north curbline of French Road to a point  
west side 520 feet northerly therefrom

Section 103 shall be amended by deleting therefrom:

A. Parking signs: restricted and time limit.

(11) Two hour parking 7:00 a.m. to 7:00 p.m.

MC INTOSH COURT west side from north curb of Cleveland Drive to seventy (70) feet  
therefrom

Section 106 shall be amended by deleting therefrom:

Handicapped parking

A. No person shall stop, stand or park a vehicle in any of the following areas ...

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first three (3) spaces west of the center  
mall: three (3) spaces

Section 106 shall be amended by adding thereto:

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first five (5) spaces west of the center  
mall: (5) spaces

\* \* \* \* \*

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. 3 Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, this Town Board held a public hearing on February 6, 1989 at  
7:30 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 be 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, Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto  
the following:

C. No parking here to corner

Grunner Road north side for a distance of 20 feet east of the  
intersection of Wallace Avenue



Item No. 3 cont'd

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.

Amy C. Meyers....., 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 March 2, 1989.....;  
last publication March 2, 1989.....;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this 2nd.....

day of March....., 1989.....

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

Supervisor Swiatek Voting AYE  
Councilman Johnson Voting AYE  
Councilman Jaworowicz Voting  
AYE  
Councilman Gabryszak Voting

**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 27th day of February, 1989 at 7:30 o'clock p.m. Eastern Standard Time there were:

**PRESENT:**

Supervisor Frank E. Swiatek  
Councilman Thomas M. Johnson, Jr.  
Councilman Patricia A. Jaworwicz  
Councilman Dennis H. Gabryszak  
Councilman Andrew A. Kulyk  
Councilman Leo T. Kazukiewicz  
Councilman Richard B. Solecki  
**ABSENT: 0**

Motion by Councilman Johnson and Seconded by Councilman Kulyk  
**WHEREAS**, this Town Board held a public hearing on February 6, 1989 at 7:30 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 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner  
Grunner Road  
North side

for a distance of 20 feet east of the intersection of Wallace Avenue

**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.....

Supervisor Swiatek Voting AYE  
Councilman Johnson Voting AYE  
Councilman Jaworwicz Voting AYE  
Councilman Gabryszak Voting

**AYE**

Councilman Kulyk Voting AYE  
Councilman Kazukiewicz Voting

**AYE**

Councilman Solecki Voting AYE

**AYES: 7**

**NAYES: 0**

**ABSENT: 0**

**ABSTAINED: 0**

**STATE OF NEW YORK  
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFIED** 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 February 27, 1989, 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 meeting of said Board, and such minutes appear at item No. 3, 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 27th day of February, 1989.

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: March 2, 1989**

Item No. 4a Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, by resolution dated September 8, 1987 this Town Board enacted Local Law No. 1 of the Year 1987 this Town Board enacted Local Law No. 1 of the Year 1987 entitled "A Local Law for Flood Damage Prevention", and

WHEREAS, the New York State Department of Environmental Conservation, on behalf of the Federal Emergency Management Agency, has reviewed Local Law No. 1 of the Year 1987 and has recommended that the Town adopt an amendment to same, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 20th day of March, 1989 at 7:30 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 1989 entitled "A Local Law to Amend the Local Law for Flood Damage Prevention", 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.

\* \* \* \* \*

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 20th day of March, 1989 at 7:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend the Local Law for Flood Damage Prevention (Local Law No. 1 of the Year 1987) by the adoption of Local Law No. 1 of the Year 1989, entitled "A Local Law to Amend the Local Law for Flood Damage Prevention". A brief description of Local Law No. 1 of the Year 1989 is as follows:

Town of Cheektowaga  
Local Law No. 1 of the Year 1989

A local law to amend Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention to substitute the Zoning Board of Appeals of the Town of Cheektowaga in lieu of the Town Board as the body empowered to hear and decide appeals and requests for variances from the requirements of the Local Law for Flood Damage Prevention.

A copy of the complete text of "'Local Law No. 1 of the Year 1989" 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: February 27, 1989

Published: March 2, 1989

\* \* \* \* \*

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.

Amy C. Meyers....., 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 .....1..... weeks;  
first publication.....MAR - 2 1989.....;  
last publication.....MAR - 2 1989.....;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
2nd  
Sworn to before me this .....  
day of March....., 19 89  
.....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  
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 20th day of March, 1989 at 7:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend the Local Law for Flood Damage Prevention (Local Law No. 1 of the Year 1987) by the adoption of Local Law No. 1 of the Year 1989, entitled "A Local Law to Amend the Local Law for Flood Damage Prevention." A brief description of Local Law No. 1 of the Year 1989 is as follows:

**Town of Cheektowaga**

**Local Law No. 1 of the Year 1989**

A local law to amend Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention" to substitute the Zoning Board of Appeals of the Town of Cheektowaga in lieu of the Town Board as the body empowered to hear and decide appeals and requests for variances from the requirements of the Local Law for Flood Damage Prevention.

A copy of the complete text of "Local Law No. 1 of the Year 1989" 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: March 2, 1989**

Item No. 4b Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, by resolution dated November 21, 1988, this Town Board enacted Local Law No. 3 of the Year 1988, entitled "A Local Law for Snowplowing", and

WHEREAS, the Town's Insurance Consultant has recommended amending the insurance requirements of such local law, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 20th day of March, 1989 at 7:30 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. 2 of the Year 1989, entitled "A Local Law to Amend the Local Law for Snowplowing", 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.

\* \* \* \* \*

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 20th day of March, 1989 at 7:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend the Local Law for Snowplowing (Local Law No. 3 of the Year 1988) by the adoption of Local Law No. 2 of the Year 1989, entitled "A Local Law to Amend the Local Law for Snowplowing". A brief description of Local Law No. 2 of the Year 1989 is as follows:

Town of Cheektowaga  
Local Law No. 2 of the Year 1989

A local law to amend subsection c. of Section 61-3 of the Local Law for Snowplowing to clarify liability insurance limits, certificates of insurance, etc. required by persons, firms and corporations plowing snow within the Town of Cheektowaga.

A copy of the complete text of "'Local Law No. 2 of the Year 1989" 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: February 27, 1989

Published: March 2, 1989

\* \* \* \* \*

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.

Amy C. Meyers  
....., 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..... MAR - 2 1989 ..... ;  
last publication..... MAR - 2 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
.....  
Jha

Sworn to before me this .....  
day of March....., 19 89

..... 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  
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 20th day of March, 1989 at 7:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend the Local Law for Snowplowing (Local Law No. 3 of the Year 1988) by the adoption of Local Law No. 2 of the Year 1989, entitled "A Local Law to Amend the Local Law for Snowplowing." A brief description of Local Law No. 2 of the Year 1989 is as follows:

Town of Cheektowaga

Local Law No. 2 of the Year 1989

A local law to amend subsection c. of Section 61-3 of the Local Law for Snowplowing to clarify liability insurance limits, certificates of insurance, etc. required of persons, firms and corporations plowing snow within the Town of Cheektowaga.

A copy of the complete text of "Local Law No. 2 of the Year 1989" 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: March 2, 1989**

Item No. 5a Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Bella Vista Group has made application and requested a Rezoning from C-Retail Business District to CM-General Commercial District and a Special Use Permit for Goodyear Auto Service Center located at 25 French Road, north west corner of Garden Village Plaza, with the permission of the owner of the property, namely, Urbandale Dev. Co., Inc. NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 20, 1989 at 6:30 P.M., Eastern Standard 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.

Amy C. Meyers, 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.....MAR - 2 1989..... ;  
last publication.....MAR - 2 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
Sworn to before me this 2nd  
day of March, 1989  
Eve J. Allis

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

**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 on the 20th day of March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of Urbandale Dev. Co., Inc./Bella Vista Group to Rezone from C-Retail Business District to CM General Commercial District on property located at 25 French Rd (northwest corner Garden Village Plaza) French & Union Rds. 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. Kazukiewicz  
Councilman Richard B. Solecki

**RICHARD M. MOLESKI**

Town Clerk

**PUBLISH: March 2, 1989**

My commission expires March 30, 1990  
Qualified in Erie County  
Notary Public, State of New York  
EVE J. ALLEN

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

Amy C. Meyers....., 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 .....1..... weeks;  
first publication.....MAR - 2 1989..... ;  
last publication.....MAR - 2 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this .....2nd.....  
day of March....., 1989.....  
.....Eve J. Allis.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified in Erie County  
My commission expires March 30, 1989

#### 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 March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of Urbandale Dev. Co., Inc./Bella Vista Group for a Special Permit to use as a public garage—Goodyear Auto Service Center on property located at 25 French Rd. (northwest corner Garden Village Plaza) French & Union Rds. 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

All that tract or parcel of Land, being part of lots 113 & 114, Township 10, Range 7, Town of Cheektowaga, County of Erie, State of New York bounded and described as follows:

Beginning at a point, 10.0 feet, S-49 degrees-10'-23" E from the center line of a 30.0' Water Line Easement to Erie County Water Authority Liber 7656, Page 606 and North 40 degrees-49'-37" E, 366.18 feet along said center line of 30.0' easement from the East Line of Union Road as shown on New York State Department of Public Works Map #17, R-2, Parcel No. 24, running thence S-49 degrees-10'-23" E 70.0 feet to a point, thence S-40 degrees-49'-37" W, 171.33 feet to a point, thence N-49 degrees-10'-23" W, 70.0 feet to a point, thence N-40 degrees-49'-37" E 171.33 parallel to and 10.0' South of the center line of a 30.0 feet water line easement to the point of beginning containing 0.28 +/- acres.

PUBLISH: March 2, 1989

Notary Public State of New York  
Qualified in Erie County  
My commission expires March 30, 1991  
EVE J. ALLIS

Item No. 5b Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Daniel Kowalczewski, has made application and requested a Special Use Permit to operate a used car lot on property located at 3475 Genesee Street, with the permission of the property owner, namely Paul Del Prince, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 20, 1989 at 6:30 P.M., Eastern Standard 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.

*Amy C. Mayers*....., 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... *March 2, 1989* ..... ;  
last publication... *March 2, 1989* ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Mayers*.....  
Sworn to before me this .....  
day of *March*....., 19 *89*..

*Eve J. Allis*.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989



#### 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 March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of Daniel Kowalczewski/Louis J. Del Prince for a Special Permit to operate a used car lot on property located at 3475 Genesee St. 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

paid by the party of the second part, do hereby grant and release unto the party of the second part, 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 Lot Number seventeen (17), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number forty (40) as shown on map of John Kroth Subdivision filed in Erie County Clerk's Office under Cover Number 1179.

**PUBLISH: March 2, 1989**

Item No. 5c Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, DNE & Son, Inc. has made application and requested a Special Use Permit to operate an Automotive Towing Service on property located at 33 Leo Place with the permission of the property owner, namely William Gangloff, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 20, 1989 at 6:30 P.M., Eastern Standard 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.

Amy C. Meyers....., 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-  
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first publication March 2, 1989..... ;  
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and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this 2nd.....  
day of March....., 1989.  
Eve J. Allis.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

#### 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 March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of DNE & Son, Inc./William Gangloff for a Special Permit to operate an automotive towing service on property located at 33 Leo Place 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

Property: 33 Leo Place  
Cheektowaga, New York

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Cheektowaga, County of Erie and State of New York, and being a part of Lot Number thirteen (13) in the eleventh (11th) Township and seventh (7th) Range, according to the Holland Land Company's Survey, and described as follows:

Beginning at the northeasterly corner of the "Town Cemetery" as described in a deed dated February 16, A.D. 1854 and recorded in the Erie County Clerk's Office in Book of Deeds 152 at page 94; thence easterly in a direct projection of the northerly line of said cemetery, as defined by an old board fence, eighty-one (81) feet; thence southerly along the rear line of lots fronting on Peter Street two hundred nine and twenty-two hundredths (209.22) feet to a cornerstone; thence westerly parallel with the above described northerly line, eighty-one (81) feet to the southeasterly corner of the aforesaid cemetery; thence northerly and along the easterly line of said cemetery, two hundred nine and twenty-two hundredths (209.22) feet to the place of beginning.

**PUBLISH: March 2, 1989**

NOTICE: This notice is published in the Erie County Clerk's Office in Book of Deeds 152 at page 94.

Item No. 5d Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Bernard L. DiPizio/Laurice Boehmer have made application and requested a Rezoning from R-Residential District to RA-Apartment District for property located on Milson Avenue (vacant land, Sublots 5,6,7,8/MC 812) (S. of 35 Milson Avenue), said applicants being the owners of the property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 20, 1989 at 6:30 P.M., Eastern Standard 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.

Amy C. Meyers....., 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 .....<sup>1</sup>..... weeks;  
first publication.....MAR.....2.....1989..... ;  
last publication.....MAR.....2.....1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
2nd  
Sworn to before me this .....  
day of March....., 19<sup>89</sup>.....  
Eve J. Allis.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

#### 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 on the 20th day of March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of Bernard DiPizio/Laurice Boehmer to Rezone from R Residential District to RA Apartment District on property located at Milsom Avenue (vacant land Sublots 5, 6, 7, 8/MC 812 (S. of 36 Milsom Ave.)) 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. Kazukiewicz  
Councilman Richard B. Solecki

**RICHARD M. MOLESKI**  
Town Clerk

All that tract or parcel of land situated in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot Number 23, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lot Numbers 5 to 8 inclusive in Block "B", MC812

**PUBLISH: March 2, 1989**

Item No. 5e Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, John E. Winkel, Sr./Winkel's Sunoco has made application and requested a Rezoning from M1-Light Manufacturing District to CM-General Commercial District and a Special Use Permit for used car sales for property located at 3900 Union Road, said applicant being the owner of the property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 20, 1989 at 6:30 P.M., Eastern Standard 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.

Amy C. Meyers  
....., 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-  
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last publication..... MAR - 2 1989 ..... ;  
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Amy C. Meyers  
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day of March ....., 19 89 ....  
..... 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 on the 20th day of March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of John Winkel, Sr./Winkel's Sunoco to Rezone from M-1 Light Manufacturing District to CM General Commercial District on property located at 3900 Union 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.

## **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: March 2, 1989**

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

Amy C. Meyers....., 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-  
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first publication March 2, 1989..... ;  
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Amy C. Meyers  
2nd  
Sworn to before me this .....  
day of March....., 1989.  
Eve J. Allis.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

#### 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 March, 1989 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of John Winkel, Sr./Winkel's Sunoco for a Special Permit to sell used cars on property located at 3900 Union Rd. 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

ALL that certain parcel of Real Estate situate in the Town of Cheektowaga, County of Erie, State of New York to wit:

BEGINNING at a point in the westerly line of Union Road, 100 feet wide, at the southeast corner of lands conveyed to Paul E. Merz and Carl E. Merz by deed recorded in Erie County Clerk's Office in Liber 8464 of Deeds, Page 27; thence southerly along the westerly line of Union Road, S. 9 degrees 05' 00" W., 200 feet to the northeast corner of lands conveyed to L.C.B. Service Corporation by deed recorded in Erie County Clerk's Office in Liber 5668 of Deeds, Page 61; thence westerly at right angles along the north line of lands so conveyed to L.C.B. Service Corporation by aforesaid deed, N. 80 degrees 55' 00" W., 93 feet to a point thence northwesterly along the north line of lands so conveyed to L.C.B. Service Corporation by aforesaid deed, N. 35 degrees 55' 00" W., 28.28 feet to a point; thence westerly still along the north line of lands so conveyed to L.C.B. Service Corporation by aforesaid deed, N. 80 degrees, 55' 00" W., 41 feet to the east line of lands conveyed to Paul E. Merz and Carl E. Merz by deed recorded in Erie County Clerk's Office in Liber 8464 of Deeds, Page 27; thence northerly parallel with Union Road and along the east line of lands so conveyed to Merz by aforesaid deed, N. 9 degrees 05' 00" E., 166.77 feet to the south line of lands so conveyed to Merz by aforesaid deed; thence easterly along the south line of lands so conveyed to Merz by aforesaid deed, N. 85 degrees, 49' 34" E., 154.57 feet to the westerly line of Union Road at the point of beginning.

Being a portion of the same premises conveyed to Sun Oil Company by Deed recorded Erie County, Liber 7326, Page 645, of Deeds.

Subject to easements, restrictions and conditions of record, easements or restrictions visible upon the ground and any state of facts which an accurate survey would disclose.

PUBLISH: March 2, 1989

Item No. 6 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, bids were received on February 6, 1989 for the purchase of lighting supplies, and

WHEREAS, 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 as submitted by Allan Blachowski, Principal Engineering Assistant, and dated February 21, 1989, NOW, THEREFORE, BE IT

RESOLVED that the contract for the purchase of lighting supplies for the year of 1989 be awarded to:

Lang & Washburn Electric, Inc.  
185 Creekside Drive  
P.O. Box 10  
Tonawanda, New York 14150

ITEM I INCANDESCENT LAMPS

60A/52/WM	- 120	.2478 ea.
100A/90 WM	- 120	.2478 ea.
100A/RS	- 120	.4578 ea.
20T6 1/2 1F	- 120	1.008 ea.
75R30/FL	- 120	1.2138 ea.
150R40/FL	- 120	1.3314 ea.
120PAR/FL/WM	- 120	1.7724 ea.
25T6 1/2 /CLEAR	- 120	.7434 ea.
300/CLEAR-MOGUL	- 120	1.008 ea.
200PAR/46/3/MFL	- 120	5.4852 ea.
200A		.4956 ea.
500 (CL) MOGUL		1.6632 ea.

ITEM II FLORESCENT LAMPS

F40/CW/RS/WM		.9912 ea.
F96T12/CW/HO/WM		2.1924 ea.
F40/CW/U/6		2.68 ea.
F13BX/SPX27		1.6338 ea.
F20T12/CW		1.1424 ea.

ITEM III MERCURY VAPOR LAMPS

HR175DX39		5.132 ea.
HR100DX38-4		16.338 ea.
HR250DX33		9.0552 ea.
HR400DX33		7.2324 ea.

ITEM IV METAL HALIDE

MVR 250/U		13.0662 ea.
MVR 400/C		14.1162 ea.

ITEM V HIGH PRESSURE SODIUM

LU 70		13.1838 ea.
LU 70/MED		12.1338 ea.
LU 100/MED		13.7676 ea.
LU 400		16.0986 ea.

ITEM VI BALLAST

R2540TP	40 watt	14.26 ea.
R2E75/S/TP	96 watt	24.03 ea.

Item No. 6 cont'd

ITEM VII PHOTO CONTROLS

P68/275/208 VLT	6.10	ea.
P2/275/120 VLT	4.95	ea.
PCT-15	7.56	ea.

\* See next page for letter

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
*Erie County, New York*

February 21, 1989

TO THE SUPERVISOR AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Award of Bid -  
Lighting Supplies

Gentlemen:

Bids were received and opened on February 6, 1989 for the purchase of lighting supplies for the year of 1989. The award of bid was based on a total bid price as listed below. Four (4) bids were received.

Lang & Washburn Electric	\$ 2,896.49
Davis Electric	2,940.30
Quermback Electric	3,193.78
Westinghouse Electric	3,207.52

After reviewing the bids, it is, therefore, recommended that the bid for lighting supplies for 1989 be awarded to Lang & Washburn Electric, 185 Creekside Drive, P.O. Box 10, Tonawanda, New York 14150, for their submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski  
Principal Engineering Assistant

ABB:mjh

Item No. 7 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement (consisting of a new roadway approximately 1270 feet long and 30 feet wide, with flexible pavement, concrete curbing, storm drainage and lighting) and a lateral sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, pursuant to law, the Town Engineer was directed to prepare plans and specifications and, with the assistance of the Town Attorney, prepare a contract for the execution of such work, and

WHEREAS, the Town Engineer advised this Town Board that Nussbaumer & Clarke, Inc., Consulting Engineers, have, on behalf of the town, surveyed the street area to be improved, prepared plans, specifications, and estimates and a contract for execution of the work, and such completed documents have been approved by the Town Engineer and Town Attorney, and

WHEREAS, this Town Board has examined said definite plans, specifications, proposed contract and estimates for the Infrastructure Improvements, New Erie Industrial Center, NOW, THEREFORE, BE IT

RESOLVED that this Town Board does hereby approve said definite plans, specifications, survey, and estimates and proposed contract for the Infrastructure Improvements, New Erie Industrial Center, and BE IT FURTHER

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the Infrastructure Improvements, New Erie Industrial Center in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids for such project shall be received on the 13th day of March, 1989 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall by the Town Clerk.

\* \* \* \* \*

INFRASTRUCTURE IMPROVEMENTS  
NEW ERIE INDUSTRIAL CENTER (BROADWAY)  
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 13th day of March, 1989 at 11:00 A.M. Local Time, in the Town Hall, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of improvements proposed for the New Erie Industrial Center Site, including appurtenances and related work, complete in place, tested and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid" for Infrastructure Improvements, New Erie Industrial Center."



Item No. 7 cont'd

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

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI  
Town Clerk

DATED: February 27, 1989

PUBLISHED: March 2, 1989

\* \* \* \* \*

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.

.....Amy C. Meyers....., 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 .....1..... weeks:  
first publication.....MAR - 2 1989..... ;  
last publication.....MAR - 2 1989..... ;  
and that no more than six days intervened be-  
tween publications.

.....Amy C. Meyers.....  
2nd

Sworn to before me this .....2nd.....

day of .....March....., 1989.

.....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  
INFRASTRUCTURE IM-  
PROVEMENTS  
NEW ERIE INDUSTRIAL  
CENTER (BROADWAY)  
TOWN OF CHEEKTOWAGA,  
ERIE COUNTY, NEW YORK  
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 13th day of March, 1989, at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of improvements proposed for the New Erie Industrial Center Site, including appurtenances and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Infrastructure Improvements, New Erie Industrial Center."

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga,

Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

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

a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:

Richard M. Moleski,

Town Clerk

Town of Cheektowaga

PUBLISH: March 2, 1989

\*\*\*\*\*

AT THIS TIME, COUNCILMAN RICHARD SOLECKI WAS EXCUSED  
FROM THE MEETING.

\*\*\*\*\*

Item No. 8a Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement (consisting of a new roadway approximately 1270 feet long and 30 feet wide, with flexible pavement, concrete curbing, storm drainage and lighting) and a lateral sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, pursuant to law, the Town Engineer was directed to prepare plans and specifications and, with the assistance of the Town Attorney, prepare a contract for the execution of such work, and

WHEREAS, at the request of the Town Engineer Nussbaumer & Clarke, Inc., Consulting Engineers, submitted a proposal for the development of plans, specifications, survey and cost estimate for the required Infrastructure Improvements, at the New Erie Industrial Center, which proposal dated February 22, 1989 is attached, and

WHEREAS, the Town Engineer approves and recommends acceptance of said proposal, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts and approves the attached proposal of Nussbaumer & Clarke, Inc. for the provision of professional services for pre-construction costs not to exceed \$16,850.00, as outlined, and BE IT FURTHER

RESOLVED that the Supervisor on behalf of this Town Board is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc., for such pre-construction services, and BE IT FURTHER

RESOLVED that moneys for such pre-construction services to be rendered by Nussbaumer & Clarke, Inc. in connection with the Infrastructure Improvements, New Erie Industrial Center shall be paid as follows out of the following accounts:

Account No. 05 1440 8824 0400	\$14,850.00
Account No. 05 1440 8825 0400	\$ 2,000.00

\* See next three pages for proposal

Upon Roll Call....

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



Nussbaumer & Clarke, Inc.

