MEETING NO. 7
April 2, 1990

Item No. 1 At a meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd day of April, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Ron Marten, Building & Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; Assistant Chief John Schaller, Police Department; Len Szymanski, Facilities Department;

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 69 of the Code of the Town of Cheektowaga, (Tax Exemption for Senior Citizens Ordinance) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

RESOLVED that Subsection B.(1) of Section 69-2. Conditions for exemption, shall be amended to read as follows:

§69-2. Conditions for exemption.

B. Income Range; applicabiity
(1) The percentage of exemption from town taxes shall be based on the maximum annual income range specified herein as follows:

Income Range	Percentage of Exemption
$12,025.00 or under	50%
$12,025.01 - $12,624.99	45%
$12,625.00 - $13,224.99	40%
$13,225.00 - $13,824.99	35%
$13,825.00 - $14,424.99	30%
$14,425.00 - $15,024.99	25%
$15,025.00 - $15,624.99	20%
$15,625.00 or over	0%

* *

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

Item No. 3a Motion by Councilman Kulyk Seconded by Councilman Rogowski

WHEREAS, Robert M. Chur, agent for Maplewood Properties, Inc. has petitioned for the rezoning from R-Residential District to RC-Restricted Business District of property owned by the Estate of Victor Reinstein and located at 219-225 Bennett Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such applications and has recommended approval thereof subject to the following conditions;

1. no building be constructed in the 100-year-flood plain

2. applicant provide Town with guarantee of access (i.e. easement) for maintenance of Cayuga Creek floodway

3. a final detailed landscape plan be submitted to Planning Board prior to completion of project.

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, subject to the following conditions:

1. the installation of the two yard fire hydrants and the Fire Department connection must be coordinated with Bellevue Fire Department and the Town Fire Inspector

2. Applicant must provide the Town with a drainage easement acceptable to the Town Engineer along the site's west property line.

3. Applicant must provide the Town with a "conservation easement" covering most or all of the 100-year-floodplain to allow the Town access to Cayuga Creek and to guarantee that floodplain lands remain in their natural state.

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 Maplewood Properties, Inc. for the rezoning from R-Residential District to RC-Restricted Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and the Town Environmental Advisory Committee and further subject to future site plan revision approval as per Section 82-71 of the Town Code, 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....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Rogowski and Blachowski
NAYES: 0
ABSENT: 0
ABSTAINED: Councilman Solecki

LEGAL DESCRIPTION AND AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication APR 05 1990; last publication APR 05 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 05 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

to RC-Restricted Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and the Town Environmental Advisory Committee and further subject to future site plan revision approval as per Section 82-71 of the Town Code, and BE IT FURTHER

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

LEGAL DESCRIPTION OF PARCEL TO BE REZONED

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 10 Township 11, Range 7 of the Holland Land Company's Survey, and bounded and described as follows:

BEGINNING at the point of intersection of the center line of Bennett Road with the east line of lands owned by M. Sauter, being also the west line of lands conveyed to the Bellevue Land and Improvement Company by deed recorded in Erie County Clerk's Office in Liber 932 of Deeds page 408; thence northeasterly along the center line of Bennett Road two hundred seventy-nine and fifty-six hundredths (279.56) feet to the northwest corner of lands conveyed by deed recorded in said Clerk's office in Liber 736 of Deeds page 245; thence southerly along the west line of said lands one hundred forty-eight and seventeen hundredths (148.17) feet to the southwest corner of said lands; thence northeasterly along the south line of said lands twenty-eight and six tenths (28.6) feet to the southwest corner of lands conveyed to Clara Strauss by deed recorded in said Clerk's Office in Liber 2136 of Deeds page 562; thence easterly along the south line of said deed recorded in said Clerk's Office in Liber 2136 of Deeds page 562, twenty-seven and fifty-eight hundredths (27.58) feet to the southeast corner thereof; thence northerly along the east line of said deed recorded in said Clerk's Office in Liber 2136 of Deeds at page 562 and deed recorded in said Clerk's Office in Liber 736 of Deeds page 245, one hundred sixty-three and seventeen hundredths (163.17) feet to the center line of Bennett Road; thence northeasterly along the center line of Bennett Road two hundred twenty-two and fifty-five hundredths (225.55) feet to an angle point therein; thence continuing northeasterly along the center line of Bennett Road seventy-five and thirty-nine hundredths (75.39) feet; thence southeasterly at right angles two hundred sixty (260) feet more or less to the center line of the Cayuga Creek; thence southerly along the center line of the Cayuga Creek to the south line of Lot No. 10; thence westerly along the south line of Lot No. 10, three hundred fifty-five(355) feet to the center line of the Cayuga Creek; thence northerly and westerly along the center line of the Cayuga Creek to its intersection with the west line of lands conveyed by first aforesaid deed recorded in said Clerk's Office in Liber 932 of Deeds page 408; thence northerly along said west line eight hundred sixty-four (864) feet to the center line of Bennett Road at the beginning, and including:

Parcel II

AND INCLUDING all that tract and parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 59, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at the point formed by the intersection of the northerly line of said Lot No. 59 with the center of Cayuga Creek and running thence easterly along the northerly line of said Lot No. 59 to the center of said Creek where said Creek again crosses said northerly line; thence southwesterly, westerly, northwesterly and northerly along the center of said Creek to the place of beginning,

PARCEL III

BUT EXCEPTING all that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, state of New York:

BEGINNING at a point in the centerline of Bennett Road 445.00 feet southwest of the intersection of the southwest line of premises of Boris Reinstein in Liber 1280 of Deeds at Page 180 and the centerline of Bennett Road as measured along the centerline of Bennett Road; running thence southwesterly along the centerline of Bennett Road 175.30 feet to a point in the centerline of Bennett Road; thence southeasterly at 90 degrees, 52.95 feet to a point making an interior angle of 202 degrees 48' 45" on east 60.45 feet to a point; thence making an interior angle of 189 degrees, 26' 17" on the east a distance of 148.69 feet to a point; thence making an interior angle of 184 degrees 05' 38" on the east 119.35 feet to a point; thence making an interior angle of 90 degrees on the northeast and proceeding about 213.00 feet more or less to the centerline of Cayuga Creek; thence running northerly along the centerline of Cayuga Creek about 325.5 feet more or less to a point on a line drawn at right angles to the centerline of Bennett Road at the principle point of beginning; thence northerly along said line 260.00 feet to the point or place of beginning.

Excepting therefrom the Right of Way of Bennett Road. Being 2.4 acres more or less.

PARCEL IV

AND ALSO INCLUDING all that tract or parcel of land in the Town of Cheektowaga, County of Erie and State of New York:

BEGINNING at the point of intersection of the west line of Sub Lot 39 extended southerly and parallel Hawthorne Avenue to the southerly line of Bennett Road; running thence southerly and parallel Hawthorne Avenue 120.00 feet to a point; thence northeasterly, parallel Bennett Road 28.61 feet to a point; thence easterly at 90 degrees Hawthorne Avenue 27.58 feet to a point; thence northerly and parallel Hawthorne Avenue 135.00 feet to a point on the south line of Bennet Road; thence southwesterly along the southeast line of Bennett Road 60.00 feet to the point or place of beginning.

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Blachowski Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Rogowski Voting AYE
Councilman Solecki Voting ABSTAINED

AYES: 6
NAYES: 0
ABSENT: 0
ABSTAINED 1

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on April 2, 1990, 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 3a, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of April, 1990.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 5, 1990

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 2nd day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Kulyk and Seconded by Councilman Rogowski

WHEREAS, Robert M. Chur, agent for Maplewood Properties, Inc. has petitioned for the rezoning from R-Residential District to RC- Restricted Business District of propertry owned by the Estate of Victor Reinstein and located at 219-225 Bennett Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. no building be constructed in the 100-year-flood plain

2. applicant provide Town with guarantee of access (i.e. easement) for maintenance of Cayuga Creek floodway

3. a final detailed ladscape plan be submitted to Planning Board prior to completion of project.

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, subject to the following conditions:

1. the installation of the two yard fire hydrants and the Fire Department connection must be coordinated with Bellevue Fire Department and the Town Fire Inspector

2. Applicant must provide the Town with a drainage easement acceptable to the Town Engineer along the site's west property line.

3. Applicant must provide the Town with a "conservation easement" covering most or all of the 100-year-floodplain to allow the Town access to Cayuga Creek and to guarantee that floodplain lands remain in their natural state.

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 Maplewood Properties, Inc. for the rezoning from R-Residential District

No. 8

No. 9

LEGAL DESCRIPTION OF PARCEL TO BE REZONED

PARCEL I

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the point of intersection of the center line of Bennett Road with the east line of lands owned by M. Sauter, being also the west line of lands conveyed to the Bellevue Land and Improvement Company by deed recorded in Erie County Clerk's office in liber 932 of Deeds page 408; thence northeasterly along the center line of Bennett Road two hundred seventy-nine and fifty-six hundredths (279.56) feet to the northwest corner of lands conveyed by deed recorded in said Clerk's Office in liber 736 of Deeds page 245: thence southerly along the west line of said lands one hundred forty-eight and seventeen hundredths (148.17) feet to the southwest corner of said lands: thence northeasterly along the south line of said lands twenty-eight and six tenths (28.6) feet to the southwest corner of lands conveyed to Clara Strauss by deed recorded in said Clerk's Office in liber 2136 of Deeds page 562: thence easterly along the south line of said deed recorded in said Clerk's Office in liber 2136 of Deeds page 562, twenty-seven and fifty-eight hundredths (27.58) feet to the southeast corner thereof: thence northerly along the east line of said deed recorded in said Clerk's Office in liber 2136 of Deeds page 562 and deed recorded in said Clerk's Office in liber 736 of Deeds page 245, one hundred sixty-three and seventeen hundredths (163.17) feet to the center line of Bennett Road: thence northeasterly along the center line of Bennett Road two hundred twenty-two and fifty-five hundredths (222.55) feet to an angle point therein: thence continuing northeasterly along the center line of Bennett Road seventy-five and thirty-nine hundredths (75.39) feet: thence southeasterly at right angles two hundred sixty (260) feet more or less to the center line of the Cayuga Creek: thence southerly along the center line of the Cayuga Creek to the south line of Lot No. 10: thence westerly along the south line of Lot No. 10, three hundred fifty-five (355) feet to the center line of the Cayuga Creek: thence northerly and westerly along the center line of the Cayuga Creek to its intersection with the west line of lands conveyed by first aforesaid deed recorded in said Clerk's Office in liber 932 of Deeds page 408: thence northerly along said west line eight hundred sixty-four (864) feet to the center line of Bennett Road at the point of beginning, and including:

PARCEL II

And including 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. 59, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at the point formed by the intersection of the northerly line of said Lot No. 59 with the center of Cayuga Creek and running thence easterly along the northerly line of said Lot No. 59 to the center of said Creek where said Creek again crosses said northerly line: thence southwesterly, westerly, northwesterly and northerly along the center of said Creek to the place of beginning,

PARCEL III

BUT EXCEPTING all that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, State of New York:

BEGINNING at a point in the centerline of Bennett Road 445:00 feet southwest of the intersection of the southwest line of premises of Boris Reinstein in Liber 1280 of Deeds at Page 180 and the centerline of Bennett Road as measured along the centerline of Bennett Road; running thence southwesterly along the centerline of Bennett Road 175.39 feet to a point in the centerline of Bennett Road; thence southeasterly at 90°, 52.95 feet to a point making an interior angle of 202° 48' 45" on east 60.49 feet to a point; thence making an interior angle of 189° 26' 17" on the east a distance of 148.69 feet to a point; thence making an interior angle of 184° 05' 38" on the east 119.35 feet to a point; thence making an interior angle of 90° on the northeast and proceeding about 213.00 more or less to the centerline of Cayuga Creek; thence running northerly along the centerline of Cayuga Creek about 325.5 feet more or less to a point on a line drawn at right angles to the centerline of Bennett Road at the principle point of beginning; thence northerly along said line 260.00 feet to the point or place of beginning.
Excepting therefrom the Right of Way of Bennett Road. Being 2.4 acres more or less,

PARCEL IV

AND ALSO INCLUDING all that tract or parcel of land in the Town of Cheektowaga, County of Erie and State of New York:

BEGINNING at the point of intersection of the west line of Sub Lot 39 extended southerly and parallel Hawthorne Avenue to the southerly line of Bennett Road; running thence southerly and parallel Hawthorne Avenue 120.00 feet to a point; thence northeasterly, parallel Bennett Road 28.61 feet to a point; thence easterly at 90° Hawthorne Avenue 27.58 feet to a point; thence northerly and parallel Hawthorne Avenue 135:00 feet to a point on the south line of Bennett Road; thence southwesterly along the southeast line of Bennett Road 60.00 feet to the point of place of beginning.

Item No. 3e Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, the Zoning and Petitions Committee and the Planning Board have recommended that those properties fronting on the north and south sides of Walden Avenue from the Buffalo City line to Harlem Road, as more particularly described in the attached legal description, be rezoned from CM-General Commercial District to C-Retail Business District, and

WHEREAS, a public hearing on such recommendation was held before this Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and stated that it is imperative that this entire tract be rezoned to C-Retail Business District in order to protect property values and ensure orderly and compatible future developement, 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 determinations made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED, that the rezoning from CM-General Commercial District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE LEGAL DESCRIPTION ATTACHED

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication APR 05 1990; last publication APR 05 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 05 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 2nd day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Kulyk and Seconded by Councilman Blachowski

WHEREAS, the Zoning and Petitions Committee and the Planning Board have recommended that those properties fronting on the north and south sides of Walden Avenue from the Buffalo City line to Harlem Road, as more particularly described in the attached legal description, be rezoned from CM-General Commercial District to C-Retail Business District, and

WHEREAS, a public hearing on such recommendation was held before this Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of 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 stated that it is imperative that this entire tract be rezoned to C-Retail Business District in order to protect property values and ensure orderly and compatible future development, 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 rezoning from CM-General Commercial District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey, and bounded and described as follows:

Property fronting on the north and south sides of Walden Avenue (a 66 foot wide right-of-way) and having varying depths along Walden Avenue; from the Buffalo City line (Nos. 992 and 1000 Walden Avenue) to the west side of Harlem Road (Nos. 1340 and 1351 Walden Avenue).

Such properties are further shown on a zoning map which is on file in the Cheektowaga Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York, where the same may be viewed during regular business hours.

Upon roll call.....
Supervisor Swiatek Voting AYE
Councilman Blachowski Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Rogowski Voting AYE
Councilman Solecki Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on April 2, 1990, 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 3e, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of April, 1990.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: April 5, 1990

NO. 8
NO. 9

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey, and bounded and described as follows:

Property fronting on the north and south sides of Walden Avenue (a 66 foot wide right-of-way) and having varying depths along Walden Avenue; from the Buffalo City line (Nos. 992 and 1000 Walden Avenue) to the west side of Harlem Road (Nos. 1340 and 1351 Walden Avenue).

Such properties are further shown on a zoning map which is on file in the Cheektowaga Town Clerk's Office, Town Hall, Broadway & Union Road, Cheektowaga, New York, where the same may be viewed during regular business hours.

Item No. 3c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Gerald P. Kaminski, Sr. applied for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by Robert E. Mariacher, et. al. and located on the east side of Union Road in the Gardenville Industrial Park, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the petitioner has proposed to prepare and file deed restrictions for this property to alleviate concerns about undesirable uses on the property, and

WHEREAS, this Town Board, under the State Environmental Quality Review Act ("SEQRA") and the Environmental Impact Review Ordinance of the Town of Cheektowaga, has reviewed the environmental impacts associated with this rezoning and feels that such rezoning will not have a significant effect on the environment if the proposed deed restrictions are filed, NOW, THEREFORE, BE IT

RESOLVED that this Town Board feels this rezoning will not have a significant effect on the environment and directs the Building Inspector to file a negative declaration for same with the DEC and other agencies, and BE IT FURTHER

RESOLVED that the application of Gerald P. Kaminski, Sr. for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the same is hereby granted subject to the following conditions:

1. the attached agreement be fully executed by the parties thereto and the same be filed in the Erie County Clerk's Office.
2. the zoning classification of the subject property shall revert back to M1-Light Manufacturing District in the event Gerald P. Kaminski, Sr. sells same or vacates the premises.
3. subject to compliance with Section 82-71 of the Town Code ("Zoning Ordinance") as it pertains to future site plan revisions.
4. no outside work or storage be permitted on the property.

and, BE IT FURTHER

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

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement pertaining to deed restrictions.

* *

Motion by Councilman Jaworowicz and seconded by Councilman Blachowski to table the above resolution.

*SEE NEXT PAGE FOR AGREEMENT

MARCH 15, 1990
DRAFT No. 3
FOR DISCUSSION PURPOSES ONLY

AGREEMENT

This Agreement is made as of the ___ day of ____, 1990 by ROBERT E. MARIACHER, NORMAN DiDONATO, FRANK L. CIMINELLI, EUGENE P. VUKELIC, PAUL M. NICHTER and WILLIAM NUNZ, Cheektowaga, New York 14227 (hereinafter collectively referred to as the "Declarants"), and GERALD P. KAMINSKI, Sr., Buffalo, New York 14212 (hereinafter referred to as "Kaminski") and the TOWN OF CHEEKTOWAGA, NEW YORK, a municipal corporation with offices at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 (hereinafter referred to as the "Town").

W I T N E S S E T H :

WHEREAS, the Declarants are the owners of a certain parcel of land in the Town of Cheektowaga, County of Erie and State of New York consisting of approximately 5.5 acres, which parcel of land is more particularly described in Schedule "A" annexed hereto and made a part hereof (which parcel of land is hereinafter referred to as the "Property"); and

WHEREAS, the Property, except for the westerly 250 feet thereof measured perpendicularly from Union Road, is part of certain lands and premises described as "Gardenville Industrial Park - North" in a certain declaration of restrictions made by the

WHEREAS, the Declarants desire to make provision for the orderly and efficient development of the Property and are further desirous of declaring certain restrictions with respect to the development and use of the Property for the benefit of the remaining parcels known as Gardenville Industrial Park - North as described in the Declaration of Restrictions and to prevent any use of the Property which might tend to diminish the value of same;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Each part of the Property to be subject to the Declaration of Restrictions. Prior to the transfer of title to the Property from the Declarants to Kaminski, the Declarants shall extent the force and effect of the Declaration of Restrictions so that, among other things, the same shall cover each part of the Property. The parties acknowledge and agree that the transfer of title of the Property from the Declarants to Kaminski shall, accordingly, be made subject to the Declaration of Restrictions and, in addition, to the covenants and agreements set forth herein.

2. Permitted Uses. Subject to the Declaration of Restrictions, and the covenants and agreements contained in this Agreement, the Property may be used for any purpose permitted by zoning including, but not limited to, any use permitted by Section 82-26 of the Zoning Ordinance of the Town of Cheektowaga, New York, entitled "Ml Light Manufacturing District." Subject to the other

requirements of such zoning ordinance, the Property may be used for, among other things, the following:

(i) the assembly, sale and installation of refrigeration units and accessories thereto onto commercial tractor-trailers, vans or other vehicles as well as the servicing, maintenance and repair of such refrigeration units and accessories; and

(ii) the assembly, sale, installation, repair, maintenance or servicing of truck van bodies.

3. Prohibited Uses. Notwithstanding any change in zoning of the Property from an M1 Light Manufacturing District to an M2 General Manufacturing District as currently set forth in Sections 82-26 and 82-27, respectively, the Zoning Ordinance of the Town of Cheektowaga, New York, the Property shall not be used for any of the following uses which would otherwise be permitted in an M2 General Manufacturing District:

(a) Railroad car classification yard or freight depot.

(b) Cement products manufacture.

(c) Concrete mixing plant.

(d) Processing or treatment of bituminous products.

(e) Lumber yard or coal yard.

(f) Truck terminal.

(g) Adult uses (as defined by Section 82-27(A)(1)(i) of the Zoning Ordinance of the Town of Cheektowaga, New York).

(h) Auto wrecking or storage of same.

(i) Storage or handling of junk, wastepaper, scrap iron and similar second-hand materials.

(j) Automobile laundries or automatic car wash.

(k) Landfill with any material other than soil in a natural form.

(l) Solid waste transfer station.

In addition to the foregoing, and notwithstanding any change in zoning as set forth above, the Property shall not be used for any of the following uses permitted in a "CM General Commercial District" as defined by Section 82-25 of the Zoning Ordinance of the Town of Cheektowaga, New York, which would otherwise be permitted in an M2 General Manufacturing District:

(a) Drive-in restaurant.

(b) Eating or drinking establishment.

(c) Monument sale establishment.

(d) Laundry or dry cleaning plant.

(e) Amusement enterprises.

(f) Small animal hospital.

(g) Commercial picnic grove.

(h) Amusement park.

(i) Drive-in theater.

(j) Golf driving range.

(k) Mobile home park.

(l) Used car sales.

(m) Gasoline service station.

(n) Mobile home sales.

(o) Automobile laundries or automatic car wash.

(p) New motor vehicle sales and service.

(q) Boat or marine sales and service.

(r) A public garage for purposes other than (i) the assembly, installation, sale, repair, maintenance and servicing of refrigeration units and accessories thereto as heretofore set forth or (ii) the sale, assembly, installation, repair or servicing of truck van bodies as heretofore set forth.

(s) Used car rental agency or new car rental agency.

Notwithstanding any future amendment of the aforesaid Sections 82-25 and/or 82-27 of the Zoning Ordinance of the Town of Cheektowaga, New York, the Property shall not be used for any use other than a use permitted in an M-1 Light Manufacturing District as defined by Section 82-26 of the Zoning Ordinance of the Town of Cheektowaga, New York as same now currently exists or as same may be subsequently amended, provided, however, that the following uses

previously set forth shall continue to be permitted uses for the Property:

(i) the assembly, sale and installation of refrigeration units and accessories thereto onto commercial tractor-trailers, vans or other vehicles as well as the servicing, maintenance and repair of such refrigeration units and accessories; and

(ii) the assembly, sale, installation, repair, maintenance or servicing of truck van bodies.

4. Covenants and Restrictions to Run with the Land. The covenants and restrictions set forth herein are hereby made and declared to be construed as convenants running with the land. The covenants and restrictions shall be binding upon Kaminski and his heirs, personal representatives, successors and assigns. They shall inure to the benefit of the Declarants, the remaining owners of the premises described as Gardenville Industrial Park - North in the Declaration of Restrictions and the Town.

5. Enforcement. Any breach of the foregoing stipulations, restrictions and conditions and the continuance thereof may be enjoined by the Declarants and may be abated or remedied by appropriate proceedings. In addition to the foregoing, any breach of the foregoing stipulations, restrictions and conditions and the continuance thereof may be enjoined by the Town (or otherwise enforced by the Town by any proceedings permitted for

enforcement of its Zoning Ordinance in general as same now exists or as same may be hereafter amended) and may be abated or remedied by appropriate proceedings.

6. Provision for Committee. If the Declarants shall have sold all of the land comprising the Gardenville Industrial Park - North to developers and users thereof, then, thereafter, whenever the Declarants are hereby given any right or authority of enforcement, such right and authority shall be exercised by the committee to be elected or appointed by the owners of the majority of the acreage in the Gardenville Industrial Park - North (which shall include the Property in its entirety) as set forth in the Declaration of Restrictions and such committee shall then have the same powers, rights and authority as said Declarants have herein.

7. No Release of Restrictions. The restrictions set forth herein may not be released, altered or modified by the parties and/or the parties for whom these restrictions are intended to benefit (i.e., the users of the property described as the "Gardenville Industrial Park-North" in the Declaration of Restrictions) without the written consent of the Town provided by the Town Supervisor in accordance with authority granted to him pursuant to a resolution duly adopted by the the Town Board of the Town of Cheektowaga, New York.

IN WITNESS WHEREOF, the parties have executed and

acknowledged this Agreement as of the day and year hereinabove set forth.

DECLARANTS:

Gerald P. Kaminski, Sr.

Robert E. Mariacher

Norman DiDonato

TOWN OF CHEEKTOWAGA, NEW YORK

By _____
Frank Swiatek, Supervisor

Frank L. Ciminelli

Eugene P. Vukelic

Paul M. Nichter

William Nunz

DRAFT
FOR DISCUSSION
PURPOSES ONLY

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Gerald P. Kaminski, Sr., to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Robert E. Mariacher, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Norman DiDonato, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Frank L. Ciminelli, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Eugene P. Vukelic, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Paul M. Nichter, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared William Nunz, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this ____ day of _____, 1990, before me personally came Frank Swiatek, who being by me duly sworn, did depose and say that he resides at _____, Cheektowaga, New York, that he is the Town Supervisor of the Town of Cheektowaga, New York, the municipal corporation described in and which executed the within instrument; that he executed the within instrument pursuant to an order of the Town Board and that he signed his name thereto by like order.

_____
Notary Public

Item No. 3d Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Gerald P. Kaminski, Sr. applied for a Special Permit for sales and service of refrigeration units onto transport trailers and sales and installation of custom bodies onto trailers on property located on the east side of Union Road in the Gardenville Industrial Park, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the petitioner has proposed to prepare and file deed restrictions for this property to alleviate concerns about undesirable uses on the property, and

WHEREAS, this Town Board, under the State Environmental Quality Review Act ("SEQRA") and the Environmental Impact Review Ordinance of the Town of Cheektowaga, has reviewed the environmental impacts associated with this rezoning and feels that such special permit will not have a significant effect on the environment if the proposed deed restrictions are filed, NOW, THEREFORE, BE IT

RESOLVED that this Town Board feels this special permit will not have a significant effect on the environment and directs the Building Inspector to file a negative declaration for same with the DEC and other agencies, and BE IT FURTHER

RESOLVED that said special permit be and hereby is granted subject to the following conditions:

1. the attached agreement be fully executed by the parties thereto and the same be filed in the Erie County Clerk's Office.
2. the zoning classification of the subject property shall revert back to M1-Light Manufacturing District in the event Gerald P. Kaminski, Sr. sells same or vacates the premises.
3. subject to compliance with Section 82-71 of the Town Code ("Zoning Ordinance") as it pertains to future site plan revisions.
4. no outside work or storage be permitted on the property.

and, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement pertaining to deed restrictions.

* *

Motion by Councilman Jaworowicz and seconded by Councilman Blachowski to table the above resolution.

*SEE NEXT PAGE FOR AGREEMENT

MARCH 15, 1990

DRAFT No. 3

FOR DISCUSSION PURPOSES ONLY

AGREEMENT

This Agreement is made as of the ___ day of ____, 1990 by ROBERT E. MARIACHER, NORMAN DiDONATO, FRANK L. CIMINELLI, EUGENE P. VUKELIC, PAUL M. NICHTER and WILLIAM NUNZ, Cheektowaga, New York 14227 (hereinafter collectively referred to as the "Declarants"), and GERALD P. KAMINSKI, Sr., Buffalo, New York 14212 (hereinafter referred to as "Kaminski") and the TOWN OF CHEEKTOWAGA, NEW YORK, a municipal corporation with offices at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 (hereinafter referred to as the "Town").

W I T N E S S E T H :

WHEREAS, the Declarants are the owners of a certain parcel of land in the Town of Cheektowaga, County of Erie and State of New York consisting of approximately 5.5 acres, which parcel of land is more particularly described in Schedule "A" annexed hereto and made a part hereof (which parcel of land is hereinafter referred to as the "Property"); and

WHEREAS, the Property, except for the westerly 250 feet thereof measured perpendicularly from Union Road, is part of certain lands and premises described as "Gardenville Industrial Park - North" in a certain declaration of restrictions made by the

Declarants as of the 28th day of July, 1987 and recorded on the 29th day of July, 1987, in the Erie County Clerk's Office in Liber 9744 of Deeds at Page 37 (which declaration of restrictions is hereinafter referred to as the "Declaration of Restrictions"); and

WHEREAS, Kaminski has entered into a contract with the Declarants for the purchase of the Property and intends to construct a building on the westerly 250 feet of the Property measured perpendicularly from the westerly line thereof, which portion of the Property is currently not subject to the Declaration of Restrictions or within the property described therein as "Gardenville Industrial Park - North"; and

WHEREAS, Kaminski has sought to have the Property rezoned from an M1 Light Manufacturing District to an M2 General Manufacturing District as described in Sections 82-26 and 82-27, respectively, of the Zoning Ordinance of the Town of Cheektowaga, New York, as amended; and

WHEREAS, the purpose of the rezoning sought by Kaminski is to enable him and his successors and assigns to utilize the Property for, among other things, the following:

(i) the assembly, sale and installation of refrigeration units and accessories thereto onto commercial tractor-trailers, vans and other vehicles as well as the servicing, maintenance and repair of such refrigeration units and accessories; and

(ii) the sale and installation of truck van bodies and the servicing, repair and maintenance of same;

WHEREAS, the Declarants desire to make provision for the orderly and efficient development of the Property and are further desirous of declaring certain restrictions with respect to the development and use of the Property for the benefit of the remaining parcels known as Gardenville Industrial Park - North as described in the Declaration of Restrictions and to prevent any use of the Property which might tend to diminish the value of same;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Each part of the Property to be subject to the Declaration of Restrictions. Prior to the transfer of title to the Property from the Declarants to Kaminski, the Declarants shall extent the force and effect of the Declaration of Restrictions so that, among other things, the same shall cover each part of the Property. The parties acknowledge and agree that the transfer of title of the Property from the Declarants to Kaminski shall, accordingly, be made subject to the Declaration of Restrictions and, in addition, to the covenants and agreements set forth herein.

2. Permitted Uses. Subject to the Declaration of Restrictions, and the covenants and agreements contained in this Agreement, the Property may be used for any purpose permitted by zoning including, but not limited to, any use permitted by Section 82-26 of the Zoning Ordinance of the Town of Cheektowaga, New York, entitled "M1 Light Manufacturing District." Subject to the other

requirements of such zoning ordinance, the Property may be used for, among other things, the following:

(i) the assembly, sale and installation of refrigeration units and accessories thereto onto commercial tractor-trailers, vans or other vehicles as well as the servicing, maintenance and repair of such refrigeration units and accessories; and

(ii) the assembly, sale, installation, repair, maintenance or servicing of truck van bodies.

3. Prohibited Uses. Notwithstanding any change in zoning of the Property from an M1 Light Manufacturing District to an M2 General Manufacturing District as currently set forth in Sections 82-26 and 82-27, respectively, the Zoning Ordinance of the Town of Cheektowaga, New York, the Property shall not be used for any of the following uses which would otherwise be permitted in an M2 General Manufacturing District:

(a) Railroad car classification yard or freight depot.

(b) Cement products manufacture.

(c) Concrete mixing plant.

(d) Processing or treatment of bituminous products.

(e) Lumber yard or coal yard.

(f) Truck terminal.

(g) Adult uses (as defined by Section 82-27(A)(1)(i) of the Zoning Ordinance of the Town of Cheektowaga, New York).

(h) Auto wrecking or storage of same.

(i) Storage or handling of junk, wastepaper, scrap iron and similar second-hand materials.

(j) Automobile laundries or automatic car wash.

(k) Landfill with any material other than soil in a natural form.

(l) Solid waste transfer station.

In addition to the foregoing, and notwithstanding any change in zoning as set forth above, the Property shall not be used for any of the following uses permitted in a "CM General Commercial District" as defined by Section 82-25 of the Zoning Ordinance of the Town of Cheektowaga, New York, which would otherwise be permitted in an M2 General Manufacturing District:

(a) Drive-in restaurant.

(b) Eating or drinking establishment.

(c) Monument sale establishment.

(d) Laundry or dry cleaning plant.

(e) Amusement enterprises.

(f) Small animal hospital.

(g) Commercial picnic grove.

(h) Amusement park.

(i) Drive-in theater.

(j) Golf driving range.

(k) Mobile home park.

(l) Used car sales.

(m) Gasoline service station.

(n) Mobile home sales.

(o) Automobile laundries or automatic car wash.

(p) New motor vehicle sales and service.

(q) Boat or marine sales and service.

(r) A public garage for purposes other than (i) the assembly, installation, sale, repair, maintenance and servicing of refrigeration units and accessories thereto as heretofore set forth or (ii) the sale, assembly, installation, repair or servicing of truck van bodies as heretofore set forth.

(s) Used car rental agency or new car rental agency.

Notwithstanding any future amendment of the aforesaid Sections 82-25 and/or 82-27 of the Zoning Ordinance of the Town of Cheektowaga, New York, the Property shall not be used for any use other than a use permitted in an M-1 Light Manufacturing District as defined by Section 82-26 of the Zoning Ordinance of the Town of Cheektowaga, New York as same now currently exists or as same may be subsequently amended, provided, however, that the following uses

previously set forth shall continue to be permitted uses for the Property:

(i) the assembly, sale and installation of refrigeration units and accessories thereto onto commercial tractor-trailers, vans or other vehicles as well as the servicing, maintenance and repair of such refrigeration units and accessories; and

(ii) the assembly, sale, installation, repair, maintenance or servicing of truck van bodies.

4. Covenants and Restrictions to Run with the Land. The covenants and restrictions set forth herein are hereby made and declared to be construed as convenants running with the land. The covenants and restrictions shall be binding upon Kaminski and his heirs, personal representatives, successors and assigns. They shall inure to the benefit of the Declarants, the remaining owners of the premises described as Gardenville Industrial Park - North in the Declaration of Restrictions and the Town.

5. Enforcement. Any breach of the foregoing stipulations, restrictions and conditions and the continuance thereof may be enjoined by the Declarants and may be abated or remedied by appropriate proceedings. In addition to the foregoing, any breach of the foregoing stipulations, restrictions and conditions and the continuance thereof may be enjoined by the Town (or otherwise enforced by the Town by any proceedings permitted for

enforcement of its Zoning Ordinance in general as same now exists or as same may be hereafter amended) and may be abated or remedied by appropriate proceedings.

6. Provision for Committee. If the Declarants shall have sold all of the land comprising the Gardenville Industrial Park - North to developers and users thereof, then, thereafter, whenever the Declarants are hereby given any right or authority of enforcement, such right and authority shall be exercised by the committee to be elected or appointed by the owners of the majority of the acreage in the Gardenville Industrial Park - North (which shall include the Property in its entirety) as set forth in the Declaration of Restrictions and such committee shall then have the same powers, rights and authority as said Declarants have herein.

7. No Release of Restrictions. The restrictions set forth herein may not be released, altered or modified by the parties and/or the parties for whom these restrictions are intended to benefit (i.e., the users of the property described as the "Gardenville Industrial Park-North" in the Declaration of Restrictions) without the written consent of the Town provided by the Town Supervisor in accordance with authority granted to him pursuant to a resolution duly adopted by the the Town Board of the Town of Cheektowaga, New York.

IN WITNESS WHEREOF, the parties have executed and

acknowledged this Agreement as of the day and year hereinabove set forth.

DECLARANTS:

Gerald P. Kaminski, Sr.

Robert E. Mariacher

Norman DiDonato

TOWN OF CHEEKTOWAGA, NEW YORK

By
Frank Swiatek, Supervisor

Frank L. Ciminelli

Eugene P. Vukelic

DRAFT
FOR DISCUSSION
PURPOSES ONLY

Paul M. Nichter

William Nunz

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Gerald P. Kaminski, Sr., to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Robert E. Mariacher, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Norman DiDonato, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Frank L. Ciminelli, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Eugene P. Vukelic, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared Paul M. Nichter, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this _____ day of _____, 1990, before me, the subscriber, personally appeared William Nunz, to me known and known to me to be the individual described in and who executed the within instrument and he acknowledged to me that he executed the same.

_____
Notary Public

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

On this ____ day of _____, 1990, before me personally came Frank Swiatek, who being by me duly sworn, did depose and say that he resides at _____, Cheektowaga, New York, that he is the Town Supervisor of the Town of Cheektowaga, New York, the municipal corporation described in and which executed the within instrument; that he executed the within instrument pursuant to an order of the Town Board and that he signed his name thereto by like order.

_____
Notary Public

SCHEDULE "A" TO AGREEMENT

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York and being part of lots 88 and 114, Township 11, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

BEGINNING AT A POINT on the south line of a 100.00 foot wide easement granted to New York State Electric & Gas Corporation by instrument recorded in the Erie County Clerk's Office in Liber 7433 of Deeds at page 267 (said line also being the monumented center line of the Gardenville branch of the Penn Central Rail Company) at the intersection of said south line of said easement with the present easterly line of Union Road;

RUNNING THENCE: N-40°-43'-29"-E and along the said south line of the said easement granted to New York State Electric & Gas Corporation a distance of 603.65 feet to the southwesterly corner of premises conveyed by Robert E. Mariacher, et al. to the Erie County Industrial Development Agency pursuant to a deed recorded in the Erie County Clerk's Office in Liber 9744 of Deeds at page 46;

RUNNING THENCE: N-02°-24'-53"-E and along the westerly line of the premises so conveyed to the Erie County Industrial Development Agency a distance of 379.58 feet to a point which is also the southeasterly corner of premises conveyed by Robert E. Mariacher, et al. to Richard O. Hopkins and William J. Regan, Jr. pursuant to a deed recorded in the Erie County Clerk's Office in Liber 10108 of deeds at page 135;

RUNNING THENCE: N-87°-35'-07"-W and perpendicular to the last described course and along the southerly line of the premises so conveyed to Richard O. Hopkins and William J. Regan, Jr. a distance of 377.99 feet to a point in the east line of Union Road;

RUNNING THENCE: southerly along the east line of Union Road a distance of 861.98 feet more or less to the point or place of beginning.

* At 7:40 p.m. the Board went into an Executive Session to discuss Item 3B and returned at 8:04 p.m.

Item No. 3b Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, Corsi DeVincentis, Inc. applied for a Special Permit for the display and sale of used trucks and automobiles on property located at 1989 Harlem Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 5th day of February, 1990 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following:

1. no display of any trucks or vehicles in any designated green area, and
2. strict adherence to the landscape plan and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 1989 Harlem Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided that drainage of the side is approved by the Town Engineer and

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

NOW, THEREFORE, BE IT RESOLVED that the Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

* *

MOTION BY COUNCILMAN ROGOWSKI AND SECONDED BY COUNCILMAN KULYK TO FILE A SUBSTITUTE RESOLUTION STATING THE FOLLOWING AMENDMENTS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Kulyk, Rogowski and Blachowski
NAYES: Councilman Gabryszak and Solecki
ABSENT: 0

SUBSTITUTE RESOLUTION

Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, Corsi DeVincentis, Inc. applied for a Special Permit for the display and sale of used trucks and automobiles on property located at 1989 Harlem Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 5th day of February, 1990 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following:

Item No. 3b continued

1. no display of any trucks or vehicles in any designated green area, and
2. strict adherence to the landscape plan and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 1989 Harlem Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided that drainage of the side is approved by the Town Engineer and

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

NOW, THEREFORE, BE IT RESOLVED that the Special Permit be and hereby is granted subject to the following:

1. no display of any trucks or vehicles in any designated green area,
2. drainage of the site is approved by the Town Engineer
3. additional landscaping as approved by the Planning Board
4. only employee and customer parking be allowed north of the existing building; display of vehicles for sale shall be located only on the south side of the building
5. parking/storage of vehicles to be repaired shall be allowed only east of the rear of the existing building.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Kulyk, Rogowski and Blachowski
NAYES: Councilman Gabryszak and Solecki
ABSENT: 0

* SEE LEGAL DESCRIPTION NEXT PAGE

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication APR 05 1990; last publication APR 05 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 05 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

3. Additional landscaping as approved by the Planning Board

4. only employee and customer parking be allowed north of the existing building; display of vehicles for sale shall be located only on the south side of the building

5. parking/storage of vehicles to be repaired shall be allowed only east of the rear of the existing building.

ALL THAT TRACE OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being a 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 easterly line of Harlem Road, as conveyed to the County of Erie by deed recorded in Erie County Clerk's Officein Liber 3084 of deeds at page 11, at the northwest corner of lands conveyed to Wilfred E. Schultz and Beatrice M., his wife, by deed recorded in said Clerk's Office in Liber 9020 of deeds at page142; thence easterly along the north line of lands conveyed to Schultz by aforesaid deed, ninety-seven (97) feet to the northeast corner thereof; thence southerly along the east line of lands conveyed to Schultz by aforesaid deed, six and seventy-two hundredths (6.72) feet to the northwest corner of lands conveyed to Wilfred Schultz by deed recorded in said Clerk's Office in Liber 9313 of Deeds at page 235; thence easterly along the north line of lands so conveyed to Schultz by last mentioned deed, sixty and two hundredths (60.02) feet to the northeast corner thereof; thence southerly along the east line of lands so conveyed to Schultz by last mentioned deed, sixty-six and six hundredths (66.06) feet to the southeast corner thereof, said southeast corner being a point in the north line of lands conveyed to Wilfred E. Scuultz by deed recorded in said Clerk's Office in Liber 9013 of Deeds at page 494; thence easterly along the north line of lands so conveyed to Schultz by last mentioned deed, one hundred eighty-three and four tenths (183.4) feet to a point in the west line of lands conveyed to Wilfred E. Schultz by deed recorded in said Clerk's Office in Liber 7307 of deeds at page 639; thence southerly along the east line of lands so conveyed to Schultz by last mentioned deed, three hundred ninety-five and four hundredths (395.04) feet to the northeast corner of lands conveyed to P&G Steel Products Co., Inc. by deed recorded in said Clerk's Office in Liber 9037 of Deeds at page 369; thence westerly along the north line of lands so conveyed by last mentioned deed, two hundred forty-three and twenty-two hundredths (243.22) feet to the northwest corner thereof, said northwest corner being a point in the east line of lands conveyed to Henry Newman by deed recorded in said Clerk's Office in Liber 4009 of Deeds at page 404; thence northerly along the east line of lands so conveyed by last mentioned deed, two and seven hundredths (2.07) feet to the southeast corner of lands so conveyed to Schultz by aforesaid deed recorded in said Clerk's Office in Liber 9020 of deeds at page 142; thence westerly along the south line of lands so conveyed by last mentioned deed, about one hundred eighty-three and ninety-three hundredths (183.93) feet to the southwest corner thereof, said southwest corner being a point in the said easterly line of Harlem Road; thence northerly along the said easterly line of Harlem Road, about four hundred sixty-three and eleven hundredths (463.11) feet to the point of beginning.

EXCEPTING THEREFROM lands appropriated by the State of New York by deed recorded in Erie County Clerk's Office in Liber 9000 of Deeds at page 57.

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 2nd day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by: Councilman Rogowski
Seconded by Councilman Kulyk

WHEREAS, Corsi DeVincentis, Inc. applied for a Special Permit for the display and sale of used trucks and automobiles on property located at 1989 Harlem Road, Cheektowaga, New York pursuant to section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 5th day of February, 1990 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following:

1. no display of any trucks or vehicles in any designated green area, and

2. strict adherence to the landscape plan, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga,: has also duly considered the application for the Special Permit for the above-referenced property located at 1989 Harlem Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided that drainage of the side is approved by the Town Engineer, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee, NOW, THEREFORE, BE IT RESOLVED that the Special Permit be and hereby is granted subject to the following:

1. no display of trucks or vehicles in any designated green area,

2. drainage of the site is approved by the Town Engineer

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting NAYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting NAYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE

AYES:5
NAYES: 2
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on April 2, 1990, 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 3b, inclusive, of said book

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of April, 1990.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 5, 1990

point in the west line of lands conveyed to Wilfred E. Schultz by deed recorded in said Clerk's Office in Liber 7307 of Deeds at page 639: thence southerly along the east line of lands so conveyed to Schultz by last mentioned deed, three hundred ninety-five and four hundredths (395.04) feet to the northeast corner of lands conveyed to P&G Steel Products Co., Inc. by deed recorded in said Clerk's Office in Liber 9037 of Deeds at page 369: thence westerly along the north line of lands so conveyed by last mentioned deed, two hundred forty-three and twenty-two hundredths (243.22) feet to the northwest corner thereof, said northwest corner being a point in the east line of lands conveyed to Henry Newman by deed recorded in said Clerk's Office in liber 4009 of Deeds at page 404: thence northerly along the east line of lands so conveyed by last mentioned deed, two and seven hundredths (2.07) feet to the southeast corner of lands so conveyed to Schultz by aforesaid deed recorded in said Clerk's Office in Liber 9020 of Deeds at page 142: thence westerly along the south line of lands so conveyed by last mentioned deed, about one hundred eighty-three and ninety-three hundredths (183.93) feet to the southwest corner thereof, said southwest corner being a point in the said easterly line of Harlem Road: thence northerly along the said easterly line of Harlem Road, about four hundred sixty-three and eleven hundredths (463.11) feet to the point of beginning.

EXCEPTING THEREFROM lands appropriated by the State of New York by deed recorded in Erie County Clerk's Office in Liber 9000 of Deeds at page 57.

LI 010050 P 255

ALL THAT TRACE 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:-

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Item No. 4 Motion by Councilman Rogowski Seconded by Councilman Blachowski

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 16, 1990 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 5th day of April, 1990, said amendments being set forth in the Notice of Hearing.

* *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 16, 1990 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 IV

Traffic Control Signals

Section 76-40, Installation, maintenance and operation of traffic control signals shall be amended by adding thereto the following:

A. Traffic control signal shall be installed, maintained and operated as follows:

(56) Establish traffic control signal on Galleria Drive West Service Road at its intersection with Galleria Drive as follows:

Galleria Drive at West Ring Road of the Walden Galleria Shopping Mall
a. Variable automatic - 3 sections - first section, 1 side - 3 lights facing east; second section, 3 sides - 3 lights facing east, west, and south; third section, 2 sides - 3 lights facing west and south.
b. Vehicles detectors located on the West Ring Road.
c. Normal operation - semi-automatic traffic control signal.
d. Activation of vehicle detectors allows vehicular traffic to exit West Ring Road.

ARTICLE VIII

Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street	Direction	Entrance Street	Traffic Stops	Sign Location
Elaine Court	Northeast	Lochland Drive	Northbound	S.E. Corner
Elaine Court	Northeast	Lochland Drive	Southbound	N.W. Corner

ARTICLE X

Parking, Standing and Stopping

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

Item No. 4 continued

C. No parking here to corner

NAGEL DRIVE	East side	from the north curbline of North Creek Drive northerly 75 feet to a point.

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

DATED: April 2, 1990

RICHARD M. MOLESKI
Town Clerk

* *

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication APR 05 1990; last publication APR 05 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 05 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
OF PUBLIC HEARING

TAKE NOTICE that the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on April 16, 1990 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 IV
TRAFFIC CONTROL SIGNALS

Section 76-40. Installation, maintenance and operation of traffic control signals shall be amended by adding thereto the following:

A. Traffic control signal shall be installed, maintained and operated as follows:

(56) Establish traffic control signal on Galleria Drive West Service Road at its intersection with Galleria Drive as follows:

Galleria Drive at West Ring Road of the Walden Galleria Shopping Mall

a. Variable automatic-3sections-first section, 1 side-3 lights facing east; second section, 3 sides - 3 lights facing east, west, and south; third section, 2 sides - 3 lights facing west and south.

b. Vehicles detectors located on the West Ring Road.

c. Normal operation - semi-automatic traffic control signal.

d. Activation of vehicle detectors allows vehicular traffic to exit West Ring Road.

ARTICLE VIII
STOP AND YIELD INTERSECTIONS

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street: Elaine Court
Direction; Northeast
Entrance Street: Lochland Drive
Traffic Stops: Northbound
Sign Location: S.E. Corner

Street: Elaine Court
Direction: Northeast
Entrance Street: Lochland Drive
Traffic Stops: Southbound
Sign Location : N.W. Corner

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

NAGEL DRIVE
East side
from the north curbline of North Creek Drive northerly 75 feet to a point.

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 5, 1990 & April 12, 1990

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

WHEREAS, by resolution dated March 19, 1990, this Town Board awarded bids for the furnishing of modular office furniture and partitions for various departments, and

WHEREAS, such resolution should have also stated, as part of the bid award for Division A, as per the bid specifications, that future purchases (1990, 1991 and 1992) were also to be awarded to Macke Business Products in accordance with the bid tabulation and report attached to such resolution, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned bid award resolution dated March 19, 1990 be and hereby is amended by adding thereto at the end of Division A and prior to Division B of the first "RESOLVED" paragraph thereof the following:

"The bid for future purchases (1990, 1991 and 1992) for items under this Division A is also awarded to Macke Business Products as per the bid documents submitted by Macke Business Products as summarized on the attached tabulation and report."

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE TABULATION AND REPORT ATTACHED

WORKSTATIONS/PARTITIONS/OFFICE FURNITURE
VARIOUS DEPARTMENTS

	DIVISION A	J L N	MACKE	SENECA BLUE
		(Total Cost Including Installation)		
Item I	Youth Bureau	$30,225.60	$31,995.00	
2	Recreation	15,227.52	14,729.00	
3	Engineering	21,132.48	23,307.00	
4	Manpower	3,511.20	4,360.00	
5	Bldg & Plbg	4,228.80	5,011.00	
6	Council	14,445.60	13,773.00	
7	Sr. Citizens	1,246.00	2,131.00	
	Total	$90,017.20	$95,306.00	
	Delivery	60 days	28-56 days	
	Disc. given	52% off list	60% off list-panels 55% off list-filing	
	Future Instal.	3% list price	4% list price	
	Future Discounts	50, 51, 52, 53%	50, 52, 55% negot.	
	DIVISION B			
Item I	Conf. Chairs	$150.00	$ 85.00	
2	Conf. Table 8'	205.33	210.00	
3	Conf. Table 10'	265.88	277.00	
4	W.S. Chairs	169.18	322.00	
5	Vert. File Cabs.	210.84	220.00	
6	Drft. Tables	954.88	1306.00	$595.00
7	Work Tables	176.26	192.00	223.30
8	Desk, Cred, Bookcase	1725.20	2398.00	
9	Sec. Chairs	136.26	212.00	
10	Exec. Chair	281.89	278.00	
11	Conf. End Table	74.03	69.00	79.80
12	Conf. Mag. Table	92.98	87.00	100.80
12A	Office Mag. Table	213.13	260.00	
13	Clocks	62.67	55.00	59.50
14	Wastebaskets	27.83	16.63	21.00
15	Audio Visual Cab.	311.78	563.00	573.30
16	Message Board	337.13	197.00	220.50
17	Round Conf. Table	210.23	197.00	246.00

Item No. 5b Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, by resolution dated March 19, 1990 (Item No. 6.1.), this Town Board awarded Property insurance to Clauss and Company and American Home Insurance Company for an annual cost of $39,540, and

WHEREAS, the annual cost should have been listed at $39,600 instead of $39,540, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned March 19, 1990 resolution be and hereby is amended to provide that the annual cost for the Property insurance is $39,600.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 5c Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, resolution of this Town Board on March 5, 1990 appointed three (3) persons to the position of Pump Operator off the competitive Civil Service list for said position, AND

WHEREAS, the effective date of Robert Kubiak's appointment was not until March 19, 1990 and the effective dates of appointment for Jon Nichy and Taras Kulyk were March 5, 1990 and that the said Jon Nichy and Taras Kulyk were previously serving in such positions as a result of provisional appointments, AND

WHEREAS, to comply with the rules and regulations of the Erie County Department of Personnnel, it is necessary for such resolution to be amended as follows, NOW, THEREFORE, BE IT

RESOLVED that the effective dates of permanent appointment to the position of Pump Operator for Jon Nichy and Taras Kulyk be March 19, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, by resolution dated March 19, 1990, this Town Board awarded a bid for Planing and Texturizing Existing Pavement to Municipal Milling and Mix-in-Place, 9091 Erie Road, Angola, New York, and

WHEREAS, the County of Erie just awarded its 1990 bid for Planing and Texturizing Existing Pavement to Municipal Milling and Mix-in-Place for a lower price that the Town bid award, and

WHEREAS, the Town of Cheektowaga, under State law, may utilize a County awarded contract in lieu of awarding a bid for same, and

WHEREAS, Municipal Milling and Mix-in-Place has agreed to have the Town utilize the County contract prices for Planing and Texturizing Existing Pavement, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned bid award resolution dated March 19, 1990 be and hereby is rescinded, and BE IT FURTHER

RESOLVED that the Town of Cheektowaga elects to purchase Planing and Texturizing Existing Pavement from Municipal Milling and Mix-in-Place through the 1990 County contract for same.

Item No. 6 continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Gabryszak Seconded by Councilman Rogowski

BE IT RESOLVED that the following recreational fees be established effective April 2, 1990 and to be reviewed on an annual basis.

HOCKEY PROGRAM PER PARTICIPANT FOR 1990 - 1991 SEASON

- Mini Mites	$165.00
- Mites	$175.00
- Squirts	$190.00
- Pee Wees	$200.00
- Bantams	$225.00
- Midgets	$275.00
- Senior Women	$175.00

- Non-resident fee $100.00 per player additional

- Try-out fee $3.00

- Novice $10.00 registration fee - $50.00 for Session I
$50.00 for Session II

ICE RENTAL PER HOUR

$90.00 Prime Time
$60.00 Non-Prime Time

FIGURE STAKE LESSONS

$2.00 per session

PUBLIC SKATE

Children	$1.00	(Senior Citizens - exempt)
Adults	$2.00	
Child Guest	$2.00	
Adult Guest	$2.50	

I.D. CARDS

Children	$2.00
Adults	$4.00

POOL VISITOR PASS

$1.00 per person

GYMNASTICS

$10.00 Per participant

INDOOR SOCCER PER TEAM

$150.00 (Non-resident fee $7.50 per player additional)

INDOOR SOCCER FIELD RENTAL

$25.00 per hour

Item No. 7 continued

INSTRUCTIONAL SOCCER

$25.00 Per participant
$15.00 Second family member
$30.00 Per non-resident

PRE-SCHOOL CLASSES

$25.00 Per participant

SOFTBALL

Men's and Women's leisure, fast pitch $110.00
Classic $125.00

DIAMOND RENTAL

$14.00 per game
$25.00 per lighted diamond

Other fees and charges for special events, contests, field trips or special programs to be established by the Recreation Department on a cost effective basis.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga is desirous of providing a safe and healthy place of employment for its employees, AND

WHEREAS, Public Health Law, Section 1399-O, requires the adoption of a written smoking policy for the place of employment of Town employees, AND

WHEREAS, such policy must be adopted effective April 1, 1990, NOW, THEREFORE, BE IT

RESOLVED that the following smoking policy is adopted for places of employment for the employees of the Town of Cheektowaga effective April 1, 1990:

SMOKING POLICY OF THE TOWN OF CHEEKTOWAGA

Smoking is prohibited in all indoor places of employment of Town employees under the jurisdiction and control of the Town of Cheektowaga, except in those areas specifically designated for smoking.

Smoking is permitted in an enclosed office occupied by a person who smokes or if it is occupied by more than one person, provided all persons in that office consent to smoking.

Smoking is not permitted in any conference room or meeting room or in any enclosed private office unless all persons in such place consent to smoking.

No person or employee shall carry a lighted cigarette, cigar or pipe or other smoking material in any indoor hallway, passage or other common area while walking through such area.

Smoking shall be prohibited in auditoriums, gymnasiums, restrooms, elevators, classrooms, hallways, employee medical facilities and rooms or areas which contain photocopying equipment or other office equipment used in common, and in Town vehicles occupied by more than one person, unless the occupants of such vehicle agree that smoking may be permitted.

Item No. 8 continued

Employee lunch rooms and lounges will contain non-smoking areas as designated by the Town Board to meet employee demand.

Smoking areas will be designated by the Town Board for employees who wish to smoke. Such smoking areas will be clearly marked by a sign "Smoking Permitted".

The Superintendent of Highway shall designate in the highway garage or other building in which Town Highway employees work, a specific enclosed smoking area (if required) clearly marked by a sign "Smoking Permitted".

The smoking policy in the Town courts shall be as promulgated by the Office of Court Administration.

Employees are encouraged to present any concerns to their immediate supervisor and/or the Town Supervisor, and, if necessary, may register complaint with the County enforcement officer.

A copy of this policy shall be posted upon Town bulletin boards in each separate building in which Town employees work.

Employees found smoking outside a designated smoking area may be considered to be in violation of this policy and may be subject to the penalty prescribed by the State Commissioner of Health.

The Town Attorney and Deputy Town Attorney shall be designated as agents to assist in the enforcement of this policy by notifying employees who are in violation.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, pursuant to Article 9 of the Town Law of the State of New York, the Town adopted an ordinance describing how sidewalks shall be built in the Town of Cheektowaga (Streets and Sidewalks Ordinance), and

WHEREAS, numerous sidewalks in the Town are presently in need of repair, and

WHEREAS, under Section 200-a of the Town Law of the State of New York, this Town Board may require owners of properties abutting sidewalks to repair same or be assessed 100% of the costs for such repair, and

WHEREAS, the Town proposes to notify owners of Town properties abutting sidewalks in need of repair to repair such sidewalks or else the Town will repair same and assess the property owners 50% of such costs, and

WHEREAS, the Town proposes to fund the remaining 50% costs for such repair through a bond issue, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties listed on the attached sheet(s) be and hereby are directed to repair the sidewalks abutting such properties on or before May 15, 1990 in accordance with the Town's Streets and Sidewalks Ordinance, and BE IT FURTHER

ORDERED, that, should such property owners choose not to repair their sidewalks as so notified, the Town may cause such sidewalks to be repaired and audit and pay 50% of the expense thereof against the property which abuts such sidewalk, and BE IT FURTHER

ORDERED, that the Town Clerk shall give the owners of properties listed on the attached sheet(s) notice of this order by certified mail addressed to each such owner at his address as it appears on the Town assessment roll.

Item No. 9 continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGE FOR LIST

LIST NOT ATTACHED BECAUSE RESOLUTION IS NOT ENFORCEABLE

Item No. 10 Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, this Town Board approved a contract for the purchase of a van mounted television system as a replacement for a 1978 unit, which equipment is used by the Engineering Department in the internal inspection of sanitary sewer systems, AND

WHEREAS, the Town of West Seneca, by resolution dated March 26, 1990, offered to purchase the 1978 sewer televising van for the price of $13,000, AND

WHEREAS, it is recommended by the Town Engineer that the offer is reasonable and that the unit be disposed of by selling same to the Town of West Seneca for their use in sewer inspection work, NOW, THEREFORE, BE IT

RESOLVED that this Town Board accepts the recommendation of the Town Engineer for acceptance of the $13,000 offer of the Town of West Seneca for the purchase of the Town's 1978 T.V. van, which unit is no longer needed by the Engineering Department, AND, BE IT FURTHER

RESOLVED that said 1978 T.V. van is to be transferred to the Town of West Seneca for the sum of $13,000 at such time as the Town receives the new television van, AND, BE IT FURTHER

RESOLVED that the money received for the old T.V. van is to be deposited in Sewer District #5, Account #05-8125-8823-1103,

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the following:

AMBULANCE LICENSES

OWNER	VEHICLE: MAKE & MODEL	LICENSE NO.	CALL NO.
Town's Ambulance	1980 Chevrolet	AA 3265	567
Town's Ambulance	1985 Chevrolet	AA 1202	566
Town's Ambulance	1981 Ford	AA 1233	569
Town's Ambulance	1987 Ford	AB 7888	562
Town's Ambulance	1981 Chevrolet	AA 3261	558
Town's Ambulance	1987 Ford	AA 1220	555
Town's Ambulance	1980 Ford	AA 1201	560
Town's Ambulance	1986 Ford	AA 3262	565
Town's Ambulance	1987 Chevrolet	AA 1219	554
Town's Ambulance	1982 Chevrolet	AA 1205	561
Town's Ambulance	1987 Ford	AA 1221	556
Town's Ambulance	1986 Chevrolet	AA 1232	563
Town's Ambulance	1986 Ford	AA 3023	557
Town's Ambulance	1987 Ford	AA 3022	564

(N)* denotes new vehicle (R)* denotes replacement vehicle

and, BE IT FURTHER

Item No. 11 continued

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth above, providing such ambulance so listed meets the insurance requirements set forth in the Ambulance Ordinance.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED, that the following Seasonal and/or Part-Time employee be and hereby is terminated in the Facilities Department:

PARKS DIVISION	EFFECTIVE:
Christopher Golas	3/11/90

AND, BE IT FURTHER

RESOLVED that Raymond Sliwinski, Jr., a part time employee in the Sanitation Department be and hereby is terminated effective March 19, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13a Appointment of Cleaner in Sanitation Department.
Resolution died for lack of second.

Item No. 13b Motion by Councilman Gabryszak Seconded by Councilman Kulyk

WHEREAS, there exists a vacancy in the position of Cleaner in the Sanitation Department, AND

WHEREAS, a notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that John Tourjie, Depew, New York 14043 be appointed to the position of Cleaner in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Rogowski and Blachowski
NAYES: Councilman Solecki
ABSENT: 0

Item No. 13c Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, there exists a vacancy in the position of Cleaner in the Facilities Department, AND

WHEREAS, a notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

Item No. 13c continued

RESOLVED that Randy Palmisano, 4 Villa Park Road, Cheektowaga, New York 14227 be appointed to the position of Cleaner in the Facilities Department in accordance with 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 Jaworowicz, Gabryszak, Kulyk, Rogowski and Blachowski
NAYES: Councilman Solecki
ABSENT: 0

Item No. 13d Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, a temporary vacancy exists in the position of Clerk-Typist in the Police Department due to a maternity leave, AND

WHEREAS, the current Civil Service list for such position has been canvassed and there doesn't exist a field of three (3) candidates qualified and willing to accept such temporary appointment, AND

WHEREAS, the Town has been advised by the Erie County Department of Personnel that a new Civil Service competitive list for such position is to be established in May, 1990 AND

WHEREAS, such temporary vacancy has been posted in accordance with the terms of the Town of Cheektowaga Employees Association Agreement, NOW, THEREFORE, BE IT

RESOLVED that Linda Twardowski of Cheektowaga, is hereby appointed, on a temporary basis, to the position of Clerk-Typist, pending the establishment and canvassing of the new Civil Service list for such position, effective immediately, in accordance with the provisions of the Town of Cheektowaga Employees Association Agreement.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13e Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, in order to provide for the provision of emergency medical services on a uniform basis, this Town Board, on May 7, 1984, adopted an Ambulance Services Ordinance ("Ordinance"), and

WHEREAS, said Ordinance provides for the establishment of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town in the implementation of the Ordinance, and

WHEREAS, the composition of the EMS Board is set forth in Section 4A-7 of the Ordinance, and

WHEREAS, the terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED that the following individuals shall be designated to serve as members of the EMS Board for a term of one year:

DESIGNATE	ALTERNATE	REPRESENTING
1. Robert Neidermayer		Fork's Fire District
2. Leo Dusing	Edward Gooch	Cleveland Hill Fire District No. 6
3. Ralph Collins		South Line Fire District No. 10
4. Stanley Pinski		U-Crest Fire District No. 4

Item No. 13e continued

DESIGNATE	ALTERNATE	REPRESENTING
5. Joseph Stewart		Sloan Fire District
6. Roman Gawronski		Hy-View Fire District No. 8
7. Ordell Reitz		Bellevue Fire District
8. Leonard Andrzejewski		Doyle Fire District
9. Captain John Howlett		Chief of Police
10. Kenneth Paa		Town Board Designate
11. Natalie Ryan		Town Board Designate
12. Phyllis Reinstein		Town Board Designate
13. Robert Schmitt		Town Board Designate

and, BE IT FURTHER

RESOLVED that Robert Schmitt shall be appointed to serve as Chairman of the EMS Board.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the following individual be hired as a Van Driver in the Department of Senior Services at an hourly rate of $5.00 per hour; Celio Nero, 32 Heather Road, Cheektowaga, New York 14225.

BE IT FURTHER RESOLVED that Adele Makowski, Cheektowaga, New York 14225 be terminated as an employee in the Department of Senior Services.

Funding Source: Account 7620.1639

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the below listed individual be hired as a Clerk in the Youth Bureau's Administrative Intern Program (01-7310-0001-1804) at a salary rate of $5.00 per hour, effective immediately:

--Amy Meyers

Cheektowaga, New York 14227

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Councilman Kulyk Seconded by Councilman Rogowski

BE IT RESOLVED that the rate of pay for Florence Falkiewicz, a part-time clerical employee at the Main Pump Station be set at $6.00 per hour, effective, April 2, 1990, AND, BE IT FURTHER

Item No. 14c continued

RESOLVED that Amber Wegner of 89 Lloyd Drive be and hereby is hired as an Administrative Assistant in the Council Office, effective immediately, at the rate of $5.25 per hour, said salary to be charged to line item 01-1010-0001-1352.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, grant monies are available through the New York State Department of Environmental Conservation, Division of Solid Waste, Bureau of Waste Reduction and Recycling to purchase Low Technology Resource Recovery equipment and/or devices, and

WHEREAS, the Town must comply with New York State mandate to have a solid waste resource recovery plan in place by 1992, and

WHEREAS, the Town is in need of financial assistance to acquire equipment and/or devices for low technology resource recovery from source separated solid waste; NOW, THEREFORE, BE IT

RESOLVED that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to enable the Town to apply for a grant from this program in an amount not to exceed 50% of the total project cost, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No.16a Motion by Councilman Jaworowicz Seconded by Councilman Blachowski

WHEREAS, MAGLOCEN will be holding its Annual Business Meeting from April 30-May 4, 1990 in Atlantic City, New Jersey, and

WHEREAS, the focus of such meeting will be information-sharing on Columbian Drug Cartels, and

WHEREAS, the Chief of Police has requested permission for Lt. James Starr to attend this meeting and to learn more about this cartel which has been active in this area, and

WHEREAS, MAGLOCEN will pay Lt. Starr's expenses for hotel costs and airfare, NOW, THEREFORE, BE IT

RESOLVED that Lt. James Starr be and hereby is authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED that the Town hereby agrees to pay Lt. Starr's costs for meals, ground transportation and fees associated with such meeting at a cost not to exceed $250.00 from budget line item number 011-910-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16b Authorize Foremen in Sanitation Department to attend conference. This item was withdrawn.

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

WHEREAS, on March 7, 1978, Henry A. Borkowski was hired by the Town as an Engineering Aide through the C.E.T.A. program, and

WHEREAS, thereafter, when C.E.T.A. ended (September 28, 1979) Mr. Borkowski was laid off and was subsequently rehired by the Town on March 10, 1980, and

WHEREAS, the lay-off of Henry Borkowski was done in error, and

WHEREAS, because of such lay-off, Mr. Borkowski was caused to lose over two years credit for New York State Retirement, and

WHEREAS, bills have been submitted in the State Senate and Assembly to allow Mr. Borkowski to be eligible for New York State Retirement Service credit for the period March 7, 1978 to March 10, 1980, and

WHEREAS, this Board wishes to request the State Legislature and Governor Cuomo to approve such legislation, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the State Senate and Assembly to approve the Town's Home Rule Request for Senate Bill No. 7552 and Assembly Bill No. 10298 pertaining to retirement service credit for Henry A. Borkowski, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to submit the necessary copies of the Home Rule Request forms for such bills to be Home Rule Counsel of the State Senate and Assembly,and copies of same to Senator Dale M. Volker and Assemblyman Paul A. Tokasz.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Kulyk Seconded by Supervisor Swiatek

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 March 22, 1990, rendered the determinations shown on the attached memo dated March 27, 1990, 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 made by the Advisory Committee with respect to the following referenced items which appear on the March 27, 1990 memo attached hereto:

Item IV Harlem-Genesee

Item No. 18 continued

* *

MOTION BY COUNCILMAN KULYK AND SECONDED BY COUNCILMAN SOLECKI TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AMENDED

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 March 22, 1990, rendered the determinations shown on the attached memo dated March 27, 1990, 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 made by the Advisory Committee with respect to the following referenced items which appear on the March 27, 1990 memo attached hereto:

Item IV Harlem-Genesee

BE IT FURTHER RESOLVED, that the Town Board disagrees with the Advisory Committee's opinion relating to size of the building and number of parking spaces as referred to in paragraph 3 of the minutes in Item IV, and

BE IT FURTHER RESOLVED, that the Town Board hereby refers the applicant to the Zoning Board of Appeals for final resolution of parking requirements for this project.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* See Next Page for memo

This item has been before the Planning Board and they have approved a new landscaping plan which will increase the amount of landscaping on the entire plaza. The Engineering Department has expressed concern with regard to the overall site drainage and is requesting of the applicant a storm water management study.

The applicant has been in contact with the New York State DOT regarding the potential traffic at this site and will be forwarding all comments and reccommendations to the Town.

Therefore this item will remain tabled until the Engineering Department receives and approves the storm water management study and the applicant comes to an agreement with the New York State DOT regarding provements.

ITEM IV Harlem/Genesee - Proposed 20,000 Square Foot Retail Store

Applicant: RB-3 Associates

Determination: Non-Significant With Stipulations. This item has been before the committee previously and was tabled for further comment. The applicant proposes to construct a retail development at the site of the former Harlem-Genesee Nursery. He has approached the Planning Board and has gotten approval on a full landscaping plan and will include sidewalks to the corner.

The Town Engineer has indicated that the Traffic Safety Commission was concerned with the number of parking spaces and has suggested reducing the building size to comply with off-street parking requirements of the Zoning Ordinance. A variance from the Zoning Board of Appeals would be needed since the applicant is approximately 24 parking spaces short of zoning ordinance requirements.

The committee feels that the project would not have an adverse impact on the area provided the building were reduced in size to provide for parking requirement compliance. Also a drainage plan must be submitted to the Town Engineer that will demonstrate that no waters will flow onto the adjacent residential properties to the East.