Consulting Engineers

Surveyors

310 Delaware Avenue Buffalo, New York 14202  
(716) 853-7582

Oswego, New York  
(315) 342-3010

FAX (716) 852-2451

Rochester, New York  
(716) 442-5330

February 22, 1989

Chester L. Bryan, P. E.  
Cheektowaga Town Engineer  
Broadway and Union Road  
Cheektowaga, New York 14227

Re: New Erie Industrial Center  
Proposal for Preparation of  
Plans and Specifications for Bidding  
NCI File No. 89-100/45

Dear Mr. Bryan:

Thank you for the opportunity to submit this proposal to develop plans and specifications for the taking of bids for the New Erie Industrial Center site.

As indicated in our meeting of February 9, 1989, we are available to work on this project immediately, to have plans and specifications ready for Town Board approval on February 27. It is anticipated that the time table indicated in your February 9 letter can be met.

It is our understanding that the owners of the site, New Erie Industrial Center, under the direction of Carl V. Petronio, will construct the water line which will serve the facilities, and the storm water retention basin with their own forces (in other words, private, non-public bids).

We propose to prepare plans and specifications for the remaining infrastructure on the site of the New Erie Industrial Center. Included in this infrastructure will be roads, curbing, storm and sanitary sewers, catch basins, manholes, and related appurtenances.

We propose to furnish the following scope of services:

1. Prepare a revised engineering report for the site.
2. Prepare a set of plans and specifications ready for advertisement and bidding, showing that portion of the site infrastructure to be bid publicly for the Town of Cheektowaga.

STAFFED BY: ENGINEERS • ARCHITECTS • PLANNERS • SURVEYORS

Chester L. Bryan, P. E.

-2-

February 22, 1989

3. Furnish twenty (20) sets of plans and specifications to the Town of Cheektowaga for use in advertisement.
4. The Engineer will furnish the Owner a construction cost estimate prior to bid.
5. General services during construction:
  - a. Survey and stake out, one (1) time (original stake out and control by Nussbaumer & Clarke, Inc.; replacement of stakes due to vandalism will be the responsibility of the contractor).
  - b. Review of shop drawings, changes orders, interpretation of drawings and contract documents.
  - c. Periodic site inspection by the Engineer or his representative.
6. The Engineer will prepare as-built drawings for the Town of Cheektowaga showing manholes, catch basins, hubs and pertinent data with dimensional ties.

We propose to furnish these services for a lump sum fee of \$24,950.00. Invoicing for the work would be on a schedule as indicated below which is based on the work completed in each phase.

Fee Schedule

Nussbaumer & Clarke proposes to complete the above scope of work for a lump sum fee of \$24,950.00. Payment will be invoiced in accordance with the following schedule:

Completion of plans and specifications  
for bidding ..... Lump Sum .... \$16,850.00

General services during construction:

- ~~a. Original survey and stakeout ..... Lump Sum ... \$ 1,000.00~~
- ~~b. General engineering services (to be  
invoiced monthly in accordance with  
the percentage of work complete)..... Lump Sum ... \$ 4,550.00  
work complete)~~
- ~~e. "Record" drawings ..... Lump Sum ... \$ 2,550.00~~

Nussbaumer & Clarke, Inc.

Chester L. Bryan, P. E.

-3-

February 22, 1989

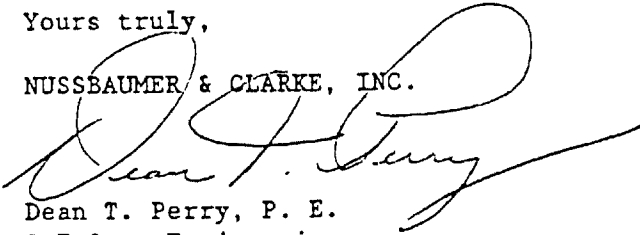
Should this proposal be acceptable to the Town of Cheektowaga, please execute this letter contract in the space provided and return the original to our office, retaining a copy for your records.

If there are any questions with respect to scope of work or the proposal contents, please feel free to contact us at your convenience.

Thank you again for the opportunity to present this proposal. We look forward to working with the town on this project.

Yours truly,

NUSSBAUMER & CLARKE, INC.

  
Dean T. Perry, P. E.  
C.E.O. - Engineering

b

Accepted: TOWN OF CHEEKTOWAGA, NEW YORK

By: 

Title: Supervisor

Date: 3/3/89

Item No. 8b Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Village of Depew is located partially within the Town of Cheektowaga, and

WHEREAS, the Village of Depew maintains its own police department on an annual full-time basis, and

WHEREAS, Section 150 of the Town Law authorizes the Town of Cheektowaga to enter into an agreement with the Village of Depew to determine what part of the cost of the Town's police department shall be assessed against Village properties, and

WHEREAS, proposed agreements for calendar years 1988 and 1989 have been prepared and are acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreements with the Village of Depew.

\* See next four (4) pages for agreements

Upon Roll Call....

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



A G R E E M E N T

THIS AGREEMENT made the 21st day of February, 1989, by and between the TOWN OF CHEEKTOWAGA, a municipal corporation with offices at Broadway and Union Road, Cheektowaga, New York (hereinafter referred to as the "TOWN"), and VILLAGE OF DEPEW, a municipal corporation with offices at Manitou and Gould Avenue, Depew, New York (hereinafter referred to as the "VILLAGE"):

W I T N E S S E T H:

WHEREAS, the Budget Officer of the TOWN provides in the Town Budget on an annual basis an adjustment to the General Fund to relieve VILLAGE taxpayers of a portion of the cost of the TOWN Police Department, and

WHEREAS, the parties hereto desire to enter into an Agreement for the 1988 calendar year to cause the adjustment for VILLAGE taxpayers in the General Fund portion of the TOWN tax for 1988, and

WHEREAS, such an agreement is authorized by Section 150 of the Town Law of the State of New York,

NOW, THEREFORE, upon the mutual covenants and promises herein contained, it is hereby agreed as follows:

(1) The Budget Officer of the TOWN will cause an adjustment to be made to the 1988 Town Budget, General Fund, in the amount of \$153,945.08 to relieve VILLAGE taxpayers of a portion of the cost of the TOWN Police Department for the calendar year 1988.

(2) In the event that all or a part of the police operations of the VILLAGE merge with or are assumed by the TOWN, this Agreement shall become null and void, and the parties agree to negotiate a new agreement.


(3) This Agreement shall be effective from January 1, 1988 to December 31, 1988.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

TOWN OF CHEEKTOWAGA

(SEAL)


By:

  
Frank E. Swiatek, Supervisor

VILLAGE OF DEPEW

(SEAL)

By:

  
Arthur Domino, Mayor

A G R E E M E N T

THIS AGREEMENT made the 21st day of February, 1989, by and between the TOWN OF CHEEKTOWAGA, a municipal corporation with offices at Broadway and Union Road, Cheektowaga, New York (hereinafter referred to as the "TOWN"), and VILLAGE OF DEPEW, a municipal corporation with offices at Manitou and Gould Avenue, Depew, New York (hereinafter referred to as the "VILLAGE"):

W I T N E S S E T H:

WHEREAS, the Budget Officer of the TOWN provides in the Town Budget on an annual basis an adjustment to the General Fund to relieve VILLAGE taxpayers of a portion of the cost of the TOWN Police Department, and

WHEREAS, the parties hereto desire to enter into an Agreement for the 1989 calendar year to cause the adjustment for VILLAGE taxpayers in the General Fund portion of the TOWN tax for 1989, and

WHEREAS, such an agreement is authorized by Section 150 of the Town Law of the State of New York,

NOW, THEREFORE, upon the mutual covenants and promises herein contained, it is hereby agreed as follows:

(1) The Budget Officer of the TOWN will cause an adjustment to be made to the 1989 Town Budget, General Fund, in the amount of \$153,945.08 to relieve VILLAGE taxpayers of a portion of the cost of the TOWN Police Department for the calendar year 1989.

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(3) This Agreement shall be effective from January 1, 1989 to December 31, 1989.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

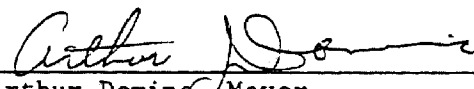
TOWN OF CHEEKTOWAGA

(SEAL)

By:   
Frank E. Swiatek, Supervisor

VILLAGE OF DEPEW

(SEAL)

By:   
Arthur Domino, Mayor

Item No. 8c Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the New York State Department of State, Office of Fire Prevention and Control, has allocated funds for the purpose of helping offset the cost of local code enforcement effects in implementing the New York State Uniform Fire Prevention and Building Code Act, enacted in March of 1982, and

WHEREAS, said funds will be distributed to municipalities who have a fire and building code in effect as well as a code enforcement practice, and

WHEREAS, the Town of Cheektowaga complies with these requirements and is thus eligible to receive State funds, and

WHEREAS, an application must be filed for said funds, NOW, THEREFORE,  
BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to submit an application to the New York State Department of State, Office of Fire Prevention and Control, for State assistance for the purpose of assisting in local building and fire prevention code enforcement in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute all necessary forms to apply for the aforesaid funding.

Upon Roll Call....

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

Item No. 8d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, it is the intention of the Town to sponsor a Polish-American Arts Festival from August 18-20, 1989, and

WHEREAS, financial assistance is available through the New York State Council on the Arts toward the cost of said Festival, and

WHEREAS, an application for such assistance is being prepared requesting \$5,000 from the New York State Council on the Arts for the presentation of the Town's Polish-American Arts Festival, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to sign said application and any and all related documents on behalf of the Town Board for submission to the New York State Council on the Arts, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to State Senator Dale M. Volker, and State Assemblyman Paul Tokasz.

Upon Roll Call....

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

Item No. 9a Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, the Town of Cheektowaga is the owner of property constituting the former Duke Road turnaround located on the north side of Walden Avenue at Duke Road, which property constitutes 0.39+ acres, and

WHEREAS, the Town Highway Superintendent, pursuant to Section 207 of the Town Law of the State of New York, has determined that the Duke Road turnaround is unnecessary for highway purposes and has consented to the discontinuance of same as a public highway, and

Item No. 9a cont'd

WHEREAS, an independent M.A.I. appraisal acceptable to the Town has been performed and has established the fair market value of the Duke Road turnaround (the "Parcel") at \$10,500.00, and

WHEREAS, the Pyramid Company of Buffalo has offered to purchase the Parcel from the Town for \$10,500.00, and

WHEREAS, the parcel is not needed by the Town for any purpose, and

WHEREAS, such purchase by the Pyramid Company of Buffalo would place the Parcel on the Town's tax rolls, eliminate any highway maintenance costs to the Town and eliminate potential Town liability attendant to the ownership of the Parcel, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the sale and transfer of the Parcel (as more particularly described in the attached deed) to the Pyramid Company of Buffalo for \$10,500.00, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached warranty deed conveying the Parcel to the Pyramid Company of Buffalo, and BE IT FURTHER

RESOLVED that, pursuant to Section 64(2) of the Town Law, the conveyance of the Parcel shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

\* \* \* \* \*

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 0.39+ acres and constituting the former Duke Road turnaround on the north side of Walden Avenue at Duke Road, for \$10,500.00. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: February 27, 1989

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

RICHARD M. MOLESKI  
Town Clerk

\* \* \* \* \*

\* See next page(s) for Deed

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

# This Indenture,

Made the 30th day of March, Nineteen Hundred and Eighty-Nine

Between the TOWN OF CHEEKTOWAGA, a municipal corporation with offices at Town Hall, Broadway and Union Road, Town of Cheektowaga, County of Erie, State of New York Grantor(s), and

PYRAMID COMPANY OF BUFFALO, a New York general partnership with offices at 4 Clinton Square, Syracuse, New York. Grantee(s).

Witnesseth, that the said Grantor(s), in consideration of Ten Thousand Five Hundred 00/100 Dollars (\$ 10,500.00 - - - - -) lawful money of the United States, paid by the Grantee(s), do hereby grant and release unto the Grantee(s), 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 Lot No. 16, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the north line of Walden Avenue at its intersection with the east line of lands conveyed to Sorrento Cheese Company by Deed recorded in the Erie County Clerk's Office in Liber 9321 of Deeds at Page 406 (Parcel 4) thence N 78°30' W along the north line of Walden Avenue 192 feet, thence N 11° 30' E 50 feet, thence N 53°18'58" E 64.67 feet, thence S 78°30' E 130 feet, thence S 00°37'04" 100 feet to the point of beginning.

This conveyance was authorized by resolution of the Town Board of the Town of Cheektowaga dated February 27, 1989.

FILED  
MAR 30 1989  
ERIE COUNTY  
CLERK'S OFFICE

152  
10002

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s).

AND the said Grantor(s) do covenant with said Grantee(s) as follows:

FIRST. That the Grantee(s) shall quietly enjoy the said premises.

SECOND.—That the Grantor(s) will forever WARRANT the title to said premises.

THIRD.—Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, The said Grantor(s) has hereunto set it's hand and seal the day and year first above written.

IN PRESENCE OF

\_\_\_\_\_(L.S.) \_\_\_\_\_ TOWN OF CHEEKTOWAGA \_\_\_\_\_(L.S.)  
By: Frank E. Swaitek, Supervisor \_\_\_\_\_(L.S.)

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.

On this 30th day of March,  
Nineteen Hundred and Eighty-Nine

before me, the subscriber(s), personally appeared Frank E. Swaitek, Supervisor of the Town of Cheektowaga, New York,  
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.  
KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 1991

STATE OF NEW YORK )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of  
Nineteen Hundred and \_\_\_\_\_

before me, the subscriber(s), 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.

TOWN OF CHEEKTOWAGA

To

PYRAMID COMPANY OF BUFFALO

DATED March 30, 1989



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

Amy C. Meyers....., 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..... MAR - 2 1989..... ;  
last publication..... MAR - 2 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
2nd  
Sworn to before me this .....  
day of March....., 19 89  
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 ADOPTION OF  
RESOLUTION  
SUBJECT TO PERMISSIVE  
REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 0.39 +/- acres and constituting the former Duke Road turnaround on the north side of Walden Avenue at Duke Road, for \$10,500.00. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

**RICHARD M. MOLESKI**  
Town Clerk  
PUBLISH: March 2, 1989

Item No. 9b Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga is the owner of property constituting the terminus of Postal Drive, which property constitutes 1.33+ acres, and

WHEREAS, the Town Highway Superintendent, pursuant to Section 207 of the Town Law of the State of New York has determined that the terminus of Postal Drive is unnecessary for highway purposes and has consented to the discontinuance of same as a public highway, and

WHEREAS, an independent M.A.I. appraisal acceptable to the Town has been performed and has established the fair market value of the terminus of Postal Drive (the "Parcel") at \$30,000.00, and

WHEREAS, the Pyramid Company of Buffalo has offered to purchase the Parcel from the Town for \$30,000.00, and

WHEREAS, the parcel is not needed by the Town for any purpose, and

WHEREAS, such purchase by the Pyramid Company of Buffalo would place the Parcel on the Town's tax rolls, eliminate any highway maintenance costs to the Town and eliminate potential Town liability attendant to the ownership of the Parcel, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the sale and transfer of the Parcel (as more particularly described in the attached deed) to the Pyramid Company of Buffalo for \$30,000.00, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached warranty deed conveying the Parcel to the Pyramid Company of Buffalo, and BE IT FURTHER

RESOLVED that, pursuant to Section 64(2) of the Town Law, the conveyance of the Parcel shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

\*\*\*\*\*

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 1.33+ acres and constituting the former terminus of Postal Drive (beginning at the westerly end of the U.S. Post Office property located at 125 Postal Drive and continuing thence westerly a distance of 724+ feet) for \$30,000.00. In the deed for such conveyance, the Town reserved sanitary and storm sewer easements under such discontinued highway. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: February 27, 1989

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

RICHARD M. MOLESKI  
Town Clerk

\*\*\*\*\*

Item No. 9b cont'd

Upon Roll Call....

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

\* See next page(s) for Deed

AFFIDAVIT - NEXT PAGE

# This Indenture,

Made the 30th day of March, Nineteen Hundred and Eighty-Nine

FILED  
MAR 30 1989  
ERIE COUNTY  
CLERK'S OFFICE

Between the TOWN OF CHEEKTOWAGA, a municipal corporation with offices at Town Hall, Broadway and Union Road, Town of Cheektowaga, County of Erie, State of New York

Grantor(s), and

PYRAMID COMPANY OF BUFFALO, a New York general partnership with offices at 4 Clinton Square, Syracuse, New York.

Grantee(s).

Witnesseth, that the said Grantor(s), in consideration of  
Thirty Thousand and 00/100 Dollars (\$30,000.00) lawful money of the United States, paid by the Grantee(s), does hereby grant and release unto the Grantee(s), its heirs and assigns forever.

## All that Tract or Parcel of Land,

Being all that parcel of land located west of Union Road in the Town of Cheektowaga, County of Erie, State of New York and being part of Lot 17, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at the southwest corner of grantor's lands as conveyed by deed recorded in the Erie County Clerk's Office in Liber 9062 of Deeds at Page 650, said point being one thousand seven hundred twenty-five and no tenths feet (1,725.0') west of the west right of way line of Union Road (100' wide); thence east along the south line of said lands seven hundred twenty-four and ninety-four hundredths feet (724.94') to the northwest corner of lands conveyed by Victor Reinstein to the United States Postal Service by Liber 9081 of Deeds at Page 151; thence north at right angles to the last described line eighty and no hundredths feet (80.00'); thence west and parallel with the first described in line seven hundred twenty-three and two hundredths feet (723.02') to the northwest corner of grantors lands by Liber 9062 of Deeds at Page 650; thence south parallel with the west right of way line of Union Road eighty and two hundredths feet (80.02') to the point of beginning and containing 1.33 acres more or less.

Excepting and reserving from the parcel described above a perpetual right-of-way and easement on, over, in, under and across that portion of the parcel described above which is shown as the "Easement Area" on Exhibit "A" annexed hereto and made a part hereof to construct, reconstruct, lay, relay, repair and forever maintain on, in, over, under and across said Easement Area drainage facilities and/or sanitary sewer facilities and to make such excavation and perform such work thereon as may be necessary or proper in the laying and/or re-laying, construction and/or reconstruction, maintenance, operation and care and protection of said drainage and sanitary sewer facilities. The Grantor hereby agrees to repair any and all damage done to the parcel described above as a result of the exercise of the rights reserved herein and the drainage facilities and/or sanitary sewer facilities and equipment maintained within said Easement Area shall at all times remain the property of the Grantor under its unconditional control and supervision.

This conveyance was authorized by resolution of the Town Board of the Town of Cheektowaga dated February 27, 1989.

CHEEKTOWAGA TOWN CLERK'S OFFICE

BOX #

36

NO.

17

671  
10001

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s).

AND the said Grantor(s) do es covenant with said Grantee(s) as follows:

FIRST.--That the Grantee(s) shall quietly enjoy the said premises.

SECOND.--That the Grantor(s) will forever WARRANT the title to said premises.

THIRD.--Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, The said Grantor(s) has hereunto set its hand and seal the day and year first above written.

IN PRESENCE OF

TOWN OF CHEEKTOWAGA

X Frank E. Swiatek

[L.S.]

[L.S.]

[L.S.]

By: Frank E. Swiatek, Supervisor [L.S.]

STATE OF NEW YORK  
COUNTY OF ERIE

)  
) ss.

On this 30th day of March  
Nineteen Hundred and Eighty-Nine

before me, the subscriber(s), personally appeared Frank E. Swiatek, Supervisor of the  
Town of Cheektowaga, New York

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.

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 1991

Kevin G. Schenk

STATE OF NEW YORK  
COUNTY OF

)  
) ss.

On this day of  
Nineteen Hundred and

before me, the subscriber(s), personally appeared

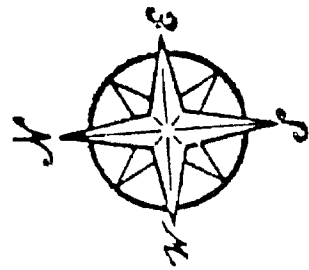
to me personally known and known to me to be the same person described in and who executed the within instrument,  
and he acknowledged to me that he executed the same.

TOWN OF CHEEKTOWAGA

Un

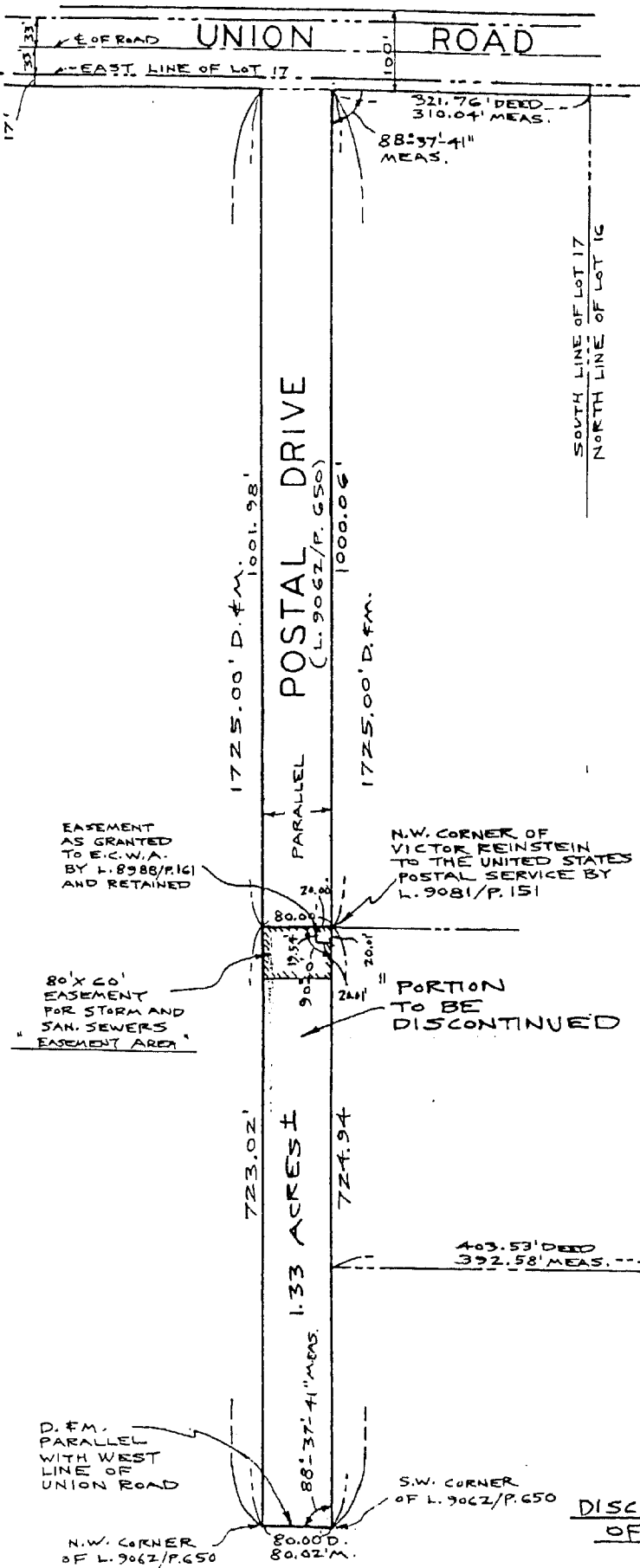
PYRAMID COMPANY OF BUFFALO

DATED March 30, 1989



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

## EXHIBIT "A"



DISCONTINUANCE OF WEST PORTION  
OF POSTAL DR. CHEEKTOWAGA, N.Y.  
TOWN OF CHEEKTOWAGA  
TO  
THE PYRAMID COMPANY OF BUFFALO

PART OF L 17 B - T 11 R 7; TOWN OF CHEEKTOWAGA; COUNTY OF ERIE; NEW YORK

REVISION		
DATE	JOB	DESCRIPTION
12/2/87	870821	REVISED N.L.
2/27/89	870821	EASEMENT ADDED N.L.

**TVA** Tallamy  
Van Kuren  
Gertis &  
Associates  
ENGINEERS • SURVEYORS • PLANNERS

70 LINWOOD AVENUE P.O. BOX 151 ORCHARD PARK, NEW YORK 14127 PHONE (716) 662-9366

DRAWN BY N.L. SCALE 1" = 200'  
CHECKED BY   DATE Nov. 11, 1987  
JOB 870821 SHEET 2E-13275

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

Amy C. Meyers....., 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..... MAR - 2 1989..... ;  
last publication..... MAR - 2 1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
2nd  
Sworn to before me this .....  
day of March....., 19 89  
..... 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 ADOPTION OF  
RESOLUTION  
SUBJECT TO PERMISSIVE  
REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 1.33 +/- acres and constituting the former terminus of Postal Drive (beginning at the westerly end of the U.S. Post Office property located at 125 Postal Drive and continuing thence westerly a distance of 724 +/- feet) for \$30,000.00. In the deed for such conveyance, the Town reserved sanitary and storm sewer easements under such discontinued highway. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

**TAKE FURTHER NOTICE** that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

**RICHARD M. MOLESKI**  
Town Clerk  
PUBLISH: March 2, 1989

Item No. 9c Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga is the owner of property constituting the terminus of McKesson Parkway and an adjoining piece of property located south of the terminus of McKesson Parkway and north of Scajaquada Creek, which property constitutes 1.54+ acres, and

WHEREAS, the Town Highway Superintendent, pursuant to Section 207 of the Town Law of the State of New York has determined that the terminus of McKesson Parkway is unnecessary for highway purposes and has consented to the discontinuance of same as a public highway, and

WHEREAS, an independent M.A.I. appraisal acceptable to the Town has been performed and has established the fair market value of the terminus of McKesson Parkway and the property south of the terminus of McKesson Parkway (collectively known as the "Parcel") at \$35,000.00, and

WHEREAS, the Pyramid Company of Buffalo has offered to purchase the Parcel from the Town for \$35,000.00, and

WHEREAS, the parcel is not needed by the Town for any purpose, and

WHEREAS, such purchase by the Pyramid Company of Buffalo would place the Parcel on the Town's tax rolls, eliminate any highway maintenance costs to the Town and eliminate potential Town liability attendant to the ownership of the Parcel, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the sale and transfer of the Parcel (as more particularly described in the attached deed) to the Pyramid Company of Buffalo for \$35,000.00, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached quit claim deed conveying the Parcel to the Pyramid Company of Buffalo, and BE IT FURTHER

RESOLVED that, pursuant to Section 64(2) of the Town Law, the conveyance of the Parcel shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

\* \* \* \* \*

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 1.54+ acres and constituting the former terminus of McKesson Parkway and an adjoining piece of property located south of the terminus of McKesson Parkway and north of Scajaquada Creek for \$35,000.00. In the deed for such conveyance, the Town reserved sanitary and Scajaquada Creek maintenance easements over such property. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: February 27, 1989

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

RICHARD M. MOLESKI  
Town Clerk

\* \* \* \* \*

Item No. 9c cont'd

Upon Roll Call....

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

\* See next page(s) for Deed

AFFIDAVIT - NEXT PAGE

# This Indenture

Made, the 30th day of March, Nineteen Hundred and Eighty-Nine

BETWEEN the TOWN OF CHEEKTOWAGA, a municipal

FILED  
MAR 30 1989  
ERIE COUNTY  
CLERK'S OFFICE

a corporation organized under the laws of the State of New York, with offices at Town Hall, Broadway and Union Road, Town of Cheektowaga, County of Erie, State of New York,

partly of the first part, and  
PYRAMID COMPANY OF BUFFALO, A New York general partnership with offices at 4 Clinton Square, Syracuse, New York,

partly of the second part,  
WITNESSETH that the party of the first part, in consideration of Thirty-Five Thousand and 00/100 Dollar (\$35,000.00-)

lawful money of the United States,

paid by the party of the second part, does  
unto the party of the second part, its heirs

hereby remise, release and quitclaim  
and assigns forever, all

that parcel of land located west of Union Road in the Town of Cheektowaga, County of Erie, State of New York and being part of Lot 16, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a point being the northwest corner of lands deeded to the Town of Cheektowaga by deed recorded in the Erie County Clerk's Office in Liber 8381 of Deeds at Page 51; thence southerly along the easterly line of lands conveyed to S. Robert Scheur by deed recorded in the Erie County Clerk's Office in Liber 8044 of Deeds at Page 481 and parallel with the east line of Lot 16, Township 11, Range 7 a distance of five hundred thirty-three and eleven hundredths feet (533.11') to the north line of lands conveyed to Cheektowaga Central School District No. 1 by deed recorded in the Erie County Clerk's Office in Liber 6269 of Deeds at Page 345; thence east at an included angle with the last described line of 107°43'13" and along said School lands fifty-nine and seventy hundredths feet (59.70') to an angle point in said line; thence east at an included angle with the last described line of 161°23'47" and parallel with the north line of Lot 16, Township 11, Range 7 and along said School lands one hundred fifty-three and fourteen hundredths feet (153.14'); thence north at an included angle of 90°53'00" two hundred twenty-eight and ninety-two hundredths feet (228.92') to a point on the south line of lands conveyed to the Pyramid Company of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 9900 of Deeds at Page 471; thence westerly along the south line of lands so conveyed to the Pyramid Company of Buffalo one hundred fifty feet (150.00') to a point being the southwest corner of lands conveyed to the Pyramid Company of Buffalo; thence northerly and at right angles to the last described line and parallel with the east line of Lot 16, Township 11, Range 7 three hundred twenty and no hundredths feet (320.00') to the northeast corner of lands conveyed to the Town of Cheektowaga by deed recorded in the Erie County Clerk's Office in Liber 8381 of Deeds at Page 51; thence west at right angles to the last described line sixty and no hundredths feet (60.00') to the point or place of beginning containing 1.54 acres more or less.

Excepting and reserving from the parcel described above a perpetual right-of-way and easement on, over, in, under and across that portion of the parcel described above which is shown as Easement Area A on Exhibit "A" annexed hereto and made a part hereof to construct, reconstruct, lay, relay, repair and forever maintain on, in, over, under and across Easement Area A sanitary sewer facilities and to make such excavation and perform such work thereon as may be necessary or proper in the laying and/or re-laying, construction and/or reconstruction, maintenance, operation and care and protection of said sanitary sewer facilities. The Town of Cheektowaga hereby agrees to repair any and all damage done to the parcel described above as a result of the exercise of the rights reserved herein and the sanitary sewer facilities and equipment maintained within Easement Area A shall at all times remain the property of the Town of Cheektowaga under its unconditional control and supervision.

The party of the first part also grants and releases to the party of the second part all rights and interests to the 5' wide easement on the west side of McKesson Drive and the 10' wide easement on the east side of McKesson Drive as described in the deed recorded at the Erie County Clerk's Office at Liber 8381 of Deeds at Page 51.

\* See attached Exhibit B for additional reservation language.

and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the part of the  
second part, its heirs and assigns forever.

This conveyance was authorized by resolution of the Town Board of the Town  
of Cheektowaga dated February 27, 1989.

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  
this 30th day of March

Nineteen Hundred and Eighty-Nine

TOWN OF CHEEKTOWAGA

By Frank E. Swiatek  
FRANK E. SWIATEK, SUPERVISOR

STATE OF NEW YORK  
COUNTY OF

} ss.:

On this 30th day of March  
Nineteen Hundred and Eighty-Nine

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, and that he is  
the Supervisor of the Town of Cheektowaga, New York  
the corporation described in, and which 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 Board of Directors of said corporation; and that he signed his name thereto  
by like order.

Kevin G. Schenk

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 1991

Deed  
Corporation Quit-Claim

TOWN OF CHEEKTOWAGA

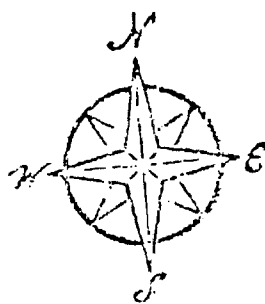
to

PYRAMID COMPANY OF BUFFALO

Dated, March 30, 1989

EAST LINE OF  
LANDS CONVEYED  
TO VICTOR REINSTEIN  
BY L. 4210/P. 332

WEST LINE OF LANDS  
CONVEYED TO  
VICTOR REINSTEIN  
BY L. 4210/P. 336



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO  
ANY SURVEY, DRAWING, DESIGN, SPECIFICATION,  
PLAN, OR REPORT IS A VIOLATION OF SECTION 7209,  
PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

EXHIBIT "A"

PARALLEL WITH  
EAST LINE OF  
LOT 16, T. 11, R. 7

PARALLEL WITH  
EAST LINE OF  
LOT 16, T. 11, R. 7

PARALLEL WITH  
EAST LINE OF  
LOT 16, T. 11, R. 7

NOW OR FORMERLY  
EMPIRE STATE  
NEWS CORP.

NOW OR FORMERLY  
CAVAGES JOINT  
VENTURE

5' WIDE  
EASEMENT  
FOR HIGHWAY  
PURPOSES  
TO TOWN BY  
L. 8381/P. 51

CONVEYED TO TOWN OF  
CHEEKTOWAGA BY  
L. 8381/P. 51

10' WIDE  
EASEMENT  
FOR HIGHWAY  
PURPOSES  
TO TOWN BY  
L. 8381/P. 51

WEST LINE OF  
FOREMOST MCKESSON INC.  
BY L. 7381/P. 77

EAST LINE OF  
SCHEUR TO  
EMPIRE STATE  
NEWS BY  
L. 8146/P. 73

EAST LINE OF  
LANDS CONVEYED  
BY REINSTEIN TO  
SCHEUR BY  
L. 8044/P. 481

EXISTING &  
OF SAN. SEWER  
AND 25' WIDE  
EASEMENT  
"EASEMENT AREA"

CONVEYED TO TOWN OF  
CHEEKTOWAGA BY  
L. 8149/P. 61

NORTH LINE OF  
CHEEKTOWAGA CENTRAL  
SCHOOL DISTRICT NO. 1  
BY L. 6269/P. 345

PART OF L. 16 B - T. 11 R. 7; TOWN OF CHEEKTOWAGA; COUNTY OF ERIE; NEW YORK

REVISION

DATE	JOB	DESCRIPTION
1/27/89	861067-1	DEED REFERENCE ADDED
2/27/89	861067-1	25' WIDE SAN. SEWER EASEMENT ADDED

**TVA** Tallamy  
Van Kuren  
Gertis &  
Associates  
ENGINEERS • SURVEYORS • PLANNERS

70 LINWOOD AVENUE P.O. BOX 151 ORCHARD PARK, NEW YORK 14127 PHONE (716) 662-9366

DRAWN BY N.L. SCALE 1" = 50'

CHECKED BY                      DATE OCT. 24, 1987

JOB 861067-1 SHEET 2E-13615-A

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

Amy C. Meyers....., 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 ....1..... weeks:  
first publication.....MAR...-2...1989..... ;  
last publication.....MAR...-2...1989..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers  
.....2nd.....  
Sworn to before me this .....  
day of March....., 1989.....  
.....Eve J. Allis.....

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

**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 February 27, 1989, adopted a resolution authorizing the sale and conveyance of a parcel of land measuring 1.54 +/- acres and constituting the former terminus of McKesson Parkway and an adjoining piece of property located south of the terminus of McKesson Parkway and north of Scajaquada Creek for \$35,000.00. In the deed for such conveyance, the Town reserved sanitary and Scajaquada Creek maintenance easements over such property. A more detailed legal description for this property is available in the Town Clerk's Office where same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

**RICHARD M. MOLESKI**  
Town Clerk

PUBLISH: March 2, 1989

EVE J. ALLIS  
Notary Public State of New York  
Qualified in Erie County  
My commission expires March 14, 1991



Item No. 10 Motion by Supervisor Swiatek, Seconded by Unanimous

WHEREAS, Governor Cuomo's proposed budget eliminates funding for prevention (Youth Service & Recreation) programs and dismantles and present youth service delivery system (Youth Bureaus), and

WHEREAS, by adopting this budget the State Legislature would cause a loss of \$225,000 in state aid to the Town of Cheektowaga, and

WHEREAS, such adoption would severely curtail or eliminate programs such as the Cheektowaga Youth Engaged in Service Program, the School Intervention Service, the Youth Employment Program the Youth Counseling Program, the Juvenile Ad Bureau, recreational programming and Youth Bureau services, such as the Library Enrichment Program, Rent-A-Kid, the Conservation Corps and the Adapted Recreation Programs, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga urges the removal of the language from Article 7 of the Governor's proposed 1989-90 budget that repeals Executive Law Section 420, and BE IT FURTHER

RESOLVED that the Legislature restores the appropriation for the N.Y.S. Division of Youth's "Aid to Localities", specifically the Local Services Budget, to the 1988-89 levels (\$61,224,800) in order to meet the obligations for approved programs that began January 1, 1989 and that this restoration also include the transferring back of Special Delinquency Prevention Program funds from State Operations, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be sent to Senator Dale Volker, Assemblyman Tokasz, Speaker of the Assembly Melvin Miller, Assembly Majority Leader James R. Tallon, Jr., Assembly Minority Leader Clarence D. Rappleyea, Jr., Assemblyman Al Vann, Chairman, Committee on Children & Families, Assemblyman Saul Weprin, Chairman, Ways & Means Committee, Senate Majority Leader Ralph J. Marino, Senate Minority Leader Manfred Ohrenstein, Senator Mary B. Goodhue, Chairperson, Committee on Child Care, Senator Tarky Lombardi, Jr., Chairman, Finance Committee and Governor Mario Cuomo.

Upon Roll Call....

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

Item No. 11 Renewal of Excess Workers' Compensation and Employer's Liability Insurance  
This item was withdrawn.

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

WHEREAS, the Western New York Chapter of the March of Dimes Birth Defects Foundation is sponsoring its annual Walk American walk-a-thon which benefits the March of Dimes work in seeking both the causes of and cures for birth defects, and

WHEREAS, the said walk-a-thon is scheduled for Sunday, April 30, 1989 and will involve the use of certain designated highways within various municipalities, including the Town of Cheektowaga as is shown on the sketch attached hereto, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby formally authorizes the use of those highways noted on the attached sketch which are within the boundaries of the Town of Cheektowaga by the Western New York Chapter of the March of Dimes Birth Defects Foundation on Sunday, April 30, 1989 for its scheduled walk-a-thon, and BE IT FURTHER

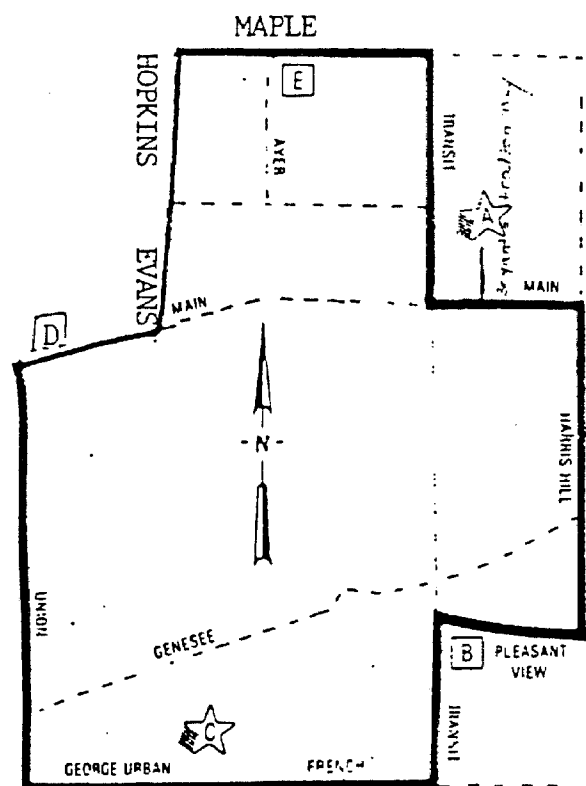
Item No. 12 cont'd

RESOLVED that the Chief of Police insure compliance with Section 1660 (a)(6) of the Vehicle and Traffic Law; and he is further authorized to make arrangements for any and all traffic safety and/or escort services.






\* See next page for sketch of boundaries

Upon Roll Call....

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



**WalkAmerica**  NORTHTOWNS

-  = BRYANT & STRATTON BUSINESS INSTITUTE
-  = HILLVIEW ELEMENTARY SCHOOL - PARKING LOT
-  = HILLS PLAZA - PARKING LOT -  
STARTING LOCATION - CHEEKTOWAGA
-  = TBA
-  = MEDICAL CENTER - PARKING LOT

Item No. 13 Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

RESOLVED by the Town Board of the Town of Cheektowaga, that Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein, and BE IT FURTHER

RESOLVED that in accordance with Article 57-A:

- a. only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.
- b. only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

Upon Roll Call....

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

Item No. 14 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

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

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

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

\* See next page for schedule

Upon Roll Call....

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

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
ALLEN, JULIE A.	MGT Hall-1003 Buffalo, NY 14201	Gold Cross	6/30/91
BROWN, DUANE J.	Buffalo, NY 14215	Gold Cross	5/31/90
ELLIS, JEFFREY M.	Gowanda, NY 14070	Gold Cross	12/31/91
GORSLINE, LISA D.	Niagara Falls, NY 14303	Gold Cross	5/31/89
SCHAEFER, CATHERINE M.	Sloan, NY 14212	Towns	12/31/91
WHITE ADAM W.	Buffalo, NY 14222	Gold Cross	12/31/91
WILLIAMS, ANTHONY D.	Tonawanda, NY 14150	Gold Cross	12/31/91
<u>RENEWAL LICENSES</u>			
BOBROWSKI, PHILLIP A.	Kenmore, NY 14217	Gold Cross	12/31/91
GARRINGER, JEFFERY J.	Hamburg, NY 14075	Gold Cross	12/31/91
EDWARD R. SAUER	Elma, NY 14059	Gold Cross	12/31/91
WOLFE, LAURA L.	Tonawanda, NY 14223	Gold Cross	12/31/91
SKINNER, LEE F.	Lancaster, NY 14086	Towns	12/31/91

Item No. 15 Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak

WHEREAS, by resolution dated June 20, 1988, this Town Board established the Korean and Vietnam War Memorial Committee and appointed co-chairman thereto, and

WHEREAS, after some discussion, it was determined that such committee should be devoted to honoring all U.S. war veterans, and

WHEREAS, various veterans and business groups in the Town have offered to participate in fundraising activities for Veterans Memorial Monument and to donate moneys to the Town for such monument, NOW, THEREFORE, BE IT

RESOLVED that the name of the Korean and Vietnam Memorial Committee be and hereby is changed to the Cheektowaga Veterans Memorial Committee and that such committee shall be devoted to honoring all U.S. war veterans.

Upon Roll Call....

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

Item No. 16 Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated debris on east side of property located at the northwest corner of Losson Road and Transit Road, Cheektowaga, New York, S.B.L. #114.04-5-29 and according to the Assessors' Office is owned by Acme Markets Incorporated, Tax Department, 124 N 15th Street, Philadelphia, Pennsylvania 19101, 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  
NAYES: 0  
ABSENT: 0  
EXCUSED: Councilman Solecki

Item No. 17 Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, the Conservation Committee of the United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW") has offered to donate and plant a various number of specific trees at John C. Stiglmeier Park in conjunction with the Town's Sesquicentennial, and

WHEREAS, the planting of these trees will enhance the wildlife habitat of Stiglmeier Park and provide food and shelter for animals in the Park, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the donation of trees from the UAW and the services of the UAW Conservation Committee to plant such trees, and BE IT FURTHER

RESOLVED that Facilities Department Director James J. Matecki and Youth Bureau Program Coordinator Robert Off be and hereby are directed to coordinate with the UAW Conservation Committee the planting of such trees in John C. Stiglmeier Park.

Item No. 17 cont'd

Upon Roll Call....

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

Item No. 18 Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, the salary resolution passed by the Town Board on January 16, 1989 did not contain an increase for the recreation attendants, NOW, THEREFORE, BE IT

RESOLVED that the salary is established and set forth as follows:

Recreation Attendant \$ 8,042.00

and BE IT FURTHER

RESOLVED that the Town Assessor's salary be adjusted to reflect inequities:

Assessor \$38,917.00

Upon Roll Call....

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

Item No. 19 Motion by Councilman Johnson, Seconded by Councilman Kazukiewicz

WHEREAS, on February 6, 1989, Ann Marie Wojciechowski of Sloan, New York, was hired as part-time clerical employee in the Council Office at a rate of \$5.00 per hour, and

WHEREAS, salary for said position was to be paid from Budget Line Item #1010-0001-1392, and

WHEREAS, this Budget Line Item is incorrect, NOW, THEREFORE, BE IT

RESOLVED that said position shall be paid from Budget Line Item #1010-0001-1353, retroactive to February 6, 1989.

Upon Roll Call....

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

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

BE IT RESOLVED that the following individual be and hereby is terminated as Seasonal and/or Part-time Employee in the Department listed:

EFFECTIVE

FACILITIES DEPARTMENT - Parks Division

Eugene A. Nowicki

02/06/89

Item No. 20 cont'd

Upon Roll Call....

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

Item No. 21 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga presently has five (5) Pump Operators at the Main Pump Station, and

WHEREAS, according to the Erie County Department of Personnel, only three (3) Pump Operator positions have been created in the Town, and

WHEREAS, the necessary PO-17 forms for the creation of two (2) additional Pump Operator positions have been approved by the Erie County Department of Personnel, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the creation of two (2) Pump Operator positions at the Main Pump Station, effective April 5, 1988, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute the necessary PO-17 forms evidencing the approval of the creation of two (2) additional Pump Operator positions.

Upon Roll Call....

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

Item No. 22 Appointment to position of Clerk-Steno in Council Chambers  
This item was withdrawn.

Item No. 23a Motion by Councilman Gabryszak, Seconded by Councilman Kulyk

BE IT RESOLVED that Grant Hackenberg of 6 A Samuel Drive, Cheektowaga, New York 14225 be hired as a part-time van driver (Job Class 0111) at a rate of \$4.25 an hour in the Department of Senior Services.

Funding Source: Account 7620.1639

Upon Roll Call....

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

Item No. 23b Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

BE IT RESOLVED that the following be and hereby is hired as a part-time clerical employee on the Accounting/Payroll Department at a rate of \$5.00 per hour chargeable to account #01-1220-01-1391:

John Cywinski

Effective 2/28/89

Cheektowaga, New York 14225



Item No. 23b cont'd

Upon Roll Call....

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

Item No. 24a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga is initiating a new town-wide computer system, and

WHEREAS, the new system may require a reorganization of duties in the accounting Department, new personnel requirements, office layout improvements and new internal control procedures, NOW, THEREFORE BE IT

RESOLVED that the accounting firm of Deloitte, Haskins & Sells, is hereby retained to perform the above services in conjunction with their letter dated February 17, 1989 at a cost not to exceed \$3,850.00, and BE IT FURTHER

RESOLVED that the stated amount be charged to town-wide computer preliminary expense account #05191088210200.

Upon Roll Call....