Item No. 19 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:	1410-04-4001	(Office Supplies-Town Clerk)	$ 1,260.00
	1625-01-1422	(Bldg. & Grounds-Gen. Mech.)	2,093.50
	7110-01-1422	(Parks-Gen. Mech.)	2,093.50
	7110-01-1491	(Parks-Seasonal)	9,813.00
	1910-04-4711	(Contingency)	24,000.00
TO:	1410-04-4431	(Equip. Main.-Town Clerk)	1,260.00
	1625-01-1411	(Cleaner-Bldg. Main.)	14,000.00
	3120-02-2210	(Police-Arson Investigation)	24,000.00

SPECIAL DISTRICT FUND

FROM:	8173-04-4711	(Contingency)	120,025.00
	8173-04-4711	(Contingency)	20,000.00
	8125-04-4711	(Contingency)	14,000.00
TO:	8173-04-4597	(N.E. Board Recycling Facility)	120,025.00
	8173-04-4598	(Recycling Video)	20,000.00
	8125-01-1411	(Cleaner-Sewer Dept.)	14,000.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 20 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 April 2, 1990 are hereby approved and made a part hereof:

GENERAL FUND	$2,373,837.77
HIGHWAY FUND	556,216.45
CAPITAL FUND	293,379.19
TRUST & AGENCY FUND	12,549.11
CDBG - HUD FUND	52,124.00
PART TOWN FUND	85,025.73
RISK RETENTION FUND	240,091.95
STATE AHC FUND	2,338.00
DEBT SERVICE FUND	441,409.00
HUD REHAB. FUND	26,212.00
SPECIAL DISTRICT FUND	2,361,469.71
	$6,444,652.91

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 21 Building Permits
Received and Filed

Item No. 22a Minutes of Cheektowaga Library Board/February, 1990
Received and Filed

Item No. 22b Minutes of Cheektowaga Traffic Safety Commission/March, 1990
Received and Filed:

IV. GENERAL COMMUNICATIONS

Item No. 23a Notice of Claim: Charlene Drzal, Individually and as Administratrix of estate of Mark Drzal and Conrad Drzal vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carriers.

Item No. 23b Notice of Claim: Louise M. Gaskin, Individually and as Administratrix of Estate of Brigette N. Gaskin, deceased vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carriers.

Item No. 23c Notice of Claim: David and Michele Hartzell vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Sewer Department; S.I.S. Services, Insurance Carriers.

Item No. 23d Notice of Claim: Suzanne Wozniak as Executrix of Estate of Allen R. Karns, deceased vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carriers.

Item No. 23e Notice of Claim: Nile Brown vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; S.I.S. Services, Insurance Carriers.

* *

Motion by Supervisor Swiatek and seconded by Councilman Kulyk to suspend the rules to include the following three items and the voting was as follows:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 24 Motion by Councilman Solecki Seconded by Councilman Kulyk

BE IT RESOLVED, that the following individuals are hereby hired as seasonal employees in the Sanitation Department, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year, effective "as needed" and at the hourly rate of $5.00 per hour:

Item No. 24 continued

Keith Karek
Richard Ostrowski
Brian Coppola
Stanley Krzywowiaza
Peter Smaczniak
Richard Maciejewski

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Solecki Seconded by Councilman Kulyk

WHEREAS, a vacancy exists in the Sanitation Department for the position of Account Clerk, AND

WHEREAS, a notice of such vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, there exists a promotional Civil Service examination list for such position, NOW, THEREFORE, BE IT

RESOLVED that Susan J. Mulcahy, be appointed to the position of Account Clerk in the Sanitation Department, effective April 4, 1990, at a salary in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, and in accordance with Section 18.01(i) of the collective bargaining agreement; the trial period for this appointment shall be sixty (60) days.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, the owner of 2903 Genesee Street, Cheektowaga, New York has proposed to convert the existing building on such property into four one-bedroom apartments and an office, and

WHEREAS, pursuant to Section 82-22.E. of the Town Zoning Ordinance, a site plan for such development must be approved by this Town Board, and

WHEREAS, the Planning Board has reviewed the site plan dated 12/30/89 submitted by the owner's agent and has recommended approval of same, and

WHEREAS, the Town Superintendent of Highways has granted the owner a permit for the driveway on Stratford Place provided it is used as an entrance only, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned site plan for 2903 Genesee Street be and hereby is approved by this Town Board.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Jaworowicz Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI,
Town Clerk

Item No. 1 At a 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 April, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Jacqueline A. Blachowski

ABSENT: Councilman Richard B. Solecki
Councilman William P. Rogowski

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Ron Marten, Building & Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; Bruce Chamberlin, Chief of Police; Terry Rusin, Accountant; Donald Wegner, Chairman of Zoning Board of Appeals; Len Szymanski, Facilities Department;

I. PUBLIC HEARINGS

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

ARTICLE IV

Traffic Control Signals

Section 76-40, Installation, maintenance and operation of traffic control signals shall be amended by adding thereto the following:

A. Traffic control signal shall be installed, maintained and operated as follows:

(56) Establish traffic control signal on Galleria Drive West Service Road at its intersection with Galleria Drive as follows:

Galleria Drive at West Ring Road of the Walden Galleria Shopping Mall
a. Variable automatic - 3 sections - first section, 1 side - 3 lights facing east; second section, 3 sides - 3 lights facing east, west, and south; third section, 2 sides - 3 lights facing west and south.
b. Vehicles detectors located on the West Ring Road.
c. Normal operation - semi-automatic traffic control signal.
d. Activation of vehicle detectors allows vehicular traffic to exit West Ring Road.

Item No. 2 cont'd

ARTICLE VIII

Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street	Direction	Entrance Street	Traffic Stops	Sign Location
Elaine Court	Northeast	Lochland Drive	Northbound	S.E. Corner
Elaine Court	Northeast	Lochland Drive	Southbound	N.W. Corner

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

NAGEL DRIVE	East side	from the north curbline of North Creek Drive northerly 75 feet to a point.

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

DATED: April 2, 1990

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. FROM THE TABLE

Item No. 3a Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Gerald P. Kaminski, Sr. applied for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by Robert E. Mariacher, et. al. and located on the east side of Union Road in the Gardenville Industrial Park, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the petitioner has proposed to prepare and file deed restrictions for this property to alleviate concerns about undesirable uses on the property, and

Item No. 3a cont'd

WHEREAS, this Town Board, under the State Environmental Quality Review Act ("SEQRA") and the Environmental Impact Review Ordinance of the Town of Cheektowaga, has reviewed the environmental impacts associated with this rezoning and feels that such rezoning will not have a significant effect on the environment if the proposed deed restrictions are filed, NOW, THEREFORE, BE IT

RESOLVED that this Town Board feels this rezoning will not have a significant effect on the environment and directs the Building Inspector to file a negative declaration for same with the DEC and other agencies, and BE IT FURTHER

RESOLVED that the application of Gerald P. Kaminski, Sr. for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the same is hereby granted subject to the following conditions:

1. the attached agreement be fully executed by the parties thereto and the same be filed in the Erie County Clerk's Office.
2. the zoning classification of the subject property shall revert back to M1-Light Manufacturing District in the event Gerald P. Kaminski, Sr. sells same or vacates the premises.
3. subject to compliance with Section 82-71 of the Town Code ("Zoning Ordinance") as it pertains to future site plan revisions.
4. no outside work or storage be permitted on the property.

and, BE IT FURTHER

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

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement pertaining to deed restrictions.

* *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN GABRYSZAK TO TABLE THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

* *

The above item was tabled until the meeting of May 7, 1990

Item No. 3b Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Gerald P. Kaminski, Sr. applied for a Special Permit for sales and service of refrigeration units onto transport trailers and sales and installation of custom bodies onto trailers on property located on the east side of Union Road in the Gardenville Industrial Park, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of March, 1990 at 6:30 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the petitioner has proposed to prepare and file deed restrictions for this property to alleviate concerns about undesirable uses on the property, and

Item No. 3b cont'd

WHEREAS, this Town Board, under the State Environmental Quality Review Act ("SEQRA") and the Environmental Impact Review Ordinance of the Town of Cheektowaga, has reviewed the environmental impacts associated with this rezoning and feels that such special permit will not have a significant effect on the environment if the proposed deed restrictions are filed, NOW, THEREFORE, BE IT

RESOLVED that this Town Board feels this special permit will not have a significant effect on the environment and directs the Building Inspector to file a negative declaration for same with the DEC and other agencies, and BE IT FURTHER

RESOLVED that said special permit be and hereby is granted subject to the following conditions:

1. the attached agreement be fully executed by the parties thereto and the same be filed in the Erie County Clerk's Office.
2. the zoning classification of the subject property shall revert back to M1-Light Manufacturing District in the event Gerald P. Kaminski, Sr. sells same or vacates the premises.
3. subject to compliance with Section 82-71 of the Town Code ("Zoning Ordinance") as it pertains to future site plan revisions.
4. no outside work or storage be permitted on the property.

and, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement pertaining to deed restrictions.

* *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN GABRYSZAK TO TABLE THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

* *

The above item was tabled until the meeting of May 7, 1990

III. RESOLUTIONS

Item No. 4a Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, ADF Construction Corp. has petitioned for the rezoning from RC-Restricted Business District to C-Retail Business District of property owned by the Estate of Victor Reinstein and located at the southwest corner of Transit and Strasmer Roads (2.6 acres), 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 2nd day of April, 1990 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 subject to the following conditions:

1. all residential dwellings abutting the development are properly screened by the applicant

and

Item No. 4a cont'd

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, subject to the following conditions:

1. applicant shall construct a drainage detention basin which will be tied into the Strasmer Road drainage system
2. loading dock be moved to the south side of the building
3. landscaping be provided to screen the rear of the property from Strasmer Road residences
4. applicant supply the Town Engineering Department with additional information on the undeveloped portion of the land south of the corner for future reference/use in drainage studies

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 ADF Construction Corp. for the rezoning from RC-Restricted Business District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the following:

1. compliance with stipulations recommended by Cheektowaga Planning Board
2. compliance with stipulations recommended by Town Environmental Advisory Committee
3. applicant must improve the natural waterway from its property up to the piped section at 217 Strasmer Road (approximately 750 feet)

and BE IT FURTHER

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

* *

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

* *

and the amended resolution is as follows:

Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, ADF Construction Corp. has petitioned for the rezoning from RC-Restricted Business District to C-Retail Business District of property owned by the Estate of Victor Reinstein and located at the southwest corner of Transit and Strasmer Roads (2.6 acres), 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 2nd day of April, 1990 at 7:00 o'clock P.M., after publication and ser-

Item No. 4a cont'd

vice of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. all residential dwellings abutting the development are properly screened by the applicant

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, subject to the following conditions:

1. applicant shall construct a drainage detention basin which will be tied into the Strasmer Road drainage system
2. loading dock be moved to the south side of the building
3. landscaping be provided to screen the rear of the property from Strasmer Road residences
4. applicant supply the Town Engineering Department with additional information on the undeveloped portion of the land south of the corner for future reference/use in drainage studies

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 ADF Construction Corp. for the rezoning from RC-Restricted Business District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the following:

1. compliance with stipulations recommended by Cheektowaga Planning Board
2. compliance with stipulations recommended by Town Environmental Advisory Committee
3. applicant must improve the natural waterway from its property up to the piped section at 217 Strasmer Road (approximately 750 feet) or make drainage improvements on the Strasmer Road storm sewer system as directed by the Town Highway Superintendent,

and BE IT FURTHER

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

* See next page for description

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York; being part of lot 46, Township 10, Range 7 of the Buffalo Creek Indian Reservation; further described as follows:

Beginning at a point at the intersection of the south line of Strasmer Road and the west line of Transit Road as now laid out; continuing thence west along the south line of Strasmer Road, two hundred eighty three (283.00) feet to an iron pipe; thence southerly at an interior angle of 90 degrees 05 minutes 00 seconds with the previous course and parallel with Transit Road, four hundred (400.00) feet to an iron pipe; thence easterly and parallel with Strasmer Road, two hundred eighty three (283.00) feet to an iron pipe in the west line of Transit Road as now laid out; thence northerly along the west line of Transit Road, four hundred (400.00) feet to the point and\or place of beginning.

Parcel containing 2.6 acres more or less.

at the request of the ... nominate a substitute General Partner. Which Substitute General Partner. If

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication APR 19 1990; last publication APR 19 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 19 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 the16th day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Frank E. Swiatek

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Jacqueline A. Blachowski

ABSENT:

Councilman Richard B. Solecki

Councilman William P. Rogowski

Motion by: Councilman Kulyk, seconded by Supervisor Swiatek

WHERAS, ADF CONSTRUCTION CORP. has petitioned for the rezoning from RC-Restricted Business District to C-Retail Business District of property owned by the Estate of Victor Reinstein and located at the southwest corner of Transit and Strasmer Roads (2.6 acres), 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 2nd day of April, 1990 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 subject to the following conditions:

1. all residential dwellings abutting the development are properly screened by the applicant

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, subject to the following conditions

1. applicant shall construct a drainage detention basin which will be tied into the Strasmer Road drainage system

2. loading dock be moved to the south side of the building

3. landscaping be provided to screen the rear of the property from Strasmer Road residences

4. applicant supply the Town Engineering Department with additional information on the underdeveloped portion of the land south of the corner for future reference/use in drainage studies

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 ADF Construction Corp. for the rezoning from RC-Restricted Business District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the following:

1. compliance with stipulations recommended by Cheektowaga Planning Board

2. compliance with stipulations recommended by Town Environmental Advisory Committee

3. applicant must improve the natural waterway from its property up to the piped section at 217 Strasmer Road (approximately 750 feet) or make drainage improvements on the Strasmer Road storm sewer system as directed by the Town Highway Superintendent, and BE IT FURTHER

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

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being a part of Lot No. 46, Township 11, Range 7 of the Buffalo Creek Indian Reservation, further described as follows:

BEGINNING at a point at the intersection of the south line of Strasmer Road and the west line of Transit Road as now laid out; continuing thence west along the south line of Strasmer Road, two hundred eighty-three (283) feet to an iron pipe; thence southerly at an interior angle of 90° 5 minutes, 00 seconds with the previous course and parallel with Transit Road, four hundred (400) feet to an iron pipe; thence easterly and parallel with Strasmer Road, two hundred eighty-three (283) feet to an iron pipe in the west line of Transit Road as now laid out; thence northerly along the west line of Transit Road, four hundred (400) feet to the point and/or place of beginning.

Parcel containing 2.6 acres more or less.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE

Councilman Solecki Voting ABSENT

Councilman Rogowski Voting ABSENT

Councilman Blachowski Voting AYE

AYES:5

NAYES: 0

ABSENT: 2

STATE OF NEW YORK, COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on APRIL 16, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 4a, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of APRIL, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: April 19, 1990

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

WHEREAS, C.B. Concrete Company has petitioned for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by Mr. and Mrs. Edmund Cook and located at 400 Pfohl Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a Public hearing on such petition was held before this Town Board on the 2nd day of April, 1990 at 7:00 o'clock P.M., after publication and services of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. subject to Section 82-71 of the Town Zoning Ordinance
2. landscape plan acceptable to the Planning Board must be submitted by the applicant

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, and

NOW, THEREFORE, BE IT RESOLVED that the application of C.B. concrete Company for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Cheektowaga Planning Board, and BE IT FURTHER

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

* See next page for description

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

EXHIBIT "A"

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot № 79, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the northerly line of Pfohl Road, formerly Ellicott Creek Road, distant fifty-three and one hundredths (53.01) feet westerly of its intersection with the west line of Transit Road, said point being also the southwest corner of Parcel № 2 Public Service Commission Grade Crossing Elimination recorded in Erie County Clerk's Office in liber 3158 of Deeds page 45 on September 24 1941: thence northwesterly along the westerly line of said Parcel № 2 a distance of three hundred thirty and ten hundredths (330.10) feet to the southeasterly line of the New York Central Rail Road lands: thence southwesterly along the southeast line of said Rail Road lands seven hundred twenty-seven and sixty-three hundredths (727.63) feet to its intersection with the northerly line of Pfohl Road and thence easterly along the northerly line of the Pfohl Road to the point of beginning

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LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Jacqueline A. Blachowski

ABSENT:
Councilman Richard B. Solecki
Councilman William P. Rogowski

Motion by: Councilman Kulyk, seconded by Councilman Gabryszak

WHERAS, C.B. Concrete Company has petitioned for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by Mr. and Mrs. Edward Cook and locafed at 400 Pfohl Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of April, 1990 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 subject to the following conditions:

1. subject to Section 82-71 of the Town Zoning Ordinance
2. Landscape plan acceptable to the Planning Board must be submitted by the applicant.

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 C.B. Concrete Company for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Cheektowaga Planning Board, and BE IT FURTHER

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

LEGAL DESCRIPTION

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being a part of Lot No. 79, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the northerly line of Pfohl Road, formerly Ellicott Creek Road, distant fifty-three and one hundredths (53.01) feet westerly of its intersection with the west line of Transit Road, said point being also the southwest corner of Parcel No. 2 Public Service Commission Grade Crossing Elimination recorded in Erie County Clerk's Office in Liber 3158 of Deeds at Page 45 on September 24, 1941: thence northwesterly along the westerly line of said Parcel No. 2 a distance of three hundred thirty and ten hundredths (330.10) feet to the southeasterly line of the New York Central Rail Road lands: thence southwesterly along the southeast line of said Rail Road lands seven hundred twenty-seven and sixty-three hundredths (727.63) feet to its intersection with the northerly line of Pfohl Road and thence easterly along the northerly line of the Pfohl Road to the point of beginning..

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting ABSENT
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE

AYES:5
NAYES: 0
ABSENT: 2

STATE OF NEW YORK, COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on APRIL 16, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 4b, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of APRIL, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: April 19, 1990

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

WHEREAS, an ordinance (Chapter 69 of the Code of the Town of Cheektowaga) granting property tax exemptions to eligible senior citizens was previously adopted by the Cheektowaga Town Board, and

WHEREAS, various amendments to such ordinance have been adopted to increase income eligibility for senior citizens, and

WHEREAS, by Chapter 588 of the Laws of 1989, the State Legislature authorized municipalities to further increase income eligibility under such ordinance, and

WHEREAS, a public hearing was held on the 2nd day of April, 1990 at 7:30 P.M. to consider the advisability of amending Chapter 69 of the Town Code to increase income eligibility for senior citizens under such ordinance, NOW, THEREFORE BE IT

RESOLVED that Chapter 69 of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

RESOLVED that Subsection B.(1) of Section 69-2. Conditions for exemption, shall be amended to read as follows:

§69-2. Conditions for exemption.

B. Income range; applicability
(1) the percentage of exemption from Town taxes shall be based on the maximum annual income range specified herein as follows:

Income Range	Percentage of Exemption
$12,025.00 or Under	50%
$12,025.01 - $12,624.99	45%
$12,625.00 - $13,224.99	40%
$13,225.00 - $13,824.99	35%
$13,825.00 - $14,424.99	30%
$14,425.00 - $15,024.99	25%
$15,025.00 - $25,624.00	20%
$15,625.00 or Over	0%

and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on April 16, 1990; and that a certified copy be published in the Cheektowaga Times, the official Town newspaper; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that this amendment to Chapter 69 of the Town Code shall take effect ten (10) days after publication and posting, but said changes shall take effect from the date of their service as against a person personally served with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry in the minutes.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication APR 19 1990; last publication APR 19 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 19 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of April, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Jacqueline A. Blachowski

ABSENT:
Councilman Richard B. Solecki
Councilman William P. Rogowski

Motion by: Supervisor Swiatek
Seconded by Councilman Gabryszak

WHEREAS, an ordinance (Chapter 69 of the Code of the Town of Cheektowaga) granting property tax exemptions to eligible senior citizens was previously adopted by the Cheektowaga Town Board, and

WHEREAS, various amendments to such ordinance have been adopted to increase income eligibility for senior citizens, and

WHEREAS, by Chapter 588 of the Laws of 1989, the State Legislature authorized municipalities to further increase income eligibility under such an ordinance, and

WHEREAS, a public hearing was held on the 2nd day of April, 1990 at 7:30 P.M. to consider the advisability of amending Chapter 69 of the Town Code to increase income eligibility for senior citizens under such ordinance, NOW, THEREFORE, BE IT

RESOLVED, that Chapter 69 of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

RESOLVED, that Subsection B.(1) of Section 69-2. Conditions for exemption, shall be amended to read as follows:

69.2. Conditions for exemption.

B. Income range; applicability

(1) the percentage of exemption from town taxes shall be based on the maximum annual income range specified herein as follows:

Income Range	% of Exemption
$12,025.00 or Under	50%
$12,025.01 - $12,624.99	45%
$12,625.00 - $13,224.99	40%
$13,225.00 - $13,824.99	35%
$13,825.00 - $14,424.99	30%
$14,425.00 - $15,024.99	25%
$15,025.00 - $15,624.99	20%
$15,625.00 or Over	0%

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on April 16, 1990; and that a certified copy be published in the Cheektowaga Times, the official Town newspaper; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that this amendment to Chapter 69 of the Town Code shall take effect ten (10) days after publication and posting, but said changes shall take effect from the date of their service as against a person personally served with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry in the minutes

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting ABSENT
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE

AYES:5
NAYES: 0
ABSENT: 2

STATE OF NEW YORK, COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on APRIL 16, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 5, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of APRIL, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: April 19, 1990

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

WHEREAS, by resolution dated January 15, 1990 this Town Board called for a public hearing on proposed Local Law No. 1 of the Year 1990 entitled "A Local Law for the Collection of Garbage, Rubbish and Refuse," and

WHEREAS, thereafter by resolutions dated February 26, 1990 and March 9, 1990, this Town Board called for public hearings on and adopted Local Laws No. 2 of the Year 1990 ("A Local Law to amend the Local Law entitled Fees for Certain Town Records") and No. 3 of the Year ("A Local Law to amend Local Law No. 2 of the Year 1986"), and

WHEREAS, since Local Law No. 1 of the Year 1990 was not yet adopted, the other two local laws were out of numerical sequence, NOW, THEREFORE, BE IT

RESOLVED that Local Laws Nos. 2 and 3 of the Year 1990 be and hereby are renumbered Local Laws Nos 1 and 2 respectively, and BE IT FURTHER

RESOLVED that the Local Law for the Collection of Garbage, Rubbish and Refuse shall be assigned no numerical local law number and shall simply be known as its descriptive title.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 7a Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Noco Energy Corp. has made application and requested the rezoning from C-Retail Business District to CM-General Commercial District and a Special Use Permit for gasoline sales and convenient store for property located at 1635 Kensington Avenue, 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 May 7, 1990 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

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 7th day of MAY, 1990 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of NOCO ENERGY CORP. for a Special Permit to dispense gasoline/store on property located at 1635 KENSINGTON AVENUE pursuant to Article VI and Section 82-33 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 Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: APRIL 19, 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 7th day of MAY, 1990 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of NOCO ENERGY CORP. to Rezone from RETAIL BUSINESS District to GENERAL COMMERCIAL District on property located at 1635 KENSINGTON AVENUE, 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 an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank R. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number thirty-six (36), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, and further distinguished as part of Subdivision Lot Number twenty-seven (27), according to a map filed in the Erie County Clerk's Office under Cover Number 1603, bounded and described as follows:

BEGINNING at the point of intersection of the southeasterly line of Kensington Avenue with the southwesterly line of Century Road; thence southwesterly along the southeasterly line of Kensington Avenue one hundred (100) feet; thence at right angles in a southerly direction, parallel with Century Road, one hundred thirteen (113) feet; thence at right angle parallel to Kensington Avenue, one hundred (100) feet to the southwesterly line of Century Road; thence at right angles in a northerly direction along the southwesterly line of Century Road, one hundred thirteen (113) 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 Number thirty-six (36), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, and further distinguished as parts of Subdivision Lots Numbers twenty-seven (27) and twenty-eight (28), according to a map filed in the Erie County Clerk's Office under Cover No. 1603, bounded and described as follows:

BEGINNING at a point which is the southwesterly corner of the above described lands, which point is one hundred thirteen (113) feet southerly from the southeasterly line of Kensington Avenue, along a line which is parallel to Century Road and one hundred (100) feet westerly therefrom; thence easterly parallel to said southeasterly line of Kensington Avenue and along the southerly line of the above described premises twenty-one (21) feet to the northwesterly corner of lands conveyed to Ernest Steel and Mary C., his wife, by deed recorded in the Erie County Clerk's Office in Liber 6167 of Deeds at Page 283; thence southerly parallel to Century Road and along the southwesterly line of Steel's property fifty-six (56) feet to the southwesterly corner of Steel's property; thence westerly parallel to Kensington Avenue twenty-one (21) feet; thence northerly parallel to Century Road, fifty-six (56) to the point of beginning.

It is intended to convey the same premises conveyed by the following deeds:

(1) Hoffeld Estates, Inc., to Henrietta S. Bame, dated December 21, 1956, recorded December 21, 1956, Liber 6108, page 405, Erie County Clerk's Office;

(2) Emma Lou Sikes to Henrietta S. Bame, dated August 8, 1960, recorded August 17, 1960, Liber 6579, page 3, Erie County Clerk's Office;

(3) Henrietta S. Bame and Emma Lou Sikes to Henrietta S. Bame, dated April 3, 1965, recorded April 26, 1965, Liber 7103, page 167, Erie County Clerk's Office;

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. 36, Township 11, Range 7 of the Holland Land Company's Survey and according to a Map filed in the Erie County Clerk's Office under Cover Number 1603, is known as part of Subdivision Lots Nos. 27 and 28, described as follows:

BEGINNING at a point in the westerly line of South Century Road, 113 feet southerly from its intersection with the southerly line of Kensington Avenue as measured along the westerly line of South Century Road; thence westerly at right angles to South Century Road 79 feet; thence southerly at right angles 56 feet; thence easterly at right angles 79 feet to the westerly line of South Century Road, thence northerly along the westerly line of South Century Road, 56 feet to the point or place of beginning.

BEING the same premises which Ernest C. Steele and Mary C. Steele conveyed to Socony Mobil Oil Company, Inc. under warranty deed the 22nd day of November, 1965, and recorded in the office for recording of deeds of Erie County on the 17th day of January, 1966, in Liber 7197 at Page 485.

Subject to all covenants, conditions, restrictions, easements, provisions, exceptions and reservations, if any contained in former instruments of record.

PUBLISH: April 19, 1990

Item No. 7b Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Norman J. Castine has made application and requested the rezoning from R-Residential District to M1-Light Manufacturing District for the property located at 550 Cayuga 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 May 7, 1990 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

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 7th day of May, 1990 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of NORMAN J. CASTINE to Rezone from R-RESIDENCE DISTRICT to CM-GENERAL COMMERCIAL DISTRICT on property located at 550 CAYUGA 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 an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York and being part of lot No. 14, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING AT A POINT in the west line of Cayuga Road as a one hundred (100) foot street at the northeast corner of subdivision lot No. 94 as shown on map filed in the Erie County Clerk's Office under Cover No. 1891: thence northerly along the westerly line of Cayuga Road as a one hundred (100) foot street about seven hundred seventy (770) feet to the southeast corner of subdivision lot No. 57 as shown on map filed in Erie County Clerk's Office under Cover No. 1900: thence westerly along the south line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1900, one thousand one hundred forty-four and fifty hundredths (1144.50) feet to the southwest corner of subdivision lot No. 39 as shown on map filed in Erie County Clerk's Office under Cover No. 1900: thence southerly along the westerly line of subdivision lot No. 39 projected southerly about twenty (20) feet to the south line of subdivision lot No. 38 projected easterly: thence westerly one hundred eighty-five (185) feet to the southeast corner of subdivision lot No. 36 as shown on map filed in Erie County Clerk's Office under Cover No. 1900, said point also being the northeast corner of subdivision lot No. 14 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence southerly along the east line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 2009 about eight hundred twenty (820) feet to the southeast corner of subdivision lot No. 27 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence westerly three hundred ten (310) feet to the southwest corner of subdivision lot No. 13 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence southerly along the east line of lands shown and subdivided on map filed in Erie County clerk's Office under Cover No. 1761 about three hundred sixty (360) feet to the northeast line of lands shown on map on file in Erie County Clerk's Office under Cover No. 1628: thence southeasterly along the northeasterly line of said lands as shown on map filed in Erie County Clerk's Office under Cover No. 1628 about seven hundred thirty (730) feet to the southwest corner of subdivision lot No. 44 as shown on map filed in Erie County Clerk's Office under Cover No. 1891: thence northeasterly along the northwesterly line of lands subdivided and shown on map filed in Erie County Clerk's Office under Cover No. 1891, five hundred forty (540) feet to the southwest corner of subdivision lot No. 79 as shown on map filed in Erie County Clerk's Office under Cover No. 1891: thence northerly along the west line of lands as subdivided on map filed under Cover No. 1891, two hundred thirty (230) feet to the northwest corner of subdivision lot No. 82 as shown on map filed in Erie County Clerk's Office under Cover No. 1891: thence easterly along the north line of lands subdivided and shown on map filed under Cover No. 1891, seven hundred fifty-seven and forty-five hundredths (757.45) feet to the west line of Cayuga Road at the point or place of beginning.

EXCEPTING THEREFROM the following described premises:

BEGINNING AT the northeast corner of the lands described above, in the said west line of Cayuga Road: thence southerly along the said west line of Cayuga Road seven hundred nine and ninety-seven hundredths (709.97) feet to a point: thence westerly at right angles to the said westerly line of Cayuga Road, four hundred (400) feet to a point: thence northerly at right angles to the last described line seven hundred nine and ninety-seven hundredths (709.97) feet to a point: thence easterly at right angles to the last described line four hundred (400) feet to the point or place of beginning.

PUBLISH: April 19, 1990

Item No. 8 Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing and installation of one (1) picnic shelter, which bids were duly received and opened at the March 12, 1990 public bid opening, and

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

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

RESOLVED that the contract for the furnishing of material and installation of a picnic shelter be and hereby is awarded to BDR, Inc., 3480 Benzing Road, Orchard Park, New York 14127, said bid being the lowest meeting the requirements of the specifications at the bid price of $9,256.00 per unit, and BE IT FURTHER

RESOLVED that funding for said picnic shelter shall be charged to account #01-7110-0004-4463.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

WHEREAS, the Town has proposed the construction of an 18-hole municipal golf course in the northeast section of the Town, and

WHEREAS, CAN-AM Golf Enterprises, Hurdzan Design Group, has prepared bid specifications and documents for the construction of such golf course, and

WHEREAS, it is in order that bids be advertised for the construction of this golf course, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders for the construction of the Cheektowaga Municipal Golf Course in the Cheektowaga Times, and BE IT FURTHER

RESOLVED that sealed bids for such project will be received and opened on the 7th day of May, 1990 at 3:00 P.M. at a public bid opening held in the Council Chambers at the Cheektowaga Town Hall.

* *

NOTICE TO BIDDERS

CONSTRUCTION OF MUNICIPAL GOLF COURSE

TOWN OF CHEEKTOWAGA

Sealed proposals will be received by the Town of Cheektowaga on May 7, 1990 at 3:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the construction of an 18-hole municipal golf course in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from CAN-AM Golf Enterprises, Inc., Hurdzan Design Group (Att'n: Bill Kerman), 2280 W. Henderson Road, Suite 207, Columbus, Ohio 43220, or by telephone at (614) 457-9955.

Item No. 9 cont'd

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: April 16, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks:
first publication APR 19 1990 ;
last publication APR 19 1990 ;
and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this APR 19 1990
day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS
CONSTRUCTION OF
MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA

Sealed proposals will be received by the Town of Cheektowaga on May 7, 1990 at 3:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the construction of an 18-hole municipal golf course in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from CAN-AM Golf Enterprises, Inc., Hurdzan Design Group (Att'n: Bill Kerman), 2280 W. Henderson Road, Suite 207, Columbus, Ohio 43220, or by telephone at (614) 457-9955.

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: April 16, 1990
PUBLISH: April 19, 1990

Item No.10a Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga is eligible to receive approximately $620,000 in Community Development Block Grant funds for the 1990-91 Program Year, and

WHEREAS, a public hearing regarding the use of said funds was held on February 26, 1990, and

WHEREAS, the Town Director of Community Development has submitted a recommendation regarding the use of said funds, which include activities to principally benefit low and moderate income persons pursuant to the goals and objectives of the Housing and Community Development Act and its governing rules and regulations, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed on behalf of the Town two submit to the U.S. Department of Housing and Urban Development a Program State for Community Development Block Grant funds totaling $620,000 for the 1990-91 Program Year, said Statement incorporating the attached project allocations of Community Development Block Grant Funds.

* See next page for Statement

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

TOWN OF CHEEKTOWAGA

Community Development Block Grant Program

1990-91 Program Year

Administration	$ 99,650
Village of Depew Projects	67,890
Village of Sloan Projects	25,420
Code Enforcement/Housing Inspections	57,100
Housing Rehabilitation - Town	52,500
Economic Development Activities	175,000
Neighborhood Community Development	100,000
Supplemental Services - Supportive Services Corp (4700) and Housing Assistance Center (7500)	12,200
Planning Services	28,000
Contingency	2,240
TOTAL	$ 620,000

Item No. 10b Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, the Town's Loss Control Service Agreement with Naples Claims Management will expire on April 1, 1990, and

WHEREAS, Risk & Technical Management, Inc., an affiliated company of the Naples Group, has proposed an extension to the expiring Naples Claims Management Loss Control Service Agreement to July 1, 1990 at a higher $60.00 hourly rate, and

WHEREAS, the Town's insurance consultant recommends accepting this extension of Loss Control Services using Risk & Technical Management, Inc., NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is authorized to sign the Risk & Technical Management, Inc. three month extension letter accepting same.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 10c Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga applied for grant monies available under Title 9 of the Environmental Quality Bond Act of 1986 to renovate the former Alexander Street School and institute improvements to Town Park, and

WHEREAS, the Town has been notified by the New York State Office of Parks, Recreation and Historic Preservation that the grant application was not selected for funding during this highly competitive cycle, and

WHEREAS, of the 320 proposals submitted Statewide, 34 municipal parks applications were funded during this cycle, and

WHEREAS, the Town's grant application ranked 39th of the 320 applications submitted, and

WHEREAS, Town officials have been advised to withdraw and resubmit the proposal for consideration in the Septemer, 1990 cycle, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Frank E. Swiatek be authorized and directed to notify the New York State Department of Parks, Recreation and Historic Preservation in writing of the Town's intent to formally withdraw the existing grant proposal and submit a revised application under the Environmental Quality Bond Act for consideration in September, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

WHEREAS, the Highway Division of the Erie County Department of Public Works has recently begun the re-striping of Losson Road to a four-lane configuration, and

WHEREAS, such an action was initiated without the benefit of a comprehensive traffic study to assess the impact to residents of the Losson Road corridor, and

WHEREAS, the parking lanes of Losson Road are heavily used by bikers, joggers and pedestrians and area residents seeking access to Stiglmeier Park, and

Item No. 11 cont'd

WHEREAS, this Town Board feels that a four-lane road configuration will exacerbate speeding problems and hamper traffic safety on Losson Road, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board goes on record as opposing the reconfiguration of Losson Road to a four-lane highway, with the exception of mitigation measures being implemented at Losson Road and Transit Road to coincide with a proposed shopping plaza at that site, and BE IT FURTHER

RESOLVED that certified copies of this resolution be sent to County Executive Dennis Gorski, Legislator Raymond Dusza, Commissioner of Public Works John Loffredo and Assemblyman Paul Tokasz.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 12 Designation of May as "Older Americans Month"
This item was withdrawn

Item No. 13 Determination of adequacy of DEIS - 2911 William Street
This item was withdrawn.

Item No. 14a Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga has proposed the construction of an 18-hole municipal golf course (the "Project") in the northeast section of the Town, and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), a Long Form Environmental Assessment Form ("EAF") for the Project was filed, and

WHEREAS, interested and involved agencies (State, County and Local) were notified of the filing of the EAF for the Project, and such agencies have agreed that the Town Board of the Town of Cheektowaga should act as lead agency on the Project, and

WHEREAS, the Town Environmental Review Advisory Committee has met to review the EAF for the Project and agency comments concerning same, including the following:

1. NFTA - cited effect of retention ponds on attracting birds that would affect air traffic. The Committee felt that there would be no effect on air traffic at the Airport.
2. NYS DOT - effect on traffic. The Committee felt that there would be no substantial increase in traffic levels
3. ECWA - public water availability. The Committee felt that there was adequate water available for the needs of the golf course and that the golf course would need little public water.

and feels that the Project will not have a significant effect on the environment, and

WHEREAS, this Town Board has reviewed the Project in accordance with Sections 617.6(g) and 617.11 of the SEQRA regulations and feels that such Project will not have a significant effect on the environment, NOW, THEREFORE, BE IT

Item No. 14a cont'd

RESOLVED that this Town Board, under SEQRA, hereby determines that the Project will not have a significant effect on the environment and therefore, no Draft Environmental Impact Statement need be prepared, and BE IT FURTHER

RESOLVED that the Building Inspector prepare and file a negative declaration for the Project in accordance with Section 617.10 of the SEQRA regulations.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 14b * Note - The original resolution submitted included Items I and IV. Item No. I (Transit/Losson Roads) was withdrawn.

Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

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 April 5, 1990, rendered the determinations shown on the attached memo dated April 9, 1990, 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 April 9, 1990 memo attached hereto:

Item IV 2370 Walden Avenue

* See next page for memo

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

The drainage has not yet been finalized and the applicant must research the ownership of an easement that is located along the South line of this property.

The condition recommended by this committee is that no building permit be issued until the drainage plan is approved by the Town Engineer.

ITEM IV 2370 Walden Avenue - Proposed 1800 Square Foot Office Building

Applicant: Bison Ford/Peterbilt Trucks

Determination: Non-Significant.
At the present time there exists a trailer at the Bison Ford Truck dealership that is being used as a sales office. The applicant proposes to remove the trailer and construct a permanent building with office facilities for the salesmen. No adverse impacts are anticipated.

ITEM V Town of Cheektowaga Municipal Golf Course

Applicant: Town of Cheektowaga

Determination: Tabled.
The item was discussed in some detailed and it was determined that several areas of concerns must still be addressed. Those being: traffic, the letter from the NFTA indicating referral to U.S. Department of Agriculture and the availability of water both for the golf course and for the subdivision.

The Town Engineer indicated that he will contact the New York State DOT and Erie County Water Authorities for more information and an attempt will be made to ascertain the progress in the U.S. Department of Agriculture and their review of the project.

ITEM VI 2001 Walden Avenue - Propsed Wegman's Super Store And Plaza

Applicant: Wegman's Market

Determination: Tabled.

Item No. 15 Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga is required to submit a list of designated polling places for 1990 to the Erie County Board of Elections, and

WHEREAS, each such polling place shall have one entrance that provides access, by ramp or otherwise, to physically handicapped or elderly voters, provided, however, that this requirement may be waived in writing by the Erie County Board of Elections upon a petition to said Board by the Town Board showing good and sufficient cause, and

WHEREAS, the Town of Cheektowaga includes 111 Election Districts; 43 Polling Places, of which 42 provide proper accessibility and 1 which does not, and

WHEREAS, the Town of Cheektowaga is a fully developed community and has within its environs very few or recently constructed buildings which provide the required accessibility and are also available for use as polling places, and

WHEREAS, conversion of the current inaccessible polling place, is neither economically feasible nor cost effective at this time, and

WHEREAS, the Town is cognizant of this situation and continues to seek an accessible location to replace the inaccessible location, and, when financially and otherwise practicable, will convert the present inaccessible location to provide accessibility, NOW, THEREFORE, BE IT

RESOLVED that the attached list of Town of Cheektowaga polling places for 1990 be approved for submittal to the Erie County Board of Elections, and BE IT FURTHER

RESOLVED that the Town Board herewith requests a waiver in writing from the Erie County Board of Elections for inaccessible polling place(s), as designated on same attached list which is made a part of this resolution.

* See next page(s) for list

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

ELECTION NOTICE

Town of Cheektowaga, County of Erie, New York
POLLING PLACES

We the undersigned composing the Board of the Town Officers of the Town of Cheektowaga, New York do hereby give notice that we have designated the following Polling Places in said Town of Cheektowaga for the Primary Election, to be held on September 12, 1989 between the hours of 6:00 a.m. and 9:00 p.m.

District #1 - St. Mary's Greek Orthodox Church, 940 Losson Road

District #2 - Bellevue Fire Station, Como Park & Bennett Road

District #3 - Amvets Post #14, 4721 Broadway, Depew

District #4 - Forks Fire Hall No. 2, Nagel Dr. & South Creek Drive

District #5 - U-Crest Fire Hall, 255 Clover Place

District #6 - Our Lady of Blessed Sacrament School, 2620 George Urban Blvd.

District #7 - Our Lady of Blessed Sacrament School, 2620 George Urban Blvd.

District #8 - Maryvale Community Center, 3409 Genesee Street

District #9 - Front Foyer of Maryvale Continuing Educ. Bldg. 777 Maryvale Dr.

District #10 - Cerebral Palsy Assoc., North Hill Elementary, 4635 Union Road

District #11 - Cerebral Palsy Assoc., North Hill Elementary, 4635 Union Road

District #12 - Infant of Prague School Hall, 921 Cleveland Drive

District #13 - Cleveland Drive Presbyterian Church, 735 Cleveland Drive

District #14 - Cleveland Hill Fire Hall, 440 Cleveland Drive

*District #15 - St. Aloysius School, 157 Cleveland Drive

*District #16 - St. Aloysius School, 157 Cleveland Drive

*District #17 - St. Aloysius School, 157 Cleveland Drive

*District #18 - St. Aloysius School, 157 Cleveland Drive

*District #19 - St. Aloysius School, 157 Cleveland Drive

District #20 - Cleveland Hill High School, Mapleview Drive

District #21 - Cleveland Hill High School, Mapleview Drive

District #22 - Cleveland Hill High School, Mapleview Drive

District #23 - Infant of Prague School Hall, 921 Cleveland Drive

District #24 - Cerebral Palsy Assoc. North Hill Elementary School, 4635 Union Rd.

District #25 - Front Foyer of Maryvale Continuing Education Bldg., 777 Maryvale Dr.

District #26 - Maryvale Community Center, 3409 Genesee Street

District #27 - Mother of Divine Grace Church, 500 Maryvale Drive

District #28 - Mother of Divine Grace Church, 500 Maryvale Drive

District #29 - Cleveland Hill Primary School, 7 Community Drive

District #30 - Cleveland Hill Primary School, 7 Community Drive

District #31 - Pine Hill Elementary School, 1635 East Delavan

District #32 - Pine Hill Elementary School, 1635 East Delavan

District #33 - Villa Maria College, 240 Pine Ridge

District #34 - Pine Hill Volunteer Hose Company, 2435 Genesee Street

District #35 - Cheektowaga Recreation Center, Town Park, Harlem Road

District #36 - Queen of Martyrs School, 180 George Urban Blvd.

District #37 - Maryvale Community Center, 3409 Genesee Street

District #38 - U-Crest Fire Hall, 255 Clover Place

District #39 - U-Crest Fire Hall, 255 Clover Place

District #40 - Anna M. Reinstein Memorial Library, 2580 Harlem Road

District #41 - Anna M. Reinstein Memorial Library, 2580 Harlem Road

District #42 - St. John Gualbert Hall 120 Alexander Avenue

District #43 - St. John Gualbert Hall 120 Alexander Avenue

District #44 - Rescue Fire Hall, 20 Pine Ridge Road

District #45 - Rescue Fire Hall, 20 Pine Ridge Road

District #46 - Sloan Fire Hall, 55 Gates Street, Sloan

District #47 - Sloan Fire Hall, 55 Gates Street, Sloan

District #48 - Sloan Fire Hall, 55 Gates Street, Sloan

District #49 - Sloan Fire Hall, 55 Gates Street, Sloan

District #50 - Sloan Fire Hall, 55 Gates Street, Sloan

District #51 - Theodore Roosevelt School, 2495 William Street

District #52 - Theodore Roosevelt School, 2495 William Street

District #53 - Ukrainian Holy Trinity Orthodox Hall, 200 Como Park Blvd.

District #54 - Theodore Roosevelt School, 2495 William Street

District #55 - Doyle Fire Hall No. 1, William & Alaska

District #56 - Grover Cleveland School, Rossler & Dingens

District #57 - Doyle Fire Hall No. 2, Willowlawn & Griswold Street

District #58 - South Branch Library, 2660 William Street

District #59 - Sciole Elementary School, 86 Alys Drive, Depew

District #60 - Sciole Elementary School, 86 Alys Drive, Depew

District #61 - Forks Fire Hall No. 2, Nagel & South Creek Drive

District #62 - Hy-View Fire Hall, 8 Airport Drive

District #63 - Hy-View Fire Hall, 8 Airport Drive

District #64 - Forks Fire Hall (Memorial Hall), 3340 Broadway

District #65 - St. Barnabas School, 2099 George Urban Blvd.

District #66 - Maryvale Primary Bldg., 1 Nagel Drive

District #67 - Knights of St. John Christian Club, 2379 Union Road

District #68 - West End Hose Co. No. 6 2325 George Urban Blvd.

District #69 - Queen of Martyrs, 180 George Urban Blvd.

District #70 - Cheektowaga Recreation Center, Town Park, Harlem Road

District #71 - Cleveland Hill High School, Mapleview Drive

District #72 - Cleveland Hill Fire Hall, 440 Cleveland Drive

District #73 - Cleveland Heights Christian Church, 4774 Union Road

District #74 - Bellevue Fire Hall Como Park Blvd. & Bennett Road

District #75 - Front Foyer of Maryvale Continuing Education Bldg., 777 Maryvale Dr.

District #76 - Our Lady of the Blessed Sacrament School, 2620 George Urban Blvd.

District #77 - Ukrainian Holy Trinity Orthodox Church Hall, 200 Como Park Blvd.

District #78 - Doyle Fire Hall No. 1 William & Alaska Street

District #79 - Southline Fire Hall, 1049 French Road

District #80 - Knights of St. John Christian Club, 2379 Union Road

District #81 - Southline Fire Hall, 1049 French Road

District #82 - St. Mary's Greek Orthodox Church, 940 Losson Road

District #83 - Dartwood Community Center 222 Autumnwood Drive

District #84 - Dartwood Community Center 222 Autumnwood Drive

District #85 - Bellevue Fire Hall, Como Park Blvd. & Bennett Road

District #86 - Amvets Post # 14, 4721 Broadway, Depew

District #87 - St. Barnabas School 2099 George Urban Blvd.

District #88 - West End Hose Co. No. 6 2325 George Urban Blvd.

District #89 - Maryvale East Apartments, Moorman Drive

District #90 - Infant of Prague School Hall, 921 Cleveland Drive

District #91 - Maryvale East Apartments Moorman Drive

District #92 - Maryvale Primary Bldg., 1 Nagel Drive

District #93 - U-Crest Fire Hall, 255 Clover Place

District #94 - Ukrainian Holy Trinity Orthodox Hall, 200 Como Park Blvd.

District #95 - Doyle Fire Hall No. 1
William & Alaska Streets

District #96 - Maryvale Primary
Bldg., 1 Nagel Drive

District #97 - South Branch Library
2660 William Street

District #98 - Forks Fire Hall No. 2
Nagel & South Creek Drive

District #99 - Cleveland Heights
Christian Church, 4774 Union Road

District #100 - Front Foyer of Maryvale
Continuing Education Bldg., 777 Maryvale Dr.

District #101 - Queen of Martyrs
School, 180 George Urban Blvd.

District #102 - Sky Harbor Community
Building, 4795 Genesee Street

District #103 - Our Lady of the Blessed
Sacrament School, 2620 George Urban Blvd.

District #104 - Ukrainian Holy Trinity
Orthodox Hall, 200 Como Park Blvd.

District #105 - John F. Kennedy School,
305 Cayuga Creek Road

District #106 - Knights of St. John
Christian Club, 2379 Union Road

District #107 -Knights of St. John
Christian Club, 2379 Union Road

District #108 - Dartwood Community Center,
222 Autumnwood Drive

District #109 - Dartwood Community Center,
222 Autumnwood Drive

District #110 - Southline Fire Hall,
1049 French Road

District #111 - Southline Fire Hall,
1049 French Road

*Denotes non-accessibility to building
for handicapped

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
Supervisor:
Frank E. Swiatek
Councilmen:
Thomas M. Johnson
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

RICHARD M. MOLESKI
Town Clerk

State of New York
State Board of Elections

REQUEST FOR WAIVER

Section 4-104 Election Law
Part 6206 New York Code of Rules and Regulations

POLLING SITE ACCESSIBILITY WAIVER APPLICATION

Submit one application for each polling site by May 1 of each year to your county board of elections. ***Include all election districts at this site.***

1. Number of election districts at this polling site: 5

2. Location of polling site: St. Aloysius School, 157 Cleveland Drive, Cheektowaga, N.Y.

3. Check **ONE**: [X] Town or [ ] City Name: Cheektowaga

4. Ward/District

A.D. (where applicable)	Ward or L.D.	E.D.

5. The legislative body of the above municipality requests a waiver of polling site accessibility standards for the described polling site. **It is understood, that this waiver, if granted, is effective for one year.** Accessibility standards cannot be met at this location because: (Check all that apply).

   [ ] Inadequate parking facilities (if parking provided at this site)

   [ ] Obstructed walkways, doorways or pathways

   [X] Unramped stairs

   [ ] Other architectural features of the building

   [ ] Barriers within the voting area itself (Explain) _____

   [ ] Other (Explain) _____

6. a. A survey was conducted on: April/____/1990

   By: Facilities Department

   b. The reasonable cost of compliance would be the sum of: $ N/A

Cost estimate was made by: RICHARD M. MOLESKI, Town Clerk

The following work/construction or furnishing of the following equipment is necessary:

N/A

c. There is no other suitable accessible polling site location in the election district: [ ] Yes [X] No

7. A waiver of the accessibility requirement was requested for this site in any past year: [X] Yes [ ] No

8. a. The following persons or organizations contacted us regarding this particular location:

N/A

b. The polling site location was reviewed with them: [ ] Yes [X] No

9. a. The following specific substantial efforts will be done to achieve compliance:

N/A

b. Anticipated completion date: ____/____/____.

10. Additional information necessary for evaluating this waiver application: (Attach additional sheets, if necessary).

Date: 6/12/90

Richard M. Moleski

Town or City Clerk Signature

Town of Cheektowaga

Name of Town or City

COUNTY BOARD OF ELECTIONS ACTION:

[ ] Waiver Approved Date: _____

[ ] Waiver Disapproved By: _____

Commissioner of Elections

Commissioner of Elections

Item No. 16 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure and an unsafe abandoned well opening at 1281 Walden Ave., Cheektowaga, New York, S.B.L. #102.53-6-18/B that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessors' Office is owned by Geiger Enterprises, P.O. Box 201, Snyder, New York 14226, and

WHEREAS, these conditions require that immediate steps be taken to board over and secure all openings in this structure and at this premises to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure and at this premises be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or part-time employees in the Department listed:

SANITATION DEPARTMENT	EFFECTIVE
Maciejewski, Richard	4/16/90
Rusinski, David	4/16/90
Cyrankowski, Cheryle	4/16/90
Pietrowski, Lisa	4/16/90
Champagne, Douglas	4/16/90
Pokorski, Paul	4/16/90
Yetman, William	4/16/90
Ozolins, Christian	4/16/90
Smaczniak, Peter	4/16/90

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

BE IT RESOLVED that the firm of Strout & Skeels hired in the Council Office, Line Item 01-1010-0001-1351, be and hereby is terminated, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 18a Motion by Councilman Gabryszak, Seconded by Councilman Kulyk

BE IT RESOLVED that Francis T. Keefe, currently employed in the Facilities Department, is hereby temporarily assigned to the position of Cleaner in the Facilities Department, effective April 9, 1990.

Item No. 18a cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 18b Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, a vacancy exists in the Town's Facilities Department in the position of General Mechanic, and

WHEREAS, currently employed full-time personnel of the Department have been canvassed for said opening, pursuant to Section 18.01(d) of the Town's agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Randy W. Palmisano, Cheektowaga, New York 14227, is hereby appointed to the position of General Mechanic in the Facilities Department effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 18c Motion by Councilman Gabryszak, seconded by Councilman Gabryszak

WHEREAS, a vacancy exists in the position of Cleaner in the Sewer Maintenance Department, and

WHEREAS, in accordance with the collective bargaining agreement between the Town and the Town Employees Association, such position was properly posted, and

WHEREAS, no Town Employees Association employee applied for such job, and

WHEREAS, Raymond Nowak, a part-time Town employee who has experience working for the Town, applied for and meets the requirements for such position, NOW, THEREFORE, BE IT

RESOLVED that Raymond Nowak, of , Cheektowaga, New York 14206 be and hereby is appointed to the position of Cleaner in the Sewer Maintenance Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees Association.

* *

MOTION BY COUNCILMAN BLACHOWSKI, SECONDED BY COUNCILMAN GABRYSZAK TO AMEND THE ABOVE RESOLUTION, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

the amended resolution is as follows:

* *

Motion by Councilman Gabryszak, seconded by Councilman Gabryszak

WHEREAS, a vacancy exists in the position of Cleaner in the Sewer Maintenance Department, and

Item No. 18c cont'd

WHEREAS, in accordance with the collective bargaining agreement between the Town and the Town Employees Association, such position was properly posted, and

WHEREAS, no Town Employees Association employee applied for such job, and

WHEREAS, Raymond Nowak, a part-time Town employee who has experience working for the Town, applied for and meets the requirements for such position, NOW, THEREFORE, BE IT

RESOLVED that Raymond Nowak, of , Cheektowaga, New York 14206 be and hereby is appointed to the position of Cleaner in the Sewer Maintenance Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees Association, and BE IT FURTHER

RESOLVED that prior to employment, Mr. Nowak must submit to a pre-employment physical by a doctor of our choice to clear up any questions concerning his ability to perform full-time duties as a cleaner.

Upon Roll Call....
AYES: *Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski*
NAYES: *0*
ABSENT: *Councilmen Solecki and Rogowski*

Item No. 18d *Motion by Councilman Kulyk, Seconded by Councilman Gabryszak*

WHEREAS, a vacancy exists in the Engineering Department in the position of Engineering Assistant, and

WHEREAS, notice of said vacancy has been posted in accordance with the terms and conditions of the Town of Cheektowaga Employees Association collective bargaining agreement, and

WHEREAS, there exists a Civil Service competitive list for said position, which has been canvassed, and the persons whose names thereon interviewed for such vacancy, NOW, THEREFORE, BE IT

RESOLVED that Paul G. Piwowarski, Cheektowaga, New York 14227 be hereby appointed to the position of Engineering Assistant, effective May 7, 1990, at a salary in accordance with the provisions of the Town of Cheektowaga Employees Association collective bargaining agreement.

Upon Roll Call....
AYES: *Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski*
NAYES: *0*
ABSENT: *Councilmen Solecki and Rogowski*

Item No. 18e *Motion by Councilman Kulyk, Seconded by Councilman Gabryszak*

WHEREAS, a vacancy exists in the position of Engineering Assistant in the Engineering Department, and

WHEREAS, notice of such vacancy has been posted in accordance with the terms and conditions of the Town of Cheektowaga Employees Association collective bargaining agreement, and

WHEREAS, as a result of an appointment off the competitive Civil Service list for such title, no valid Civil Service list is in existence, NOW, THEREFORE, BE IT

Item No. 18e cont'd

RESOLVED that Henry A. Borkowski, Cheektowaga, be hereby appointed to the position of Engineering Assistant, effective April 17, 1990, on a provisional basis, pending the establishment of a valid Civil Service Competitive examination for such job title.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 19 Motion by Councilman Gabryszak, Seconded by Councilman Kulyk

WHEREAS, by Town Board resolution dated February 5, 1990, John E. Sczepanik was appointed to the position of Motor Equipment Operator-B in the Sanitation Department as a result of a temporary vacancy, and

WHEREAS, effective March 26, 1990, the employee failed to qualify, NOW, THEREFORE, BE IT

RESOLVED that John E. Sczepanik return to his position as Laborer in the Sanitation Department effective March 26, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 20 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that Elizabeth Dombrowski, Cheektowaga, New York 14206 be hired as a part-time Ceramic Teacher at $4.50 per hour in the Department of Senior Service, and BE IT FURTHER

RESOLVED that Carol Malkiewicz of be terminated as an employee in the Department of Senior Services.

Funding Source: 01-7620-0004-1639

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 21 Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals are hereby hired as seasonal employees in the Sanitation Department, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year, effective "as needed" and at the hourly rate of $5.00 per hour:

Higgins, Robert E.
Korabek, Joseph F.
Kozlowski, Paul
Marten, Thomas

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 22 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, grant moneys are available through the New York State Department of Environmental Conservation, Division of Solid Waste, Bureau of Waste Reduction and Recycling, to purchase Low Technology Resource Recovery equipment and/or devices, and

WHEREAS, the Town is a member and lead agent for the Erie County Northeast Solid Waste Management Board ("Northeast Board"), and

WHEREAS, the Northeast Board is assisting its member municipalities in complying with the New York State mandate to have a solid waste recovery plan in place by 1992, and

WHEREAS, Robert J. Miller & Associates, Grants Consultants to the Town, have proposed to prepare the necessary grant documents on behalf of the Northeast Board members to purchase Low Technology Resource Recovery equipment, for a cost not to exceed $1,800, NOW, THEREFORE, BE IT

RESOLVED that this Town Board, on behalf of and as lead agent for the Northeast Board, hereby retains Robert J. Miller & Associates to preapre and submit the necessary applications, forms, etc. to enable the Northeast Board members to apply for grants from this program in an amount not to exceed 50% of the total project cost, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of the Northeast Board, be and hereby is authorized and directed to execute any and all documents pertaining to the application of the Northeast Board as a body for these grant moneys, and BE IT FURTHER

RESOLVED that the Town of Cheektowaga, as lead agent for the Northeast Board, hereby commits the Northeast Board to pay Robert J. Miller & Associates an amount not to exceed $1,800.00 for their grant services in this matter.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 23a Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Solid Waste Management Act of 1988 mandates that municipalities enact laws providing for recycling by September 1, 1992, and

WHEREAS, the Urban Recycling Institute is holding its first State of the Art (MRF) Material Recovery Facilities Conference, on May 8th and 9th, 1990 in Worcester, Massachusetts, and

WHEREAS, it would be beneficial for certain members of the Town Sanitation Department/Recycling Division to attend said conference prior to the New York State Mandating the adoption of recycling programs in all municipalities, NOW, THEREFORE, BE IT

RESOLVED that Ronald Zoeller, Sanitation Department General Foreman and David Kulik, Working Foreman, Sanitation/Recycling, be and hereby are authorized to attend the State of the Art (MRF) Material Recovery Facilities Conference on May 8th and 9th, 1990 in Worcester, Massachusetts, and BE IT FURTHER

RESOLVED that the Town shall reimburse such individuals for their reasonable costs for registration, transportation, meals and lodging at a total cost not to exceed $1,400.00 out of the Town budget line item number 15-8173-0004-4088, and BE IT FURTHER

RESOLVED that the above-named individuals be assigned a Town vehicle for transportation to and from said Conference, and be reimbursed for all necessary and reasonable expenses associated with the conference.

Item No. 23a cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 23b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Amherst Police Department, in conjunction with the New York state Army National Guard, will be holding a two-week basic S.W.A.T. course at the Niagara Falls Air Force Base from April 30-May 11, 1990, and

WHEREAS, the Chief of Police has requested permission for Police Officer James Speyer to attend this course, and

WHEREAS, such course will assist in training our Police Department in responding to emergency situations, NOW, THEREFORE, BE IT

RESOLVED that Police Officer James Speyer be and hereby is authorized to attend the aforementioned S.W.A.T. course, and BE IT FURTHER

RESOLVED that the Town hereby agrees to pay the expenses for such course in an amount not to exceed $390.00 from budget line item number 01-1910-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 23c Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Institute of Assessing Offices and the New York State Assessor's Association is conducting a Seminar on the "Construction of a Residential Property", held at the Sheraton East Hotel in Cheektowaga, New York on Wednesday, April 25, 1990, and

WHEREAS, the New York State Division of Equalization and Assessment will be awarding 3 continuing education credits for attending this course, NOW, THEREFORE, BE IT

RESOLVED that Assessor, Casimir A. Kozminski and William R. Conway, Real Property Appraiser be and hereby are authorized to attend said Seminar on April 25, 1990 at a cost of $75.00 each.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 23d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Empire Section of the International Municipal Signal Association will be holding its annual spring seminar on April 25th and 26th, 1990 in Amherst, New York, and

WHEREAS, the purpose of this seminar is to disseminate information and educational material of benefit to the Town,and

Item No. 23d cont'd

WHEREAS, this Board feels that it would be advantageous to the Town to have Sgt. Mark Nacke, Head of the Police Department Traffic Division, and Arthur J. Blachowski, the individual assigned to the job of maintaining traffic-control signs, to attend this seminar, NOW, THEREFORE, BE IT

RESOLVED that Sgt. Mark Nacke and Arthur J. Blachowski be and hereby are authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED that the town shall pay the aforementioned individuals' registration fees in the amount of $35.00 each out of budget line item number 01-1901-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, and Kulyk
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski
ABSTAINED: Councilman Blachowski

Item No. 23e Motion by Councilman Blachowski, Seconded by Supervisor Swiatek

WHEREAS, the New York State Emergency Managers Association will be holding its annual conference in Syracuse, New York from May 22-24, 1990, and

WHEREAS, Earl Loder, the Town Disaster Coordinator, has requested permission to attend this conference, and

WHEREAS, the State Emergency Management Office ("SEMO") will pay one-half of the costs for such conference, NOW, THEREFORE, BE IT

RESOLVED that Earl Loder be and hereby is authorized to attend the aforementioned conference, and BE IT FURTHER

RESOLVED that the Town shall pay the expenses associated with Mr. Loder's attendance at such conference, less expenses paid by SEMO, in an amount not to exceed $100.00, to be appropriated from budget line item number 01-1910-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 24 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board is to find environmentally sound 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 engineering, were retained to do the necessary study within budgeted funding, and

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

Item No. 24 cont'd

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 withdrawn the sum of $25,156.37 for services for the period 9/24/89 through 3/10/90 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 Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 25a Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Scaffidi & Moore Architects has recommended that duct leak testing, as required in the specifications for Alexander Community Center Phase II construction, be deleted from the original contract award to Vastola Heating & Air Conditioning Corp., and

WHEREAS, Vastola Heating & Air Conditioning Corp. has submitted Change Order HVAC #1 to delete the leak testing part in the air balancing section under the mechanical work contract at a deduction of $460.00 from their contract, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby approves Change Order HVAC #1 as submitted by Vastola Heating & Air Conditioning Corp., 65 Riley Street, Buffalo, New York 14209, reducing said contract from $42,895.00 to $42,435.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

WHEREAS, Baker Development and Construction Company, Inc. has submitted a proposal for Change Order GC-1, alterations to cabinet work at the Alexander Community Center Phase II, and

WHEREAS, said alterations are to omit a cabinet and counter top, add two (2) adjustable shelves and shorten the length of two (2) cabinets, and

WHEREAS, Scaffidi & Moore Architects has reviewed said Change Order and has approved same as being in the best interest of the Town, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby approves Change Order GC-1 as submitted by Baker Development and Construction Company, Inc., 1251 Electric Avenue, Lackawanna, New York 14218 as a credit of -$200.00 reducing the contract from $54,710.00 to $54,510.00.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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:

Item No. 26 cont'd

GENERAL FUND

FROM:	1910-04-4101	(Unallocated Insurance)	$130,000.00
	2625-0000	(Crime Forfeiture Revenue)	369.00
	2625-0000	(Crime Forfeiture Revenue)	1,968.00
	9010-08-8151	(Life Insurance)	324.00
	1440-01-1401	(Engineering Aide)	10,000.00
	7410-04-4451	(Library-Bldg. & Grounds)	4,513.00
TO:	9902-09-9703	(Transfer to Risk Retention)	$130,000.00
	3120-02-2205	(Crime Forfeiture Equipment)	369.00
	3120-02-2205	(Crime Forfeiture Equipment)	1,968.00
	1670-01-1395	(Part-time Mail Clerk)	324.00
	9950-08-8001	(Interfund Transfer-Alex School	10,000.00
	7410-04-4513	(Library-Heating & Air Cond.)	4,513.00

SPECIAL DISTRICT FUND

FROM	8123-04-4821	(SD #3-Cont. Sewer Repair)	$ 6,000.00
	8125-04-4438	(SD #5-Cont. Sewer Repair)	24,000.00
TO:	9950-8001-0000	(Inter-Fund Trans. out-Alex. School)	$ 6,000.00
	9950-8001-0000	(Inter-Fund Trans. out-Alex. School)	24,000.00

CAPITAL FUND

FROM:	5823-2655-0000	(T.V. Van - Minor Sales)	$ 13,000.00
	5001-5031-0000	(Interfund Transfer-In	40,000.00
TO:	5823-8125-1103	(T.V. Van - Engineering)	$ 13,000.00
	5001-1440-2205	(Engineering Partitions-Alex. School)	40,000.00

RISK RETENTION FUND

FROM:	5031-0000	(Interfund Transfer - in)	$130,000.00
TO:	1710-04-4527	(Claims Admin. - Auto Liability)	$ 10,000.00
	1935-04-4703	(Claims Admin. - Auto Liability)	90,000.00
	1933-04-4703	(Police Liability Losses)	30,000.00

SPECIAL DISTRICT FUND

FROM:	8160-01-1376	(Sr. Clerk Typist)	$ 25,567.00
TO:	8160-01-1352	(Account Clerk)	$ 25,567.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 27 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 16, 1990 are hereby approved and made a part hereof:

Item No. 27 cont'd

GENERAL FUND	$ 685,461.48
HIGHWAY FUND	119,644.01
CAPITAL FUND	70,430.89
TRUST & AGENCY FUND	51.40
HUD-CDBG FUND	86.40
RISK RETENTION FUND	29,087.25
PART TOWN FUND	1,640.55
STATE AHC FUND	1,746.00
HUD REHAB. FUND	2,837.00
SPECIAL DISTRICT FUND	376,986.35
	$1,287,971.33

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Supervisor's Statement of Funds for January and February, 1990
Received and Filed.

Item No. 29 Quarterly report of Office of Disaster Preparedness
Received and Filed.

Item No. 30 Cheektowaga Planning Board - minutes of March meeting
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 31 Summons & Complaint - Katherine Ritenou vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Bruce Chamberlin, Chief of Police; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 32 Notice of Claim - Salvatore Sacco vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; James Burst, Foreman of Sewer Maintenance; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 33 Motion by Councilman Kulyk, Seconded by Councilman Blachowski
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

SPECIAL MEETING NO. 9
April 30, 1990

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 30th day of April, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Salvatore LaGreca, Employment & Training Director II; also Planning Board Chairman; Terry Rusin, Accountant; Donald Wegner, Chairman of Zoning Board of Appeals; James Matecki, Facilities Director

I. RESOLUTIONS

Item No. 2 Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Michael J. Desiderio ("the Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 13.9 acres of land known as 2911 William Street from RA-Apartment District to CM-General Commercial District for the construction of the Liberty Park Inn and Entertainment Center ("the Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there has been agreement by the appropriate governmental agencies (State, County, Local) that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning the Project, and

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board determined that the Applicant must prepare and submit to the Town for its review a Draft Environmental Impact Statement ("DEIS") addressing certain significant environmental effects of the Project, and

WHEREAS, the Applicant submitted a proposed DEIS to the Town, and

WHEREAS, the Town Environmental Review Advisory Committee and this Town Board reviewed the proposed DEIS and feel it is adequate to begin review by the public and involved and interested agencies, NOW, THEREFORE, BE IT

RESOLVED that the DEIS submitted by the Applicant for the Project be and hereby is determined to be satisfactory with respect to scope, content and adequacy by this Town Board, the lead agency for the Project, and BE IT FURTHER

RESOLVED that the Building Inspector be and hereby is directed to file a notice of completion of the DEIS and a copy of the DEIS in accordance with Section 617.10(c) and (d) of the SEQRA regulations, and BE IT FURTHER

RESOLVED that the public comment period on this DEIS shall begin and shall run until June 29, 1990, and BE IT FURTHER

Item No. 2 cont'd

RESOLVED that a public hearing on the DEIS and the rezoning and special permit applications shall be held on June 18, 1990, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 6:30 P.M. and the notice of such hearing shall be filed, published and made available in accordance with Sections 617.10(a)(2) and 617.10(e) of the SEQRA regulations and the Town Law of the State of New York, and BE IT FURTHER

RESOLVED that the Town Clerk shall published the attached Notice of Public Hearing on the rezoning and special permit in the Cheektowaga Times, the official Town newspaper at least ten (10) but no more than twenty (20) days prior to such hearing.

* See next page(s) for Notice

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Kulyk, Rogowski and Blachowski
NAYES: Councilmen Jaworowicz, Gabryszak and Solecki
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE
TOWN BOARD
TOWN OF CHEEKTOWAGA
NOTICE OF COMPLETION OF DRAFT EIS
AND
NOTICE OF SEQR PUBLIC HEARING

Lead Agency: Town Board
Town of Cheektowaga
Address: Broadway and Union Road
Cheektowaga, New York 14227

This consolidated notice is issued pursuant to Part 617 of the implementing regulations (6 NYCRR) pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and Section 23A-13 of the Town of Cheektowaga Code.

A Draft Environmental Impact Statement ("DEIS") has been completed and accepted by the Town Board of The Town of Cheektowaga, as lead agency, for the proposed action described below. Written comments on the DEIS are requested and will be accepted by the contact person if received on or before June 29, 1990. A public hearing on the DEIS will be held on June 18, 1990 at 6:30 P.M. at the Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227

The purpose of the hearing is to solicit comments from the public and interested agencies on the DEIS and particularly on the environmental issues identified below. Lengthy statements are requested to be submitted in writing. In the event that there are a large number of persons to be heard at the public hearing, a time limit per person may be imposed. Written comments may be submitted to the contact person after the hearing and will be received until June 29, 1990, until 5:00 P.M.

TITLE OF ACTION:

Liberty Park Inn and Entertainment Complex

DESCRIPTION OF ACTION:

Construction of a Hotel/Dining/Entertainmlent complex of approximately 99,500 square feet. The hotel rooms will be located in two "towers" of four and three stories in height.