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

Item No. 24b Motion by Councilman Gabryszak, Seconded by Councilman Kulyk

WHEREAS, by resolution dated February 22, 1988, this Town Board retained the National Golf Foundation to conduct a feasibility study for the construction of a golf course in the Town, and

WHEREAS, such feasibility study indicated that a golf course should be constructed in the Rehm Road Park area of Town, and

WHEREAS, on August 15, 1988, this Town Board authorized the construction of a golf course and authorized the issuance of serial bonds for same, and

WHEREAS, a layout for the proposed Rehm Road Golf Course indicates that certain privately-owned lands will have to be acquired by the Town for the construction of such golf course, NOW, THEREFORE, BE IT

RESOLVED that Howard P. Schultz, MAI be and hereby is retained by this Town Board to appraise the following referenced properties:

Assessor's S.B.L.#

92.04-1-18  
91.04-1-20  
92.04-1-21  
92.04-1-22  
92.04-1-23  
92.04-1-24  
92.04-1-25  
92.15-6-2  
92.15-6-3  
92.15-6-4  
92.15-6-5  
92.16-1-2.1  
92.19-8-1  
92.20-9-1

Item No. 24b cont'd

such properties being further shown on a map on file in the Assessor's Office, at a maximum estimated cost of \$3,500.00, and BE IT FURTHER

RESOLVED that such moneys shall be paid out of the proceeds from the bonds approved for the construction of the golf course, which moneys have been deposited into Town account line item number 05 7140 8817 0200.

Upon Roll Call....

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

Item No. 24c Prepare appraisal and submit application for grant regarding several parcels

This item was withdrawn.

\* Note - See next meeting of 3/6/89, Item No. 7.

Item No. 25 Motion by Councilman Kazukiewicz, Seconded by Supervisor Swiatek

WHEREAS, a resolution was adopted on January 16, 1989 authorizing individuals to attend the annual Association of Towns Convention, held in New York City, February 19-22, 1989, and

WHEREAS, Richard M. Moleski, Town Clerk was authorized to attend said meeting, and was unable to do so, NOW, THEREFORE, BE IT

RESOLVED that Mary F. Holtz, Deputy Town Clerk be authorized to attend said meeting in his place.

Upon Roll Call....

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

Item No. 26a Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga will suffer serious negative fiscal impacts under Governor Cuomo's proposed budget, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Frank E. Swiatek be authorized to attend a meeting with leaders of the New York State Legislature on Tuesday, February 28, 1989 in Albany, New York, and BE IT FURTHER

RESOLVED that its reasonable travel expenses be reimbursed to line item #01-1910-0004-4082.

Upon Roll Call....

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

Item No. 26b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the International Society of Fire Service Instructors will be conducting a "Fire Department Inspectors Conference" in Cincinnati, Ohio, on March 18 thru 22, 1989, and

Item No. 26b cont'd

WHEREAS, Matthew D. Kawczynski, Fire Inspector, for the Town of Cheektowaga, has requested permission to attend such conference on March 20, 21, & 22, 1989, and

WHEREAS, such conference will provide the Town's Fire Inspector with up-to-date information and legislation on fire prevention and control, and

WHEREAS, Matthew D. Kawczynski will attend such conference at no cost to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that Matthew D. Kawczynski be and hereby is authorized to attend the "Fire Department Instructors Conference" on March 20, 21, 22, 1989.

Upon Roll Call....

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

Item No. 26c Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

RESOLVED that Michael J. Miecznikowski, Director of Recreation, be and hereby is authorized to attend the New York State Recreation and Parks Society Conference to be held in Kiamesha Lake, New York from March 19 - March 22, 1989, and BE IT FURTHER

RESOLVED that a Town vehicle be made available for use as transportation to and from the conference, and BE IT FURTHER

RESOLVED that Michael J. Miecznikowski be reimbursed for all reasonable expenses of said trip and charged to Account 01-1910-0004-4082.

\*\*\*\*\*

MOTION BY COUNCILMAN GABRYSAK, SECONDED BY SUPERVISOR SWIAK TO AMEND THE ABOVE RESOLUTION and the voting was as follows:

Upon Roll Call....

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

and the amended resolution is as follows:

\*\*\*\*\*

Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

RESOLVED that Michael J. Miecznikowski, Director of Recreation, be and hereby is authorized to attend the New York State Recreation and Parks Society Conference to be held in Kiamesha Lake, New York from March 19 - March 22, 1989, and BE IT FURTHER

RESOLVED that a Town vehicle be made available for use as transportation to and from the conference, and BE IT FURTHER

RESOLVED that Michael J. Miecznikowski be reimbursed for all reasonable expenses of said trip and charged to Account 01-1910-0004-4082, at a cost not to exceed \$400.00.

Item No. 26c cont'd

Upon Roll Call....

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

Item No. 26d Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Association of New York State Youth Bureaus is conducting Legislative Breakfast in Albany, New York on February 28, 1989, and

WHEREAS, all youth directors have been requested to attend this breakfast and subsequent lobbying efforts to protest the Governor's proposed budget cuts to Local Youth Development and Delinquency Prevention State Aid, NOW, THEREFORE, BE IT

RESOLVED that Kenneth J. Kopacz, Executive Director of the Youth Bureau, be reimbursed necessary transportation costs and expenses to attend said breakfast at a cost not to exceed \$200.00.

Upon Roll Call....

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

Item No. 26e Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk

WHEREAS, the New York State Association of Traffic Safety Boards will be holding its quarterly meeting in Albany, New York from February 28th - March 1st, 1989, and

WHEREAS, the Cheektowaga Traffic Safety Commission has requested permission to have its chairman, Carl A. Perlino, attend such meeting, NOW, THEREFORE, BE IT

RESOLVED that Carl A. Perlino be and hereby is authorized to attend the aforementioned meeting, and BE IT FURTHER

RESOLVED that Carl A. Perlino shall be reimbursed for reasonable expenses not to exceed \$250.00 for mileage, meals and lodging, such expenses to be paid from budget line item number 01-1910-0004-4082.

Upon Roll Call....

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

Item No. 27 Authorization for N.Y.S. Electric & Gas to install light on Old Stone Road  
This item was withdrawn.  
\* Note - See this meeting, Item No. 34 for same.

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 thereof:

Item No. 28 cont'd

GENERAL FUND

From:	1010-04-4001	Office Supplies	\$2,000.00
	1910-04-4711	Contingency	1,000.00
	1910-04-4711	Contingency	1,250.00
To:	1010-02-2201	Office Equipment	\$2,000.00
	9950-08-1989	Transfer to Capital '89	1,000.00
	9950-08-1989	Transfer to Capital '89	1,250.00

CAPITAL

From:	5031	Inter Fund Transferin	\$1,000.00
	5031	Inter Fund Transferin	1,250.00
To:	1910-8901-0200	Woodlands Project	\$1,000.00
	1910-8821-0200	Townwide Computer Project	1,250.00

Upon Roll Call....

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

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 February 27, 1989 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$101,136.05
HIGHWAY FUND	21,855.30
CAPITAL FUND	4,149.36
TRUST & AGENCY FUND	41,767.85
HUD FUND	8,126.53
PART TOWN FUND	2,932.25
HUD RENTAL REHAB. FUND	3,007.50
RISK RETENTION FUND	8,489.00
HUD REHABILITATION FUND	3,200.00
SPECIAL DISTRICT FUND	21,726.51
	<u>\$216,390.35</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 30a Minutes of meeting of Cheektowaga Planning Board for January  
Received and Filed.

Item No. 30b Minutes of meeting of Cheektowaga Library Board for January  
Received and Filed.

Item No. 30c Minutes of meeting of Traffic Safety Commission - July, December &  
January  
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 31 N.Y.S. Dept. of Trans. - upgrading at intersection of Harlem Road and Cleveland Drive  
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Christopher Kowal, Highway Superintendent.  
Received and Filed.

Item No. 32a Notice of Claim - Stephen Rzepecki, as adm. of estate of Scott Rzepecki, deceased 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 Kowal, Highway Superintendent; Laverack & Haines, Insurance Carrier.  
Received and Filed.

Item No. 32b Notice of Claim - Paul Walker 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 Department; Laverack & Haines, Insurance Carrier.  
Received and filed.

Item No. 32c Notice of Claim - Deborah & Calvin Carr/State Farm Insurance 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 Kowal, Highway Superintendent; Joseph J. Naples, Insurance Carrier.  
Received and filed.

Item No. 32d Notice of Claim - Joseph Gorkiewicz 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 Kowal, Highway Superintendent; Sewer Maintenance Department; Laverack & Haines, Insurance Carrier.  
Received and filed.

Item No. 32e Notice of Claim - Deborah Lipp 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 Kowal, Highway Superintendent; Joseph J. Naples, Insurance Carrier.  
Received and filed.

Item No. 32f Notice of Claim - Michael O'sieja 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 Kowal, Highway Superintendent; Joseph J. Naples, Insurance Carrier.  
Received and filed.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to suspend the rules to include the following two (2) items.

Upon Roll Call....

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

Item No. 33 Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, Gary Schork, a laborer in the Highway Department, will exhaust all his personal leave, vacation and sick leave as of March 7, 1989, and

WHEREAS, Mr. Schork, must undergo further chemotherapy and radiation treatment, 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 Gary Schork 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  
NAYES: 0  
ABSENT: 0  
EXCUSED: Councilman Solecki

Item No. 34 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

BE IT RESOLVED that the Town Facilities Department be and hereby is authorized to install one (1) 3200 lumen mercury vapor luminaire, aluminum standard and associated cable at the eastern terminus of Old Stone Road resulting in an annual energy and replacement charge of \$55.76 to the Town General Lighting District in accordance with the New York State Electric & Gas proposal dated February 22, 1989, attached hereto and made a part of this resolution.

\* See next two (2) pages for proposal

Upon Roll Call....

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



February 24, 1989

STREET LIGHTING PROPOSAL  
TOWN OF CHEEKTOWAGA

Old Stone Road

Connect 1 - 3200 lumen post-top mercury vapor fixture

Energy and lamp rate @ \$55.76 ea. ----- \$ 55.76  
(Std. 19, Line 763)

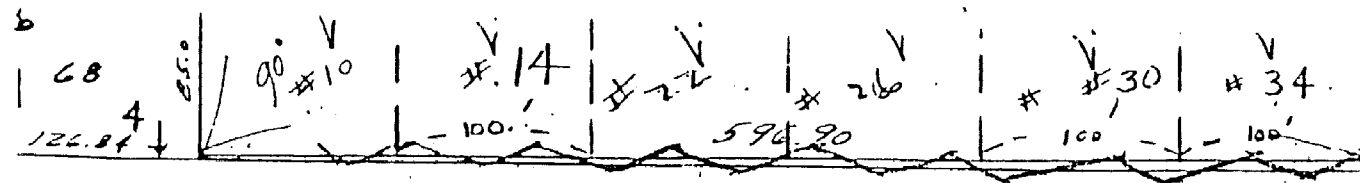
(see attached sketch)

Annual Increase ----- \$ 55.76

Fixture, 10-ft. standard and conductor supplied, installed, owned  
and maintained by the Town of Cheektowaga

(This proposal is made contingent upon the terms and conditions  
covered in NYSEG's street lighting filed tariff agreement with  
the Town of Cheektowaga)





3	7	11	15	19	23	27	31	35
59	60	61	62	63	64	65	66	67
58	57	56	55	54	53	52	51	50
67	71	75	79	83	87	91	95	99

35' SET BACK LINE

10' EASEMENT

79.25

130.0

77.59

## OLD STONE ROAD

68	72	76	80	84	88	92	96	100
41	42	43	44	45	46	47	48	49
7	6	5	4	3	2	1		
1170	1180	1190	1200	1210	1220	1230		

75.0 80.0 75.0 80.0 75.0 80.0 75.0 76.64 100

75.0 80.0 75.0 80.0 75.0 76.98

100.0 95.0 95.0 97.65

50' SET BACK LINE

1088.0

130.0

135.0

98.0

- NYSEG  
LEDGEN
- △ EXISTING POST TOP STREET LIGHT
  - ▲ PROPOSED POST TOP STREET LIGHT
  - NYSEG HANDHOLE

DEAD END

20 FT ±



MARYWOOD TOWNSHIP  
OLD STONE RD  
CHEEKTOWAGA TOWNSHIP

MEETING NO. 6  
February 27, 1989

Item No. 35

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk  
to adjourn the meeting.

RICHARD M. MOLESKI  
Town Clerk

P U B L I C H E A R I N G S  
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 8 March 20, 1989

- 1 Rezoning at 25 French Road from C-Retail Business District to CM-General District and Special Use Permit for Goodyear Auto Service Center
- 2 Special Use Permit at 3475 Genesee St. for used car lot
- 3 Special Use Permit at 33 Leo Place for Automotive Towing Service
- 4 Rezoning on Milsom Avenue (vacant lot) - Rezoning from R-Residential Dist. to RA-Apartment District
- 5 Rezoning at 3900 Union Road from M1-Light Mfg. District to CM-General Commercial District and Special Use Permit for used car sales

Meeting No. 9 April 3, 1989

- 1 Proposed use of Community Development Block Grant Funds
- 2 Rezoning at 2878-2882 Union Road from C-Retail Business District and R-Residential District to C-Retail Business District and RA-Apartment Dist.
- 3 Rezoning at 759 Dick Road from RA-Apartment District to C-Retail Business District

PUBLIC HEARINGS

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2	Amendment to Traffic Ordinance - Art. X "Parking, Standing, Stopping" - Croydon Drive	1
<u>Meeting No. 10 April 17, 1989</u>		
2	AMENDMENT TO TRAFFIC ORDINANCE:	
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4	DECISION ON AMENDMENTS TO TRAFFIC ORDINANCE:	
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5	AWARD OF BID:	
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<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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# S U S P E N S I O N   O F   R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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19	Hiring seasonal help in Facilities Department	19
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30	Suspend Ambulance license of Gold Cross Ambulance Service	27
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32	Approval of payment for Town share of Cayuga Creek Road/South Henry Street reconstruction	29
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34	Retain firm to construct Veterans Memorial Monument in Town Park	30
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34	Accept proposal regarding heating system at Senior Citizen Center	33

# S U S P E N S I O N   O F   R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 7 March 6, 1989</u>	
18	Affirm recommendations of SEQR Board regarding various parcels	18
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31	Authorize Town Clerk to issue new Ambulance Driver/attendant licenses	27-28
32	Approval of payment for Town share of Cayuga Creek Road/South Henry Street reconstruction	29
33	Call for public hearing for rezoning - 2878 & 2882 Union Road	29
34	Retain firm to construct Veterans Memorial Monument in Town Park	30
	<u>Meeting No. 10 April 17, 1989</u>	
32	Support of cemetery vandalism bill being proposed	32
33	Call for public hearing for rezoning - 3412 Broadway	32
34	Accept proposal regarding heating system at Senior Citizen Center	33

# SPECIAL MEETINGS

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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 March, 1989 at 7:00 o'clock P.M., Eastern Standard 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; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Bruce Chamberlin, Assistant Chief of Police; Ronald Marten, Building and Plumbing Inspector; Ralph Majchrowicz, Director of Administration and Finance; Jerome Gabryszak, Community Development Director; Richard Koszuta, Foreman Central Garage

I. RESOLUTIONS

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

WHEREAS, New Erie Industrial Center, Inc. has petitioned for the rezoning from M2-General Manufacturing District to M1-Light Manufacturing District of property owned by it and located at 2501 Broadway, 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 27th day of February, 1989 at 7:00 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 New Erie Industrial Center, Inc. for the rezoning from M2-General Manufacturing District to M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby approved subject to the following conditions:

1. Strict compliance with the development plan; any future additions to the development plan must be resubmitted to the Town Board as per Section 82-71 of the Town Code; and
2. Strict compliance with the landscaping plan approved by the Planning Board

Item No. 2a continued

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 Johnson, 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 Jaworowicz

WHEREAS, New Erie Industrial Center, Inc. has petitioned for the rezoning from M2-General Manufacturing District to M1-Light Manufacturing District of property owned by it and located at 2501 Broadway, 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 27th day of February, 1989 at 7:00 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 New Erie Industrial Center, Inc. for the rezoning from M2-General Manufacturing District to M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby approved subject to the following conditions:

1. Strict compliance with the development plan; any future additions to the development plan must be resubmitted to the Town Board as per Section 82-71 of the Town Code; and
2. Strict compliance with the landscaping plan approved by the Planning Board
3. New Erie Industrial Center, Inc. install a six foot high chain link fence along its east property line where no fencing exists. Such fencing shall be installed in stages as each section of the property adjoining the residences to the east is developed.
4. No continuous paved roadways be allowed in the area between buildings and the east property line.

and, BE IT FURTHER

Item No. 2a continued

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

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.

Amy C Meyers, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clock 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..... MAR 09 1989 ;  
last publication..... MAR 09 1989 ;  
and that no more than six days intervened be-  
tween publications.

Amy C Meyers  
10th

Sworn to before me this .....

day of March, 1989

Eve J. Allis

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

**EVE J. ALLIS**  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

NO. 8

NO. 9

NO. 10

NO. 11

**LEGAL NOTICE  
AMENDED  
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 March, 1989 at 7:30 o'clock p.m. Eastern Standard Time there were:

**PRESENT:**

Supervisor Frank E. Swiatek  
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworwicz  
Councilman Dennis H. Gabryszak  
Councilman Andrew A. Kulyk  
Councilman Leo T. Kazukiewicz  
Councilman Richard B. Solecki  
**ABSENT: 0**

Motion by Councilman Kulyk and Seconded by Councilman Jaworwicz  
**WHEREAS**, New Erie Industrial Center, Inc. has petitioned for the rezoning from M2-General Manufacturing District to M1-Light Manufacturing District of property owned by it and located at 2501 Broadway, 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 27th day of February, 1989 at 7:00 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 afore-mentioned rezoning, and has rendered a determination that such rezoning will not have 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 New Erie Industrial Center, Inc. for the rezoning from M2-General Manufacturing from M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby approved subject to the following conditions:

1. Strict compliance with the development plan; any future additions to the development plan must be resubmitted to the Town Board as per Section 82-71 of the Town Code; and
2. Strict compliance with the landscaping plan approved by the Planning Board
3. New Erie Industrial Center, Inc. install a six foot high chain link fence along its east property line where no fencing exists. Such fencing shall be installed in stages as each section of the property adjoining the residences to the east is developed.
4. No continuous paved roadways allowed in the area between buildings and the east property line.

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.....  
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**  
**ABSTAINED: 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 March 6, 1989, 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 meeting of said Board, and such minutes appear at item 2a, 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 here-

unto affixed the corporate seal of said Town, this 6th day of March, 1989.

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: March 9, 1989**

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

WHEREAS, this Town Board held a public hearing on February 27, 1989 at 7:30 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 VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Ellen Drive	East-West	Bert Road	Northbound	S.E. Corner
Terry Lane	North-South	Redleaf Lane	Eastbound	S.W. Corner
Terry Lane	North-South	Redleaf Lane	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BERT ROAD east side from Ellen Drive to Redleaf Lane

REDLEAF LANE south side from Terry Lane to Bert Drive

PRINCETON CT. west side from Cleveland Drive north to the terminus

F. Miscellaneous parking signs

(15) No Stopping

AZALEA DRIVE east side & from the north curblin of French Road to a point  
west side 520 feet northerly therefrom

Section 103 shall be amended by deleting therefrom:

A. Parking signs: restricted and time limit.

(11) Two hour parking 7:00 a.m. to 7:00 p.m.

MC INTOSH COURT west side from north curb of Cleveland Drive to seventy (70) feet  
therefrom

Section 106 shall be amended by deleting therefrom:

Handicapped parking

A. No person shall stop, stand or park a vehicle in any of the following areas ...

Item No. 2b continued

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first three (3) spaces west of the center  
mall: three (3) spaces

Section 106 shall be amended by adding thereto:

CHEEKTOWAGA SENIOR CITIZENS CENTER -- first five (5) spaces west of the center  
mall: (5) spaces

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.

Amy C Meyer<sup>s</sup>

....., 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..... MAR 09 1989 ;  
last publication..... MAR 09 1989 ;  
and that no more than six days intervened be-  
tween publications.

*Amy C Meyers*  
.....

Sworn to before me this 10.....

day of March....., 1989..

*Eve J. Allis*  
.....

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

**EVE J. ALLIS**  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989



**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, and Town on the 6th day of March, 1989 at 7:30 o'clock p.m. Eastern Standard Time there were:

PRESENT:

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

ABSENT: 0

Motion by Councilman Johnson and Seconded by Councilman Gabryszak (HEREAS, this Town Board held a public hearing on February 27, 1989 at 7:30 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 and 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.

Section 2. Time to take effect.

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

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

Section 3. Territorial Application.

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

Section 4. Publication.

That these amendments to Chapter 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 affidavit 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 Jaworwicz Voting AYE  
Councilman Gabryszak Voting AYE  
Councilman Kulyk Voting AYE  
Councilman Kazukiewicz Voting AYE  
Councilman Solecki Voting AYE

YES: 7

YES: 0

SENT: 0

STAINED: 0

**ARTICLE VIII**

**Stop and Yield Intersections**

Street	Direction	Street	Traffic	Sign Location
Ellen Drive	East-West	Bert Road	Northbound	S.E. Corner
Terry Lane	North-South	Redleaf Lane	Eastbound	S.W. Corner
Terry Lane	North-South	Redleaf Lane	Westbound	N. E. Corner

**ARTICLE X**

**Parking, Standing and Stopping**

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BERT ROAD east side from Ellen Drive to Redleaf Lane

REDLEAF LANE south side from Terry Lane to Bert Drive

PRINCETON CT. west side from Cleveland Drive north to the terminus

F. Miscellaneous parking signs

(15) No Stopping

AZALEA DRIVE east side & from the north curbline of French Road to a west side point 520 feet northerly therefrom

Section 103 shall be amended by deleting therefrom:

A. Parking signs: restricted and time limit.

(11) Two hour parking 7:00 a.m. to 7:00 p.m.

MCINTOSH COURT west side from north curb of Cleveland Drive to seventy (70) feet therefrom

Section 106 shall be amended by deleting therefrom:

Handicapped parking

A. No person shall stop, stand or park a vehicle in any of the following areas...

CHEEKTOWAGA SENIOR CITIZENS CENTER—first three (3) spaces west of the center mall—three (3) spaces

Section 106 shall be amended by adding thereto:

CHEEKTOWAGA SENIOR CITIZEN CENTER—first five (5) spaces west of the center mall: (5) spaces.

**STATE OF NEW YORK  
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFIED 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 March 6, 1989, 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 meeting of said Board, and such minutes appear at item 2b, 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 March, 1989.

**RICHARD M. MOLESKI  
Town Clerk**

Item No. 3      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 March 20, 1989 at 7:30 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 March, 1989, 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 March 20, 1989 at 7:30 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 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

CROYDON DRIVE    east side      from the north edge of driveway at No. 30 Croydon Drive  
to the south curbline of Cromwell Drive

CROYDON DRIVE    east side      from the south edge of driveway at No. 20 Croydon Drive  
to the north curbline of Cromwell Drive

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

Dated: March 6, 1989

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.

Amy C Meyers  
....., 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.....MAR 09 1989..... ;  
last publication.....MAR 20 1990..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C Meyers  
.....  
Sworn to before me this .....10<sup>th</sup>.....  
day of March....., 1989  
.....Eve J. Allis.....  
Notary public in and for Erie County, N. Y.

**EVE J. ALLIS**  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 19



**LEGAL NOTICE  
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 March 20, 1989 at 7:30 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 of the traffic ordinance shall be amended by adding thereto the following:

**C No parking here to corner  
CROYDON DRIVE**

east side

from the north edge of driveway at No. 30 Croydon Drive to the south curblane of Cromwell Drive

**CROYDON DRIVE**

east side

from the south edge of driveway at No. 20 Croydon Drive to the north curblane of Cromwell Drive

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

**RICHARD M. MOLESKI**  
Town Clerk

PUBLISH: March 9, 1989

**CHEEKTOWAGA TIMES 17**

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

WHEREAS, bids were duly received on February 21, 1989 as the result of advertisement, therefore, for the furnishing of all corrugated metal, metal slotted and reinforced concrete pipe requirements of the Town of Cheektowaga for the year of 1989. 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 March 1, 1989, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of pipe to the Town for the year 1989 as per said unit prices and as recommended by the Town Engineer is hereby awarded to the following for corrugated metal and metal slotted pipe and reinforced concrete pipe:

CHEMUNG SUPPLY CORPORATION  
P.O. BOX 527  
ELMIRA, NEW YORK 14902  
(607) 733-5506

8" dia. C.M.P.	\$ 2.99/ft.
10" " "	3.72/"
12" " "	4.06/"
15" " "	4.97/"
18" " "	5.97/"
21" " "	7.11/"
24" " "	9.27/"
36" " "	15.14/"
42" " "	22.43/"
48" " "	25.42/"
54" " "	29.64/"
72" " "	48.18/"
84" " "	55.47/"
43" x 27" C.M.P.	\$ 15.78/ft.
58" x 36" C.M.P.	26.59/"
65" x 36" C.M.P.	30.46/"
72" x 44" C.M.P.	35.97/"
12" C.M.P. End Section	\$ 26.59/each
12" - 2 1/2" Slotted Drain	\$ 17.39/ft.
12" - 6" Slotted Drain	25.97/"
12" Slotted Drain Band	17.37/each
15" - 2 1/2" Slotted Drain	21.69/ft.
15" - 6" Slotted Drain	26.79/"
15" Slotted Drain Band	19.37/each
18" - 2 1/2" Slotted Drain	23.97/ft.
18" Slotted Drain Band	21.34/each
6" C.M.P. Perf. U.D.	\$ 2.34/ft.
8" " " "	3.07/"
10" " " "	3.82/"
12" " " "	4.18/"
15" " " "	5.12/"

K & S. Contractors Supply  
1971 Gunnville Road  
Lancaster, New York 14086  
759-6911

24" C.M.P. End Section	\$ 67.70/each
30" " " "	129.16/"
36" " " "	194.79/"
12" R.C.P. Class III	7.45/ft.
12" " " IV	7.55/"
15" " " III	9.55/"
15" " " IV	9.74/"

Item No. 4a continued

18"	"	"	III	\$	12.64/ft.
18"	"	"	IV		13.25/"
21"	"	"	III		15.20/"
21"	"	"	IV		16.86/"
24"	"	"	III		17.84/"
24"	"	"	IV		20.57/"
30"	"	"	III		25.60/"
30"	"	"	IV		27.88/"
36"	"	"	III		34.30/"
36"	"	"	IV		37.86/"
42"	"	"	III		49.98/"
42"	"	"	IV		50.59/"
48"	"	"	III		59.14/"
48"	"	"	IV		65.65/"
54"	"	"	III		81.75/"
54"	"	"	IV		90.20/"
60"	"	"	III		96.90/"
60"	"	"	IV		108.30/"
66"	"	"	III		122.69/"
66"	"	"	IV		135.76/"
72"	"	"	III		158.13/"
72"	"	"	IV		176.46/"
84"	"	"	III		195.25/"
84"	"	"	IV		211.00/"

12" C.M.P. paved/lined	\$	7.48/ft.
15" " " "		8.54/"
18" " " "		9.79/"
21" " " "		11.14/"
24" " " "		12.46/"
30" " " "		15.36/"
36" " " "		18.69/"
42" " " "		22.23/"
48" " " "		24.84/"

6" dia. C.M.P.	\$	2.25/ft.
30" " " "		12.37/"
43" x 27" C.M.P. paved inv.		18.54/"
50" x 31" " " "		21.87/"
58" x 36" " " "		32.03/"
72" x 44" " " "		40.83/"

LANE METAL PRODUCTS CO., INC.  
BOX 711  
BATH, NEW YORK 14810  
(607) 776-3366

60" dia. C.M.P.	\$	40.34/ft.
50" x 31" C.M.P.		18.32/"
65" x 36" C.M.P. paved inv.		36.90/"

REBOY SUPPLY INC.  
MAPLE AT JAMISON ROAD  
ELMA, NEW YORK 14059  
(716) 652-4321

8" dia. C.M.P.	\$	2.99/ft.
15" C.M.P. End Section	\$	34.45/each
18" C.M.P. End Section		45.14/each
21" C.M.P. End Section		53.58/each
18" - 6" Slotted Drain	\$	30.24/ft.
18" Slotted Drain Band		19.25/each

Item No. 4a continued

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\* See Letter Next Page

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER



March 1, 1989

TO THE SUPERVISOR AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

Re: Award of Bid  
Corrugated Metal and  
Reinforced Concrete Pipe

Gentlemen:

At a public bid opening on February 21, 1989, bids were received and publicly opened for the purchase of corrugated metal and reinforced concrete pipe in various sizes for the 1989 calendar year. Six (6) bidders submitted bids for the eighty-six (86) pipe and related items as outlined in the specifications.

It is recommended that the bid for the various sizes of corrugated metal reinforced concrete pipe and related items be awarded to the lowest responsible bidder meeting the requirements of the specifications as outlined on the attached resolution.

Very truly yours,

TOWN OF CHEEKTOWAGA

*Henry A. Borkowski*  
Henry A. Borkowski  
Engineering Aide

HAB:mjh

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

WHEREAS, bids were duly received on February 21, 1989 as the result of advertisement, therefore, for the furnishing of traffic control signs, street name signs and brackets for the 1989 calendar year. Said bids were referred to the Town Engineer for analysis, tabulation and report, which said report is hereto attached and contained in a letter to the Town Board dated February 28, 1989, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of traffic control signs, street name signs and brackets for the 1989 calendar year, per said unit prices, be awarded to the following:

CHEMUNG SUPPLY CORPORATION  
BOX 527  
Elmira, New York 14902  
(607) 733-5506

ITEM I - Square & Diamond Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
24" X 24"	\$16.14 each	\$ 27.27 each
30" X 30"	25.24 each	42.61 each
36" X 36"	36.34 each	61.37 each
48" X 48"	64.62 each	109.09 each

ITEM II - Octagon Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
30" X 30"	\$22.94 each	\$ 40.91 each
36" X 36"	36.34 each	54.54 each

ITEM III - Rectangle Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
12" X 18"	\$ 6.64 each	\$ 10.23 each
18" X 24"	12.12 each	20.46 each
18" X 30"	15.14 each	25.56 each
24" X 30"	20.19 each	34.09 each
24" X 36"	24.23 each	40.91 each
30" X 36"	30.28 each	51.14 each
36" X 12"	12.12 each	20.46 each
36" X 48"	48.46 each	81.81 each

ITEM V - Street Name Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
24" X 8"	\$12.49 each	\$ 16.74 each

EASTERN METAL  
1430 Sullivan Street  
Elmira, New York 14901-1698  
(607) 734-2295

ITEM IV - Triangle Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
36"	\$16.52 each	\$ 26.10 each
48"	22.59 each	36.25 each

ITEM V - Street Name Signs - Finished

	<u>CLASS A</u>	<u>CLASS B</u>
30" X 8"	\$14.23 each	\$ 19.10 each
36" X 8"	15.00 each	21.99 each
42" X 8"	17.90 each	27.89 each
48" X 8"	24.00 each	30.70 each

Item No. 4b continued

ITEM VI            - Street Sign Brackets

2" Round Post - 5 1/4" ext.	\$3.43 set
2" Square Post - 5 1/4" ext.	3.79 set
2" Round Post - 5 1/4" flat	3.50 set
2" Square Post - 5 1/4" flat	3.81 set

Upon Roll Call....

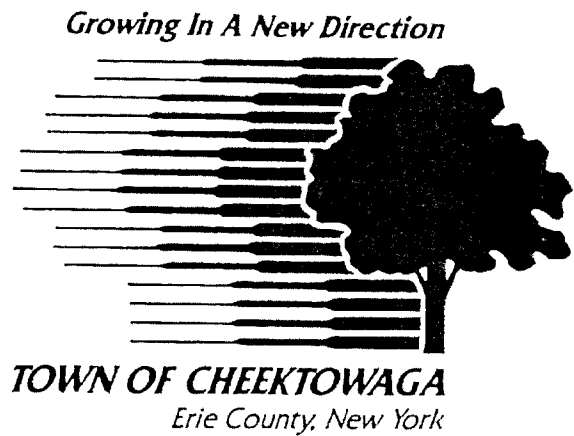
AYES:            Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk  
                 Kazukiewicz and Solecki

NAYES:           0

ABSENT:          0

\* See next page for letter

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER



February 28, 1989

TO THE SUPERVISOR AND  
HONORABLE TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Bid for Traffic Control Signs,  
Street Name Signs and Brackets

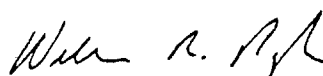
Gentlemen:

On February 21, 1989, bids were received and publicly opened for the purchase of traffic control signs, street name signs and brackets for the Town of Cheektowaga for the 1989 calendar year. Two (2) bidders submitted bids in the various categories of regulatory signs, street name signs and sign brackets.

It is, therefore, recommended that bids be awarded to the lowest responsible bidder for each respective item as indicated on the attached Town Board resolution dated March 6, 1989.

Very truly yours,

TOWN OF CHEEKTOWAGA



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

WRP:mjh



Item No. 5 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 Topsoil for the 1989 Season (regular, shredded and screened).

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 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 11:00 A.M. on March 17, 1989.

\* \* \* \* \*

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 the purchase of TOPSOIL for use in the Cheektowaga Highway Department, at a public bid opening March 17, 1989, 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, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TOPSOIL".

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: March 6, 1989

\* \* \* \* \*

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.

Amy C Meyers, 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.....MAR. 09. 1989.....;  
last publication.....MAR. 09. 1989.....;  
and that no more than six days intervened be-  
tween publications.

Amy C Meyers  
10th

Sworn to before me this .....

day of March, 1989

Eve J. Allis

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

EVE J. ALLIS  
Notary Public, State of New York  
Qualified In Erie County  
My commission expires March 30, 1989

**LEGAL NOTICE  
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 the purchase of TOPSOIL for use in the Cheektowaga Highway Department, at a public bid opening March 17, 1989, 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 NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TOPSOIL."

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: March 9, 1989

Item No. 6a 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 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 \$5,000 per unit and Community Development Loan Funds of up to \$5,000 per unit be authorized for the owners of the following properties:

John Schmidt, -3 units

T. P. Development, -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.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 6b Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has negotiated with the representatives of the various fire districts located within the said Town and with the Village of Sloan regarding the Town's assuming the responsibility for fire dispatch functions, said functions to be merged with the Town's existing function of dispatching men and equipment to the police emergencies, AND

WHEREAS, it is the intent of the Town to create a joint dispatch function to include fire, first aid and police emergencies, AND

WHEREAS, the aforementioned negotiations have resulted in an agreement between the Town of Cheektowaga and the various fire districts, copy of said Agreement being attached to this resolution, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute said Agreement on behalf of the Town.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\* See next pages for Agreement

## AGREEMENT

WHEREAS, the Town of Cheektowaga, New York is a municipal corporation organized pursuant to the laws of the State of New York; and

WHEREAS, Doyle Fire District No. 1, Walden Fire District No. 2, Forks Fire District No. 3, U-Crest Fire District No. 4, Pine Hill Fire District No. 5, Cleveland Hill Fire District No. 6, Hy-View Fire District No. 8, Bellevue Fire District No. 9, South Line Fire District No. 10 are all Fire Districts located within the Town of Cheektowaga; and

WHEREAS, the aforementioned Fire Districts along with the Village of Sloan have executed a municipal agreement pursuant to Article 5-G of the General Municipal Law of the State of New York for the purpose of providing a joint Fire Alarm System to notify the several fire departments of an alarm and to dispatch men and equipment to fire and first aid emergencies; and

WHEREAS, the Town of Cheektowaga is desirous of assuming responsibility for the aforementioned dispatch functions which will be merged with the existing function of dispatching men and equipment to police emergencies to create a joint dispatch function to better utilize the new E 911 system; and

WHEREAS, it is the intention of the parties to provide for the manner in which existing men and equipment presently utilized in the existing Fire Alarm Office will be transferred to the Town of Cheektowaga.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, it is hereby agreed by and between the parties as follows:

SECTION I - RESOLUTION OF TOWN BOARD

Within thirty (30) days of the execution of this Agreement by the Supervisor of the Town of Cheektowaga, the Town Board will pass a resolution stating that it will assume the functions and responsibilities of the Fire Alarm Office of the Town of Cheektowaga in accordance with the provisions of the Civil Service Law, Section 70 on the date set forth in Section VI herein.

SECTION II - ADDITIONAL RIGHTS OF EMPLOYEES

The Town will enter into an Agreement with the Town Employees Association and the Town Supervisory Unit to insure the following:

1. The titles of Public Safety Dispatcher and Senior Public Safety Dispatcher will be part of the Employees Association and the Supervisory Unit respectfully.
2. The positions will be full-time and within the competitive class of the civil service.
3. Seniority in these positions will be determined by the date of hire by the Town.
4. The Fire Dispatchers and Senior Fire Dispatcher will, upon becoming Town employees, be transferred to the positions of Public Safety Dispatcher and Senior Public Safety

Dispatcher respectively and will retain accrued credits for vacation, sick leave and personal leave and compensatory time and will have their respective seniority with in the Fire Alarm Office credited for vacation selection, vacation longevity, longevity, salary schedule, choice of shift, days off, etc. as applicable, pursuant to the terms of the respective collective bargaining agreements in effect.

5. The Fire Dispatchers and Senior Fire Dispatcher will be transferred without any loss of pay and if said transfer occurs after the Town employees receive an increase in pay for the year 1989 their salaries shall be increased to reflect the same raise.

6. Effective upon the Fire Dispatchers and Senior Fire Dispatcher becoming town employees, all provisions of the Employees Association or Supervisory Unit contract, as it exists at that time, will be applicable to these employees.

### SECTION III - RETIREES

Effective the date the Town assumes responsibility for the functions of the Fire Alarm Office, the Town shall provide all retirees thereof with the same benefits it provides retirees of the Town who, previous to retirement, were members of the bargaining unit represented by the Town of Cheektowaga Employees Association. This will include benefits, if any, provided by the Town to widows or widowers of Town Retirees.

#### SECTION IV - GRANTS AND EQUIPMENT

The Fire Alarm Committee agrees that effective the date the Town assumes responsibility for the functions of the Fire Alarm Office all equipment presently owned, or hereafter acquired, by the Committee and utilized in the operation of the Fire Alarm Office shall be transferred to the Town.

Furthermore, the Committee agrees to transfer all rights in any grants to which it may be entitled.

#### SECTION V - POLICY DETERMINATIONS

The parties agree to the establishment of a committee consisting of one (1) member from each of the duly organized volunteer fire districts in the Town, one (1) member from the Village of Sloan Fire Department, a senior fire (public safety) dispatcher, the Chief of Police or his designee, and one (1) member designated by the Town Board. The committee shall advise and consult with the Town Board on matters relevant to it and shall be empowered to implement changes in established policies and procedures governing fire and first aid calls, unless such changes are violative of any rules or regulations governing the Dispatch Office, including those of the Federal Communications Commission or the County of Erie Department of Emergency Services, upon notification to the Town Board of such changes.

#### SECTION VI - EFFECTIVE DATE

The following events will occur at 12.01 A.M. on the 1st day of October, 1989.

1. The Town will assume full responsibility for the



operation and funding of the functions of the existing Fire Alarm Office of the Town of Cheektowaga.

2. All responsibility on the part of the Boards of Fire Commissioners which presently comprise the Fire Alarm Committee of the Town of Cheektowaga for the operation, except as set forth in SECTION V above, and funding of the functions of the existing Fire Alarm Office of the Town of Cheektowaga shall cease.

3. The Fire Dispatchers and the Senior Fire Dispatcher shall become Town employees in the titles of Public Safety Dispatcher and Senior Public Safety Dispatcher respectively.

4. All current retirees of the Fire Alarm Office shall begin receiving the benefits provided to retirees of the Town.

5. All equipment owned and utilized by the Fire Alarm Committee in the operation of the Fire Alarm Office will be transferred to the Town along with any and all rights to any grant monies.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized

officers and sealed with their corporate seals the day and year set forth below their respective names.

Town of Cheektowaga

Frank E. Smith  
Supervisor

Dated: March 6, 1989

Attest:

Doyle Fire District No. 1

Robert J. Kuzma  
Fire District Secretary

Leonard C. Rydzinski  
Chairman, Board of Fire Commissioners

Dated: Feb 22, 1989

Walden Fire District No. 2

Joseph J. Surace  
Fire District Secretary

Clayton Kutzner  
Chairman, Board of Fire Commissioners

Dated: Feb 22, 1989

Attest:

Forks Fire District No. 3

Donald Anderson  
Fire District Secretary

William Smith  
Chairman, Board of Fire  
Commissioners

Dated: Feb. 22, 1989

Attest:

U-Crest Fire District No. 4

Joseph Louder  
Fire District Secretary

Robert Cummings  
Chairman, Board of Fire  
Commissioners

Dated: Feb. 22, 1989

Attest:

Pine Hill Fire District No. 5

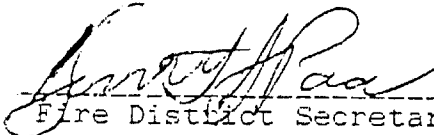
James D. Rusk  
Fire District Secretary

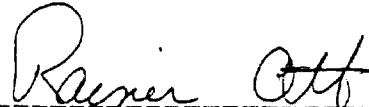
John Ball  
Chairman, Board of Fire  
Commissioners

Dated: Feb. 22, 1989

Attest:

Cleveland Hill Fire District  
No. 6

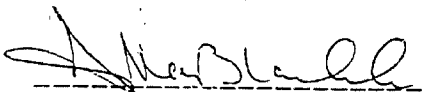
  
Fire District Secretary


  
Chairman, Board of Fire  
Commissioners

Dated: February 22, 1989

Attest:

Hy-View Fire District No. 8

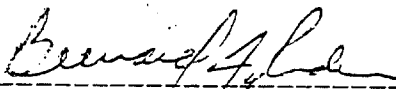
  
Fire District Secretary

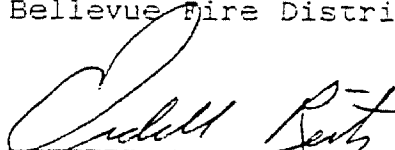
  
Chairman, Board of Fire  
Commissioners

Dated: Feb 22, 1989

Attest:

Bellevue Fire District No. 9

  
Fire District Secretary

  
Chairman, Board of Fire  
Commissioners

Dated: 2-28-89

Attest:

South Line Fire District  
No. 10

Hermit C. Haddock  
Fire District Secretary

Daniel R. Parnell  
Chairman, Board of Fire  
Commissioners

Dated: Feb 22, 1989

Attest:

Village of Sloan

Robert T. Sledge  
Village Clerk

Stanley Sloan  
Mayor

Dated: 2/28/89

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

WHEREAS, in June of 1988, the Town agreed to 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 money representing the fair market value" of certain lands in the Town of Cheektowaga, New York, and

WHEREAS, one of the aforesaid lands is adjacent to both Stiglmeier Park and the Reinstein Woods; and such land is owned by the Estate of Victor Reinstein, consisting of some 5.17+ acres (S.B.L. #114.10-2-1), and

WHEREAS, the other lands about the said Reinstein lands to the east and are owned and described as follows:

(1) Owner: Thomas N. Greenauer and Edward Lepczyk  
Size: 5.96+ acres  
S.B.L. #: 114.11-1-5.2 and 114.11-1-6.2

(2) Owner: Stanley V. Barniak and wife  
Size: 2.98+ acres  
S.B.L. #: 114.11-1-7, and

WHEREAS, the State Department of Environmental Conservation, Division of Citizen Participation, has informed the Town that the "State has already received approval to pursue purchase of the parcel" "known as the Reinstein triangle located north of and contiguous to the Dr. Victor Reinstein Woods Nature Preserve in Cheektowaga, New York", under Title 7 of the said Environmental Quality Bond Act of 1986; and

WHEREAS, the Friends of the Woods, Ltd., a not-for-profit corporation, has requested that this Town Board support their efforts in having the State expand its grant application by the inclusion of all of the aforesaid lands; and in having such lands preserved as "forever wild to be used only for educational and cultural purposes", and

WHEREAS, the Town's prospective grant application would be substantially diminished without the inclusion of the aforesaid Reinstein-triangle because the remaining lands would be landlocked.

NOW, THEREFORE, BE IT RESOLVED that this Town Board hereby memorializes the State to expand its application for funds under the Environmental Quality Bond Act of 1986 by including therein the aforesaid lands owned by Greenauer, Lepczyk and Barniak, and BE IT FURTHER

RESOLVED that the Town Clerk forward a copy of this resolution to Thomas C. Jorling, Commissioner, Department of Environmental Conservation, along with Mr. John Spagnoli, Regional Director, and Mr. Edwin Goodrich, Real Property.

Upon Roll Call....

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

Item No. 8 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 II of the Losson Meadows 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 Meadows Subdivision to install three (3) hydrants in Phase II at the locations approved by the Chief of Southline Fire District No. 10, Robert J. Wojcik, at locations described as follows:

Item No. 8 continued

- (1) South side of Baywood Drive at the common lot line of Sublot No. 25 and No. 26
- (2) South side of Baywood Drive at the common lot line of Sublot No. 32 and No. 33
- (3) South side of Baywood Drive at the common lot line of Sublot No. 40 and No. 41

AND, BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing the subject hydrants is to be borne by the subdivision developer, 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  
NAYES: 0  
ABSENT: 0  
ABSTAINED: Councilman Solecki

Item No. 9 Councilman Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the County Personnel Department has notified the Town that, pursuant to County Civil Service Rules, the Town must terminate the provisional appointee to the position of Superintendent Wastewater Pump Station, effective March 20, 1989, AND

WHEREAS, as a result of such termination, a vacancy would be created in the position of Superintendent-Wastewater Pump Station, AND

WHEREAS, there is no valid civil service list available from which to choose an individual to be appointed to such position, AND

WHEREAS, Lawrence Golas, Assistant Superintendent-Wastewater Pump Station, is familiar with the duties and responsibilities of the Superintendent-Wastewater Pump Station, NOW, THEREFORE, BE IT

RESOLVED that Lawrence Golas, , Cheektowaga, New York 14227 be and hereby is appointed to the position of Superintendent-Wastewater Pump Station (Provisional), effective March 20, 1989, at a salary in accordance with the collective bargaining agreement between the Town and the Town Supervisory Unit, AND BE IT FURTHER

RESOLVED that Lawrence Golas be and hereby is granted a leave of absence from his position of Assistant Superintendent-Wastewater Pump Station, effective March 20, 1989 and until such time as the permanent status of said Lawrence Golas in the position of Superintendent-Wastewater Pump Station has been decided.

\* \* \* \* \*

MOTION BY COUNCILMAN KULYK AND SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE RESOLUTION AND REFER IT TO THE LABOR/MANAGEMENT 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

MEETING NO. 7  
March 6, 1989

Item No. 10 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, Thaddeus P. Brudz has been on a leave of absence from his position of Working Foreman while serving provisionally in the position of Superintendent-Wastewater Pump Station, AND

WHEREAS, the Erie County Department of Personnel has notified the Town that, pursuant to County Civil Service Rules, the Town must terminate the said provisional appointment effective March 20, 1989, NOW, THEREFORE BE IT

RESOLVED that Thaddeus P. Brudz of Cheektowaga, New York be and hereby is returned to his position of Working Foreman and assigned to the Wastewater Pump Station.