- Total Site Area: 13.01 acres; 566,715.6 feet.
- Total Building Footprint: 1.41 acres; 61,500.0 square feet.
- Total Green Area: 3.44 acres; 150,000.0 square feet.
- Total Parking and Sidewalk Area: 8.16 acres; 355,449.6 square feet.
- Building Data (total) square feet - 99,500)

- Hotel - 118 rooms; 50,900 square feet
- Dinner Theatre - 667 seats; 10,000 square feet
- Dinner Lounge - 506 seats; 7,600 square feet
- Banquet Rooms - 500 seats; 7,500 square feet
- Retail Shops - 1,500 square feet
- Kitchen, receiving, laundry, common area, atrium, etc. - 22,000 square feet
- Parking for 799 Vehicles

LOCATION:

South side of William Street (known as 2911 William Street) between the New York State Thruway (I-90) and Cayuga Creek Road.

POTENTIAL ENVIROMENTAL IMPACTS STUDIES:

1. substantial potential for adverse changes in traffic levels.
2. substantial potential for adverse changes in noise levels.
3. substantial potential for adverse effects on drainage.
4. substantial adverse impact upon the character of the existing residential areas through intrusion of a commercial use.
5. significant potential for increase air pollution.
6. significant affect caused by height of building
7. affect on residences caused by outside lighting.

DOCUMENT AVAILABILITY

Limited copies of the DEIS are available and may be reviewed at the Town Clerk's office between 9:00 A.M. and 4:30 P.M. weekdays; and the Town's Building Inspector's Office between 9:00 A.M. and 4:30 P.M. weekdays.

The DEIS and Appendices are also on file and may be reviewed at the following location :

Cheektowaga South Branch Library; 2660 William Street

FOR FURTHER INFORMATION:

Contact person: Thomas Adamczak
Building Inspector
Address: Town Hall, Broadway and Union Roads
Cheektowaga, New York 14227
Phone No: 716-686-3470

COPIES OF THIS NOTICE SENT TO:
Commissioner-Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-001

New York State Department of Environmental Conservation
Region 9 Headquarters
600 Delaware Avenue
Buffalo, New York 14202

Supervisor Frank Swiatek
Town of Cheektowaga

INVOLVED AND INTERESTED AGENCIES:
New York State Department of Transporation
Erie County Department of Environment and Planning
New York State Thruway Authority
Cheektowaga Planning Board
Cheektowaga Town Board
Cheektowaga Highway Department
Cheektowaga Engineering Department
Cheektowaga Environmental Advisory Review Committee
Cheektowaga Police Department
Cheektowaga Traffic Safety Commission
Cheektowaga Building & Plumbing Inspector's Department

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication MAY 17 1990; last publication MAY 17 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 17 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICES

LEGAL NOTICE
TOWN BOARD
TOWN OF CHEEKTOWAGA
NOTICE OF COMPLETION OF DRAFT EIS
AND
NOTICE OF SEQR PUBLIC HEARING

Lead Agency: Town Board
Town of Cheektowaga
Address: Broadway and Union Road
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The purpose of the hearing is to solicit comments from the public and interested agencies on the DEIS and particularly on the environmental issues identified below. Lengthy statements are requested to be submitted in writing. In the event that there are a large number of persons to be heard at the public hearing, a time limit per person may be imposed. Written comments may be submitted to the contact person after the hearing and will be received until June 29, 1990, until 5:00 p.m.

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– Hotel – 118 rooms; 50,900 square feet
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3. substantial potential for adverse effects on drainage.
4. substantial adverse impact upon the character of the existing residential areas through intrusion of a commercial use.
5. significant potential for increase air pollution.
6. significant affect caused by height of building.
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DOCUMENT AVAILABILITY
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The DEIS and Appendices are also on file and may be reviewed at the following location:
Cheektowaga South Branch Library; 2660 William Street

FOR FURTHER INFORMATION:
Contact person: Thomas Adamczak
Building Inspector
Address: Town Hall, Broadway and Union Roads
Cheektowaga, Now York 14227
Phone No: 716-686-3470

COPIES OF THIS NOTICE SENT TO:
Commissioner-Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-001
New York State Department of Environmental Conservation
Region 9 Headquarters
600 Delaware Avenue
Buffalo, New York 14202
Supervisor Frand Swiatek
Town of Cheektowaga

INVOLVED AND INTERESTED AGENCIES:
New York State Department of Transportation
Erie County Department of Environment and Planning
New York State Thruway Authority
Cheektowaga Planning Board
Cheektowaga Town Board
Cheektowaga Highway Department
Cheektowaga Engineering Department
Cheektowaga Environmental Advisory Review Committee
Cheektowaga Police Department
Cheektowaga Traffic Safety Commission
Cheektowaga Building & Plumbing Inspector's Department

PUBLISH: MAY 17, 1990

L E G A L N O T I C E

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the the Town Board of the Town of Cheektowaga, Erie County, New York York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of JUNE, 1990 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of MICHAEL J. DESIDERIO to Rezone from RA - APARTMENT District to C - RETAIL BUSINESS District on property located at 2911 WILLIAM STREET 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 an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

R

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, at its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwiec and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorczak and Marie, his wife by deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorczak and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

SCHEDULE A

L E G A L N O T I C E

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the the Town Board of the Town of Cheektowaga, Erie County, New York York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of JUNE, 1990 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of MICHAEL J. DESIDERIO for a Special Permit to operate a hotel & entertainment complex

on property located at 2911 WILLIAM STREET pursuant to Article VI and Section 82-33 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 Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

SUP

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

Scott Renson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks:
first publication MAY 31 1990 ;
last publication MAY 31 1990 ;
and that no more than six days intervened between publications.

Scott Renson

Sworn to before me this MAY 31 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE

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Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

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 Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, at its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwiec and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorczak and Marie, his wife by deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorczak and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point, ; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

PUBLISH: MAY 31, 1990

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 31 1990; last publication MAY 31 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 31 1990 day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 18th day of JUNE, 1990 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of MICHAEL J. DESIDERIO to Rezone from RA – APARTMENT District to C – RETAIL BUSINESS District on property located at 2911 WILLIAM STREET 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 an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: MAY 31, 1990

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

WHEREAS, the Town of Cheektowaga ("Town") has proposed the construction of an 18-hole municipal golf course (the "Project") in the northeast section of the Town, and

WHEREAS, the Town conducted a public hearing on April 16, 1990 at 7:00 P.M. at the Town Hall, Broadway and Union Road, Cheektowaga, New York pursuant to the provisions of the Eminent Domain Procedure Law of the State of New York ("EDPL"), and

WHEREAS, a record of said public hearing was taken and assembled by Arthur J. Caprio, Registered Professional Reporter, NOW, THEREFORE, BE IT

RESOLVED by the Town Board of the Town of Cheektowaga ("Town Board") as follows:

1. That all actions heretofore authorized and taken by the Town Board and the Town in connection with the acquisition of certain property for the development of the Project, including, but not limited to, the conducting of a public hearing held April 16, 1990 at 7:00 p.m. at the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, be and hereby are confirmed, ratified and approved. Said properties to be acquired are those parcels designed "C", "K", "O" and "P" on the Acquisition Map presented at said April 16, 1990 Public Hearing and attached to the record of said Public Hearing as Exhibit 5 ("Subject Property"); and

2. That the record of said Public Hearing ("Record") as taken and assembled by Arthur J. Caprio, Registered Professional Reporter, be and hereby is approved as a true and correct Record of hearing; and

3. That, pursuant to all provisions of EDPL §203, true copies of said Record shall and are hereby made available to the public for examination at the Office of the Town Clerk of Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York and at the Office of the County Clerk, County of Erie, 25 Delaware Avenue, Buffalo, New York 14202; and

4. That, pursuant to EDPL §204, the Town Board hereby approves and adopts its Determination and Findings in regard to the acquisition of the Subject Property as follows:

   A. Determination and Findings attached hereto and made a part of this Resolution and marked "Exhibit 1", and

   B. Synopsis of said Determination and Findings attached and made a part of this Resolution and marked "Exhibit 2".

5. That the Synopsis of said Determination and Findings (Exhibit 2) be published in two successive issues of the official Town newspaper, the Cheektowaga Times, and in at least two successive issues of the Buffalo News in accordance with EDPL §204; and

6. That the Town Attorney James J. Kirisits, and Deputy Town Attorney, Kevin G. Schenk, and Special Counsel Moot & Sprague and all appropriate Town of Cheektowaga officials, staff and consultants be and hereby are authorized to take all steps necessary to accomplish the aforesaid actions and purposes and to acquire the Subject Property.

Item No. 3 cont'd

* See next eighteen (18) pages for Exhibits 1 and 2

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, and Blachowski
NAYES: Councilmen Kulyk and Rogowski
ABSENT: 0

AFFIDAVIT - NEXT PAGE

EXHIBIT 1

PURSUANT TO §204 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK, THE TOWN OF CHEEKTOWAGA THROUGH ITS TOWN BOARD, FOLLOWING A PUBLIC HEARING HELD AT THE TOWN HALL, BROADWAY AND UNION ROAD, CHEEKTOWAGA, NEW YORK ON APRIL 16, 1990, HEREBY MAKES ITS DETERMINATION AND FINDINGS REGARDING THE PROPOSED ACQUISITION OF PROPERTY FOR THE CHEEKTOWAGA MUNICIPAL GOLF COURSE.

I. THE PUBLIC USE, BENEFIT, OR PURPOSE TO BE SERVED BY THE PROPOSED PUBLIC PROJECT

The privately owned property which the Town of Cheektowaga proposes to acquire for the development of the 18 hole Cheektowaga Municipal Golf Course consists of four parcels:

1. Rectangular-shaped parcel of land measuring 2,229.02 feet on the east side, 2,218.55 feet on the west side, 591.43 feet on the north side, and 591.36 +/- feet on the south side; comprising 30.18 +/- acres and being 656.04 +/- feet west of the terminus of Rehm Road and designated as parcel "C" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing;

2. Rectangular-shaped parcel of land having frontage of 1,021.03 feet on the north side of Rehm Road, a depth of 635.25 feet on the east and west sides, and measuring 1,012.09 feet on the north side; comprising 14.83 +/- acres and designated as parcel "K" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing.

3. Triangular-shaped parcel of land measuring 2,126.56 feet on the east side, 530.21 feet on the north side and 2,195.70 feet on the southwest side; comprising 11.51 +/- acres; being east of the former Lehigh Valley Railroad and south of the West Shore Railroad line and designated as parcel "O" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing;

4. A four-sided parcel of land measuring 2,539.55 feet on the east side, 2,267.16 feet on the west side; 399.60 feet on the north side and 942.85 feet on the south side; comprising 38.89 +/- acres; being west of the former Lehigh Valley Railroad and south of the West Shore Railroad line and designated as parcel "P" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing.

Parcels "C", "K", "O", and "P" as described above are hereinafter referred to as the "Subject Property." The Condemnor, Town of Cheektowaga by and through its Town Board ("Town") finds that the following public purposes are to be served by, and benefits expected to be derived from the proposed acquisition of the Subject Property and the development of the 18-hole Cheektowaga Municipal Golf Course (the "Project"):

- The Project will provide a major recreational facility to the residents of the Town in particular and residents of Western New York in general. The market

for the golf course is estimated to be approximately 47,000 golfers. Based on the number of public courses in the Western New York area and the number of golfers here, a strong market demand for an additional course exists. The golfing population is expected to continue to grow in the future which will result in an even stronger market for this course.

- The Project will provide a "green space" of approximately 158.5 acres within the Town. As such, it will be a source of aesthetic beauty within the Cheektowaga community providing vistas of green accented with trees and water. The Town has an obligation to its current residents and future generations to preserve such open areas or "green spaces" and give balance to the growth of Cheektowaga. The Town has developed its industry and commerce to as high a pitch as any municipality in Western New York. This Project both creates a major recreational facility and preserves and important open area "green space" which will improve the quality of life in Cheektowaga.

- The Project will improve the image of the Town. The presence of a first-class public golf course in a municipality adds to its appeal as a community.

- The Project will result in long-term revenues to the Town. It is estimated that the Project will achieve a net operating income of $16,600 during its first year

of operation; $34,900 its second year; $176,301 its third year; $223,023 its fourth year; and $386,064 its fifth year. By the fifth year, the Project's net operating income will not only pay the expenses of running and maintaining the golf course but will also help pay off principal and interest on the municipal bonds which will be sold to raise money to develop and construct the Project.

- Although the Project will result in vacant property being taken off the Town tax rolls, the creation of a private development of 28 single-family homes in the middle of the golf course will significantly offset the loss to the Town's tax base. The Project will also increase the value of all property which surrounds the golf course.

- The Project will directly result in the creation of a number of temporary jobs for the construction of the golf course. The Project will also result in the creation of several permanent jobs in connection with operating and physically maintaining the golf course.

II. THE APPROXIMATE LOCATION FOR THE PROPOSED PUBLIC PROJECT AND THE REASONS FOR THE SELECTION OF THAT LOCATION.

The proposed Project will be located on approximately 158.5 acres in the Rehm Road area of the Town. The Project will require and use approximately 17.25 of the 55.2 acres which make up Rehm Park and several parcels the Town is negotiating to

purchase. In addition, the Project will be located on the following four land parcels which will be acquired by the Town through its powers of eminent domain:

1. Rectangular-shaped parcel of land measuring 2,229.02 feet on the east side, 2,218.55 feet on the west side, 591.43 feet on the north side, and 591.36 feet on the south side; comprising 30.18 +/- acres and being 656.04 +/- feet west of the terminus of Rehm Road and designated as parcel "C" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing;

2. Rectangular-shaped parcel of land having frontage of 1,021.03 feet on the north side of Rehm Road, a depth of 635.25 feet on the east and west sides, and measuring 1,012.09 feet on the north side; comprising 14.83 acres and designated as parcel "K" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing.

3. Triangular-shaped parcel of land measuring 2,126.56 feet on the east side, 530.21 feet on the north side and 2,195.70 feet on the southwest side; comprising 11.51 +/- acres; being east of the former Lehigh Valley Railroad and south of the West Shore Railroad line and designated as parcel "O" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing;

4. A four-sided parcel of land measuring 2,539.55 feet on the east side, 2,267.16 feet on the west side; 399.60 feet on the north side and 942.85 feet on the south side; comprising 38.89 +/- acres; being west of the former Lehigh Valley Railroad and south of the West Shore Railroad line and designated as parcel "P" on the proposed Acquisition Map which is on file in the Town Clerk's Office and attached as Exhibit 5 to the Record of the April 16, 1990 Public Hearing.

This site was selected because it was the most economically feasible in that the cost of construction would be minimized by the lack of clearing necessary and the availability of the existing on-site soil. There are few large trees on the entire site and no waterways or ponds. This will make clearing and contouring the land for purposes of constructing the golf course much simpler and less expensive. The generally flat topography of the site can be transformed into a course that features trapped greens, elevated tees, fairway bunkers, and mounds. Material for this type of design will come from the abandoned railroad bed that traverses the site. Because of the lack of large trees or valuable vegetation on the site, its clearing would not impact on its aesthetic features.

The utilities needed to service the course are readily available from nearby developments. In addition, access to the site could be available from both Rehm Road and Genesee Street.

J.C. Stiglmeier Park was considered as an alternative site to the Rehm Park site. J.C. Stiglmeier Park is located in the southern section of the Town and is situated between Losson Road and Como Park Boulevard. The site is irregularly shaped and is bordered by roads to the north and south, the Reinstein Woods Nature Preserve to the east and exposed housing to the west. The Cayuga Creek annually floods, spilling over into significant portions of the park. Traversing the park from north to the south for a distance of approximately 5,875 feet is an easement granted to the New York State Electric and Gas Corporation by the Town and is used as a right-of-way for access to a power transmission line. J.C. Stiglmeier Park was rejected as the alternative site for several reasons. It is the major outdoor recreation facility in the Town. The Park consists of 352 acres and 2 baseball fields, 7 softball fields, 4 basketball courts, 6 tennis courts, a football field, picnic pavilions and activities building, and several parking areas. Plans exist for an outdoor swimming pool as well as several other major recreation facilities to be constructed at J.C. Stiglmeier Park. Approximately 40% of the park is developed and the remaining acreage is in its natural state. Throughout this area, an extensive network of nature trails have been developed by the Town Youth Bureau. Trails have been cleared and the construction of boardwalks, bridges and a gazebo has occurred. It is estimated that over 250,000 hours of labor have been expended by the Conservation Corp in connection with this work.

In addition, approximately $500,000 has been expended to develop these projects. The size and extent of development at J.C. Stiglmeier Park has resulted in an extremely high level of use by Town residents and neighboring communities. Organized activities such as leagues, summer playground programs, instructional clinics, and field trips and outings account for an estimated 100,000 users during a 10-week period at the height of the summer season. It is estimated that an additional 100,000 users visit Stiglmeier Park during the course of a year.

Stiglmeier Park has combined both active use areas and natural settings into an ideal recreational facility. Access to the natural area has been enhanced by the construction of a network of nature trails at considerable work and expense. Several species of wildlife make this area their home and the destruction of this habitat would mean the elimination of the opportunity visitors presently have to observe said wildlife in their natural state. Dislocation of wildlife is certain to occur should significant change be made to the natural environment which exist at the present time there. The location of a golf course at Stiglmeier Park will only complicate the situation at the Park.

In addition, the construction of a golf course at Stiglmeier Park would not be cost effective when compared to the Rehm Park site. To locate a course at Stiglmeier Park would mean the clearing of extensive wooded areas involving the removal of thousands of trees. With the present environmental restrictions

on open burning, this item would be very costly. Since the Cayuga Creek is subject to annual flooding, major expense would have to be incurred to prevent the water from encroaching on the area the golf course would occupy in order to avoid damage. Significant quantities of topsoil would have to be purchased and put into place in order to provide an adequate environment on which to establish quality turf. The location of the power transmission line that traverses the park would be a major obstacle which would have to be overcome. Finally, the network of trails and boardwalks built by the youth of the community would be destroyed resulting in a loss of both the labor and financial resources invested in the Park.

The Rehm Park site is the most desirable location for the Project. It is the most cost effective in terms of construction costs and entails the least amount of disruption to a major existing recreational facility.

The properties described above (Parcels C, K, O, P) to be acquired for the Project at this site in addition to the 17.25 acres of Rehm Park and several other parcels the Town is negotiating to purchase are necessary for the proper development of this Project. The Town retained golf course planners and an architect with national reputations in connection with the feasibility of developing a golf course, site selection, and design and layout of the course. The amount of land designated for the Project is the area necessary in the minds of these experts to develop a first-class golf course. The layout of the

course and the selection of Parcels C, K, O, and P make it possible to blend the golf course with the planned quality residential development of 28 single-family homes by having the golf course completely surround that development. This site with the proposed layout of the Project represents the most desirable combination of properties. The modern trend in golf course construction is to place golf courses in a restful and relaxing atmosphere. The proposed layout produces the most coherent and fluent configuration for the golf course and the 28-unit residential development.

III. THE GENERAL EFFECT OF THE PROPOSED PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY.

As part of the planning process for this Project, the Town is the lead agency for the State Environmental Quality Review Act ("SEQRA") process, examined the proposed action of constructing an 18-hole municipal golf course at the Rehm Park site. A Full Environmental Assessment Form ("EAF") for this Project was filed and sent to all interested and involved agencies on the state, county and local levels. All such involved agencies agreed that the Town Board should act as lead agency for SEQRA purposes on the Project.

As an interested and involved agency, the Niagara Frontier Transportation Authority ("NFTA") raised its concern that the retention ponds on the golf course will attract birds which could be hazardous to air traffic at Greater Buffalo International Airport ("GBIA"). The proposed ponds have a combined surface

area of over ten acres. However, there are other bodies of water closer to the airport runway such as Ellicott Creek, U-Crest ditch and Aero "Lake". These bodies of water have not resulted in or contributed to any bird problem and it appears that the proposed ponds on the golf course will have no adverse impact on air traffic at GBIA.

The New York State Department of Transportation ("NYSDOT"), as an interested and involved agency, questioned the impact this Project will have on traffic in the area. Access to the course will be over Sonwil Drive which is expected to become a Town highway in the near future. The Town will be responsible for the redesign of the intersection of Sonwil Drive and Genesee Street and will coordinate design with the NYSDOT. There will be no increase in traffic levels that would result in a significant impact on traffic in the area.

The Erie County Water Authority, as an interested an involved agency, raised its concern about public water availability in view of the irrigation and drainage needs of a golf course. The course will require a domestic water supply only for the club house. Irrigation of the greens and fairways will be accomplished through an extensive piping system using water from the ponds on the golf course. There is adequate water available for the needs of the golf course and, in fact, the golf course will need little public water.

The general effect on the residents of the locality of this Project involves the condemnation of approximately 95.41 acres of land which are virtually all vacant. There is one residential dwelling within the Project area which the Town expects to purchase and remove. Those residences in proximity to the golf course will be favorably impacted by the creation of this aesthetically pleasing large open area "green space." It is anticipated that property values for residences in proximity to the golf course, and particularly those residences which are adjacent to the course itself, will increase.

In summary, the impact on the environment and residents of the locality is not significant. Accordingly, at the Town Board meeting of April 16, 1990, the Town Board passed a Resolution directing the Town building inspector to prepare and file a negative declaration for this Project pursuant to §617.10 of the SEQRA regulations.

The Town believes that all relevant factors connected with this Project and the properties to be acquired have been duly considered and evaluated.

April 30, 1990

Town Board of the
Town of Cheektowaga

EXHIBIT 2

PUBLIC NOTICE PURSUANT TO § 204
EMINENT DOMAIN PROCEDURE LAW

SYNOPSIS OF DETERMINATION AND FINDINGS PERTAINING TO THE PROPOSED ACQUISITION OF PROPERTY FOR THE CHEEKTOWAGA MUNICIPAL GOLF COURSE

The Town of Cheektowaga through its Town Board ("Town") has heretofore held a public hearing concerning the proposed acquisition of property for the Cheektowaga Municipal Golf Course and has made its DETERMINATION AND FINDINGS dated April 30, 1990 relating thereto.

Copies of the aforesaid DETERMINATION AND FINDINGS are available to the public without cost. A copy will be forwarded to you without cost upon written request for same stating your name and mailing address and directed to "Office of the Town Attorney, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, Attn: Kevin G. Schenk, Esq., Deputy Town Attorney."

There follows a brief SYNOPSIS of the DETERMINATION AND FINDINGS:

1. The public use, benefit or public purpose to be served by the acquisition of property for and the development of the Cheektowaga Municipal Golf Course (the "Project") will be:

- The Project will provide a major recreational facility to the residents of the Town in particular and residents of Western New York in general.

- The Project will provide an open area "green space" of approximately 158.5 acres within the Town. This will provide a source of aesthetic beauty within the community for its current residents and future generations.
- The Project will improve the Town's image with the presence of a first-class public golf course adding to the general appeal of the community.
- The Project will result in long term revenues to the Town through profit derived from the operation of the golf course.
- The Project makes possible the unique private development of 28 single-family homes surrounded by the golf course. This will offset the loss to the Town's tax base from taking property off of the assessment rolls to build the golf course.
- The Project will have the effect of increasing the value of all property which surrounds the golf course.
- The Project will directly result in the creation of a number of temporary jobs for the construction of the golf course and the creation of several permanent jobs in connection with the operation and physical maintenance of the golf course.

2. The Project will be located on approximately 158.5 acres in the Rehm Road area of the Town of Cheektowaga. The Project will include approximately 17.25 acres of Rehm Park, an additional four parcels which will be acquired by eminent domain and several parcels which the Town is negotiating to purchase. The parcels to be acquired by eminent domain consist of Parcel C which is approximately 30.18 acres located to the west of the terminus of Rehm Road, Parcel K comprising approximately 14.83 acres on the north side of Rehm Road, Parcel O comprising approximately 11.51 acres on the east boundary of the former Lehigh Valley Railroad and to the south of the West Shore Railroad Line, and Parcel P comprising approximately 38.89 acres to the west of the former Lehigh Valley Railroad Line near the terminus of Rehm Road. The site was selected because it is the most economically feasible from the standpoint of the cost of construction. There are few large trees on the entire site and no waterways or ponds which will make clearing and contouring the land for purposes of constructing the golf course much simplier and less expensive. The utilities needed to service the course are readily available. Convenient access is available from both Rehm Road and Genesee Street. The Rehm Park site was chosen over the alternative J.C. Stiglmeier Park site. Stiglmeier Park was rejected because it is the major outdoor recreation facility in the Town. 40% of Stiglmeier Park is developed and the remaining acreage is in its natural state. Throughout this area an extensive network of nature trails has been developed by the Town

Youth Bureau. The size and extent of development at Stiglmeier Park has resulted in an extremely high level of use by Town residents and neighboring communities. It is estimated that there are over 200,000 users of Stiglmeier Park during the course of a year. The location of a golf course in Stiglmeier Park would result in the loss of much of the recreation facilities already constructed there and significant disruption in the use of the existing facilities at Stiglmeier Park. In addition, the construction of a golf course at Stiglmeier Park would not be cost effective when compared to the Rehm Road Park site. Stiglmeier Park would require the clearing of extensive wooded areas at great expense. Because Cayuga Creek is subject to annual flooding, major expenses would be incurred to prevent the water from encroaching on the golf course area. The network of trails and boardwalks built by the youth of the community would be destroyed resulting in the loss of both the labor and financial resources invested in the project, as well as an important recreational activity for the community. A power transmission line traverses the park which would have to be relocated and would be an expensive and major obstacle to developing the golf course there. The Rehm Park site with the proposed layout of the Project represents the most desirable combination of properties with the most coherent and fluent configuration for a first-class golf course in this area.

3. The Project's potential effects on the environment and residents of the locality have been studied by the Town as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"). After preparing a Full Environmental Assessment Form ("EAF") and consulting with all interested and involved agencies on the State, County, and local levels, the Town has concluded that the impact on the environment and residents of the locality is not significant and has filed a negative declaration for this Project pursuant to the SEQRA regulations. The concern raised regarding the effect of retention ponds on the golf course attracting birds which could be a hazard to air traffic at the Greater Buffalo International Airport ("GBIA") was found not to be a significant impact. After studying the issue the conclusion is there will be no effect on air traffic at GBIA from golf course retention ponds attracting birds. There will be no substantial increase in traffic levels which would result in a significant impact on the environment and local residents. There is adequate water available for the needs of the golf course and it is anticipated the golf course would need little public water. Accordingly, there will be no significant impact on the availability of public water created by this Project. There is one personal residence on the property which will make up the Project site. The Town expects to purchase and remove said

dwelling. Those residential properties in the immediate vicinity of the Project will increase in value as a result of the beneficial impact of the Project.

Dated: April 30, 1990

TOWN OF CHEEKTOWAGA

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 2 weeks: first publication MAY 03 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 03 1990 day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXHIBIT 2
PUBLIC NOTICE
PURSUANT TO 204
EMINENT DOMAIN
PROCEDURE LAW
SYNOPSIS OF DETERMINATION AND FINDINGS PERTAINING TO THE PROPOSED ACQUISITION OF PROPERTY FOR THE CHEEKTOWAGA MUNICIPAL GOLF COURSE

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– The Project will provide an open area "green space" of approximately 158.5 acres within the Town. This will provide a source of aesthetic beauty within the community for its current residents and future generations.

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–The Project will result in long term revenues to the Town through profit derived from the operation of the golf course.

– The Project makes possible the unique private development of 28 single–family homes surrounded by the golf course. This will offset the loss to the Town's tax base from taking property off of the assessment rolls to build the golf course.

– The Project will have the effect of increasing the value of all property which surrounds the golf course.

– The Project will directly result in the creation of a number of temporary jobs for the construction of the golf course and the creation of several permanent jobs in connection with the operation and physical maintenance of the golf course.

2. The Project will be located on approximately 158.5 acres in the Rehm Road area of the Town of Cheektowaga. The Project will include approximately 17.25 acres of Rehm Park, an additional four parcels which will be acquired by eminent domain and several parcels which the Town is negotiating to purchase. The parcels to be acquired by eminent domain consist of Parcel C which is approximately 30.18 acres located to the west of the terminus of Rehm Road, Parcel K comprising approximately 14.83 acres on the north side of Rehm Road, Parcel O comprising approximately 11.51 acres on the east boundary of the former Lehigh Valley Railroad and to the south of the West Shore Railroad Line, and Parcel P comprising approximately 38.89 acres to the west of the former Lehigh Valley Railroad Line near the terminus of Rehm Road. The site was selected because it is the most economically feasible from the standpoint of the cost of construction. There are few large trees on the entire site and no waterways or ponds which will make clearing and contouring the land for purposes of constructing the golf course much simplier and less expensive. The utilities needed to service the course are readily available. Convenient access is available from both Rehm Road and Genesee Street. The Rehm Park site was chosen over the alternative J.C. Stiglmeier Park site. Stiglmeier Park was rejected because it is the major outdoor recreation facility in the Town. 40% of Stiglmeier Park is developed and the remaining acreage is in its natural state. Throughout this area an extensive network of nature trails has been developed by the Town Youth Bureau. The size and extent of development at Stiglmeier Park has resulted in an extremely high level of use by Town residents and neighboring communities. It is estimated that there are over 200,00 users of Stiglmeier Park during the course of a year. The location of a golf course in Stiglmeier Park would result in the loss of much of the recreation facilities already constructed there and signigicant disruption in the use of the existing facilities at Stiglmeier Park. In addition, the construction of a golf course at Stiglmeier Park would not be cost effective when compared to the Rehm Road Park site. Stiglmeier Park would require the clearing of extensive wooded areas at great expense. Because Cayuga Creek is subject to annual flooding, major expenses would be incurred to prevent the water from enroaching on the golf course area. The network of trails and boardwalks built by the youth of the community would be destroyed resulting in the loss of both the labor and financial resources invested in the project, as well as an important recreational activity for the community. A power transmission line traverses the park which would have to be relocated and would be an expensive and major obstacle to developing the golf course there. The Rehm Park site with the proposed layout of the Project represents the most desirable combination of properties with the most coherent and fluent configuration for a first–class golf course in this area.

3. The Project's potential effects on the environment and residents of the locality have been studied by the Town as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"). After preparing a Full Environmental Assessment Form ("EAF") and consulting with all interested and involved agencies on the State, County, and local levels, the Town has concluded that the impacton the environment and residents of the locality is not significant and has filed a negative declaration for this Project pursuant to the SEQRA regulations. The concern raised regarding the effect of retention ponds on the golf course attracting birds which could be a hazard to air traffic at the Greater Buffalo International Airport ("GBIA") was found not to be a significant impact. After studying the issue the conclusion is there will be no effect on air traffic at GBIA from golf course retention ponds attracting birds. There will be no substantial increase in traffic levels which would result in a significant impact on the environment and local residents. There is adequate water available for the needs of the golf course and it is anticipated the golf course would need little public water. Accordingly, there will be no significant impact on the availability of public water created by this Project. There is one personal residence on the property which will make up the Project site. The Town expects to purchase and remove said dwelling. Those residential properties in the immediate vicinity of the Project will increase in value as a result of the beneficial impact of the Project.

TOWN OF CHEEKTOWAGA
Dated: April 30,1990
PUBLISH: May 3, 1990 & May 10, 1990

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

.....Scott Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... 2 ..... weeks; first publication ..... MAY 3 1990 .....; last publication ..... MAY 10 1990 .....; and that no more than six days intervened between publications.

..... Scott Benson .....

Sworn to before me this ..... MAY 10 1990 .....

day of ....., 19.....

..... Margaret J. Bourdette .....

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXHIBIT 2
PUBLIC NOTICE
PURSUANT TO 204
EMINENT DOMAIN
PROCEDURE LAW
SYNOPSIS OF DETERMINATION AND FINDINGS PERTAINING TO THE PROPOSED ACQUISITION OF PROPERTY FOR THE CHEEKTOWAGA MUNICIPAL GOLF COURSE

The Town of Cheektowaga through its Town Board ("Town") has heretofore held a public hearing concerning the proposed acquisition of property for the Cheektowaga Municipal Golf Course and has made its DETERMINATION AND FINDINGS dated April 30, 1990 relating thereto.

Copies of the aforesaid DETERMINATION AND FINDINGS are available to the public without cost. A copy will be forwarded to you without cost upon written request for same stating your name and mailing address and directed to "Office of the Town Attorney, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, Attn: Kevin G. Schenk, Esq., Deputy Town Attorney."

There follows a brief SYNOPSIS of the DETERMINATION AND FINDINGS:

1. The public use, benefit of public purpose to be served by the acquisition of property for and the development of the Cheektowaga Municipal Golf Course (the "Project") will be:

– The Project will provide a major recreational facility to the residents of the Town in particular and residents of Western New York in general.

– The Project will provide an open area "green space" of approximately 158.5 acres within the Town. This will provide a source of aesthetic beauty within the community for its current residents and future generations.

– The Project will improve the Town's image with the presence of a first–class public golf course adding to the general appeal of the community.

–The Project will result in long term revenues to the Town through profit derived from the operation of the golf course.

– The Project makes possible the unique private development of 28 single–family homes surrounded by the golf course. This will offset the loss to the Town's tax base from taking property off of the assessment rolls to build the golf course.

–The Project will have the effect of increasing the value of all property which surrounds the golf course.

– The Project will directly result in the creation of a number of temporary jobs for the construction of the golf course and the creation of several permanent jobs in connection with the operation and physical maintenance of the golf course.

2. The Project will be located on approximately 158.5 acres in the Rehm Road area of the Town of Cheektowaga. The Project will include approximately 17.25 acres of Rehm Park, an additional four parcels which will be acquired by eminent domain and several parcels which the Town is negotiating to purchase. The parcels to be acquired by eminent domain consist of Parcel C which is approximately 30.18 acres located to the west of the terminus of Rehm Road, Parcel K comprising approximately 14.83 acres on the north side of Rehm Road, Parcel O comprising approximately 11.51 acres on the east boundary of the former Lehigh Valley Railroad and to the south of the West Shore Railroad Line, and Parcel P comprising approximately 38.89 acres to the west of the former Lehigh Valley Railroad Line near the terminus of Rehm Road. The site was selected because it is the most economically feasible from the standpoint of the cost of construction. There are few large trees on the entire site and no waterways or ponds which will make clearing and contouring the land for purposes of constructing the golf course much simplier and less expensive. The utilities needed to service the course are readily available. Convenient access is available from both Rehm Road and Genesee Street. The Rehm Park site was chosen over the alternative J.C. Stiglmeier Park site. Stiglmeier Park was rejected because it is the major outdoor recreation facility in the Town. 40% of Stiglmeier Park is developed and the remaining acreage is in its natural state. Throughout this area an extensive network of nature trails has been developed by the Town Youth Bureau. The size and extent of development at Stiglmeier Park has resulted in an extremely high level of use by Town residents and neighboring communities. It is estimated that there are over 200,00 users of Stiglmeier Park during the course of a year. The location of a golf course in Stiglmeier Park would result in the loss of much of the recreation facilities already constructed there and signigicant disruption in the use of the existing facilities at Stiglmeier Park. In addition, the construction of a golf course at Stiglmeier Park would not be cost effective when compared to the Rehm Road Park site. Stiglmeier Park would require the clearing of extensive wooded areas at great expense. Because Cayuga Creek is subject to annual flooding, major expenses would be incurred to prevent the water from enroaching on the golf course area. The network of trails and boardwalks built by the youth of the community would be destroyed resulting in the loss of both the labor and financial resources invested in the project, as well as an important recreational activity for the community. A power transmission line traverses the park which would have to be relocated and would be an expensive and major obstacle to developing the golf course there. The Rehm Park site with the proposed layout of the Project represents the most desirable combination of properties with the most coherent and fluent configuration for a first–class golf course in this area.

3. The Project's potential effects on the environment and residents of the locality have been studied by the Town as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"). After preparing a Full Environmental Assessment Form ("EAF") and consulting with all interested and involved agencies on the State, County, and local levels, the Town has concluded that the impact on the environment and residents of the locality is not significant and has filed a negative declaration for this Project pursuant to the SEQRA regulations. The concern raised regarding the effect of retention ponds on the golf course attracting birds which could be a hazard to air traffic at the Greater Buffalo International Airport ("GBIA") was found not to be a significant impact. After studying the issue the conclusion is there will be no effect on air traffic at GBIA from golf course retention ponds attracting birds. There will be no substantial increase in traffic levels which would result in a significant impact on the environment and local residents. There is adequate water available for the needs of the golf course and it is anticipated the golf course would need little public wafer. Accordingly, there will be no significant impact on the availability of public water created by this Project. There is one personal residence on the property which will make up the Project site. The Town expects to purchase and remove said dwelling. Those residential properties in the immediate vicinity of the Project will increase in value as a result of the beneficial impact of the Project.

TOWN OF CHEEKTOWAGA
Dated: April 30,1990
PUBLISH: May 3, 1990 & May 10, 1990

2. The Project will be located on approximately 358.5 acres in the Rehm Road area of the Town of Cheektowaga. The Project will include approximately 17.25 acres of Rehm Park, an additional four parcels which will be acquired by eminent domain and several parcels which the Town is negotiating to purchase. The parcels to be acquired by eminent domain consist of Parcel C which is approximately 30.18 acres located to the west of the terminus of Rehm Road, Parcel K comprising approximately 14.83 acres on the north side of Rehm Road, Parcel O comprising approximately 11.51 acres on the east boundary of the former Lehigh Valley Railroad and to the south of the West Shore Railroad Line, and Parcel P comprising approximately 38.89 acres to the west of the former Lehigh Valley Railroad Line near the terminus of Rehm Road. The site was selected because it is the most economically feasible from the standpoint of the cost of construction. There are few large trees on the entire site and no waterways or ponds which will make clearing and contouring the land for purposes of constructing the golf course much simpler and less expensive. The utilities needed to service the course are readily available. Convenient access is available from both Rehm Road and Genesee Street. The Rehm Park site was chosen over the alternative J.C. Stigmeier Park site. Stigmeier Park was rejected because it is the major outdoor recreation facility in the Town. 40% of Stigmeier Park is developed and the remaining acreage is in its natural state. Throughout this area an extensive network of nature trails has been developed by the Town Youth Bureau. The size and extent of development at Stigmeier Park has resulted in an extremely high level of use by Town residents and neighboring communities. It is estimated that there are over 200,000 users of Stigmeier Park during the course of a year. The location of a golf course in Stigmeier Park would result in the loss of much of the recreation facilities already constructed there and significant disruption in the use of the existing facilities at Stigmeier Park. In addition the construction of a golf course at Stigmeier Park would not be cost effective when compared to the Rehm Road Park site. Stigmeier Park would require the clearing of extensive wooded areas at great expense. Because Cayuga Creek is subject to annual flooding, major expenses would be incurred to prevent the water from encroaching on the golf course area. The network of trails and boardwalks built by the youth of the community would be destroyed resulting in the loss of both the labor and financial resources invested in the project, as well as an important recreational activity for the community. A power transmission line traverses the park which would have to be relocated and would be an expensive and major obstacle to developing the golf course there. The Rehm Park site with the proposed layout of the Project represents the most desirable combination of properties with the most coherent and fluent configuration for a first-class golf course in this area.

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TOWN OF CHEEKTOWAGA
Dated: April 30, 1990

EXHIBIT 2

UBLIC NOTICE PURSUANT TO SECTION 204 EMINENT OMAIN PROCEDURE LAW YNOPSIS OF DETERMINATION AND FINDINGS PERTAINING TO THE PROPOSED ACQUISITION OF PROPERTY FOR THE CHEEKTOWAGA MUNICIPAL GOLF COURSE

The Town of Cheektowaga through its Town Board ("Town") has heretofore held a public hearing concerning the proposed acquisition of property for the Cheektowaga Municipal Golf Course and has made its DETERMINATION AND FINDINGS dated April 30, 1990 relating thereto. Copies of the aforesaid DETERMINATION AND FINDINGS are available to the public without cost. A copy will be forwarded to you without cost upon written request for same stating your name and mailing address and directed to "Office of the Town Attorney, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, Attn: Kevin G. Schenk, Esq., Deputy Town Attorney."

There follows a brief SYNOPSIS of the DETERMINATION AND FINDINGS:

1. The public use, benefit or public purpose to be served by the acquisition of property for and the development of the Cheektowaga Municipal Golf Course (the "Project") will be:

The Project will provide a major recreational facility to the residents of the Town in particular and residents of Western New York in general. The Project will provide an open area "green space" of approximately 358.5 acres within the Town. This will provide a source of aesthetic beauty within the community for its current residents and future generations.

The Project will improve the Town's image with the presence of a first-class public golf course adding to the the general appeal of the community.

The Project will result in long term revenues to the Town through profit derived from the operation of the golf course.

The Project makes possible the unique private development of 28 single-family homes surrounded by the golf course. This will offset the loss to the Town's tax base from taking property off of the assessment rolls to build the golf course.

The Project will have the effect of increasing the value of all property which surrounds the golf course.

The Project will directly result in the creation of a number of temporary jobs for the construction of the golf course and the creation of several permanent jobs in connection with the operation and physical maintenance of the golf course.

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 2 times, the first insertion being on the 7 th day of May 1990 and the last insertion being on the 8 th day of May 1990

D. Eileen Perry

Dates Ad Ran: 5/07,08

rn to before me this 10th day

May 19 90

PAUL E. BIELMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 19 91

Paul E. Bielman

Notary Public, Erie County, N.Y.

Item No. 4 Environmental Determination and other approvals for Proposed Bells Plaza at Transit and Losson Roads
This item was withdrawn.

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

WHEREAS, Roberts-Shackleton Architects, on behalf of Peter J. Schmitt Company/Hampton Inn (the "Developer") applied to the Town of Cheektowaga for an environmental review of its proposal to construct a 5-story, 152 room hotel on land located on Buell Avenue (the "Project"), pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, thereafter and on December 18, 1989, the Town Board determined that significant environmental effects relating to the Project existed (a/k/a positive declaration) and that a Draft Environmental Impact Statement ("DEIS") for same must be prepared, and

WHEREAS, on April 5, 1990, the Developer submitted documentation to this Town Board stating that the environmental impacts the Town Board anticipated would not occur, and

WHEREAS, the Town Environmental Advisory Committee reviewed the documentation submitted by the Developer and has recommended to this Town Board that the December 18, 1989 positive declaration resolution be rescinded and that a negative declaration be issued by the Town Board subject to approval of a drainage plan by the Town Engineer, and

WHEREAS, this Town Board agrees with the statements made in the April 5, 1990 document of the Developer and with the recommendations of the Town Environmental Advisory Committee, and therefore wishes to rescind its positive declaration made at the December 18, 1989 Town Board meeting and to issue a negative declaration instead, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby rescinds the positive declaration for the Project issued at the December 18, 1989 Town Board meeting, and BE IT FURTHER

RESOLVED that a negative declaration containing the following condition be and hereby is issued by this Town Board:

1. No building permit be issued for any portion of the Project until a final drainage plan for the Project is approved by the Town Engineer.

and BE IT FURTHER

RESOLVED that the Town Building Inspector prepare the necessary negative declaration is indicated above and file same with the NYS DEC, interested and involved agencies, and the Developer.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Gabryszak, and Blachowski
NAYES: Councilmen Jaworowicz, Kulyk, Solecki and Rogowski
ABSENT: 0

THIS RESOLUTION WAS DENIED!

Item No. 6 Motion by Councilman Blachowski, Seconded by Unanimous

WHEREAS, volunteer firemen risk their lives everyday to safe other people's lives and property, and

WHEREAS, this Town Board wishes to honor those volunteer firemen who loyally perform these services for the benefit of the Town and its residents, NOW, THEREFORE, BE IT

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication MAY 03 1990; last publication MAY 03 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 03 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
AMENDED NOTICE
TO BIDDERS
CONSTRUCTION OF
MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA

The NOTICE TO BIDDERS for the above referenced project which was dated April 16, 1990 and published in the CHEEKTOWAGA TIMES on April 19, 1990 is amended to state that sealed bids will be received until and opened on May 25, 1990 at 11:00 a.m. in the Council Chambers at the Cheektowaga Town Hall.

All other information contained in the original Notice to Bidders remains unchanged.

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

RICHARD M. MOLESKI
Town Clerk

Dated: April 30, 1990
PUBLISH: May 3, 1990

Item No. 6 cont'd

RESOLVED that this Town Board hereby proclaims Sunday, June 24th, 1990 as "Cheektowaga Volunteer Firemens' Recognition Day", and BE IT FURTHER

RESOLVED that, in honor of such day, special events will be scheduled at the Cheektowaga Town Park on Harlem Road to recognize such volunteer firemen, and BE IT FURTHER

RESOLVED that Town residents be and hereby are encouraged to honor volunteer firemen on this day.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, there exists an incumbered vacancy in the position of clerk-stenographer in the Town Clerk's Office as a result of the promotion of the incumbent thereof to the title of account clerk, and

WHEREAS, pursuant to the provisions of the Town of Cheektowaga Employees Association Agreement, there is a trial period associated with such appointment for a period of sixty (60) days, NOW, THEREFORE, BE IT

RESOLVED that Julie M. Miller, Sloan, New York 14212 be hereby appointed to the position of clerk-stenographer, on a temporary basis, not to exceed sixty (60) days, retroactive to April 23, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, by resolution dated April 16, 1990, this Town Board authorized publication of a Notice to Bidders for the construction of a municipal golf course, and

WHEREAS, the Notice to Bidders stated that sealed bids would be received until May 7, 1990 at 3:00 P.M. at the Cheektowaga Town Hall, and

WHEREAS, additional time is needed in order to solicit qualified interested bidders for this project, NOW, THEREFORE, BE IT

RESOLVED that bids for such project will be received until and opened on the 25th day of May, 1990 at 11:00 A.M. at a public bid opening in the Council Chambers at the Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Amended Notice to Bidders in the Cheektowaga Times.

* *

AMENDED
NOTICE TO BIDDERS
CONSTRUCTION OF MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA

The NOTICE TO BIDDERS for the above referenced project which was dated April 16, 1990 and published in the Cheektowaga Times on April 19, 1990 is amended to state that sealed bids will be received until and opened on May 25, 1990 at 11:00 A.M. in the Council Chambers at the Cheektowaga Town Hall.

Item No. 8 cont'd

All other information contained in the original Notice to Bidders remains unchanged.

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

Dated: April 30, 1990

RICHARD M. MOLESKI
Town Clerk

* *

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Blachowski
NAYES:	Councilman Rogowski
ABSENT:	0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, by resolution dated April 26, 1990, Randy Palmisano was promoted to the position of General Mechanic, and

WHEREAS, such promotion was made prior to the completion of the ten (10) day posting period as outlined in Section 18.01(b) of the Collective Bargaining Agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Randy Palmisano be returned to the position of Cleaner in the Facilites Department, and BE IT FURTHER

RESOLVED that the posting period for the position of General Mechanic in the Facilities Department be extended to Wednesday, May 2, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, Robert Shackleton Architects has submitted a Draft Environmental Impact Statement to the Town of Cheektowaga for the construction of a Hampton Inn Hotel at 135 Buell Avenue, and

WHEREAS, under SEQR regulations, the Town Board, as Lead Agency, can extend the review period from 30 to 60 days to determine the adequacy of the DEIS, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board extends its review period of the DEIS for Hampton Inn to June 5, 1990, and BE IT FURTHER

RESOLVED that the Building Inspector, as SEQR Intake Officer for the town, notify the applicant and other interested agencies of this action.

* *

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN SOLECKI
TO TABLE THE ABOVE RESOLUTION UNTIL MEETING OF MAY 7, 1990

* *

Item No. 11 Motion by Councilman Solecki, Seconded by Councilman Jaworowicz

WHEREAS, on April 10, 1990, high levels of PCBs were discovered in the drainage ditch behind the Niagara Transformer Corporation site at 1747 Dale Road in the Town of Cheektowaga, and

WHEREAS, the New York State Department of Environmental Conservation ("DEC") and the New York State Department of Health ("DOH"), in cooperation with Niagara Transformer Corporation, are conducting tests and investigating the source of and length of time such PCBs were present at this site, and

WHEREAS, the drainage ditch which runs behind the Niagara Transformer site continues southerly and into the Kennedy Road/Grunner Road area of the Town, and

WHEREAS, there is concern that PCBs are present elsewhere in this ditch and pose a health threat to the public, and

WHEREAS, the Town of Cheektowaga Highway Department employees have maintained this drainage ditch for a number of years and could affect them, and

WHEREAS, this Town Board is concerned about the potential health effects associated with the presence of PCBs in the ditch, NOW, THEREFORE, BE IT

Item No. 11 cont'd

RESOLVED that this Town Board hereby memorializes the DEC and DOH to expedite testing of the aforementioned ditch between the Thruway Mall and the Harlem Road underpass and to publicize this information to this Town Board as soon as possible, and BE IT FURTHER

RESOLVED that this Town Board hereby also memorializes the DOH to conduct medical tests of any and all Town employees and residents who may be been exposed to contaminants in this ditch, and BE IT FURTHER

RESOLVED that the DEC and DOH be and hereby are requested to take any and all actions necessary to ensure that PCBs and any other contaminants are removed from this ditch and to ensure the health of Town residents and employees, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward copies of this resolution to the DEC, the DOH, Assemblyman Tokasz and Senator Volker.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Swiatek, Seconded by Councilman Blachowski to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.	ITEM
	Meeting No. 10 May 7, 1990
1	Rezoning of 1635 Kensington Avenue from C-Retail Business District to CM-General Commercial District and Special Use Permit for gasoline sales and convenient store
2	Rezoning of 550 Cayuga Road from R-Residential District to M-1 Light Manufacturing District

F R O M T H E T A B L E

NO.	ITEM	PAGE
	Meeting No. 10 May 7, 1990	
2	DECISIONS:	
	a. Rezoning - east side of Union Road in Gardenville Industrial Park	1
	b. Special Use Permit - east side of Union Rd. in Gardenville Industrial Pk	1
3	Extend review period of DEIS for Hampton Inn Hotel	1

RESOLUTIONS

NO.	ITEM	PAGE
	Meeting No. 10 May 7, 1990	
4	BONDS:	
	a. Construction and reconstruction of Castlewood Drive and turnaround on Buell Avenue	1
	b. Construction and reconstruction of parking area at Reinstein Public Library	2
	c. Preparation of preliminary plans and specifications for swimming pool at Stiglmeier Park	3
	d. Tree Replacement Program	4
	e. Purchase & installation of traffic signal at entrance to Stiglmeier Park	5
	f. Various Drainage Improvements	6
	g. Installation of air conditioning system at Senior Citizen Center	7
	h. Embellishment of Various Town Parks	8
	i. Purchase of equipment and furnishings for various Town Departments	9
	j1. Reconstruction of Alexander Community Center/Building	10
	j2. Reconstruction of Alexander Community Center/Parking lot, sidewalks, etc.	11
5	Decision on T.O.: Art. IV "Traffic Control Signals" -Galleria Drive at West Ring Road of Walden Galleria; Art. VIII "Stop & Yield Intersections" Elaine Court; Art. X "Parking, Standing & Stopping" Nagel Drive	12-13
6	NOTICE TO BIDDERS:	
	a. Acoustical panels at Senior Citizen Center	14
	b. Furnishing & construction of waterslide at Town Park Pool	15
	c. Bus Transportation	16
7	Change Order for Alexander Community Center	17
8	Amend resolution of 4/2/90 regarding 219-225 Bennett Road	17
9	CLEAN-UP OF PROPERTY AT:	
	a. 830 Borden Road (premises)	17-18
	b. 830 Borden Road (structure)	18
10	AUTHORIZE SUPERVISOR TO SIGN/EXECUTE:	
	a. Amended Agreement between Youth Bureau and NYS Office of Mental Retardation and Developmental Disabilities	18
	b. N.Y.S. Energy Office Grant	18-19
	c. Agreement regarding granting of easement	19-20
11	ACCEPTANCE OF:	
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MEETING NO. 10
May 7, 1990

Item No. 1 At a 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 7th day of May, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
ABSENT: Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; John Schaller, Assistant Chief of Police; Terry Rusin, Accountant; Patricia Wojcik, Senior Services Coordinator; Donald Wegner, Chairman of Zoning Board of Appeals; Len Szymanski, Facilities Department; Ray Pugh, Member of Planning Board; Frank Orlikowski, Patriotic Commission President

I. FROM THE TABLE

Item No. 2a Decision on Rezoning: east side of Union Road in Gardenville Industrial Park.
This item was withdrawn by applicant.

Item No. 2b Decision on Special Use Permit: east side of Union Road in Gardenville Industrial Park.
This item was withdrawn by applicant.

Item No. 3 Extend review period of DEIS for Hampton Inn Hotel.
This item was withdrawn.

II. RESOLUTIONS

Item No. 4a Bond - Construction and reconstruction of Castlewood Drive and turnaround on Buell Avenue.

* See next page (s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Rogowski offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS AND STREETS WITHIN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $78,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $3,900 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $74,100 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to reconstruct and resurface portions of Castlewood Road, from Knollwood Road to Barbados Street, and pave a dead end section of Buell Avenue to provide a turn-around, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $78,000 and said

amount is hereby appropriated therefor, including the appropriation of $3,900 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $74,100 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $74,100, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific objects or purposes for which said $74,100 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $3,900 will be provided from moneys now available therefor in the current budget

of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board

relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Rogowski offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction, reconstruction and resurfacing of various roads and streets within the Town, stating the estimated maximum cost thereof is $78,000, appropriating said amount therefor, including the appropriation of $3,900 current funds to provide the required down payment, and authorizing the issuance of $74,100 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and resurface portions of Castlewood Road, from Knollwood Road to Barbados Street, and pave a dead end section of Buell Avenue to provide a turn-around, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $78,000; APPROPRIATING said amount therefor, including the appropriation of $3,900 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $74,100 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $74,100 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said $74,100 serial bonds authorized pursuant to this resolution are to be issued, is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,900 in the current budget

of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said $74,100 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 91

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

.....Scott..Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks: first publication ..... MAY 10 1990 ; last publication ..... MAY 10 1990 ; and that no more than six days intervened between publications.

S Benson

Sworn to before me this ..... MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4a.

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990
Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction, reconstruction and resurfacing of various roads and streets within the Town, stating the estimated maximum cost thereof is $78,000, appropriating said amount therefor, including the appropriation of $3,900 current funds to provide the required down payment, and authorizing the issuance of $74,100 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and resurface portions of Castlewood Road, from Knollwood Road to Barbados Street, and pave a dead end section of Buell Avenue to provide a turn-around, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $78,000; APPROPRIATING said amount therefor including the appropriation of $3,900 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $74,100 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $74,100 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said $74,100 serial bonds authorized pursuant to this resolution are to be issued, is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,900 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said $74,100 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990
Richard M. Moleski
Town Clerk
PUBLISH: May 10, 1990

12yrs or older, area: Colette, Danielle, Francine, French, Gabrielle, St. Joan. Yvette: call

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

.....Scott..Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks: first publication JUN 14 1990 ; last publication JUN 14 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 14 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS AND STREETS WITHIN THE TOWN, STATING THE ESTIMATED COST THEREOF IS $78,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $3,900 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $74,100 SERIAL BONDS OF SAID TOWN TO FINANCE OF BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to reconstruct and resurface portions of Castlewood Road, from Knollwood Road to Barbados Street, and pave a dead end section of Buell Avenue to provide a turn-around, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $78,000 and said amount is hereby appropriated therefor, including the appropriation of $3, 900 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $74,100 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town *in the principal amount* of $74,100, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $74,100 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $3,900 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4b Bond - Construction and reconstruction of parking area at Reinstein Public Library.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction, reconstruction and resurfacing of various roads and streets within the Town, stating the estimated maximum cost thereof is $78,000, appropriating said amount therefor, including the appropriation of $3,900 current funds to provide the required down payment, and authorizing the issuance of $74,100 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and resurface portions of Castlewood Road, from Knollwood Road to Barbados Street, and pave a dead end section of Buell Avenue to provide a turn-around, using flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $78,000; APPROPRIATING said amount therefor, including the appropriation of $3,900 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $74,100 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $74,100 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said $74,100 serial bonds authorized pursuant to this resolution are to be issued, is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,900 in the current budget

of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said $74,100 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $3,900, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction, reconstruction and resurfacing of various roads and streets within the Town, stating the estimated maximum cost thereof is $78,000, appropriating said amount therefor, including the appropriation of $3,900 current funds to provide the required down payment, and authorizing the issuance of $74,100 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific objects or purposes, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $3,900 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Jean A. Rosenberry
Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
[illegible] County
[illegible] Nov. 30, 19 90

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Jaworowicz offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE CONSTRUCTION OF NEW PARKING AREAS AND THE RESURFACING OF EXISTING PARKING AREAS AT THE REINSTEIN LIBRARY, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $180,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $9,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $171,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to construct new parking areas and resurface existing parking areas at the Reinstein Library, located at 2580 Harlem Road, in said Town, including sidewalks, curbs, gutters, drainage, landscaping, grading and improving the rights of way. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $180,000 and said amount is hereby appropriated therefor, including the appropriation of $9,000 current funds to provide

the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $171,000 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $171,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $171,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $9,000 will be provided from moneys now available therefor in the current budget of the Town under the heading

"General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to

apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of

the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Jaworowicz offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the contruction of new parking areas and the resurfacing of existing parking areas at the Reinstein Library, in said Town, stating the estimated maximum cost thereof is $180,000, appropriating said amount therefor, including the appropriation of $9,000 current funds to provide the required down payment, and authorizing the issuance of $171,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct new parking areas and resurface existing parking areas at the Reinstein Library, located at 2580 Harlem Road, in said Town, including sidewalks, curbs, gutters, drainage, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $180,000; APPROPRIATING said amount therefor, including the appropriation of $9,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $171,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $171,000 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $9,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $171,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

(SEAL)

Richard M. Moleski
Town Clerk

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me this 8th day of May, 1990.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the contruction of new parking areas and the resurfacing of existing parking areas at the Reinstein Library, in said Town, stating the estimated maximum cost thereof is $180,000, appropriating said amount therefor, including the appropriation of $9,000 current funds to provide the required down payment, and authorizing the issuance of $171,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct new parking areas and resurface existing parking areas at the Reinstein Library, located at 2580 Harlem Road, in said Town, including sidewalks, curbs, gutters, drainage, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $180,000; APPROPRIATING said amount therefor, including the appropriation of $9,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $171,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $171,000 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $9,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $171,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $9,000, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the contruction of new parking areas and the resurfacing of existing parking areas at the Reinstein Library, in said Town, stating the estimated maximum cost thereof is $180,000, appropriating said amount therefor, including the appropriation of $9,000 current funds to provide the required down payment, and authorizing the issuance of $171,000 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $9,000 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 10 1990 ; last publication .....MAY 10 1990..... ; and that no more than six days intervened between publications.

.....

Sworn to before me this ...MAY 10 1990....

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4/0

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction of new parking areas and the resurfacing of of existing parking areas at the Reinstein Library, in said Town, stating the estimated maximum cost thereof is $180,000, appropriating said amount therefor, including the appropriation of $9,000 current funds to provide the required down payment, and authorizing the issuance of $171,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct new parking areas and resurface existing parking areas at the Reinstein Library, located at 2580 Harlem Road, in said Town, including sidewalks, curbs, gutters, drains, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $180,000; APPROPRIATING said amount therefor, including the appropriation of $9,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $171,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $171,000 serial bonds authorized pursuant to this resolution are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $9,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $171,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

TIMES CLASSIFIEDS

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

.....Scott Benson....., **of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is**
Clerk
..... **of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for** ..... **weeks;**

first publication JUN 1 4 1990 **;**

last publication JUN 1 4 1990 **;**

and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 1 4 1990

day of ....., **19**.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE CONSTRUCTION OF NEW PARKING AREAS AND THE RESURFACING OF EXISTING PARKING AREAS AT THE REINSTEIN LIBRARY, IN SAID TOWN, STATING THE ESTIMATED COST THEREOF IS $180,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $9,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $171,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to construct new parking areas at the Reinstein Library, located at 2580 Harlem Road, in said Town, including sidewalks, curbs, gutters, drainage, landscaping, grading and improving the rights of way. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $180,000 and said amount is hereby appropriated therefor, including the appropriation of $9,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the issuance of $171,000 serial bonds of the Town to finance said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $171,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $171,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $9,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4c Bond - Preparation of preliminary plans and specifications for swimming pool at Stiglmeier Park.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Gabryszak offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE PREPARATION OF SURVEYS AND PLANS FOR A NEW SWIMMING POOL COMPLEX, WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $40,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $40,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to prepare, pursuant to Section 99-d of the General Municipal Law, surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for a new swimming pool complex to be located within said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $40,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the

principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $40,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $40,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 62(a) of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and

interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

(SEAL)

Richard M. Moleski
Town Clerk

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

uc

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION AFTER ADOPTION)

The resolution published herewith has been adopted on the 7th day of May, 1990, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING PREPARATION OF SURVEYS AND PLANS FOR A NEW SWIMMIMG POOL COMPLEX, WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $40,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISUANCE OF $40,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to Prepare, pursuant to Section 99-d of the General Municipal Law, surveys, preliminary plans, detailed plans, specifications and estimates necessary for planning for a new swimming pool complex to be located within said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $40,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $40,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $40,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 62(a) of the Law, is five (5) years.

[illegible] payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by 81.00 of the Law, in the CHEEKTOWAGA TIMES, a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: May 10, 1990

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990;
last publication MAY 10 1990;
and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4C

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION AFTER ADOPTION)

The resolution published herewith has been adopted on the 7th day of May, 1990, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING PREPARATION OF SURVEYS AND PLANS FOR A NEW SWIMMIMG POOL COMPLEX, WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $40,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISUANCE OF $40,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to Prepare, pursuant to Section 99-d of the General Municipal Law, surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for a new swimming pool complex to be located within said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $40,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $40,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $40,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 62(a) of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by 81.00 of the Law, in the CHEEKTOWAGA TIMES, a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: May 10, 1990

Item No. 4d Bond - Tree Replacement Program

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Supervisor Swiatek offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE REHABILITATION AND REPLACEMENT OF TREES THROUGHOUT THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $150,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $150,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to rehabilitate and replace trees throughout the Town, including the acquisition, growing, planting, preservation, removal and disposal of trees. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $150,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $150,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $150,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $150,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 57 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and

credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Councilman Gabryszak and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4a

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION AFTER ADOPTION)

The resolution published herewith has been adopted on the 7th day of May, 1990, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE REHABILITATION AND REPLACEMENT OF TREES THROUGHOUT THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $150,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISUANCE OF $150,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to rehabilitate and replace trees throughout the Town, including the aquisition, growing, planting, preservation, removal and disposal of trees. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $150,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $150,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $150,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $150,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 57 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by 81.00 of the Law, in the CHEEKTOWAGA TIMES, a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: May 10, 1990

Item No. 4e Bond - Purchase and installation of traffic signal at entrance to Stiglmeier Park.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Kulyk offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE PURCHASE AND INSTALLATION OF A TRAFFIC SIGNAL LIGHT ON LOSSON ROAD AT THE ENTRANCE TO STIGELMEIER PARK, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $70,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $3,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $66,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase and install a traffic signal light on Losson Road at the entrance to Stigelmeier Park, within said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $70,000 and said amount is hereby appropriated therefor, including the appropriation of $3,500 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said

current funds and the issuance of $66,500 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $66,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $66,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 72(a) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $3,500 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said

bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Kulyk offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the purchase and installation of a traffic signal light on Losson Road at the entrance to Stigelmeier Park, in said Town, stating the estimated maximum cost thereof is $70,000, appropriating said amount therefor, including the appropriation of $3,500 current funds to provide the required down payment, and authorizing the issuance of $66,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase and install a traffic signal light on Losson Road at the entrance to Stigelmeier Park, within said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $70,000; APPROPRIATING said amount therefor, including the appropriation of $3,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $66,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $66,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $66,500 serial bonds authorized pursuant to this resolution are to be issued, is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object

or purpose; and the proposed maturity of said $66,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 1990

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the purchase and installation of a traffic signal light on Losson Road at the entrance to Stigelmeier Park, in said Town, stating the estimated maximum cost thereof is $70,000, appropriating said amount therefor, including the appropriation of $3,500 current funds to provide the required down payment, and authorizing the issuance of $66,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase and install a traffic signal light on Losson Road at the entrance to Stigelmeier Park, within said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $70,000; APPROPRIATING said amount therefor, including the appropriation of $3,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $66,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $66,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $66,500 serial bonds authorized pursuant to this resolution are to be issued, is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object

or purpose; and the proposed maturity of said $66,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $3,500, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the purchase and installation of a traffic signal light on Losson Road at the entrance to Stigelmeier Park, in said Town, stating the estimated maximum cost thereof is $70,000, appropriating said amount therefor, including the appropriation of $3,500 current funds to provide the required down payment, and authorizing the issuance of $66,500 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $3,500 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Jean A. Rosenberry
Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 92

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk ..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 10 1990 ; last publication MAY 10 1990 ; and that no more than six days intervened between publications.

S Benson

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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Richard M. Moleski
Town Clerk
PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the purchase and installation of a traffic signal light on Losson Road at the entrance to Stiglmeier Park, in said Town, stating the estimated maximum cost thereof is $70,000, appropriating said amount therefor, including the appropriation of $3,500 current funds to provide the required down payment, and authorizing the issuance of $66,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase and install a traffic signal light on Losson Road at the entrance to Stiglmwiwr Park, within said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is $70,000; APPROPRIATING said amount therefor, including the appropriation of $3,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $66,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $66,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the"Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $66,500 serial bonds authorized pursuant to this resolution are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $3,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $66,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

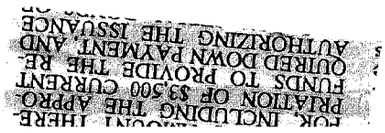
FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990



E

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication JUN 14 1990; last publication JUN 14 1990; and that no more than six days intervened between publications.

J Benson

Sworn to before me this JUN 14 1990

day of , 19

Margaret J Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE PURCHASE AND INSTALLATION OF A TRAFFICE SIGNAL LIGHT ON LOSSON ROAD AT THE ENTRANCE TO STIGELMEIER PARK, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $70,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $3,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $66,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to purchase and install a traffic signal light on Losson Road at the entrance to Stigelmeier Park, within said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $70,000 and said amount is hereby appropriated therefor, including the appropriation of $3, 500 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $66,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $66,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The the period of probable usefulness of said class of objects or purposes for which said $66,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 72(a) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $3,500 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4f Bond - Various Drainage Improvements.

* See next page(s)

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Rogowski offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS WITHIN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $148,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $7,400 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $140,600 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to construct drains, culverts, ditches, sluices and other improvements to waterways throughout the Town, including deepening, straightening, altering and improving Scajaquada and Slate Bottom Creeks, and also including lands or rights in land, original furnishings, equipment, machinery and apparatus. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $148,000 and said amount is hereby appropriated therefor, including the appropriation of $7,400

current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $140,600 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $140,600, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $140,600 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $7,400 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The

Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said class of objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing

the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Rogowski offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction of various drainage improvements within said Town, stating the estimated maximum cost thereof is $148,000, appropriating said amount therefor, including the appropriation of $7,400 current funds to provide the required down payment, and authorizing the issuance of $140,600 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct drains, culverts, ditches, sluices and other improvements to waterways throughout the Town, including deepening, straightening, altering and improving Scajaquada and Slate Bottom Creeks, and also including lands or rights in land, original furnishings, equipment, machinery and apparatus; and STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $148,000; APPROPRIATING said amount therefor, including the appropriation of $7,400 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $140,600 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $140,600 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the class of objects or purposes for which said $140,600 serial bonds authorized pursuant to this resolution are to be issued, is thirty (30) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $7,400 in the current budget of the Town; and DIRECTING the Supervisor to set aside said

current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said $140,600 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction of various drainage improvements within said Town, stating the estimated maximum cost thereof is $148,000, appropriating said amount therefor, including the appropriation of $7,400 current funds to provide the required down payment, and authorizing the issuance of $140,600 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct drains, culverts, ditches, sluices and other improvements to waterways throughout the Town, including deepening, straightening, altering and improving Scajaquada and Slate Bottom Creeks, and also including lands or rights in land, original furnishings, equipment, machinery and apparatus; and STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $148,000; APPROPRIATING said amount therefor, including the appropriation of $7,400 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $140,600 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $140,600 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the class of objects or purposes for which said $140,600 serial bonds authorized pursuant to this resolution are to be issued, is thirty (30) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $7,400 in the current budget of the Town; and DIRECTING the Supervisor to set aside said

current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said $140,600 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $7,400, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction of various drainage improvements within said Town, stating the estimated maximum cost thereof is $148,000, appropriating said amount therefor, including the appropriation of $7,400 current funds to provide the required down payment, and authorizing the issuance of $140,600 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said class of objects or purposes, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $7,400 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Jean A. Rosenberry
Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ....1..... weeks: first publication MAY 10 1990 ; last publication MAY 10 1990 ; and that no more than six days intervened between publications.

.....

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4

DATED: May 7, 1990
Richard M. Moleski
Town Clerk
PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the construction of various drainage improvements within said Town, stating the estimated maximum cost thereof is $148,000, appropriating said amount therefor, including the appropriation of $7,400 current funds to provide the required down payment, and authorizing the issuance of $140,600 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct drains, culverts, ditches, sluices and other improvements to waterways throughout the Town, including deepening, straightening, altering and improving Scajaquada and Slate Bottom Creeks, and also including lands or rights in land, original furnishings, equipment, machinery and apparatus; and STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $148,000; APPROPRIATING said amount therefor, including the appropriation of $7,400 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $140,600 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $140,600 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the class of objects or purposes for which said $140,600 serial bonds authorized pursuant to this resolution are to be issued is thirty (30) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $7,400 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said $140,600 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

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

.....Scott Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication JUN 1 4 1990 ; last publication JUN 1 4 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 1 4 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

suant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $140,600 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $7,400 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS WITHIN SAID TOWN, STATING THE ESTIMATED COST THEREOF IS $148,000 APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $7,400 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $140,600 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to construct drains, culverts, ditches, sluices and other improvements throughout the Town, including deepening, straightening, altering and improving Scajaquada and Slate Bottom Creeks, and also including lands or rights in land, original furnishings, equipment, machinery and apparatus. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $148,000 and said amount is hereby appropriated therefor, including the appropriation of $7,400 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $140,600 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $140,600, are hereby authorized to be issued pur-

Item No. 4g Bond - Installation of air conditioning system at Senior Citizen Center.