\* \* \* \* \*

MOTION BY COUNCILMAN KULYK AND SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE RESOLUTION AND REFER IT TO THE LABOR/MANAGEMENT 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

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

WHEREAS, a vacancy exists in the Central Garage as a result of a retirement, AND

WHEREAS, a notice of vacancy has been posted pursuant to the provisions of the Town's agreement with the Town of Cheektowaga Employees Association, AND

WHEREAS, the procedures set forth in that Agreement have been complied with, NOW, THEREFORE, BE IT

RESOLVED that Gerald M. Darlak of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Central Garage, effective immediately, at a salary and pursuant to the terms and conditions of the Town's collective bargaining agreement with 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. 12 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

BE IT RESOLVED that Beth Anne Kuerzdoerfer of Cheektowaga, New York be and hereby is hired as a part-time staff assistant in the Council Office at a rate of \$5.25 per hour, AND

BE IT FURTHER RESOLVED that such position be funded from line item 01-1010-001-1392.

Upon Roll Call....

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



MEETING NO. 7  
March 6, 1989

Item No. 13 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:	1910-04-4711	(Contingency)	\$1,000.00
	1010-01-1352	(Staff Assistant-Jaworowicz)	2,000.00
	1010-01-1354	(Staff Assistant-Kazukiewicz)	2,000.00
	1010-01-1355	(Staff Assistant-Kulyk)	2,000.00
TO:	1430-04-4511	(Transcript Services)	1,000.00
	1010-01-1392	(Staff Assistant-Shared)	2,000.00
	1010-01-1392	(Staff Assistant-Shared)	2,000.00
	1010-01-1392	(Staff Assistant-Shared)	2,000.00

Upon Roll Call....

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

Item No. 14 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 March 6, 1989 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$114,060.57
HIGHWAY FUND	53,786.91
CAPITAL FUND	3,723.00
TRUST & AGENCY FUND	1,603.82
HUD FUND	5,095.00
PART TOWN FUND	9,439.80
HUD RENTAL REHAB. FUND	1,662.50
SPECIAL DISTRICT FUND	34,350.15
	<u>\$223,721.75</u>
	=====

Upon Roll Call....

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 15 Building Permits  
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 16 NYSDOT: Notice of completion of reconstruction on Rt. 240 and Walden Avenue.  
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Councilmen; Chester Bryan, Engineering Dept.; Christopher Kowal, Highway Dept.  
Received and Filed

Item No. 17a Notice of Claim: Brian Chadsey 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.

Item No. 17b Notice of Claim: Randy J. Walker 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 J. Kowal, Highway Department; James Burst, Sewer Department; Laverack & Haines, Insurance Carrier.  
Received and Filed.

IV. SUSPENSION OF RULES

\* \* \* \* \*

Motion by Supervisor Swiatek, seconded by Councilman Kulyk to suspend the rules for the following two (2) resolutions 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. 18 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, pursuant to the Environmental Impact 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 Impact Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee. and

WHEREAS, the Advisory Committee, at its meeting held on February 10, 1989, rendered the determinations shown on the attached memo dated February 15, 1989, 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 15, 1989 memo attached hereto:

ITEM II	2501 Broadway
ITEM III	Seneca Paper Co.

\* See Next Page

Upon Roll Call....

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

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER

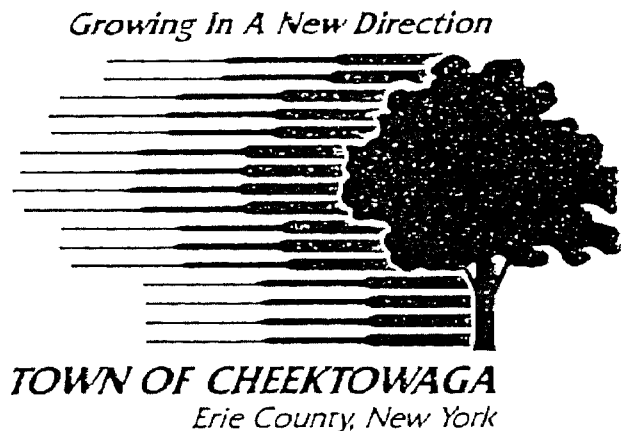
M E M O

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

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

DATE: February 15, 1989

RECEIVED  
FEB 21 1989  
TOWN ATTORNEY



The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Advisory Committee at a meeting held on February 10, 1989 in the Town Hall Council Chambers.

ITEM I      3440 Genesee Street      New Era Automotive Inc.  
Special Permit for Used Car Sales

Applicant: John L. Cretacci

Determination: Tabled

The applicant proposes to display twelve (12) used cars for sale to compliment the existing automotive repair business located at the northwest corner of Genesee St and Colden Ct. The applicant stated that he is now sole owner of the business, having formerly been a partner, and that he now desires and has the ability to improve on the appearance of the premises by providing additional landscaping and stockade fencing to screen abutting residential properties. The applicant proposes to eliminate one of the two existing driveway entrances on Genesee St, and it was the opinion of the Committee that the existing driveway on Colden Ct should also be eliminated. The Zoning Ordinance requires that a specific number of outside parking spaces be allotted based on the number of garage bays and, the applicant was directed to provide a more detailed, dimensioned plot plan which would demonstrate sufficient parking spaces in conjunction with the proposed auto display area.

ITEM II      2501 Broadway      Decor Building  
Construction of a 24,000 S.F. building

Applicant: Allied Builders, Inc.

Determination: Non-Significant

The proposal entails the construction of a 24,000 S.F. Spec Building to be located on a 2.3 acre site fronting on Broadway at the southeast corner of a yet unnamed highway to be constructed within the New Erie Industrial Park. A presentation was given by the project architect who indicated that the building facade would be constructed of block, split rib block and have a standing seam aluminum facing at the roof line.

RE: EQR - February 10, 1989

February 15, 1989

Page 2

The inside of the structure would be completed to suit future tenant needs. Based on the presentation and following discussion, the Committee rendered a Non-Significant determination.

ITEM III      Seneca Paper Co.      Proposed 47,000 S.F. Office/Warehouse

Applicant: Allied Builders Inc.

Determination: Non-Significant

The project is proposed for sites no. 3 and 4 of the New Erie Industrial Park. The New Erie Industrial Park is slated for Spring 1989 construction consisting of what will become a dedicated Town highway with related storm sewer and sanitary sewer improvements on a 28 acre parcel formerly occupied by the Broadway Drive-In. The Seneca Paper Co. site will be located on the east side of the proposed highway and will occupy 4.4 acres. Seneca Paper Co. is relocating their present Buffalo facility to this site and currently employs approximately 30 workers, running a one-shift operation. The proposed warehouse structure will be 20 feet in height and will be constructed of pre-cast concrete panels housing paper goods and acting as a distribution center. 7000 S.F. of the proposed structure will house sales and office personnel. A significant portion of the 4.4 acres will remain undeveloped at this time and will accomodate future expansion.

ITEM IV      2370 Walden Avenue      Proposed truck sales office, Bison Ford

Applicant: Northeastern Shelter, David Hall

Determination: Tabled

The proposal involves the construction of a one-story wood frame office for Bison Ford-Peterbuilt which will replace an existing office trailer. The site plan submitted for review to the Committee lacked sufficient detail to address a number of concerns relative to site landscaping/green areas; ingress/egress, drainage and building elevations and will remain tabled pending submission of a detailed plan.

ITEM V      3900 Walden Avenue      Proposed rezoning from M-1 to CM with  
special permit

Applicant: John E. Winkel, Sr. - Winkel's Sunoco

Determination: Significant

The current service station facility operates as a non-conforming use and, the site also houses U-Haul vehicles for rent. The applicant is seeking a Special Permit to allow the display and sale of used automobiles. The Committee discussed the fact that the site plan lacks required green areas/landscaping, is very congestion when combining the various uses and the proposed use is not compatible with the area consisting for the most part of retail sales, offices and restaurant uses, therefore, recommending denial of the Special Use Permit.

MEETING NO. 7  
March 6, 1989

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

BE IT RESOLVED that the following individual be and hereby is hired as part of the summer hiring program in the Department listed:

FACILITIES DEPARTMENT - Parks Division - Seasonal \$3.35 per hour.  
Acct. #01-007110-1-N-1491-001

Ronald Sobocinski 90 Andrews Ave. EFFECTIVE  
2/28/89

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 20 Motion by Councilman Gabryszak 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 20th day of March, 1989 at 7:30 o'clock P.M., Eastern Standard 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; Robert Lis, Chief of Police; Chester Bryan, Town Engineer; Ron Marten, Supervising Building and Plumbing Inspector; Ralph Majchrowicz, Director of Administration and Finance; Joseph Lipowski, Planning Board Member.

#### I. PUBLIC HEARINGS

Item No. 2a This being the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Local Law for Flood Damage Prevention (Local Law of the No. 1 Year 1987) by the adoption of Local Law No. 1 of the Year 1989 entitled "A Local Law to Amend the Local Law for Flood Damage Prevention" 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 amendment being as follows:

Town of Cheektowaga  
Local Law No. 1 of the Year 1989

A local law to amend Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention to substitute the Zoning Board of Appeals of the Town of Cheektowaga in lieu of the Town Board as the body empowered to hear and decide appeals and requests for variances from the requirements of the Local Law for Flood Damage Prevention.

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. 3a for decision.

Item No. 2b This being the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Local Law for Snowplowing (Local Law No. 3 of the Year 1988) by the adoption of Local Law No. 2 of the Year 1989 entitled "A Local Law to Amend the Local Law for Snowplowing" 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 amendment being as follows:

Item No. 2b cont'd

Town of Cheektowaga  
Local Law No. 2 of the Year 1989

A local law to amend subsection c. of Section 61-3 of the Local Law for Snowplowing to clarify liability insurance limits, certificates of insurance, etc. required by persons, firms and corporations plowing snow within the Town of Cheektowaga.

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. 3b for decision.

II. RESOLUTIONS

Item No. 3a Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, by resolution dated September 8, 1987, this Town Board enacted Local Law No. 1 of the Year 1987 entitled "A Local Law for Flood Damage Prevention", and

WHEREAS, the New York State Department of Environmental Conservation, on behalf of the Federal Emergency Management Agency, reviewed such local law and recommended that the Town adopt an amendment to same, and

WHEREAS, a public hearing on a proposed amendment to Local Law No. 1 of the Year 1987 was held on the 20th day of March, 1989, at which hearing all parties in interest and citizens were heard, and

WHEREAS, it is in the public interest to enact the proposed amendment to such local law, NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 1 of the Year 1989 entitled "A Local Law to Amend the Local Law for Flood Damage Prevention" be and hereby is adopted, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to file one (1) certified copy of such local law in his office and three (3) certified copies in the office of the Secretary of State, and BE IT FURTHER

RESOLVED that such local law shall be effective immediately upon filing with the Secretary of State.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 3b Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, by resolution dated November 21, 1988, this Town Board enacted Local Law No. 3 of the Year 1988, entitled "A Local Law for Snowplowing", and

WHEREAS, the Town's Insurance Consultant has recommended the insurance requirements of such local law, and

WHEREAS, a public hearing on amendments to such local law was held on the 20th day of March, 1989, at which hearing all persons in interest and citizens were heard, and

Item No. 3b cont'd

WHEREAS, it is in the best interests of the Town to adopt the proposed amendments to the Local Law for Snowplowing, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby adopts Local Law No. 2 of the Year 1989 entitled "A Local Law to Amend the Local Law for Snowplowing", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to file one (1) certified copy of such local law in his office and three (3) certified copies in the office of the Secretary of State, and BE IT FURTHER

RESOLVED that such local law shall be effective immediately upon filing with the Secretary of State.

Upon Roll Call....

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

Item No. 4a Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Michael Desiderio, Jr. has made application and requested a Rezoning from RA-Apartment District to C-Retail Business District and a Special Use Permit for a full service restaurant to include service of alcoholic beverages, on property located at 2911 William Street, with the permission of the owner of the property, namely Stanley Senko and Michael Sebastiano, NOW, THEREFORE BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 3, 1989 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

\* \* \* \* \*

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN JAWOROWICZ to table the above 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

THE ABOVE RESOLUTION WAS TABLED.

\* \* \* \* \*

Item No. 4b Motion by Councilman Kulyk, S-ronded by Supervisor Swiatek

WHEREAS, Johnstone Neilson Reid has made application and requested a Rezoning from RA-Apartment District to C-Retail Business District on property located at 759 Dick Road, with the permission of the owner of the property, namely David Glian, NOW, THEREFORE BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 3, 1989 at 6:30 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.

*Amy C. Meyers*....., 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..... *3-23-89* ..... ;  
last publication..... *3-23-89* ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this ..... *27<sup>th</sup>* .....  
day of ..... *March* ....., 19 *89*..  
..... *Lorraine Ackerman* .....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19 *89*

#### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by 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 3rd day of APRIL, 1989 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of JOHNSTONE NEILSON REID/DAVID GLIAN to Rezone from RA-Apartment District to C-Retail Business District on property located at 759 DICK ROAD and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given 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: March 23, 1989

All that plot of land situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number twelve (12), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number two (2) as shown on a map filed in Erie County Clerk's Office under Cover number 2123.

Excepting part conveyed to the County of Erie be deed recorded in Erie County Clerk's Office in Liber 7795 of Deeds at page 260.

51-  
17.60

Item No. 4c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga is eligible to receive up to \$665,000 in Community development Block Grant Funds for the 1989-90 Program Year, and

WHEREAS, the Town of Cheektowaga is required to hold a public hearing for the purpose of obtaining the views of Town residents regarding community development and housing needs, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on April 3, 1989 at 6:30 P.M. at Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, for the above said purpose, and BE IT FURTHER

RESOLVED that a legal notice of such public hearing including a statement of objectives and proposed use of funds be published in the Cheektowaga Times on March 23, 1989.

\* \* \* \* \*

TOWN OF CHEEKTOWAGA  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOTICE OF PUBLIC HEARING

STATEMENT OF OBJECTIVES AND PROPOSED USE OF FUNDS

The Town of Cheektowaga will hold a Public Hearing on Monday, April 3, 1989 at 6:30 P.M. at Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, regarding the Town's 1989-90 Community Development Block Grant Program.

The Town of Cheektowaga and the Villages of Depew and Sloan, and Williamsville are eligible to receive up to \$665,000, under Title I of the Housing and Community Development Act of 1977, as amended. The purpose of this hearing is to provide the citizens of the Town and Villages with the opportunity to express their views and opinions on housing and community development needs and to respond to proposals and questions regarding the Community Development Program. Eligible activities for which these funds can be used include housing rehabilitation, street and drainage improvements, parks, playgrounds and recreational facilities, water and sewer facilities, economic development activities and code enforcement. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

It is the intent and purpose of the Town of Cheektowaga and the Villages of Sloan, Depew, and Williamsville to foster and maintain strong and viable communities through the use and expenditure of federal Community Development Block Grant funds. Further, said funds shall be assigned to areas deemed most needy on the basis of social, economic and physical conditions; this represents the highest objective. The Town and Villages shall prioritize community needs including but not limited to housing, neighborhood revitalization and stabilization, recreation, and industrial development. It is estimated that no less than 60% of funds will be used for activities that will benefit low and moderate income persons. It is the explicit intent of the town and Villages to accomplish implementation of program goals and objectives through the cooperation and input of the citizens in these communities.

Residents of low and moderate income neighborhoods as well as all citizens of the Town and Villages are encouraged to participate in this process and express their views on the proposed use of funds and activities carried out with program funds. Technical assistance is available to groups representative of low and moderate income persons to assist in developing proposals or identifying needs within their community. No CDBG activities are expected or likely to result in displacement. In the unanticipated event displacement due to CDBG funded activities occurs, relocation assistance will be provided in conformance with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

MEETING NO. 8  
March 20, 1989

Item No. 4c cont'd

A full presentation of CDBG program goals and objectives for housing, neighborhood revitalization and stabilization, code enforcement, recreation, industrial development, public services and facilities and citizen participation can be obtained in the Office of Community Development, 3719 Union Road, Suite 218, Cheektowaga, New York 14225, between the hours of 9:00 A.M. and 4:30 P.M., weekdays or can be discussed with the Community Development Director by calling 683-4150 between 9:00 A.M. and 4:30 P.M., Monday through Friday.

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.

Amy C. Meyers....., 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..... 3-23-89 ..... ;  
last publication..... 3-23-89 ..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this ..... 27<sup>th</sup> .....  
day of March....., 19 89.  
Lorraine Ackerman.....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19 89

**LEGAL NOTICE  
TOWN OF CHEEKTOWAGA  
COMMUNITY DEVELOP-  
MENT BLOCK GRANT  
PROGRAM  
NOTICE OF PUBLIC  
HEARING  
STATEMENT OF OBJEC-  
TIVES AND PROPOSED USE OF  
FUNDS**

The Town of Cheektowaga will hold a Public Hearing on Monday, April 3, 1989 at 6:30 P.M. at Cheektowaga Town Hall, Broadway & Union Road, Cheektowaga, New York, regarding the Town's 1989-90 Community Development Block Grant Program.

The Town of Cheektowaga and the Villages of Depew and Sloan, and Williamsville are eligible to receive up to \$665,000, under Title I of the Housing and Community Development Act of 1977, as amended. The purpose of this hearing is to provide the citizens of the Town and Villages with the opportunity to express their views and opinions on housing and community development needs and to respond to proposals and questions regarding the Community Development Program. Eligible activities for which these funds can be used include housing rehabilitation, street and drainage improvements, parks, playgrounds and recreational facilities, water and sewer facilities, economic development activities and code enforcement. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

It is the intent and purpose of the Town of Cheektowaga and the Villages of Sloan, Depew, and Williamsville to foster and maintain strong and viable communities through the use and expenditure of federal Community Development Block Grant funds. Further, said funds shall be assigned to areas deemed most needy on the basis of social, economic and physical conditions; this represents the highest objective. The Town and Villages shall prioritize community needs including but not limited to housing, neighborhood revitalization and stabilization, recreation, and industrial development. It is estimated that no less than 60% of moderate income persons. It is the explicit intent of the Town and Villages to accomplish implementation of program goals and objectives through the cooperation and input of the citizens in these communities.

Residents of low and moderate income neighborhoods as well as all citizens of the Town and Villages are encouraged to participate in this process and express their views on proposed use of funds and activities carried out with program funds. Technical assistance is available to groups representative of low and moderate income persons to assist in developing proposals or identifying needs within their community. No CDBG activities are expected or likely to result in displacement. In the unanticipated event displacement due to CDBG funded activities occurs, relocation assistance will be provided in conformance with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

A full presentation of CDBG program goals and objectives for housing, neighborhood revitalization and stabilization, code and facilities and citizen participation can be obtained in the Office of Community Development, 3719 Union Road, Suite 218, Cheektowaga, New York, 14225, between the hours of 9:00 A.M. and 4:30 P.M., weekdays or can be discussed with the Community Development Director by calling 683-4150 between 9:00 A.M. and 4:30 P.M., Monday through Friday.

**PUBLISH: March 23, 1989**

NO. 9

NO. 10

NO. 11

35.19

Item No. 5a Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, this Town Board hired the firm of Trautman Associates to prepare plans and specifications for the provision of a remodeled Dispatch Room at the Police & Court Building in order to accommodate the new E911 System, and

WHEREAS, the Town Engineer has informed the Town Board that said consulting engineers had completed the preparation of plans and specifications and the project is ready for bidding, 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 Police Dispatch Remodeling, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 10th day of April, 1989 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 bids on General Construction, Plumbing, Heating and Ventilation and Electrical Work for the remodeling of the Police/Dispatch at the Cheektowaga Police Headquarters, located at 3223 Union Road, Cheektowaga, New York will be received by the Town Clerk at the Town Hall at Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 A.M., on the 10th day of April, 1989 and at said place publicly opened.

The Bidding Requirements, Contract Forms, General Conditions, Specifications and Plans may be examined at the following:

Trautman Associates, Architects and Engineers  
470 Franklin Street, Buffalo, New York 14202

F.W. Dodge Corporation  
5500 Main Street, Buffalo, New York 14221

Construction Exchange of Buffalo and W.N.Y.  
625 Ensminger Road, Tonawanda, New York 14150

Copies may be obtained at the office of the Architect/Engineer upon payment of \$50.00 for each set. Bidders returning bidding documents within two (2) weeks after receipt of bids will be refunded their full deposit. Non-bidders returning bidding documents seven (7) days before bids are due will be refunded their full deposit. Bidders returning plans late receive no deposit. Non-bidders and subcontractors receive no deposit. Bidding documents will be available for direct purchase from reproducers.

Bidding documents will be delivered by UPS upon request and receipt of an additional non-refundable delivery and handling charge of \$10.00 payable by separate check.

The contract is to be lump sum. No bidder may withdraw his bid within 60 days after the actual date of the opening thereof.

Bidders are required to furnish a Proposal Guaranty of ten percent (10%) of the amount of the proposal, either by bank cashiers' check, payable to the Owner, or by Bid Bond conforming to law and satisfactory to the Owner.

Performance, Labor and Material Payment Bonds are required.

The site will be open for inspection by bidders on Monday, April 3rd at 9:00 A.M. with the Architect/Engineer present. Inspection at any other time will require prior approval by the Owner.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Police Dispatch Remodeling".

MEETING NO. 8  
March 20, 1989

Item No. 5a cont'd

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

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

The Town of Cheektowaga is an exempt organization under the Town Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

By Order Of: RICHARD M. MOLESKI  
Town Clerk  
Town of Cheektowaga

DATED: March 20, 1989

PUBLISHED: March 23, 1989

\*\*\*\*\*

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN JAWOROWICZ 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 above resolution was amended and is as follows:

\*\*\*\*\*

Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, this Town Board hired the firm of Trautman Associates to prepare plans and specifications for the provision of a remodeled Dispatch Room at the Police & Court Building in order to accommodate the new E911 System, and

WHEREAS, the Town Engineer has informed the Town Board that said consulting engineers had completed the preparation of plans and specifications and the project is ready for bidding, 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 Police Dispatch Remodeling, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 10th day of April, 1989 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 bids on General Construction, Plumbing, Heating and Ventilation and Electrical Work for the remodeling of the Police/Dispatch at the

Cheektowaga Police Headquarters, located at 3223 Union Road, Cheektowaga, New York will be received by the Town Clerk at the Town Hall at Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 A.M., on the 10th day of April, 1989 and at said place publicly opened.



MEETING NO. 8  
March 20, 1989

Item No. 5a cont'd

The Bidding Requirements, Contract Forms, General Conditions, Specifications and Plans may be examined at the following:

Trautman Associates, Architects and Engineers  
470 Franklin Street, Buffalo, New York 14202

F.W. Dodge Corporation  
5500 Main Street, Buffalo, New York 14221

Construction Exchange of Buffalo and W.N.Y.  
625 Ensminger Road, Tonawanda, New York 14150

Copies may be obtained at the office of the Architect/Engineer upon payment of \$50.00 for each set. Bidders returning bidding documents within two (2) weeks after receipt of bids will be refunded their full deposit. Non-bidders returning bidding documents seven (7) days before bids are due will be refunded their full deposit. Bidders returning plans late receive no deposit. Non-bidders and subcontractors receive no deposit. Bidding documents will be available for direct purchase from reproducers.

Bidding documents will be delivered by UPS upon request and receipt of an additional non-refundable delivery and handling charge of \$10.00 payable by separate check.

The contract is to be lump sum. No bidder may withdraw his bid within three (3) months after the actual date of the opening thereof.

Bidders are required to furnish a Proposal Guaranty of ten percent (10%) of the amount of the proposal, either by bank cashiers' check, payable to the Owner, or by Bid Bond conforming to law and satisfactory to the Owner.

Performance, Labor and Material Payment Bonds are required.

The site will be open for inspection by bidders on Monday, April 3rd at 9:00 A.M. with the Architect/Engineer present. Inspection at any other time will require prior approval by the Owner.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Police Dispatch Remodeling".

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

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

The Town of Cheektowaga is an exempt organization under the Town Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

By Order Of: RICHARD M. MOLESKI  
Town Clerk  
Town of Cheektowaga

DATED: March 20, 1989

PUBLISHED: March 23, 1989

\* \* \* \* \*

MEETING NO. 8  
March 20, 1989

Item No. 5a cont'd

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

NO. 9

NO. 10

NO. 11

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

*Amy C. Meyers*....., 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..... *3-23-89* ..... ;  
last publication..... *3-23-89* ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this ..... *27<sup>th</sup>* .....  
day of ..... *March* ....., 19. *89* ....  
..... *Lorraine Ackerman* .....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19. *89*

**LEGAL NOTICE  
NOTICE TO BIDDERS**

Sealed bids on General Construction, Plumbing, Heating and Ventilation and Electrical Work for the remodeling of the Police/Dispatch at the Cheektowaga Police Headquarters, located at 3223 Union Road, Cheektowaga, New York, will be received by the Town Clerk at the Town Hall at Broadway and Union Roads, Cheektowaga, New York 14227, until 11:00 A.M., on the 10th day of April, 1989 and at said place publicly opened.

The Bidding Requirements, Contract Forms, General Conditions, Specification and Plans may be examined at the following:

Trautman Associates, Architects and Engineers  
470 Franklin Street, Buffalo, New York 14202

F.W. Dodge Corporation  
5500 Main Street

Buffalo, New York 14221

Construction Exchange of Buffalo and W.N.Y.

625 Ensminger Road

Tonawanda, New York 14150

Copies may obtained at the office of the Architect/Engineer upon payment of \$50.00 for each set. Bidders returning bidding documents within two (2) weeks after receipt of bids will be refunded their full deposit. Non-bidders returning bidding documents seven (7) days before bids are due will be refunded their full deposit. Bidders returning plans late receive no deposit. Non-bidders and subcontractors receive no deposits. Bidding documents will be available for direct purchase from reproducers.

Bidding documents will be delivered by UPS upon request and receipt of an additional non-refundable delivery and handling charge of \$10.00 payable by separate check.

The contract is to be lump sum. No bidder may withdraw his bid within three (3) months after the actual date of the opening thereof.

Bidders are required to furnish a Proposal Guaranty of ten percent (10%) of the amount of the Proposal, either by bank cashiers' check, payable to the Owner, or by Bid Bond, conforming to law and satisfactory to the Owner.

Performance, Labor and Material Payment Bonds are required.

The site will be open for inspection by bidders on Monday, April 3rd at 9:00 A.M. with the Architect/Engineer present. Inspection at any other time will require prior approval by the Owner.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Police Dispatch Remodeling."

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

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which

are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

By Order of:  
Richard M. Moleski  
Town Clerk  
Town of Cheektowaga  
PUBLISH: MARCH 23, 1989

NO. 9

NO. 10

NO. 11

Item No. 5b Motion by Councilman Jaworowicz, Seconded by Councilman Sclecki

WHEREAS, the Police Department is in need of ten (10) 1989 Model Full-Size 4-door Sedans to be used for law enforcement purposes, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for ten (10) 1989 Model Full-size 4-door Sedans in the CHEEKTOWAGA TIMES, and ~~BE~~ IT FURTHER

RESOLVED that sealed bids will be received on the 31st day of March 1989 at 11:00 A.M., at a public bid opening to be held by the Town Clerk in the Council Chambers of Cheektowaga Town Hall.

\* \* \* \* \*

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on March 31, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the purchase of ten (10) 1989 Model, Full-size Four Door Sedans for use by 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 ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI  
Town Clerk

DATED: March 20, 1989

\* \* \* \* \*

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN JAWOROWICZ 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:

\* \* \* \* \*

Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, the Police Department is in need of ten (10) 1989 Model Full-Size 4-door Sedans to be used for law enforcement purposes, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the T wn Clerk be and hereby is directed to publish a Notice to Bidders for ten (10) 1989 Model Full-size 4-door Sedans in the CHEEKTOWAGA TIMES, and ~~BE~~ IT FURTHER

Item No. 5b cont'd

RESOLVED that sealed bids will be received on the 31st day of March 1989 at 11:00 A.M., at a public bid opening to be held by the Town Clerk in the Council Chambers of Cheektowaga Town Hall.

\* \* \* \* \*

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on March 31, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the purchase of ten (10) 1989 Model, Full-size Four Door Sedans for use by 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.

No bidder may withdraw his bid within three (3) months after the actual date of the opening thereof.

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

RICHARD M. MOLESKI  
Town Clerk

DATED: March 20, 1989

\* \* \* \* \*

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.

*Amy C. Meyers*....., 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.....*3-23-89*..... ;  
last publication.....*3-23-89*..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this .....*27<sup>th</sup>*.....  
day of .....*March*....., 19..*89*..  
.....*Lorraine Ackerman*.....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19..*89*..

**LEGAL NOTICE  
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 31, 1989 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of ten (10) 1989 Model, Full-Size Four Door Sedans for the use by the Police Department.

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.

No bidder may withdraw his bid within three (3) months after the actual date of the opening thereof.

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

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: March 23, 1989**



MEETING NO. 8  
March 20, 1989

Item No. 5c Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised for the furnishing of chemical fertilizers and herbicides in the Town of Cheektowaga, and

WHEREAS, funds have been budgeted for this purpose, 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 chemical fertilizers and herbicides, notice to be published in the CHEEKTOWAGA TIMES, and  
BE IT FURTHER

RESOLVED that sealed bids will be received on the 3rd day of April, 1989 at 10:00 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 April 3, 1989 at 10:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the Application of Chemical Fertilizers and Herbicides in the Town of Cheektowaga, New York.

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: March 20, 1989

\* \* \* \* \*

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.

*Amye Meyers*....., 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..... *3-23-89* ..... ;  
last publication..... *3-23-89* ..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this ..... *27<sup>th</sup>* .....  
day of *March*....., 19*89*.....  
*Lorraine Ackerman*.....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19*89*

**LEGAL NOTICE  
NOTICE TO BIDDERS**

Scaled proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 3, 1989 at 10:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the Application of Chemical Fertilizers and Herbicides in the Town of Cheektowaga, New York.

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: March 23, 1989**

MEETING NO. 8  
March 20, 1989

Item No. 6a Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Youth Bureau has been conducting arespite program during significant school breaks for developmentally disabled youngsters, and

WHEREAS, the New York state Office of Mental Retardation and Developmental Disabilities has been reimbursing the Youth Bureau for said program, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to sign an Agreement continuing this relationship with the New York state Office of Mental Regardation and Developmental Disabilities for hte period of 1989 through 1993.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 6b 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 13-19, 1989, and

WHEREAS, said facilities are owned by the Camp fire Council of Buffalo and Erie County, Inc. and are located in Wales Center, New Yrok, 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 any 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. 7 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Impact 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 Impact Review Ordinance of the Town of Cheektowaga is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

Item No. 7 cont'd

WHEREAS, based on an Environmental Assessment Form submitted by John E. Winkel, Sr. for the rezoning of and a Special Use Permit for 3900 Union Road, the Environmental Advisory Committee has found that this action may have a significant effect on the environment, and

WHEREAS, this Town Board is in agreement with such findings, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby determines that a Draft Environmental Impact Statement must be prepared and submitted to the Town for the rezoning of and special use permit for 3900 Union Road, and BE IT FURTHER

RESOLVED that John E. Winkel, Sr. be directed to submit a Draft Environmental Impact Statement concerning this action to the Town, and BE IT FURTHER

RESOLVED that the Town Building Inspector, as Intake Officer for the Town, notify John E. Winkel, Sr. of this requirement.

Upon Roll Call....

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

Item No. 8 Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, the Office of Building & Plumbing Inspections of the Town of Cheektowaga is currently engaged in performing building inspections in connection with the Walden Galleria Mall (the "Project"), and

WHEREAS, the developer of the Project, the Pyramid Company of Buffalo ) (the "Developer") has offered to give \$1,500.00 to the Town to be used for the payment of extraordinary inspection expenses (principally employee overtime) in order to ensure that resources are available to timely inspect the Project, and

WHEREAS, Section 64(8) of the Town Law of the State of New York authorizes this Town Board to accept gifts upon terms and conditions prescribed by a donor, and

WHEREAS, this Town Board is willing to accept the \$1,500.00 gift from the Developer upon the aforementioned conditions, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the \$1,500.00 check from the Pyramid Company of Buffalo, such moneys to be used for extraordinary building inspections expenses incurred by the Office of the Building & Plumbing Inspections in connection with its inspection of the Project, and BE IT FURTHER

RESOLVED that such moneys shall be deposited into Trust and Agency Account No. 834, to be thereafter transferred into the appropriate line item of the budget of the Office of Building & Plumbing Inspections to be used for extraordinary inspection expenses in connection with the Project.

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 Supervisor Swiatek

WHEREAS, the Town of Cheektowaga has supported the Meals on Wheels Program for our elders for over seven years, and

WHEREAS, we are presently serving 228 elderly residents daily with two home-delivered meals, NOW, THEREFORE, BE IT

MEETING NO. 8  
March 20, 1989

Item No. 9 cont'd

RESOLVED that the Town of Cheektowaga will present a grant of \$10,000.00 to the Meals on Wheels Program for the year 1989 to insure the continuance and expansion of this program in our Town.

Funding Source - 01-7620-0004-4682

Upon Roll Call....

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

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

WHEREAS, this Town Board approved plans for the Losson Park Estates Subdivision, Phase I by resolution dated August 3, 1987, and

WHEREAS, the developer has recently completed the Archaeological/Cultural Resource Survey of the site required by the New York state Department of Environmental Conservation and desires to proceed with this project, and

WHEREAS, the developer has complied with a request for plan amendment by the Town Superintendent of Highways and has instituted a plan revision dated February 28, 1989, NOW, THEREFORE, BE IT

RESOLVED that the plans for the Losson Park Estates Subdivision, Phase I with revision date of February 28, 1989 be and hereby are approved by this Town Board.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, this Town Board, by resolution dated November 16, 1987, engaged the professional services of Camp Dresser & McKee for their review of the Storm Water Management Plan that was submitted as part of the Walden Galleria Mall permit process, and which resolution authorized a fee not to exceed \$6,200.00, and

WHEREAS, said consultants had to undertake extensive reviews of the Storm Water Management Plan due to the many revisions submitted by the Applicant and which review necessitated substantially more time and effort than was anticipated as mentioned in the letter of Camp Dresser & McKee to the Town Engineer and dated January 18, 1989, and

WHEREAS, said consulting firm of Camp Dresser & McKee requests that the agreement be amended for the coverage of the additional amount of \$7,993.83, which amount covers actual additional engineering consultant costs, and

WHEREAS, by resolution dated December 19, 1988, this Town Board engaged the services of Camp, Dresser & McKee for a review of the Storm Water Management Plan involving the structural crossing of Scajaquada Creek and the enclosure for the U-Crest Ditch at an estimated cost of \$18,000.00, and

WHEREAS, said consultants submitted their invoices for doing the review work at an actual cost of \$18,250.12, and

Item No. 11 cont'd

WHEREAS, the Town Engineer requested Merriman Conservation Consultants to assist the Town in the review of the changes in the stream configuration due to the covering of Scajaquada Creek and the enclosure of the U-Crest Ditch and to explore the methods to be used in waterway maintenance work within the enclosed portions of the creek and ditch, which invoice was submitted in the amount of \$168.00, and

WHEREAS, the Town Engineer requests Town Board approval for the increased costs associated in the review processes, which costs are to be reimbursed to the Town by The Pyramid Co., NOW, THEREFORE, BE IT

RESOLVED that the Town Board accepts the request of the consulting firm of Camp, Dresser & McKee for the requested increase of \$7,993.83 for the initial review of the Galleria Storm Water Management Plan and also for the additional cost of \$250.14 for their review of the Storm Management Plan associated with the covering of Scajaquada Creek and the enclosure of the U-Crest Ditch, and BE IT FURTHER

RESOLVED that this Town Board approves the payment of Merriman Conservation Consultants, Inc. for their Galleria review at a cost of \$168.00 and BE IT FURTHER

RESOLVED that the costs of these additional professional services are to be charged to the Public Improvement Permit Account 01-1440-0004-4594.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, Niagara Mohawk Power Corporation is requesting a utility easement from the Town of Cheektowaga in order to provide electric service to the Walden Galleria Basin No. 2 Pump Station, and

WHEREAS, the operation of the detention basin pump station is a required element of the Scajaquada Creek Storm Water Management Program, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves and grants the attached utility easement to the Niagara Mohawk Power Corporation, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute said easement on behalf of this Town Board.

\* See next page for easement

Upon Roll Call....

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

## UTILITY EASEMENT

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 (hereinafter referred to as the GRANTOR) and NIAGARA MOHAWK POWER CORPORATION, 535 Washington Street, Buffalo, New York, 14203 (hereinafter referred to as the COMPANY).

### W I T N E S S E T H

That the GRANTOR for and in consideration of one dollar (\$1.00) and/or other good and valuable consideration, to it paid by the COMPANY the receipt or waiver of which is hereby acknowledged, does hereby grant and release unto the COMPANY, its successors and assigns forever, the perpetual right, privilege and easement to construct, reconstruct, renew, repair, maintain, operate and remove four (4) electric wires, including two (2) poles and/or supporting structures, crossarms, insulators, three (3) transformers, two (2) anchors, two (2) down guys, lateral service lines, appliances and all other appurtenances incident to the electric facilities as the COMPANY, its successors and assigns may now or from time to time hereinafter deem necessary or proper for the transmission and distribution of electric service upon, over and across the parcel of land, including streets and highways which adjoin or are upon the lands hereinafter described which the GRANTOR owns or has an interest.

Together with perpetual right, privilege and easement to enter upon and leave the premises of the GRANTOR hereinafter mentioned for the above purposes and the right to trim, cut or remove trees, brush and/or roots which in the sole judgement of the COMPANY may be a source of interference with the electric facilities as the COMPANY may now or from time to time in the future deem necessary on the lands of the GRANTOR.

The approximate location of the above electric facilities is more particularly shown on a sketch entitled EXHIBIT A, dated March 1, 1989 which sketch is attached hereto and made a part hereof, which said facilities are situate on a portion of the following described lands:

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 17, Township 11, Range 7 said lands being described in a certain Deed recorded in the Erie County Clerk's Office on the 15th day of April, 1957, in Liber 6152, of Deeds at Page 571.

That as consideration for the granting of this right of way and easement, the COMPANY agrees to repair or replace, in a good and workmanlike manner, all facilities disturbed or damaged by the COMPANY within a reasonable time after completion of its work, weather permitting.



EASEMENT  
TOWN OF CHEEKTOWAGA  
to  
NIAGARA MOHAWK POWER CORPORATION

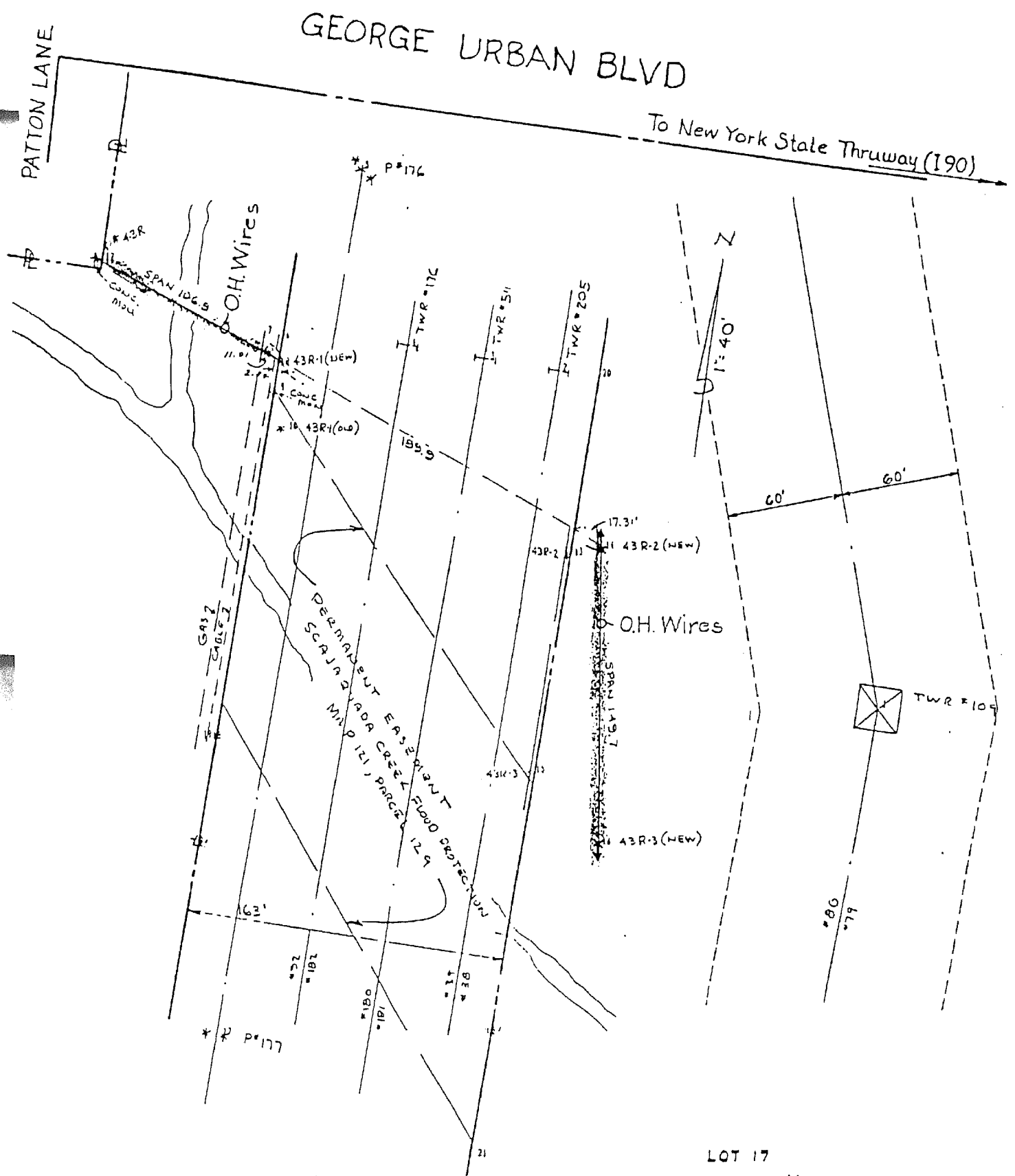
By Turb E. Smith

TOWN OF CHEEKTOWAGA

On this 20th day of April, 1989, before me personally came Frank E. Sirotek duly sworn. did depose and say that he resides at Depew, New York

Levin H. Schenk  
Notary Public

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 1991



# LEGEND

- x Utility Pole
- Over Head Wires
- ← Anchor & Down Guy

LOT 17  
TOWNSHIP 11  
RANGE 7

EXHIBIT A  
Town of Cheektowaga  
March 1, 1989  
No Scale

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

Amy C. Meyers....., 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. 0.6. 1989 ..... ;  
last publication..... APR. 0.6. 1989 ..... ;  
and that no more than six days intervened be-  
tween publications.

Amy C. Meyers.....  
Sworn to before me this ..... 7th .....  
day of April....., 1989.  
..... Susan Mulcahy.....  
Notary public in and for Erie County, N. Y.

SUSAN MULCAHY  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 24, 1989

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

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on March 20, 1989, adopted a resolution authorizing the granting of a utility easement to Niagara Mohawk Power Corporation for the purpose of providing electric service to the Town's Detention Basin No. 2 Pump Station (located west of the New York State Thruway and north of Walden Avenue, in the Town of Cheektowaga).

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: April 6, 1989**

MEETING NO. 8  
March 20, 1989

Item No. 13 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, Cub Scout Pack #618, Cub Scouts of America, has requested permission to conduct an overnight campout on June 10, 1989, and June 11, 1989 at John C. Stiglmeier Park, and

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed", NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, said waiver extended to Cub Scout Pack #618, Cub Scouts of America for the use of John C. Stiglmeier Park on June 10, 1989 and June 11, 1989, and BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police, Facilities Department Director and Recreation Director.

Upon Roll Call....

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

Item No. 14 This item was brought up after Item No. 18D

Item No. 15a Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated March 6, 1989, Beth Anne Kuerzdoerfer was hired as staff assistant in the Council Office; and

WHEREAS, Beth Ann Kuerzdoerfer was formerly a seasonal clerk in the Youth Bureau but was never formally terminated from that position, NOW, THEREFORE, BE IT

RESOLVED that Beth Anne Kuerzdoerfer be and hereby is terminated as seasonal clerk in the Youth Bureau, retroactive to February 3, 1989.

Upon Roll Call....

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

Item No. 15b Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

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

Katherine Zydel  
Evelyn Bergman

EFFECTIVE

11/18/88  
3/03/89

Upon Roll Call....

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

Item No. 15c Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individual be and hereby is terminated as Seasonal and/or part-time Employee in the Department listed:

FACILITIES DEPARTMENT - Parks Division

EFFECTIVE

Scott Kowal

3/6/89

Upon Roll Call....

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

Item No. 16a Motion by Councilman Kulyk, seconded by Councilman Kazukiewicz

WHEREAS, the Superintendent of Highways of the Town of Cheektowaga has requested the creation of a position to perform maintenance work on creeks and ditches in the Town, and

WHEREAS, the Town has been advised by the Erie County Department of Personnel that the title of such position should be "Groundswoker" which position is a member of the labor class, and

WHEREAS, such position would be included in the bargaining unit represented by the Town of Cheektowaga Employees Association, and

WHEREAS, it is agreed that the starting salary of such position be \$10.724/hour, NOW, THEREFORE, BE IT

RESOLVED that the position of "Groundswoker" in the Town Highway Department be established, and BE IT FURTHER

\*\*\*\*\*

MOTION BY COUNCILMAN KULYK, 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 above resolution was amended and is as follows:

\*\*\*\*\*

Motion by Councilman Kulyk, seconded by Councilman Kazukiewicz

WHEREAS, the Superintendent of Highways of the Town of Cheektowaga has requested the creation of a position to perform maintenance work on creeks and ditches in the Town, and

WHEREAS, the Town has been advised by the Erie County Department of Personnel that the title of such position should be "Groundswoker" which position is a member of the labor class, and

WHEREAS, such position would be included in the bargaining unit represented by the Town of Cheektowaga Employees Association, and

WHEREAS, it is agreed that the starting salary of such position be \$10.724/hour, NOW, THEREFORE, BE IT

RESOLVED that the position of "Groundswoker" in the Town Highway Department be established, and BE IT FURTHER

Item No. 16a cont'd

RESOLVED that one (1) position of "Maintenance Man" be abolished.

Upon Roll Call....

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

Item No. 16b Create position of "Plumber" in Facilities Department  
This item was withdrawn.