* See next page(s) for resoluton

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Gabryszak offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE ACQUISITION AND INSTALLATION OF AN AIR-CONDITIONING SYSTEM IN THE SENIOR CITIZEN'S CENTER, LOCATED ADJACENT TO THE CHEEKTOWAGA TOWN HALL ON BROADWAY IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $110,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $5,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $104,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to acquire and install an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $110,000 and said amount is hereby appropriated therefor, including the appropriation of $5,500 current funds to provide the down payment

required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $104,500 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $104,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing Senior Citizen's Center is of at least Class "B" construction, as defined by Section 11.00 a. 11(b) of the Law, and the period of probable usefulness of said specific object or purpose for which said $104,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $5,500 will be provided from moneys now available therefor in the current budget of the Town under the heading

" General Fund Contingency ." The Supervisor is hereby

authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing

the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the acquisition and installation of an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town, stating the estimated maximum cost thereof is $110,000, appropriating said amount therefor, including the appropriation of $5,500 current funds to provide the required down payment, and authorizing the issuance of $104,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to acquire and install an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $110,000; APPROPRIATING said amount therefor, including the appropriation of $5,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $104,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $104,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing Senior Citizen's Center is of at least Class "B" construction and the period of probable usefulness of the specific object or purpose for which said $104,500 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $5,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same

solely to said specific object or purpose; and the proposed maturity of said $104,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Solecki and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 92

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the acquisition and installation of an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town, stating the estimated maximum cost thereof is $110,000, appropriating said amount therefor, including the appropriation of $5,500 current funds to provide the required down payment, and authorizing the issuance of $104,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to acquire and install an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $110,000; APPROPRIATING said amount therefor, including the appropriation of $5,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $104,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $104,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing Senior Citizen's Center is of at least Class "B" construction and the period of probable usefulness of the specific object or purpose for which said $104,500 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $5,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same

solely to said specific object or purpose; and the proposed maturity of said $104,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $5,500, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the acquisition and installation of an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town, stating the estimated maximum cost thereof is $110,000, appropriating said amount therefor, including the appropriation of $5,500 current funds to provide the required down payment, and authorizing the issuance of $104,500 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $5,500 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Notary Public State of New York

JOAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

46

Richard M. Moleski
Town Clerk
PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the aquisition and installation of an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town, stating the estimated maximum cost thereof is $110,000, appropriating said amount therefor, including the appropriation of $5,500 current funds to provide the required down payment, and authorizing the issuance of $104,500 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to aquire and install an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $110,000; APPROPRIATING said amount therefor, including the appropriation of $5,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $104,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all thre taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $104,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the"Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing Senior Citizen's Center is of at least Class "B" construction and the period of probable usefulness of the specific objects or purposes for which said $104,500 serial bonds authorized pursuant to this resolution are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $5,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $104,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

and of Section 50.00 and Section
56.00 to 60.00 of the Law, the power
and duties of the Town Board relativ
to authorizing bond anticipation note

G

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication JUN 1 4 1990; last publication JUN 1 4 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 1 4 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE AQUISITION AND INSTALLATION OF AN AIR-CONDITIONING SYSTEM IN THE SENIOR CITIZEN'S CENTER, LOCATED ADJACENT TO THE CHEEKTOWAGA TOWN HALL ON BROADWAY IN SAID TOWN, STATING THE ESTIMATED COST THEREOF IS $110,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $5,500 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWNPAYMENT, AND AUTHORIZING THE ISSUANCE OF $104,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to aquire and install an air-conditioning system in the Senior Citizen's Center, located adjacent to the Cheektowaga Town Hall on Broadway in said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $110,000 and said amount is hereby appropriated therefor, including the appropriation of $5,500 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $104,500 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $104,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing Senior Citizen's Center is of at least Class "B" construction, as defined by Section 11.00 a. 11(b) of the Law, and the period of probable usefulness of said class of objects or purposes for which said $104,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $5,500 will be oprovided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specitice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4h Bond - Embellishment of Various Town Parks.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Gabryszak offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF VARIOUS TOWN PARKS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS 84,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $4,200 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $79,800 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to originally improve and embellish Stiglemeier Park and Volunteer Fireman's Memorial Park, in said Town, including widening of entrances, grading and landscaping, improvement of the parking areas, and acquisition and installation of playground equipment. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is 84,000 and said amount is hereby appropriated therefor, including the appropriation of $4,200 current funds to provide the down payment required by the Law, as

hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $79,800 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $79,800, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $79,800 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $4,200 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to

apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of

the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the original improvement and embellishment of varios Town Parks, stating the estimated maximum cost thereof is 84,000, appropriating said amount therefor, including the appropriation of $4,200 current funds to provide the required down payment, and authorizing the issuance of $79,800 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish Stiglemeier Park and Volunteer Fireman's Memorial Park, in said Town, including widening of entrances, grading and landscaping, improvement of the parking areas, and acquisition and installation of playground equipment; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is 84,000; APPROPRIATING said amount therefor, including the appropriation of $4,200 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $79,800 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $79,800 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $79,800 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $4,200 in the curre[illegible] budget of the Town; and DIRECTING the Supervisor to set aside [illegible]aid current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $79,800 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

(SEAL)

Richard M. Moleski
Town Clerk

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the original improvement and embellishment of varios Town Parks, stating the estimated maximum cost thereof is 84,000, appropriating said amount therefor, including the appropriation of $4,200 current funds to provide the required down payment, and authorizing the issuance of $79,800 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish Stiglemeier Park and Volunteer Fireman's Memorial Park, in said Town, including widening of entrances, grading and landscaping, improvement of the parking areas, and acquisition and installation of playground equipment; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is 84,000; APPROPRIATING said amount therefor, including the appropriation of $4,200 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $79,800 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $79,800 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $79,800 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $4,200 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $79,800 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $4,200, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the original improvement and embellishment of varios Town Parks, stating the estimated maximum cost thereof is 84,000, appropriating said amount therefor, including the appropriation of $4,200 current funds to provide the required down payment, and authorizing the issuance of $79,800 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $4,200 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 1990

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he, (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

S Bur

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4 k

Richard M. Mojeski
Town Clerk
PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing theoriginal improvement and embellishment of various Town Parks, stating the estimated maximum cost thereof is $84,000, appropriating said amount therefor,, including the appropriation of $4,200 current funds to provide the required down payment, and authorizing the issuance of $79,800 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish Stiglmeier Park and Volunteer Fireman's Memorial Park, in said Town, including widening of entrances, grading and landscaping, improvement of of the parking areas,; and acquisition and installation of playground equipment,; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $84,000; APPROPRIATING said amount therefor, including the appropriation of $4,200 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $79,800 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $79,800 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the"Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $79,800 serial bonds authorized pursuant to this resolution are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $4,200 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $79,800 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication JUN 14 1990; last publication JUN 14 1990; and that no more than six days intervened between publications.

S Benson

Sworn to before me this JUN 14 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF VARIOUS TOWN PARKS, STATING THE ESTIMATED COST THEREOF IS $84,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $4,200 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $79,800 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to originally improve and embellish Stigelmeier Park and Volunteer Fireman's Park, in said Town, including widening of entrances, grading and landscaping, improvement of the parking areas, and aquisition and installation of playground equipment. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $84,000 and said amount is hereby appropriated therefor, including the appropriation of $4,200 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $79,800 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $79,800, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The the period of probable usefulness of specific object or purpose for which said $79,800 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $4,200 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4i Bond - Purchase of equipment and furnishings for various Town Departments.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Supervisor Swiatek offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE PURCHASE OF EQUIPMENT, MACHINERY, APPARATUS OR FURNISHINGS FOR USE BY VARIOUS TOWN DEPARTMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $102,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $102,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase various equipment, machinery, apparatus or furnishings for use by various Town Departments. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $102,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $102,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $102,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $102,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and

credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Councilman Gabryszak and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION AFTER ADOPTION)

The resolution published herewith has been adopted on the 7th day of May, 1990, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE PURCHASE OF EQUIPMENT, MACHINERY, APPARATUS OR FURNISHINGS FOR USE BY VARIOUS TOWN DEPARTMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $102,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $102,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to Purchase various equipment, machinery, apparatus or furnishings for use by various Town Departments. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $102,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $102,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $102,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $102,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by 81.00 of the Law, in the CHEEKTOWAGA TIMES, a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: May 10, 1990

Item No. 4j1 Bond - Reconstruction of Alexander Street Community Building.

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Gabryszak offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE ALEXANDER COMMUNITY CENTER, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $220,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $11,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $209,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to partially reconstruct the Alexander Community Center to provide for the installation of an elevator to improve handicapped access, improvements to the heating, air conditioning, electrical and plumbing systems, and improvements to the exterior brick and masonry, including original furnishings, equipment, machinery and apparatus required for the purposes for which such building, as so reconstructed is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $220,000

thereof and such current funds in the amount of $11,000 will be provided from moneys now available therefor in the current budget of the Town under the heading " General Fund Contingency ." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of t.. issuance of bond

anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

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Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the partial reconstruction of the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $220,000, appropriating said amount therefor, including the appropriation of $11,000 current funds to provide the required down payment, and authorizing the issuance of $209,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Alexander Community Center to provide for the installation of an elevator to improve handicapped access, improvements to the heating, air conditioning, electrical and plumbing systems, and improvements to the exterior brick and masonry, including original furnishings, equipment, machinery and apparatus required for the purposes for which such building, as so reconstructed is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $220,000; APPROPRIATING said amount therefor, including the appropriation of $11,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $209,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $209,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the specific object or purpose for which said $209,000 serial bonds are to be issued is twenty (20) years; current funds ar required by the Law to be provided prior to the issuance of th bonds or any notes in anticipation thereof and such current funds

are available therefor in the amount of $11,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $209,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

Richard M. Moleski
Town Clerk

(SEAL)

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 8th day of May, 1990.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the partial reconstruction of the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $220,000, appropriating said amount therefor, including the appropriation of $11,000 current funds to provide the required down payment, and authorizing the issuance of $209,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Alexander Community Center to provide for the installation of an elevator to improve handicapped access, improvements to the heating, air conditioning, electrical and plumbing systems, and improvements to the exterior brick and masonry, including original furnishings, equipment, machinery and apparatus required for the purposes for which such building, as so reconstructed is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $220,000; APPROPRIATING said amount therefor, including the appropriation of $11,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $209,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $209,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the specific object or purpose for which said $209,000 serial bonds are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds

are available therefor in the amount of $11,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $209,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

FRANK E. SWIATEK, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $11,000, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the partial reconstruction of the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $220,000, appropriating said amount therefor, including the appropriation of $11,000 current funds to provide the required down payment, and authorizing the issuance of $209,000 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $11,000 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Jean A. Rosenberry
Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

S Bar

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

451

bond resolution is subject to a permissive referendum.
DATED: May 7, 1990
Richard M. Moleski
Town Clerk
PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the partial reconstruction of the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $220,000, appropriating said amount therefor, including the appropriation of $11,000 current funds to provide the required down payment, and authorizing the issuance of $209,000 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Alexander Community Center to provide for the installation of an elevator to improve handicapped access, improvements to the heating, air conditioning, electrical and plumbing systems and improvements to the brick masonry, including original furnishings, equipment, machinery and apparatus required for the purposes for which such building, as so reconstructed is to be used; , and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $220,000; APPROPRIATING said amount therefor, including the appropriation of $11,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $209,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all thre taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $209,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the"Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the specific object or purpose for which said $209,000 serial bonds authorized pursuant to this resolution are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $11,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $209,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

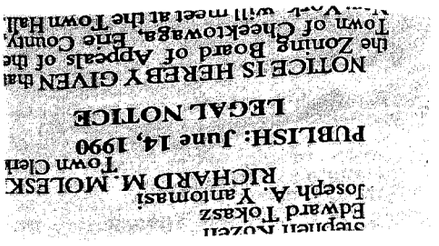
FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990



J1

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

Scott Benson, **of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is** Clerk **of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for** 1 **weeks; first publication** JUN 14 1990 **; last publication** JUN 14 1990 **; and that no more than six days intervened between publications.**

Scott Benson

Sworn to before me this JUN 14 1990

day of , **19**

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE ALEXANDER COMMUNITY CENTER, IN SAID TOWN, STATING THE ESTIMATED COST THEREOF IS $220,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $11,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $209,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to partially reconstruct the Alexander Community Center to provide for the installation of an elevator to improve handicapped access, improvements to the heating, air conditioning, electrical and plumbing systems, and improvements to the exterior brick and masonry, including original furnishings, equipment, machinery and apparatus required for the purposes for which such building, as so reconstructed is to be used. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $220,000 and said amount is hereby appropriated therefor, including the appropriation of $11,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the issuance of $209,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $209,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing Alexander Community Center building is of Class "A" construction as defined by Section 11.00 a. 11(a) of the Law, and the period of probable usefulness of said specific object or purpose for which said $209,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a) (1) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $11,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 4j2 Bond - Reconstruction of Alexander Street Community Building Parking lot, sidewalks, etc.

* See next page for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,

in the County of Erie, New York

May 7, 1990

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on May 7, 1990 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski

There were absent: Jacqueline A. Blachowski

Also present: Richard M. Moleski, Town Clerk

James Kirisits, Town Attorney

* * *

Councilman Gabryszak offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990, AUTHORIZING THE RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO THE DRIVEWAYS, PARKING AREAS AND SIDEWALKS AT THE ALEXANDER COMMUNITY CENTER, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $40,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $2,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $38,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to reconstruct and construct improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, including curbs, gutters, drainage, landscaping, grading and improving the rights of way. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000 and said amount is hereby appropriated therefor, including the

appropriation of $2,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $38,000 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $38,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said $38,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $2,000 will be provided from moneys now available therefor in the current budget of the Town under the heading

"General Fund Contingency." The Supervisor is hereby

authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing

the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the reconstruction and contruction of improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $40,000, appropriating said amount therefor, including the appropriation of $2,000 current funds to provide the required down payment, and authorizing the issuance of $38,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and construct improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, including curbs, gutters, drainage, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000; APPROPRIATING said amount therefor, including the appropriation of $2,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $38,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $38,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $38,000 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $2,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $38,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Rogowski and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

****

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 7, 1990, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 7th day of May, 1990.

(SEAL)

Richard M. Moleski
Town Clerk

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

RICHARD M. MOLESKI, being duly sworn, deposes and says:

That he is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York;

That on May 8, 1990, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 7, 1990, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me this 8th day of May, 1990.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the reconstruction and contruction of improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $40,000, appropriating said amount therefor, including the appropriation of $2,000 current funds to provide the required down payment, and authorizing the issuance of $38,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and construct improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, including curbs, gutters, drainage, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000; APPROPRIATING said amount therefor, including the appropriation of $2,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $38,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of $38,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $38,000 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $2,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said $38,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

AFFIDAVIT OF CURRENT FUNDS

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

Frank E. Swiatek, being duly sworn upon his oath, deposes and says:

That he is the Supervisor of the Town of Cheektowaga, in the County of Erie, New York, that he has examined the records of the Town, and such records show, and he of his knowledge knows, that current funds in the amount of $2,000, referred to in the bond resolution entitled:

> "Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the reconstruction and contruction of improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $40,000, appropriating said amount therefor, including the appropriation of $2,000 current funds to provide the required down payment, and authorizing the issuance of $38,000 serial bonds of said Town to finance the balance of said appropriation,"

duly adopted by the Town Board on the date therein referred to, representing at least five per centum (5%) of the estimated maximum cost of said specific object or purpose, are now available to said purpose by appropriation from moneys in the current budget of the Town under the heading "General Fund Contingency," and said sum of $2,000 has since been duly reserved and duly charged to said appropriation on the books of the Town, in his office, and duly made available for the financing authorized and described in said bond resolution adopted May 7, 1990.

Frank E. Swiatek
Supervisor

Subscribed and sworn to before me
this 7th day of May, 1990.

Jean A. Rosenberry
Notary Public State of New York

JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks:
first publication MAY 10 1990;
last publication MAY 10 1990;
and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990
day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

4K

PUBLISH: May 10, 1990

LEGAL NOTICE
TOWN OF CHEEKTOWAGA

PLEASE TAKE NOTICE that on May 7, 1990, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 7, 1990, authorizing the reconstruction and construction of improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, stating the estimated maximum cost thereof is $40,000, appropriating said amount therefor, including the appropriation of $2,000 current funds to provide the required down payment, and authorizing the issuance of $38,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct and construct improvements to the driveways, parking areas andsidewalks at the Alexander Community Center, in said Town, including, curbs, gutters, drainage, landscaping, grading and improving the rights of way; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000; APPROPRIATING said amount therefor, including the appropriation of $2000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of $38,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all thre taxable real property within the Town to pay the principal of said bonds and interest thereon;

Second: AUTHORIZING the issuance of $38,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said $38,000 serial bonds authorized pursuant to this resolution are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of $2,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said $38,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 1990

Richard M. Moleski
Town Clerk

PUBLISH: May 10, 1990

1 the parking areas, and aquisition and
2 installation of playground equipment.
3 The estimated maximum cost of said
specific object or purpose, including

K

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

Scott Benson

....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication JUN 1 4 1990 ; last publication JUN 1 4 1990 ; and that no more than six days intervened between publications.

S Benson

Sworn to before me this JUN 1 4 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION UPON EXPIRATION OF PERIOD OF PERMISSIVE REFERENDUM)

The resolution published herewith has been adopted on the 7th day of May, 1990, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 7, 1990 AUTHORIZING THE RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO THE DRIVEWAYS, PARKING AREAS AND SIDEWALKS AT THE ALEXANDER COMMUNITY CENTER, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $40,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF $2,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF $38,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town") is hereby authorized to reconstruct and construct improvements to the driveways, parking areas and sidewalks at the Alexander Community Center, in said Town, including curbs, gutters, drainage, landscaping, grading and improving the rights of way. The estimated maximum cost of said class of objects and purposes, including preliminary costs and costs incidental thereto and the financing thereof, is $40,000 and said amount is hereby appropriated therefor, including the appropriation of $2,000 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of $38,000 serial bonds of the Town to finance the balance of said appropriation, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of $38,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said $38,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of $2000 will be provided from moneys now available therefor in the current budget of the Town under the heading "General Fund Contingency." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specifice object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

PUBLISH: June 14, 1990

Item No. 5 Motion by Councilman Rogowski Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on April 16, 1990 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 IV

Traffic Control Signals

Section 76-40, Installation, maintenance and operation of traffic control signals shall be amended by adding thereto the following:

A. Traffic control signal shall be installed, maintained and operated as follows:

(56) Establish traffic control signal on Galleria Drive West Service Road at its intersection with Galleria Drive as follows:

Galleria Drive at West Ring Road of the Walden Galleria Shopping Mall
a. Variable automatic - 3 sections - first section, 1 side - 3 lights facing east; second section, 3 sides - 3 lights facing east, west, and south; third section, 2 sides - 3 lights facing west and south.
b. Vehicles detectors located on the West Ring Road.
c. Normal operation - semi-automatic traffic control signal.
d. Activation of vehicle detectors allows vehicular traffic to exit West Ring Road.

ARTICLE VIII

Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street	Direction	Entrance Street	Traffic Stops	Sign Location
Elaine Court	Northeast	Lochland Drive	Northbound	S.E. Corner
Elaine Court	Northeast	Lochland Drive	Southbound	N.W. Corner

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

NAGEL DRIVE	East side	from the north curbline of North Creek Drive northerly 75 feet to a point.

Item No. 5 continued

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 Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ( ) weeks: first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 7th day of May, 1990 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski

ABSENT:

Councilman Jacqueline A. Blachowski

Motion by: Councilman Rogowski
Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on the April 16, 1990 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:

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Article IV
Traffic Control Signals

Section 76-40. Installation, maintenence and operation of traffic control signals shall be amended by adding thereto the following:

A. Traffic control signal shall be installed, maintained and operated as follows:

(56) Establish traffic control signal on Galleria Drive West Service Road at its intersection with galleria Drive as follows:

Galleria Drive at West Ring Road of the Walden Galleria Shopping Mall

a. Variable automatic - 3 sections - first section, 1 side-3 lights facing east; section section, 3 sides - 3 lights facing east, west, and south; third section, 2 side - 3 lights facing west and south.

b. Vehicle detectors located on the West Ring Road

c. Normal operation - semi-automatic traffic control signal.

d. Activation of vehicle detectors allows vehicular traffic to exit west Ring Road.

Article VIII
Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street: Elaine Court
Direction: Northeast
Entrance Street: Lochland Drive
Traffic Stops: Northbound
Sign Location: S.E. Corner
Street: Elaine Court
Direction: Northeast
Entrance Street: Lochland Drive
Traffic Stops: Southbound
Sign Location: N.W. Corner

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
Nagal Drive
East Side
from the northerly curbline of North Creek drive northerly 75 feet to a point.

Section 2. Time to take effect.

(a) These amendments shall ta
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TIMES, a newspaper published in th
Town and affidavits of such publica
tion shall be filed with the Town Cle
and the Twon Clerk shall likewi
enter in the Ordinance Book a copy
said amendments specifying the da
of adoption thereof.

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Jaworowicz Votin
AYE
Councilman Gabryszak Votin
AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Votin
AYE
Councilman Blachowski Votin
ABSENT

AYES:6
NAYES: 0
ABSENT: 1

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Tow
Clerk of the Town hereinafter de
scribed, DO HEREBY CERTIFY
follows:

1. A REGULAR meeting of t
Town Board of the Town of Chee
towaga, a town located in the Cou
of Erie, State of New York, was du
held on MAY 7, 1990, and minutes
said meeting have been duly record
in the Minute Book by me in acc
dance with law for the purpose of
cording the minutes of meetings
said Board, and such minutes appea
item 5, inclusive, of said book.

2. I have compared the attach
extract with said minutes so record
and said extract is a true copy of sa
minutes and of the whole thereof ins
far as said minutes relate to matt
referred to in said extract.

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

IN WITNESS WHEREOF, I ha
hereunto set my hand and have he
unto affixed the corporate seal of s
Town, this 7th day of May, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: May 10, 1990

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

WHEREAS, there is need for the furnishing of acoustical panels at the Senior Citizen Center, AND

WHEREAS, Trust & Agency Funding is available 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 for acoustical panels at the Senior Citizen Center, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on May 23, 1990 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

* *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that, in accordance with Section 103 of the General Municipal law of the State of New York, bid proposals will be received by the Town of Cheektowaga for the Furnishing of Acoustical Wall Panels and Ceiling Baffles.

Copies of the information for bidders and specifications may be obtained and examined at the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York, during regular business hours on Monday thru Friday, 9:00 A.M. to 4:30 P.M.

Sealed bid proposals must be submitted to the Town Clerk's Office on or before Wednesday, May 23, 1990 at 11:00 A.M., at which time such bid proposals will be opened and read aloud by the Town Clerk. Proposals must be enclosed in a sealed envelope marked "Bid for Acoustical Wall Panels and Ceiling Baffles."

The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities, or to make an award for any combination of bid sections, or to make an award to other than the low bidder, should it be deemed to be in the best interests of the Town of Cheektowaga.

Richard M. Moleski,
Town Clerk

DATE: May 7, 1990

PUBLISHED: May 10, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks: first publication MAY 10 1990 ; last publication MAY 10 1990 ; and that no more than six days intervened between publications.

S Benson
.....

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette
.....

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

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The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities, or to make an award for any combination of bid sections, or to make an award to other than the low bidder, should it be deemed to be in the best interests of the Town of Cheektowaga.

RICHARD M. MOLESKI
Town Clerk
DATED: May 7, 1990
PUBLISH: May 10, 1990

Item No. 6b Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, it is in order that bids be advertised for the furnishing and construction of a waterslide at the Town Park Pool, AND

WHEREAS, funds are available in Account #5907-7140-1201 NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and construction of a waterslide at the Town Park Pool, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on May 23, 1990 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

* *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on may 23, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and union Road, for the Furnishing and Construction of a Waterslide at the Town Park Pool in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211.

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

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

Richard M. Moleski,
Town Clerk

DATED: May 7, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson ....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk ..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 10 1990 ; last publication MAY 10 1990 ; and that no more than six days intervened between publications.

..... S Benson

MAY 10 1990

Sworn to before me this .....

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 23, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Construction of a Waterslide at the Town Park Pool in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Engineering Department, 275 Alexander Avenue, Cheektowaga, New York, 14211.

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.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

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

RICHARD M. MOLESKI
Town Clerk
DATED: May 7, 1990
PUBLISH: May 10, 1990

Item No. 6c Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga is sponsoring two (2) summer day camps for developmentally disabled children ("Camp Crabapple" and "Camp JI-IK-DO-WAH-GAH") from July 9, 1990 to August 17, 1990, and

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

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

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the furnishing of the aforesaid bus transportation to be provided from July 9, 1990 to August 17, 1990, said Notice shall be published in the May 17, 1990 issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bid proposals will be accepted at the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York until 11:00 A.M. on Friday, June 1, 1990 and BE IT FURTHER

RESOLVED that the Cheektowaga Town Clerk is hereby designed to publicly open and read sealed bid proposals at 11:00 A.M. on Friday, June 1, 1990.

* *

NOTICE TO BIDDERS
PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York, until 11:00 A.M. Eastern Daylight Time, on Friday, June 1, 1990 for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the Alexander Street Community Center, Alexander Avenue, (near Straley Avenue) Cheektowaga, New York. Included in the bid should be the use of three full-size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 9, 1990 through August 17, 1990. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained from the camp's Program Coordinator at the Cheektowaga Youth Bureau (810 Losson Road) 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 low bidder, should it be in the best interests of the Town, or reject any and all bids.

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

Richard Moleski,
Town Clerk

DATED: April 27, 1990

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals will be received and considered at the Town Clerk's Office, Broadway and Union Roads,Cheektowaga, New York until 11:00 A.M., Eastern Daylight Savings Time, on Friday, June 1, 1990 for the furnishing of daily transportation to and from two day camps for developmentally disabled children and learning disabled children to be located at the Alexander Community Center, Alexander Avenue (near Straley Avenue), Cheektowaga, New York.

Included in the bid should be the use of three full-size school buses and one wheel chair van. Please bid separately on the buses and on the wheelchair van, which will be utilized only if warrented by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 9, 1990 through August 17, 1990. Arrival time at camp is scheduled for 9:30a.m. Dismissal and take home time is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained from the camp's Program Coordinator. at the Cheektowaga Youth Bureau (810 Losson Road) 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
DATED: May 7, 1990
PUBLISH: May 10, 1990

Item No. 7 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Engineering Department has requested that installation of corkboard in two offices be deleted from Alexander Community Center contract awarded to Baker Development and Construction Company, Inc., AND

WHEREAS, the firm of Scaffidi & Moore Architects, P.C. has reviewed and approved Baker Development's proposal to delete said corkboard installation in rooms #107 and #108 at a credit of $1,000.00, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby approves the proposal submitted by Baker Development and Construction Company, Inc., 1251 Electric Avenue, Lackawanna, New York, 14218 to delete the installation of corkboard in room #107 and #108 AND, BE IT FURTHER

RESOLVED that Baker Development and Construction Company, Inc.'s contract be reduced by $1,000.00 to $53,710.00.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 8 Motion by Councilman Kulyk Seconded by Councilman Rogowski

WHEREAS, by resolution dated April 2, 1990, this Town Board approved the rezoning of 219-225 Bennett Road, Cheektowaga, New York from R-Residential District to RC-Restricted Business District subject to certain conditions, and

WHEREAS, one of the conditions attached to such rezoning was as follows:

"the installation of the two yard fire hydrants and the Fire Department connection must be coordinated with Bellevue Fire Department and the Town Fire Inspector."

and

WHEREAS, Bellevue Fire Department notified this Town Board that it has approved the plans submitted for 219-225 Bennett Road "provided that one (1) hydrant is installed near the rear part of the building" and eight (8) inch water lines are installed, NOW, THEREFORE, BE IT

RESOLVED that the above referenced condition requiring two yard fire hydrants be and hereby is rescinded and is replaced with the following condition:

"the installation of one (1) hydrant near the rear part of the building and eight (8) inch water lines."

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski
ABSTAINED: Councilman Solecki

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 830 Borden Road, , Cheektowaga, New York, SBL #114.20-9-12 and according to the Assessor's Office is owned by the County of Erie, 958 Franklin Street, Buffalo, New York 14202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 9a continued

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

WHEREAS, the Town of Cheektowaga has received another notification of an unsafe, abandoned structure at 830 Borden Road, Cheektowaga, New York, S.B.L. #114.20-9-12 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessors' Office is owned by the County of Erie, 958 Franklin Street, Buffalo, New York 14202 AND

WHEREAS, the Erie County Commissioner of Finance, has authorized the Town of Cheektowaga Housing Inspector to take immediate steps be taken to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

BE IT RESOLVED that the Supervisor be authorized to execute an amended agreement on behalf of the Youth Bureau and the New York State Office of Mental Retardation and Developmental Disabilities.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

WHEREAS, the Town of Cheektowaga submitted a grant application to the New York State Energy Office to conduct Technical Assistance Studies for the Highway Garage and Sanitation Garage, and

WHEREAS, the Town has been awarded a Technical Assistance Study grant from the New York State Energy Office in the amount of $2,872 to retain an engineering firm to perform the Technical Assistance Studies, and

WHEREAS, award of said grant is contingent upon matching funds from the Town of Cheektowaga in the amount of $5,288, and

WHEREAS, the performance of Technical Assistance Studies will identify energy saving measures the Highway Department and Sanitation Department may implement to reduce energy costs, and

Item No. 10b continued

WHEREAS, grant monies are available from the New York State Energy Office to purchase and install energy saving devices identified through the performance of Technical Assistance Studies; NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the acceptance of this grant, and BE IT FURTHER

RESOLVED that $5,288 in matching funds shall be appropriated from the following accounts:

Sanitation - Account #1500.8160.4247 - $1,800.
Highway - Account #0100-5132.4247 - $3,488.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

WHEREAS, the Town of Cheektowaga is the owner of park land located on the west side of Harlem Road south of George Urban Blvd., AND

WHEREAS, National Fuel Gas Distribution Corporation desires an easement to replace and maintain a pipeline an appurtenances as necessary for the distribution of gas through such property in anticipation of Harlem Road reconstruction work by the New York State Department of Transportation, AND

WHEREAS, the Town Engineer and Facilities Director have reviewed such easement and do not object to the granting of same provided the pipes are laid and property is restored as construction progresses so as to not interfere with the Town's use of the park facilities, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the granting of an easement as approved by the Town Engineer, Facilities Director and Town Attorney to National Fuel Gas Distribution Corporation over the aforementioned property and directs the Supervisor to execute such easement, 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 May 7, 1990, adopted a resolution authorizing the granting of an easement over Town-owned land (in Town Park) located on the west side of Harlem Road south of George Urban Boulevard to National Fuel Gas Distribution Corporation. A copy of such easement agreement for this property is available in the Town Engineer's Office at the Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York 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.

Item No. 10c continued

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

RICHARD M. MOLESKI,
Town Clerk

DATED: May 7, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on May 7, 1990, adopted a resolution authorizing the granting of an easement over Town-owned land (in Town Park) located on the west side of Harlem Road south of George Urban Boulevard to National Fuel Gas Distribution Corporation. A copy of such easement agreement for this property is available in the Town Engineer's Office at the Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York 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: May 7, 1990

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 10, 1990, 1989

Item No. 11a Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, the Town Environmental Advisory Committee recommended and this Town Board previously approved a determination of environmental non-signigicance on a proposal to construct a building at 354 Cayuga Road in the Town, and

WHEREAS, the Town Engineer also required that the owner of such property convey a drainage easement through such property to the Town, and

WHEREAS, such a drainage easement was submitted to the Town by the property owner, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned drainage easement be and hereby is accepted by this Town Board, and BE IT FURTHER

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 11b Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, the Cheektowaga Facilities Department is in possession of a Ditch Witch trencher which has been inoperable for seven years due to unavailability of parts, AND

WHEREAS, Ditch Witch of Lake Erie, 5034 Buffalo Road, Erie, PA has made an offer to purchase said trencher for $200.00 AND

WHEREAS, said purchase would remove the trencher from the Town's inventory and storage facilities, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby accepts the offer by Ditch Witch of Lake Erie, 5034 Buffalo Road, Erie, PA, 16510 of $200.00 for a Ditch Witch trencher, Serial #7421, Model #K3-11.41, Wisconsin Engine, Serial #3518057, Model #VH4D AND BE IT FURTHER

RESOLVED that Ditch Witch of Lake Erie is hereby responsible for loading and transportation of said Ditch Witch trencher from Town property.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 12 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

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

Item No. 12 continued

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 Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

* See Attached List

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

NAME	ADDRESS	COMPANY	EMT EXPIRES
Ronald John Barrett	Buffalo, N.Y. 14207	Town's Ambulance	12/31/92
Michael J. Hyde	Depew, N.Y. 14043	Town's Ambulance	5/31/92
James M. Jagusiak	Alden,N.Y. 14004	Town's Ambulance	6/30/92
Thomas E. Mazurowski	Lancaster, N.Y. 14086	Town's Ambulance	5/31/92

Item No. 13 Motion by Councilman Solecki Seconded by Unanimous

WHEREAS, the Pfohl Brothers Landfill is an inactive hazardous waste landfill located in the Town of Cheektowaga and in close proximity to the Towns of Amherst, Lancaster and Clarence, and

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") and the New York State Department of Health ("NYSDOH") are presently investigating the site and have publicly stated that it poses a significant threat to public health or the environment so as to require action, and

WHEREAS, numerous members of the general public have expressed concern whether the general public has been and may in the future be exposed to contaminants that migrate off the landfill site in groundwater, as airborne dust and vapor, and in leachate flowing into Ellicott Creek tributaries and Aero Lake, and

WHEREAS, numerous toxic chemicals and substances have been found by NYSDEC and NYSDOH at the site, including dioxin (2,3,7, 8-TCDD), heavy metals including lead, mercury and cadmium, polyaromatic hydrocarbons (PAHs), chlorinated dibenzofurans and radioactive waste and

WHEREAS, NYSDEC and NYSDOH have expressed uncertainty in the March 1990 "Responsiveness Summary" whether testing will be performed (for other than radon) at residential properties in the landfill vicinity, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NYSDEC and/or the NYSDOH to initiate a testing program to determine the extent of contamination potentially attributable to the landfill for locations where public health is likely to be impacted, and BE IT FURTHER

RESOLVED that such a testing program should include 1) testing well water and sump water at residences in the landfill vicinity whose owners or occupants request such and at nearby workplaces, 2) soil sampling on willing landowners' real property, both close to the surface and at slightly greater depths, 3) sampling of air in basements and dust in attics at residential properties and workplaces, 4) sampling sediments and water in Ellicott Creek upstream from the landfill and just below the confluence of tributaries draining the landfill site, both during low summerflow and shortly after heavy rains, 5) sampling of a variety of biological organisms in Ellicott Creek and at places other than Aero Lake to determine contaminant uptake, and 6) sampling of sediments and surface water at off-site locations where standing water receiving drainage from the landfill site is situated, and BE IT FURTHER

RESOLVED that, prior to implementing such an off-site testing program, the proposed plan should be made available for public review and comment, and BE IT FURTHER

RESOLVED that NYSDEC and NYSDOH enlarge the factual data available at the currently existing local document repositories, especially to include past test and sample data, so that the public need not travel to Albany to examine basic factual data about the site.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 14 Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the developer of the Losson Meadows Subdivision has furnished an installed a highway lighting system consisting of eight (8) 5200 lumen H.P.S. post-top luminaires, fiberglass standards and related conduit and conductors as required in conjunction with the development of Phase II of said residential subdivision, NOW, THEREFORE, BE IT

RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to connect the aforesaid public highway lighting system at an

Item No. 14 continued

annual increase to the Town's General Lighting District of $340.24, in accordance with the attached New York State Electric & Gas Corporation proposal dated April 27, 1990, which is hereby made a part of this resolution.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

* See next pages for proposal & sketch

NYSEG

April 27, 1990

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
LOSSON MEADOWS SUBDIVISION - PHASE II

SC #2

Baywood Drive - 8

Connect 8 - 5200 lumen hps lamps (energy & bulb rate) @ $42.53 ---- $340.24
Stds. 2 through 9

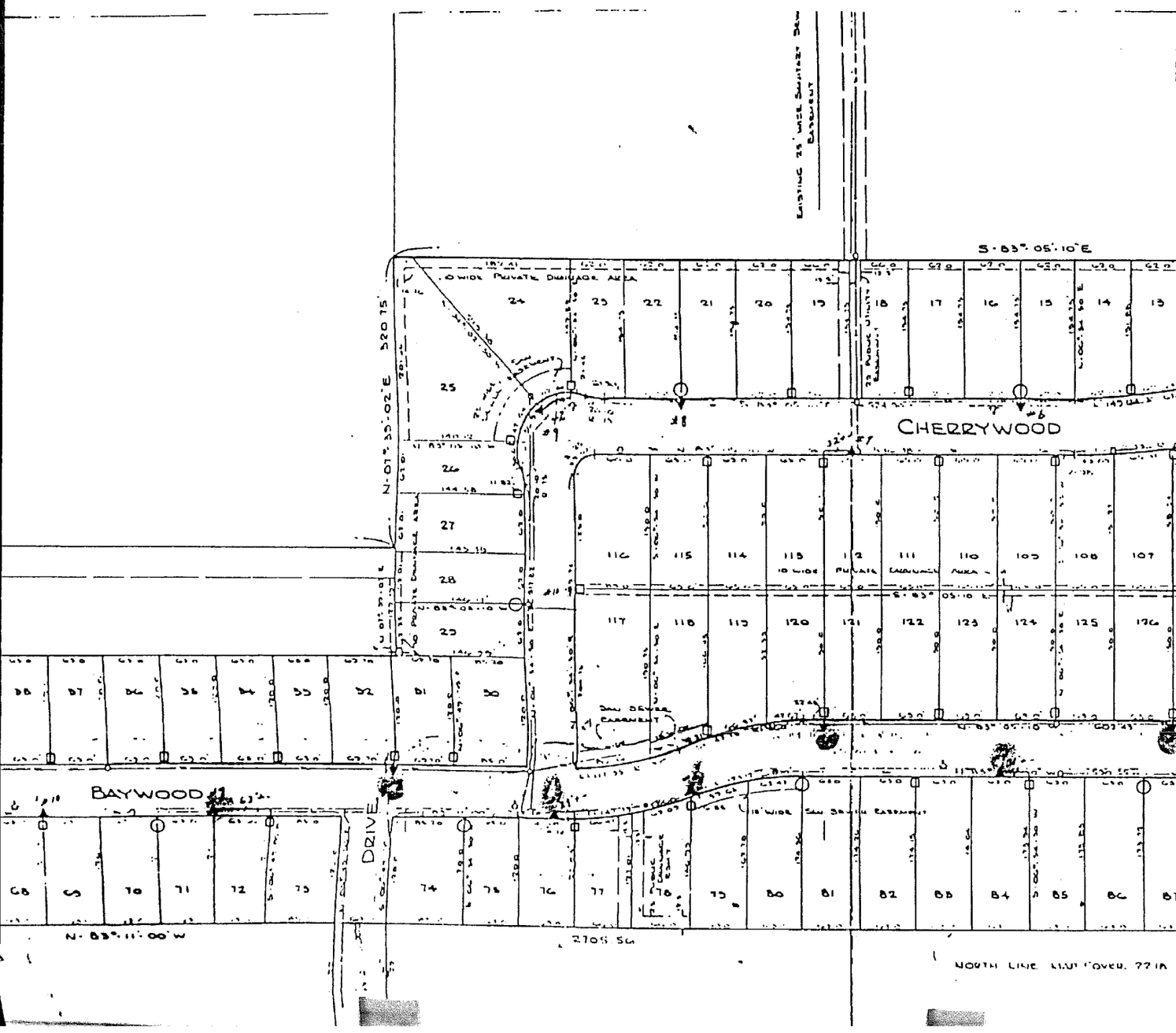
TOTAL ANNUAL INCREASE --------- $340.24

Standards, underground conductors and fixtures to be supplied and installed by developer; owned and maintained by the Town of Cheektowaga

Connections, energy, lamp and photo-elec eye replacements to be supplied by NYSEG

(see attached sketch)

(This proposal is made contingent upon the terms and conditions covered in NYSEG's street lighting filed tariff agreement with your municipality)


CHERRYWOOD
BAYWOOD
DRIVE
S 83° 05' 10" E
N 01° 35' 02" E 320.75'
N 83° 11' 00" W
270.56'
NORTH LINE

Item No. 15a Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the developer of the Maplegrove Estates Subdivision has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within the subject residential subdivision, consisting of 12 lots located on Girard and Kennedy Avenues, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the construction of storm drainage improvements within the Maplegrove Estates Subdivision, AND, BE IT FURTHER

RESOLVED that the subject permit fee amounting to $346.92 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 15b Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the developer of the Losson Park Estates Subdivision has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within Phase I of the subject subdivision, located on the north side of Crabapple Lane, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the construction of storm drainage improvements within Phase I of the Losson Park Estates Subdivision, AND, BE IT FURTHER

RESOLVED that the subject permit fee amounting to $975.38 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 15c Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the developers of the Losson Meadows Subdivision have submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within Phase III of the subject residential subdivision, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the construction of infrastructure improvements within Phase III of the Losson Meadows Subdivision, AND, BE IT FURTHER

Item No. 15c continued

RESOLVED that the subject permit fee amounting to $2,933.58 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 16 Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, the Hy-View Fire District #8 has requested the Town Board to authorize the Town Highway Superintendent to permit the use of town highway machinery, tools and equipment within the town by such Fire District, and

WHEREAS, Section 142-b of the Highway Law of the State of New York authorized the use of town highway machinery, tools and equipment within the town by a fire district, upon such terms as may be agreed upon by the Town Board and the governing board of such fire district, and

WHEREAS, it appears that the Town may rent its equipment and operators for such equipment for such purposes provided the Town is reimbursed for their use, and

WHEREAS, the Town shall not, however, provide material and other labor connected therewith, therefore, BE IT

RESOLVED that the Town of Cheektowaga Board Members hereby authorize the Town Highway Superintendent to provide the essential equipment and operators thereof for the purpose of resurfacing the parking lot adjacent to Hy-View Fire Hall on Airport Drive, on the terms and conditions specified in the communication of the Town Superintendent of Highways dated April 17, 1990 and the communication of the Chairman of the Board of Commissioners of the Hy-View Fire District #8, which are appended hereto and made a part hereof.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

* See next pages for communications

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

April 20, 1990

RECEIVED
1990 APR 23 PM 2:43
CHEEKTOWAGA
TOWN CLERK

SUPERVISOR FRANK E. SWIATEK
TOWN BOARD MEMBERS
CHEEKTOWAGA NY 14227

Re: Paving Hy-View Fire District Parking Lot

Dear Town Board Members:

I am requesting your Honorable Board Members to give me authorization to resurface parking lot adjacent to Hy-View Fire Hall on Airport Drive.

It has been mutually agreed with Highway Superintendent and Michael Maccarone, Chairman of the Board of Fire Commissioners of Hy-View Fire District #8, that they will assume the cost of labor and reimburse the Town, and pay direct to the supplier for the material used. They have also agreed to provide the Town with a Certificate of Insurance for any liability incurred during construction of same, copy of which is hereto attached.

I trust this will meet with your kind approval.

Very truly yours,

CHRISTOPHER J. KOWAL
HIGHWAY SUPERINTENDENT

CJK: erp

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

April 17, 1990

RECEIVED
1990 APR 23 PM 2:43
CHEEKTOWAGA
TOWN CLERK

Board of Commissioners
Hy-View Fire District #8
8 Airport Drive
Depew NY 14043

Gentlemen:

As per our mutual agreement, the Town of Cheektowaga Highway Department will pave parking lot adjacent to Hy-View Fire Hall on Airport Drive.

It has been agreed that the Town will use its own equipment and labor and be reimbursed by the fire district for the labor. Any materials used in this project will be billed and paid direct by the fire district.

As agreed upon with the Highway Superintendent, the fire district will provide a Certificate of Insurance for any liability incurred during construction of same.

If Board Members of Hy-View Fire District #8 decide that the above is agreeable, I would appreciate the agreement to be signed below, so that this project can be started as soon as possible.

Very truly yours,

TOWN OF CHEEKTOWAGA

CHRISTOPHER J. KOWAL
Highway Superintendent

MICHAEL MACCARONE
CHAIRMAN, BOARD OF COMMISSIONERS
Hy-View Fire District #8

CJK: erp

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

WHEREAS, the month of May has been designated nationally as "Older Americans month", and

WHEREAS, older Americans perform many valuable services to the community on a volunteer basis and are active in many worthwhile endeavors, and

WHEREAS, older Americans are increasingly growing in numbers in this nation, and

WHEREAS, this Town Board recognizes the need to care for our older Americans, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby proclaims the month of May as "Older Americans Month" in the Town, and BE IT FURTHER

RESOLVED that this Town Board hereby also celebrates the Twenty-fifth Anniversary of the establishment of the Older American's Act, and BE IT FURTHER

RESOLVED that this Town Board hereby pledges its support for the care of our older Americans.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

WHEREAS, representatives from the New York State Easter Seal Society, Inc. have approached Town Officials regarding the possibility of hosting a softball tournament at Cheektowaga Town Park on June 9, 10, 1990 from 1:00 - 7:00 p.m., and

WHEREAS, over 50 teams are expected to participate in the tournament to aid the Easter Seal Society in its mission to improve the quality of life for children and adults with disabilities, and

WHEREAS, plans for the tournament were reviewed by the Chairman of the Parks and Recreation Committee at a meeting on March 8, 1990, and

WHEREAS, organizers for the event are willing to schedule games at times not to interfere with existing league schedules and will be forwarding required liability policies to the Town of Cheektowaga upon approval, NOW, THEREFORE, BE IT

RESOLVED that the New York State Easter Seal Society, Inc. be permitted to reserve the necessary softball diamonds at Town Park for June 9, 10, 1990 and that the ordinary diamond permit fees for the tournament be waived.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 19 Affirm recommendation of SEQR Board regarding 2001 Walden Ave.
This item was withdrawn.

Item No. 20 Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, the New York Water Pollution Control Association is holding its spring meeting at West Point, New York on June 10 thru 13, 1990 with presentation of technical papers at seminars, AND

Item No. 20 continued

WHEREAS, the technical sessions will cover a variety of subjects associated with the interests and responsibilities of the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer, a member of the Water Pollution Control Federation, is hereby authorized to attend said conference with all reasonable and proper expenses to be paid for by the Town and chargeable to Line Item No. 25-8125-0004-4087 and not to exceed $685.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 21a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Town Park Cultural Center is in need of a better sound system, and

WHEREAS, Angevine Acoustical Consultants, Inc., professional acoustical engineers, have proposed to study and prepare specifications for such should system at a cost of $1,100., NOW, THEREFORE, BE IT

RESOLVED that Angevine Acoustical Consultants, Inc. be and hereby is retained at a cost of $1,100. to perform the aforementioned services as per the attached agreement, and BE IT FURTHER

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

RESOLVED that funds for such services shall be paid from line item number 5818.7140.1103.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

* SEE ATTACHED PAGES FOR AGREEMENT

AGREEMENT

THIS AGREEMENT made this ____ day of May, 1990, by and between the Town of Cheektowaga, Erie County, New York ("Town"), a municipal corporation with its office and principal place of business located at Broadway and Union Road, Cheektowaga, New York; and Angevine Acoustical Consultants, Inc., a domestic corporation formed under the laws of the State of new York and having an office for the transaction of business located at 1021 Maple Street, P.O. Box 725, East Aurora, New York ("Angevine").

RECITALS

WHEREAS, the Town is the owner of the Cheektowaga Cultural Center located in the Cheektowaga Town Park, (the "Facility"), and

WHEREAS, the Town is desirous of replacing the existing sound system in the Facility with one having improved audibility and intelligibility and some new functions, and

WHEREAS, Angevine has proposed to provide its professional acoustical consultant services to assist the Town in planning the system and purchasing equipment and installation,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, it is hereby agreed as follows:

1. Angevine agrees to provide the following services to the Town:

   a. Preparation of performance specifications for a sound system for the Facility. Such specifications shall be written to serve as a basis for solicitation of proposals by qualified sound contractors.

b. Assist the Town in evaluating the proposals received, judging them by comparison of compliance with the specification, equipment quality, cost, warranty, installation details and references supplied for the quality of their previous installations.

c. The Town will pay Angevine the sum of One thousand one hundred dollars ($1,100.00) for its services.

IN WITNESS WHEREOF, the respective parties hereto have caused this agreement to be signed by their duly authorized officers and their respective seals to be attached hereto.

TOWN OF CHEEKTOWAGA

(SEAL)

By: _____
Supervisor

ANGEVINE AGOUSTICAL CONSULTANTS, INC.

(SEAL)

By: _____
President

Item No. 21b Motion by Supervisor Swiatek Seconded by Councilman Kulyk

WHEREAS, employee assistance programs have been documented as contributing to organizational productivity, health-cost manangement and individual employee well-being, and

WHEREAS, keeping employees well and encouraging appropriate use of health care services is becoming increasingly important in controlling health related costs, and

WHEREAS, employers and unions can positively impact upon employees behavior changes by supporting healthy life-styles and effectively designing and offering comprehensive employee benefit programs, and

WHEREAS, the Town of Cheektowaga desires to offer Town employees the opportunity to participate in an employee assistance program, and

WHEREAS, grant monies are available though the Independent Health Association to encourage research and demonstration projects which aim to control health costs and/or improve employee health status; NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board does hereby support the implementation of a study in cooperation with Independent Health Association as an integral first step toward the future establishment of an employee assistance program based on the availability of funding, and BE IT FURTHER

RESOLVED that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Independent Health Association for the purpose of securing this grant, and BE IT FURTHER

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 22a Motion by Councilman Solecki Seconded by Councilman Kulyk
Chairman of Sanitation Committee
BE IT RESOLVED, that the following individuals be and hereby are terminated as Seasonal and/or Part-Time employees in the Department listed:

SANITATION DEPARTMENT	EFFECTIVE
Keith Karek	4/25/90
Rick Roll	4/25/90

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 22b Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED, that the following Seasonal and/or Part-Time employee be and hereby is terminated in the Facilities Department:

PARKS DIVISION	EFFECTIVE
Robert Edward Trzaska	4/9/90

Item No. 22b continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 23a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, there is a vacancy in the position of Ex Officio Member of the Cheektowaga Economic Development Corporation ("CEDC") Board of Directors, and

WHEREAS, Councilman Jacqueline A. Blachowski is the Chairman of the Town's Community & Economic Development Committee and is charged with over-seeing such development in the Town, and

WHEREAS, Councilman Blachowski has expressed an interest in serving as an Ex Officio Member on the CEDC Board of Directors, NOW, THEREFORE, BE IT

RESOLVED that Councilman Jacqueline A. Blachowski be and hereby is appointed as an Ex Officio Member of the CEDC Board of Directors, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 23b Motion by Councilman Solecki Seconded by Councilman Kulyk
Chairman of Sanitation Committee

WHEREAS, the Town of Cheektowaga Sanitation Department has Two (2) Permanent vacancies for the Motor Equipment Operator (Class B) classification, AND

WHEREAS, said vacancies have been duly bid in the Sanitation Department as per the Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Tony Broniszewski, Cheektowaga, N.Y., and Jeff Bolis, , Cheektowaga, New York, be appointed to the position of Permanent MEO-B drivers in the Sanitation Department at a salary in accordance with the Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective May 7, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 23c Appointment of General Mechanic in Facilities Department.
This item was withdrawn.

* *

MOVED BY COUNCILMAN SOLECKI AND SECONDED BY COUNCILMAN KULYK TO DISPENSE READING THE NAMES ON ITEM NO. 24A-B-C

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 24a Motion by Councilman Solecki Seconded by Councilman Kulyk
Chairman of Sanitation Committee

BE IT RESOLVED, that the following individuals are hereby hired as seasonal employees in the Sanitation Department, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year, effective "as needed" and at the hourly rate of $5.00 per hour:

Robert Mager
Cassandra Eggers
Lawrence Zielinski
Paul Radomski
John Galenski
Lawrence Dougherty
Richard Perrino
John Bobeck
William J. Rogowski

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 24b Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as seasonal employees in the various departments listed, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year:

TOWN CLERK'S OFFICE - $5.00 per hour	EFFECTIVE
Kelly Jeffords	5/8/90

FACILITIES DEPARTMENT - Parks Division $4.65 per hour - Line #01-711--0001-1491

Robert Nowak	Immediately
Tom Bukowski	"
David Klosko	"
Eric Ozolins	"
Jim McCloskey	"
John Barberio	"
Douglas Daniszewski	"

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 24c Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED, that Anne Marie Wojciechowski, , Sloan, New York be and hereby is appointed as Staff Assistant to Councilman Jacqueline A. Blachowski, effective May 14, 1990 at a salary of $5.25 per hour, and BE IT FURTHER

RESOLVED that moneys for such position shall be appropriated from budget line item number 01-00-1010-1357.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 25a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED, that the salary for Joseph DiRosa, part-time mail clerk, be established at $6,500. per annum, effective May 1, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 25b Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED that the hourly rate for Carol Lonczak, a part-time employee in the Building and Plumbing Inspection Department, be established at $6.00 per hour, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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:	5132-04-4432	(Bldg. Repair & Maint.-Highway)	$3,488.00
	3510-04-4532	(Veterinarian Services-Police)	$1,000.00
	3120-02-2625	(Crime Forfeiture Revenue-Police)	160.00
	3120-02-2625	(Crime Forfeiture Revenue-Police)	233.00
	1410-04-4001	(Office Supplies-Town Clerk's Office)	300.00
TO:	5132-04-4247	(Energy Tech. Assist. Study-Highway Garage)	3,488.00
	3020-04-4431	(Equip. Repair & Maint.-Police)	1,000.00
	3120-02-2205	(Crime Forfeiture Expense-Police)	160.00
	3120-02-2205	(Crime Forfeiture Expense-Police)	233.00
	1410-04-4431	(Equip. Maint.-Town Clerk's Office)	300.00

SPECIAL DISTRICT FUND

FROM:	8173-04-4711	(Contingency)	28,500.00
	8160-01-1352	(Account Clerk-Sanitation)	1,800.00
TO:	8160-04-4475	(Revenue Consultant-Sanitation)	28,500.00
	8160-04-4247	(Energy Tech. Assist. Study-Sanita.Gar.)	1,800.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

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

BE IT RESOLVED, that the following vouchers and warrants submitted to the Town of Cheektowaga prior to May 7, 1990 are hereby approved and made a part hereof:

Item No. 27 continued

GENERAL FUND	$ 313,953.96
HIGHWAY FUND	21,824.45
CAPITAL FUND	15,356.96
TRUST & AGENCY FUND	194,314.44
HUD-CDBG FUND	37,141.43
PART TOWN FUND	7,594.37
RISK RETENTION FUND	39,554.45
STATE AHC FUND	200.00
HUD-REHAB. FUND	10,855.00
SPECIAL DISTRICT FUND	1,177,653.20
	$1,818,448.26

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

III. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Building Permits
Received and filed.

Item No. 29 Supervisor's Statement of Funds/March, 1990
Received and filed.

Item No. 30 Annual Financial Report for Fiscal 1989
Received and filed.

Item No. 31a Minutes of Cheektowaga Library Board/March, 1990
Received and filed.

Item No. 31b Minutes of Cheektowaga Traffic Safety Commission/April, 1990
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 32a Notice of Claim: JoAnn Kindrzierski, individually & as mother and natural guardian of Corrine Kindrzierski vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carrier.
Received and filed.

Item No. 32b Notice of Claim: Underwriters Adjustment Bureau Ltd. vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; S.I.S. Services, Insurance Carrier.
Received and filed.

Item No. 32c Notice of Claim: William D. Daly as Administrator of Estate of William A. Daly vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carrier.
Received and filed.

Item No. 32d Notice of Claim: Carolyn Prunn vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; S.I.S. Services, Insurance Carrier.
Received and filed.

Item No. 32e Notice of Claim: Linda Krampen, Individually and as mother and natural guardian of Amy Beth Krampen vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; S.I.S. Services, Insurance Carrier.
Received and filed.

Item No. 33 Correspondence regarding Scajaquada Creek tributary.
Received and filed.

Item No. 34 Resolution from Town of Colden regarding additional taxation.
Received and filed.

* *

V. SUSPENSION OF RULES

MOTION BY COUNCILMAN GABRYSZAK AND SECONDED BY COUNCILMAN ROGOWSKI TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING ITEMS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

* *

Item No. 35 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Joseph LaPorta has made application and requested the Rezoning from C- Retail Business District to CM - General Commercial District and a Special Use Permit for Public Garage (automotive-mufflers, brakes and shocks) for property located at 2810 Union Road, with the permission of the owner of the property, namely Richard J. & Lucille Powers, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on May 21, 1990 at 7:00 o'clock P.M., Eastern Daylight Saving time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 10 1990; last publication MAY 10 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 21st day of MAY, 1990 at 7:00 0'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of JOSEPH LAPORTA/ MEINEKE MUFFLER/RICHARD & LUCILLE POWERS for a Special Permit to operate a public garage on property located at 2810 UNION ROAD pursuant to ARTICLE VI and SECTION 82.33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

COMMENCING in the center line of Union Road at a point 809.56 feet north of the southeast corner of said lot 15; running thence westerly at an outside angle of 92° 09', 343.71 feet; thence northerly at an interior angle of 89° 25' 23", 85.34 feet; running thence easterly at an interior angle of 92° 43' 37", 339.30 feet to the center line of Union Road; and thence southerly and at right angles to the last described line and along the center line of Union Road, 98.13 feet to the point or place of beginning.

SUBJECT TO EASEMENTS and RESTRICTIONS of record.

EXCEPTING therefrom that portion of the premises appropriated by the People of the State of New York pursuant to Notice recorded in the Erie County Clerk's Office in Liber 7220 of Deeds at page 98.

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 Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jaqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 10, 1990

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks;
first publication MAY 10 1990 ;
last publication MAY 10 1990 ;
and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this MAY 10 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 21st day of MAY, 1990 at 7:00 O'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of JOSEPH LAPORTA/ MEINEKE MUFFLER/RICHARD & LUCILLE POWERS to Rezone from C-RETAIL BUSINESS District to CM-GENERAL COMMERCIAL District on property located at 2810 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 an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jaqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 10, 1990

Item No. 36 Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has scheduled a one day meeting of New York State Conservation Corp. applicants, BE IT

RESOLVED that Ellen Fischer, Program Coordinator or Kenneth J. Kopacz, Executive Director, be authorized to attend said meeting, Tuesday, May 15, 1990 and BE IT FURTHER

RESOLVED that all necessary travel expenses be reimbursed, not to exceed $400.00 (Account No. 01-1910-004-4082)

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 37 Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga successfully secured a N.Y.S.E.O. Grant in the amount of $60,000.00 to install energy saving equipment and monitoring devices, and

WHEREAS, the Town of Cheektowaga has sought proposals from various engineering firms to design plans and specifications for an Energy Monitoring System and related equipment at the Town Park Recreation Center, Town Hall and Police and Court Building, NOW, THEREFORE, BE IT

RESOLVED that contingent upon approval from the N.Y.S.E.O. the Cheektowaga Town Board hereby retains the firm of Babinsky, Klein Engineering, P.C. 3200 Niagara Falls Boulevard, North Tonawanda, New York 14120 to prepare plans and specifications, provide all professional services during installation, comply with N.Y.S.E.O. mandates and documentation and provide four quarterly inspections of the system during the first year of implementation to insure projected levels of energy savings are being realized at a fee not to exceed $15,300.00, and, BE IT FURTHER

RESOLVED that funds for said action are available from Account 05-1625-8912-1100.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Rogowski
NAYES: 0
ABSENT: Councilman Blachowski

Item No. 38 Motion by Councilman Kulyk Seconded by Councilman Gabryszak 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. 11 May 21, 1990
1	Rezoning of 2810 Union Road from C-Retail Business District to CM-General Commercial District and Special Use Permit for Public Garage (automotive-mufflers, brakes and shocks)

R E S O L U T I O N S

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3	Affirmation of recommendation of Environmental Advisory Committee regarding New Erie Industrial Park and Dewberry Lane	4
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5	AUTHORIZE SUPERVISOR TO SIGN/EXECUTE:	
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	c. Grant Agreement with Dept. of Housing and Urban Development	11
6	Support recommendation of N.Y.S. Dept. of Trans. regarding highway improvements on Union Road	11-12
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11	TERMINATION OF SEASONAL/PART-TIME EMPLOYEES:	
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13	HIRING OF SEASONAL/PART-TIME EMPLOYEES:	
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MEETING NO. 11
May 21, 1990

Item No. 1 At a 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 21st day of May, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; Bruce Chamberlin, Chief of Police; Terry Rusin, Accountant; Donald Wegner, Chairman of Zoning Board of Appeals; Len Szymanski, Facilities Department; Pat Staniaszek, Coordinator of Youth Programs.

I. RESOLUTIONS

Item No. 2a Decision on Rezoning - 550 Cayuga Road.
This item was withdrawn.

Item No. 2b Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, Noco Energy Corp. has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by it and located at 1635 Kensington Avenue, 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 7th day of May, 1990 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 subject to the following conditions:

1. All automotive services, except for gasoline sales and the availability of air and vacuum services, shall be prohibited.

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, subject to the following conditions:

1. approval of landscape plan by Planning Board, and

Item No. 2b cont'd

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

NOW, THEREFORE, BE IT RESOLVED that the application of Noco Energy Corp. for the rezoning from C-Retail Business District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereto approved subject to the aforementioned recommendations made by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, and BE IT FURTHER

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

* See next page for legal description

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number thirty-six (36), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as part of Subdivision Lot Number twenty-seven (27), according to a map filed in Erie County Clerk's Office under Cover Number 1603, bounded and described as follows:

BEGINNING at the point of intersection of the southeasterly line of Kensington Avenue with the southwesterly line of Century Road; thence southwesterly along the southeasterly line of Kensington Avenue one hundred (100) feet; thence at right angles in a southerly direction, parallel with Century Road, one hundred thirteen (113) feet; thence at right angle parallel to Kensington Avenue, one hundred (100) feet to the southwesterly line of Century Road; thence at right angles in a northerly direction along the southwesterly line of Century Road, one hundred thirteen (113) 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 Number thirty-six (36), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as parts of Subdivision Lots Numbers twenty-seven (27) and twenty-eight (28), according to a map filed in the Erie County Clerk's Office under Cover Number 1603, bounded and described as follows:

BEGINNING at a point which is the southwesterly corner of the above described lands, which point is one hundred thirteen (113) feet southerly from the southeasterly line of Kensington Avenue, along a line which is parallel to Century Road and one hundred (100) feet westerly therefrom; thence easterly parallel to said southeasterly line of Kensington Avenue and along the southerly line of the above described premises twenty-one (21) feet to the northwesterly corner of lands conveyed to Ernest Steel and Mary C., his wife, by deed recorded in the Erie County Clerk's Office in Liber 6167 of Deeds at page 283; thence southerly parallel to Century Road and along the southwesterly line of Steel' property fifty-six (56) feet to the southwesterly corner of Steel's property; thence westerly parallel to Kensington Avenue twenty-one (21) feet; thence northerly parallel to Century Road, fifty-six (56) feet to the point of beginning.

It is intended to convey the same premises conveyed by the following deeds:

(1) Hoffeld Estates, Inc., to Henrietta S. Bame, dated December 21, 1956, recorded December 21, 1956, Liber 6108, page 405, Erie County Clerk's Office;

(2) Emma Lou Sikes to Henrietta S. Bame, dated August 8, 1960, recorded August 17, 1960, Liber 6579, page 3, Erie County Clerk's Office;

(3) Henrietta S. Bame and Emma Lou Sikes to Henrietta S. Bame, dated April 3, 1965, recorded April 26, 1965, Liber 7103, page 167, Erie County Clerk's Office.

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. 36, Township 11, Range 7 of the Holland Land Company's Survey and according to a Map filed in the Erie County Clerk's Office under Cover Number 1603, is known as part of Subdivision Lots Nos. 27 and 28, described as follows:

BEGINNING at a point in the westerly line of South Century Road, 113 feet southerly from its intersection with the southerly line of Kensington Avenue as measured along the westerly line of South Century Road; thence westerly at right angles to South Century Road 79 feet; thence southerly at right angles 56 feet; thence easterly at right angles 79 feet to the westerly line of South Century Road, thence northerly along the westerly line of South Century Road, 56 feet to the point or place of beginning.

Being the same premises which Ernest C. Steele and Mary C. Steele conveyed to Socony Mobil Oil Company, Inc., under warranty deed the 22nd day of November, 1965, and recorded in the office for recording of deeds of Erie County on the 17th day of January, 1966, in Liber 7197 at Page 485.

Subject to all covenants, conditions, restrictions, easements, provisions, exceptions, and reservations, if any contained in former instruments of record.

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication MAY 24 1990; last publication MAY 24 1990; and that no more than six days intervened between publications.

Scott Benson

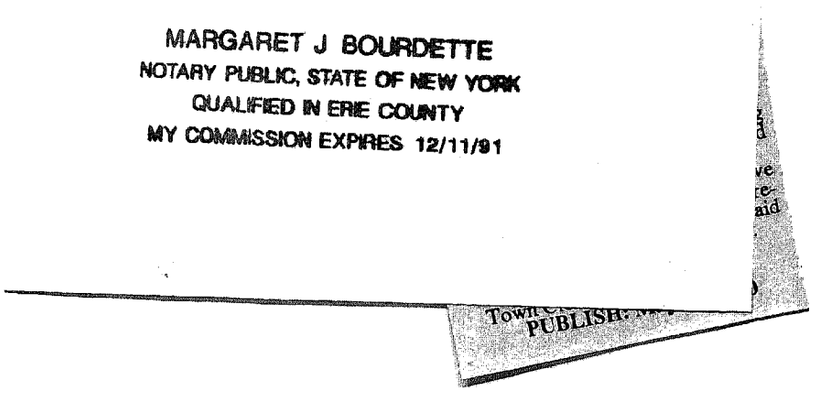
Sworn to before me this MAY 24 1990

day of ....., 19.....

Margaret J Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91



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 21st day of May, 1990 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
ABSENT: 0

Motion by Councilman Kulyk and Seconded by Councilman Rogowski

WHEREAS, Noco Energy Corp. has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by it and located at 1635 Kensington Avenue, 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 7th day of May, 1990 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 subject to the following conditions:

1. all automotive services, except for gasoline sales and the availability of air and vacuum services, shall be prohibited.

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, subject to the following conditions:

1. approval of landscape plan by Planning Board, 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 Noco Energy Corp. for the rezoning from C-Retail Business District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to the aforementioned recommendations made by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, and BE IT FURTHER

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

LEGAL DESCRIPTION OF PARCEL TO BE REZONED

ALL THAT TRACT OR PARCEL OF LAND, being in the town of Cheektowaga, County of Erie and State of New York, being part of Lot Number thirty-six (36), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as part of subdivision Lot Number twenty-seven (27), according to a map filed in Erie County Clerk's Office under Cover Number 1603, bounded and described as follows:

BEGINNING at the point of intersection of the southeasterly line of Kensington Avenue with the south-

ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on May 21, 1990, and minutes of said meetings 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. 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 21st day of May, 1990.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 24, 1990

Item No. 3 Motion by Councilman Kulyk, Seconded by Councilman Solecki

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 May 3, 1990, rendered the determinations shown on the attached memo dated May 7, 1990, and

WHEREAS, this Town Board has reviewed the applications submitted and 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 May 7, 1990 memo attached hereto:

Item I	New Erie Industrial Park
Item II	Dewberry Lane

* See next two (2) pages for memo

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

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

RECEIVED
MAY 7 1990
TOWN ATTORNEY

FROM: Thomas Adamczak
Building Inspector

DATE: May 7, 1990

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 May 3, 1990, in the Town Hall Council Chambers.

ITEM I New Erie Industrial Park - Proposed Tops Frozen Storage Facility

Applicant: Allied Builders

Determination: Non-Significant.
This item had been before the committee previously at which time the applicant was told he must modify the plans. He has submitted a revised site plan which removes the trailer storage area, modifies landscaping to Planning Board requirements, increases the number of parking spaces for employees, moves the driveway for additional landscaping and improve traffic flow and they have also reviewed the drainage for conformity with the initial plan that was submitted to the Town.

In discussing this proposal with the applicant it was suggested that additional trees be added along the perimeter property line to help screen the building from the public. This suggestion will be taken up at a subsequent Planning Board meeting.

ITEM II Dewberry Lane - Proposed (Buffalo Telephone) Cellular Telephone Tower

Applicant: Buffalo Telephone

Determination: Non-Significant.
The applicant has applied to construct a 199 foot tower at the end of Dewberry Lane for the purpose of providing cellular telephone service in the area and to improve what services may exist at the present time. The tower will have a low power, line-of-sight microwave dishes connecting their other facilities in other towns.

Members of the committee visited the site that is now in operation next to the Erie Community College South Campus and have found no adverse impacts.

The applicant had looked at other sites in the Town but found no site that was both "electronically" feasible and some distance from residential areas.

ITEM III 2001 Walden Avenue - Proposed Wegmans Shopping Center

Applicant: Wegmans Food Markets Incorporated

Determination: Non-Significant With Recommendations. This item is considered a Type I Action under the State Environmental Quality Review Act and therefore a negative declaration in this matter cannot be "conditioned".