Item No. 17 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that Ted M. Rarog of Cheektowaga, New York 14225 be hired as a part-time van driver (Job Class 0111) at a rate of \$4.25 an hour in the Department of Senior Services.

Funding Source: Account 7620.1639

Upon Roll Call....

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

Item No. 18a Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, a Chemical Agents Instructors Seminar will be held at the Smith and Wesson Academy in Springfield, Massachusetts from May 1-4, 1989, and

WHEREAS, the Chief of Police has requested permission for Sergeant Kenneth Hycner, a member of the Police Department's S.W.A.T team, to attend this seminar, and

WHEREAS, upon completion of this seminar, Sergeant Hycner will be able to train the remainder of the S.W.A.T. team, NOW, THEREFORE, BE IT

RESOLVED that Sergeant Hycner be and hereby is authorized to attend the aforementioned Chemical Agents Instructors Seminar, and BE IT FURTHER

RESOLVED that all costs involved for Sergeant Hycner's attendance at such seminar shall be paid by the Town up to a maximum of \$850.00 out of budget line item number 01191000044082, and BE IT FURTHER

RESOLVED that Sergeant Hycner be and hereby is authorized 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. 18b Motion by Councilman Jaworowicz, Seconded by Supervisor Swiatek

WHEREAS, "Magloclen" and organized crime Law Enforcement Network is sponsoring a two day seminar with co-operation from the Colonie, New York Police Department, entitled "Gypsies, Cons and Cults" from March 29-30, 1989 in Albany, New York, and

WHEREAS, the Chief of Police and Captain of Detectives have requested that Lieutenant Richard Chamberlin and Detective Dennis Gibbs be permitted to attend this seminar, and

Item No. 18b cont'd

WHEREAS, "Magloclen" will pay costs associated with Lt. Chamberlin's and Det. Gibbs' attendance at such seminar (i.e. hotel room), NOW, THEREFORE, BE IT

RESOLVED that Lieutenant Chamberlin and Detective Gibbs be and hereby are authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED that such officers shall be permitted to use a Town vehicle to travel 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. 18c Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, is a member of the New York State Division for Youth's statewide Youth Employment Advisory Council, and

WHEREAS, said advisory board and subcommittees meet on a quarterly basis in Albany, New York, and

RESOLVED that Kenneth J. Kopacz be reimbursed necessary transportation costs and expenses to attend said meetings for the year of 1989.

\* \* \* \* \*

MOTION BY SUPERVISOR SWIA TEK, SECONDED BY COUNCILMAN KAZUKIEWICZ  
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 above resolution was amended and is as follows:

\* \* \* \* \*

Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, is a member of the New York State Division for Youth's statewide Youth Employment Advisory Council, and

WHEREAS, said advisory board and subcommittees meet on a quarterly basis in Albany, New York, and

RESOLVED that Kenneth J. Kopacz be reimbursed necessary transportation costs and expenses to attend said meetings for the year of 1989, and BE IT FURTHER

RESOLVED that the cost not exceed \$900.00 chargeable to Seminars and Conferences Account, and that 50% of the cost be reimbursed by the State Division of Youth.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0



MEETING NO. 8  
March 20, 1989

Item No. 18d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that the following staff from the Adapted Recreation Program be authorized to attend a free, Therapeutic Recreation Workshop, in Rochester, New York, sponsored by the Genesee Valley Parks and Recreation Society on March 28, 1989:

--Christine Phillips

--Bonnie Lynch

--Cindy Principato

--Paul Marchewka

--Denise Bogdan

and BE IT FURTHER

RESOLVED that they be reimbursed any necessary expenses for travel and meals in conjunction with said trip, at a cost not to exceed \$100.00 overall, chargeable to Seminars and Conferences Account, and that 50% of the cost be reimbursed by the State Division of Youth.

\* \* \* \* \*

MOTION BY SUPERVISOR SWIA TEK, SECONDED BY COUNCILMAN KAZUKIEWICZ 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 above resolution was amended and is as follows:

\* \* \* \* \*

BE IT RESOLVED that the following staff from the Adapted Recreation Program be authorized to attend a free, Therapeutic Recreation Workshop, in Rochester, New York, sponsored by the Genesee Valley Parks and Recreation Society on March 28, 1989:

--Christine Phillips

--Bonnie Lynch

--Cindy Principato

--Paul Marchewka

--Denise Bogdan

and BE IT FURTHER

RESOLVED that they be reimbursed any necessary expenses for travel and meals in conjunction with said trip, at a cost not to exceed \$100.00 overall, chargeable to Seminars and Conferences Account, and that 50% of the cost be reimbursed by the State Division of Youth.

Upon Roll Call....

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

MEETING NO. 8  
March 20, 1989

Item No. 14 Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, by resolution dated September 7, 1988, Bruce R. Fenwick was appointed Coordinator of Employee Relations and was directed to move into the Town of Cheektowaga within six (6) months, and

WHEREAS, Mr. Fenwick has requested additional time to establish a residence within the Town, NOW, THEREFORE, BE IT

RESOLVED that Mr. Fenwick be given a three (3) month extension to establish residency in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that Mr. Fenwick demonstrate proof of residence to the Town Board by June 7, 1989.

\* \* \* \* \*

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

The above resolution was amended and is as follows:

\* \* \* \* \*

Motion by Councilman Kulyk, seconded by Supervisor Swiatek

WHEREAS, by resolution dated September 7, 1988, Bruce R. Fenwick was appointed Coordinator of Employee Relations and was directed to move into the Town of Cheektowaga within six (6) months, and

WHEREAS, Mr. Fenwick has requested additional time to establish a residence within the Town, NOW, THEREFORE, BE IT

RESOLVED that Mr. Fenwick be given an extension to establish residency in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that Mr. Fenwick demonstrate proof of residence to the Town Board by May 15, 1989.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 18e Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, four youths from the Adapted Recreation Program have been selected to participate in the New York State Special Olympic Basketball Competition, and

WHEREAS, the program has been requested to send chaperones to this event and whose travel and lodging expenses will be underwritten by the New York State Special Olympics, NOW, THEREFORE, BE IT

RESOLVED that the Program Coordinator, Deborah Wojtkowski and Special Olympic Director, Paulette Mecca, be authorized to attend the New York State Special Olympic Basketball Competition in Rockland County, from April 7th through April 9th, 1989.

MEETING NO. 8  
March 20, 1989

Item No.18e cont'd

Upon Roll Call....

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

Item No. 19 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board awarded the contract for Sanitary Sewer District No. 3 Sanitary Sewer System Rehabilitation, Contract No. 1 to Firstrhyme Construction Corporation, Inc. for the bid price of \$1,053,958.00, and

WHEREAS, there is a need to approve Change Order No. 2 for the Sanitary Sewer District No. 3 Sanitary Sewer Rehabilitation Project as recommended by the Town Engineer in his letter dated March 10, 1989 attached hereto and considered a part of this resolution, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 2 for the Sanitary Sewer District No. 3 Sewer System Rehabilitation Project, Contract No. 1 in the amount of \$73,870.00 as an addition to the contract of Firstrhyme Construction Corporation, Inc. be approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board be authorized and directed to sign said Change Order No. 2.

\* See next page for letter

Upon Roll Call....

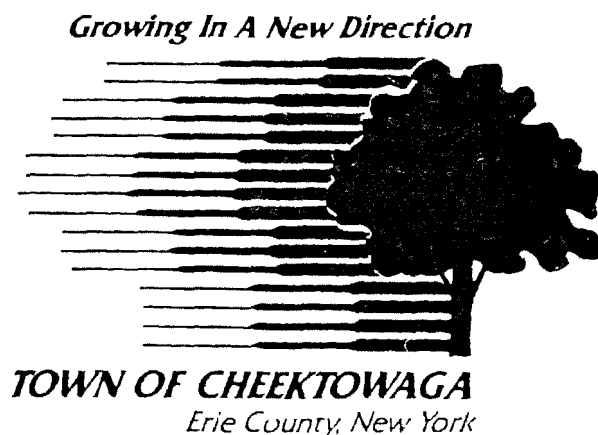
AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk  
Kazukiewicz and Solecki  
NAYES: 0  
ABSENT: 0

CHESTER L. BRYAN, P.E.  
TOWN ENGINEER

March 10, 1989

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

RE: Change Order No. 2  
Sanitary Sewer District No. 3  
Sanitary Sewer Rehabilitation  
Contract No. 1 - C-36-1290-02



Gentlemen:

We are submitting for Town Board approval, Change Order No. 2, for the Sewer District No. 3 Rehabilitation Contract held by Firsthyme Construction Corporation, Inc. Change Order No. 2, in the amount of \$73,870.00, involves the rehabilitation of a 24" diameter V.T.P. sanitary sewer beneath the Harlem Road pavement located between #1316 Harlem Road and the Parker Street intersection (MH 13 B 19 to MH 13 B 18).


The scope of work to be performed under this rehabilitation project, including the type and extent of the various repairs was established and designed based on internal video inspection performed during 1981. The contract drawings anticipated the rehabilitation of three (3) sections of 24" diameter V.T.P. sewer, at the aforesaid location, totaling 36 lineal feet, using link-pipe repair methods at a unit price of \$345.00 per lineal foot. Pre-televising this particular pipeline prior to performing the specified repair under the contract revealed further deterioration over the past several years and existing conditions not suitable for link-pipe repair, as pipe in this section was found to be cracked, deformed and structurally unsound.

In view of the fact that open cut operations were not permitted on Harlem Road, 415 lineal feet of Insituform repair lining was ordered and installed at the established contract unit price of \$178.00 per lineal foot. The Insituform repair technology, installed from manhole to manhole, specified for installation under this project for other Harlem Road locations restores structural integrity to the pipe and was installed from MH 13 B 19 to MH 13 B 18 under this contract through Change Order No. 2 to guard against potential collapse under the Harlem Road pavement and the possible consequences of such an occurrence.

Upon Town Board approval, Change Order No. 2 documentation will be submitted to the New York State Department of Environmental Conservation for approval under the Grant Reimbursement Program.

Very truly yours,

TOWN OF CHEEKTOWAGA

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

WRP:mjh

MEETING NO. 8  
March 20, 1989

Item No. 20 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:	1910-04-4711 (Contingency)	\$ 2,500.00
	1910-04-4711 (Contingency)	875.00
	1220-04-4001 (Office Supplies)	1,200.00
	5132-04-4432 (Repairs & Maintenance)	15,000.00
TO:	1910-04-4459 (Alexander St. School)	\$ 2,500.00
	7510-04-4380 (Historical Markers)	875.00
	1220-04-4431 (Equipment Maintenance)	1,200.00
	5132-02-2225 (Facility-Improvements)	15,000.00

HIGHWAY FUND

FROM:	5141-01-1412 (Laborer)	\$11,000.00
TO:	5141-01-1491 (Part-time laborer)	\$11,000.00

Upon Roll Call....

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

Item No. 21 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 March 20, 1989 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 1,818,952.69
HIGHWAY FUND	567,428.66
CAPITAL FUND	1,127,487.66
TRUST & AGENCY FUND	2,893,038.54
HUD FUND	509.59
PART TOWN FUND	23,381.84
HUD-RENTAL REHAB. FUND	9,874.05
RISK RETENTION FUND	105,729.73
DEBT SERVICE FUND	1,542,295.00
HUD-REHAB. FUND	15,024.00
SPECIAL DISTRICT FUND	2,827,414.91
	<u>\$10,941,136.67</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. 22 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the County Personnel Department has notified the Town that, pursuant to County Civil Service Rules, the Town must terminate the provisional appointee to the position of Superintendent Wastewater Pump Station, effective March 20, 1989, AND

MEETING NO. 8  
March 20, 1989

Item No. 22 cont'd

WHEREAS, as a result of such termination, a vacancy would be created in the position of Superintendent-Wastewater Pump Station, AND

WHEREAS, there is no valid civil service list available from which to choose an individual to be appointed to such position, AND

WHEREAS, Lawrence Golas, Assistant Superintendent-Wastewater Pump Station, is familiar with the duties and responsibilities of the Superintendent-Wastewater Pump Station, NOW, THEREFORE, BE IT

RESOLVED that Lawrence Golas, , Cheektowaga, New York 14227 be and hereby is appointed to the position of Superintendent-Wastewater Pump Station (Provisional), effective March 20, 1989, at a salary in accordance with the collective bargaining agreement between the Town and the Town Supervisory Unit, AND BE IT FURTHER

RESOLVED that Lawrence Golas be and hereby is granted a leave of absence from his position of Assistant Superintendent-Wastewater Pump Station, effective March 20, 1989 and until such time as the permanent status of said Lawrence Golas in the position of Superintendent-Wastewater Pump Station has been decided.

Upon Roll Call....

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

Item No. 23 Position change/Working Foreman Wastewater Pump Station  
This item was withdrawn due to lack of a second on the resolution.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Letter of resignation of Town Justice  
Received and filed.

Item No. 25a Minutes of Meeting of Cheektowaga Planning Board - February  
Received and filed.

Item No. 25b Minutes of Meeting of Traffic Safety Commission - February  
Received and filed.

V. GENERAL COMMUNICATIONS

Item No. 26a N.Y.S. Department of Trans. - Notice of Order - Access Highways  
Copies were sent to: Frank Swiatek, Supervisor; Town Board Members;  
Chris Kowal, Highway Superintendent; Robert Lis, Chief of Police.  
Received and filed.

Item No. 26b N.Y.S. Department of Trans. - Designation of Restricted Highway -  
Portion of Route 78  
Copies were sent to: Frank Swiatek, Supervisor; Town Board Members;  
Chris Kowal, Highway Superintendent; Robert Lis, Chief of Police.  
Received and filed.

MEETING NO. 8  
March 20, 1989

Item No. 27 Notice of Claim - Royalite of Buffalo/Travelers Inc. 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 and Haines, Insurance Carrier.  
Received and filed.

Item No. 28a Petition from residents of Edward Court regarding water problems  
Copies were sent to: Frank Swiatek, Supervisor; Town Board Members; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Sewer Maintenance Department.  
Received and filed.

Item No. 28b Petition from residents of Floral Place & St. Mary's Street regarding proposed rezoning at 68 Floral Place  
Copies were sent to: Frank Swiatek, Supervisor; Town Board Members; Zoning Board Members; Planning Board Members; Ron Marten, Supervising Building and Plumbing Inspector.  
Received and filed.

VI. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to suspend the rules to include the following six (6) resolutions.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk

Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 29 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by the Town Board at a bid opening on March 17th, 1989, for Topsoil for use by the Town of Cheektowaga, as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

RESOLVED that the bid for Topsoil be awarded to Custom Topsoil, Inc., 320 Crabapple Lane, Cheektowaga, New York, the lowest responsible bidder meeting specifications as set forth in the letter attached and made a part hereof.

\* See next page for letter

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

*Growing In A New Direction*



**TOWN OF CHEEKTOWAGA**  
Erie County, New York

March 17, 1989

**CHRISTOPHER J. KOWAL**  
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT  
3145 Union Road  
Cheektowaga, N. Y. 14227-1083  
(716) 686-3450  
Mobile: 863-5867

Supervisor Frank E. Swiatek  
Town Board Members  
Cheektowaga Ny 14227

Re: Award - Topsoil

Dear Town Board Members:

Whereas, bids were opened today March 17, 1989 for Topsoil to be used by the Highway Department and other departments in the Town and Custom Topsoil Inc. of 320 Crabapple Lane, Cheektowaga NY 14227 being the only responsible bidder, I recommend the bid be awarded to Custom Topsoil Inc.

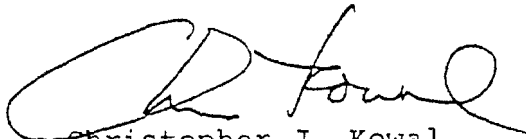
Listed below is a tabulation of bid submitted:

Regular	\$12.95 Yd. Delivered	\$ 9.00 picked-up
Screened	15.95 " "	10.50 " "
Shredded	15.95 " "	10.50 " "

Although Custom Topsoil Inc. was the only bid submitted the following companies picked up specifications and made calls to the Highway Department regarding specifications:

Buffalo Creek Landscaping Inc., RT 20A, Wales Center NY 14169  
Eastern Summit Development Inc., 535 W. Main St., Springville NY  
Mr. Lux of Eastern Summit realized he was out of the 25 mi. radius but suggested bidding delivered only.

Very truly yours,

  
Christopher J. Kowal  
Highway Superintendent

CJK;erp

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184  
Promoting Pride - Progress - Professionalism!

NO. 9

NO. 10



MEETING NO. 8  
March 20, 1989

Item No. 30 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, on May 7, 1984, the Town Board of the Town of Cheektowaga enacted an Ambulance Services Ordinance providing for the licensing of ambulance companies, drivers and attendants while operating within the Town, and

WHEREAS, Section 4A-9 of such ordinance requires that all licensees which operate an ambulance pursuant to such ordinance shall procure and maintain liability insurance in such kinds and amounts determined by the Emergency Medical Services Board (the "EMS Board"), and that the EMS Board and the Town Clerk be notified at least 30 days in advance of the event of any material alteration, cancellation or nonrenewal of such insurance, and

WHEREAS, Gold Cross Ambulance Service, Inc. ("Gold Cross") was licensed by the Town Board pursuant to such ordinance, and

WHEREAS, the Town received notification on March 16, 1989 that the excess automobile liability, general and malpractice liability, and excess umbrella liability insurances for Gold Cross were terminated effective March 7, 1989, and

WHEREAS, the EMS Board, at its meeting held on March 16, 1989, recommended that the ambulance license of Gold Cross be revoked and notified the Police/Fire Dispatch Office to take Gold Cross off of the rotation list for ambulance calls as of such date, and

WHEREAS, certificates of insurance delivered to the Town on March 20, 1989 indicate that the aforementioned terminated insurance coverages were reinstated to Gold Cross, and

WHEREAS, this Town Board wishes to have the EMS Board review the insurance certificates submitted, the lapse of insurance coverages and the insufficiency of notification of cancellation of insurance coverages on this matter, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the EMS Board to convene a special meeting to discuss and review the aforementioned matter affecting Gold Cross, and BE IT FURTHER

RESOLVED that until such matter has been reviewed by the EMS Board, the ambulance license of Gold Cross be and hereby is suspended, and BE IT FURTHER

RESOLVED that such suspension shall be effective as of March 16, 1989, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Gold Cross.

Upon Roll Call....

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

Item No. 31 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

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

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

MEETING NO. 8  
March 20, 1989

Item No. 31 cont'd

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

\* See next page for list

Upon Roll Call....

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

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
FOHL, CRAIG-JAMES	Blasdell, N.Y. 14219	Town's Ambulance	1/31/92
KOWALCZYK, DONALD W.	West Seneca, New York 14224	Town's Ambulance	12/31/91
KULLERKUPP, PEACE	Derby, NY 14047	Gold Cross Amb.	1/31/92
MILLER, BRUCE A.	Niagara Falls, NY 14305	Gold Cross Amb.	12/31/91
RUBENSTEIN, ERIC M.	Buffalo, N.Y. 14214	Town's Ambulance	12/31/91
WRZESIEN, CHRISTOPHR P.	Kenmore, N.Y. 14217	Town's Ambulance	12/31/91

MEETING NO. 8  
March 20, 1989

Item No. 32 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board entered into an agreement by resolution dated October 15, 1984 with the New York State Department of Transportation for the traffic improvement at Cayuga Creek Road and South Henry Street in front of the John F. Kennedy High School at a construction cost estimated at \$135,000.00 with the Town's share of \$8,437.50 at that time for survey and design work, and

WHEREAS, the New York State Department of Transportation sent an invoice to the Town in the amount of \$13,745.60 which increased the expected Town share of this traffic improvement project over that originally anticipated, and

WHEREAS, this project has been completed and functioning since December 1986 and satisfying the needs of providing an intersection safe for the motoring public and the JFK High School personnel, NOW, THEREFORE, BE IT

RESOLVED that approval is granted for the payment of our Town local share for the Cayuga Creek Road/South Henry Street Intersection at the increased local cost of \$13,745.60, and BE IT FURTHER

RESOLVED that the balance of funds due for payment to the New York State Department of Transportation be appropriated from Account No. 01-3310-0004-4478.

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 Jaworowicz

WHEREAS, Bernard L. Rusiniak has made application and requested a Rezoning from C-Retail Business District and R-Residential District to C-Retail Business District and RA-Apartment District on property located at 2878 and 2882 Union Road, said applicant being the owner of the above named property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 3, 1989 at 6:30 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.

*Amy C. Meyers*....., 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 .....*1*..... weeks:  
first publication.....*3-23-89*..... ;  
last publication.....*3-23-89*..... ;  
and that no more than six days intervened be-  
tween publications.

*Amy C. Meyers*.....  
Sworn to before me this .....*27<sup>th</sup>*.....  
day of .....*March*....., 19*89*.....  
.....*Lorraine Ackerman*.....

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

LORRAINE ACKERMAN  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUGUST 31, 19*89*

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by 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 3rd day of APRIL, 1989 at 6:30 o'clock, P.M. Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of BERNARD L. RUSINIAK to Rezone from C-Retail Business District & R-Residence District to C-Retail Business District & RA-Apartment District on property located at 2878-2882 UNION ROAD and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given 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: March 23, 1989

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 fifteen (15), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the west line of Union Road as a 100 foot wide road, 1327.59 feet northerly of the intersection of the westerly line of Union Road and the south line of Lot 15; thence westerly along a line at an interior angle of 88 degrees, 58', 10", and parallel with the south line of Lot 15, 799.90 feet to the east line of Map Cover No. 2198; thence northerly along the east line of Subdivision Lots 187 through 193 of Cover 2198 and at an internal angle of 91 degrees, 11', 50', 221.43 feet to a point; thence easterly at an internal angle of 88 degrees, 48', 10", and parallel with the south line of Lot 15, 800.54 feet to the west line of Union Road; thence southerly along the west line of Union Road 221.43 feet to the point or place of beginning.

MEETING NO. 8  
March 20, 1989

Item No. 34 Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, by resolutions dated June 20, 1988 and February 27, 1989, this Town Board established the Cheektowaga Veterans Memorial Committee for the purpose of honoring all U.S. war veterans, and

WHEREAS, various veterans and business groups in the Town have committed themselves to engage in fundraising activities and to donate moneys to the Town for the erection of a Veterans Memorial Monument, and

WHEREAS, a proposal has been submitted by Ralph Sirianni, artist, to construct a Veterans Memorial Monument in Town Park, and

WHEREAS, Mr. Sirianni is one of only a handful of artists having the expertise in the area of sculpting of such a monument, and

WHEREAS, Mr. Sirianni requires a \$5,000.00 retainer fee to guarantee his availability for such monument work, and

WHEREAS, the Veterans Memorial Monument will be constructed for the benefit of the Town and its residents, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the establishment of the Veterans Memorial Capital Project, and directs that an appropriate account number be given to such Project by the Director of Administration & Finance, and BE IT FURTHER

RESOLVED that the Director of Administration & Finance, in conjunction with the Budget Director, prepare an appropriate budget transfer resolution for the funding of the aforesaid account with the sum of \$5,000.00 needed for the retainer fee for Ralph Sirianni, and BE IT FURTHER

RESOLVED that this Town Board hereby approves the hiring of Ralph Sirianni, artist, for the construction of the Veterans Memorial Monument, at a cost not to exceed \$5,000.00, and BE IT FURTHER

RESOLVED that any moneys donated to the Town for the Veterans Memorial Monument shall be reimbursed to the Town out of the Trust and Agency Account established for such purpose.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 35 Motion by Councilman Johnson, Seconded by Councilman Gabryszak to adjourn the meeting.

RICHARD M. MOLESKI  
Town Clerk