The item has been referred to a number of agencies for their consideration. The New York State Department of Transportation has been consulted by the applicant and design work has progressed for the traffic flow at the intersection of Duke Road and Walden Avenue. The Town Highway Department has commented upon the reconstruction of Duke Road from Walden to old Duke Road and the applicant has indicated a willingness to meet the concerns and comments of the highway department. The New York State Thruway Authority has not submitted written comments and will be contacted by the applicant so that any concerns may be addressed as soon as possible. The Erie County Water Authority, although notified, has not submitted written comments on the project. The Erie County Department of Environment and Planning has no immediate concerns except traffic which is being reviewed by the New York State DOT at the present time.

Item No. 4a Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Roberts-Shackleton Architects, on behalf of Peter J. Schmitt Company/Hampton Inn (the "Devloper") applied to the Town of Cheektowaga for an environmental review of its proposal to construct a 5-story, 152-room hotel on land located on Buell Avenue (the "Project"), pursuant to the State Environmental Quality Review Act (SEQRA), AND

WHEREAS, thereafter and on December 18, 1989, The Town Board determined that significant environmental effects relating to the Project existed (a/k/a positive declaration) and that a Draft Environmental Impact Statement ("DEIS") for same must be prepared, AND

WHEREAS, on April 5, 1990, the Developer submitted documentation to this Town Board stating that the environmental impacts the Town Board anticipated would not occur, AND

WHEREAS, the Town Environmental Advisory Committee reviewed the documentation submitted by the Developer and has recommended to this Town Board that the December 18, 1989 positive declaration resolution be rescinded and that a negative declaration be issued by the Town Board subject to approval of a drainage plan by the Town Engineer, AND

WHEREAS, this Town Board agrees with the statements made in the April 5, 1990 document of the Developer and with the recommendations of the Town Environmental Advisory Committee, and therefore wishes to rescind its positive declaration made at the December 18, 1989 Town Board meeting and to issue a negative declaration instead, NOW, THEREFORE, BE IT

RESOLVED, that a negative declaration containing the following conditions be and hereby is issued by this Town Board:

1. No building permit be issued for any portion of the Project until a final drainage plan for the Project is approved by the Town Engineer.

2. The applicant shall obtain written permission from the Federal Aviation Administration relating to exemption to height limitations on buildings in proximity to airports. Such notice shall be filed with the Building Inspector.

3. The applicant shall secure a variance from the Cheektowaga Zoning Board of Appeals from Sections 82-43(b) of the zoning ordinance, governing height limitations around the Buffalo International Airport.

4. The applicant will not allow construction before 7:00 a.m. on weekdays and before 9:00 a.m. on weekends and holidays. The applicant will limit construction vehicles to Buell Street and Genesee Street only.

5. A water truck must be maintained on the premises during site preparation and excavation to assist in dust control.

6. The applicant must submit a final landscape plan for review and approval by the Cheektowaga Planning Board.

7. The development shall be limited to 151 hotel rooms. The developer shall make no changes to the interior of the hotel for uses other than overnight lodging and attendant amenities relating to overnight lodging. All auxiliary enterprises including, but not limited to banquet facilities, coffee shops, restaurants, night clubs and trade exhibit space are expressly prohibited without first making application therefor

Item No. 4a cont'd

to this Town Board for modification of this condition. Any such modification must conform to all Town rules, regulations and laws including the making of provision for required parking spaces for any such proposed use or uses, as determined by the Town Building Inspector.

8. All exterior light standards must be configured so as not to intrude on adjacent residential properties.

and BE IT FURTHER

RESOLVED that the Town Building Inspector prepare the necessary negative declaration as indicated above and file same with the NYS Department of Environmental Conservation, interested and involved agencies, and the Developer.

* *

Motion by Councilman Kulyk, Seconded by Councilman Rogowski to withdraw the last RESOLVED item with Numbers 1 thru 8 listed.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk to amend the above resolution and the voting was as follows:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

Motion by Councilman Kulyk, **seconded by** Supervisor Swiatek

WHEREAS, Roberts-Shackleton Architects, on behalf of Peter J. Schmitt Company/Hampton Inn (the "Devloper") applied to the Town of Cheektowaga for an environmental review of its proposal to construct a 5-story, 152-room hotel on land located on Buell Avenue (the "Project"), pursuant to the State Environmental Quality Review Act (SEQRA), AND

WHEREAS, thereafter and on December 18, 1989, The Town Board determined that significant environmental effects relating to the Project existed (a/k/a positive declaration) and that a Draft Environmental Impact Statement ("DEIS") for same must be prepared, AND

WHEREAS, on April 5, 1990, the Developer submitted documentation to this Town Board stating that the environmental impacts the Town Board anticipated would not occur, AND

WHEREAS, the Town Environmental Advisory Committee reviewed the documentation submitted by the Developer and has recommended to this Town Board that the December 18, 1989 positive declaration resolution be rescinded and that a negative declaration be issued by the Town Board subject to approval of a drainage plan by the Town Engineer, AND

WHEREAS, this Town Board agrees with the statements made in the April 5, 1990 document of the Developer and with the recommendations of the Town Environmental Advisory Committee, and therefore wishes to rescind its positive declaration made at the December 18, 1989 Town Board meeting and to issue a negative declaration instead, NOW, THEREFORE, BE IT

Item No. 4a cont'd

RESOLVED, that a negative declaration containing the following conditions be and hereby is issued by this Town Board:

1. No building permit be issued for any portion of the Project until:

   a. a final drainage plan for the Project is approved by the Town Engineer.
   b. the applicant obtains written permission from the Federal Aviation Administration relating to the exemption to height limitations on buildings in proximity to the airports. Such notice shall be filed with the Building Inspector.
   c. the applicant secures a variance from the Cheektowaga Zoning Board of Appeals from Section 82-43(b) of the Zoning Ordinance, governing height limitations around the Buffalo International Airport.
   d. a final landscape plan is approved by the Cheektowaga Planning Board.

2. No certificate of occupancy be issued for any portion of the Project until:

   a. Landscaping, as approved by the Cheektowaga Planning Board, is either installed or certified funds in the amount of 100% of the cost of such landscaping are deposited with the Town.
   b. all exterior light standards are configured so as not to intrude on adjacent residential properties.

3. The applicant will not allow construction before 7:00 a.m. on weekdays and before 9:00 a.m. on weekends and holidays. The applicant will limit construction vehicles to Buell Avenue and Genesee Street only.

4. A water truck must be maintained on the premises during site preparation and excavation to assist in dust control.

5. The development shall be limited to 151 hotel rooms. The developer shall make no changes to the interior of the hotel for uses other than overnight lodging and attendant amenities relating to overnight lodging. All auxiliary enterprises, including but not limited to banquet facilities, coffee shops, restaurants, night clubs and trade exhibit space, are expressly prohibited without first making application therefor to this Town Board for modification of this condition. Any such modification must conform to all Town rules, regulations and laws including the making of provision for required parking spaces for any such proposed use or uses, as determined by the Town Building Inspector.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 4b Motion by Councilman Kulyk, Seconded by Councilman Solecki

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

Item No. 4b cont'd

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance, is designated as lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on April 5, 1990, rendered a determination for the proposed Bells Plaza at Transit and Losson Roads (the "Project"), as shown on the attached memo dated April 9, 1990, and

WHEREAS, the Applicant has committed itself to the following with respect to the Project:

1. No building permit will be issued for any portion of the Project until:

   a. a drainage easement in a form acceptable to the Town Engineer and Town Attorney is conveyed to the Town by the developer
   b. an agreement (wherein the developer would assume certain costs relating to the construction of a storm sewer system across the developer's property) acceptable to the Town Attorney and Town Engineer is executed
   c. drainage mitigation plans designed for a 25-year storm are accepted by the Town Engineer as adequate
   d. developer submits a landscape plan acceptable to the Planning Board;

2. No certificate of occupancy will be issued for any portion of the Project until:

   a. the developer installs all landscaping as per the approved landscape plan. If weather conditions delay the installation of landscaping, a conditional certificate of occupancy can be issued provided the developer posts a bond or certified funds to insure the installation of such landscaping.
   b. a six-foot-high stockade fence is erected by the developer on the western boundary of the property.
   c. sidewalks are constructed by the developer along Losson Road and Transit Road as per Town specifications.
   d. Road improvements on Transit Road and Losson Road, as directed by the State Department of Transportation ("DOT") are constructed funded and completed by the developer; any guarantee (i.e. performance bond or other surety) required by the DOT shall be provided by the developer;

3. No construction work shall be allowed before 7:00 a.m. on weekdays and 9:00 a.m. on weekends and holidays;

4. The developer shall maintain and utilize a water truck and other dust control measures on the premises during site preparation and excavation to assist in dust contol;

5. All HVAC equipment shall have sound bafflers to keep noise at acceptable levels;

6. Dumpster and trash receptacles shall be located adjacent to the building and fenced in if possible.

NOW, THEREFORE, BE IT

RESOLVED that this Town Board, based on the above referenced commitments and the attached memo from the Advisory Committee, hereby renders a negative declaration with respect to the Project.

Item No. 4b cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* See next page for Memo from Advisory Board

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

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

FROM: Thomas Adamczak
Building Inspector

DATE: April 9, 1990

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 April 5, 1990, in the Town Hall Council Chambers.

ITEM I Transit/Losson Roads - Proposed Bells Plaza

Applicant: Biggie Sturniolo Tomsic Architects

Determination: Non-Significant With Stipulations. The architect presented a new site plan with revisions for storm water management and traffic. The traffic plan is still in need of revisions based on a recent meeting with the New York State DOT. The applicant is proposing to provide a number of traffic improvements at the intersection as recommended and approved by the New York State DOT. All improvements will be funded by the applicant and should be completed prior to opening any part of the plaza.

Sidewalks are to be provided along Losson Road to Transit. Along Transit Road sidewalks will not be installed at this time but may be installed when Transit Road itself is improved by the New York State DOT at some time in the future. Easements must be assigned to the Town in connection with the drainage. Conditions are as follows:

- All road improvements are to be completed and accepted by the New York State DOT prior to opening of any portion of the plaza. Some guarantee for the completion of the work is to be provided in the form of a performance bond or other such surety.
- Sidewalks are to be installed along Losson Road from Transit Road to Benz Drive.
- Easements are to be conveyed to the Town in a form acceptable to the Town Engineer, Town Attorney and Town Board.

Item No. 5a Motion by Councilman Solecki, Seconded by Councilman Rogowski/ Supervisor Swiatek

WHEREAS, the Northeast Communities Solid Waste Management Board, created by a joint municipal agreement of June 17, 1982, as amended, has given long and careful consideration to a project for the joint acquisition and development of a solid waste materials recycling facility (the "Recycling Facility"), and

WHEREAS, the Towns of Alden, Cheektowaga, Lancaster and West Seneca, and the Villages of Alden, Depew, Sloan, and Williamsville have adopted resolutions committing funds for the leasing of property for the Recycling Facility; and

WHEREAS, the Towns of Clarence, Marilla and Newstead, and the Village of Akron have decided not to participate in the project at this time; and

WHEREAS, the Town of Elma is in the process of making its decision on participating in the project and is under a Northeast Communities Solid Waste Management Board imposed deadline of May 17, 1990 to make its commitment; and

WHEREAS, in view of the foregoing, a new inter-municipal agreement is necessary for the project, at least for the initial planning phase, and, accordingly a proposed "Agreement for Organization of Northern Recycling Council," a copy of which is attached to this Resolution as Exhibit "A", has been proposed (such agreement to be referred to as the "Agreement", and the Northern Recycling Council to be referred to as "NOREC"); and

WHEREAS, the Erie County Industrial Development Agency (the "ECIDA") intends to acquire the property at 3327 Walden Avenue, Depew, New York, for the establishment of the Recycling Facility, and to offer to lease it to the Village of Depew, on behalf of the municipalities participating in the project (the "Participating Municipalities"), subject to options on the part of the ECIDA to sell the property to NOREC or for NOREC to purchase the property, at the termination of the lease, on terms set forth in the proposed lease agreement attached to this Resolution as Exhibit "B" (the Lease"); and

WHEREAS, the Agreement requires the Town of Cheektowaga to authorize the execution of the Lease by the Village of Depew on its behalf, and to pay its proportionate share of the rents and expenses in relation to the Lease (including interest on funds borrowed by the ECIDA to acquire the property), and to pay its proportionate share of the purchase price of the property and acquisition costs in the event of exercise of the sale or purchase option; and

WHEREAS, the ECIDA has offered to maintain the Recycling Facility property during the planning phase of the project, the expenses of maintenance to be reflected in rentals under the Lease; and

WHEREAS, the Agreement imposes certain other obligations and risks upon the Participating Municipalities, including the Town of Cheektowaga, and upon NOREC;

NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga is authorized and directed to sign the Agreement; and BE IT FURTHER

RESOLVED that certified copies of this Resolution shall be sent to the Treasurer of the ECIDA, the Mayor of the Village of Depew, Magavern and Magavern, attorneys for the Northern Recycling Council, and the Treasurer of the Northeast Communities Solid Waste Management Board.

* See next pages for Agreeement

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AGREEMENT FOR ORGANIZATION
OF
NORTHERN RECYCLING COUNCIL

This Agreement, dated May 7, 1990, is entered into by the following participating municipalities (the "Participating Municipalities"):

THE TOWNS OF ALDEN
CHEEKTOWAGA
CLARENCE
ELMA
LANCASTER
WEST SENECA, and

THE VILLAGES OF ALDEN
DEPEW
SLOAN, and
WILLIAMSVILLE,

or such of those municipalities that execute this Agreement, for the purpose of organizing and financing an inter-municipal agency, pursuant to Section 120-w of the General Municipal Law, to provide for site acquisition, planning, development and operation of a recycling facility (the "Recycling Facility").

Introduction

A. The Participating Municipalities are municipal corporations of the State of New York, located within Erie County. They are vested with certain powers and responsibilities under Sections 120-w and 120-aa of the General Municipal Law. Section 120-aa of the General Municipal Law requires municipalities throughout the State, no later than September 1, 1992, to adopt local laws or ordinances mandating separation of recyclable materials from trash.

B. Municipalities can significantly reduce both harm to the environment and the cost of solid waste disposal by providing for the efficient processing and marketing of recyclable materials.

C. The Participating Municipalities are members of the Northeast Communities Solid Waste Management Board (the "Board"), established by Intermunicipal Agreement of June 17, 1982, as amended. The Board, in cooperation with Erie County and the Erie County Industrial Development Agency ("ECIDA"), has developed a plan to acquire a site with an existing building in the Village of Depew (the "Site"), and to reconstruct and equip the building as a Recycling Facility, with potential capacity to serve all members of the Board and additional communities as well.

D. The ECIDA has contracted to purchase the Site and has offered to make it available to the Participating Municipalities for the proposed Recycling Facility. To do so, ECIDA will require the Participating Municipalities or their representative to enter into a lease, granting ECIDA an option to sell the Site to the municipalities, in order to enable ECIDA to recover the costs it will incur in acquiring and holding the Site.

E. After acquisition of the Site, the Participating Municipalities will need to plan, design, finance, construct, equip, and operate the Recycling Facility. (The planning,

development and operation of the facility, including design, financing, construction, equipping, management, and all other activities incidental thereto, may be hereinafter referred to as the "Project").

F. The Project will proceed in two stages, a planning stage and an operational stage. The purpose of this Agreement is to organize the Northern Recycling Council ("the Council" or "NOREC") to act on behalf of the Participating Municipalities in carrying out the planning stage of the Project.

G. During the planning stage, the Council will plan, design, conduct marketing and feasibility studies, apply for such permits and approvals as may be required, apply for such grants as may be available, solicit and receive bids or proposals (for construction, equipment, marketing of materials, and operation, as the Council shall see fit), estimate all capital and operating costs and revenues of the Recycling Facility, and submit such estimates to the Participating Municipalities. Upon completion of the planning stage, each Participating Municipality shall decide whether or not it wishes to participate in the operational stage. If a sufficient number decide in the affirmative, the Council or its successor will award contracts for construction and equipment, and the Project will proceed into the operational stage.

Terms and Conditions

1. Each of the Participating Municipalities shall designate a permanent representative and one or more alternates (as it shall see fit) to serve on the Council.

2. The Council shall act only pursuant to resolution adopted by the affirmative vote of both at least 51% of the entire weighted voting strength of the Council and at least 65% of the weighted voting strength represented at the meeting, except as may be otherwise provided by this Agreement. For that purpose, the representative of each Participating Municipality shall have a weighted vote, expressed as a percentage (calculated to the nearest 1%), corresponding to a fraction, the numerator of which shall be the population of the area to be served within such municipality and the denominator of which shall be the total population of the area to be served with all of the Participating Municipalities. The respective populations to be served within the Participating Municipalities for purpose of this calculation shall at first be the 1980 census figures as shown on Appendix A to this Agreement. When the final Federal decennial census figures for 1990 are officially adopted, the respective voting strength and financial interests and liabilities of the Participating Municipalities shall be amended correspondingly, but there shall be no retrospective adjustment of their financial interests and liabilities.

3. The Council shall elect a President, Vice-President, Treasurer, Secretary and such other officers as it shall deem appropriate, and for such terms as it shall establish, and shall assign to such officers such responsibility and authority, consistent with this agreement, as it shall deem appropriate. No member of the Council shall receive compensation for services as a member or officer of the Council, but members may be reimbursed for authorized actual and reasonable expenses. Contracts of the Council shall be executed on its behalf by the President or, in his or her absence, the Vice-President, pursuant to resolution of the Council.

4. The Council may adopt by-laws relating to the conduct of its proceedings and such other administrative matters as it may deem appropriate.

5. The Council may from time to time designate and authorize one or more of the Participating Municipalities or officers or bodies thereof to employ personnel, hold and manage funds and accounts, acquire and dispose of real or personal property, enter into contracts, or otherwise act on behalf of the Council or the Participating Municipalities.

6. Except to the extent otherwise provided by this Agreement or supplemental agreement, the Participating Municipalities shall be subject to the liabilities and entitled (upon decision by the Council to distribute any of its assets) to distribution of the net assets (or proceeds thereof) in pro-

portion to their relative voting strength at the times such liabilities are incurred or assets distributed.

7. Except as otherwise authorized by supplemental agreement, the Council shall not enter into any contract except upon condition that the liability of each of the Participating Municipalities under or in relation to such contract shall be limited to its proportionate share of the total liability of the Council and the Participating Municipalities.

8. The Council, or a Participating Municipality authorized by the Council, is authorized, on behalf of the Participating Municipalities, to enter into a lease agreement with ECIDA in the form annexed hereto as Appendix "B" (the "Lease"), subject to such modifications as the Council may deem appropriate, provided that no such modification shall substantially increase the liability of any Participating Municipality except with the express written consent of such Municipality.

9. Each of the Participating Municipalities shall pay to the Council its share, in proportion to its voting strength, of rents and expenses under or in relation to the Lease. If ECIDA exercises its option to sell the leased property to the Council or to the Village of Depew on behalf of the Council, each Participating Municipality shall promptly pay to the Council its proportionate share of the purchase price and acquisition costs. ECIDA may enforce the obligation of each Participating

Municipality under this Agreement by direct action against such Municipality.

10. The Lease provides for annual payments in lieu of taxes to the Village of Depew, Town of Lancaster and Depew Union Free School District in amounts based on application of the annual tax rates of those municipal corporations to the assessed valuation of the Site on the date of acquisition by ECIDA, subject to annual adjustment (for inflation or deflation) based on June-to-June changes in the Consumer Price Index as measured by the U.S. Bureau of Labor Statistics for all urban consumers in the Buffalo Area. If the Project proceeds into the operational stage, the Council or its successor shall continue to make such payments in lieu of taxes, calculated in the same manner.

11. Promptly after execution of this Agreement, the Council shall commence planning for the development of a Recycling Facility on the Site, generally in furtherance of the proposal set forth in letter from the Northeast Communities Solid Waste Management Board to its members dated February 20, 1990 (a copy of which is annexed hereto as Appendix "C"), but subject, without restriction, to such changes as the Council may consider appropriate.

12. The Council shall from time to time adopt budgets for planning activities and shall submit such budgets to the Participating Municipalities for appropriation of their proportionate shares of the funds required to implement such

budgets. If any Municipality shall fail to appropriate or pay such funds within a reasonable time set by the Council, it shall thereupon cease to be a Participating Municipality and shall have no further rights as such, and it shall not have any claim against or right to any of the assets or net worth of the Council or the Participating Municipalities, but it shall remain liable for its proportionate share of all liabilities incurred by the Council or the Participating Municipalities by reason of any events prior to the time of its failure to so appropriate or pay.

13. Within limits set by approved budgets, the Council may enter into contracts, purchase any interest in real or personal property, employ personnel, expend funds, and take such other actions as it may deem appropriate.

14. The Council shall endeavor, prior to expiration of the Lease (June 30, 1992), to complete the planning stage of the Project (including design, marketing and feasibility studies, applications for grants, approvals and permits, and solicitation and receipt of bids or proposals for construction, equipment, marketing of materials and operation of the Recycling Facility, and such other activities as it shall consider appropriate) and to submit to the Participating Municipalities a plan to proceed with or to terminate the Project. Such plan shall include estimates of capital and operating costs and revenues, based in part on such bids and proposals as the Council may have received. Each Participating Municipality shall promptly elect whether to

remain or to withdraw as a Participating Municipality. If a sufficient number do not elect to remain, or if for any other reason the Council shall at any time determine to terminate the Project, then the Council shall prepare a final accounting of its assets and liabilities, and the Participating Municipalities shall pay the Council their respective shares of the net liability (after accounting for assets) of the Council or the Council shall distribute to the Participating Municipalities their respective shares of the net assets (after accounting for liabilities) of the Council, as the case may be. If the Council determines to proceed with the Project, then: (a) no withdrawing Municipality shall be entitled to compensation for its share of the net assets (if any) of the Council, or of the Participating Municipalities in the Project or the assets thereof, and each such withdrawing municipality shall remain liable for its proportionate share of the net liabilities (if any) of the Council and the Participating Municipalities incurred in the planning stage of the Project; and (b) the Council shall recommend to the remaining Participating Municipalities a new or supplemental inter-municipal agreement providing for the operational stage of the Project.

15. It is the intention of the parties that if the Project proceeds, the Village of Depew will receive certain host benefits (which may include a discount on tipping fees or an enhancement of revenues, in excess of its proportionate share) to

compensate the Village for increased traffic generated by the Project. Such host benefits during the planning stage of the Project shall become effective upon resolution adopted by the Council pursuant to Paragraph 2 of this Agreement. Provision for such discount or revenue enhancement in the operational stage shall be made in the plan recommended by the Council to the Participating Municipalities under Paragraph 14 of this Agreement.

16. It is expected that in preparing the plan to be recommended by the Council under Paragraph 14 of this Agreement, the Council will investigate formation of a County solid waste management district pursuant to an intermunicipal agreement with Erie County vesting management decisions in respect to the operation, use and disposition of the Recycling Facility in the Council or its successor.

17. The Council may contract with other municipalities or may admit additional municipalities as Participating Municipalities on such terms, and with such adjustments in the proportionate voting strength and in the respective financial interests and liabilities of the Participating Municipalities as it may deem appropriate.

18. The Council is authorized to apply for and obtain such approvals, licenses, permits, legislation, and any other authorizations necessary for the occupancy or operation of the Recycling Facility. For that purpose, each Participating

Municipality shall use its best efforts to assist in the obtaining of such authorizations, including the taking of any actions required of the Participating Municipalities as a condition of any such authorization.

19. The Council is authorized to apply for grants or loans from governments, government agencies, or lending institutions for the purposes of financing the leasing, acquisition, development, maintenance, or operation of the Recycling Facility. Each Participating Municipality shall make its best efforts to comply with any requirements imposed upon it as a condition to the obtaining of any such grant or loan.

20. The Council is authorized to take such steps as may be necessary and proper for insuring the Participating Municipalities and the members, officers, and employees of the Council and the Participating Municipalities against any liabilities or losses resulting from the maintenance or operation of the Recycling Facility, and may engage persons to assist in procuring such insurance.

21. This Agreement may be amended only by instrument authorized and executed by all of the Participating Municipalities, but this clause shall not limit the authority of the Council to contract with other municipalities or to admit additional municipalities as Participating Municipalities under Paragraph 17, to adopt and implement host benefits for the

Village of Depew under Paragraph 15, or to take any other action authorized by this Agreement.

22. Each Participating Municipality represents and warrants to the Council, to the other Participating Municipalities, and to ECIDA that it has full authority and power and has been fully authorized to execute and to perform this Agreement, and that its execution and performance of this Agreement will not violate any legal duty or restriction. Each shall cause its attorney to deliver to the Council and to ECIDA his or her legal opinion to that effect.

Execution

The Participating Municipalities have executed this Agreement as follows:

TOWN OF ALDEN

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

TOWN OF CHEEKTOWAGA

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

TOWN OF CLARENCE

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

TOWN OF ELMA

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

TOWN OF LANCASTER

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

TOWN OF WEST SENECA

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Supervisor

VILLAGE OF ALDEN

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Mayor

VILLAGE OF DEPEW

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Mayor

VILLAGE OF SLOAN

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Mayor

VILLAGE OF WILLIAMSVILLE

Date of Execution: May , 1990

Date of authorization by governing body: May , 1990

By: _____
Mayor

008:NEC060

APPENDIX A

PROJECTED POPULATIONS OF CITIES, TOWNS AND VILLAGES -- 1980 TO 2010
PREPARED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AND THE NEW YORK STATE DEPARTMENT OF COMMERCE**

County of Erie

***

	1980	1985	1990	1995	2000	2005	2010
ALDEN (T)	10,093	10,550	11,150	11,400	11,650	11,650	11,600
ALDEN (V)	2,488	2,500	2,550	2,600	2,600	2,600	2,600
AMHERST (T)	108,706	113,200	119,550	125,850	132,150	132,000	131,750
WILLIAMSVILLE (V)(PT)	6,017	5,800	5,750	5,750	5,700	5,700	5,700
AURORA (T)	13,872	13,550	13,500	13,500	13,500	13,450	13,450
EAST AURORA (V)	6,803	6,450	6,600	6,550	6,550	6,500	6,500
BOSTON (T)	7,687	7,800	8,050	8,300	8,550	8,550	8,550
BRANT (T)	2,437	2,400	2,450	2,400	2,400	2,400	2,400
FARNHAM (V)	404	400	450	400	400	400	400
BUFFALO (C)	357,870	335,200	318,050	310,300	302,500	302,150	301,600
CHEEKTOWAGA (T)	109,442	107,600	107,550	107,400	107,250	107,100	106,900
DEPEW (V)	12,768	12,250	12,950	11,650	11,300	11,300	11,300
SLOAN (V)	4,529	4,400	4,350	4,150	3,950	3,950	3,950
WILLIAMSVILLE (V)(PT)	0	0	0	0	0	0	0
CLARENCE (T)	18,146	18,050	18,250	18,700	19,100	19,100	19,050
COLDEN (T)	3,128	3,150	3,250	3,300	3,400	3,400	3,350
COLLINS (T)	5,037	5,950	6,000	6,000	5,950	5,950	5,950
GOWANDA (V)(PT)	849	850	900	850	800	800	800
CONCORD (T)	8,171	8,100	8,200	8,300	8,400	8,400	8,400
SPRINGVILLE (V)	4,285	4,200	4,200	4,250	4,250	4,250	4,250
EDEN (T)	7,327	7,200	7,150	7,150	7,150	7,150	7,100
ELMA (T)	10,574	10,550	10,750	10,950	11,100	11,100	11,100
EVANS (T)	17,961	18,450	19,150	19,900	20,700	20,650	20,600
ANGOLA (V)	2,292	2,200	2,150	2,100	2,050	2,050	2,050
GRAND ISLAND (T)	16,770	17,200	17,950	18,650	19,400	19,350	19,300
HAMBURG (T)	53,270	53,750	55,350	56,950	58,600	58,650	58,500
BLASDELL (V)	3,288	3,100	3,000	2,900	2,850	2,850	2,850
HAMBURG (V)	10,582	10,450	10,550	10,650	10,750	10,750	10,700
HOLLAND (T)	3,446	3,500	3,650	3,800	3,900	3,900	3,900
LACKAWANNA (C)	22,701	21,250	10,150	19,350	18,500	18,500	18,450
LANCASTER (T)	30,144	29,900	30,150	30,450	30,750	30,700	30,650
DEPEW (V) (PT)	7,051	6,850	6,750	6,650	6,550	6,550	6,550
LANCASTER (V)	13,056	12,300	12,750	12,700	12,700	12,650	12,650
MARILLA (T)	4,861	4,900	5,000	5,100	5,200	5,200	5,200
NEWSTEAD (T)	7,231	7,250	7,400	7,600	7,800	7,750	7,750
AKRON (V)	2,971	2,900	2,900	2,950	2,950	2,950	2,950
NORTH COLLINS (T)	3,791	3,650	3,600	3,550	3,550	3,550	3,500
NORTH COLLINS (V)	1,496	1,400	1,400	1,350	1,300	1,300	1,300
ORCHARD PARK (T)	24,359	25,000	26,050	27,050	28,050	28,050	28,000
ORCHARD PARK (V)	3,671	3,600	3,600	3,650	3,650	3,650	3,650
SARDINIA (T)	2,792	2,300	2,850	2,950	3,050	3,050	3,050
TONAWANDA (C)	18,693	17,650	16,900	16,300	15,700	15,650	15,650
TONAWANDA (T)	91,269	87,000	84,100	82,000	79,650	79,600	79,450
KENMORE (V)	18,474	17,650	17,100	16,700	16,300	16,300	16,250
WALES (T)	2,844	2,850	2,950	3,000	3,100	3,100	3,100
WEST SENECA (T)	51,210	51,750	53,100	54,350	55,650	55,600	55,500
CATTARAUGUS (I.R.)(PT)	1,628	1,500	1,400	1,300	1,200	1,100	1,000
TONAWANDA (I.R.)(PT)	12	0	0	0	0	0	0
TOTAL	1,015,472	991,743	983,773	985,769	987,749	986,626	984,665

** In Cooperation with County Planning and Regional Planning Agencies

*** Towns include Villages.

APPENDIX B

DRAFT
5/3/90
RBD

Exhibit B

ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

TO

THE VILLAGE OF DEPEW, AS AGENT FOR THE
PARTICIPATING MUNICIPALITIES IN THE NORTHERN
RECYCLING COUNCIL

LEASE AGREEMENT

Dated: May ___, 1990

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ___ day of May, 1990, by and between the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation organized under the laws of the State of New York (the "Agency"), having its principal office at 424 Main Street, Suite 300, Buffalo, New York 14202, party of the first part, and THE VILLAGE OF DEPEW, AS AGENT FOR THE PARTICIPATING MUNICIPALITIES IN THE NORTHERN RECYCLING COUNCIL, an inter-municipal agency organized pursuant to Section 120-w of the General Municipal Law of the State of New York (the "Council"), with offices located at Gould Avenue and Manitou, Depew, New York 14043, party of the second part.

W I T N E S S E T H:

WHEREAS, the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York and empowers such agencies, among other things, to promote, develop, encourage and assist in the acquiring, construction, reconstruction, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act the Agency was established by Chapter 293 of the 1970 Laws of New York, as amended (together with the Enabling Act, the "Act") for the benefit of the County of Erie and the inhabitants thereof; and

WHEREAS, pursuant to a certain Agreement for Organization of Northeast Communities Recycling Council dated May 7, 1990 (the "Inter-Municipal Agreement"), certain "Participating Municipalities" as defined therein have established the Council for the purposes set forth in the Inter-Municipal Agreement; and

WHEREAS, pursuant to the Inter-Municipal Agreement, the Village of Depew (the "Village") has been duly authorized by the Participating Municipalities as their agent, to act on behalf of the Participating Municipalities in connection with this Agreement and the proposed recycling center described on Exhibit A, attached hereto (the "Recycling Facility"); and

WHEREAS, the Village has assumed lead agency status under SEQRA, and on February 21, 1990 approved a negative declaration for the Recycling Facility; and

WHEREAS, the Participating Municipalities have not yet agreed upon a plan for construction and operation of the Recycling Facility, but have indicated their preference to locate the Recycling Facility on a certain real estate more particularly described in Exhibit B, attached hereto (the "Premises"); and

WHEREAS, the Council has requested the assistance of the Agency in connection with the acquisition of the Premises and the construction of the Recycling Facility;

WHEREAS, the Agency is the assignee of a certain Option Agreement dated November 2, 1989 with Ralph Sheese (the "Purchase Contract"), pursuant to which the Agency will acquire title to the Premises, subject to those exceptions more particularly described on Exhibit C, attached hereto ("Permitted Exceptions"); and

WHEREAS, the Agency has agreed to acquire the Premises and lease the same to the Council pursuant to the terms and conditions of this Agreement, to enable the Council to provide for the availability of the Premises and to develop its plans for construction and operation of the Recycling Facility; and

WHEREAS, the Agency, based upon the representations and warranties of the Council contained in this Agreement and the information contained in the materials heretofore submitted by or on behalf of the Council to the Agency, hereby finds and determines that the acquisition of the Premises by the Agency and the Agency's actions hereunder are reasonably necessary to accomplish the purposes of the Act; and

WHEREAS, the Agency is empowered to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder, and by proper action of the members of the Agency at the Agency Board meeting held on April 11, 1990, the Agency has duly authorized the execution and delivery of this Agreement; and

WHEREAS, the Council has been authorized by each Participating Municipality to enter into the transactions contemplated by this Agreement and to carry out their respective obligations hereunder, by proper action of their respective municipal boards.

NOW, THEREFORE, in consideration of the premises and the respective representations and agreements hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Definitions. The following terms shall have the following meanings in this Agreement:

"Act" shall mean, collectively, the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York), as amended, and Chapter 293 of the 1970 Laws of New York, as amended.

"Additional Rent" shall mean all real estate taxes and assessments, PILOT payments, liability and hazard insurance premiums, utility charges, Maintenance Charges and any other costs and expenses incurred in connection with the Premises.

"Agency" shall mean Erie County Industrial Development Agency, a public benefit corporation duly organized and existing under the laws of the State of New York.

"Agency Administrator" shall mean the Treasurer of the Agency, or such other individual as is subsequently appointed by the Executive Director of the Agency. Unless otherwise expressly provided hereunder, any approval or consent required by the Agency hereunder may be given or refused by the Agency Administrator.

"Agreement" shall mean this Lease Agreement dated May __, 1990 between the Agency and the Council, and shall include any and all amendments thereto hereafter made.

"Council" shall mean the Northern Recycling Council, an inter-municipal agency established by the Inter-Municipal Agreement pursuant to Section 120-w of the General Municipal Law of the State of New York.

"Council Administrator" shall mean the person designated as such by the Council. Unless otherwise expressly provided hereunder, any approval or consent required by the Council hereunder may be given or refused by the Council Administrator.

"County" shall mean the County of Erie, New York.

"Event of Default" shall have the meaning specified in Section 23 hereof.

"Expiration Date" shall mean the earlier of (i) June 30, 1992, (ii) the date of a conveyance of the Premises to the Council pursuant to Section 8 of this Agreement, or (iii) such other termination date as may be agreed to among the parties.

"Inter-Municipal Agreement" shall mean that certain Agreement for Organization of Northern Recycling Council, dated May 7, 1990, a copy of which is attached hereto as Exhibit E, as the same may be amended from time to time.

"Maintenance Charges" shall mean all costs and expenses (including costs for Agency personnel charged at their standard corporate hourly rates) incurred by the Agency in connection with the maintenance and repair of the Premises or the carrying out of any of the Agency's rights or obligations under this Agreement.

"Participating Municipality" or "Participating Municipalities" shall mean those municipalities constituting "Participating Municipalities" under the Inter-Municipal Agreement.

"Permitted Exceptions" shall mean conditions of title to which the Council's leasehold interest shall be subject (and subject to which the Council shall take fee title upon conveyance of the Premises to the Council) as set forth in Exhibit C, annexed hereto.

"PILOT" shall mean the payment in lieu of tax arrangement for the Premises, set forth on Exhibit D, annexed hereto.

"Premises" shall mean the real property described in Exhibit B annexed hereto, the buildings, structures, improvements, fixtures and related facilities located or to be located thereon (subject to the easements described in Exhibit C annexed hereto), the leasehold improvements (items so affixed to the realty as cannot be removed without damage to the realty), and any replacements, structures, improvements, substitutions and additions thereto, acquired, constructed and installed as provided in this Agreement.

"Purchase Contract" shall mean that certain Option Agreement dated November 2, 1989 between the Buffalo and Erie County Industrial Land Development Corporation and Ralph Sheese, as assigned to the Agency, pursuant to which the Agency will acquire the Premises.

"Recycling Facility" shall have the meaning set forth on Exhibit A, annexed hereto.

"Rent" shall mean those periodic payments set forth on Exhibit F, annexed hereto.

"SEQRA" shall mean, collectively, the State Environmental Quality Review Act of New York, as amended, together with the regulations promulgated thereunder.

"State" shall mean the State of New York.

"Village" shall mean the Village of Depew, a municipal corporation organized under the laws of the State of New York.

Section 2. Representations and Warranties by Agency. The Agency makes the following representations and warranties:

The Agency is a public benefit corporation duly organized and existing under the laws of the State of New York, and is authorized and empowered to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder. By proper action of its members, the Agency has duly authorized the execution and delivery of this Agreement.

Section 3. Findings by Agency. The Agency, based upon the materials heretofore submitted by the Council and others to the Agency, hereby finds and determines that the acquisition of the Premises is reasonably necessary to induce the Council to proceed with the Recycling Facility.

Section 4. Representations and Warranties by Council. The Village represents and warrants, on behalf of the Council and each Participating Municipality, that:

(a) Each Participating Municipality is a municipal corporation duly organized and existing under the laws of the State of New York, and has the power and authority to execute, deliver and perform the Inter-Municipal Agreement. The Village is a municipal corporation duly organized and existing under the laws of the State of New York, and it has the power and authority to execute, deliver and perform the Agreement as agent of the Council and the Participating Municipalities.

(b) The execution, delivery and performance of the Inter-Municipal Agreement and this Agreement and the consummation of the transactions herein contemplated have been duly authorized by all requisite action on the part of the Council and the municipal boards of each Participating Municipality, and will not violate any applicable provision of law, any order of any court or agency of government or the municipal charter of any Participating Municipality, or any indenture, agreement or other instrument to which any such municipality is a party or by which it or any of its property is bound, or be in conflict with or result in a breach of or constitute (with due notice and/or lapse of time) a default under any such order, municipal charter, indenture, agreement or other instrument.

(c) The Council shall operate the Recycling Facility or cause the same to be operated in accordance with this Agreement and as a qualified "project" in accordance with and as defined under the Act.

(d) This Agreement constitutes the legal, valid and binding obligation of the Participating Municipalities, enforceable against each of them in accordance with its terms, except to the extent that the enforceability of this Agreement may be limited by bankruptcy, moratorium or insolvency or other laws affecting creditors' rights generally; provided the liability of each Participating Municipality shall be limited to

its pro rata share as provided under Section 37 of this Agreement and by the terms of the Inter-Municipal Agreement.

(e) The completion of the Recycling Facility will not result in the removal of an industrial or manufacturing plant from one area of the State to another area of the State or in the abandonment of one or more facilities located within the State, in violation of the Act.

(f) The Village has assumed lead agency status under SEQRA, and has made a negative declaration for the Recycling Facility under SEQRA on February 21, 1990. All actions required by the Council and/or the Village under SEQRA have been taken in a timely and appropriate manner.

Section 5. Lease of the Premises.

A. The Agency hereby leases to the Council and the Council hereby leases from the Agency the Premises for and during the term herein provided and upon and subject to the terms and conditions herein set forth. The Council shall not use or knowingly allow the Premises or any part thereof to be used or occupied for an unlawful purpose or in violation of any certificate of occupancy affecting the Premises or which may constitute a nuisance, public or private, or make void or voidable any insurance then in force with respect thereto. The Council represents and agrees that the Agency shall have such rights to enter upon the Premises, including rights of ingress and egress, as shall be necessary to enable the Agency to exercise its powers, rights, duties and obligations as are set forth in this Agreement. The Council may not voluntarily or by operation of law, assign or transfer this Agreement, or sublease in whole or in part the Premises, without the prior written consent of the Agency, which consent shall not be unreasonably withheld.

B. During the term of this Agreement, the Council shall be entitled to physical possession and control of the Premises, and shall be liable at all times for all risk, loss and damage with respect to the Premises. The Council shall operate the Premises, or cause it to be operated, at all times during the term of this Agreement, and such operation shall be solely for the purposes set forth on Exhibit A and in accordance with the provisions of the Act. In using the Premises or causing it to be used, the Council shall, at its own expense, ensure compliance with all applicable laws, ordinances, regulations, orders, permits or judicial decisions, whether foreseen or unforeseen, ordinary or extraordinary. The Council shall not use the Premises or permit it to be used in such a way as to constitute a nuisance or violate the terms of any insurance policy relating to the Premises.

C. The Council shall pay or cause to be paid to the Agency, in immediately available funds, the Rent set forth on Schedule F, attached hereto, at the times set forth thereon.

Section 6. Obligations of Council Unconditional. The obligations of the Council under this Agreement to make rental or any other payments, or to satisfy any other obligations set forth in this Agreement, shall be absolute and unconditional. The Council shall meet such obligations, irrespective of any defense or any rights of setoff, recoupment, suspension, reduction or counterclaim by reason of any default of the Agency under this Agreement, or for any other reason. The defenses or other rights referred to herein shall include, without limitation, those arising out of any of the following circumstances: a default, act or omission of any contractor engaged for the Recycling Facility or any supplier or manufacturer of equipment or fixtures constituting part of the Premises; an act constituting an eviction or constructive eviction; failure of title; failure of consideration; commercial frustration of purpose; any change in law; a failure to complete the Recycling Facility; and any destruction or condemnation of, or damage to or impairment of the use of, the entire or any part of the Recycling Facility.

Section 7. Duration of Term. The term of this Agreement shall commence on the date of execution and delivery hereof and shall expire on the Expiration Date.

Section 8. Conveyance of the Premises. A. At the option of either the Council or the Agency, the Agency shall on June 30, 1992 convey the Premises to the Council, and the Council shall accept such conveyance for an amount equal to the adjusted sale price paid by the Agency to acquire the premises, all documented financing and closing costs incurred by the Agency in connection therewith, and any other amounts due and owing from the Council to the Agency hereunder (all such amounts being hereinafter collectively referred to as the "Purchase Price"), to be paid by the Council to the Agency in immediately available funds on the Expiration Date; provided, such option shall be exercised by written notice mailed by Registered Mail, Return Receipt Requested prior to April 30, 1992 at the address provided in Section 31 of this Agreement.

B. At any time prior to the Expiration Date, provided no Event of Default shall exist, upon request of the Council, the Agency shall convey the Premises to the Council for payment of the Purchase Price.

C. At the closing of any such conveyance of the Premises, the Agency will upon payment of the Purchase Price, deliver or cause to be delivered to the Council a quit claim deed conveying the Premises subject to any impairments thereof by the Council's acts subject to the following: (i) any Permitted Exceptions; (ii) any liens, easements, security interests and encumbrances

created at the request of the Council or to the creation or suffering of which the Council consented; (iii) any liens, security interests and encumbrances resulting from the failure of the Council to perform or observe any of the agreements on its part contained in this Agreement; and (iv) any liens for taxes or assessments.

Section 9. Taxes, Assessments, Utilities and Charges. Notwithstanding the provisions contained in this Agreement and in the Act, the Council shall pay when due all taxes, special assessments, water, utilities and sewer charges and other governmental charges and impositions whatsoever, foreseen or unforeseen, ordinary or extraordinary, under any present or future law, and charges for public or private utilities. The Agency shall promptly forward to the Council in writing any notice, bill or other statement received by the Agency concerning any such charge, and the Council shall remit payment directly to the appropriate party within five (5) business days of receipt of such notice, bill or statement. Upon demand the Council shall provide the Agency with proof of payment of all such charges.

Section 10. Payments in Lieu of Taxes. The Council shall pay all real estate taxes arising out of the Premises until such time as the Premises is no longer subject to real estate taxes due to the Agency's ownership. Thereafter, the Council shall make PILOT payments at such times and in such amounts as are required by the PILOT. The obligation of the Council to pay PILOT payments calculated to and including the date of termination of this Agreement, even though such PILOT payment may not yet be due by such date, shall survive the termination of this Agreement. The Agency shall promptly forward to the Council in writing any notice, bill or other statement received by the Agency concerning any such charge; and the Council shall remit payment directly to the appropriate party within five (5) business days of receipt of such notice, bill or other statement. Upon demand, the Council shall provide the Agency with proof of payment of all such charges.

Section 11. Insurance.

A. During the term of this Agreement, the Agency shall keep (or cause others to keep) the buildings, structures, fixtures, machinery, equipment and other property constituting a part of the Premises insured with a casualty insurance policy, issued by an insurance company reasonably acceptable to the Agency and licensed to do business in the State, in the form of completed value form policy with fire, extended coverage, vandalism, malicious mischief insurance, with standard extended coverage endorsement covering perils of windstorm, hail, explosion, aircraft, vehicles and smoke (except as limited in the standard form of extended coverage endorsement at the time in use in the State) at all times in an amount such that the proceeds of such insurance shall be sufficient to prevent the Agency and the

Council from becoming a co-insurer of any loss under the applicable policies, but in any event in amounts not less than eighty (80%) percent of the actual replacement cost of the Premises. To the extent not paid by a contractor during the acquisition, construction and installation of any part of the Recycling Facility, the Council shall pay the premiums on such insurance. All policies shall name the Agency, the Council, the Participating Municipalities and any other party designated by the Agency as insureds as their respective interests may appear.

B. The Agency shall during the term of this Agreement carry boiler insurance in respect of any steam and pressure boilers and similar apparatus located on the Premises in amounts approved by the Agency and such other insurance with respect to the Premises in such amounts and against such insurable hazards as the Agency from time to time may reasonably require. All such insurance policies shall name the Agency, the Council, the Participating Municipalities and any other party designated by the Agency as insureds as their respective interests may appear. Any such policy may provide that the insurer is not liable to the extent of the first $1,000.00 with the result that the Council is its own insurer to the extent of $1,000.00 of such risk.

C. The Agency agrees that it will carry public liability insurance in accordance with customary insurance practices for similar operations with respect to the Premises in a minimum amount of $5,000,000.00. Such insurance will also provide coverage of the Council's obligations of indemnity under this Agreement. Such insurance policies shall name the Agency, the Council, the Participating Municipalities and any other party designated by the Agency as insureds as their respective interests may appear.

D. The Council agrees that it will cause to be carried in effect workers' compensation insurance, disability benefits insurance and such other form of insurance which the Council is required by law to provide, covering loss resulting from injury, sickness, disability or death of the employees of the Council and all contractors and subcontractors employed upon or with respect to the Recycling Facility at the time of original construction or of any additions, remodeling, alterations, repair, restoration or reconstruction thereafter. The Council shall require that all said contractors and subcontractors shall maintain all forms or types of insurance with respect to their employees required by law.

E. All policies and certificates evidencing such insurance as are required to be obtained under the terms of this Agreement shall provide for thirty (30) days' prior written notice of any cancellation, reduction in amount or adverse material change in coverage to the Council, the Agency, and such other party as the Agency may designate, and shall further provide that any losses shall be payable notwithstanding any act or negligence of the

Agency or the Council; and when any such insurance is to expire other than by cancellation, the duplicate or certificate of the new policy shall be furnished to the Agency and such other party as the Agency may designate, at least thirty (30) days before such expiration date.

F. The Agency shall promptly forward to the Council in writing any notice, bill or other statement received by the Agency concerning any such insurance premiums, and the Council shall remit payment directly to the appropriate party within five (5) business days of receipt of such notice, bill or statement. Upon demand, the Council shall provide the Agency with proof of payment of all such insurance premiums.

G. THE AGENCY DOES NOT IN ANY WAY REPRESENT THAT THE INSURANCE SPECIFIED HEREIN, WHETHER IN SCOPE OR COVERAGE OR LIMITS OF COVERAGE, IS ADEQUATE OR SUFFICIENT TO PROTECT THE COUNCIL'S BUSINESS OR INTEREST.

Section 12. Maintenance. Upon signing of this Agreement, the Council shall accept the Premises "AS IS" and "WITH ALL FAULTS". The Agency shall be responsible for effecting normal maintenance and repairs to the Premises, provided that the Agency shall have no responsibility for capital improvements of any nature. The Agency shall bill the Council on a monthly basis for all Maintenance Charges incurred by the Agency during the immediately preceding month, and the Council shall remit payment directly to the Agency within five (5) business days of receipt of such bill.

Section 13. Advances by Agency. In the event the Council fails to pay the charges referred to in Sections 9-12 hereof at or prior to the time they are there required to be paid, the Agency, may (but shall not be obligated to), and without waiver of the any of the rights of the Agency under this Agreement, pay such charges or otherwise cure any failure by the Council to perform and observe its other obligations hereunder. All amounts so advanced therefor by the Agency shall become an additional obligation of the Council to the Agency which amounts, together with interest thereon at the rate of eighteen (18%) percent per annum from the date advanced, shall be payable by the Council upon demand therefor by the Agency. Any remedy herein vested in the Agency for the collection of the payments hereunder shall also be available to the Agency for the collection of all such amounts so advanced.

Section 14. Environmental Covenants.

A. The Council agrees to comply with, and ensure compliance by all occupants of the Premises with, the requirements of all applicable Federal, State and local environmental, land use, zoning, health, safety and sanitation laws, ordinances, codes, rules and regulations and

interpretations and orders of regulatory and administrative authorities with respect thereto, and shall obtain and comply with, and ensure that all such occupants obtain and comply with, any and all approvals, registrations or permits required thereunder. Without limiting the generality of the foregoing, the Council agrees to comply with all applicable requirements of the New York Environmental Conservation Law and the regulations promulgated thereunder and agrees promptly to undertake and diligently to pursue to completion appropriate and legally authorized remedial containment and clean-up action in the event of any release of oil or hazardous wastes or substances on, upon or into the Premises.

B. The Council agrees to provide the Agency with copies of any notifications of releases of oil or hazardous wastes or substances which are given by or on behalf of the Council to any Federal, State or local agencies or authorities with respect to the Premises. Such copies shall be sent to the Agency concurrently with their being mailed or delivered to the governmental agencies or authorities.

C. The Council agrees to indemnify, defend and hold harmless the Agency from and against all loss, liability, damage and expense, including costs associated with administrative and judicial proceedings, remediation costs and attorneys' fees, ever suffered or incurred by the Agency on account of (i) the Council's failure to comply with any environmental, land use, zoning, health, safety or sanitation law, code, ordinance, rule or regulation or any interpretation or order of any regulatory or administrative authority with respect thereto, (ii) any release of oil or hazardous wastes or substances on, upon or into the Premises, excepting only a release caused solely by the act or omission of the Agency, and (iii) any and all damage to natural resources or real property and/or harm or injury to person resulting or alleged to have resulted from such failure to comply and/or such release of oil or hazardous wastes or substances.

D. The Council agrees that it shall not use any or all of the Premises for the generation, treatment, storage or disposal of any hazardous substances or wastes.

E. The Council agrees that it will make no change in the use of the Premises to a use that will create an environmental hazard.

F. The Council agrees that it shall not cause or permit, as a result of any intentional or unintentional act or omission on the part of Council or any occupant of the Premises, a release of oil or hazardous wastes or substances onto the Premises or onto any other property.

G. The Council shall conduct and complete all investigations, studies, sampling and testing, if required by any

Federal, State or local governmental authority, on, from or affecting the Premises (i) in accordance with all applicable Federal, State and local laws, ordinances, rules and regulations, and (ii) in accordance with the orders and directives of all Federal, State and local governmental authorities.

Section 15. Compliance With Laws. The Council will at all times be in compliance with all applicable Federal, State and local laws or ordinances (including rules and regulations) relating to zoning, building, safety and environmental quality.

Section 16. Damage or Destruction or Condemnation. If the Premises shall be damaged or either partially or totally destroyed or condemned at any time during the term of this Agreement, the Agency shall have no obligation to replace, repair, rebuild or restore the Premises and there shall be no abatement or reduction in the rent or other amounts payable by the Council under this Agreement. In such case, the Council will promptly give written notice thereof to the Agency, generally describing the nature and extent of such damage, destruction or condemnation. Subject to the rights of any mortgage lender, the Council shall have the right to settle and adjust all claims under any policies of insurance or in condemnation on behalf of the Agency and itself.

Section 17. Indemnity.

A. The Council shall at all times protect and hold the Agency harmless against all claims (whether in tort, contract or otherwise) for losses, damage, injury and liability however caused (other than losses arising solely from the negligent act or omission of the Agency or any misappropriation of funds by the Agency) arising upon or about the Premises or resulting from, arising out of, or in any way connected with the acquisition, construction, installation or operation of the Recycling Facility, or any of the Agency's activities in connection therewith. The Council releases the Agency from, and agrees that the Agency shall not be liable for, and agrees to indemnify and hold the Agency harmless against any expense or damage incurred because of any lawsuit commenced as a result of action taken by the Agency (i) with respect to the acquisition, financing, construction, installation or operation of the Recycling Facility, or any of the Agency's activities in connection therewith, or (ii) at the direction of the Council and in good faith with respect to the Recycling Facility, except for liability of the Agency due to the Agency's negligent act or omission or any misappropriation of funds by the Agency. The Agency shall promptly notify the Council in writing of any claim or action brought in which indemnity may be sought against the Council pursuant to this Section; such notice shall be given in sufficient time to allow the Council, in its discretion, to participate in or control the conduct of the proceedings relating to any such claim or action; provided, that any settlement

thereof shall be subject to the consent of the Agency (such consent not to be unreasonably withheld).

B. The Agency shall at all times protect and hold the Council harmless against all claims (whether in tort, contract or otherwise) for losses, damage, injury and liability arising upon or about the Premises and arising out of the negligent act or omission of the Agency.

C. The indemnifications and protections set forth above in subsection "A" above shall be extended, with respect to the Agency, to its members, directors, officers, employees, agents and servants and persons under the Agency's control or supervision. The indemnifications and protections set forth in subsection "B" above shall be extended to the Participating Municipalities, and their and the Council's respective officers, employees, agents and servants or persons under any of their or the Council's control or supervision.

D. For the purposes of this Section, neither the Council nor any Participating Municipality shall be deemed an employee, agent or servant of the Agency or a person under the Agency's control or supervision, and the Agency shall not be deemed an employee, agent or servant of the Council or a person under the Council's control or supervision.

Section 18. Retention of Title to Recycling Facility; Grant of Easements. The Agency shall not sell, assign, encumber, convey or otherwise dispose of the Recycling Facility or any part thereof during the term of this Agreement, except as otherwise set forth in this Agreement, without the prior written consent of the Council, such consent not to be unreasonably withheld, and any purported disposition without such consent shall be void. The Agency will, however, at the request of the Council grant such rights of way or easements over, across or under the Premises, or grant such permits or licenses in respect to the use thereof, as shall be necessary or convenient for the operation or use of the Recycling Facility, including but not limited to leases, easements or rights-of-way for utility, roadway, railroad or similar purposes in connection with the Recycling Facility, or for the utilization of the real property adjacent to or near the Recycling Facility and owned by the Agency, provided that such leases, rights-of-way, easements, permits or licenses shall not adversely affect the operation of the Recycling Facility or impair the usefulness of the Recycling Facility under the Act.

Section 19. Discharge of Liens. If any lien, encumbrance or charge is filed or asserted, or any judgment, decree, order, levy or process of any court or governmental body is entered, made or issued or any claim (such liens, encumbrances, charges, judgments, decrees, orders, levies, processes and claims being herein collectively called "Liens") is made against the Premises or any part thereof or the interest therein of the Agency or the

Council or against any amounts payable under this Agreement, the Council forthwith upon receipt of notice of the filing, assertion, entry or issuance of such Lien (regardless of the source of such notice) at its expense shall give notice thereof to the Agency and take all action (including the payment of money and/or the securing of a bond) as may be necessary or appropriate to obtain the discharge in full thereof and to remove or nullify the basis therefor. If the Council has not removed any such Lien within thirty (30) days after notice to the Council, the Agency may pay the amount of the Lien or discharge the same by bonding or deposit, and the amount so paid or deposited or the bond premiums, with interest thereon at the rate of eighteen (18%) percent per annum, shall be payable by the Council upon the Agency's demand. Such payment shall be without prejudice to the Council's rights to challenge the validity of the claim or Lien. Nothing contained in this Agreement shall be construed as constituting the express or implied consent to or permission of the Agency for the performance of any labor or services or the furnishing of any materials that would give rise to any Lien against the Agency's interest in the Premises.

Section 20. Agency's Authority; Covenant of Quiet Enjoyment. The Agency covenants and agrees that it has full right and lawful authority to enter into this Agreement for the full term hereof, and that so long as the Council shall pay all sums payable by it under this Agreement and shall duly observe all the covenants, stipulations and agreements herein contained obligatory upon it, the Council shall have, hold and enjoy, during the term hereof, peaceful, quiet and undisputed possession of the Premises, and the Agency shall from time to time take all necessary action to that end, subject to matters of record at the date of this Agreement.

Section 21. No Warranty of Condition or Suitability. THE AGENCY HAS MADE AND MAKES NO REPRESENTATION OR WARRANTY WHATSOEVER, EITHER EXPRESS OR IMPLIED, WITH RESPECT TO THE MERCHANTABILITY, CONDITION, FITNESS, DESIGN, OPERATION OR WORKMANSHIP OF ANY PART OF THE PREMISES, ITS FITNESS FOR ANY PARTICULAR PURPOSE, THE QUALITY OR CAPACITY OF THE MATERIALS IN THE PREMISES, OR THE SUITABILITY OF THE PREMISES FOR THE COUNCIL'S PURPOSES OR NEEDS. THE COUNCIL IS SATISFIED THAT THE PREMISES IS SUITABLE AND FIT FOR ITS PURPOSES. THE AGENCY SHALL NOT BE LIABLE IN ANY MANNER WHATSOEVER TO THE COUNCIL FOR ANY LOSS, DAMAGE OR EXPENSE OF ANY KIND OR NATURE CAUSED, DIRECTLY OR INDIRECTLY, BY THE PREMISES OR THE USE OR MAINTENANCE THEREOF OR THE FAILURE OF OPERATION THEREOF, OR THE REPAIR, SERVICE, OR ADJUSTMENT THEREOF, OR BY ANY DELAY OR FAILURE TO PROVIDE ANY SUCH MAINTENANCE, REPAIRS, SERVICE OR ADJUSTMENT, OR BY ANY INTERRUPTION OF SERVICE OR LOSS OF USE THEREOF OR FOR ANY LOSS OF BUSINESS HOWSOEVER CAUSED.

Section 22. No Recourse Under This Agreement. In the performance of the agreements of the Agency contained in this

Agreement, any obligation it may incur for the payment of money shall not create a debt of the State of New York or of the County of Erie, and neither the State of New York nor the County of Erie shall be liable on any obligation so incurred. All covenants, stipulations, promises, agreements and obligations of the Agency contained in this Agreement shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Agency, and not of any member, director, officer, employee or agent of the Agency in his or her individual capacity.

Section 23. Events of Default. Any one or more of the following events shall constitute an "Event of Default" under this Agreement:

(a) The Council fails to pay any Rent or Additional Rent payment under this Agreement that has become due and payable and the failure to cure such default within ten (10) calendar days from the date of written notice thereof from the Agency to the Council; or

(b) The Council causes the nonrenewal, cancellation, reduction of benefits or material change in coverage of insurance policies required by this Agreement; or

(c) Other than as provided in subsections "a" or "b" hereof, the default of the Council in observing any provision of this Agreement and the failure to cure such default within thirty (30) calendar days from the date of written notice from the Agency to the Council specifying the nature of such default.

Section 24. Remedies on Default.

A. Upon an Event of Default, the Agency may declare the total unpaid Rent, the Purchase Price and all other amounts due to Agency under this Agreement immediately due and payable by the Council.

B. Upon the exercise of its rights under subsection "A" hereof, the Agency (i) may sublet the Premises or any part of it, for the account of the Council, for such rental terms, to such persons and for such period or periods as it may determine, and (ii) may sell the Premises on such sale terms and to such persons as it may determine. The Agency shall not be required to do any act or exercise any diligence to mitigate the damages to the Council. The Council shall be liable for the amount by which the aggregate of the Rent payable by the Council under Section 5, the Purchase Price due and owing for conveyance of the Premises under Section 8, and any other amounts payable by the Council hereunder, together with the expenses of subleasing and collection and the expenses of sale, exceed the aggregate of the rents and other amounts received from such subletting or the sales proceeds (less brokers commission, adjustments, attorney's

fees and other out-of-pocket costs incurred by the Agency in connection therewith).

C. No action taken under this Section 24 shall relieve the Council from its obligations under this Agreement, all of which shall survive such action.

Section 25. Waivers.

A. The rights and remedies of the Agency under this Agreement shall be cumulative and shall not exclude any other rights and remedies of the Agency allowed by law or equity with respect to any default under this Agreement. Failure by the Agency to insist upon the strict performance of any of the Council's obligations or to exercise any rights or remedies upon default by the Council shall not be considered a waiver or relinquishment for the future of (i) the right to insist upon and to enforce by any appropriate legal or equitable remedy the Council's strict compliance with its obligations, or (ii) the right to exercise any such rights or remedies, including the right to recover possession of the Premises, if such Council default be continued or repeated.

B. In the event any covenant or provision of this Agreement should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach of this Agreement.

C. No waiver shall be binding unless it is in writing and signed by the party making the waiver.

D. To the extent permitted by applicable law, the Council hereby waives the benefit and advantage of any valuation, inquisition, stay, appraisement, extension or redemption laws now existing or which may hereafter exist which, but for this provision, might be applicable to any sale or reletting made under the judgment, order or decree of any court or under the powers of sale and reletting conferred by this Agreement or otherwise.

Section 26. Effect on Discontinuance of Proceedings. In case any proceeding taken by the Agency on account of any Event of Default under this Agreement shall have been discontinued or abandoned for any reason or shall have been determined adversely to the Agency, then, and in every such case, the Agency shall be restored to its former position and rights thereunder, and all rights, remedies, powers and duties of the Agency shall continue as in effect prior to the commencement of such proceedings.

Section 27. Agreement to Pay Attorneys' Fees and Expenses. If the Agency employs attorneys or incurs other expenses for the collection of rentals or other sums payable under this Agreement,

or for the enforcement of performance or observance of any obligation or agreement of the Council, the Council shall, on demand therefor, pay to the Agency the reasonable fees and expenses of such attorneys and such other expenses so incurred, with interest from the date of such demand at the rate of eighteen (18%) percent per annum.

Section 28. No Additional Waiver Implied by One Waiver. In the event any covenant or agreement contained in this Agreement should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder. No waiver shall be binding unless it is in writing and signed by the party making such waiver. No course of dealing between the Agency and the Council or any delay or omission on the part of the Agency in exercising any rights hereunder shall operate as a waiver.

Section 29. Estoppel Certificates. The Council will, from time to time, upon twenty (20) days' prior request by the Agency, execute, acknowledge and deliver to the Agency, a certificate of the Council stating that this Agreement is unmodified and in full force and effect (or, if there have been modifications or amendments, that this Agreement is in full force and effect as modified, and setting forth such modifications or amendments) and the dates to which sums payable hereunder have been paid, and either stating that to the knowledge of the signer of such certificate no default or breach exists hereunder or specifying each such default or breach of which the signer has knowledge.

Section 30. Amendments.

A. Any consent, waiver, amendment or approval of the Agency required hereunder may be given or refused by the Agency Administrator. The Agency will be deemed to have given such approval, consent or waiver, or to have agreed to such amendment, if notice of disapproval stating the specific grounds therefor is not received by the Council from the Agency Administrator within ten (10) business days of notice thereof to the Agency.

B. Any consent, waiver, amendment or approval of the Council hereunder may be given or refused by the Council Administrator. The Council will be deemed to have given such approval, consent or waiver, or to have agreed to such amendment, if notice of disapproval stating the specific grounds therefor is not received by the Agency within ten (10) business days of notice thereof to the Council Administrator.

Section 31. Notices. All notices hereunder shall be in writing and sufficient if sent by regular United States mail, postage prepaid, addressed, if to the Agency, to the Chairman, Erie County Industrial Development Agency, Suite 300, Liberty Building, 424 Main Street, Buffalo, New York 14202 with a copy to

the Executive Director of the Agency at the same address; and if to the Council, c/o the Mayor of the Village of Depew, Gould Avenue and Manitou, Depew, New York 14034. Notices shall be deemed received one (1) business day after deposit with the U.S. Mail.

Section 32. Priority of Mortgage. The Agency may grant a mortgage lien on and a security interest in the Premises, and pledge and assign the rentals and certain other monies receivable under this Agreement to a mortgage lender as security for payment of a mortgage loan, and this Agreement shall be subject and subordinate to any such mortgage lien, security interest, and pledge and assignment, and to any amendments or modifications to such mortgage.

Section 33. Severability. If any clause, provision or section of this Agreement be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or section shall not affect any of the remaining provisions hereof.

Section 34. Effective Date; Counterparts. This Agreement shall become effective upon its delivery. It may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 35. Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon the Agency, the Council (and the Participating Municipalities) and their respective successors and assigns.

Section 36. Law Governing. This Agreement shall be governed by, and construed in accordance with, the laws of the State.

Section 37. Liability of Participating Municipalities. All obligations of the Council under this Agreement shall be enforced against the assets of the Council. All obligations of the Council shall also constitute obligations of each Participating Municipality, enforceable against each such Participating Municipality severally (but not jointly) but limited to the extent of its respective pro rata share of obligations as established by the Inter-Municipal Agreement; provided the Village's liability shall not exceed its liability as a Participating Municipality under the Inter-Municipal Agreement.

SECTION 38. WAIVER OF TRIAL BY JURY. THE PARTIES DO HEREBY EXPRESSLY WAIVE ALL RIGHTS TO TRIAL BY JURY ON ANY CAUSE OF ACTION DIRECTLY OR INDIRECTLY INVOLVING THE TERMS, COVENANTS OR CONDITIONS OF THIS AGREEMENT OR ANY MATTERS WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT.

Section 39. Surviving Provisions. The provisions of this Agreement relating to indemnification, waiver of a jury trial and the right of re-entry upon revocation shall survive the termination or expiration of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, as of the date first written above.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By_____
Richard T. Swist,
Executive Director

VILLAGE OF DEPEW, AS AGENT FOR THE PARTICIPATING MUNICIPALITIES IN THE NORTHERN RECYCLING COUNCIL

By_____
Mayor

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

On the _____ day of May, 1990, before me personally came Richard T. Swist, who, being by me duly sworn, did depose and say that he resides in Kenmore, New York; that he is the Executive Director of the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, the agency described in and which executed the foregoing instrument; and that he signed his name thereto by authority of the Board of said Agency.

_____
Notary Public

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

On the _____ day of May, 1990, before me personally came _____, who, being by me duly sworn, did depose and say that (s)he resides in Depew, New York; that (s)he is the Mayor of the Village of Depew, the municipality described in and which executed the foregoing instrument; and that (s)he signed his/her name thereto by authority of the Village Board of said municipality.

_____
Notary Public

EXHIBIT A

DESCRIPTION

The acquisition of the Premises consisting of an approximately 4.4 acre parcel of land in the Village of Depew, commonly known as 3327 Walden Avenue, and the renovation of the existing 52,000 square foot steel frame and concrete block building into a recycling center for recyclable materials.

EXHIBIT B

PREMISES

EXHIBIT C

PERMITTED EXCEPTIONS

1. Exceptions set forth in the marked title binder issued by _____, #_____.

2. Mortgage securing Note in the face amount of $1,550,000, given by the Agency to Manufacturers Hanover Trust Company, recorded May __, 1990 with the Erie County Clerk, as the same may be amended or modified from time to time hereafter

EXHIBIT D

PAYMENT IN LIEU OF TAX AGREEMENT

Agency PILOT Agreement with Council in standard Agency form which will require payments to be made in accordance with the provisions contained in Paragraph 10 of the Inter-Municipal Agreement.

EXHIBIT E

INTER-MUNICIPAL AGREEMENT

EXHIBIT F

SCHEDULE OF RENT PAYMENTS

An amount equal to all interest payable on a monthly basis by the Agency to Manufacturers Hanover Trust Company ("MHT") pursuant to a certain $1,550,000.00 loan made by MHT to the Agency in accordance with a commitment letter dated March 30, 1990 (the "Loan"). The Loan bears interest at the MHT "Reference Rate" on the outstanding principal balance, which will be borrowed simultaneously with the Agency's acquisition of the Premises.

A P P E N D I X C

PLEASE INCLUDE THIS FUNDING REQUEST (THE ATTACHMENT "D" RESOLUTION) ON YOUR MEETING AGENDAS AS SOON AS POSSIBLE. THE ECIDA NEEDS TO BE PROVIDED WITH A COPY OF EACH MUNICIPALITY'S FUNDING COMMITMENT RESOLUTION ON OR BEFORE APRIL 1, 1990, DUE TO TIME CONSTRAINTS IMPOSED BY THE EXISTING OPTION ON THE PROPERTY.

There is an additional complicating factor, however, regarding the timing of your vote on the funding commitment. *PLEASE DISCUSS AND DELIBERATE OVER THE ATTACHMENT "D" RESOLUTION AS SOON AS POSSIBLE, BUT TABLE IT UNTIL A NORTHEAST BOARD REPRESENTATIVE NOTIFIES YOU THAT A VOTE CAN BE TAKEN ON IT.* This tabling approach is necessary because no funding commitment resolutions should be adopted until after the State Environmental Quality Review Act ("SEQRA") review process, currently in progress, is completed for the proposed recycling facility project.

If the necessary funding commitments are made, then the Northeast Board municipalities will have taken an important step in developing the proposed recycling facility. On the other hand, a lack of sufficient funding commitments will almost certainly mean that this cooperative recycling venture of the Northeast Board will wither and die.

Speaking on behalf of your Northeast Board representatives and as Chairman of the Northeast Board, I would urge you and your fellow Board members to think to the future as you make a decision concerning this request for a funding commitment.

Thank you for your prompt attention and consideration of this important matter. Should questions come up that cannot be answered by your designated representatives to the Northeast Board, please do not hesitate to contact Mr. John Finster, Erie County Solid Waste Coordinator, at 858-6307.

Sincerely,

William J. Lexo

William J. Lexo
Chairman
Northeast Communities Solid
Waste Management Board

ATTACHMENT "A"

PROPOSED NORTHEAST BOARD RECYCLING FACILITY
SPECIFIC FUNDING COMMITMENTS BEING REQUESTED

Further development of the proposed Northeast Board recycling facility will be able to take place only if sufficient funding commitments are made. The specific annual funding commitments being requested of each municipality are based on the ECIDA's estimate of $230,000 as the annual lease payment on the property located at 3327 Walden Avenue in Depew.

The $230,000 annual lease payment estimate includes the costs of the ECIDA obtaining short term (12-18 months) financing to purchase the property, plus it includes money needed for closing costs, taxes, insurance, security, maintenance and utilities.

Each Northeast Board municipality is being requested to commit to pay its per capita share of the estimated annual lease payment of $230,000. Each municipality's per capita share could change, however, depending on how many municipalities actually make the funding commitments. To account for a possible "drop-out" factor, therefore, each municipality is being requested to make annual funding commitments of up to 40% above the minimum per capita shares.

The actual amount of money to be paid by each municipality will be determined by the actual financing and closing costs, and will be shared on a per capita basis by the municipalities that have made funding commitments.

In other words, Column "C", below, shows the minimum annual funding commitment which would be in effect if all fourteen Northeast Board municipalities make the requested funding commitments. Column "D", on the other hand, shows the specific amount requested from each municipality as an annual funding commitment.

ATTACHMENT "A"

$230,000 = AMOUNT OF ESTIMATED LEASE COSTS TO BE SHARED

MUNICIPALITY	(A) 1980 POP'N	(B) % of POP'N	(C) MINIMUM EST. SHARE OF COSTS	(D) FUNDING COMMITMENT REQUESTED	
AKRON, V	2,971	1.20%	$2,755	$3,857	
ALDEN, T	7,605	3.07%	$7,052	$9,873	Committed
ALDEN, V	2,488	1.00%	$2,307	$3,230	Committed
CHEEKTOWAGA, T	92,450	37.27%	$85,732	$120,025	Committed
CLARENCE, T	18,146	7.32%	$16,827	$23,558	
DEPEW, V	19,819	7.99%	$18,379	$25,730	
ELMA, T	10,574	4.26%	$9,806	$13,728	
LANCASTER, T	10,037	4.05%	$9,308	$13,031	Committed
LANCASTER, V	13,056	5.26%	$12,107	$16,950	
MARILLA, T	4,861	1.96%	$4,508	$6,311	— No expected
NEWSTEAD, T	4,260	1.72%	$3,950	$5,531	
SLOAN, V	4,529	1.83%	$4,200	$5,880	Committed
W SENECA, T	51,210	20.65%	$47,489	$66,484	Committed
WILLIAMSVILLE, V	6,017	2.43%	$5,580	$7,812	Committed
	248,023	100.00%	$230,000	$322,000	
				≈ 79,000	
				$243,000	

ATTACHMENT "B"

NORTHEAST ERIE SOLID WASTE MANAGEMENT

POSSIBLE DEVELOPMENT OF A RECYCLING FACILITY

Decision - Should the Northeast Board fund, construct, hire a contract operator, and manage a materials recovery facility (MRF) as a long term solution to dealing with the recyclable portion of its waste stream?

The Proposal - An existing warehouse building on Walden Avenue in Depew has been inspected and found to be potentially suitable for retrofitting for use as the MRF for the Northeast Board. The Erie County IDA has offered to assist the Northeast communities with financing the project. ECIDA's participation can range from short term financing (until municipal financing is in place) to long term ownership of the remodeled and equipped building, with lease to the Northeast Communities.

The capital costs to develop the project are estimated as follows:

Purchase Existing Warehouse Property	- $1,550,000
Renovate Property for Recycling Purposes	- 850,000
Purchase Equipment to Process Recyclables	- 1,600,000
Total Est. Capital Investment	= $4,000,000

The debt service, using long term IDA financing on the above investment, at 7.5% interest for 20 years on the facility and for 5 years on the equipment, would be $630,000 per year.

The operating cost will depend on the quantity of recyclables processed. The recyclable materials to be processed include newspapers, corrugated, plastic containers, metal containers and glass. It should be emphasized that the quantities to be processed will vary from day to day and season to season (highest in summer). The facility should have the capability to deal with seasonal highs by adding more workers and running more hours. The facility cannot have a commitment to deal with more recyclables than it can handle during peak periods. Conversely, this means that it must be somewhat under utilized during average periods.

Making allowances for handling peak seasons by working overtime, the maximum annual throughput of recyclables for the Walden Avenue Recycling Plant is approximately 100,000 tons.

ATTACHMENT "B"

Cost Estimates - Since there may not be full participation in source separation recycling programs at the outset, recycling project economics are presented below at three different usage (i.e. tonnage) levels.

At 25,000 Tons Recycled Per Year
(Equivalent to Participation by Half the Northeast Board Population)

Debt Service	= $ 630,000	(LGBA at '6 - 12)
Operating	= 970,000	
Total Costs	= $1,600,000	
Cost Per Ton	= $64	
Net Revenue Per Ton	= 31	(net of haul to market)
Net Cost Per Ton	= $33	

Net Extra Cost to Collect Recyclables = $10-20/Ton

Recycling Total = $43 - 53/Ton of Recycled Material

Compares to $42.60/ton current disposal fee at Oxy.

At 50,000 Tons Recycled Per Year
(Equivalent to Full Northeast Board Participation)

Debt Service	= $ 630,000	(LGBA at '3 - 6 or/ton)
Operating	= 1,100,000	
Total Costs	= $1,730,000	
Cost Per Ton	= $34.60	
Net Revenue Per Ton	= 30.60	(net of haul to market)
Net Cost Per Ton	= $ 4.00	

Net Extra Cost to Collect Recyclables = $10-20/Ton

Recycling Total = $14 - 24/Ton of Recycled Material

Compares to $42.60/ton current disposal fee at Oxy.

ATTACHMENT "B"

3. A management/operating structure needs to be agreed upon and implemented. These actions could be lengthy if District formation and/or procurement of an operating contractor by RFP is used.

4. A structure for marketing the recyclables and distributing the revenues to the project sponsors needs to be agreed upon and implemented.

Implementation Plan

1. The current option on the building expires May 1, 1990.

2. The Northeast Board municipalities should jointly contract with the ECIDA, subsequent to completion of the SEQR process, to arrange for ECIDA's purchase of the building. The contract with ECIDA would be similar to a lease agreement, with each individual Northeast Board municipality responsible for signing the lease and for contributing its share of the annual lease payment.

3. Further discussions with the ECIDA should be undertaken, to determine the best way to develop the necessary contractual arrangements. An amendment to the Northeast Board Intermunicipal Agreement may also be warranted.

4. The Northeast Board should begin taking the steps necessary for formation of a part-county solid waste district, to be known as the Northeast Communities Solid Waste Management District (or similar names). Once formed, the district would assume all financial and management obligations of the recycling facility. The district would raise funds through special assessments collected via the County tax system. Once the district is established, the recycling facility's expenses would be paid for by district charges rather than by municipal budgetary appropriations.

5. The Northeast Board should decide how fast it wishes to move ahead with further implementation steps (e.g., recycling facility permitting, construction financing, and facility start-up).

6. The Northeast Board should obtain the services of legal counsel with experience in municipal and district law (per Article 5-A of County Law), to help with implementation of the steps described above.

Prepared by Barton & Loguidice, P.C.
File: 396.04

ATTACHMENT "C"

DRAFT RESOLUTION

RESOLUTION TO SUPPORT THE FURTHER DEVELOPMENT OF THE PROPOSED NORTHEAST BOARD RECYCLING FACILITY.

WHEREAS, the Northeast Communities Solid Waste Management Board has been pursuing the development of a recycling facility, which if implemented would be of benefit to the residents of the (insert name of municipality); and

WHEREAS, the proposed recycling facility project is undergoing a coordinated review in accordance with the procedures of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Northeast Board and the Erie County Industrial Development Agency need to know which municipalities support the further development of the proposed Northeast Board recycling facility, including completing the SEQRA review process, to determine whether or not on-going project planning activities should be continued or halted.

NOW, THEREFORE, BE IT

RESOLVED, that the (insert name of municipality) supports the further development of the proposed Northeast Board recycling facility, which includes completing the SEQRA review process and undertaking project planning activities that are of a non-binding nature; and BE IT FURTHER

RESOLVED, that certified copies of this resolution be sent to the Erie County Industrial Development Agency, the Chairman of the Northeast Communities Solid Waste Management Board, and the Mayor of the Village of Depew.

ATTACHMENT "D"

DRAFT RESOLUTION

RESOLUTION: TO COMMIT FUNDS FOR PAYMENT OF A SHARE OF AN ANNUAL LEASE, TO ENABLE THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA") TO PURCHASE A BUILDING FOR FUTURE DEVELOPMENT AS A NORTHEAST BOARD RECYCLING FACILITY.

WHEREAS, as a member of the Northeast Communities Solid Waste Management Board, the (insert name of municipality) has been considering the joint development of a recycling facility that would benefit the Northeast Board municipalities; and

WHEREAS, State law requires all local municipalities to mandate the source separation of recyclable materials, by enacting local laws to that effect on or before September 1, 1992;

WHEREAS, every ton recycled is one less ton that needs to be disposed; and

WHEREAS, the joint undertaking of a Northeast Board recycling facility will provide a local facility that can accept deliveries of recyclable materials that are source separated by our residents; and

WHEREAS, an existing warehouse building located at 3327 Walden Avenue in Depew has been identified as the preferred location for a Northeast Board recycling facility, and the proposed development of a Northeast Board recycling facility at said location has been reviewed pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") with the Village of Depew designated as the SEQRA Lead Agency; and

WHEREAS, the ECIDA has offered to purchase aforesaid property and lease it back to the Northeast Board municipalities; and

WHEREAS, the ECIDA needs to receive sufficient funding commitments from the Northeast Board municipalities before it will purchase aforesaid property on behalf of the Northeast Board; and

ATTACHMENT "D"

WHEREAS, if sufficient funding commitments are made by the various Northeast Board municipalities, then a lease agreement and other contractual arrangements will be developed, as deemed necessary and appropriate to accomplish the ECIDA's financing of the property transaction, and the (insert name of municipality) will be a party to said lease agreement and other contractual arrangements, if any; and

WHEREAS, said lease agreement will determine the actual amount and schedule of payments to be made by the (insert name of municipality); and

WHEREAS, the (insert name of municipality) is desirous of participating in the development of the proposed Northeast Board recycling facility;

NOW, THEREFORE, BE IT:

RESOLVED, that the (insert name of municipality) hereby agrees to contribute at least (insert appropriate $ amount from Column "C" of Attachment "A") and up to (insert appropriate $ amount from Column "D" of Attachment "A") in 1990, and each year thereafter in accordance with and for so long as such payments are required under the terms of a lease agreement to be signed by the Erie County Industrial Development Agency, the (insert name of municipality), and other Northeast Board municipalities; and

RESOLVED, that aforesaid funding commitment will not be withdrawn, annulled, revoked or otherwise reduced, unless written notification to the contrary is received from the Chairman of the Northeast Communities Solid Waste Management Board as a result of insufficient funding commitments being provided by the various Northeast Board municipalities; and

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Industrial Development Agency, the Chairman of the Northeast Communities Solid Waste Management Board, and the Mayor of the Village of Depew.

Item No. 5b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the New York State Department of State, Office of Fire Prevention and Control, has allocated funds for the purpose of helping to 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 aid funds,

NOW, THEREFORE, BE IT RESOLVED, that Robert J. Miller & Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted 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 and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Department of Housing & Urban Development has approved the Town's 1990-91 Program Year application for Community Development Block Grant funds in the amount of $620,000, and

WHEREAS, the Supervisor must execute a Grant Agreement with the Department of Housing & Urban Development for the receipt of said funds, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute said Grant Agreement with the Department of Housing & Urban Development for the receipt of $620,000 in Community Development Block Grant funds for the 1990-91 Program Year.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Benderson Development Corporation was directed to prepare a Traffic Impact Study on Union Road by a Town Board Resolution dated July 3, 1989, and

WHEREAS, said study was completed and reviewed by the State of New York Department of Transportation, and

WHEREAS, the State D.O.T. has made specific traffic recommendations regarding Tops Market, Union Consumer Square and 3637 Union Road Plaza, and

WHEREAS, these highway improvements must be completed at the developers expense in order to mitigate the traffic impact, NOW, THEREFORE, BE IT

Item No. 6 cont'd

RESOLVED that the Town Board of the Town of Cheektowaga go on record supporting the recommendations of the State of New York Department of Transportation regarding the sorely needed traffic improvements (copy attached).

* See next (2) pages for recommendations

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

14.25-277

COPY

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
125 MAIN STREET
BUFFALO, N.Y. 14203

ROBERT J. RUSSELL
REGIONAL DIRECTOR

FRANKLIN E. WHITE
COMMISSIONER

March 28, 1990

BUILDING & PLUMBING DEPT.
MAR 29 1990

Mr. Robert D. Alonzo
Benderson Development Company, Inc.
570 Delaware Ave.
Buffalo, New York 14202

Re: 3637 Union Road Plaza, Union Consumer Square, Tops Market
Town of Cheektowaga

Dear Mr. Alonzo:

We have completed our review of the Supplemental Traffic Impact Study for the referenced developments on Union Road in the Town of Cheektowaga. We have the following comments:

GENERAL

The three developments will have a substantial impact on traffic conditions along this section of Union Road. We have identified a number of highway improvements which must be completed at developer's expense in order to mitigate this impact.

TOPS MARKET

This property, which is located north of George Urban Blvd., has four driveways onto Union Road. We will require that two driveways be closed and the remaining driveways be modified.

UNION CONSUMER SQUARE

In order to maintain the existing level of service at the Union Road/Galleria Drive intersection, we will require the following improvements:

1. Construct a 150 ft. right turn with 100 ft. taper for southbound traffic.
2. Restripe Galleria Drive to provide five lanes at Union Road.
3. Provide a total of five lanes for the driveway opposite Galleria Drive.
4. Modify the traffic signal equipment, phasing and timing as directed by this Department.

3637 UNION ROAD PLAZA

We do not agree with the recommendation in the Traffic Impact Study that a signal should be installed on Union Road at South Creek. Based upon our review of the accident history and given the combined impact of the three Benderson developments on Union Road, we will require the following:

Widen Union Road from approximately Sta. 202+00 to Sta. 228+00 to provide a center two way left turn lane. This widening will connect the five lane sections to the north and to the south and provide a continuous center turn lane from Walden Avenue to George Urban Boulevard.

Should a traffic signal become necessary in the future, it will be installed by this Department.

We have attached copies of highway plans for this section of Union Road as well as plans for the traffic signals on Union at Walden Avenue and at Galleria Drive. As we discussed, these improvements will be completed under a highway work permit and all costs, including construction inspection, will be borne by the Benderson Development Company.

We appreciate the cooperation we have received thus far from you and the Benderson Company. Should you have any questions concerning the necessary highway improvements, the work permit process or NYSDOT standards and requirements, please call me or Bob Dalfonso at 847-3268.

Very truly yours,

R. J. RUSSELL
Regional Director

by: ORIGINAL SIGNED BY
ROBERT E. O'CONNOR
R. E. O'Connor
Traffic and Safety Group

REO'C:jj

cc: T. Adamczak, Ass't. Bldg. Insp., Tn. of Cheektowaga
James Smith, E M.S Consulting

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

WHEREAS, ambulance services are currently provided in emergency situations in the Town during mechanisms established in the Town's Ambulance Services Ordinance, and

WHEREAS, the Town Dispatch Office, Police Department and various fire companies have recommended that the Town enter into a contract with a single ambulance company to provide such emergency services, and

WHEREAS, the Dispatch Office, Police Department and fire companies have met on numerous occasions and have prepared a proposed Request for Proposals to solicit ambulance companies interested in contracting with the Town, and

WHEREAS, this Board is interested in receiving proposals from ambulance companies to provide emergency services, NOW, THEREFORE, BE IT

RESOLVED that the attached Request for Proposals be and hereby is approved by this Town Board, and BE IT FURTHER

RESOLVED that the Town Police Department and Dispatch Office be and hereby are authorized and directed to forward this Request for Proposals to interested ambulance companies.

* See next pages for Request for Proposal

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

The **TOWN OF CHEEKTOWAGA** is pleased to transmit this Request For Proposal (RFP) to your firm.

The purpose of this RFP is to solicit detailed proposals from interested firms to provide emergency, paramedic ambulance service. The Town may select one or more proposals for negotiation of a service contract. Copies of the proposal should be delivered to Mr. Robert Schmidt, EMS Board Chairman, C/O Cheektowaga Police Department, 3223 Union Rd. Cheektowaga, NY 14227, before JULY 7, 1990. A description of this request, conditions, proposal format and special requirements are presented herein.

PROJECT BACKGROUND

The TOWN OF CHEEKTOWAGA (hereafter referred to as "the Town", which includes the Village of Sloan) with a population of 127,000 is located in the central part of Erie County and borders the City of Buffalo on the west. The Town is approximately 35 square miles.

The town is commercially known for light manufacturing, retail merchandising, hotels, theaters, restaurants and a number of malls and strip plazas. The Greater Buffalo International Airport is located in the north west quadrant of the Town, and several miles of the NY State Thruway, and the Kensington expressway run through the community. There is one Hospital, a police force of approximately 130 sworn officers, 28 Town owned parks, 25 schools, approximately 43,000 private homes, and 200 miles of streets and highway.

The Town has 10 Fire Districts whose members provide basic first aid services on a volunteer basis to all persons within the Town.

The Town desires to provide paramedic ambulance services for its residents thereby improving the quality of service provided. The opportunity for a private sector service agreement is a result of the above commitment as well as the increased activity within the dispatch office. A summary of the past 5 years of alarms is included in the RFP.

PROCUREMENT PROCESS

Although the Town is interested in pursuing this concept at this time, the Town reserves the right to discontinue or modify this process at any time the Town determines that it is in its best interest to do so. In the event this process is discontinued or modified, the Town shall not be liable for any costs incurred by the proposers in connection with the preparation and submittal of a proposal. A tentative project schedule is included in this RFP.

The submitted proposals must, at a minimum, address all the terms outlined and provide all the information requested in this RFP. Proposals which fail to do so may be rejected by the by the Town as nonresponsive. The Town reserves the right to waive irregularities in the proposals received and which the Town, at its sole discretion, determines to be in substantial compliance with this RFP. All proposals shall be in writing.

The Town anticipates a timely review of the proposals and at such time that the Town determines which proposal(s) will be pursued for detailed negotiations, further contact will be made with the appropriate firm(s).

Any questions regarding the project, or the selection process, for which this RFP was prepared must be submitted in writing to the Chairman of the EMS Board prior to: _____.

The Town wishes to express its appreciation for the interest displayed, and looks forward to the submission and review of the proposals and ultimate selection of a private sector firm.

SINCERELY,

FRANK E. SWIATEK
SUPERVISOR
TOWN OF CHEEKTOWAGA
NEW YORK

I

TIME TABLE

Town of Cheektowaga Schedule

DATE	MILESTONE
14-MAY-90	Fire District Officer's approval
17-MAY-90	EMS Board approval
21-MAY-90	Town Board approval
week of 25-MAY-90	published advertisements appear
8-JUNE-90	RFP in hands of all proposers
18-JUNE-90	deadline for submission of questions
6-JULY-90	Accept Proposals
19-JULY-90	select a short list
24-JULY-90	Begin oral interviews of short list
27-JULY-90	Begin final deliberations on short list
6-AUG-90	Select "bidder" and begin
8-AUG-90	Negotiations
4-SEP-90	Execute service agreement
1-OCT-90	Implementation of contract

II

PROPOSAL FORMAT AND REQUIREMENTS

Response to this Request for Proposals should be made in accordance with the requirements set forth in this section. Failure to adhere to these requirements may be cause for rejection of the proposal. The proposals must include the following:

1. A letter of transmittal signed by an officer of the firm giving their full name, address, telephone number, and whether the firm is a subsidiary, an individual, a partnership (limited or general), a corporation, a joint venture or other business entity form.

2. A table of contents which follows that of the one provided with this RFP.

3. If a corporation, a detailed description of the proposer's corporate structure. If a subsidiary of a larger corporation, describe the legal and financial relationship to the parent company. If a joint venture, describe the relationship of the joint parties, both legally and financially. If subcontracting is contemplated: identify the subcontractors, and their responsibilities. If a partnership, identify whether a limited or a general partnership, and identify all partners.

4. It is expressly understood that the proposer assumes all responsibility for adequately reviewing the information provided with this RFP.

5. Proposed implementation methodology and the timing and scheduling for startup and operation.

6. A guarantee to be provided to the Town of the proposer's obligations. Identify the corporate entity providing the guarantee, and the corporate entity's relationship to the proposer.

7. Any specific exceptions to the conditions or requirements presented in this RFP. Modifications to or alternatives to the conditions or requirements should be described in detail by the proposer.

8. Identify any other terms and conditions which the proposer wishes to become part of the proposed service contract. For example, such areas could include defaults and remedies for default, conflict resolution methodology and consequential damages.

9. As with any successful project of this nature, comprehensive public relations and community education programs are required. The proposer should describe in detail how such programs would be designed and implemented.

10. The Town desires information on the experience and qualifications of each proposer. This information should at a minimum address the following:

    a) Operation of ambulance services - number, history of operations, reliability, costs and escalation in costs, marketing and public relations and community education programs effectiveness.

    b) Qualifications, experience and location of key personnel.

    c) Financial status, strength and capability.

The final selection of a proposer shall not create a binding contract or create an obligation on the part of the Town to enter into a contract with the selected proposer. Selection of a proposer shall provide only the right to negotiate the terms and conditions of a contract between the Town and a proposer. If the Town and a proposer are unable to agree on the terms and conditions of a contract, no obligation or liability shall exist by either party to the other by reason of submission of a proposal or the selection of the proposer, and the Town shall be free to negotiate with other proposers.

III TECHNICAL PROVISIONS

1. General Scope of Work

The proposer shall furnish the Town with emergency ambulance service, including paramedic response and transportation, billing, collection, and accounts receivable management, in accordance with clinical response time, and other requirements specified by the contract. The proposer shall furnish all ancillary and support services associated with the delivery of primary emergency services such as but not limited to vehicle maintenance, in-service training, paramedic assist training for first responders, data, public information, and all other support services necessary to the effective delivery of quality emergency ambulance service. Proposer to provide concise plan for the provision of this service.

2. Qualifications/Certifications

The proposer shall provide verification of current New York State ambulance service certification and current paramedic level service. The proposer shall give evidence in their proposal of compliance with all provisions of the Town of Cheektowaga Code, Chapter 4A, "AMBULANCES SERVICES"

3. Clinical Performance

The proposer is required to provide staffing of each Basic Life Support ambulance with two (2) New York State certified EMT's. Additional consideration will be given to the proposer who can provide sufficient evidence of additional relevant training to those employees who staff units responding to the contracted area.

All emergency paramedic ambulances that respond to the contracted area shall comply with sections 800.11 and 800.12 of the New York State Emergency Medical Services Code. The proposer shall maintain in effect a certificate from the State of NY Dept of Health pursuant to Article 30 of the Public Health Law of the State of NY. The proposer shall demonstrate to the satisfaction of the Town that such certificate is in effect at the time of the execution of this proposal and the proposer shall renew such certificate as required throughout the term of the contract.

Additionally, the bidder shall provide any and all advanced life support equipment necessary to comply with medical protocol and medical direction given. The equipment shall be portable and have the capability of being brought to the patient without delay.

The proposer shall receive medical direction of a duly licensed and accredited hospital and shall be governed by its protocol at all times.

The proposer shall submit copies of all paramedic and intermediate medical protocols currently in use and anything necessary that would apply to the contracted area.

To demonstrate a continuous effort to maintain a high quality of clinical performance, proposers also shall submit information and documentation regarding any changes in medical training modules, with dates of field implementation for the most recent two years of paramedic operations.

A list of current medical directors, their area of specialty, facilities granting medical direction, and the primary facility granting medical direction to the contracted area shall be included.

The proposer shall provide two advanced life support units (ALSU) stationed within the Town. Additional units, shall be placed in service throughout the municipality as the number of call demand. The initial two units shall be strategically located within the Town. When an ALSU is in use or otherwise unavailable, sufficient backup shall be made available in order to otherwise comply with the standards of this agreement. The proposer shall provide a list of all vehicles to be utilized including the number designation and unit definition.

The proposer may, when both ALSU ambulances dedicated to this town are on assignment within the confines of this town, use the "Fly Car Concept". Specifically, a fly car may be utilized in substitution of an ALSU, but a fully staffed Basic unit must also repond with the "Fly Car."

A "fly car" shall mean a vehicle capable of transporting not less that two level 4 EMT's, together with all required equipment in order to provide the services as herein specified and, when utilized with a basic ambulance, shall be deemed to be a ALSU.

There shall be two level 4 EMTs assigned to each ALSU and fly car. There shall be provided a list of all personnel assigned to the ALSU and fly cars operating with the Town. The list shall include the level of certification and the certificate of each employee.

In addition there shall be stationed within the Town, but not necessarily dedicated exclusively thereto, two basic ambulances. During such times said basic ambulances are not available for service with municipality, said ambulance company shall make available another unit or units to provide the services otherwise herein required.

4. Response Time Performance

This contract shall require a maximum allowable response time of eight (8) minutes from time call was received (by Paramedic ambulance dispatcher) to on-scene arrival by Paramedic crew, on not less than 90% of all emergency requests (dry road times). In no event shall response time performance be in excess of twelve (12) minutes.

If a "fly car" (a non-transporting paramedic staffed and equipped vehicle) in conjunction with a separate transporting ambulance is used, the time logged by the last vehicle on location will determine the 90% rule.

5. Coordination with Town of Cheektowaga Dispatch Center

The proposer shall provide and maintain direct telephone and /or radio communication between the Cheektowaga Dispatch Center and the main dispatching office of the proposer.

The proposer shall maintain appropriate communications equipment in their emergency vehicles as my be necessary. The term "appropriate communications equipment" shall require not less than the following:

A) A licensed private business band radio preset to the ambulance companies channel in each unit.

B) MERS in each unit with appropriate authorization for use.

C) In each ALSU, MED radio capable to transmit and receive on appropriate MED channels other channels as may become necessary to receive medical direction from a controlling hospital.

D) Each unit shall have a monitor or scanner radio receiver capable of receiving 46.28 FM and/or 155.610, both Fire & Police radio frequencies.

The proposer shall provide instruction to members of the Cheektowaga Fire and Police Departments on how to work in conjunction with a paramedic unit.

6. Disaster Capabilities

The proposer shall provide information which will demonstrate the capability to manage a multiple casualty incident with multiple seriously injured victims. This shall include day-to-day operations, special vehicles/equipment, planning, in-service training, and reserve capacity.

7. Pricing Policies, Billing/Collections Practices

The proposer shall submit to the EMS Board for approval all current rates, and increase in charges for the contract area. Charges must include: Advanced life support, basic life support, mileage, oxygen, all supplies, and medications.

Additionally, the proposer shall provide all information regarding billing and collections practices, and current procedures for handling complaints.

The proposer also agrees to accept workers compensation, reimbursement as payment in full for any Cheektowaga or Town of Cheektowaga firefighter or Town employee.

There shall be no solicitations for donation by the proposer and any donations received shall be turned over to the Town.

8. Main Facility

The proposer shall own or lease and maintain a main facility either at its present location or at another location within the Town, sufficient to provide the services as herein required.

9. Response Modes

There shall be a response mode implemented in the Town as each Fire District shall elect to use within their fire protection area. The modes shall be as follows:

A. An ALSU shall respond automatically to first aid calls requiring advanced life support services as designated in schedule A. For all other first aid calls, a basic ambulance shall be required. In either respect all ambulances shall respond directly to the scene.

B. An ALSU/BLS ambulance as per schedule A, will respond towards the scene, but will not arrive on location unless called for by the Fire Dept..

When and if it is determined by the appropriate officer that an ALSU in required, or conversely a basic ambulance is required, Dispatch shall notify the ambulance company to have the required type of ambulance respond to the scene.

10. Hospital Selection

Ambulance drivers and attendants shall comply with the request of the patient and/or relatives for removal to a hospital of his choice within a reasonable distance, provided that, in their judgement the condition of the patient will withstand extra travel. No person in charge of an ambulance shall refuse to take a wounded or ill or infirm or injured person to a hospital after the need for hospitalization has been determined by a physician, or if made at the request of the police. When a person is found ill or wounded or inform or injured in the street or any public place, however seriously, he shall not be left in such location, but shall be removed to a hospital.

11. Equipment and supplies

The proposer shall own or lease all equipment reasonably necessary to carry out the conditions of the contract which equipment shall be maintained in accordance with all laws, ordinances, rules or regulations applicable thereto.

The proposer and dispatch shall be responsible for locating and arranging the return of fire company equipment utilized in transorting patients to hospitals.

All sheets, pillowcases and towels used in the care of a patient in any ambulance shall be replaced with clean sheets, pillowcases and towels after each time such ambulance is used for the transportation of wounded, sick, injured or infirm persons, and all blankets used in such ambulances shall be thoroughly laundered according to procedures established by the Comm. of Health.

Oxygen apparatus face masks shall be utilized according to NYS Health Department Standards.

All ambulances on the streets of the Town shall be permanently equipped in a manner in accordance with applicable state and county laws and shall contain such additional equipment as may be prescribed by the EMS Board from time to time.

After any such ambulance shall have been used for the transportation of any person or persons known to have an infectious disease, such ambulance and its contents shall be cleaned in a manner approved by the NYS Health Dept., and such ambulance shall not again be used until it has been so cleaned. Each ambulance shall be cleaned with a disinfectant solution daily according to procedures established by the Commissioner of Health.

IV LEGAL, INSURANCE AND RELATED MATTERS

1. Representative Insurance and Indemnification Requirements

a) Indemnification

Proposer agrees to indemnify, defend, and hold harmless the Town, its agents, officers, and employees from and against any and all liability, expense, including defense costs and legal fees (including costs and attorneys fees on appeal), and claims for damages of any nature whatsoever, including, but not limited to, loss of use, and/or services, bodily injury, death, personal injury or property damage arising from or connected with proposers, its subcontractors' (of any tier), suppliers or agents operations, or their service thereunder, including any workers' compensation suits, liability, or expense arising from or connected with services by any person pursuant to the contract.

b) Insurance Requirements

Without limiting proposer's indemnification of the Town, proposer shall provide and maintain at its own expense during the term of the contract, the insurances listed below. The proposer shall furnish to the Town 60 days prior to commencement of service Certificates of insurance in a form satisfactory to the Town based on the following items:

1. All policies in this section shall contain a 60 days notice clause of cancellation, non-renewal, or material change in favor of the Town.

2. The contractor shall procure and maintain during the term of the contract commercial liability insurance coverage, at its own expense to include:

   a. Premises operations
   b. Products completed operations
   c. Independent contractors
   d. Blanket Contractual Liability
   e. Personal injury (delete employee exclusion)
   f. Advertising
   g. Premises medical payments
   h. Host liquor
   i. Fire
   j. Broad form property damage
   k. Extended bodily injury

3. Town of Cheektowaga, Volunteer Fire Departments, Cheektowaga Police Department, their agents, employees, volunteers shall be named as additional insureds.

c) Limits Required

1,000,000 Combined Bodily Injury and Property Damage per occurrence
2,000,000 General Aggregate
2,000,000 Products/Completed Operations Aggregate
50,000 Fire Legal Liability

1. The Contractor shall procure and maintain during the term of the contract professional (including medical malpractice and errors and omissions) liability insurance coverage with the following limits:

   a. 1,000,000 Combined Bodily Injury Property Damage per occurrence
      2,000,000 Aggregate
   b. Certified copy of policy must be provided 60 days prior to commencement of service.
   c. Additional insureds as described above.

2. The proposer shall procure and maintain Worker's Compensation and Disability Benefits Coverage as required by NYS Law.

3. The proposer shall procure and maintain Commercial Liability and Property Damage Insurance covering the operation, maintenance or use, in connection with this contract of all owned, non-owned and hired vehicles required by the Vehicle and Traffic Law of the State of New York bearing license plates.
   a. Limit of Coverage: $1,000,000. Combined Bodily Injury and Property Damage to others.

   b. Additional insureds as respects this contract per paragraph above.

4. Umbrella Excess Liability Policy

   Limit: $2,000,000 per occurrence
          2,000,000 aggregate
   - Coverage to be provided over #'s (2-5) above.
   - Certified copy of policy required.
   - Additional insureds as per above.

5. Such insurances shall be primary to and not contributing with any other insurance maintained by the Town and shall name the Town of Cheektowaga as an additional insured.

V OTHER CONSIDERATIONS

1. The proposer, building or renting an ambulance housing facility in the Town, must comply with the Town Zoning Code.

2. The proposer shall also include vehicle maintenance programs and the Town retains the right to inspect information pertaining to these programs as well as perform vehicle inspections to ensure proper implementation of these programs.

3. The proposer shall maintain appropriate records as specified in the contract provide reasonable access to the Town for inspection of such records of proposer as may be necessary to monitor performance of the contract.

   The Town reserves the right to perform fiscal audits of the proposer activities related to this project. These audits may be performed either by internal Town personnel, by a separate outside auditor or by any combination of these. The proposer agrees, when the Town performs this audit, the proposer will willingly and freely cooperate with the audit effort by participating in meetings, and that he will make necessary accounting and fiscal records available for such audit. All information will remain confidential, to the extent provided by law.

4. The Town reserves the right to inspect any facility maintained by the proposer from time to time, at its sole discretion, and agrees to provide 24 hours notice prior to said inspection.

5. No person should be denied employment or any benefits of employment by the proposer for reasons of race, religion, color, sex, age or national origin.

6. The Town will act in good faith in exercising oversight responsibilities with the proposer. The Town will also interact in a business-like and cooperative manner with the proposer to ensure that both parties receive all available benefits from the public-private partnership.

7. It is expected that the Proposers exhibit a high degree of interest and willingness to interact with the Town in a business-like and cooperative manner to foster a true public/private partnership.

8. The information, terms, conditions, and assumptions listed in the RFP are not intended to be all inclusive and the Town maintains the right for revisions and additions.

9. This contract shall be binding for a term of at least three (3) years, and shall be reviewed each year by the EMS Board for the purpose of adjustments, or corrections in procedures or policies. The contract my be terminated by either party to the contract without cause on 6 months notice, or immediately by the Town if the bidder defaults on any provisions of the agreements.

10. There shall be an evaluation/oversight committee charged with the responsibility of ongoing contract evaluation, and overseeing compliance with the contract.

The committee shall in fact be the EMS Board of the TOWN OF CHEEKTOWAGA.

The proposer shall agree to comply with all requests for information relevant to any request for service within the contract area.

11. An ALSU shall be on standby at the scene of all working fires and major police incidents and shall provide service and transportation to any injured firefighter or police officer at no cost to the firefighter or police officer, fire dept. or Town. The ALSU shall stand by at the scene until released by the officer in charge. At the point that the driver of the ALSU standing by is informed that he will be transporting a patient from the scene to a hospital, the ambulance company shall dispatch a replacement to the scene to standby as described.

12. The emergency advanced life support services to be supplied by the proposer hereunder shall be performed under the general direction of the Town and shall be subject to inspection by authorized representatives of the Town to insure strict compliance with the terms of this contract and to insure satisfactory progress in the performance of the services. No inspector is authorized to change any provisions of this contract nor shall the presence or absence of an inspector relieve the ambulance company from any requirements of this contract.

13. The Town hereby agrees that from the date of the execution hereof it shall transmit all calls for emergency advance life support services to the proposer, except when another service is specifically requested by a patient to a patients representative on the scene, provided, however, that the Town shall suffer no monetary loss when dispatch calls for another ambulance firm. Dispatch may initiate a request for services to any other advanced life support service company in the event the proposer is unable to provide service for whatever reason.

14. The officer in charge of the scene servicing the Town shall have charge of the protection of life and coordination of personnel at the scene of an emergency, subject, however, to the provisions of this section. The proposer, in accordance with its reasonable discretion, shall have charge of rendering of emergency advanced life support services as defined herein to any or all sick or injured persons at the scene of an emergency utilizing however the volunteer firemen on location. In the event, however, that action or inaction is deemed to be required for the preservation of life or personal safety due to physical circumstances that may exist at such emergency scene, the ranking officer shall have the authority to direct or control the proposer in the rendering of such services. In all other situations where life or personal safety have not become endangered, the authority of the ranking officer shall be limited to the directing of the proposer to station themselves or their equipment at such scenes so that such personnel or equipment do not jeopardize the overall fire extinguishment and rescue efforts at the emergency scene.

15. THE EMS BOARD and the proposer hereby agree to notify each other, in writing, within ten days of receiving any complaint relative to emergency service provided by the proposer or any charge for such service provided by the proposer. The proposer agrees to cooperate with the EMS Board, with the Better Business Bureau of Buffalo, the Town, regional and/or state emergency medical services councils, and with any other investigative organization in the investigation of the validity of such complaint.

16. The proposer hereby agrees to notify the EMS Board in writing, within ten days of receiving written notice of any action or proceeding in law, that has been or will be made against the proposer where it reasonably appears that a recovery in such action or proceeding may exceed the proposers insurance policy limits. The proposer further agrees to report to the Town in writing of the progress of such action or proceeding in law until such time that such action or proceeding has been withdrawn or settled.

17. The Town and the proposer hereby agree to give reasonable cooperation to studies relating to emergency medical services performed by the EMS Board or other qualified research groups.

18. The Town and the proposer shall cooperate to train volunteer firemen in various emergency medical techniques, and to train all involved employees of both parties to cooperate with transmitting and receiving of emergency calls.

VI PROPOSAL EVALUATION PROCESS AND CONTRACT AWARD

The Town in requesting this proposal would like to make the proposers aware of the Proposal Evaluation Process and Contract Award procedures.

1. Proposal Evaluation Process

The Town, will review and evaluate the proposals. After the evaluation process, one or more firms presenting the most promising proposal may be asked to present oral interviews to the Town. Further written documentation may be required prior to the interviews or as a result of the interviews. A reasonable inquiry to determine the responsibility of a proposer shall be conducted. The unreasonable failure of a proposer to promptly supply information in connection with such inquiry, including but not limited to information regarding past performance, financial capability, and ability to perform may be grounds for determination of unresponsiveness with respect to such a proposer.

The following describes the general guidelines to be used by the Town in its evaluation of the proposal's submittals. The Town reserves the right to evaluate any factors it deems appropriate, whether or not such factors have been stated in this section.

2. Proposal Evaluation Guidelines

A. Experience and Qualifications of proposer

1) Operating systems - number, history of operations, reliability, client costs and escalation in client cost, marketing and public relations and community education programs.

2) Qualifications, experience and location of key personnel. Also evaluation of consultants, subcontractors, etc.

3) Financial status, strength and capability.

3. Proposer's Exceptions and Requirements

A. Contract provisions required by proposer. Any contract provisions the Contractor requires which have been omitted in this RFP must be delineated.

B. Exceptions taken by Contractor to Town's proposed contract conditions and assumptions. The exceptions should be delineated in the proposal with suggested revised wording or similar reconciliatory measures.

4. Any Other Factors Deemed Appropriate By The Town

5. Contract Award

After final selection of a proposer, the Town will initiate contract negotiations. If a contract cannot be negotiated within thirty days, the Town may, at its discretion, begin contract negotiations with the next highest ranking proposer. The Town may, at its sole discretion, enter into simultaneous negotiations with more than one proposer if it determines that the proposals submitted are equivalent or that it is in the best interest of the Town to do so. Following the satisfactory completion of contract negotiations, the Town Administrator will submit an agreement endorsed by the successful proposer to the Town Board of Trustees for their approval and forward copy to the Town Board.

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SCHEDULE A

INCIDENTS REQUIRING ADVANCED LIFE SUPPORT RESPONSE:

ABDOMINAL PAINS
ALLERGIC REACTION
ALTERED STATE OF CONSCIOUSNESS
ASTHMA
BACK PAIN
BLEEDING
BURNS
CHEST PAINS
DEHYDRATION
DIABETIC
DROWNING
ELECTROCUTION
EMPHYSEMA
FRACTURED FEMUR
HEAD INJURY
HEART ATTACK
HEAT STROKE/EXHAUSTION
HIGH BLOOD PRESSURE
INSULIN SHOCK
LOW BLOOD PRESSURE
MOTOR VEHICLE ACCIDENTS
OVERDOSE
PERSON DOWN
PERSON ILL
PERSON NOT BREATHING
PHYSICAL ENTRAPMENT
SHOCK
STROKE
SUICIDE
TROUBLE BREATHING
UNCONSCIOUS PERSON
UNKNOWN NATURE
VOMITTING
WOMAN IN LABOR

PLUS ALL OTHER LIFE THREATENING INCIDENTS USING DISCRETION.

All other incidents considered a Basic Life Support Response.

Item No. 8 Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

BE IT RESOLVED that Oakwood Estates be and hereby is approved as a 16 lot subdivision in accordance with the attached letter of the Superintendent of Highways dated May 17, 1990.

* See next two (2) pages for letter

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

May 17, 1990

Honorable Supervisor Frank Swiatek
Honorable Town Board
Town of Cheektowaga, NY 14227

Honorable Councillors:

RE: APPROVAL OF PLANS-OAKWOOD ESTATES, 16 LOT SUBDIVISION

Mr. C. L. Bryan, Town Engineer, Mr. T. Skowron, Highway Engineer, Mr. R. Marten, Building Inspector and I have reviewed the plans for "Oakwood Estates" and find that the plans do conform to the current specifications of the Town of Cheektowaga, including:

A) A properly designed storm drainage system. Design data has been submitted and reviewed.

B) No new road construction will be needed along St. Felix Ave., Columbus Ave. and Milsom Ave. However, Patricia Lane will be extended 258'± to intersect with Columbus Ave. The extension of Patricia Lane will be constructed to meet current Town highway specifications.

C) Tree planting is a Town requirement.

D) Public Improvement Permit is required.

E) Lot grading and balancing must be acceptable to the Town Engineer and Building Inspector, as condition to approval of these plans.

F) The sublots in this subdivision will front on:

St. Felix Ave.: S.L. 1-6, 8-10, incl.
Columbus Ave.: S.L. 6, 8 & 16
Milsom Ave.: S.L. 12 & 13
Patricia Lane: S.L. 8, 9, 10, 11, 14, 15 & 16

G) Building permits will specify tree planting.

con't.

The 'plans' as currently submitted to the Town are acceptable and meet conditions for approval. I, therefore, recommend approval.

Very truly yours,

Christopher J. Kowal
Superintendent of Highways

cc: Law Dept.
Town Engineer
Town Clerk
Building Inspector

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

WHEREAS, it is cost effective to convert the three (3) 75 foot diameter sludge digesters located at the Plant #5 site into needed garage and storage facilities for the Sewer Maintenance, Main Pump Station and Engineering Department, and

WHEREAS, there is need to prepare plans and specifications in order to receive bids for construction, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated May 16, 1990 for the preparation of plans and specifications and provision of services during construction, be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the cost for said consulting services in the amount of $24,750 is to be charged to Capital Fund Account #05-8806-8135-0400 and that a transfer of that amount shall be made to this account from account #25-8135-0004-4547.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, various Property Owners listed below have commenced proceedings against the Assessor, the Board of Assessment Review and the Town of Cheektowaga pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the various tax years, and

WHEREAS, Special Counsel to the Town and the Assessor have conducted a complete and thorough study of the matter, and have conducted a complete and thorough study of the matter, and have engaged in considerable negotiations with the legal representatives of the Petitioner(s), and

WHEREAS, Special Counsel to the Town and the Assessor have advised this Town Board that tentative agreements have been reached for a fair and reasonable resolution of the aforementioned Article 7 proceedings, and

WHEREAS, the Town Assessor has recommended the attached Settlement agreements be approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the settlement as described in the attached settlement agreements be and hereby is approved, and BE IT FURTHER

RESOLVED that Special Counsel to the Town be and hereby is authorized to sign any and all legal documents necessary to effectuate such settlements.

S.B.L.	OWNER	ADDRESS
92.13-1-1.111	Bflo. Airport Bowling Center	3754 Genesee St.
102.03-2-8 102.14-1-1 102.14-1-2	Arthur Gellman Etal	1550-1554 Walden Ave.
113.16-5-2 113.16-5-7	Anthony Pantera	
91.16-2-57	Fors & Mund	4199 Union Road
90.84-4-4		440 Pine Ridge Rd.
113.12-1-37		2940 Union Road
92.17-14-1		619 Dick Road
91.12-3-10.2	Maryvale Associates	75 Linda Drive

Item No. 10 cont'd

S.B.L.	OWNER	ADDRESS
103.05-4-44		
113.01-1-28	ITT Standard	175 Standard Pkwy.

* See next page(s) for settlement agreements

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

RECEIVED
APR 12 1990
ASSESSOR'S OFFICE
CHEEKTOWAGA, N.Y.

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

BUFFALO AIRPORT BOWLING CENTER, INC.,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75978 (1986-87)
H-92460 (1987-88)
10677/88 (1988-89)
11942/89 (1989-90)

3754 Genesee Street
Cheektowaga, NY
S.B.L. No.: 92.13-1-1.111

The above-entitled proceedings involving tax assessment review for the premises at 3754 Genesee Street, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the

imposition of taxes assessed by the County of Erie and the Union Free School District No. 2 (Maryvale), it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 3754 Genesee Street, Cheektowga, New York, bearing S.B.L. No.: 92.13-1-1.111 for the year 1986-87 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 3754 Genesee Street, Cheektowaga, New York for the years 1987-88, 1988-89 and 1989-90 be reduced and adjusted from $1,448,500.00 to $1,350,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner excepting any refund for overpayment for the 1987-88 school tax, which the Petitioner has expressly waived.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

BUFFALO AIRPORT BOWLING CENTER, INC.,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75978 (1986-87)
H-92460 (1987-88)
10677/88 (1988-89)
11943/89 (1989-90)

3754 Genesee Street
Cheektowaga, NY
S.B.L. No.: 92.13-1-1.111

The above-referenced proceedings having been progressed for trial negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 2 (Maryvale) and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 2 (Maryvale), which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 3754 Genesee Street, Cheektowaga, New York, bearing S.B.L. No. 92.13-1-1.111 for the fiscal year 1986-87 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 3754 Genesee Street, Cheektowaga, New York for the fiscal years 1987-88, 1988-89 and 1989-90 be reduced and adjusted from $1,448,500.00 to $1,350,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated except the 1987-88 school tax, for which the Petitioner expressly waives any refund of overpayment of taxes, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $1,350,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

ARTHUR GELLMAN, ET AL.,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75983 (1986-87)
H-92458 (1987-88)
10678/88 (1988-89)
11944/89 (1989-90)

1550-1564 Walden Avenue
Cheektowaga, NY
S.B.L. Nos.: 102.03-2-8
102.14-1-1
102.14-1-2

The above-entitled proceedings involving tax assessment review for the premises at 1550-1564 Walden Avenue, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the

imposition of taxes assessed by the County of Erie and the Cheektowaga Central School District, it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 1550-1564 Walden Avenue, Cheektowga, New York, bearing S.B.L. Nos.: 102.03-2-8, 102.14-1-1 and 102.14-1-2 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 1550-1565 Walden Avenue, Cheektowaga, New York for the years 1988-89 and 1989-90 be reduced and adjusted from $1,973,500.00 to $1,847,500.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

ARTHUR GELLMAN, ET AL.,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75983
H-92458
10678/88
11944/89

1550-1564 Walden Ave.
Cheektowaga, NY
S.B.L. No. 102.03-2-8
102.14-1-1
102.14-1-2

The above-referenced proceedings having been progressed for trial after the intervention of the Cheektowaga Central School District as a party, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Cheektowaga Central School District and such reduction in assessment being, in all respect, binding on the County of Erie and the Cheektowaga Central School District, which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 1550-1564 Walden Avenue, Cheektowaga, New York, bearing S.B.L. Nos. 102.03-2-8, 102.14-1-1 and 102.14-1-2 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 1550-1564 Walden Avenue, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $1,973,500.00 to $1,847,500.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $1,847,500.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
March _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

FRANK P. McGARRY, ESQ.
Attorney for Cheektowaga
Central School District

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

ANTHONY PANTERA,

Petitioner

vs.

ORDER

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Index No.: H-75989 (1986-87)
H-92462 (1987-88)
10672/88 (1988-89)
11936/89 (1989-90)

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

3083 William Street
Cheektowaga, NY
S.B.L. No.: 113.16-5-7
113.16-5-2

The above-entitled proceedings involving tax assessment review for the premises at 3083 William Street, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the

imposition of taxes assessed by the County of Erie and the Union Free School District No. 9, it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 3083 William Street, Cheektowga, New York, bearing S.B.L. Nos.: 113.16-5-7 and 113.16-5-2 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 3083 William Street, Cheektowaga, New York for the years 1988-89 and 1989-90 be reduced and adjusted from $472,200.00 to $397,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 9 apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

ANTHONY PANTERA,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75989 (1986-87)
H-92462 (1987-88)
10672/88 (1988-89)
11936/89 (1989-90)

3083 William Street
Cheektowaga, NY
S.B.L. No.: 113.16-5-7
113.16-5-2

The above-referenced proceedings having been progressed for trial, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 9 and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 9, which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 3083 William Street, Cheektowaga, New York, bearing S.B.L. Nos. 113.16-5-7 and 113.16-5-2 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 3083 William Street, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $472,200.00 to $397,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 9 to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of June 1, 1990 and June 1, 1991 so long as the full value assessment of

the property does not exceed the amount of $397,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75981 (1986-87)
H-92467 (1987-88)
10674/88 (1988-89)
11940/89 (1989-90)

4199 Union Road
Cheektowaga, NY
S.B.L. No.: 91.16-2-57

The above-entitled proceedings involving tax assessment review for the premises at 4199 Union Road, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the imposition of taxes

assessed by the County of Erie and the Union Free School District No. 2 (Maryvale), it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 4199 Union Road, Cheektowga, New York, bearing S.B.L. No.: 91.16-2-57 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 4199 Union Road, Cheektowaga, New York for the year 1988-89 and 1989-90 be reduced and adjusted from $449,000.00 to $350,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75981 (1986-87)
H-92467 (1987-88)
10674/88 (1988-89)
11940/89 (1989-90)

4199 Union Road
Cheektowaga, NY
S.B.L. No.: 91.16-2-57

The above-referenced proceedings having been progressed for trial, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 2 (Maryvale) and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 2 (Maryvale), which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 4199 Union Road, Cheektowaga, New York, bearing S.B.L. No. 91.16-2-57 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 4199 Union Road, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $449,000.00 to $350,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $350,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75982 (1986-87)
H-92464 (1987-88)
10670/88 (1988-89)
11939/89 (1989-90)

440 Pine Ridge Road
Cheektowaga, NY
S.B.L. No.: 90.84-4-4

The above-entitled proceedings involving tax assessment review for the premises at 440 Pine Ridge Road, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the

imposition of taxes assessed by the County of Erie and the Cheektowaga Central School District, it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 440 Pine Ridge Road, Cheektowga, New York, bearing S.B.L. No.: 90.84-4-4 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 440 Pine Ridge Road, Cheektowaga, New York for the year 1988-89 and 1989-90 be reduced and adjusted from $402,600.00 to $357,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, with interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75982 (1986-87)
H-92464 (1987-88)
10670/88 (1988-89)
11939/89 (1989-90)

440 Pine Ridge Road
Cheektowaga, NY
S.B.L. No.: 90.84-4-4

The above-referenced proceedings having been progressed for trial after the intervention of the Cheektowaga Central School District as a party, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Cheektowaga Central School District and such reduction in assessment being, in all respect, binding on the County of Erie and the Cheektowaga Central School District, which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 440 Pine Ridge Road, Cheektowaga, New York, bearing S.B.L. No. 90.84-4-4 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 440 Pine Ridge Road, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $402,600.00 to $357,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District to compute and pay the appropriate refunds, if any, of overpayment of taxes with interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $357,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

FRANK P. McGARRY, ESQ.
Attorney for Cheektowaga
Central School District

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

ORDER

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Index No.: H-75980 (1986-87)
H-92465 (1987-88)
10669/88 (1988-89)
11941/89 (1989-90)

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

2940 Union Road
Cheektowaga, NY
S.B.L. No.: 113.12-1-37

The above-entitled proceedings involving tax assessment review for the premises at 2940 Union Road, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the imposition of taxes

assessed by the County of Erie and the Cheektowaga Central School District, it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 2940 Union Road, Cheektowga, New York, bearing S.B.L. No.: 113.12-1-37 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 2940 Union Road, Cheektowaga, New York for the year 1988-89 and 1989-90 be reduced and adjusted from $425,200.00 to $360,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75980 (1986-87)
H-92465 (1987-88)
10669/88 (1988-89)
11941/89 (1989-90)

2940 Union Road
Cheektowaga, NY
S.B.L. No.: 113.12-1-37

The above-referenced proceedings having been progressed for trial after the intervention of the Cheektowaga Central School District as a party, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Cheektowaga Central School District and such reduction in assessment being, in all respect, binding on the County of Erie and the Cheektowaga Central School District, which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 2940 Union Road, Cheektowaga, New York, bearing S.B.L. No. 113.12-1-37 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 2940 Union Road, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $425,200.00 to $360,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Cheektowaga Central School District to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $360,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

FRANK P. McGARRY, ESQ.
Attorney for Cheektowaga
Central School District

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75979 (1986-87)
H-92466 (1987-88)
10671/88 (1988-89)
11938/89 (1989-90)

619 Dick Road
Cheektowaga, NY
S.B.L. No.: 92.17-14-1

The above-entitled proceedings involving tax assessment review for the premises at 619 Dick Road, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the imposition of taxes

assessed by the County of Erie and the Union Free School District No. 2 (Maryvale), it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 619 Dick Road, Cheektowga, New York, bearing S.B.L. No.: 92.17-14-1 for the years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 619 Dick Road, Cheektowaga, New York for the year 1988-89 and 1989-90 be reduced and adjusted from $433,000.00 to $355,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD D. FORS, JR. & CHARLES J. MUND,

Petitioners

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75979 (1986-87)
H-92466 (1987-88)
10671/88 (1988-89)
11938/89 (1989-90)

619 Dick Road
Cheektowaga, NY
S.B.L. No.: 92.17-14-1

The above-referenced proceedings having been progressed for trial, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 2 (Maryvale) and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 2 (Maryvale), which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 619 Dick Road, Cheektowaga, New York, bearing S.B.L. No. 92.17-14-1 for the fiscal years 1986-87 and 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 619 Dick Road, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $433,000.00 to $355,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $355,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

MARYVALE ASSOCIATES, A LIMITED PARTNERHSIP,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-75988 (1986-87)
H-92457 (1987-88)
10676/88 (1988-89)
11935/89 (1989-90)

75 Linda Drive
Cheektowaga, NY
S.B.L. No.: 91.12-3-10.2

The above-entitled proceedings involving tax assessment review for the premises at 75 Linda Drive, Cheektowaga, New York, for the assessment years 1986-87, 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the imposition of taxes

assessed by the County of Erie and the Union Free School District No. 2 (Maryvale), it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 75 Linda Drive, Cheektowga, New York, bearing S.B.L. No.: 91.12-3-10.2 for the years 1986-87, 1987-88 and 1988-89 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 75 Linda Drive, Cheektowaga, New York for the year 1989-90 be reduced and adjusted from $2,672,200.00 to $2,600,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, with interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

MARYVALE ASSOCIATES, A LIMITED PARTNERSHIP,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1986-87, 1987-88, 1988-89, & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-75988 (1986-87)
H-92457 (1987-88)
10676/88 (1988-89)
11935/89 (1989-90)

75 Linda Drive
Cheektowaga, NY
S.B.L. No.: 91.12-3-10.2

The above-referenced proceedings having been progressed for trial, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 2 (Maryvale) and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 2 (Maryvale), which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 75 Linda Drive, Cheektowaga, New York, bearing S.B.L. No. 91.12-3-10.2 for the fiscal years 1986-87, 1987-88 and 1988-89 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 75 Linda Drive, Cheektowaga, New York for the fiscal years 1989-90 be reduced and adjusted from $2,672,200.00 to $2,600,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) to compute and pay the appropriate refunds, if any, of overpayment of taxes with interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $2,600,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

At a Special Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, at the City of Buffalo, on the _____ day of _____, 1990.

PRESENT: _____, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD J. ROSCHE,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID CITY OF CHEEKTOWAGA, NEW YORK

ORDER

Index No.: H-92461 (1987-88)
10668/88 (1988-89)
11937/89 (1989-90)

530 Dick Road
Cheektowaga, NY
S.B.L. No.: 103.05-4-44

The above-entitled proceedings involving tax assessment review for the premises at 530 Dick Road, Cheektowaga, New York, for the assessment years 1987-88, 1988-89 and 1989-90 having been settled and compromised by the Town Board of the Town of Cheektowaga, New York, and it further appearing that assessment of premises in the Town of Cheektowaga provide for the basis for the imposition of taxes

assessed by the County of Erie and the Union Free School District No. 2 (Maryvale), it is hereby

ORDERED, that the above-entitled action on tax review proceedings for the premises at 530 Dick Road, Cheektowga, New York, bearing S.B.L. No.: 103.05-4-44 for the year 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, that the above-entitled action on tax review proceedings for the premises at 530 Dick Road, Cheektowaga, New York for the years 1988-89 and 1989-90 be reduced and adjusted from $175,300.00 to $155,000.00, and it is further

ORDERED, that the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) apply such adjusted assessment and determine any overpayment of taxes, and, in the event of such overpayment, refund the overpayment, without interest, to the Petitioner.

ENTER:

_____

J.S.C.

GRANTED:

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

RICHARD J. ROSCHE,

Petitioner

vs.

CASIMIR A. KOZMINSKI, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK,

Respondents

FOR REVIEW OF THE 1987-88, 1988-89 & 1989-90 TAX ASSESSMENT OF CERTAIN OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF CHEEKTOWAGA, NEW YORK

STIPULATION AND AGREEMENT

Index Nos.: H-92461 (1987-88)
10668/88 (1988-89)
11937/88 (1989-90)

530 Dick Road
Cheektowaga, NY
S.B.L. No.: 103.05-4-44

The above-referenced proceedings having been progressed for trial, negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney of Cheektowaga, the Assessor of the Town of Cheektowaga and the Union Free School District No. 2 (Maryvale) and such reduction in assessment being, in all respect, binding on the County of Erie and the Union Free School District No. 2 (Maryvale), which relies upon the assessment rolls of the Town of Cheektowaga for the imposition of County and school taxes, it is

STIPULATED AND AGREED by and between the attorneys for the respective parties that said proceedings be, and they are hereby settled, and it is further

STIPULATED AND AGREED by and between the attorneys for the respective parties that the real property assessment proceedings for the premises at 530 Dick Road, Cheektowaga, New York, bearing S.B.L. No. 103.05-4-44 for the fiscal year 1987-88 be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

STIPULATED AND AGREED that the real property assessment for the premises at 530 Dick Road, Cheektowaga, New York for the fiscal years 1988-89 and 1989-90 be reduced and adjusted from $175,300.00 to $155,000.00, and it is further

STIPULATED AND AGREED that an Order may be entered directing the Finance Commissioner of the County of Erie and the Treasurer of the Union Free School District No. 2 (Maryvale) to compute and pay the appropriate refunds, if any, of overpayment of taxes without interest to Petitioner for the periods indicated, and it is further

STIPULATED AND AGREED and covenanted that the said Petitioner, its distributees, successors and assigns shall not protest any assessment nor commence any proceedings to review any assessment with regard to the real property described herein with respect to the assessment completed for the taxable status dates of

June 1, 1990 and June 1, 1991 so long as the full value assessment of the property does not exceed the amount of $155,000.00, and it is further

STIPULATED AND AGREED that, in the event that a substantial portion of the improvements on the subject property shall be destroyed, demolished or removed or substantial additions and improvements made to subject property, this covenant shall not be binding and it shall become null and void, and it is further

STIPULATED AND AGREED and covenanted that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms hereof, and it is further

STIPULATED AND AGREED by all parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this Agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any

other proceeding by the parties or third parties as competent evidence of any fact.

DATED: Buffalo, New York
April _____, 1990

PETITIONER

MICHAEL G. WOLFGANG, ESQ.
Attorney for Petitioner

JOSEPH G. SACCO, ESQ.
Attorney for Respondent
Assessor and Board of
Assessment Review

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by AMERICAN STANDARD, INC.,

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

ORDER

Tax Year 1985
Index #H61682

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Tax Year 1986
Index #H75005

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1987
Index #H90641

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1988
Index #08640/88

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1989
Index #9000/89

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

The Petitioners having heretofore duly commenced proceedings under Article 7 of the Real Property Tax Law to review the assessment placed upon a certain parcel of real property known as 175 Standard Parkway, Cheektowaga, New York, and described on the assessment rolls of the Respondents as Tax Account No. 113.01-1-28, said property being situated in the Town of Cheektowaga, County of Erie, State of New York, for review of the assessments on the said parcel of real property as of tax status date, 1985 (Index No. H61682), tax status date, 1986 (Index No. H75005), tax status date, 1987 (Index No. H90641), tax status date, 1988 (Index No. 08640/88), and tax status date, 1989 (Index No. 9000/89); and it now being proposed that the subject proceedings be resolved upon

the terms and conditions set forth in the annexed Stipulation of the parties; and it appearing that the proposed Stipulation is in the best interests of the parties, and upon reading and filing the same Stipulation and the Affidavit of Casimir Kozminski, Assessor of the Town of Cheektowaga, pursuant to the laws of the State of New York.

NOW, on the joint motion of Davidson, Fink, Cook and Gates, Douglas S. Gates, Esq., of counsel, attorneys for the Petitioners herein, and Joseph Galvin Sacco, Esq., attorney for the Town of Cheektowaga, New York, it is

ORDERED, that the proposed Stipulation of the parties be, and the same hereby is, determined to be reasonable, just and in the best interests of the Town of Cheektowaga, and the same be and is approved; and it is further

ORDERED, that the parties shall and are hereby directed to comply with the terms and conditions of the said Stipulation; and it is further

ORDERED, that stipulations of discontinuance shall be executed by the parties of the Article 7 proceedings for 1985, 1986, 1987, 1988 and 1989 and these shall be held in escrow pending compliance by the parties with the terms of the attached stipulation as to future assessments, as set forth in the Stipulation of the parties, at which time the stipulations of discontinuance shall be entered in the Office of the Clerk of the County of Erie, New York. Otherwise such stipulations shall be void.

ORDERED, that the within Order, together with the moving affidavit of Casimir Kozminski and Stipulation be entered in the Erie County Clerk's Office and a true copy thereof with notice of entry thereon be filed among the permanent records of the Assessor of the Town of Cheektowaga.

Dated: _____, 1990

_____
Justice of the Supreme Court

E N T E R :

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by AMERICAN STANDARD, INC.,

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STIPULATION

Tax Year 1985
Index #H61682

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Tax Year 1986
Index #H75005

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1987
Index #H90641

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1988
Index #08640/88

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1989
Index #9000/89

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

THIS STIPULATION made this _____ day of _____, 1990, between AMERICAN STANDARD, INC. AND ITI CORPORATION, referred to herein as "Taxpayers", whose subject property is located at 175 Standard Parkway, Cheektowaga New York, and the above named assessing officials of the Town of Cheektowaga, a Municipal Corporation.

WHEREAS, taxpayer, American Standard, Inc. was in 1985 and ITT Corporation is and was in 1986, 1987, 1988 and 1989 the owners of a certain parcel of real property situated in the Town of Cheektowaga, located at 175 Standard Parkway, and described on the assessment rolls of the said Town as Tax Account No. 113.01-1-28; and

WHEREAS, proceedings have been duly commenced pursuant to Article 7 of the New York State Real Property Tax Law for review of the assessment on said parcel of real property as of tax status dates, June 1, 1985, June 1, 1986, June 1, 1987, June 1, 1988 and June 1, 1989; and

WHEREAS, the parties hereto have agreed on a total assessment on Tax Account No. 113.01-1-28 for 1990 of Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00) and that this level of assessment shall govern all ad valorem taxes levied on the 1990 assessment for this Tax Account Number; and

WHEREAS, it was an express condition of the aforesaid agreement that this instrument be made and executed.

NOW, THEREFORE, IT IS AGREED by taxpayer that it will not commence any proceeding for review of the assessment of said property as of tax status dates, June 1, 1990, June 1, 1991, June 1, 1992, and June 1, 1993 so long as the total assessment on Tax Account No. 113.01-1-28 in June 1, 1990, June 1, 1991, June 1, 1992 and June 1, 1993 does not exceed Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00); and

IT IS FURTHER AGREED by taxpayer, that in consideration of the aforesaid agreement, taxpayer will prepare,

and the parties will execute, Stipulations of Discontinuance of their pending proceedings for review of assessment for the years 1985, 1986, 1987, 1988 and 1989; that such Stipulations of Discontinuance shall be held in escrow by JOSEPH GALVIN SACCO, ESQ. pending future assessments as follows: in the event that the final total assessment on the subject property as of tax status date June 1, 1990 does not exceed Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00), the pending proceedings for review of the 1985 and 1986 assessments shall be discontinued with prejudice; in the event that the final total assessment on the subject property as of tax status date June 1, 1991 does not exceed Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00), the pending proceedings for review of the 1987 assessment shall be discontinued with prejudice; in the event that the final total assessment on the subject property as of tax status date, June 1, 1992 does not exceed Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00), the pending proceedings for review of the 1988 assessment shall be discontinued with prejudice; and in the event that the final total assessment on the subject property as of tax status date, June 1, 1993 does not exceed Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00), the

pending proceedings for review of the 1989 assessment shall be discontinued with prejudice. Otherwise such Stipulations of Discontinuance shall be void.

IT IS UNDERSTOOD that no proceeding covered by this Stipulation and Order shall at any time be discontinued by operation of Section 718 of the Real Property Tax Law or otherwise than by stipulation of the parties.

IT IS UNDERSTOOD that taxpayers in making the above covenants not to seek judicial review of the 1990, 1991, 1992 and 1993 assessments and in promising conditionally to discontinue their pending proceedings, do so in consideration of the assessment of Tax Account No. 113.01-1-28 as of tax status date, 1990 at Two Million Eight Hundred Seventy-two Thousand Dollars ($2,872,000.00); and that such covenants and conditional promises are contingent upon the level of future assessment as a condition precedent; but the Town of Cheektowaga does not hereby make or intend to imply any promise with respect to the level of future assessment to be set by its assessing officials. In the event that the June 1, 1990, June 1, 1991, June 1, 1992 or June 1, 1993 assessments are higher in any such year than the amount set forth in this Stipulation, the taxpayer will be free to seek judicial review of the assessment for that year as well as in any Article 7 proceeding remaining pending.

IT IS ALSO UNDERSTOOD AND AGREED that references herein to future assessments refer to the same real property and same improvements as those existing as of tax status date, 1989.

IT IS ALSO UNDERSTOOD AND AGREED by the parties that this Stipulation is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties individually deem material. In no event shall this Stipulation be offered or admitted in evidence in any other action or proceeding by the parties or third parties as competent evidence of any fact except in any proceeding to interpret or enforce this Stipulation. This Stipulation constitutes the entire understanding among the parties.

IT IS ALSO UNDERSTOOD AND AGREED that notwithstanding anything provided herein to the contrary, if any assessable additions, alterations or improvements are made after the date of this agreement, or if a substantial portion of the improvements on the subject premises shall be destroyed, demolished or removed, this Stipulation shall not be binding and the parties agree to re-negotiate the terms of this Stipulation and the assessment may then be adjusted accordingly; and

IT IS ALSO UNDERSTOOD AND AGREED that said taxpayers, in any instrument or agreement transferring any part or all of the subject property or any interest therein, shall covenant with any grantee, transferee and mortgagee and/or their respective distributees, successors and assigns that they shall be bound by the terms of this Stipulation, and that such Stipulation shall be deemed to run with the land for the tax periods embraced by the terms hereof.

Nothing in this Stipulation shall prevent the Taxpayer from appearing in any year before the Board of Assessment Review of the Town of Cheektowaga or filing a complaint on real property assessment with such Board.

The parties have authorized their attorneys to execute this Stipulation on their behalf and hereby authorize their attorneys to seek an Order effecting and approving the terms of this Stipulation.

IN WITNESS WHEREOF, the parties, by their attorneys, have executed this Stipulation on the day and year first above written.

JOSEPH GALVIN SACCO
Attorney for the Town of Cheektowaga

DAVIDSON, FINK, COOK AND GATES

By Douglas S. Gates 3-28-90
Douglas S. Gates

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by AMERICAN STANDARD, INC.,

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

AFFIDAVIT

Tax Year 1985
Index #H61682

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Tax Year 1986
Index #H75005

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1987
Index #H90641

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1988
Index #08640/88

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by ITT CORPORATION

Petitioners

vs.

Tax Year 1989
Index #9000/89

CASIMIR KOZMINSKI, as the Assessor of the Town of Cheektowaga, New York, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

CASIMIR KOZMINSKI, being duly sworn, deposes and says:

1. That he is the Assessor of the Town of Cheektowaga, Erie County, New York, and a Respondent in the within proceedings.

2. That the within proceedings were duly commenced by Petitioners to obtain judicial review under Article 7 of the Real Property Tax Law of the assessment of a certain parcel of real property in the Town of Cheektowaga.

3. Attached hereto and made a part hereof is the Stipulation of the parties, which sets forth in detail the applicable status dates, parcels of real property which are

the subject of the proceedings and the terms and conditions of the Stipulation of the parties.

4. Your deponent has consulted with the counsel for the Town of Cheektowaga, and is of the opinion that the within Stipulation is in the best interest of the Town of Cheektowaga.

5. Accordingly, your deponent respectfully requests an order approving the Stipulation in the said proceedings.

_____
CASIMIR KOZMINSKI

Sworn to before me this

_____ day of _____, 1990.

_____
Notary Public

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

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time employees in the Sanitation Department:

	EFFECTIVE
Robert Mager	5/9/90
John Galenski	5/9/90
Paul Radomski	5/16/90
John Bobeck	5/16/90

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

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

	EFFECTIVE
POLICE DEPARTMENT	
Pamela Kazmierczak	5/15/90

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Blachowski, Seconded by Councilman Kulyk

WHEREAS, the Town Board of the Town of Cheektowaga has previously created a corporation known as the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development within the Town, and

WHEREAS, by resolution dated February 7, 1983, this Town Board approved the proposed By-Laws of the Cheektowaga Economic Development Corporation, and

WHEREAS, the aforesaid By-Laws provide that the directors of the Cheektowaga Economic Development Corporation shall be appointed by resolution of the Town Board of the Town of Cheektowaga, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation has recommended the appointment of the individuals listed below to the Board of Directors of said Corporation, and

WHEREAS, this Town Board is in agreement with the recommendations of the Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED that the following individual is hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation for a term of three years, said term effective immediately and until the subsequent reappointment for said Board positions on or about April 1, 1993:

William Kuropatwinski

Item No. 12a cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12b Appointment of General Mechanic in Facilities Department
This item was withdrawn.

* *

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN KULYK to dispense with the reading if the names in Items 13a through 13d.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

Item No. 13a Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1990 Summer Program, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year:

Parks Division - #07-7110-0001-1623 - Pool Mechanic - $5.00 per hour

Walden Gardon

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1990 summer programs.

GYMNASTICS SUPERVISOR - $7.00 per hour - A7140.1615

Colleen Tonsoline

ASSISTANT GYMNASTICS SUPERVISOR - $5.00 per hour - A7140.1615

Jenny Krier

GYMNASTICS LEADERS - $4.50 per hour - A7140.1615

Mark Monaco
Susan Mulcahy

GYMNASTICS INSTRUCTORS - $4.00 per hour - A7140.1615

Sharon Baker
Maria Di Giacomo
Julie Hubert

Item No. 13b cont'd

EXERCISE INSTRUCTORS - $5.25 per hour - A7140.1612

Laila Desjardins
Beverly Nowicki

RECREATION LEADERS - $4.00 per hour - A7140.1614

Donna Bartochowski
Mary Lou Czajka
Mary Sue Lesniak
Jeffrey Schneider

ASSISTANT SOFTBALL COORDINATOR - $5.00 per hour - A7140.1613

Richard Andrzejewski

RECREATION SUPERVISORS - SOCCER - $5.25 per hour - A7140.1611

Paul Dennis
Maurice Desjardins
Matthew Haberl

SOCCER INSTRUCTORS - $4.00 per hour - A7140.1611

Jonathan Kurdys
Keith Bova
Heather Chapp
Ben Dennis
Paul Lutz
Joseph Pace
Anthony Pierino
Roy Schneiderman
Colleen Witucki

THEATER PROGRAM SUPERVISOR - $6.00 per hour - A7140.1613

Thomas Kazmierczak III

THEATER PROGRAM RECREATION LEADERS - $4.00 per hour - A7140.1613

Philip Dettelis
Norman Zogaib

THEATER PROGRAM RECREATION ATTENDANTS - $3.50 per hour - A7140.1614

Joanne Haas
Derek Higgins
Adam Sterlace

and BE IT FURTHER

RESOLVED that the above employees be terminated effective September 17, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13c Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the below listed individuals be hired as Crew Supervisors for the Cheektowaga Conservation Corps (01-7310-0001-1811), at a salary rate of $7.00 per hour, effective May 22, 1990, to help with the preliminary work before the start up of the summer program:

Item No. 13c cont'd

Richard Musielak, Jr.

Depew, New York 14043

James Hornung

Cheektowaga, New York 14225

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13d Motion by Councilman Rogowski, Seconded by Councilman Kulyk

BE IT RESOLVED that the following persons be hired as seasonal employees in the listed departments, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year:

	EFFECTIVE
SEWER MAINTENANCE DEPARTMENT - $4.65 per hour	
Shawn Surdej	Immediately
Shannon Dunn	"
Steven Golovin	"
Lou Mueller	"
John Skonecki	"
Dennis Mrugalski	"
Thomas Nowak	"
Alex Nesteruk	"
FACILITIES DEPARTMENT - $4.65 per hour/Line Item 01-7110-0001-1491	
Christopher Golas	Immediately
David Kosmider	"
Ronald Sobocinski	"
SANITATION DEPARTMENT - $5.00 per hour	
Lawrence Dougherty	Immediately
Michael J. Ryan	"
Edward Schaefer	"
James Dick	"
Kevin Trietly	"

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, Western New York Business Services has been providing data processing expertise in the installation and the implementation of the Town-Wide Data Processing System, and

WHEREAS, there exists a need to continue to coordinate the development of the system in regards to system performance, operation, installation and training, and

Item No. 14 cont'd

WHEREAS, Western New York Business Services provide the town with valuable recommendations and services and is thoroughly familiar with the town system, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga retain Western New York Business Services for a four month period at a cost of $8,200. to be charged to account #5908-1910-1204.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Kulyk, Seconded by Councilman Rogowski

BE IT RESOLVED that the rate of pay for Dorothy Glowacki, part-time clerical employee in the Assessor's Office, be adjusted from $4.35 per hour to $5.00 per hour, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the F.B.I. National Academy will be holding its annual re-training seminar on July 9th - 11th, 1990 in Buffalo, New York, and

WHEREAS, the Chief of Police has requested permission for himself and the Assistant Chief of Police to attend this seminar, NOW, THEREFORE, BE IT

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

RESOLVED that the Town shall pay the registration fees for such Town officers in the amount of $320.00 out of budget line item number 01-1910-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Cheektowaga Police Department has received the following donations from the following individuals, asociations, etc.:

100 Club of Buffalo	$100.00
Jewell A. Brown	$ 25.00

and

WHEREAS, it has been suggested that such donations be deposited into a Trust & Agency Account to be used to purchase equipment for the Police Department, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the above noted donations and directs that such moneys be deposited into a Trust & Agency account established by the Town's Chief Accountant for the purchase of equipment for the Police Department.

Item No. 17 cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Authorize deposit of moneys from Police Bike Auction
This item was withdrawn.

Item No. 19 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

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

GENERAL FUND

FROM:	7310-4683	(Youth-Publications-Printing)	$ 625.00
	7310-4201	(Youth-Telephone)	450.00
	1910-4711	(Contingency)	42,600.00
	1010-1353	(Council-Staff Asst.-Johnson)	1,500.00
	1010-1354	(Council-Staff Asst.-Kaz)	1,500.00
	1440-1401	(Engineering-Engineering Aide)	30,000.00
TO:	7310-4001	(Youth-Office Supplies)	$ 625.00
	7310-4061	(Youth-Publications-Members)	450.00
	9950-8000	(Transfer to Capital-Down Pmt. Bonds)	42,600.00
	1010-1347	(Council-Staff Asst.-Blachowski)	1,500.00
	1010-1358	(Council-Staff Asst.-Rogowski)	1,500.00
	1440-1405	(Engineering-Engineering Asst.)	30,000.00

HIGHWAY FUND

FROM:	9010-8141	(Employee's Medical Insurance)	$ 3,900.00
TO:	9950-8000	(Transfer to Capital-Down Pmt. Bonds)	$ 3,900.00

SPECIAL DISTRICT FUND

FROM:	8173-4711	(Recycling-Contingency)	$ 10,000.00
	8173-4711	(Recycling-Contingency)	10,000.00
TO:	8173-4194	(Recycling-Advertising)	$ 10,000.00
	8173-4432	(Recycling-Remodeling)	10,000.00

CAPITAL FUND

FROM:	5002-5031	(Castlewood/Buell-Transfer In)	$ 3,900.00
	5003-5031	(Library Parking-Transfer In)	9,000.00
	5006-5031	(Stiglmeier Traffic Sign.-Transfer In)	3,500.00
	5007-5031	(Various Drainage-Transfer In)	7,400.00
	5008-5031	(Sr. Cit. Air Cond.-Transfer In)	5,500.00
	5009-5031	(Park Improvements-Transfer In)	4,200.00
	5011-5031	(Alexander Drives-Transfer In)	2,000.00
	5012-5031	(Alexander Reconstruction-Transfer In)	11,000.00
	5002-5710	(Castlewood/Buell-Serial Bonds	74,100.00
	5003-5710	(Library Parking-Serial Bonds	171,000.00
	5004-5710	(Stiglmeier Pool Plans-Serial Bonds)	40,000.00
	5005-5710	(Tree Replacement Prog.-Serial Bonds	150,000.00
	5006-5710	(Stiglmeier Traffic Sign.-Serial Bonds)	66,000.00
	5007-5710	(Various Drainage-Serial Bonds)	140,600.00
	5008-5710	(Sr. Cit. Air Cond.-Serial Bonds)	104,500.00
	5009-5710	(Park Improvements-Serial Bonds)	79,800.00
	5010.5710	(Equip. & Furniture-Serial Bonds)	102,000.00
	5011.5710	(Alexander Drives-Serial Bonds)	38,000.00
	5012.5710	(Alexander Reconstruct.-Serial Bonds)	209,000.00
	5802-3120-0100	(Dispatch Rm.-Preliminary Exp.)	1,102.00

Item No. 19 cont'd

TO:	5002-5110-1100	(Castlewood/Buell Improvements)	$ 78,000.00
	5003-7410-1100	(Reinstein Library Parking Lot)	180,000.00
	5004-7110-0200	(Stiglmeier Pool-Plans & Specs)	40,000.00
	5005-8560-0700	(Tree Replacement Program)	150,000.00
	5006-3310-1100	(Stiglmeier Park-Traffic Sign.)	69,500.00
	5007-8540-1100	(Various Drainage Improvements)	148,000.00
	5008-1625-1100	(Sr. Citizen Air Conditioning)	110,000.00
	5009-7110-1100	(Park Improvements)	84,000.00
	5010-1910-1200	(Equipment & Furniture)	102,000.00
	5011-1625-1100	(Alexander Drives)	40,000.00
	5012-1625-1100	(Alexander Reconstruction)	220,000.00
	5802-3120-0220	(Dispatch Rm.-Remodeling)	1,102.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to May 21, 1990 are hereby approved and made a part hereof:

GENERAL FUND	$128,696.67
HIGHWAY FUND	19,898.94
TRUST & AGENCY FUND	5,178.50
PART TOWN FUND	947.53
RISK RETENTION FUND	5,583.34
SPECIAL DISTRICT FUND	40,096.29
CAPITAL FUND	374,881.44
HUD-CDBG FUND	4,160.52
HUD-REHAB. FUND	700.00
	$580,143.23

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 21 Supervisor's Statement of Funds
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22 Letter from Legislator Dusza regarding proposed rehabilitation of George Urban Bridge over N.Y.S. Thruway
Received and Filed.

Item No. 23a Summons & Complaint - David Ziolkowski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; S.I.S. Services, Insurance Carrier; Joseph J. Naples, Insurance Carrier., Zambelli International
Received and Filed.

Item No. 23b Summons & Complaint - Dell J. Jones vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Bruce Chamberlin, Chief of Police; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 23c Summons & Complaint - Wm. Taylor, As Admn. of Estate of Evelyn Taylor vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Mike Miecznikowski, Recreation Director; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 24a Notice of Claim - Arthur & Judith Foster vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Superintendent; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 24b Notice of Claim - Elsie Smith vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Bruce Chamberlin, Chief of Police; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 24c Notice of Claim - Pauline Kaminski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Pat Wojcik, Director of Senior Services; S.I.S. Services, Insurance Carrier.
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz to suspend the rules to include the following item.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town operates a housing rehabilitation program for eligible Town homeowners to make necessary repairs to their homes, and

WHEREAS, the Town has previously established loan limits of $10,000 for deferred loans and $12,000 for payback loans, and

WHEREAS, the Community Development Director has requested the Town Board to consider authorizing a loan to the owner of the property listed below in an amount not to exceed $18,500, due to the extent of the work required to bring the property into compliance with the Town's codes, NOW, THEREFORE, BE IT

RESOLVED that the Town Board authorizes a housing rehabilitation loan in the amount of not to exceed $18,500 to the owner of 262 Lou Ann Drive, Depew, New York, and authorizes the Supervisor to execute the loan documents and any other necessary documents with said property owner.

Item No. 25 cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 12
June 4, 1990

Item No. 1 At a meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of June, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; John Schaller, Assistant Chief of Police;

I. RESOLUTIONS

Item No. 2 Motion by Councilman Blachowski Seconded by Councilman Gabryszak

BE IT RESOLVED, that the Town Board resolution pertaining to the designation of Town Board Work Session dates for 1990 be and hereby is amended to provide for Work Session dates for June (after June 4th), July and August to be on the first and third Mondays of such months at 5:30 p.m. in the Council Office, Town Hall, Cheektowaga, New York, and BE IT FURTHER

RESOLVED that the Town Clerk shall notify the news media of the amended Work Session dates.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 3a Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, Article 12-F of the General Municipal Law of the State of New York provides that a town may create a Conservation Advisory Council to advise the town in the development, management and protection of the local environment, and

WHEREAS, with the increasing growth and development of the Town of Cheektowaga, this Town Board is interested in creating a Cheektowaga Conservation Advisory Council, NOW, THEREFORE, BE IT

RESOLVED that a public hearing on a proposed local law to create the Cheektowaga Conservation Advisory Council shall be held on the 18th day of June, 1990 at 7:30 P.M. in the Council Chambers at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place the Cheektowaga Town Board may adopt such local law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES.

Item No. 3a continued

* * * * * * * * * * * * * * * * * * * *

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 18th day of June, 1990 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 adopt "A Local Law to create the Cheektowaga Conservation Advisory Council". A brief description of such Local Law is as follows:

Town of Cheektowaga

A Local Law to Create the

Cheektowaga Conservation Advisory Council

A local law to create a Conservation Advisory Council in the Town of Cheektowaga to assist the Cheektowaga Town Board in the development, management and protection of the local environment.

A copy of the complete text of such Local Law shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

DATED: June 4, 1990

PUBLISHED: June 7, 1990

RICHARD M. MOLESKI
Town Clerk

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Scott Benson....., 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 newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks; first publication JUN 07 1990 ; last publication JUN 07 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 18th day of June, 1990 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 adopt "A Local Law to create the Cheektowaga Conservation Advisory Council". A brief description of such Local Law is as follows:

Town of Cheektowaga
A Local Law to Create the Cheektowaga Conservation Advisory Council

A local law to create a Conservation Advisory Council in the Town of Cheektowaga to assist the Cheektowaga Town Board in the development, management and protection of the local environment.

A copy of the complete text of such Local Law 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.

Date: June 4, 1990
RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 7, 1990

Item No. 3b Motion by Councilman Rogowski Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga has previously adopted a Parks Ordinance (Chapter 48 of the Code of the Town of Cheektowaga) with amendments thereto and Rules and Regulations governing Cheektowaga Town Parks which apply to all public parks and public park approaches owned by the Town of Cheektowaga, and

WHEREAS, said Park Ordinance and Rules and Regulations give ample authority and control by the Town for the use of said parks and their facilities and to control the movement and activities of persons using the same, and

WHEREAS, the Parks and Recreation Committee of the Town of Cheektowaga has recommended that certain provisions of the Park Ordinance be amended;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of Section 130 of the Town Law of the State of New York, a public hearing be held on the 18th day of June, 1990 at 7:30 o'clock p.m. at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Park Ordinance" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing, and

BE IT FURTHER RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga not less than ten (10) days prior to the date of the hearing.

* * * * * * * * * * * * * * * * * * * *

NOTICE OF HEARING

ON PROPOSAL TO AMEND PARKS ORDINANCE

(CHAPTER 48 OF THE CODE OF THE TOWN OF CHEEKTOWAGA)

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 4th day of June, 1990, and in accordance with the provisions of Section 130 of the Town Law of the State of New York, a Public Hearing will be held on the 18th day of June, 1990 at 7:30 o'clock P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Parks Ordinance" of the Town of Cheektowaga, New York shall be amended and changed as follows:'

RESOLVED that a new Section 48-10.1, which relates to the prohibition of radio-controlled aircraft in Town parks, shall be added and shall read as follows:

§48-1-.1 Radio-controlled aircraft prohibited.

No person shall operate any radio-controlled airplane, glider, helicopter or other such device within any park or park approach or the air space above such park or park approach.

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

DATED: June 4, 1990

RICHARD M. MOLESKI
Town Clerk

* * * * * * * * * * * * * * * * * * * *

Item No. 3b continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Scott Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks; first publication JUN 07 1990 ; last publication JUN 07 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE OF HEARING ON PROPOSAL TO AMEND PARKS ORDINANCE
(CHAPTER 48 OF THE CODE OF THE TOWN OF CHEEKTOWAGA)

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 4th day of June, 1990, and in accordance with the provisions of Section 130 of the Town Law of the State of New York, a Public Hearing will be held on the 18th day of June, 1990 at 7:30 o'clock P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Parks Ordinance" of the Town of Cheektowaga, New York shall be amended and changed as follows:

RESOLVED, that a new Section 48-10.1, which relates to the prohibition of radio-controlled aircraft in Town parks, shall be added and shall read as follows:

§48-10.1. Radio-controlled aircraft prohibited.

No person shall operate any radio-controlled airplane, glider, helicopter or other such device within any park or park approach or the air space above such park or park approach.

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

RICHARD M. MOLESKI
Town Clerk

DATED: June 4, 1990
PUBLISH: June 7, 1990

Item No. 3c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, the Building and Plumbing Inspector of the Town of Cheektowaga and the Town Attorney's Office have recommended that certain provisions of Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") be amended or repealed:

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 18th day of June, 1990 at 7:30 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time it shall be determined by the Town Board whether the "Zoning Ordinance" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein not less than (10) days prior to the date of such hearing.

* * * * * * * * * * * * * * * * * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND

ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 4th day of June, 1990, a public hearing will be held on June 18, 1990 at 7:30 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT, SECTION 82-57 which pertains to penalties for offenses, shall be deleted and a new Section 82-57, which reads as follows, shall be added:

§82-57. PENALTIES FOR OFFENSES.

A. Pursuant to §268 of Article 16 of the Town Law, a violations of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars ($350.) or imprisonment for a period not to exceed fifteen (15) days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350.) nor more than seven hundred dollars ($700.) or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction of a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars ($700.) nor more than one thousand dollars ($1,000.) or imprisonment for a period not to exceed fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

B. An owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or an architect, builder, contractor or anyone who commits or assists in any violation of any of the provisions of this chapter, shall be subject to the penalties imposed by this section and §268 of Article 16 of the Town Law. Each week's continued violation shall constitute a separate, additional violation and shall be punishable hereunder.

Item No. 3c continued

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

DATED: June 4, 1990

RICHARD M. MOLESKI
Town Clerk

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication JUN 07 1990 ; last publication JUN 07 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE OF HEARING ON PROPOSAL TO AMEND ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 4th day of June, 1990, a public hearing will be held on June 18, 1990 at 7:30 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 82 of the Code of the Town of Cheektowaga ("Zoning Ordinance") should be amended and changed as follows:

1. RESOLVED THAT ARTICLE VIII – ADMINISTRATION AND ENFORCEMENT, Section 82–57. which pertains to penalties for offenses, shall be deleted and a new Section 82–57, which reads as follows, shall be added:

§82–57. Penalties for offenses.

A. Pursuant to §268 of Article 16 of the Town Law, a violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars ($350.) or imprisonment for a period not to exceed fifteen (15) days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350.) nor more than seven hundred dollars ($700.) or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction of a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars ($700.) nor more than one thousand dollars ($1,000.) or imprisonment for a period not to exceed fifteen (15) days, or both. Each week's continued violation shall consitute a separate additional violation.

B. An owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or an architect, builder, contractor or anyone who commits or assists in any violation of any of the provisions of this chapter, shall be subject to the penalties imposed by this section and §268 of Article 16 of the Town Law. Each week's continued violation shall constitute a separate, additional violation and shall be punishable hereunder.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK
RICHARD M. MOLESKI
Town Clerk
DATED: June 4, 1990
PUBLISH: June 7, 1990

Item No. 4 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, bids were duly received on May 23, 1990 as a result of advertisement, therefore, for the furnishing of acoustical panels at the Senior Citizen Center, AND

WHEREAS, said bid proposals were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is hereto attached and contained in a letter to the Town Board dated May 30, 1990, which tabulation and report recommends that the award be made to Conwed, said being the lowest responsible bidder meeting the requirements of the specifications, AND

WHEREAS, funds for the Senior Citizen Center needs for acoustical panels and ceiling baffles, as recommended by the Town Engineer, is hereby awarded to Conwed, 3343 Broadway Street, NE, Suite 415, Minneapolis Minnesota 55413 for the following:

33 panels (4' X 4')	=	$3,273.60
58 panels (2' X 2')	=	1,832.80
2 panels (1/2 round)	=	131.20
TOTAL	=	$5,237.60

with additional acoustical panels and ceiling baffle purchases for the balance of 1990 to be at the following unit prices:

ITEM 1 Acoustical Wall Panels

4' X 4'	1" thick	$85.60 each
4' X 4'	1 1/2" thick	99.20 each
2' X 2'	1" thick	28.20 each
2' X 2'	1 1/2" thick	31.60 each
Other 1" thick panels		7.20 per sq. ft.
Other 1 1/2" thick panels		8.20 per sq. ft.

ITEM 2 Tackable Acoustical Panels

4' X 4'	1" thick	$112.00 each
Other panel sizes		8.75 per sq. ft.

ITEM 3 Acoustical Ceiling Baffles

1 1/2' X 4'	1 1/2" thick	$58.20 each
1 1/2' X 4'	2" thick	61.20 each
2' X 4'	1 1/2" thick	63.60 each
2' X 4'	2" thick	67.60 each
Other 1 1/2" panel sizes		10.70 per sq. ft.
Other 2" panel sizes		11.25 per sq. ft.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGES FOR LETTER

Acoustical Ceiling Baffles

Sizes	Conwed	Gypsum Services	Manufacturers Marketing Inc.
1½' X 4' X 1½" thick	$58.20 each	$62.10 each	$107.55
1½' X 4' X 2" thick	61.20 each	55.20 each	116.50
2' X 4' X 1½" thick	63.60 each	82.80 each	107.55
2' X 4' X 2" thick	67.60 each	73.60 each	116.50
Other sizes X 1½" thick	10.70/sq. ft.	-	13.45/sq. ft.
Other sizes X 2" thick	11.25/sq. ft.	-	14.60/sq. ft.

B) TOTAL BIDS

Acoustical Wall Panels

A)	33 4' X 4' X 1" thick	$2,824.80	$3,400.32	$4,435.20
	58 2' X 2' X 1" thick	1,635.60	1,494.08	1,948.80
	2 ½ round	115.20	80.50	268.80
		$4,575.60	$4,974.90	$6,652.80
B)	33 4' X 4' X 1½" thick	$3,273.60	$3,703.92	$5,144.70
	58 2' X 2' X 1½" thick	1,832.80	1,627.48	2,262.00
	2 ½ round	131.20	87.68	311.80
		$5,237.60	$5,419.08	$7,718.50

It is our recommendation that the bid be awarded to Conwed, 3433 Broadway Street, NE, Suite 415, Minneapolis, Minnesota 55413 for submission of the lowest bid meeting all requirements of our specifications. The initial purchase will be for 93 wall panels, 1½" thick, at the bid price of $5,237.60. Funding is through the Senior Citizen Trust & Agency Account.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan

Chester L. Bryan, P.E.
Town Engineer

CC: Pat Wojcik

Chester L. Bryan, P.E.
Town Engineer

Growing In A New Direction

TOWN OF CHEEKTOWAGA
Erie County, New York

May 30, 1990

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Acoustical Panels
& Ceiling Baffles

Gentlemen:

The Engineering Department was asked to provide assistance to the Senior Citizen Building Committee to help mitigate the uncomfortable sound reverberations experienced at group functions in their Assembly Hall. This can be accomplished by using sound absorbing wall panels and/or sound absorbing ceiling baffles.

Bids were received and opened on May 23rd for the purchase of acoustical wall panels. In addition, bid prices were received for any future 1990 needs by the Town. Acoustical ceiling baffles can be purchased under this bid if additional sound absorption is needed.

Three (3) bids were received as follows:

A) UNIT PRICES

Acoustical Wall Panels

Sizes	Conwed	Gypsum Services	Manufacturers Marketing Inc.
4' X 4' X 1" thick	$85.60 each	$103.04 each	$134.40
4' X 4' X 1½" thick	99.20 each	112.24 each	155.90
2' X 2' X 1" thick	28.20 each	25.76 each	33.60
2' X 2' X 1½" thick	31.60 each	28.06 each	39.00
Other sizes 1" thick	7.20/sq. ft.	-	8.40/sq. ft.
Other sizes 1½" thick	8.20/sq. ft.	-	9.75/sq. ft.

Tackable Acoustical Panels

4' X 4' X 1" thick	$112.00 each	$77.28 each	$156.80 each
Other sizes X 1" thick	8.75/sq. ft.	-	9.75/sq. ft.

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

WHEREAS, it is in order that bids be advertised for the furnishing and installation of a sound reinforcing system at the Cultural Center in Cheektowaga Town Park, AND

WHEREAS, funds have been budgeted for said Cultural Center Improvements in Account 35818-7140-1103, 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 installation of a sound reinforcing system at the Cultural Center, said notice to be published in the CHEEKTOWAGA TIMES, AND BE IT FURTHER

RESOLVED that sealed bids will be received on the 18th day of June, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 18, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of a Sound Reinforcing System at the Cultural Center in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Engineering Department at 275 Alexander Avenue, Cheektowaga, New York 14211.

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 bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

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

RICHARD M. MOLESKI,
Town Clerk

DATED: June 4, 1990

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ( ) weeks; first publication JUN 07 1990; last publication JUN 07 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990 day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

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Information for bidders and specifications may be obtained from the Engineering Department at 275 Alexander Avenue, Cheektowaga, New York 14211.

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

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

Date: June 4, 1990
Richard M. Moleski
Town Clerk

PUBLISH: June 7, 1990

Item No. 5b Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, it is in order that bids be advertised to cover the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, AND

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the application of a chemical root control agent to sanitary sewer lines, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on June 18, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 18, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the application of chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

RICHARD M. MOLESKI
Town Clerk

DATED: June 4, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks:
first publication JUN 07 1990 ;
last publication JUN 07 1990 ;
and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 18, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the application of a chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

Date: June 4, 1990
RICHARD M. MOLESKI
Town Clerk
PUBLISH: June 7, 1990

Item No. 5c Motion by Councilman Seconded by Councilman Jaworowicz

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, AND

WHEREAS, funds have been budgeted for such sewer repairs in account #25-8125-0004-4438, 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 manhole castings with self-sealing covers and manhole castings with vented type covers, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 18th day of June, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* *

NOTICE TO BIDDERS

Sealed proposals will be received an considered by the Town Board of the Town of Cheektowaga on June 18, 1990 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of manhole castings and 24" diameter covers for the Sewer Maintenance 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 and all bids.

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

RICHARD M. MOLESKI
Town Clerk

DATED: June 4, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication JUN 07 1990; last publication JUN 07 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 18, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of manhole castings and 24" diameter covers for the Sewer Maintenance 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 and all bids.

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

Date: June 4, 1990
Richard M. Moleski
Town Clerk

PUBLISH: June 7, 1990

Item No. 5d Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by the Cheektowaga Highway Department.

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

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on June 18, 1990 at the Cheektowaga Town Hall Council Chambers.

* *

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 Motor Oils, Lubricants, Anti-freeze, unleaded gasoline and diesel fuel etc. for use by the Cheektowaga Highway Department, at a public bid opening June 18th, 1990 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, N.Y. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL AND UNLEADED GASOLINE".

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

RICHARD M. MOLESKI
Town Clerk

Dated: June 4, 1990

Published: June 7, 1990

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication JUN 07 1990; last publication JUN 07 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
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 Motor Oils, Lubricants, Anti-freeze, unleaded gasoline and diesel fuel etc. for use by the Cheektowaga Highway Department, at a public bid opening June 18th, 1990 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 opague envelope plainly marked "BIDS FOR MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL AND UNLEADED GASOLINE".

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 7, 1990

Item No. 6a Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located 207 Losson Road, Cheektowaga, New York, SBL # 114.17-8-15 and according to the Assessor's Office is owned by Los-Green Incorporated, Attention: Joseph M. Nasca, 405 Convention Tower, Buffalo, New York 14202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6b Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 1561 Delavan Avenue (East corner - East End), Cheektowaga, New York, SBL #90.84-2-1 and according to the Assessor's Office is owned by Samuel Tabone & One, 380 Connecticut Street, Buffalo, New York 14213, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Housing Inspector regarding unsanitary conditions on property located at 94 Bellevue Avenue, Cheektowaga, New York, AND

WHEREAS, the Housing Inspector has issued a violation order and subsequent criminal summons to said property owner stating that there exists unsanitary conditions on his property, and requesting said owner to remedy the aforesaid violation, AND

WHEREAS, the property owner has neglected to take remedial actions to remedy the violation, AND

WHEREAS, the Honorable Judge Thomas Kolbert of the Cheektowaga Town Justice Court has mandated as part of May 24, 1990 sentencing of said property owner that the unsanitary conditions be remedied by August 7, 1990, and at that time, should the said property owner fail to rectify the violation, a court order will

Item No. 6c continued

then be issued by the Town Justice Court authorizing the Housing Inspector to enter the aforesaid premises and remedy said violation, NOW, THEREFORE BE IT

RESOLVED that pursuant to Section 37-61 of the Residential Housing Standards of the Town of Cheektowaga, pending issuance of a court order by Honorable Judge Thomas Kolbert of the Town Justice Court directing the Housing Inspector to enter the aforesaid premises and remedy said violation, that any and all cost incurred by the Housing Inspector in remedying the aforesaid violation at 94 Bellevue Avenue be a lien thereon and so be entered on the tax rolls for the property hereinbefore described as being due and payable.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Rogowski Seconded by Councilman Solecki

WHEREAS, Borden Road is a County highway located in the Town of Cheektowaga, and

WHEREAS, the County of Erie Department of Public Works, Division of Highways ("County DPW"), is responsible for repairing and maintaining Borden Road, and

WHEREAS, the County DPW has plans to re-stripe the center line of Borden Road in 1990, but does not have plans to re-stripe the existing curb lanes on Borden Road, and

WHEREAS, residents on Borden Road are requesting that the County DPW re-stripe the curb lane on Borden Road from Broadway to French Road, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the County Legislature and the County DPW to have the curb lanes on Borden Road re-striped this year when the County DPW re-stripes the center lane of Borden Road, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Legislator Raymond Dusza, the Clerk of the County Legislature and the County DPW.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Gabryszak Seconded by Councilman Blachowski

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 drivers/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)/attendants(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.

Item No. 8 continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGE FOR LIST

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

NAME	ADDRESS	COMPANY	EMT EXPIRES
Roger F. Badgley	Williamsville,NY 14221	Town's Ambulance	12/31/92
Paul D. Falt	Bowmansville,NY 14026	Town's Ambulance	12/31/92
Stephen M. Palasciano	Amherst,NY 14226	Town's Ambulance	12/31/92
Kyle V. Schraufstetter	Amherst,NY 14226	Town's Ambulance	8/31/92
Richard J. Lama	Buffalo,NY 14213	Town's Ambulance	12/31/92
Billy J. Roman	Buffalo,NY 14210	Town's Ambulance	12/31/92

Item No. 9 Direct Supervisor to execute lease/rental agreement regarding N.Y.S. Conservation Corps. program.
This item was withdrawn.

Item No. 10a Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, this Town Board previously approved the Maplegrove Estates Subdivision, and

WHEREAS, the Town Engineer also required that the owner of such property convey a drainage easement through such property to the Town, and

WHEREAS, such a drainage easement was submitted to the Town by the property owner, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned drainage easement be and hereby is accepted by this Town Board, and BE IT FURTHER

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, Louis Migliore Construction Company has submitted a proposal to delete the re-installation of a flag pole at the Alexander Community Center in the amount of $800.00 AND

WHEREAS, the firm of Scaffidi & Moore Architects P.C. has reviewed said proposal to be acceptable, NOW, THEREFORE BE IT

RESOLVED that the Cheektowaga Town Board hereby approve said proposal to delete the re-installation of a flag pole at Alexander Community Center in the amount of $800.00 as submitted by Louis Migliore Construction Company, Inc.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

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 May 17, 1990, rendered the determinations shown on the attached memo dated May 21, 1990, 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

Item No. 11 continued

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the May 21, 1990 memo attached hereto:

Item I 2535 Walden Avenue

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGE FOR MEMO

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

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

RECEIVED
MAY 21 1990
TOWN ATTORNEY

FROM: Thomas Adamczak
Building Inspector

DATE: May 21, 1990

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 May 17, 1990, in the Town Hall Council Chambers.

ITEM I 2535 Walden Avenue - Proposed Construction Of 2 Warehouse Buildings

Applicant: Benderson Development Corporation

Determination: Non-Significant.
The location is on the site of the former Lums Restaurant. The former restaurant is next to the Buff-Tech Manufacturing Company across from the Super Flea open air market.

The applicant is proposing to construct two buildings, a 21,000 square foot office/warehouse and a 9,000 square foot storage building.

The zoning in the area is M-1 which is a warehousing/manufacturing type zoning district, therefore the use is compatible with surrounding uses. The larger building, to be located near the front of the property, has no tenants at this time. The rear building will be used primarily by Buff-Tech for storage of plastic materials.

The applicant has a preliminary landscaping plan that will be submitted to the Planning Board and the Town Engineer has indicated that the applicant should consider storm water detention on site.

The storm water detention may be impossible to install as most of the site is used for storage or building. The committee found no adverse impacts to be generated by the project.

Item No. 12 Motion by Councilman Jaworowicz Seconded by Councilman Solecki

WHEREAS, the Police Department is in need of a vehicle to be used for undercover work, and

WHEREAS, Kwitzer's Collision has a vehicle available which it has offered to sell to the Town for $1,500.00, and

WHEREAS, moneys are available in the Police Department budget for the purchase of such a vehicle, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the purchase of the following reference vehicle from Kwitzer's Collision at a cost of $1,500.00:

Vehicle Identification Number 1G1AP87L7BN134369

and, BE IT FURTHER

RESOLVED that moneys for such purchase shall be appropriated from the Police Department budget line item number 01-3120-0002-2303.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the term of Donald Wegner as Chairman of the Cheektowaga Zoning Board of Appeals will expire on June 15, 1990, AND

WHEREAS, this Town Board desires to reappoint Donald Wegner to a new term on the Zoning Board, NOW, THEREFORE, BE IT

RESOLVED that Donald Wegner be and hereby is reappointed to a new five-year term on the Cheektowaga Zoning Board of Appeals, said term to commence on June 15, 1990 and expire on June 15, 1995.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Solecki Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are terminated as Seasonal and/or Part-Time employees in the Sanitation Department:

	EFFECTIVE
Richard Ostrowski	5/28/90
Terry Caggiano, Jr.	5/21/90
Marc Stolinski	5/28/90

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Motion by Councilman Kulyk Seconded by Councilman Jaworowicz to dispense with reading of names in Items 15a, 15b and 15c.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * * * * * * * * * * * * * * * * *

Item No. 15a Motion by Councilman Gabryszak Seconded by Councilman Rogowski

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1990 summer programs.

POOL DIRECTOR - $300 per week - 9 weeks - A7180.1902

Brian Hansen

SPECIAL EVENTS SUPERVISOR - $225 per week - 9 weeks - A7180.1902

John Hartman

POOL SUPERVISORS - $195 per week - 9 weeks - A7180.1902
TOWN PARK POOL

Catherine Giles
Kevin Kuehmeier

POOL SUPERVISORS - $185. per week - 9 weeks - A7180.1902
MARYVALE & DINGEN POOLS

Kathleen Bobeck
Michelle Kunkel
Pamela Miller
Todd Roland

LIFEGUARD TRAINING INSTRUCTOR - $6.00 per hour - A7180-1903

Kathleen Bloom

ASSISTANT POOL SUPERVISORS $5.25 per hour - A7180.1903

Douglas Kenjockety
Eric Solberg
Denise Szalasny

LIFEGUARDS $4.50 per hour - A7180-1903

Tammy Bielawa
Andrea Bitterman
Michael Callahan
Theresa Cielinski
Lisa D'Amico
Rebecca Dziewa
Stephanie Giuga
Thomas Greulich
Julie Elis
Elizabeth Ann Gagola
Renee Gajewski
Deborah Hartman
Ryan Houlahan
Christine Conley

Item No. 15a continued

LIFEGUARDS

Jacqueline Houser
Suzanne Johnson
Lynn Kaczmarek
Jason Kenjockety
Jill Kinney
Kerry Kolbert
Kolleen Kolbert
Karen Kuehmeier
Danielle Lang
Jared Martin
Michael Mekarski
Jennifer Mucyn
Andre Nietopski
Edward Pawlowski
Amy Lou Pszczolkowski
Jennifer Raczkowski
Liane Raczkowski
Brian Roehmholdt
Keith Sokolowski
Keith Stachura
Denise Tasca
Brian Tokarczyk
Nadine Verga
Jennifer Ward
Dawn Marie Pszczolkowski

PLAYGROUND SUPERVISORS - $6.00 per hour - A7140.1613

Brian Kramer
Peter Odrobina
Bernard Ruda
Jill Sam

ARTS & CRAFTS SUPERVISORS - $6.00 per hour - A7140.1613

Deborah Braniecki
Nancy Colucci
Julie Kaczorowski
Elaine Myszka
Cathy Tom

TENNIS COURT SUPERVISOR - $180 per week - A7140.1613

Mark Krysczak

TENNIS COURT INSTRUCTOR - $150 per week - A7140.1613

Jennifer Johnson
Donald Nowak, Jr.
Amy Skretny
Timothy Wrotny

TINY TOTS SUPERVISORS - $5.50 per hour - A7140.1613

Tina Kaczorowski
Joanne Miranda

RECREATION SUPERVISORS - BASKETBALL - $5.00 per hour - A7140.1613

Horace Graham
Mark Rzemek

Item No. 15a continued

RECREATION LEADERS - $4.00 per hour - A7140.1614
Nadine Bucolo
Kathleen Campbell
Domenica Cimato
Ronald Cyrankowski
Jomark Garbatowicz
Faye Hertel
Kara Jeffords
Thomas Minorczyk
Sheryl Orlowski
Michael Ostempowski
Kevin Poplawski
Susan Ring
David Roehmholdt
Tracy Ryan
Andrea Rzeski
Carol Schindler
Michael Skretny
Mary Pat Speyer
Michael Tiburzi
Jennifer Tonsoline
Brian Wegner

RECREATION ATTENDANTS - $3.50 per hour - A7140.1614
Tammee Acquisto
Janine Bakowski
Donna Bartochowski
Nicole Becker
Kevin Burke
Kimberly Christ
Janet Dehn
Jill Dudish
Kenneth Grzyhowski
Gregory Halter
Christopher Idzik
Michael Kennuth
James Lacki
Albert May
Anthony Mordino
Michael Myhalenko
David Pyc
Renee Rzepecki
Amy Sieczkarek
Denise Stelmach
Thomas Wagner
Magdalena Wnuk
Lisa Wolentarski
Patrick Cartenuto
Danielle Gee
Deborah LaDuca
Gregory Jubulis
Jennifer Ralicki
Wendy Sala
William Schmitt
David Witt
Kevin Zack

RECREATION ATTENDANTS - ALTERNATES
Lori Bucolo
Jason Dauscher
Jennifer Gress
Kenneth Helinski
David Kasprzak
Lorraine Monaco
Amy Pantling
Jill Szarzysnki

Item No. 15a continued

FURTHER BE IT RESOLVED that the following transfers be made for the Recreation Department as follows:

PLAYGROUND SUPERVISOR FROM RECREATION LEADER

Mary Lou Czajka

TENNIS COURT INSTRUCTOR FROM RECREATION LEADER

Jeffrey Schneider

FURTHER BE IT RESOLVED that the above employees be terminated effective September 10, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Solecki Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals are hereby hired as seasonal employees in the Sanitation Department, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year, effective "as needed" and at the hourly rate of $5.00 per hour:

Todd Wiech
Timothy Jankowski
William S. Badura
James E. Hilburger
Alfred F. Amanti, Jr.
Christopher G. Trietley
James J. Lanza
Scot Thompson

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15c Motion by Councilman Gabryszak Seconded by Councilman Blachowski

BE IT RESOLVED, that the following persons be hired as seasonal employees in the listed departments, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year:

	EFFECTIVE
FACILITIES DEPARTMENT - Parks Division - $4.65 per hour Line #01-7110-0001-1491	
James Hilburger	Immediately
Kenneth E. Paul	Immediately
Dennis Piekarski	Immediately
FACILITIES DEPARTMENT - Clerical - $4.65 per hour Line #01-711 0-0001-1391	
Dolores C. Booker	Immediately

Item No. 15c continued

POLICE DEPARTMENT - $4.50 per hour	EFFECTIVE
Nadine Bucolo	6/5/90
Kristen Kolbert	6/5/90
Susan R. Kasprowicz	6/5/90
SANITATION DEPARTMENT - $5.00 per hour	
Lawrence Wheeler	Immediately
SEWER MAINTENANCE - $4.65 per hour	
Richard Brzezinski	Immediately
Stephen Fialkowski	Immediately
Alex Nesteruk	Immediately
Dennis Williams	Immediately

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16 Authorization to attend training sessions for Work Crew Supervisors in Youth Bureau.
This item was withdrawn.

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

BE IT RESOLVED that the following individuals be transferred from the Adapted Recreation Program (01-7310-0001-1803) to the Summer Day Camp for the Developmentally Disabled (01-7310-0001-1802), effective June 4, 1990.

PROGRAM COORDINATOR - $7.30 per hour	
Deborah Ann Fleetwood	14043
ACTIVITY DIRECTORS - $5.80 per hour	
Bonnie Lynch	14043
David Imiola	14227
SENIOR COUNSELORS - $4.60 per hour	
Christy Male	14225
Anne Priester	14225
Paul Marchewka	14227
Kim Giczkowski	14043
Robin Straker	14225
COUNSELOR III - $4.10 per hour	
Cindy Principato	14225
COUNSELOR II - $3.95 per hour	
Denise Bogdan	14206
Colleen Schaub	14227
COUNSELOR I - $3.80 per hour	
Tracy Hoerner	14043
Karen Noworyta	14043

Item No. 17 continued

BE IT FURTHER RESOLVED that the following individuals be transferred from the Adapted Recreation Program to the Summer Day Camp for Developmentally Disabled with the following title changes, effective June 4, 1990:

ACTIVITY DIRECTOR TO ASSISTANT PROGRAM COORDINATOR - $6.30 per hour

Paulette Mecca	14225

SENIOR COUNSELOR TO ACTIVITY DIRECTOR - $5.80 per hour

Barbara Zielinski	14225

COUNSELOR III TO SENIOR COUNSELOR - $4.60 per hour

Kathy Miller	14227

BE IT FURTHER RESOLVED that the following individuals be hired for the Summer Day Camp for Developmentally Disabled at the designated titles and salaries, effective June 4, 1990:

ACTIVITY DIRECTOR - $5.80 per hour

Marie Juergens	14225

COUNSELOR III - $4.10 per hour

Doreen Skowron	14212
Kelly Goeckel	14206
Daryl Janus	14206

COUNSELOR II - $3.95 per hour

Grace Glenn	14043
Roseann Piscitello	14225
Laura Mutka	14225
Linda Mutka	14225

COUNSELOR I - $3.80 per hour

Kristen Loughlin	14225

BE IT FURTHER RESOLVED that the following individuals be terminated from the Adapted Recreation Program effective June 4, 1990.

ASSISTANT PROGRAM COORDINATOR (01-7310-0001-1803)

Christine Phillips	14225

COUNSELOR III (01-7310-0004-1803)

Lynda Diemert	14225

BE IT FURTHER RESOLVED that the following individuals be hired for the Cheektowaga Conservation Corps Program at the designated titles and salaries:

TRAINEE SUPERVISORS (01-7310-0001-1811) - $7.00 per hour

Mark E. Kwandrans	14227

YOUTH LEADERS (01-7310-0001-1812) - $4.64 per hour

Jeffrey Keller	14227
Paul Owens, Jr.	14227

WHEREAS, as the Town of Cheektowaga has been awarded a State grant in the amount of $27,598.00 to operate two work crews for the New York State Conservation Corps Program and

Item No. 17 continued

WHEREAS, the State grant will be covering the salaries for the individuals hired under this program, BE IT

RESOLVED that the following individuals be hired for the New York State Conservation Corps Program at the designated titles and salaries:

BE IT FURTHER RESOLVED that the following individual will be hired as a Clerk in the Youth Bureau's Administrative Intern Program (01-7310-0001-1804) at a salary rate of $5.00 per hour, effective immediately:

--Jason J. Backes

Depew, N.Y. 14043

BE IT FURTHER RESOLVED that the following individual be elevated to the position of Senior Clerk in the Administrative Intern Program of the Youth Bureau at the pay rate of $6.00 per hour, effective immediately under (01-7310-0001-1004)

--Amy C. Meyers

Cheektowaga, New York 14227

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Kulyk Seconded by Councilman Rogowski

BE IT RESOLVED, that the rate of pay for Jerome Bauer, part-time Zoning Enforcement Officer, be set at $10.00 per hour, effective Monday, June 4, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, representatives from John F. Kennedy High School have requested permission to hold their Fourth Annual Cross-Country Meet in Stiglmeier Park on Saturday, October 6, 1990, and

WHEREAS, representatives from John F. Kennedy High School have also requested permission to hold three of their other cross-country meets in Stiglmeier Park on September 18th, October 2nd and October 16th, 1990, and

WHEREAS, permission has been granted in the past for such track meets and they have been conducted without interference to others using the park, NOW, THEREFORE, BE IT

RESOLVED that the John F. Kennedy Cross-Country teams be and hereby are granted permission to hold their September 18th, October 2nd, October 6th and October 16th, 1990 track meets in Stiglmeier Park, and BE IT FURTHER

RESOLVED that the coaches of such teams be requested to contact the Directors of the Facilities and Recreation Departments to make arrangements for such track meets, and BE IT FURTHER

RESOLVED that the Town Clerk be directed to forward copies of this resolution to the Facilities and Recreation Department Directors.

Item No. 19a continued

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, Pack 618, Cub Scouts of America has requested permission to conduct an overnight sleep-over at John C. Stiglmeier Park on Saturday, June 9, 1990, and

WHEREAS, Section 48-12 of the Code of the Town of Cheektowaga ("Parks Ordinance") 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 hereby permits a waiver of Section 48-12 of the Parks Ordinance said waiver being extended to Pack 618, Cub Scouts of America, said waiver being extended to Pack 618, Cub Scouts of America, for the use of John C. Stiglmeier Park on Saturday, June 9, 1990 beginning at 6:00 P.M., and BE IT FURTHER

RESOLVED that the Town Clerk shall forward copies of this resoluton to the Chief of Police, Facilities Department Director and the Recreation Director.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

Motion by Councilman Kulyk Seconded by Councilman Blachowski to dispense with reading of figures in Item #20

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

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 herof:

GENERAL FUND

FROM:	3120-02-2625	(Criminal Forfeiture Revenue)	$ 752.46
	3120-02-2625	(Criminal Forfeiture Revenue)	1,424.00
	3120-02-2625	(Criminal Forfeiture Revenue)	600.00
	1625-04-4071	(Uniform Replacements Facilites)	200.00
TO:	3120-02-2205	(Crime Forfeiture Expense)	752.46
	3120-02-2205	(Crime Forfeiture Expense)	1,424.00
	3120-02-2205	(Crime Forfeiture Expense)	600.00
	7110-04-4071	(Uniform Replacements)	200.00

Item No. 20 Continued

SPECIAL DISTRICT FUND

FROM:	8160-04-4469	(Landfill-Sanitation)	$ 5,000.00
	8160-04-4469	(Landfill-Sanitation)	3,000.00
	8135-04-4547	(Sludge Removal)	24,750.00
TO:	8160-04-4088	(Travel & Conference-Sanitation)	5,000.00
	8160-04-4188	(Equipment Rentals-Sanitation)	3,000.00
	9950-8000	(Transfer to Capital-90)	24,750.00

CAPITAL FUND

FROM:	5806-05-5031	(Interfund Transfer - in)	24,750.00
TO:	5806-8135-0400	(Arch, Engineering Fees)	24,750.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
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 June 4, 1990 are hereby approved and made a part hereof:

GENERAL FUND	$96,384.03
HIGHWAY FUND	26,019.32
CAPITAL FUND	28,559.91
TRUST & AGENCY FUND	2,366.71
PART TOWN FUND	297.04
RISK RETENTION FUND	60,173.98
HUD - CDBG FUND	9,930.20
HUD REHAB. FUND	10,235.00
SPECIAL DISTRICT FUND	187,774.52
	$421,740.71

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Building Permits
Received and filed

Item No. 23 Minutes of Cheektowaga Planning Board/April, 1990
Received and filed

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * * * * * * * * * * * * * * * * *

III. SUSPENSION OF RULES

Item No. 24 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, a vacancy exists in the Town's Facilities Department in the position of General Mechanic, AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, NOW THEREFORE, BE IT

RESOLVED that Gary Podgorski, , Cheektowaga, New York be appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, Norman J. Castine has petitioned for the rezoning from R-Residence District to M1-Light Manufacturing District of property owned by the Estate of Evelyn M. Serafini and located at 550 Cayuga Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of May, 1990 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, this Board feels this rezoning is not in accordance with a comprehensive plan and it would constitute spot zoning to so rezone the property, NOW, THEREFORE, BE IT

RESOLVED that the application of Norman J. Castine for the rezoning of 550 Cayuga Road from R-Residential District to M1-Light Manufacturing District be and hereby is denied based on the above noted reasons.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGES FOR LEGAL DESCRIPTION

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication JUN 07 1990; last publication JUN 07 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 07 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 4th day of June, 1990 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Motion by: Councilman Kulyk
Seconded by Councilman Blachowski

WHEREAS, Norman J. Castine has petitioned for the rezoning from R–Residence District to M1–Light Manufacturing District of property owned by the Estate of Evelyn M. Serafini and located at 550 Cayuga Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of May, 1990 at 7:00 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, THIS Board feels this rezoning is not in accordance with a comprehensive plan and it would constitute spot zoning to so rezone the property, NOW, THEREFORE, BE IT

RESOLVED, that the application of Norman J. Castine for the rezoning of 550 Cayuga Road from R–Residential District to M1–Light Manufacturing District be and hereby is denied based on the above noted reasons.

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting ABSENT
AYES:7
NAYES: 0
ABSENT: 0

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:–

Beginning at a point in the west line of Cayuga Road as a one hundred (100) foot street at the northeast corner of subdivision lot No. 94 as shown on map filed in the Erie County Clerk's Office under Cover NO. 1891; thence northerly along the westerly line of Cayuga Road as a one hundred (100) foot street about seven hundred seventy (770) feet to the southeast corner of subdivision lot No. 57, as shown on map filed in Erie County Clerk's Office under Cover No. 1900; thence westerly along the south line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1900, one thousand one hundred forty–four and fifty hundredths (1144.50) feet to the southwest corner of subdivision lot No. 39 as shown on map filed in Erie County Clerk's Office under Cover No. 1900; thence southerly along the westerly line of subdivision lot No. 39 projected southerly about twenty (20) feet to the south line of subdivision lot No. 38 projected easterly; thence westerly one hundred eighty–five (185) feet to the southeast corner of subdivision lot No. 36 as shown on map filed in Erie County Clerk's Office under Cover No. 1900, said point also being the northeast corner of subdivision lot No. 14 as shown on map filed in Erie County Clerk's Office under Cover No. 2009; thence southerly along the east line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 2009 about eight hundred twenty (820) feet to the southeast corner of subdivision lot No. 27 as shown on map filed in Erie County Clerk's Office under Cover No. 2009; thence westerly three hundred ten (310) feet to the southwest corner of subdivision lot No. 13 as shown on map filed in Erie County Clerk's Office under Cover No. 2009; thence southerly along the east line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1761 about three hundred sixty (360) feet to the northeast line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1628; thence southeasterly along the northeasterly line of said lands as shown on map filed in Erie County Clerk's Office under Cover No. 1628 about seven hundred thirty (730) feet to the southwest corner of subdivision lot No. 44 as shown on map filed in Erie County Clerk's Office under Cover No. 1891; thence northeasterly along the northwesterly line of lands subdivided and shown on map filed in Erie County Clerk's Office under Cover No. 1891, five hundred forty (540) feet to the southwest corner of subdivision lot No. 79 as shown on map filed in Erie County Clerk's Office under Cover No. 1891; thence northerly along the west line of lands as subdivided on map filed under Cover No. 1891, two hundred thirty (230) feet to the northwest corner of subdivision lot No. 82 as shown on map filed in Erie County Clerk's Office under Cover No. 1898; thence easterly along the north line of lands subdivided and shown on map filed under Cover No. 1891, seven hundred fifty–seven and forty–five hundredths (757.45) feet to the west line of Cayuga Road at the point or place of beginning.

Excepting therefrom the following described premises:– Beginning at the northeast corner of the lands described above, in the said west line of Cayuga Road; thence southerly along the said west line of Cayuga Road seven hundred nine and ninety–seven hundredths (709.97) feet to a point; thence westerly at right angles to the said westerly line of Cayuga Road, four hundred (400) feet to a point; thence northerly at right angles to the last described line seven hundred nine and ninety–seven hundredths (709.97) feet to a point; thence easterly at right angles to the last described line four hundred (400) feet to the point or place of beginning.

STATE OF NEW YORK,
COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 4, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 25, 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 4th day of June, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 7, 1990

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 4th day of June, 1990 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Motion by: Councilman Kulyk
Seconded by Councilman Blachowski

WHEREAS, Norman J. Castine has petitioned for the rezoning from R–Residence District to M1–Light Manufacturing District of property owned by the Estate of Evelyn M. Serafini and located at 550 Cayuga Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of May, 1990 at 7:00 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, THIS Board feels this rezoning is not in accordance with a comprehensive plan and it would constitute spot zoning to so rezone the property, NOW, THEREFORE, BE IT

RESOLVED, that the application of Norman J. Castine for the rezoning of 550 Cayuga Road from R–Residential District to M1–Light Manufacturing District be and hereby is denied based on the above noted reasons.

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting ABSENT

AYES:7
NAYES: 0
ABSENT: 0

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:–

Beginning at a point in the west line of Cayuga Road as a one hundred (100) foot street at the northeast corner of subdivision lot No. 94 as shown on map filed in the Erie County Clerk's Office under Cover NO. 1891: thence northerly along the westerly line of Cayuga Road as a one hundred (100) foot street about seven hundred seventy (770) feet to the southeast corner of subdivision lot No. 57, as shown on map filed in Erie County Clerk's Office under Cover No. 1900: thence westerly along the south line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1900, one thousand one hundred forty–four and fifty hundredths (1144.50) feet to the southwest corner of subdivision lot No. 39 as shown on map filed in Erie County Clerk's Office under Cover No. 1900: thence southerly along the westerly line of subdivision lot No. 39 projected southerly about twenty (20) feet to the south line of subdivision lot No. 38 projected easterly: thence westerly one hundred eighty–five (185) feet to the southeast corner of subdivision lot No. 36 as shown on map filed in Erie County Clerk's Office under Cover No. 1900, said point also being the northeast corner of subdivision lot No. 14 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence southerly along the east line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 2009 about eight hundred twenty (820) feet to the southeast corner of subdivision lot No. 27 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence westerly three hundred ten (310) feet to the southwest corner of subdivision lot No. 13 as shown on map filed in Erie County Clerk's Office under Cover No. 2009: thence southerly along the east line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1761 about three hundred sixty (360) feet to the northeast line of lands shown and subdivided on map filed in Erie County Clerk's Office under Cover No. 1628: thence southeasterly along the northeasterly line of said lands as shown on map filed in Erie County Clerk's Office under Cover No. 1628 about seven hundred thirty (730) feet to the southwest corner of subdivision lot No. 44 as shown on map filed in Erie County Clerk's Office under Cover No. 1891: thence northeasterly along the northwesterly line of lands subdivided and shown on map filed in Erie County Clerk's Office under Cover No. 1891, five hundred forty (540) feet to the southwest corner of subdivision lot No. 79 as shown on map filed in Erie County Clerk's Office under Cover No. 1891: thence northerly along the west line of lands as subdivided on map filed under Cover No. 1891, two hundred thirty (230) feet to the northwest corner of subdivision lot No. 82 as shown on map filed in Erie County Clerk's Office under Cover No. 1898: thence easterly along the north line of lands subdivided and shown on map filed under Cover No. 1891 seven hundred fifty–seven and forty–five hundredths (757.45) feet to the west line of Cayuga Road at the point or place of beginning

Excepting therefrom the following described premises:– Beginning at the northeast corner of the lands described above, in the said west line of Cayuga Road: thence southerly along the said west line of Cayuga Road seven hundred nine and ninety–seven hundredths (709.97) feet to a point: thence westerly at right angles to the said westerly line of Cayuga Road, four hundred (400) feet to a point: thence northerly at right angles to the last described line seven hundred nine and ninety–seven hundredths (709.97) feet to a point: thence easterly at right angles to the last described line four hundred (400) feet to the point or place of beginning.

STATE OF NEW YORK,
COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 4, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 25, 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 4th day of June, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 7, 1990

ES June 7, 1990

Item No. 26 Motion by Councilman Kulyk Seconded by Councilman Rogowski 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. 13 June 18, 1990
1	*Rezoning of 2911 William Street from RA-Apartment District to C-Retail Business District and Special Use Permit to operate hotel and entertainment complex*
	Meeting No. 15 July 2, 1990
1	*Rezoning of 688 Cayuga Creek Road from R-Residential District to RA-Apartment District*
2	*Rezoning of 78 Joseph Street from R-Residential District to RA-Apartment District*
	Meeting No. 17 August 6, 1990
1	*Rezoning of 247 Fonda Drive from R-Residential District to RA-Apartment District*

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3	Amendment to Parks Ordinance - Section 48-10.1 "Radio-controlled aircraft prohibited"	1-2
4	Amendment to Zoning Ordinance: Art. VIII - "Administration and Enforcement" Sec. 82.57	2
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2	Amendment to Traffic Ordinance - ART. IV - " Traffic Control Signals" Borden at French Road; ART. VIII "Stop & Yield Intersections" - Seminole Lane; ART. X "Parking, Standing & Stopping" - Orchard Place, Allied Drive, Kensington Avenue	1-2
	Meeting No. 16 July 16, 1990	
2	Proposed local law to authorize Chief of Police to Request and Provide Outside Service	1

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31	*Erie County DPW/Designation of Restricted Highway (portion of Como Park Blvd. from Transit to Lake Avenue)*	32
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4	*Hiring of summer help*	2
5	*Appointment of General Mechanic in Facilities*	2-3

MEETING NO. 13
June 18, 1990

Item No. 1 At a meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 18th day of June, 1990 at 7:30 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Employment & Training Director II; also Planning Board Chairman; Terry Rusin, Accountant; Chris Kowal, Highway Superintendent; Bill Pugh, Assistant Town Engineer; Don Wegner, Zoning Board Chairman.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting A Local Law to Create the Cheektowaga Conservation Advisory Council, 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. A brief description of such Local Law is as follows:

Town of Cheektowaga

A Local Law to Create the

Cheektowaga Conservation Advisory Council

A local law to create a Conservation Advisory Council in the Town of Cheektowaga to assist the Cheektowaga Town Board in the development, management and protection of the local environment.

* *

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

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 48, Section 48-10.1, of the Code of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

RESOLVED that a new Section 48-10.1, which relates to the prohibition of radio-controlled aircraft in Town parks, shall be added and shall read as follows:

Item No. 3 cont'd

§48-10.1 Radio-controlled aircraft prohibited

No person shall operate any radio-controlled airplane, glider, helicopter or other such device within any park or park approach or the air space above such park or park approach.

* *

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

Item No. 4 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 82 of the Code of the Town of Cheektowaga, (Zoning Ordinance) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT, Section 82-57.

which pertains to penalties for offenses, shall be deleted and a new Section 82-57, which reads as follows, shall be added:

§82-57. PENALTIES FOR OFFENSES.

A. Pursuant to §268 of Article 16 of the Town Law, a violations of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars ($350.) or imprisonment for a period not to exceed fifteen (15) days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350.) nor more than seven hundred dollars ($700.) or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction of a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars ($700.) nor more than one thousand dollars ($1,000.) or imprisonment for a period not to exceed fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

B. An owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or an architect, builder, contractor or anyone who commits or assists in any violation of any of the provisions of this chapter, shall be subject to the penalties imposed by this section and §268 of Article 16 of the Town Law. Each week's continued violation shall constitute a separate, additional violation and shall be punishable hereunder.

* *

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

II. RESOLUTIONS

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

WHEREAS, Joseph LaPorta has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by Richard J. and Lucille Powers and located at 2810 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

Item No. 5a cont'd

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of May, 1990 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 subject to the following conditions:

1. The business be limited to under-car specialist services, such as exhaust service, muffler replacement brakes, shocks, springs, etc.

2. No outside storage be permitted

3. All outside debris and remnants shall be stored in an outside enclosed dumpster

4. Storage of junk cars shall be prohibited

5. All other automotive services (such as sale of gasoline, oil change, collision painting and major motor vehicle repair work) shall be prohibited.

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, subject to the following conditions:

1. Applicant shall submit a drainage plan acceptable to the Town Engineer, 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 Joseph LaPorta for the rezoning from C-Retail Business District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, and BE IT FURTHER

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

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* See next page for legal description

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

COMMENCING in the center line of Union Road at a point 809.56 feet north of the southeast corner of said lot 15; running thence westerly at an outside angle of 92° 09', 343.71 feet; thence northerly at an interior angle of 89° 25' 23", 85.34 feet; running thence easterly at an interior angle of 92° 43' 37", 339.30 feet to the center line of Union Road; and thence southerly and at right angles to the last described line and along the center line of Union Road, 98.13 feet to the point or place of beginning.

SUBJECT TO EASEMENTS and RESTRICTIONS of record.

EXCEPTING therefrom that portion of the premises appropriated by the by the People of the State of New York pursuant to Notice recorded in the Erie County Clerk's Office in Liber 7220 of Deeds at page 98.

RECEIVED
$ [illegible]
REAL ESTATE
NOV 17 1980
TRANSFER TAX
ERIE
7633 COUNTY

LIBER 8363 PAGE 337

and said extract is a ...

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication JUN 21 1990; last publication JUN 21 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 18th day of June, 1990 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
ABSENT: 0
Motion by: Councilman Kulyk
Seconded by Councilman Gabryszak

WHEREAS, Joseph LaPorta has petitioned for the rezoning from C–Retail Business District to CM–General Commercial District of property owned by Richard J. and Lucille Powers and located at 2810 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of May, 1990 at 7:00 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. the business be limited to undercar specialist services, such as exhaust service, muffler replacement, brakes, shocks, springs, etc.
2. No outside storage be permitted
3. All outside debris and remnants shall be stored in an outside enclosed dumpster
4. Storage of junk cars shall be prohibited
5. All other automotive services (such as sale of gasoline, oil change, collision painting and major motor vehicle repair work) shall be prohibited

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, subject to the following conditions:

1. Applicant shall submit a drainage plan acceptable to the Town Engineer, 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 Joseph LaPorta for the rezoning from C-Retail Business District to CM- General Commercial District of the property specified in the attached legal description be and the same is hereby granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, and BE IT FURTHER

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

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. 15, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:–

Commencing in the center line of Union Road at a point 809.56 feet north of the southeast corner of said lot 15; running thence westerly at an outside angle of 92° 09', 343.71 feet; thence northerly at an interior angle of 89° 25' 23", 85.34 feet; running thence easterly at an interior angle of 92° 43' 37", 339.30 feet to the center line of Union Road; and thence southerly and at right angles to the last described line and along the center line of Union Road, 98.13 feet to the point or place of beginning.

SUBJECT TO EASEMENTS and RESTRICTIONS of record.

EXCEPTING therefrom that portion of the premises appropriated by the People of the state of New York pursuant to Notice recorded in the Erie County Clerk's Office in Liber 7220 of Deeds at page 98.

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting ABSENT
AYES:7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK, COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 18, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 5a, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of June, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 21, 1990

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

WHEREAS, Joseph LaPorta applied for a Special Permit for public garage on property located at 2810 Union Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 21st day of May, 1990 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following conditions:

1. The business be limited to under-car specialist services, such as exhaust service, muffler replacement brakes, shocks, springs, etc.

2. No outside storage be permitted

3. All outside debris and remnants shall be stored in an outside enclosed dumpster

4. Storage of junk cars shall be prohibited

5. All other automotive services (such as sale of gasoline, oil change, collision painting and major motor vehicle repair work) shall be prohibited.

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 2810 Union Road and has rendered a determination that the Special Permit will not have a significant effect on the environment, provided the applicant submits a drainage plan acceptable to the Town Engineer,

and

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

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

* See next page for legal description

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

COMMENCING in the center line of Union Road at a point 809.56 feet north of the southeast corner of said lot 15; running thence westerly at an outside angle of 92° 09', 343.71 feet; thence northerly at an interior angle of 89° 25' 23", 85.34 feet; running thence easterly at an interior angle of 92° 43' 37", 339.30 feet to the center line of Union Road; and thence southerly and at right angles to the last described line and along the center line of Union Road, 98.13 feet to the point or place of beginning.

SUBJECT TO EASEMENTS and RESTRICTIONS of record.

EXCEPTING therefrom that portion of the premises appropriated by the by the People of the State of New York pursuant to Notice recorded in the Erie County Clerk's Office in Liber 7220 of Deeds at page 98.

RECEIVED
$ [illegible]
REAL ESTATE
NOV 1 7 1980
TRANSFER TAX
ERIE
7693 COUNTY

LIBER 8363 PAGE 337

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks; first publication JUN 21 1990; last publication JUN 21 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of , 19

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 18th day of June, 1990 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
ABSENT: 0
Motion by: Councilman Kulyk
Seconded by Councilman Gabryszak

WHEREAS, Joseph LaPorta applied for a Special Permit for a public garage on property located at 2810 Union Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 21st day of May, 1990 at 7:00 P.M., of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance, and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board and has recommended approval of the Special Permit subject to the following conditions:

1. the business be limited to undercar specialist services, such as exhaust service, muffler replacement, brakes, shocks, springs, etc.
2. No outside storage be permitted
3. All outside debris and remnants shall be stored in an outside enclosed dumpster
4. Storage of junk cars shall be prohibited
5. All other automotive services (such as sale of gasoline, oil change, collision painting and major motor vehicle repair work) shall be prohibited

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 2810 Union Road, and has rendered a determination that the Special Permit will not have significant effect on the environment provided the applicant submits a drainage plan acceptable to the Town Engineer

and,

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

NOW, THEREFORE, BE IT RESOLVED, that said special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

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. 15, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Commencing in the center line of Union Road at a point 809.56 feet north of the southeast corner of said lot 15; running thence westerly at an outside angle of 92° 09', 343.71 feet; thence northerly at an interior angle of 89° 25'23", 85.34 feet; running thence easterly at an interior angle of 92° 43' 37", 339.30 feet to the center line of Union Road; and thence southerly and at right angles to the last described line and along the center line of Union Road, 98.13 feet to the point or place of beginning.

SUBJECT TO EASEMENTS and RESTRICTIONS of record.

EXCEPTING therefrom that portion of the premises appropriated by the People of the state of New York pursuant to Notice recorded in the Erie County Clerk's Office in Liber 7220 of Deeds at page 98.

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
AYES:7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK, COUNTY OF ERIE

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

1. A REGULAR meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on June 18, 1990, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 5b, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of June, 1990.

RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: June 21, 1990

Item No. 6a Motion by Councilman Rogowski, Seconded by Councilman Kulyk

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 July 2, 1990 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 July 5, 1990, 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 July 2, 1990 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 IV

Traffic Control Signals

Section 76-40. Installation, maintenance and operation of traffic control signals shall be amended by adding thereto a new subsection A. (51)(a), which reads as follows, at the end of Subsection A (51):

A. Traffic control signal shall be installed, maintained and operated as follows:

(51) Borden Road at French Road, pretimed signal, double face all approaches.
(a) Green left turn arrow on the north face of the signal permitting traffic moving southbound on Borden Road to make a left turn eastbound onto French Road. Phasing and timing to be in conformance with the State Manual of Uniform Traffic Control Devices.

ARTICLE VIII

Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street	Direction	Entrance Street	Traffic Stops	Sign Location
Seminole Lane	North-south	Seminole Parkway	Westbound	N.E. Corner
Seminole Lane	North-South	Seminole Parkway	Eastbound	S.W. Corner

ARTICLE X

Parking, Standing, Stopping

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

ORCHARD PLACE	north side	from the west curbline of Union Road to the south curbline of Chapel Avenue

Item No. 6a cont'd

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

ORCHARD PLACE	north side	from the east curbline of Union Road to the south curbline of Chapel Avenue
ALLIED DRIVE	west side	from the south curbline of Broadway southerly around the cul-de-sac to the intersection of the east curbline
KENSINGTON AVE. (County Road)	North and south sides	from the City of Buffalo City Line to the Town of Amherst Town Line

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

Dated: June 18, 1990

RICHARD M. MOLESKI
Town Clerk

* *

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Scott Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks: first publication ..... JUN 21 1990 ..... ; last publication ..... JUN 21 1990 ..... ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 July 2, 1990 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 IV
Traffic Control Signals

Section 76-40. Installation, maintenance and operation of traffic control signals shall be amended by adding thereto a new subsection A. (51) (a), which reads as follows, at the end of subsection A (51):

A. Traffic control signal shall be installed, maintained and operated as follows:

(51) Borden Road at French Road, pretimed signal, double face all approaches.

(a) Green left turn arrow on the north face of the signal permitting traffic moving southbound on Borden Road to make a left turn eastbound onto French Road. Phasing and timing to be in conformance with the State Manual of Uniform Traffic Control Devices.

ARTICLE VIII
Stop and Yield Intersections

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street- Seminole Lane/Direction- North-south/Entrance Street- Seminole Parkway/Traffic Stops- Westbound/Sign Location- N.E. Corner

Street- Seminole Lane/Direction- North-south/Entrance Street- Seminole Parkway/Traffic Stops- Eastbound/Sign Location- S.W. Corner

ARTICLE X
Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

ORCHARD PLACE-North side, from the west curbline of Union Road to the south curbline of Chapel Avenue.

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

B. No parking anytime

ORCHARD PLACE-North side, from the east curbline of Union Road to the south curbline of Chapel Avenue.

ALLIED DRIVE-West side, from the south curbline of Broadway southerly around the cul-de-sac to the intersection of the east curbline.

KENSINGTON AVENUE (County Road)-North and south sides, from the City of Buffalo City line to the Town of Amherst Town Line.

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

Dated: June 18, 1990

Richard M. Moleski
Town Clerk

PUBLISH: JUNE 21, 1990

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

WHEREAS, Zbigniew J. Bielinski has made application and requested a rezoning of property located at 688 Cayuga Creek Road from R-Residential to RA-Apartment District, said applicant being the owner of the aforementioned property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 2, 1990 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson
....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks; first publication JUN 21 1990 ; last publication JUN 21 1990 ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 2nd day of JULY, 1990 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of ZBIGNIEW J. BIELINSKI to Rezone from R – RESIDENCE District to RA – APARTMENT District on property located at 688 CAYUGA CREEK 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 an opportunity to be heard in regard to such proposed application.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

Beginning at a point in the centerline of Cayuga Creek Road at its intersection with the easterly line of lands conveyed to Zbigniew J. Bielinski by deed recorded in Erie County Clerk's Office in liber 9514 of Deeds page 150; thence northwesterly along the easterly line of said lands two hundred thirty-three (233) feet; thence southwesterly parallel with the center line of Cayuga Creek Road seventy-five (75) feet to the northeast corner of lands conveyed to William J. Orlando by deed recorded in Erie County Clerk's Office in liber 9854 of Deeds page 85; thence southeasterly along the easterly line of said deed recorded in said Clerk's Office in liber 9854 of Deeds page 85, two hundred thirty-three (233) feet to the center line of Cayuga Creek Road; thence northeasterly along the center line of Cayuga Creek Road seventy-five (75) feet to the point of beginning.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 21, 1990

Item No. 6c Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, Judith Ann Chartrand has made application and requested a rezoning of property located at 78 Joseph Street, from R-Residential to RA-Apartment District, said applicant being the owner of the above referenced property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 2, 1990 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Scott Benson....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is .....Clerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... 1 ..... weeks: first publication .....JUN 21 1990..... ; last publication .....JUN 21 1990..... ; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

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 2nd day of JULY, 1990 at 6:30 o'clock P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of JUDITH A. CHARTRAND/M&M RUSSELL C. MASCIA to Rezone from R–RESIDENCE District to RA–APARTMENT District on property located at 78 JOSEPH STREET 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 an opportunity to be heard in regard to such proposed application.

That tract or parcel of land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 12, Township 11, Range 7 of the Holland Land Company's Survey, and according to a Map filed in the Erie County Clerk's Office under Cover No. 2069, is known and distinguished as Subdivision Lot No. One Hundred One (101), as shown on said Map.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 21, 1990

Item No. 7 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, bids were received by the Cheektowaga Town Clerk and publicly opened and read on June 1, 1990, for bus transportation to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH from June 9, 1990 to August 17, 1990 for the Town of Cheektowaga, and

WHEREAS, such bid was referred to the Cheektowaga Youth Bureau for analysis, tabulation and report, on the said bid proposal, and

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

RESOLVED that the bid be awarded to the bidder, National School Bus Service, Inc., 2036 Walden Avenue, Cheektowaga, New York 14225, at a total bid price of $8,728.74; said bidder being the bidder meeting specifications. Monies to be charged to Line Item T&A 894 Line Item No. 01-7310-0004-4691 and Line Item 01-7310-0004-4689.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Sewer Maintenance Department is in need of a pick-up truck, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said vehicle for the Sewer Maintenance Department, said Notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on July 9, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town hall, at which time they will be publicly opened and read.

* *

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on July 9, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one pick-up truck for the Sewer Maintenance 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: June 18, 1990

* *

Item No. 8 cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Scott Benson, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks; first publication JUN 21 1990; last publication JUN 21 1990; and that no more than six days intervened between publications.

Scott Benson

Sworn to before me this JUN 21 1990

day of ....., 19.....

Margaret J. Bourdette

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

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on July 9, 1990 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one pick–up truck for the Sewer Maintenance 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.

Dated: June 18, 1990

Richard M. Moleski
Town Clerk

PUBLISH: June 21, 1990

Item No. 9 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, Section 76-131 of the Town Code excludes trucks in excess of five tons from certain highways within the Town, and

WHEREAS, under such section trucks in excess of five tons are excluded from Rein Road, from Genesee Street to Aero Drive, and

WHEREAS, pursuant to Section 1660 (11) of the Vehicle and Traffic Law of the State of New York, this Town Board may, in limited circumstances, issue permits to operators of certain vehicles granting such operators an exemption from Section 76-131 of the Town Code, and

WHEREAS, the Board of Commissioners of Hy-View Fire District No. 8 have requested an exemption from Section 76-131 of the Town Code under Section 1660 (11) of the Vehicle and Traffic Law with regards to Rein Road, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby issues permits to operators of vehicles owned by Hy-View Fire District No. 8 granting them an exemption from Section 76-131 of the Town Code pertaining to vehicle weight limits on Rein Road, from Genesee Street to Aero Drive, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute any and all permits granted pursuant to this resolution.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the Borden Como Subdivision be and hereby is approved as per the terms as set forth in the attached letter from the Town Superintendent of Highways

* *

Motion by Councilman Solecki, seconded by Councilman Gabryszak to table the above resolution.

* *

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

WHEREAS, Jones Intercable, Inc. ("Jones") began operating a cable television system in the Town of Cheektowaga in January of 1988, and

WHEREAS, based on an inconsistency in State and Federal cable regulations, Jones did not obtain a franchise from the Town, and

WHEREAS, the lack of a cable franchise by Jones recently came to the attention of the Town and discussions were had between Town officials and representatives from Jones, and

WHEREAS, the Town has also learned that Jones is in the process of being sold to Adelphia Cable and such sale is expected to be consummated on or about the end of July, 1990, and

WHEREAS, Jones has agreed to remit to the Town a franchise fee equivalent to the franchise fee currently being paid by Adelphia Cable (2-3/4% of gross revenues, excluding installation charges, per semi-annual period attributable to operations in the Town) for the period from January, 1988 to and including the date of sale to Adelphia Cable, and

Item No. 11 cont'd

WHEREAS, the Town finds such offer fair and is agreeable to not requiring a franchise agreement from Jones because of the imminent sale to Adelphia Cable, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the aforementioned franchise fee payment from Jones in lieu of any claims the Town might have against Jones for failure to obtain a franchise from the Town, and BE IT FURTHER

RESOLVED that no franchise agreement shall be required by the Town from Jones unless the pending sale of Jones to Adelphia Cable does not materialize in the near future.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Public Improvement Permit Ordinance requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, and

WHEREAS, the developer of The Price Club, located at the southwest corner of Walden Avenue and Dick Road, has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for the modification to an existing sanitary sewer manhole, located in the Walden Avenue right-of-way, required to facilitate highway improvements required by the New York State Department of Transportation, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the modification of sanitary sewer manhole 8F16 located on Walden Avenue, and BE IT FURTHER

RESOLVED that the permit fee be deposited in the Public Improvement Permit Account established for receipt and disbursement of public improvement fees.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Erie County Industrial Development Agency has concluded an extended review of its current PAYMENT-IN-LIEU-OF-TAXES PILOT POLICY, and has prepared a draft revised policy for presentation to its Board of Directors, and

WHEREAS, the objective of the proposed policy revision is to create parody among all taxing authorities in regard to the amount of abatement provided by each and also to provide increased revenues earlier to meet the current escalations in the cost of local government, and

WHEREAS, the proposed ECIDA new Pilot Policy is based on a graduated scale of payments to all taxing authorities as opposed to the present Abatement Policy, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga go on record supporting the new proposed Pilot Policy of the ECIDA.

County of Erie

DENNIS T. GORSKI
COUNTY EXECUTIVE

STOP DWI PROGRAM

MARIA MARTENS
DIRECTOR

October 16, 1990

Honorable Frank E. Swiatek
Supervisor
Town of Cheektowaga
Broadway & Union Roads
Cheektowaga, New York 14227

Re: 1990 STOP-DWI Contract

Dear Mr. Swiatek:

Enclosed for your records is a fully executed contract between the County of Erie and your municipality with the STOP-DWI Program for the calendar year of 1990.

Payments for services provided by your municipality on behalf of the STOP-DWI Program will be made after verification of all reports and documentation, and after receipt of a written request from your municipality, pursuant to the contract. Payment authorization procedures to your municipality will not begin until all records are complete.

We have attached a status sheet which indicates the County's payment identifier, those reports already received in one column, for the time period indicated, and those not yet received, indicated in the second column.

Please send any reports not yet submitted to this office, and the request for payment to the attention of Maria Martens, STOP-DWI Coordinator, 134 W. Eagle St., Buffalo, N.Y. 14202

Should you or any member of your staff require any further clarification, please feel free to contact me at 858-6727.

Very truly yours,

Maria Martens

MARIA MARTENS, Coordinator
Erie County STOP-DWI

MM/jmw

Enc.

cc: Chief Bruce Chamberlain
Honorable Thomas S. Kolbert
Honorable Dennis Ciotuszynski

T/V LE/CT
1990 STOP-DWI

THIS AGREEMENT, made and entered into as of the 1st day of January, 1990, by and between the COUNTY OF ERIE, a municipal corporation of the State of New York, with offices at 95 Franklin Street, Buffalo, New York, hereinafter referred to as the COUNTY, party of the first part, and the TOWN/~~VILLAGE~~ OF CHEEKTOWAGA , a municipal corporation of the State of New York in Erie County, with offices at Broadway & Union Rds., Cheektowaga , New York, hereinafter refereed to as the MUNICIPALITY, party of the second part,

W I T N E S S E T H:

WHEREAS, the COUNTY, pursuant to the authority granted to it by Article 31 of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, The MUNICIPALITY, through its police agency, has made formal application to the Erie County STOP-DWI Coor-

January 1, 1990 to December 31, 1990, which application is attached hereto and made a part hereof as Appendix "A", and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of Section 1192, Section 511(2)(a)(i) and (iii), Section 511(2)(a)(i) and (iv) and Section 511(3) of the Vehicle and Traffic Law.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIED:

FIRST: The term of this Agrement shall be the COUNTY's fiscal year commencing January 1, 1990 and ending December 31, 1990. The said term shall be divided into the following quarterly periods:

January 1 to March 31;
April 1 to June 30;
July 1 to September 30; and
October 1 to December 31.

SECOND: During the term of this Agreement, the MUNICIPALITY, as an independent contractor, agrees to engage in the alcohol traffic safety law enforcement activities set forth in the annexed Appendix "A".

THIRD:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action commenced in any court within Erie County wherein a person is charged with a violation

of Section 1192, Section 511(2)(a)(i) and (iii), Section 511(2)(a)(i) and (iv) or Section 511(3) of the Vehicle and Traffic Law;

(ii) "net STOP-DWI collections" shall mean the amount of fines, penalties and forfeitures collected by any court, judge, magistrate or other judicial officer within Erie County from violations of Section 1192, Section 511(2)(a)(i) and (iii), Section 511(2)(a)(i) and (iv) or Section 511(3) of the Vehicle and Traffic Law after deducting therefrom the amount of refunds made by reason of judicial mandate (e.g., appellate reversal of conviction, reduction of fine, etc.) or pursuant to former Section 521(c) of the Vehicle and Traffic Law (e.g., upon successful completion of an alcohol and drug rehabilitation program).

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, subject to the provisions of paragraph FOURTH (C) hereof, a sum not to exceed the lesser of either:

(i) the MUNICIPALITY's actual expenses, as certified by the MUNICIPALITY upon forms

acceptable to the COUNTY, in carrying out, during such quarterly period, the alcohol traffic safety law enforcement activities set forth in Appendix "A"; or

(ii) sixty-five percent (65%) of the net STOP-DWI collections actually paid over and received by the COUNTY during such quarterly period, provided that such collections have resulted from convictions obtained in DWI cases commenced by the MUNICIPALITY's police agency.

C. Where in any quarterly period, the MUNICIPALITY's actual expenses, as certified in (i) above, exceed sixty-five percent (65%) of the amount of net STOP-DWI collections attributable to the MUNICIPALITY's alcohol traffic safety law enforcement activities, as calculated pursuant to (ii) above, such excess amount shall be added to the MUNICIPALITY's certified actual expenses in the next succeeding quarterly period for purposes of determining the sum payable to the MUNICIPALITY under this paragraph.

FOURTH:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action commenced in any court within Erie County wherein a person is charged with a violation, or multiple violations involving the same

person and arising out of the same incident, of Section 1192, Section 511(2)(a)(i) and (iii), Section 511(2)(a)(i) and (iv) or Section 511(3) of the Vehicle and Traffic Law;

(ii) "finally disposed of" and "final disposition" shall mean the termination of a DWI case at the trial court level by reason of a dismissal, acquittal or conviction and imposition of sentence by the trial court, but shall not include the removal of transfer of a DWI case to another court.

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, for the services of the MUNICIPALITY's Justice Court, the sum of TEN DOLLARS ($10.00) for each DWI case finally disposed of in such court during such quarterly period which was commenced by either the Erie County Sheriff's Department or the New York State Police. The said sum shall be payable by the COUNTY for each such DWI case regardless of the final disposition thereof.

C. The MUNICIPALITY agrees that the COUNTY, on behalf of the MUNICIPALITY, shall allocate and pay out, from the sums payable quarterly to the MUNICIPALITY under paragraph THIRD(B) hereof, the sum of TEN DOLLARS ($10.00) for each DWI case commenced by the MUNICIPALITY's police agency which was finally

disposed of during the corresponding quarterly period. The said sum shall be paid by the COUNTY to the town or village in whose Justice Court the DWI case was finally disposed of and shall be payable regardless of the final disposition thereof.

FIFTH:

A. The MUNICIPALITY, through its police agency, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Services with respect to:

(i) the MUNICIPALITY's actual expenses in carrying out the alcohol traffic safety law enforcement activities set forth in Appendix "A". A sample copy of the STOP-DWI Monthly Fiscal Cost Report from is annexed hereto as Appendix "B";

(ii) all alcohol-related traffic accidents investigated by the MUNICIPALITY's police agency (including copies of MV-104A forms prepared in connection therewith). A sample copy of the STOP-DWI Monthly Accident Report form is annexed hereto as Appendix "C"; and

(iii) all DWI cases [cases involving alleged violation(s) of Section 1192, Section 511(2)(a)(i) and (iii), Section 511(2)(a)(i) and (iv) or Section 511(3) of the Vehicle and Traffic Law] commenced by the MUNICIPALITY's

police agency in any court in Erie County. A sample copy of the STOP-DWI Monthly Arrest Report form is annexed hereto as Appendix "D".

B. The MUNICIPALITY, through its Justice Court with jurisdiction to hear and determine DWI cases, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Services with respect to all DWI cases finally disposed of [as those terms are defined in paragraph FOURTH (A)(i) and (ii), but including cases removed or transferred] in the MUNICIPALITY's Justice Court. A sample copy of the STOP-DWI Monthly Court Report form is annexed hereto as Appendix "E".

C. The MUNICIPALITY acknowledges that the determination by the COUNTY of the amounts payable to the MUNICIPALITY under paragraph THIRD and FOURTH of this Agreement is dependent upon the timely receipt by the Erie County Office of Criminal Justice Services of accurate information from the MUNICIPALITY. Accordingly, the MUNICIPALITY agrees that, as a condition precedent to its rights to payment under this Agreement, it shall fully complete and forward to the Erie County Office of Criminal Justice Planning each of the monthly reports required under this paragraph (Appendices "B", "C", "D" and "E"; together with MV-104A copies) within 15 days after the last day of each monthly period to which such reports relate.

SIXTH: This Agreement is executory only to the extent of moneys available to the COUNTY for the performance

hereof and appropriated therefor, being moneys in a separate account entitled "Special Traffic Options Program for Driving While Intoxicated" established and funded pursuant to Sections 1197 and 1803 of the Vehicle and Traffic Law, and the COUNTY shall incur no liability on account of this Agreement beyond such moneys.

SEVENTH: In the event the Erie County STOP-DWI Program, as approved by the Commissioner of the New York State Department of Motor Vehicles, is terminated before the COUNTY has paid to the MUNICIPALITY all of the sums otherwise payable under the terms of this Agreement, the provisions of Section 1197(9) of the Vehicle and Traffic Law shall govern for purposes of determining the availability of such sums for payment to the MUNICIPALITY.

EIGHTH: The MUNICIPALITY shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement or of any right, title or interest therein, nor of the power to execute the same or any extension thereof to any other person or corporation without the previous consent in writing of the COUNTY.

NINTH: The MUNICIPALITY agrees to comply with all applicable laws of the State of New York the United States and the County of Erie, including laws against discrimination, and with all rules and regulations of pertinent authorities having jurisdiction.

TENTH: The MUNICIPALITY shall be fully accountable for its performance under this Agreement and agrees for

itself and its officers to answer under oath all questions relevant to the performance thereof and to any transaction, act or omission in connection therewith if called before any Judicial, County, State or Federal agency empowered to investigate the Agreement or its performance.

ELEVENTH: The MUNICIPALITY agrees to furnish verified accounts of its disbursements hereunder, with certified or verified invoices thereto attached at such times and in such form and detail as may be required by the Erie County Comptroller, who may at her option audit the pertinent books and records of the MUNICIPALITY, and a final account within thirty (30) days after the termination of this Agreement.

TWELFTH: The MUNICIPALITY agrees to defend, hold harmless and indemnify the COUNTY against any and all liability, claims, demands, suits and judgments arising out of the performance of the MUNICIPALITY's obligations under this Agreement. The MUNICIPALITY further agrees to maintain insurance coverage during the term of this Agreement and to submit certificates of insurance in accordance with Vendor Classification C - "Professional Services", on Appendix "F" annexed hereto. For purposes of this Agreement, the MUNICIPALITY need not provide proof of professional liability insurance coverage. At the request of the MUNICIPALITY and with the advice of the Erie County Attorney, the Director of the Erie County Office of Criminal Justice Services may waive the excess and/or umbrella liability insurance coverage(s), or reduce

the amount(s) thereof, otherwise required under this paragraph. In lieu of proof of insurance coverage, the MUNICIPALITY may furnish evidence of a self-insurance plan acceptable to the Erie County Attorney.

THIRTEENTH: Consistent with the MUNICIPALITY's status as an independent contractor, the COUNTY shall not be responsible for Worker's Compensation benefits, Social Security coverage or unemployment insurance benefits with respect to the MUNICIPALITY.

FOURTEENTH: This Agreement, or any renewal thereof, may be terminated by either party upon a least thirty (30) days prior notice. Such notice shall be provided in writing to the chief executive officer of the other party at the address appearing on the first page of this Agreement.

FIFTEENTH: Provided that the MUNICIPALITY shall have made formal application for the continued funding of its alcohol traffic safety law enforcement activities, this Agreement may be renewed for such additional twelve (12) month terms as may be mutually agreed upon by the parties through their respective legislative bodies.

This Agreement is executed by the COUNTY pursuant to a resolution adopted by the Legislature of the County of Erie at its meeting held on 12/21/89, and by the MUNICIPALITY pursuant to a resolution of its governing body adopted at a meeting of said governing body held on June 18, 1990, a certified copy of the MUNICIPALITY's resolution being annexed hereto as Appendix "G".

TOWN/~~VILLAGE~~ CHEEKTOWAGA

By: Frank E. Swiatek
(name) Frank E. Swiatek
(title) Supervisor

COUNTY OF ERIE

By: D. T. Gorski
DENNIS T. GORSKI
Erie County Executive

APPROVED AS TO CONTENT

M. Margaret O'Donnell
M. MARGARET O'DONNELL, Director
Criminal Justice Services

90-823-JP

Erie County Attorney

JUL 16 1990

County Attorney

ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

On this 6th day of September, 1990, before me personally came DENNIS T. GORSKI, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, County of Erie and State of New York; that he is the County Executive of the COUNTY OF ERIE, 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 and was so affixed by order of the Erie County Legislature and that he signed his name thereto by like order.

Notary Public

VALERIE L. PORTER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires ~~March 30~~ Jan 31 19 94

ACKNOWLEDGMENT

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

On this 21st day of June, 1990, 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/Village of Cheektowaga, County of Erie and State of New York; that he is the Supervisor of the Town/Village of Cheektowaga, 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 and was so affixed by order of the governing body thereof and that he signed his name thereto by like order.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 19 91

Special Traffic Options Program for Driving While Intoxicated S.T.O.P.-DWI	County of Erie S.T.O.P.-DWI FORM SD-1

PART I (To be completed by applicant)

1. Project Title Arrest Intoxicated Drivers (AID - DWI - 1990)	Project Number (Entered by Erie County)

2. Project Description (See Part II)	3. Type of Application	4. Program Area
[X]	Initial Revision X Continuation	X Law Enforcement Adjudication X Education Rehabilitation Other

5. Applicant Agency (Name & Address)	6. Governmental Unit
Town of Cheektowaga Police Dept. 3223 Union Rd. Cheektowaga, NY 14227	X Township City Village Department Agency Other _____

7. Project Coordinator (Name, Title, Address, Telephone No.)	8. Total Cost of Project to County
Bruce D, Chamberlin Chief of Police 3223 Union Rd. Cheektowaga, NY 14227 (716) 686-3500	$ 220,190.47

9. Fiscal Agent (Name, Title & Address of official authorized under law to receive payment of STOP-DWI funds on behalf of applicant agency/jurisdiction).

Frank E. Swiatek
Town Supervisor
Broadway & Union Rds.
Cheektowaga, NY 14227

10. AUTHORIZING SIGNATURES

A.	Project Coordinator Bruce D. Chamberlin	Title Chief of Police	Signature
B.	For Governmental Unit or Agency Frank E. Swiatek	Title Town Supervisor	Signature

COUNTY OF ERIE
S.T.O.P. DWI
PROJECT BUDGET

PROJECT DURATION 12 MONTHS
FROM 1/1/90 TO 12/31/90

BUDGET ITEMS	S.T.O.P. DWI FUNDS
A. PERSONNEL	
1POLICE OFFICER PER DAYPER WEEK FOR 52 WEEKS 52 WEEKS = 2912 HRS @ $17.026 HR.	$49,579.71
1 POLICE SERGEANT 4 HOURS PER WEEK 52 WEEKS =208 HOURS @ $18.494 HR.	$3,846.75
1 CLERK 8 HRS PER WEEK FOR 52 WEEKS 416 HRS @ $10.098 HR.	$4,200.77
OVERTIME FOR FOLLOW UP INVESTIGATIONS 25 HRS PER MONTH=300 HRS @ $25.539 HR.	$7661.70
COMMUNITY SERVICE 25 HRS PER MONTH 300 HRS PER MOTH @ $17.026 HR.	$5,107.80
TRAINING FOR OFFICERS 500 HRS @ $17.026	$8,513.00
COUT TIME PAID 2 APPEARANCES PER ARREST (6 HRS)	$54,244.84
SUB TOTAL	**$133,154.57**

BUDGET ITEMS			S.T.O.P. DWI FUNDS
B. FRINGE BENEFITS			
POLICE OFFICERS HOURS WORKED @ 60%			$29,747.83
POLICE SERGEANT HOURS WORKED @ 60%			$2,308.05
CLERK HOURS WORKED @ 60%			$2,520.46
POLICE OFFICERS OVERTIME @ 60%			$4,597.02
COMMUNITY SERVICE HOURS @ 60%			$3,064.68
COURT HOURS @ 60%			$36,776.16
TRAINING HOURS @ 60%			$5,107.80
		SUB-TOTAL	$84,122.00
C. CONSULTANT FEES			
D. EQUIPMENT			
CALIBRATIONS			
	RADAR UNITS	5 UNIT @ 6 MONTHS	$250.00
	BREATHALYZERS	2UNITS @ 6 MONTHS	$100.00
	ALCO SENSOR II	4 UNITS @ 6 MONTHS	$200.00
	UPS SHIPPING		$128.00
REPAIRS			
	RADAR UNITS	4 PER UNIT PER YR.	$500.00
	BREATHALYZERS	1 PER UNIT PER YR.	$50.00
	SIMULATORS	1 PER UNIT PER YR.	$50.00
	ALCO SENSOR II	1 PER UNIT PER YR.	$100.00
	UPS SHIPPING		$154.00
		SUB TOTAL	$1,532.00
E. SUPPLIES			
AMPOULES			$256.50
ALCO SENSOR TUBES			$59.40
BLOOD URINE TEST KITS	2 PER MONTH		$66.00
		SUB TOTAL	$381.90

BUDGET ITEMS		S.T.O.P. DWI FUNDS
F. TRAVEL & SUBSISTENCE		
LUNCHES WHILE TRAINING		$200.00
PARKING @ DMV,GRAND JURY ETC.		$200.00
MILEAGE		$200.00
	SUB TOTAL	$600.00
G. RENTAL OF FACILITIES		
	SUB TOTAL	$0.00
H. ALTERATIONS 7 RENOVATIONS		
	SUB TOTAL	$0.00
I. ALL OTHER EXPENSES		
TRAINING SUPPLIES		$200.00
COMMUNITY SERVICE SUPPLIES		$200.00
	SUB TOTAL	$400.00
	GRAND TOTAL	$220,190.47

ERIE COUNTY

S.T.O.P. DWI

PROGRAM APPLICATION

1990

1. PROBLEMS IDENTIFICATION AND ANALYSIS

The Cheektowaga Police Department is aware of the numerous drivers who drive their vehicles ,after consuming alcoholic beverages to the point where their reflexes and time reactions have been impaired. Alcohol was one of the major factors of the 1228 reported accidents occurring in the Town of Cheektowaga during 1989.

Some officers are reluctant to make D.W.I. Arrests because such arrests are time consuming, involve many court appearances, dissatisfaction with court dispositions and in some cases the needed additional training in D.W.I. arrest procedures, equipment and testifying.

2. PROGRAM GOALS AND OBJECTIVES

Although our Department has arrested 483 persons for D.W.I. in 1989 this is only a small percentage of the violators on our public highways. In an effort to reduce D.W.I. violations, there are several avenues of approach: Education, Public Awareness, and Apprehension of violators. The approach that will have the largest impact and provide immediate results is the apprehension of violators. We intend to increase our D.W.I. conviction rate by 10%.

3. PROGRAM DESCRIPTION

The Cheektowaga Police Department has an up-to-date records system that keeps us informed as to where and when our accidents are occurring. It also informs us as to where the D.W.I. arrests are occurring and which officers are making the arrests. From this information we have decided to assign one (1) Traffic Unit officer each evening, seven (7) days a week, from 9 P.M. (2100 Hours) until 11 P.M. (2300 Hours) and one (1) Traffic Unit officers from 11 P.M. (2300 Hours) to 5 A.M. (0500 Hours) to apprehend intoxicated drivers. The officers assigned are to concentrate on drivers who are impaired/intoxicated by alcohol/drugs. This will be in addition to the normal traffic enforcement of this department.

The Traffic Unit officers will receive training in alcohol/drug recognition and other related traffic enforcement areas. This training will be updated periodically. In addition they will provide instruction, demonstrations and participate in numerous service programs for community groups and organizations.

The ability of this department to dedicate the manpower and other resources to such a concentrated effort is dependant on the receipt of the available S.T.O.P DWI funding for each participating agency.

MEN:men

Submit in Duplicate to:
Erie County Office of
Criminal Justice Planning
134 West Eagle St.
Buffalo, N.Y. 14202

STOP DWI
FISCAL COST REPORT

1.) Claimant _____
2.) Report # _____
3.) Report period month _____ yr _____
4.) Date _____
5.) Type: Monthly _____ Final _____

CATEGORY	MONTHLY EXPENDITURES	CUMULATIVE EXPENDITURES
Personnel		
Fringe Benefits		
Equipment		
Supplies		
Travel		
All Other		
Court		
TOTAL		

FOR CRIMINAL JUSTICE
Use Only

Disposition of Report
Approved _____
Disapproved _____

Reimbursement to Claimant
Monthly _____
Quarterly _____
Cumulative _____

Reviewed By _____
Approved By _____

I hereby certify that this report, schedules, statements, and the expenses for which payment is requested are true, current and complete and were made in accordance with State and County rules and regulations governing STOP - DWI expenditures and that the Articles listed were (or will be) necessary solely for the STOP - DWI Program.

FOR CLAIMANT _____ (Signature) _____ (Date)

Print _____ (Title)

FISCAL OFFICER _____ (Signature) _____ (Date)

Print _____ (Title)

Invoice Attached
Yes ____
No ____

Back Up Material Attached
Yes ____
No ____

STOP - DWI
SCHEDULE I
PERSONNEL COSTS

Reporting Agency _____

Report Month of _____

EMPLOYEE LAST NAME	SOCIAL SECURITY NUMBER (Last 4 digits)	EMPLOYEE TITLE	ANNUAL SALARY	MONTHLY REG. HRS WORKED STOP-DWI	REGULAR HOURLY RATE	A REGULAR STOP-DWI SALARY	MONTHLY OVERTIME HRS. WORKED STOP - DWI	OVERTIME HOURLY RATE	B OVERTIME SALARY STOP-DWI	CUMULATIVE SALARY (A + B)

Total Salary _____

Prepared by _____ Approved by _____

Fringe Benefits _____

Personnel _____

APPENDIX B

SCHEDULE II - EXPENSE OTHER

STOP DWI

TITLE: _____

FOR MONTH OF _____

APPENDIX C

ERIE COUNTY
STOP DWI
MONTHLY ACCIDENT REPORT

REPORTING AGENCY _____

REPORTING PERIOD _____ TO _____

#	ACCIDENT: DATE	TIME	AM	PM		#CASUALTIES: INJURIES: FATALITIES — MOTOR VEHICLE: DRIVER INJ.	DRIVER FAT.	PASS'GR. INJ.	PASS'GR. FAT.	PED'STN. INJ.	PED'STN. FAT.	OTHER (CYCL., ETC.) INJ.	OTHER (CYCL., ETC.) FAT.	BAC OF DRIVER [1] INVOLVED	LOCATION OF ACCIDENT [2]
1			___	___											
2			___	___											
3			___	___											
4			___	___											
5			___	___											
6			___	___											
7			___	___											
8			___	___											
9			___	___											
10			___	___											
11			___	___											
12			___	___											
13			___	___											
14			___	___											
15			___	___											
16			___	___											
17			___	___											
18			___	___											
19			___	___											
20			___	___											

1 BLOOD ALCOHOL CONTENT

2 BE AS SPECIFIC AS POSSIBLE!

County	Reporting Agency	TO Reporting Period

1. Total Number of Persons Charged with a Moving Traffic Violation _____

2. Total Number of Persons Arrested for DWAI, DWI, or BAC ≥ .10 (section 1192) Violations _____

3. Total Number of Persons Arrested for Section 1192 Violations by Age	
a) Under 18	
b) 18	
c) 19	
d) 20	
e) 21-24	
f) 25-29	
g) 30-39	
h) 40-49	
i) 50-59	
j) 60-64	
k) Over 64	

4. Total Number of Persons Arrested for Section 1192 Violations by BAC Level	
a) No Test Offered	
b) Test Refused	
c) .00 to .05	
d) .051 to .07	
e) .071 to .099	
f) .10 to .149	
g) .15 to .199	
h) .20 or Greater	

5. Total Number of Persons Arrested for Section 1192 Violations by Sex	
a) Male	
b) Female	

6. Total Number of Persons Arrested for Section 1192 Violations by Time Intervals	
a) 6:01a.m. to 6:00p.m.	
b) 6:01p.m. to 9:00p.m.	
c) 9:01p.m. to 12:00p.m.	
d) 12:01p.m. to 3:00a.m.	
e) 3:01a.m. to 6:00a.m.	

7. Total Number of Persons Arrested for Section 1192 Violations by Day	
a) Sunday	
b) Monday	
c) Tuesday	
d) Wednesday	
e) Thursday	
f) Friday	
g) Saturday	

APPENDIX D

STOP-DWI Arrest Worksheet

_____ County

_____ Reporting Agency

_____To_____ Reporting Period

The following information is required for persons charged under one or more provisions of Section 1192 or Section 511-2 (a)(i) or 511-3 of the N.Y.S. Vehicle and Traffic Laws (alcohol related).

Last Name	Offense 1192 & 511	Age	BAC% Ref.	Priors yes/no	Sex M/F	Time	Day	Date

COUNTY OF ERIE

STOP-DWI MONTHLY COURT REPORT

NAME OF JUSTICE: _____ COURT LOCATION: _____ TYPE CITY ☐ TOWN ☐ VILLAGE ☐ PERIOD _____ TO _____

DEFENDANT'S NAME	CHARGE OF STATUTE	ARRESTING AGENCY	DATE: OF ARREST	DATE: OF ARRAIGNMT	DATE: OF DISPOSITN	DISPOSITION: FINAL STATUS	AMOUNT: FINED	AMOUNT: COLLECTED	REFERRED AGENCY INVOLVEMENT: DRUNKEN DRIVER PROGRAMS, PROBATION, etc.

APPENDIX E

APPENDIX F

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 19th day of March, 1990 at 7:30 o'clock p.m. Eastern Standard Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Supervisor Swiatek seconded by Councilman Gabryszak

WHEREAS, the Town and its consultant has received and evaluated proposals for Automobile Liability insurance and has determined potential benefits to self-insure its Auto Liability obligations, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga elects to self-insure its obligation to pay automobile liability and statutory no fault and uninsured motorists claims made against it and others it has a legal obligation to indemnify for such claims, and BE IT FURTHER

RESOLVED that the Town of Cheektowaga will, by separate resolution:

1. Retain the services of SIS Services of New York to administer the Auto Liability claims, and

2. Transfer funds from unallocated insurance to the Risk Retention Fund to pay its claims and service costs.

ORIGINAL DOCUMENT
ON FILE;

JUN 20 1990

IN CLAIMS OFFICE

STATE OF NEW YORK
ERIE COUNTY
OFFICE OF THE CLERK OF THE
TOWN OF CHEEKTOWAGA
ss:

(SEAL)

This is to certify that I, *RICHARD M. MOLESKI*, Clerk of the *Town of Cheektowaga, in the said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga* in said *County of Erie*, on the 19th day of March 1990, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 10th day of April 1990

Richard M. Moleski

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, N. Y.

JAMES J. KOUSITS
Town Attorney

KEVIN G. SCHENK
Deputy Town Attorney

MICHAEL J. STACHOWSKI
Special Prosecutor

OFFICE OF THE TOWN ATTORNEY
Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
716-686-3457

Growing In A New Direction
TOWN OF CHEEKTOWAGA
Erie County, New York

June 26, 1990

ORIGINAL DOCUMENT
ON FILE;
JUL - 2 1990
IN CLAIMS OFFIC
IN DEPARTMENT

County of Erie
Special Traffic Options Program
134 West Eagle Street
Buffalo, New York 14202

Att'n: Maria Martens, Coordinator

Re: 1990 STOP-DWI Agreement with Town of Cheektowaga
INsurance Requirements

Dear Ms. Martens:

Be advised that, on March 24, 1980, the Town of Cheektowaga elected to self-insure and pay compensation benefits to its employees in accordance with the Workers Compensation Law of the State of New York. A copy of the letter from the N.Y.S. Workers Compensation Board accepting the Town as a self-insured employer is available upon request. Payments for such benefits are guaranteed by the full faith and credit of the Town and will be paid out of budgeted funds or from funded loss reserves or from Excess Workers Compensation insurance.

This notice will certify that the Town of Cheektowaga has elected to become a self-insurer for liabilities formerly covered by policies of Automobile, General, Police, Public Officials and Excess Umbrella Liability insurance. A copy of the Town Board resolutions effecting self-insurance are available upon request.

In lieu of a Certificate of Insurance, please accept this notice as evidence of the Town's intent to pay its legal obligations for meritorious Automobile, General, Police and other uninsured liability claims made against it and the County of Erie to the extent provided in the Town's agreement with you.

Payments for such claims are guaranteed by the full faith and credit of the Town or its districts, as applicable, and will be paid out of budgeted funds or from funded loss reserves or from the proceeds of bonds the Town is permitted to issue for the payment of claims.

I trust the above will satisfy your insurance requirements. If you have any questions, please let me know.

Very truly yours,

DEPARTMENT OF LAW

Kevin G. Schenk

Kevin G. Schenk
Deputy Town Attorney

cc: Ernest A. Holfoth
Sylvia Slawiak

APPENDIX F

EXHIBIT IC
Rev. 1-85

County of Erie Standard Insurance Certificate

This certificate does not amend, extend or alter the coverage afforded by the standard form policies listed below.

me TOWN OF CHEEKTOWAGA dress Broadway & Union Road Cheektowaga, NY 14227 one No. ___ ___ ____	RI Companies Affording Coverages A HARTFORD ACCIDENT & INDEMNITY COMPANY B C D
me JOSEPH J. NAPLES & ASSOCIATES, INC. dress 490 Delaware Avenue Buffalo, NY 14202 one No. 716 882 6000	

It is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Type of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands Check The Box	Each Occurrence	Aggregate
1. General Liability ☐ Comprehensive Form ☐ Premises and Operations ☐ Products/Completed Operations ☐ Independent Contractors ☐ Contractual ☐ Personal Injury ☐ Broad Form Property Damage ☐ Explosion, Collapse ☐ Underground Hazard			☐ Bodily Injury Property Damage OR ☐ Combined Single Limit		
2. Automobile Liability ☒ Comprehensive Form OR ☐ Schedule Form ☐ owned ☐ hired ☐ non-owned	01 UEN DU 0058	3-30-90	☐ Bodily Injury Property Damage OR ☒ Combined Single Limit	1000	
3. Excess Liability ☐ Umbrella Form OR ☐ other than umbrella ☐ auto ☐ general ☐ both			Bodily Injury & Property Damage Combined $ ____ Self Insured Retention $ ____		
4. Workers Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
5. Other					

County of Erie is included as an additional insured under the following Policy numbers: 01 UEN DU0058

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice

COUNTY OF ERIE
95 Franklin Street
Buffalo, NY 14202

ORIGINAL RECEIVED
JUN 19 1989
IN-CLAIMS OFFICE
LAW DEPARTMENT

Date Issued 4-10-89aw

Auth. Representative _____

JOSEPH J. NAPLES & ASSOCIATES, INC.

Firm Name & Address 490 Delaware Avenue
Buffalo, NY 14202

FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate: Dept. of Public Works

Purchase Order or Contract Number: _____

Vendor Insurance Classification: _____

"G" TOWN OF CHEEKTOWAGA

APPENDIX F

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
TWO WORLD TRADE CENTER
NEW YORK, N. Y. 10047
488-2122

THIS AGENCY EMPLOYS AND SERVES THE HANDICAPPED WITHOUT DISCRIMINATION.

ARTHUR COOPERMAN
CHAIRMAN

March 28, 1980

Mr. James Coyle, Vice President
Robert F. Coleman, Inc.
127 John Street
New York, New York 10038

Re: Self-Insurance - Workers' Compensation
Town of Cheektowaga

Dear Mr. Coyle:

This is to notify you that the Town of Cheektowaga has been accepted as a self-insured employer under the Workers' Compensation Law effective March 30, 1980.

Very truly yours,

MILTON SALMONOWITZ
Principal Examiner

MS:sw

cc: Town of Cheektowaga ✓

ORIGINAL DOCUMENT
ON FILE;
JUN 22 1980
IN CLAIMS OFFICE
LAW DEPARTMENT

RECEIVED
1980
Richard M. Moleski, Town Clerk

Item No. 13 cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14a Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special traffic options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuties and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1990 and terminates December 31, 1990 with the County of Erie concerning its STOP-DWI program, and

RESOLVED that the Supervisor be and hereby is authorized to execute five (5) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

* See next pages for agreement

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14b Motion by Councilman Blachowski, Seconded by Councilman Kulyk

WHEREAS, the Town operates a housing rehabilitation loan program for eligible homeowners to make necessary repairs to their homes, and

WHEREAS, the Town has previously established loan limits in the amounts of $10,000 for deferred and $12,000 for payback loans, and

WHEREAS, the Community Development Director has requested the Town Board to consider authorizing loan funds to the property owner listed below in an amount not to exceed $14,677.40 in Community Development loan funds due to the extent of work required to bring said property into compliance with Town codes, NOW, THEREFORE, BE IT

RESOLVED that the Town Board authorizes the Town Supervisor to execute housing rehabilitation loan agreements in an amount not to exceed $14,677.40, and any related necessary documents, with the owner of 41 Reo Avenue, Cheektowaga, New York.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant funds from the Department of Housing & Urban Development, and

WHEREAS, federal regulations require that the town enter into subrecipient agreements with those entities receiving Community Development funds through the Town, and

WHEREAS, activities utilizing Community Development funds have been programmed for the Villages of Depew and Sloan in both previous and the current program year, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute Subrecipient Agreements with the Villages of Depew and Sloan in conformance with applicable federal regulations for the 1990-91 Program Year.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14d Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Cheektowaga Youth Bureau is in need of two vehicles for use as part of the New York State Conservation Corps Program, and

WHEREAS, Economy Truck Rental has proposed a rental agreement for said vehicles, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to execute such lease/rental agreement, and BE IT FURTHER

RESOLVED that the Town shall also accept the Collision Damage Waiver for the rental of such vehicles, and BE IT FURTHER

RESOLVED that monies for the rental of such vehicles shall be appropriated out of the New York State Conservation Corps budget not to exceed $3900.00, Acct. #01-7310-0004-4084.

Item No. 14d cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 830 Borden Road, Cheektowaga, New York, SBL #114.20-9-12 and according to the Assessor's Office is owned by the County of Erie, 95 Franklin Street, Buffalo, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property (31x128.03) located East and adjacent to 60 Creekside Drive, Cheektowaga, New York, SBL #124.30-1-11.1 and according to the Assessor's Office is owned by Davitides Serafim and Wife, West Seneca, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located 31' East of 60 Creekside Drive, Sublots 102, 104, 105, Cheektowaga, New York, SBL # 124.30-1-12 and according to the Assessor's Office is owned by Beatrice Schultz, , South Wales, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 15c cont'd

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Employees Association have negotiated various revisions to the current collective bargaining agreement, and

WHEREAS, such revisions will help to resolve a number of grievances currently pending, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Agreement between the Town and the Town Employees Association.

* *

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk
to table the above item.

* *

Item No. 16b Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Employees Association has been involved in negotiations concerning the use of seasonal and part-time employees, and

WHEREAS, a Memorandum of Agreement reflecting the results of such negotiations has been prepared, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Agreement between the Town and the Town of Cheektowaga Employees Association.

* *

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk
to table the above item.

* *

Item No. 17 Motion by Councilman Kulyk, Seconded by

BE IT RESOLVED that the listed seasonal employees attached to this resolution be and hereby are terminated, effective June 29, 1990, in compliance with Section 25.02 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and BE IT FURTHER

RESOLVED that Christopher J. Kowal, Highway Superintendent, be notified of this requirement, and BE IT FURTHER

RESOLVED that effective Monday, July 2, 1990, all remaining seasonal and part-time employees be paid according to the following wage schedule, in compliance with Section 15.01(c) of the collective bargaining agreement:

Item No. 17 cont'd

Clerks - $ 8.68/hour
Laborers - $10.21/hour
Cleaners - $ 9.03/hour

* *

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to table the above item.

* *

Item No. 18a Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department - Parks Department, and

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Joseph F. Trzaska of , Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Facilities Department - Parks Department in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18b Appointment of Laborer in Sanitation (Temporary)
This resolution failed due to lack of a second

Item No. 18c Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, a temporary vacancy exists in the position of Clerk-Typist in the Police Department due to a maternity leave, and

WHEREAS, notice of such temporary vacancy has been posted in accordance with the provisions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, there exists a Civil Service eligible list for such position, which was duly canvassed, and

WHEREAS, Angeline Chojnacki appears on said Civil Service list and applied for such temporary position, NOW, THEREFORE, BE IT

RESOLVED that Angeline Chojnacki of Cheektowaga, New York 14227, be and hereby is appointed to the temporary position of Clerk-Typist in the Police Department, in accordance with the provisions of the Town of Cheektowaga Employees Association Agreement, effective June 25, 1990, and BE IT FURTHER

RESOLVED that Linda Twardowski be and hereby is reappointed to her former position of Part-Time Clerk in the Police Department, at the rate of $4.50 per hour, effective Monday, June 25, 1990.

Item No. 18c cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * * * * * * * * * * * * * * * * *

Motion by Councilman Kulyk, Seconded by Supervisor Swiatek to dispense with the reading of the names on Items 19a-19e.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Rogowski and Blachowski
NAYES: Councilman Solecki
ABSENT: 0

* * * * * * * * * * * * * * * * * * * *

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

WHEREAS, funds are presently available under the Buffalo - Cheektowaga - Tonawanda Consortium, Summer Youth program, and

WHEREAS, the Summer Youth Program, staff, will be starting on June 20, 1990 at salaries listed below, and with a termination date not to exceed August 31, 1990, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired as our Summer Youth Staff at salaries specified:

PRINCIPAL COUNSELOR at $11.20 per hour

Peter Tonsoline Cheek. 14043

SENIOR COUNSELOR at $10.05 per hour

Vincent Frisicaro Elma 14059

MONITOR at $6.55 per hour

Kathleen Makolinski 14225

SENIOR ADVISOR at $5.50 per hour

William Clerici Cheek. 14227

COUNSELOR at $5.25 per hour

Kelly Jeffords Cheek 14043

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

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

WHEREAS, funds are presently available under the Buffalo - Cheektowaga - Tonawanda Consortium, Summer Youth Program, and

Item No. 19b cont'd

WHEREAS, the Summer Youth Program starts on July 25th, 1990, participants work a maximum of 40 hours per week at $3.80 per hour, and a termination date not to exceed August 31, 1990, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired based on fund availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

Altemoos, Jason	14227
Ambnelan, Gary	14211
Baginski, Kinberly	14206
Baker, James	14225
Bartkowiak, Kelly Ann	14227
Beltz, Allen	14206
Boerschig, Jeffrey	14227
Boitschenko, Melissa	14206
Boyle, Patrick	14211
Brady, Ronald	14225
Brandle, Daryl	14225
Burgasser, Laurie	14225
Champi, Sonya	14225
Colligan, Kenneth	14227
Connor, Rebecca	14215
Crump, Kimberly	14225
Dauman, Derrick	14227
Dembski, Allen	14227
Dodge, Joseph	14225
Dusza, Robin	14225
Eckert, Jill	14227
Ersing, Joseph	14227
Evans, Robert	14227
Fleck, Amelia	14225
Fleck, Christopher	14225
Fleck, Robert	14225
Gamber, Michael	14225
Gamber, Sayne	14225
Gawron, Robert	14225
Gawron, Tammy	14225
Giczkowski, Jenifer	14227
Golebkiewski, Brian	14227
Goslinski, Steve	14227
Gould, Lorin	14225
Gould, Matthew	14225
Gress, Terri	14225
Grochowski, Julie	14225
Gwitt, Joshua	14225
Hall, Dana	14225
Harris, Donald	14211
Haskins, Richard	14225
Hendel, Tiffany	Sloan 14212
Hidy, Jason	14225
Higgins, Joey	14206
Higley, Richard	14215
Huber, Dennis	14225
Januszczak, Joseph	14211
Kandefer, Gordon	W. Seneca
Karmazyn, Kevin	14225
Kilianski, Roger	14206
Klimko, Jason	14225
Koller, Renee	14225
Kowalewski, Amber	14211
Kowalski, Michael	14227
Kraebel, James	14225
Lamarre, William	14225
Larkman, David	14227
Laschinger, Thomas	14211

Item No. 19b cont'd

Lawler, Edward	14215
LePage, Christina	14225
Lockhart, Christal	14215
Lorenz, Michelle	14225
Malecki, Carl	14206
Mamon, Sheila	14211
Marciniak, Paul	Sloan 14212
McCall, Vickie	14225
Mead, Joseph	14225
Migon, Michelle	14215
Mikolajczyk, James	14225
Milewski, Bernard	14225
Miller, Daniel	14206
Morgan, Michael	14225
Morgan, Patrick	14225
Nelson, Tracey	14225
Neumeister, Kelley Jo	14225
Nguyen, Oanh	14227
Noworyta, Jonathan	14227
Pachulski, Dwayne	14227
Paff, Tammy	14225
Parks, Wendy	14225
Piechalak, Ken	14206
Pieczynski, Paul	14227
Pokorski, Shawn	Sloan 14212
Principato, Ann Marie	14225
Putt, Tom	14227
Rambadt, Karry Ann	14225
Rambadt, Wilfred	14225
Richter, David	14225
Rodgers, Donald	14225
Rowland, Lisa	14206
Schreiner, Duane	14225
Schwartz, Christine	14225
Sherry, Zenon, Jr.	14225
Sisti, Christopher	Sloan 14212
Skowron, Linda	Sloan 14212
Sodus, David	14225
Speaker, Jeffrey	14225
Speaker, Stephanie	14225
Spoly, Thomas	14225
Stein, Joseph	14225
Sundquist, Renee	14225
Szwarc, Derek	Depew 14043
Thompson, Susan	Depew 14043
Tobolski, Kyle	Lane 14227
Trombley, Ann Marie	14225
Weiglein, Robin	14225
Wesolowski, Scott	Sloan 14212
Wiedrich, Kimberly	14225
Young, Rosemary	14225
Zielinski, Noelle	14225
Andrews, Christine	14227
Baldwin, Jeffrey	14227
Barone, Raven	14225
DePronio, Troy	14225
Brace, Dawn	14225
Mueller, Renee	14225
Weinstein, Andrew	14227
Howard, Roger	14206
Roche, Michael	14225

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19c Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1990 summer programs.

LIFEGUARD - $4.50 per hour - A7180.1913

Jennifer Kemp
Patrick Glasser
Stephen Glasser

RECREATION LEADERS - $4.00 per hour - A7140.1614

Richard Miazga
John Skubinski

RECREATION ATTENDANT - ALTERNATES - $3.50 per hour - A7140.1614

Heidi Cartenuto
Karen Smith
Carrie Taber

and BE IT FURTHER

RESOLVED that the following transfers be made for the Recreation Department as follows:

ASSISTANT POOL SUPERVISOR FROM LIFEGUARD

Deborah Hartman

RECREATION LEADER FROM RECREATION ATTENDANT

Donna Bartochowski
Kevin Burke

RECREATION ATTENDANT FROM RECREATION LEADER

Ronald Cyrankowski

TENNIS COURT SUPERVISOR FROM TENNIS COURT INSTRUCTOR

Any Skretny

TENNIS COURT INSTRUCTOR FROM RECREATION LEADER

Michael Tiburzi

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, as the Town of Cheektowaga has been awarded a State grant in the amount of $27,598.00 to operate two work crews for the New York State Conservation Corps Program, and

WHEREAS, the State grant will be covering the salaries for the individuals hired under this program, NOW, THEREFORE, BE IT

RESOLVED that the following individuals be hired for the New York State Conservation Corps Program at the designated titles and salaries:

Item No. 19d cont'd

New York State Conservation Corps - Crew Supervisors
$7.00 per hour (01-7310-0001-1815)

Alan Miano	14225

New York state Conservation Corps - Youth Leaders
$4.64 per hour (01-7310-0001-1816)

Melissa Cimra	14043
Kirk Wilde	14227

New York State Conservation Corps - Summer Trainees
$3.80 per hour (01-7310-0001-1816)

Jamie Bogdan	14225
Fawn Bova	14225
Jason Catania	14043
Kevin Corcoran	14043
Scott Corcoran	14043
Mark Czosnyka	14206
Amy Dauscher	14206
Greg Fuchs	14227
Jennifer Garcea	14043
Sarah Garcea	14043
John Gutowski	14227
David Pajak	14227
Kimberly Ralicki	14227
Jeffrey Rogowski	14212
Sean Ross	14211

New York State Conservation Corps - Alternates
$3.80 per hour (01-7310-0001-1816)

Bryan Anthony	14043
Ronald Bakowski	14227
Jerel Bogdan	14206
Jason Bojarski	14227
Brian Grochocki	14227
Robin Klosko	14206
James Loughlin	14225
Steven Mitchell	14225
Timothy Nowak	14211
Mark Ostempowski	14206
Michael Pitzonka	14212
Steve Reddien	14043
Kevin Sears	14227

and BE IT FURTHER

RESOLVED that the following individuals be hired for the Cheektowaga Youth Bureau's Conservation Corps Programs at the designated titles and salaries:

Cheektowaga Conservation Corps Trainee Supervisor
$7.00 per hour (01-7310-0001-1811)

Lawrence Osswald	14225

Summer Trainees
$3.80 per hour (01-7310-0001-1812)

Cory Berardi	14227
Geri Burke	14043
Teri Burke	14043
Jennifer Ciesielski	14227
Dwayne Dewyea	14212
Deborah Dybalski	14043
James Giardina	14225

Item No. 19d cont'd

Claude Gillman	14227
Jamie Kalstek	14227
Michael Meder	14043
Barbara Mederski	14043
Eric Metz	14227
Dennis Piekarski	14043
Jeffrey Pula	14206
Timothy Schaefer	14227
Steven Schottman	14206
Ralph Sweeney	14227
Carrie Taber	14227
Kris Wittmeyer	14227
Jason Zaifert	14227

Cheektowaga Conservation Corps Alternates
$3.80 per hour (01-7310-0001-18121)

Russell Ciraolo	14227
Pamela Eger	14206
Craig Gangloff	14227
Tiffany Hendel	14212
Darrell Nati	14206
Ronald Obringer	14227
Robert Pierson	14206
Susan Skierczynski	14227

and BE IT FURTHER

RESOLVED that the following individual's salary be transferred from the Cheektowaga Conservation Corps Trainee Supervisor line item (01-7310-0001-1811) to that of the New York State Conservation Corps Crew Supervisor (01-7310-0001-1815) effective Monday, June 15th

James Hornung	14225

and BE IT FURTHER

RESOLVED that the following individuals be hired for the Summer Day Camp for Developmentally Disabled at the designated titles and salaries, effective immediatley:

Counselor I (01-7310-0001-1802) $3.80 per hour:

Amy F. Furminger	14043

Counselor III (01-7310-0001-1802) $4.00 per hour:

Elizabeth Gagola	14225

and BE IT FURTHER

RESOLVED that the following individuals be terminated from the Summer Day Camp Program, effective immediately:

Counselor II (01-7310-0001-1802)

Roseann Piscitello	14227

Senior Counselor (01-7310-0001-1802)

Robin M. Straker	14225

and BE IT FURTHER

RESOLVED that Tammy Ozolins, , Depew, N.Y. 14043, be hired as a Youth Leader-Cheektowaga Conservation Corp at $4.64 per hour (01-7310-0001-18112).

Item No. 19d cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19e Motion by Councilman Rogowski, Seconded by Councilman Blachowski

BE IT RESOLVED that the following persons be hired as seasonal employees in the listed departments, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) consecutive weeks in a calendar year:

	EFFECTIVE
SEWER MAINTENANCE DEPARTMENT - $4.65 per hour	
Timothy Danner	Immediately
Scott Schneider	"
Michael Intericola	"
SANITATION DEPARTMENT - $5.00 per hour	
David Kupkowski	Immediately
Jeffrey Choinski	"
FACILITIES DEPARTMENT - Clerical - $4.65 per hour #01-7110-0001-1391	
Jackie Kowal	Immediately
FACILITIES DEPARTMENT - Parks Division - $4.65 per hour #01-7110-0001-1491	
William Yetman	Immediately
Jeffrey Wesolowski	"
Darren Golas	"
Dave Hapeman	"
Jason Gamble	"
Jason Ozolins	"
Karl Schneider	"
Joseph Dietl	"
James Mazurek	"

and BE IT FURTHER

RESOLVED that Christopher Golas, a seasonal employee, be and hereby is transferred from the Facilities Department to the Highway Department, effective June 18, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 20a Retain consultant to update Master Plan
This item was withdrawn.

Item No. 20b Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, by resolution dated March 19, 1990, this Town Board retained the law firm of Moot & Sprague in connection with the condemnation of land for the Cheektowaga Municipal Golf Course, and

Item No. 20b cont'd

WHEREAS, said resolution provided that such law firm's costs wre not to exceed $7,500.00 without further approval of this Town board, and

WHEREAS, bills for the services of Moot & Sprague have now reached the $7,500.00 limit, and

WHEREAS, this Board is desirous of continuing to retain Moot & Sprague for the condemnation of land for the Town golf course, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to retain the services of Moot & Sprague as per the terms of the letter of Moot & Sprague dated March 7, 1990, and BE IT FURTHER

RESOLVED that moneys for such services shall be appropriated from budget line number 05-7140-8817-1100.

* *

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN KULYK
TO AMEND THE ABOVE RESOLUTION AND THE VOTING IS AS FOLLOWS:

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Blachowski
NAYES: Councilman Rogowski
ABSENT: 0

* *

Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, by resolution dated March 19, 1990, this Town Board retained the law firm of Moot & Sprague in connection with the condemnation of land for the Cheektowaga Municipal Golf Course, and

WHEREAS, said resolution provided that such law firm's costs wre not to exceed $7,500.00 without further approval of this Town board, and

WHEREAS, bills for the services of Moot & Sprague have now reached the $7,500.00 limit, and

WHEREAS, this Board is desirous of continuing to retain Moot & Sprague for the condemnation of land for the Town golf course, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to retain the services of Moot & Sprague as per the terms ofurther appro-
val of this Town Board.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki and Blachowski
NAYES: Councilman Rogowski
ABSENT: 0

Item No. 21 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, Cynthia Carleton, a Clerk-Typist in the Police Department, has been on maternity leave since March 14, 1990, and

WHEREAS, Ms. Carleton's accumulated sick and vacation time will expire on July 2, 1990, and

Item No. 21 cont'd

WHEREAS, Ms. Carleton has requested a voluntary leave of absence without pay from July 2, 1990 through September 4, 1990, NOW, THEREFORE, BE IT

RESOLVED that Cynthia Carleton be and hereby is granted a voluntary leave of absence, without pay, from July 2, 1990 through September 4, 1990.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 22a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Cheektowaga Youth Bureau has been selected as a grant recipient by the New York State Office of Parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1990, and

WHEREAS, it entails a four day training session requiring the presence of the Work Crew Supervisors, NOW, THEREFORE, BE IT

RESOLVED that Alan Miano and Jim Hornung be authorized to attend said training session in Saratoga, New York, from June 26th to June 29th, and BE IT FURTHER

RESOLVED that all necessary travel expenses be reimbursed, not to exceed $350.00 (01-7310-0004-4083).

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 22b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Federal Bureau of Investigation is holding an International Symposium on the Forensic Aspects of Mass Disaster and Crime Scene Reconstruction at the FBI Academy in Quantico, Virginia from June 22-29, 1990, and

WHEREAS, the Chief of Police has requested permission for Lt. Thomas Rowan to attend this symposium, and

WHEREAS, the Federal Bureau of Investigation will pay all Lt. Rowan's fees, except transportation, for attending this symposium, NOW, THEREFORE, BE IT

RESOLVED that Lt. Thomas Rowan be and hereby is authorized to attend the aforementioned symposium and BE IT FURTHER

RESOLVED that the Town shall reimburse Lt. Rowan for his transprotation expenses, in an amount not to exceed $300.00, from budget line item number 01-1910-0004-4082.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN GABRYSZAK
TO DISPENSE WITH THE READING THE FIGURES IN ITEM NO. 23.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* *

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

BE IT RESOLVED that the following transfers are hereby app½roved and made a part hereof:

GENERAL FUND

FROM:	7310-03-3091	(NYSCC-Revenue-Youth Bureau)	$27,598.00
	1910-04-4711	(Contingency)	19,000.00
	1010-04-4001	(Office Supplies-Council)	500.00
	1420-04-4001	(Office Supplies-Law)	72.40
	1430-01-1125	(Co-ordinator-Employee Relations)	1,000.00
	7110-04-4022	(Park Supplies-Facilities)	1,500.00
TO:	7310-01-1815	(NYSCC-Supervision)	5,250.00
	7310-01-1816	(NYSCC-Participants)	14,721.68
	7310-04-4003	(NYSCC-Supplies)	379.08
	7310-04-4083	(NYSCC-Travel)	665.40
	7310-04-4084	(NYSCC-Van Rental)	3,900.00
	7310-04-4085	(NYSCC-Training)	702.00
	7310-08-9005	(NYSCC-Fringes)	1,979.84
	9010-08-8143	(Retiree Medical Ins.)	19,000.00
	6410-04-4194	(Media)	500.00
	1420-04-4013	(Law Books)	72.40
	1430-01-1391	(Part-Time Clerical)	1,000.00
	7110-04-4141	(Chemicals-Facilities)	1,500.00

PART TOWN FUND

FROM:	9010-08-8141	(Employee Medical Insurance)	$ 3,750.00
TO:	9020-08-8143	(Retiree Medical Ins.)	$ 3,750.00

SPECIAL DISTRICT FUND

FROM:	8125-08-8143	(Retiree Medical Ins. - Sewer)	$ 3,000.00
	8125-04-4438	(Sewer Repairs)	5,000.00
	8160-08-8151	(Life Insurance-Sanitation)	7,000.00
	8160-08-8121	(Social Security-Sanitation)	10,000.00
	8160-08-8171	(Optical Insurance)	1,500.00
TO:	8135-08-8143	(Retiree Medical Ins. - Plant 5)	$ 3,000.00
	8125-04-4431	(Equipment Repair-Sewer)	5,000.00
	8160-08-8143	(Retiree Medical Ins.-Sanitation)	7.000.00
	8160-08-8143	(Retiree Medical Ins.-Sanitation)	10,000.00
	8160-08-8143	(Retiree Medical Ins.-Sanitation)	1,500.00

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to June 18, 1990 are hereby approved and made a part hereof:

GENERAL FUND	$220,119.15
HIGHWAY FUND	59,856.63
CAPITAL FUND	148,020.84
TRUST & AGENCY FUND	1,660.76
PART TOWN FUND	3,150.84
RISK RETENTION FUND	8,402.49
HUD-REHAB. FUND	17,147.00
SPECIAL DISTRICT FUND	85,585.69
	$543,943.10

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25a Minutes of May Meeting - Planning Board
Received and Filed.

Item No. 25b Minutes of May Meeting - Traffic Safety Commission
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 26 N.Y.S. Dept. of Trans. - Designation of Restricted Highway - Union Road and George Urban Blvd.
Copies were sent to: Frank Swiatek, Supervisor; Town Board Members; Chris Kowal, Highway Superintendent; Bruce Chamberlin, Chief of Police.
Received and Filed.

Item No. 27 Summons & Complaint - Gerald Papiernick & Jennifer vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Jim Matecki, Facilities Director; Mike Miecznikowski, Recreation Director; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 28a Notice of Claim - Larry Chirico, Jr. vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman in Sanitation Department; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 28b Notice of Claim - Eugene Gutowski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman in Sanitation Department; S.I.S. Services, Insurance Carrier.
Received and Filed.

Item No. 28c Notice of Claim - Beverly & Charles Timmons as Admin. of Estate of Kelly Timmons (deceased) vs Town of Cheektowaga Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Superintendent; S.I.S. Services, Insurance Carrier. Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Kulyk, Seconded by Supervisor Swiatek to suspend the rules to include the following three (3) items.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located East of 140 Hillpine Road and known as 116 Hillpine Road, Cheektowaga, New York, SBL # 114.17-4-11, and according to the Assessor's Office is owned by Los-Green Incorporated, 405 Convention Tower, Buffalo, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, Michael Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 13.9 acres of land known as 2911 William Street from RA-Apartment District to CM-General Commercial District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, by resolution dated April 30, 1990, this Town Board determined that the Draft Environmental Impact Statement ("DEIS") prepared by the Applicant for the Project was satisfactory with respect to scope, content and adequacy, and

WHEREAS, the New York State Thruway Authority ("NYSTA"), as involved agency under SEQRA, by letter dated June 6, 1990, notified the Town that "there may be major problems both with the future drainage that is proposed and the actual drainage currently in place, through the NYSTA easement which crosses the Project site, and

WHEREAS, under the SEQRA regulations, this Town Board can request a Supplemental Environmental Impact Statement ("SEIS) when "newly discovered information arises about significant adverse effects" which was not previously addressed, and

Item No. 30 cont'd

WHEREAS, this newly discovered information from the NYSTA significantly affects the issue of drainage for the Project and such information was not previously addressed by the Applicant, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Applicant to submit a SEIS containing a comprehensive drainage study of all sources contributing to the flow in the NYSTA easement and detailing the impacts of the Project on such easement and the surrounding area; such SEIS to be submitted to the Town Environmental Advisory Committee and this Town Board for review, and BE IT FURTHER

RESOLVED that the Town Building Inspector, as Intake Officer for the Town, be and hereby is directed to notify all appropriate agencies, the applicant and others required by SEQRA of this requirement for a SEIS.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department - Building Maintenance Division, and

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Ronald Kennuth of , Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Facilities Department - Building Maintenance Division in accordance with the terms and conditions of the collective bargaining agreeement between the Town and the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 32 Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 14
June 30, 1990

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 30th day of June, 1990 at 9:00 o'clock A.M. Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Jacqueline A. Blachowski

ABSENT: Councilman Richard B. Solecki
Councilman William P. Rogowski

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney;

I. RESOLUTIONS

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk
to dispense with the reading of the names of Item No. 2.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 2 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the individuals lsited on the attached sheets be and hereby are hired as seasonal employees in the listed departments, effective immediately and for a period of twenty-four (24) weeks, at the salaries indicated on such sheets.

* See next five (5) pages for names

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

CENTRAL GARAGE
$4.35 per hour

NAME

Zydel, Richard

FACILITIES DEPARTMENT
$4.65 per hour

NAME

Demler, James E.
Hagmier, Gordon
Lee, Robert
Sciandra, Andrew J.
Stangret, Edward
Bratek, John
Kochel, John
Koscielny, Jeffrey
Lampke, Felix
Rogalski, Harry
Viverto, Cam A.

Coffta, Joseph
Dunkowski, Steven
Strong, Francis

No. 15
No. 16
No. 17

MAIN PUMP STATION

$4.65 per hour

NAME

Johnson, John
Kensy, Chester
Linkner, Leroy
Scharmach, Conrad

SANITATION DEPARTMENT

$5.00 per hour

NAME

Bienko, Daniel
Bratek, Michael
Cywinski, Mark
Daminski, Gerald
Gallmeyer, David
Jasinski, Leonard Jr.
Jochum, Raymond A.
Kazmierczak, Bryan
Krzeminski, Joseph
Myhalenko, Peter
Orlikowski, David
Parisien, Theodore
Sobocinski, Donald
Stevenson, Scott
Strzelczyk, Paul
Wieberg, John
Wisniewski, Matthew
Caggiano, Terry Jr.
Kwiatkowski, James M.
Ruthenberg, Dale R.
Stolinski, Marc
Wdowik, Anthony R.

SEWER MAINTENANCE DEPARTMENT

$4.65 per hour

NAME

Chrusciki, William
Latshaw, Richard
Sarago, Dean

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

WHEREAS, Michael J. Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 13.9 acres of land known as 2911 William STreet from RA-Apartment District to CM-General Commercial District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, by resolution dated April 30, 1990, this Town Board determined that the Draft Environmental Impact Statement ("DEIS") prepared by the Applicant for the Project was satisfactory with respect to scope, content and adequacy, and

WHEREAS, the public comment period on such DEIS was scheduled to expire on June 29, 1990, and

WHEREAS, the New York State Thruway Authority ("NYSTA"), an involved agency under SEQRA, by letter dated June 20, 1990, notified the Town that it was requesting the Town to extend the public comment period for the DEIS until such time as a drainage study is completed and reviewed by the NYSTA, and

WHEREAS, this Board desires to accomodate the NYSTA, NOW, THEREFORE, BE IT

RESOLVED that the public comment period on the DEIS for the Project be and hereby is extended until such time as the drainage study requested by the NYSTA and this Town Board is completed and reviewed by the NYSTA and the Town, and BE IT FURTHER

RESOLVED that the Town Building Inspector, as Intake Officer, be and hereby is directed to notify all interested and involved agencies and others required under SEQRA of the aforementioned extension of the public comment period for the Project.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

RESOLVED that Tracy Krawczyk, Cheektowaga, New York 14227, be hired in the Town Clerk's Office as a summer employee at the rate of $5.00 per hour, effective immediately.

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

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

WHEREAS, there exists a vacancy in the position of General Mechanic in the Facilities Department, and

WHEREAS, a notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Randy Palmisano, , Cheektowaga, New York 14227 be appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association.

Item No. 5 cont'd

Upon Roll Call....
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk and Blachowski
NAYES: 0
ABSENT: Councilmen Solecki and Rogowski

Item No. 6 Motion by Supervisor Swiatek, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk