

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of July, 1992 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 Richard B. Solecki  
Councilman William P. Rogowski  
Councilman Jacqueline A. Blachowski  
Councilman Thomas M. Johnson, Jr.

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kenneth J. Kopacz, Director of Youth and Recreational Services; Robert Kaczmarek, Chief Accountant; Chester Bryan, Town Engineer; Bruce Chamberlin, Chief of Police and Ronald Marten, Building and Plumbing Inspector.

I. FROM THE TABLE

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

WHEREAS, a vacancy exists on the Cheektowaga Conservation Advisory Council ("CCAC") as a result of the resignation of Daniel A. Stachelski, Jr., and

WHEREAS, Daniel Quartironi has expressed an interest in serving on the CCAC, and

WHEREAS, Daniel Quartironi has been attending the CCAC meetings and has assisted the CCAC in its review of various matters, and

WHEREAS, the CCAC has recommended Mr. Quartironi to serve on the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that Daniel Quartironi, Cheektowaga, New York 14215 be and hereby is appointed as a member of the Cheektowaga Advisory Council for a term ending October 15, 1992.

Upon Roll Call....

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

II. RESOLUTIONS

Item No. 3a Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, Jane Tylanda, as owner, has made application and requested the rezoning from C-Retail Business District to RA-Apartment District for property located at 1041 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 20, 1992 at 7:00 o'clock P.M., Eastern Daylight Savings Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

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

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 20th day of July, 1992 at 7:00 o'clock, P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of JANE TYLEND/RICHARD MUCCI to Rezone from RETAIL BUSINESS District to APARTMENT District on property located at 1041 WALDEN AVENUE and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 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 Tractor Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number thirty-three (33), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lots numbers thirteen (13) and fourteen (14) in Block Number three (3) as shown on map filed in Erie County Clerk's Office under Cover Number 325.

BY THE ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek  
Councilman Patricia A. Jaworowicz  
Councilman Dennis H. Gabryszak  
Councilman Richard B. Solecki  
Councilman William P. Rogowski  
Councilman Jacqueline A. Blachowski  
Councilman Thomas M. Johnson, Jr.

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: July 9, 1992

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

Melanie Wolf, 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 July 9, 1992; last publication July 9, 1992; and that no more than six days intervened between publications.

Melanie Wolf

Sworn to before me this 9th day of July, 1992

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 12/11/93

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 COUNTY OF ERIE  
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.....Margaret J. Bourdette.....

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Item No. 3b Motion by Councilman Johnson, 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 July 20, 1992 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 9th day of July, 1992, 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 20, 1992 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections designated, shall be amended by deleting therefrom the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yields</u>	<u>Sign Location</u>
Bright Street	North-south	Parker Street	Westbound	N.E. Corner
Bright Street	North-south	Parker Street	Eastbound	S.W. Corner

Section 76-80. Stop intersection designated, shall be amended by adding thereto the following:

Parker Street	East-west	Bright Street	Southbound	N.E. Corner
Parker Street	East-west	Bright Street	Northbound	S.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations:

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No. parking anytime

CLAUDE DRIVE	east side	from Maplevue Road to Huth Road
CLAUDE DRIVE	east side	from Dingens Street north to Hurd Street

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

B. No parking anytime

CLAUDE DRIVE	east side	from the north curbline of Dingens Street to the south curbline of William Street
--------------	-----------	---

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



Item No. 3b Motion by Councilman Johnson, 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 July 20, 1992 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 9th day of July, 1992, said amendments being set forth in the Notice of Hearing.

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Section 76-102. Parking prohibited in designated locations:

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

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CLAUDE DRIVE	east side	from Mapleview Road to Huth Road
CLAUDE DRIVE	east side	from Dingens Street north to Hurd Street

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

B. No parking anytime

CLAUDE DRIVE	east side	from the north curblin of Dingens Street to the south curblin of William Street
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BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,  
NEW YORK.

Item No. 3b continued

Richard M. Moleski, Town Clerk

Dated: July 6, 1992

\* \* \* \* \*

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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COUNTY OF ERIE  
TOWN OF CHEEKTOWAGA } ss.

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of Cheektowaga, in said County of Erie, being  
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LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

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

Dated: July 6, 1992

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: July 9, 1992

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

WHEREAS, this Town Board has authorized the preparation of plans and specifications for Roadway Lighting Removal on the Kensington Expressway east of the I-90, AND

WHEREAS, the Town Engineer advises that plans and specifications have been completed and the project is ready to solicit competitive bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Roadway Lighting Removal on the Kensington Expressway, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of July, 1992 at 11:00 A.M., Local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\* \* \* \* \*

ROADWAY LIGHTING REMOVAL  
KENSINGTON EXPRESSWAY  
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 16th day of July, 1992 at 11:00 A.M., Local Time, in the Town Hall at Broadway and Union Road in the Town of Cheektowaga, New York for furnishing all labor, materials, tools, equipment and incidentals required for the removal of roadway lighting from the Kensington Expressway between the Thruway (I-90) and Genesee Street and related interchange ramps.

On and after the date of this notice, plans and specifications and other contract documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York, and the office of EMS Consulting at 1863 Clinton Street, Buffalo, New York, upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga, New York. Contract documents will be mailed by EMS Consulting upon receipt of a separate \$15.00 non-refundable check for mailing and handling costs in addition to the contract document deposit. Checks for mailing and handling costs shall be made payable to EMS Consulting.

Any bidder returning Plans and Specifications in good condition within thirty days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty day period.

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

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Roadway Lighting Removal, Kensington Expressway."

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

Each proposal must be accompanied by a certified check or bank draft for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or a bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in the sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the contractor will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

Item No. 4a continued

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

The successful bidder will be required to furnish a Performance Bond accepted to the Owner, in an amount equal to the contract award.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 45 consecutive calendar days, to begin five (5) days after the Notice to Proceed has been issued.

Richard M. Moleski  
Town Clerk  
Town of Cheektowaga

DATED: July 6, 1992

\* \* \* \* \*

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE  
ROADWAY LIGHTING RE-  
MOVAL KENSINGTON EX-  
PRESSWAY TOWN OF CHEEK-  
TOWAGA ERIE COUNTY, NEW  
YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 16th day of July, 1992 at 11:00 A.M., Local Time, in the Town Hall at Broadway and Union Road in the Town of Cheektowaga, New York, for furnishing all labor, materials, tool, equipment and incidentals required for the removal of roadway lighting from Kensington Expressway between the Thruway (I-90) and Genesee Street and related interchange ramps.

On and after the date of this notice, plans and specifications and other contract documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York, and the office of EMS Consulting at 1863 Clinton Street, Buffalo, New York, upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga, New York. Contract documents will be mailed by EMS Consulting upon receipt of a separate \$15.00 non-refundable check for mailing and handling costs in addition to the contract document deposit. Checks for mailing and handling costs shall be made payable to EMS Consulting.

Any bidder returning Plans and Specifications in good condition within thirty days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty day period.

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

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Roadway Lighting Removal, Kensington Expressway."

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

Each proposal must be accompanied by a certified check or bank draft for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or a bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in the sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the contractor will enter into a contract for the same, and that he will execute such further security as may

be required for the faithful performance of the contract.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's certificate of Non-Collusion.

Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 45 consecutive calendar days, to begin five (5) days after the Notice to Proceed has been issued.

Richard M. Moleski  
Town Clerk

Town of Cheektowaga

Dated: July 6, 1992

PUBLISH: July 9, 1992

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**LEGAL NOTICE  
ROADWAY LIGHTING RE-  
MOVAL KENSINGTON EX-  
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Richard M. Moleski  
Town Clerk

Town of Cheektowaga

Dated: July 6, 1992

PUBLISH: July 9, 1992

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QUALIFIED IN ERIE COUNTY  
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Item No. 4b 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 TIRES AND TUBES 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 thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on July 17th, 1992 at the Cheektowaga Town Hall Council Chambers.

\* \* \* \* \*

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 NEW & USED TIRES AND TUBES, ALONG WITH RECAPING OF OUR USED TIRE CASINGS" for use by various departments in the Town at a public bid opening July 17, 1992 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR TIRES, TUBES, RECAPING, ETC.".

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

Richard M. Moleski  
Town Clerk

DATED: July 6, 1992

PUBLISHED: July 9, 1992

\* \* \* \* \*

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE



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

**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 NEW & USED TIRES AND TUBES, ALONG WITH RE-CAPPING OF OUR USED TIRE CASINGS" for use by various departments in the Town at a public bid opening July 17, 1992 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 located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR TIRES, TUBES, RE-CAPPING ETC."  
Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.  
RICHARD M. MOLESKI  
TOWN CLERK  
PUBLISH: July 9, 1992

Melanie Wolf, 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 July 9, 1992; last publication July 9, 1992; and that no more than six days intervened between publications.

Melanie Wolf  
Sworn to before me this 9th day of July, 1992.  
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 12/11/93

**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 NEW & USED TIRES AND TUBES, ALONG WITH RE-CAPPING OF OUR USED TIRE CASINGS" for use by various departments in the Town at a public bid opening July 17, 1992 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 located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR TIRES, TUBES, RE-CAPPING ETC."  
 Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.  
**RICHARD M. MOLESKI**  
**TOWN CLERK**  
**PUBLISH: July 9, 1992**

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

.....Melanie Wolf....., of the town  
 of Cheektowaga, in said County of Erie, being  
 duly sworn, deposes and says that he (she) is  
 .....Clerk..... of the Cheek-  
 towaga Times, a public newspaper published  
 weekly in said town; that the notice, of which  
 the annexed printed slip, taken from said news-  
 paper is a copy, was inserted and published in  
 said paper once a week for .....1..... weeks:  
 first publication.....July 9, 1992.....;  
 last publication.....July 9, 1992.....;  
 and that no more than six days intervened be-  
 tween publications.

.....Melanie Wolf.....  
 Sworn to before me this .....9th.....  
 day of .....July....., 1992.  
 .....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 12/11/93

Item No. 4c 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 thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on July 17, 1992 at the Cheektowaga Town Hall Council Chambers.

\* \* \* \* \*

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 quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town at a public bid opening July 17, 1992 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL, ETC."

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

RICHARD M. MOLESKI, TOWN CLERK

DATED: July 6, 1992

PUBLISHED: July 9, 1992

\* \* \* \* \*

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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 quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town at a public bid opening July 17, 1992 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 located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL ETC".

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

RICHARD M. MOLESKI  
TOWN CLERK

PUBLISH: July 9, 1992

Melanie Wolf, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for 1 weeks:  
first publication July 9, 1992;  
last publication July 9, 1992;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf

Sworn to before me this 9th

day of July, 1992.

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 12/11/93

**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 quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town at a public bid opening July 17, 1992 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 located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL ETC".

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

**RICHARD M. MOLESKI**  
**TOWN CLERK**  
**PUBLISH: July 9, 1992**

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

.....Melanie Wolf....., of the town  
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.....Melanie Wolf.....  
 Sworn to before me this .....9th.....  
 day of .....July....., 1992.  
 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 12/11/93

MEETING NO. 15

July 6, 1992

Item No. 5a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, which bids were duly opened on June 15, 1992, AND

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

WHEREAS, said Town Engineer has submitted the same which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the application of a chemical root control agent to sanitary sewer lines for the fiscal years of 1992, 1993 and 1994 be awarded to the following at the unit price of \$1.29 per lineal foot of eight inch (8") sanitary sewer, \$1.49 per lineal foot of ten inch (10") sewer, \$1.72 per lineal foot of twelve inch (12") sewer, \$2.53 per lineal foot of fifteen inch (15") sewer, \$3.77 per lineal foot of eighteen inch (18") sewer, \$4.74 per lineal foot of twenty one inch (21") sewer and \$5.69 per lineal foot of twenty four inch (24") sewer be awarded to Duke's Sales & Service, Inc., 1020 Hiawatha Boulevard West, Syracuse, New York 13204, said bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the costs for root control under this contract are to be appropriated and limited to the amount budgeted for root control under the appropriated Sewer District #5 budget line item #2500-8125-4475 and Sewer District #3 budget line item #2300-8123-4475.

Upon Roll Call....

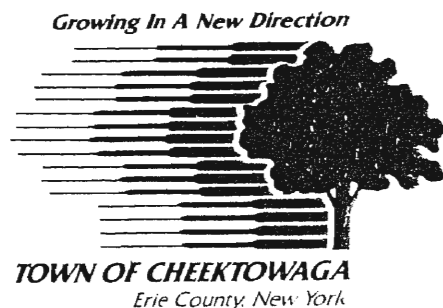
AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.  
Town Engineer



July 1, 1992

TO SUPERVISOR SWIATEK  
AND TOWN BOARD MEMBERS  
TOWN OF CHEEKTOWAGA

RE: Award of Bid  
Chemical Root Control

Gentlemen:

At a public bid opening on June 15, 1992, bids were received and publicly opened for the application of a chemical root control agent to sanitary sewer lines. One (1) bid was received as follows:

<u>BIDDER</u>	<u>UNIT BID PRICE</u>
Duke's Sales & Service, Inc.	8" sewer - \$1.29/lineal foot
	10" sewer - \$1.49/lineal foot
	12" sewer - \$1.72/lineal foot
	15" sewer - \$2.53/lineal foot
	18" sewer - \$3.77/lineal foot
	21" sewer - \$4.74/lineal foot
	24" sewer - \$5.69/lineal foot

The bid was reviewed by the Town Engineer, and upon his recommendation, the bid should be awarded to Duke's Sales & Service, Inc., 1020 Hiawatha Boulevard West, Syracuse, New York 13204, said bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Paul G. Piwowarski  
Engineering Assistant

PGP:dms

MEETING NO. 15

July 6, 1992

Item No. 5b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, this Town Board entered into an agreement with the New York State Department of Transportation for the replacement of the Ledyard Avenue bridge over Scajaquada Creek, which work is to be financed at an 80% rate by the State of New York under the State Aid Local Bridge Program, AND

WHEREAS, bids were received and opened on June 22, 1992 by the Town Clerk, which bids were reviewed by the Town Engineer and the consulting engineering firm of Krehbiel Associates, Inc. with the bid results and recommendations enumerated in the Krehbiel Associates Inc. letter to the Town Engineer dated June 23, 1992, which report is attached, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the replacement of the Ledyard Avenue bridge be and hereby is awarded to Tom Greenauer Development, Inc., 2699 Transit Road, Elma, New York 14059 for the base bid price of \$194,500, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that Tom Greenauer is requested and authorized to order the precast concrete box culvert immediately and before actual contract paperwork is completed in order to meet the project completion schedule, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign the agreement with Tom Greenauer Development, Inc. on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for said replacement of the Ledyard Avenue bridge shall be chargeable to Account #5103-1440-9107.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT





June 23, 1992

Chester L. Bryan, P.E.  
Town Engineer  
Town of Cheektowaga  
275 Alexander Avenue  
Buffalo, New York 14211

Re: Ledyard Avenue Bridge Replacement  
Bid Opening  
KAI Project File 2674

Dear Mr. Bryan:

The bid opening for the Ledyard Avenue Bridge Replacement Project was held on June 22, 1992. The bids have been checked for accuracy and completeness by our office. A summary of the bids is attached for your information.

The low bid for both the Base Bid and Alternate "A" was received from Tom Greenauer Development, Inc., 2699 Transit Road, Elma, New York, 14059 in the following amounts:

Base Bid:	\$194,500.00
Alternate "A" Bid:	\$180,500.00

The contractor's qualifications and past work experience have been reviewed and are acceptable; therefore, it is our recommendation that the contract be award to Tom Greenauer Development, Inc.

Due to the fact that the precast concrete box culvert will require approximately six (6) weeks lead time for product approval and manufacture before delivery it is our recommendation that the Town Board award resolution also request that the contractor order the box culvert immediately following receipt of the Board resolution. This will allow for the box culvert manufacture to begin before actual contract paperwork is completed. It is hoped that this will shorten the time of construction and hopefully eliminate any delays in the schedule due to culvert delivery.

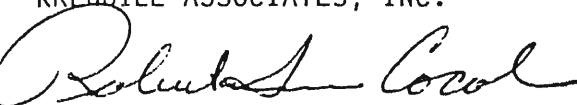
Chester L. Bryan, P.E.  
Town Engineer  
Town of Cheektowaga  
June 23, 1992  
Page Two

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If you have any questions, please contact our office.

Very truly yours,

KREHBIEL ASSOCIATES, INC.



By

Robert G. Cocol  
Project Designer

mal/M-15/2674  
Attachment

cc: Christopher J. Kowal, Highway Superintendent, Town of Cheektowaga  
David F. Jaros, P.E., KAI

RECEIVED  
JUN 26 1992  
ENGINEERING  
DEPT.

PROJECT: LEDYARD AVENUE BRIDGE  
TOWN OF CHEEKTOWAGA

OWNER: TOWN OF CHEEKTOWAGA

KAI Project 2674

BID OPENING: JUNE 22, 1992 AT 11:00 A.M.

ENGINEERS ESTIMATE

TOM GREENAUER  
DEVELOPMENT, INC.

SIMCOE & ERIE GENERAL  
INSURANCE COMPANY

ITEM NO.	DESCRIPTION	QUANTITY / UNIT	UNIT	TOTAL	UNIT	TOTAL
BASE BID						
1	SITE PREPARATION	1.0 L.S.	-	\$32,500.00	-	\$8,000.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$24,500.00	-	\$20,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$22,650.00	-	\$25,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$98,800.00	-	\$90,000.00
5	STORM SEWER	1.0 L.S.	-	\$9,000.00	-	\$9,000.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$21,000.00	-	\$30,000.00
7	GUIDE RAIL	1.0 L.S.	-	\$10,700.00	-	\$12,000.00
8	RESTORATION	1.0 L.S.	-	\$2,500.00	-	\$500.00
TOTAL BASE BID				\$221,650.00		\$194,500.00
ALTERNATE "A" BID						
1	SITE PREPARATION	1.0 L.S.	-	\$28,500.00	-	\$8,000.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$24,500.00	-	\$20,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$22,650.00	-	\$25,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$83,000.00	-	\$80,000.00
5	STORM SEWER	1.0 L.S.	-	\$9,000.00	-	\$9,000.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$18,100.00	-	\$26,000.00
7	GUIDE RAIL	1.0 L.S.	-	\$11,000.00	-	\$12,000.00
8	RESTORATION	1.0 L.S.	-	\$2,500.00	-	\$500.00
TOTAL ALTERNATE "A" BID				\$199,250.00		\$180,500.00

Prepared by Krehbiel Associates Inc. June 22, 1992

PROJECT: LEDYARD AVENUE BRIDGE  
TOWN OF CHEEKTOWAGA

OWNER: TOWN OF CHEEKTOWAGA

KAI Project 2674

BID OPENING: JUNE 22, 1992 AT 11:00 A.M.

M.P.J. CONTRACTING, INC. MARIN CONCRETE CO. INC.  
NATIONAL AMERICAN INSURANCE COMPANY FIDELITY AND DEPOSIT COMPANY

ITEM NO.	DESCRIPTION	QUANTITY / UNIT	UNIT	TOTAL	UNIT	TOTAL
BASE BID						
1	SITE PREPARATION	1.0 L.S.	-	\$35,000.00	-	\$25,000.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$19,380.00	-	\$30,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$24,000.00	-	\$25,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$70,180.00	-	\$95,000.00
5	STORM SEWER	1.0 L.S.	-	\$7,500.00	-	\$13,000.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$26,640.00	-	\$27,000.00
7	GUIDE RAIL	1.0 L.S.	-	\$15,000.00	-	\$8,000.00
8	RESTORATION	1.0 L.S.	-	\$3,000.00	-	\$5,000.00
TOTAL BASE BID				\$200,700.00		\$228,000.00
ALTERNATE "A" BID						
1	SITE PREPARATION	1.0 L.S.	-	\$35,000.00	-	\$25,000.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$19,380.00	-	\$30,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$24,000.00	-	\$25,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$81,680.00	-	\$85,000.00
5	STORM SEWER	1.0 L.S.	-	\$7,500.00	-	\$13,000.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$22,640.00	-	\$25,000.00
7	GUIDE RAIL	1.0 L.S.	-	\$15,000.00	-	\$8,000.00
8	RESTORATION	1.0 L.S.	-	\$3,000.00	-	\$5,000.00
TOTAL ALTERNATE "A" BID				\$188,200.00		\$216,000.00

Prepared by Krehbiel Associates Inc. June 22, 1992

PROJECT: LEDYARD AVENUE BRIDGE  
TOWN OF CHEEKTOWAGA

OWNER: TOWN OF CHEEKTOWAGA

KAI Project 2674

BID OPENING: JUNE 22, 1992 AT 11:00 A.M.

KISSELL EXCAVATING, INC. IN.O.L. DEVELOPMENT

CERTIFIED CHECK NATIONAL AMERICAN  
INSURANCE COMPANY

ITEM NO.	DESCRIPTION	QUANTITY / UNIT	UNIT	TOTAL	UNIT	TOTAL
BASE BID						
1	SITE PREPARATION	1.0 L.S.	-	\$14,326.50	-	\$19,240.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$37,940.00	-	\$35,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$21,398.00	-	\$37,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$121,678.00	-	\$120,000.00
5	STORM SEWER	1.0 L.S.	-	\$9,682.50	-	\$14,480.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$13,980.00	-	\$35,400.00
7	GUIDE RAIL	1.0 L.S.	-	\$6,524.50	-	\$19,000.00
8	RESTORATION	1.0 L.S.	-	\$6,775.00	-	\$6,000.00
TOTAL BASE BID				\$232,304.50		\$286,120.00
ALTERNATE "A" BID						
1	SITE PREPARATION	1.0 L.S.	-	\$14,326.50	-	\$19,240.00
2	DEMOLITION AND SITE EXCAVATION	1.0 L.S.	-	\$37,940.00	-	\$35,000.00
3	SANITARY SEWER	1.0 L.S.	-	\$21,398.00	-	\$37,000.00
4	PRECAST CONCRETE BOX CULVERT	1.0 L.S.	-	\$100,356.00	*	\$110,000.00
5	STORM SEWER	1.0 L.S.	-	\$9,682.50	-	\$14,480.00
6	PAVING AND SIDEWALKS	1.0 L.S.	-	\$12,900.00	-	\$33,400.00
7	GUIDE RAIL	1.0 L.S.	-	\$6,524.50	-	\$19,000.00
8	RESTORATION	1.0 L.S.	-	\$6,775.00	-	\$6,000.00
TOTAL ALTERNATE "A" BID				\$209,902.50	*	\$274,120.00

Prepared by Krehbiel Associates Inc. June 22, 1992

\* CORRECTED TOTAL

MEETING NO. 15  
July 6, 1992

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

WHEREAS, by resolution dated June 15, 1992, this Town Board awarded the Contract for Heat, Ventilating and Air Conditioning at the Cheektowaga Police and Court Building and Town Park Recreation Center to John W. Danforth Company, and

WHEREAS, it was stated in the second "RESOLVED" paragraph of such resolution that funds in the amount of \$15,447.00 are available from Capital Improvements Account #5107-7110-9115, and

WHEREAS, it should have stated that funds in the amount of \$25,447.00 are available from such account, NOW, THEREFORE, BE IT

RESOLVED, that the second "RESOLVED" paragraph of the aforementioned resolution be and hereby is amended to state that funds in the amount of \$25,447.00 are available from Capital Improvements Account #5107-7110-9115.

Upon Roll Call....

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

Item No. 7 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, by resolution dated 12/16/91, the Supervisor of the Town of Cheektowaga was authorized to execute an agreement between the Town and Nowak and Associates, 146 Park Forest Drive, Williamsville, New York for evaluation services pursuant to the Federal Office of Substance Abuse Prevention's Community Partnership Grant (0100-7320-4000), and

WHEREAS, compensation for said contract is based on an hourly rate, and

WHEREAS, additional evaluation and data collection procedures mandated by the Office of Substance Abuse Prevention has necessitated supplementary consultant hours not included in the initial contract, and

WHEREAS, Nowak and Associates is requesting an additional \$3,000.00 necessary to complete the required tasks, and

WHEREAS, the above request has gone through appropriate approval procedures with O.S.A.P. as well as the Executive Board of the Cheektowaga Action Partnership (C.A.P.), and

WHEREAS, funds are available for said purpose, NOW, THEREFORE, BE IT

RESOLVED, that the contract between the Town of Cheektowaga and Nowak and Associates be amended to reflect an increase of \$3,000.00 with expiration date scheduled for September 29, 1992 (0100-7320-4000).

Upon Roll Call....

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

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

WHEREAS, the Erie County Board of Elections has notified the Town of Cheektowaga that the Redistricting Plan originally submitted to and accepted by the Erie County Board of Elections was in error, and

WHEREAS, the original Redistricting Plan resulted in Town Election Districts #5 and #17 containing parts of two different county legislative districts, NOW, THEREFORE, BE IT

Item No. 8 continued

RESOLVED, that Town Election Districts be redrawn and certain Election Districts be renumbered to reflect the changes needed to cover the error as shown on the attached sheet entitled "Town of Cheektowaga Revised Election Districts to be Redrawn".

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

*Town of Cheektowaga*

*Election Districts to be Redrawn*

June 4, 1992

1. *Combine original District #16 and District #17 - Becomes District #16*  

*District #16 - 447 Reg. Voters*  
*#17 - 250 Reg. Voters*  
*697 TOTAL*
2. *Combine original District #9 and District #100 - Becomes District #9*  

*District #9 - 352 Reg. Voters*  
*#100 - 287 Reg. Voters*  
*639 TOTAL*
3. *District #18 will return to the original District (377 Voters)*
4. *District #5 will return to the original District (393 Voters)*
5. *District #8 will return to the original District (209 Voters)*
6. *District #18 in French Road area will now become District #17*
7. *The new District #8 in French Road area will now become District #100*
8. *All other original changes stated in Resolution dated 2/3/92 will remain the same.*



Chester L. Bryan, P.E.  
Town Engineer



MEMO

TO: Richard Moleski  
Town Clerk

FROM: Paul Piwowarski  
Engineering Assistant

DATE: July 8, 1992

RE: Election District Revisions

RECEIVED  
JUL 9 1992  
TOWN CLERK

Following are election district revisions. Election Districts No. 9 and 10 are combined to form District No. 9 and Election Districts No. 16 and 17 are combined to form District No. 16.

DISTRICT NO. 9

Beginning at the centerline of Union Road and Fairhaven Drive, thence southerly along the centerline of Union Road to the intersection of the Kensington Expressway, thence easterly along the centerline of the Kensington Expressway to the centerline of Cayuga Road, thence northerly along the centerline of Cayuga Road to the centerline of Cleveland Drive, thence westerly along the centerline of Cleveland Drive to the centerline of Princeton Court, thence southerly along the centerline of Princeton Court to the centerline of Greenway Boulevard, thence westerly along the centerline of Greenway Boulevard to the centerline of Farmingdale Road, thence southerly and westerly and northerly along centerline of Farmingdale Road to the centerline of Fairhaven Drive, thence westerly along the centerline of Fairhaven Drive to the point of beginning.

DISTRICT NO. 16

Beginning at the westerly lot line of the Town of Cheektowaga intersecting the centerline of Kensington Avenue, thence southerly along said westerly lot line of the Town of Cheektowaga to the intersection of the Kensington Expressway, thence easterly along the centerline of Kensington Expressway to the centerline of Harlem

intersection of the Kensington Expressway, thence easterly along the centerline of Kensington Expressway to the centerline of Harlem Road, thence northerly along the centerline of Harlem Road to a line projected easterly along the rear lot lines on the south side of Southgate Road, thence westerly along said projected line to a line projected southerly from the centerline of Furlong Road, thence northerly along the centerline of Furlong Road to the centerline of Meaford Road, thence easterly and southerly along the centerline of Meaford Road to the centerline of Highview Road, thence northerly and northwesterly along the centerline of Highview Road to the centerline of Cleveland Drive, thence easterly along the centerline of Cleveland Drive to the centerline of Kenview Boulevard, thence northwesterly along the centerline of Kenview Boulevard to the centerline of Kensington Avenue, thence southwesterly along the centerline of Kensington Avenue to the place of beginning.

PGP:dms

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various application for building permits, rezonings, special permits, etc. and renders its recommendation concerning the 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 June 24, 1992, recommended the environmental determinations shown on the attached memo dated June 26, 1992, and

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

RESOLVED, that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 26, 1992 memo attached hereto:

Item I Harlem Road and Clinton Street

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections  
Cheektowaga Town Hall  
Broadway & Union Road  
Cheektowaga, New York 14227  
716 / 686-3470

Growing In A New Direction



M E M O

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

RECEIVED

JUN 26 1992

FROM: Thomas Adamczak  
Building Inspector

TOWN ATTORNEY

DATE: June 26, 1992

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on June 24, 1992 in the Town Hall Council Chambers.

ITEM I Harlem Road and Clinton Street - Proposed 6,335 Sq. Ft. Store

Applicant: Gary Castine

Recommended Determination: Non-Significant With Conditions

The applicant is proposing to construct a retail store at the northwest corner of Clinton Street and Harlem Road. The site is the former location of a farmers market. The applicant had revised the plans to show additional landscaping which resulted in a smaller store building. A question arose regarding the type of vehicles that would be servicing the building since the main store would be a beverage store.

The applicant was present at this meeting and indicated that 12-bay beverage trucks are the only vehicles that service the store. Two trucks per week for beer and one or two trucks per week for pop. No semi-trucks would be delivering at the location.

The drainage for the site was discussed and the Town Engineer indicated that no final approval can be made until the New York State Department of Transportation determines what size pipe the applicant will be allowed to use in tying into the state drainage system. The size, once determined, will then dictate the on-site drainage requirements.

RE: EAC - June 24, 1992  
June 26, 1992  
Page: 2

The applicant indicated that he had been planning on utilizing split-rib block on the east and south sides of the building and he was told to include the west side since this would be visible both from Clinton Street and the New York State Thruway.

The use of the property as proposed is consistent with the Town Master Plan and compatible with other uses surrounding the site. Therefore the committee is recommending that a Negative Declaration be issued with the conditions: decorative block on the west, south and east sides of the building; and that no building permit be issued until the New York State Department of Transportation reviews the drainage and the Town Engineer approves the on-site drainage system.

ITEM II      Norfolk Southern                      - Proposed  
Intermodal/Roadrailer/Triple  
Crown and Auto Facility

Applicant: Norfolk Southern

UPDATE:

The Town held an informational hearing on June 18th regarding the proposed improvements to be constructed at the Bison Yard. Numerous residents from William Street and Sloan were at the meeting as well as Wallace and Lemoine and they voiced their questions and concerns. Norfolk-Southern representatives will be replying as soon as possible.

ITEM III      Aero Drive                              - Proposed Industrial Park

Applicant: Frank Ciminelli Corporation

UPDATE:

The applicant has submitted a revised DEIS with additional information. They've also submitted a letter indicating that a number of items will be addressed by the developer including sediment testing in waterways to be covered, tree survey for the initial 20 acre fill area, additional drainage information, additional traffic study and data.

ITEM IV      1040 Walden Avenue                      - Proposed Rezoning From C  
To RA

Applicant: Jane Tylenda

Item No. 10 Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all improvements that are to be dedicated to the Town and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, Wymar Builders, the developer of the 5-lot Castlewood Subdivision, has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for drainage improvements to be constructed within the subdivision, NOW, THEREFORE, BE IT

RESOLVED, that this Public Improvement Permit be approved for the Castlewood Subdivision, AND, BE IT FURTHER

RESOLVED, that drainage easements are to be filed for this subdivision in the Erie County Clerk's Office prior to acceptance of the related improvements and issuance of building permits.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, a bill has been introduced in the State Legislature to create a \$100 million Environmental Trust Fund, and

WHEREAS, moneys from such Environmental Trust Fund could be used to save open spaces in New York, close landfills properly, help local communities fund recycling plans, and preserve historic sites in the state, and

WHEREAS, such bill has already been passed by the State Assembly and Governor Cuomo is expected to sign same into law; however, support for such bill may be lacking in the State Senate, and

WHEREAS, this Town Board supports such bill and wishes to urge the State Senate to approve same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Senate to pass the aforementioned Environmental Trust Fund bill, (Bill No. A.11988/S.8662), and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Senator Dale M. Volker and the Senate Majority leader, Ralph, J. Marino.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, Niagara Mohawk Power Corporation has recommended that an additional street light standard be installed on Montfort Drive, between Redleaf Lane and Cleveland Drive, in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Niagara Mohawk Power Corporation be and hereby is authorized to install one (1) 100-watt high pressure sodium lamp and one (1) wood pole on Montfort Drive, at an estimated annual increase in the Town's General Lighting District of \$180.86, Line Item #9000-5182-4213, in accordance with the attached proposal which is hereby made a part of this resolution.

Item No. 12 continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

June 18, 1992

Mr. William P. Rogowski, Councilman  
Town of Cheektowaga  
Broadway & Union Road  
Cheektowaga, NY 14227

Dear Mr. Rogowski:

RE: Montfort Drive between  
Redleaf and Cleveland Drive

Thank you for the opportunity to present the enclosed street light proposal for the above-referenced location.

I have recommended that the town install one high pressure sodium fixture to stay in concert with the conversion process currently taking place.

Upon acceptance of this proposal, a letter of authorization from the Town of Cheektowaga is required stating lamp type and wattage to be installed. I will then coordinate all construction details on the town's behalf.

If you have any questions, please do not hesitate to call me at 857-4038.

Sincerely,

*William C. Murty*

William C. Murty  
Consumer Advisor

WCM/blm  
d10:montfort.pro

Enclosure



# TOWN OF CHEEKTOWAGA STREET LIGHT PROPOSAL

CLEVELAND DRIVE

MONTFORT  
DRIVE



X

PL NM 16



X

NM 28



X

NM 36

REDLEAF LANE

○ - EXISTING 175 WATT MERCURY VAPOR STREET LIGHTS

⊗ - PROPOSED STREET LIGHT

**Town of Cheektowaga**  
**Street Light Proposal**

LOCATION: Montfort Drive

GENERAL DESCRIPTION: Provide additional lighting on Montfort Drive

INSTALLATION: Install 1 - 100 watt high pressure sodium standard enclosed luminaire and 1 wood pole with 1 span of wire.

LUMEN OUTPUT: 9,500 lumens

ESTIMATED ANNUAL  
COST: \$180.86\*

\*Prices quoted are in effect on date of proposal, inclusive of gross revenue tax, and are subject to change from time to time with NMPC's general rate changes.

Town of Cheektowaga  
Street Light Proposal

Cost Analysis

Location: Montfort Drive

Cost Breakdown:

<u>Quantity</u>		<u>Billing Code</u>	<u>Cost Each</u>	<u>Totals</u>
1	Energy Charge per Luminaire	N/A	\$32.50	\$ 32.50
1	100 Watt High Pressure Sodium Lamp	843	\$42.07	\$ 42.07
1	100 Watt Standard Enclosed Luminaire	101	\$57.06	\$ 57.06
1	Wood Pole and 1 Span of Wire	200	\$49.23	<u>\$ 49.23</u>
	Estimated Annual Cost*			<u>\$180.86</u>

\*Prices quoted are in effect on date of proposal, inclusive of the gross revenue tax, and are subject to increases from time to time with NMPC's general rate changes.

Item No. 13 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, on June 6, 1955, the Town Board of the Town of Cheektowaga adopted an ordinance now known as Chapter 65, Article II, of the Code of the Town of Cheektowaga, setting forth specifications for the construction of sidewalks in the Town, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by resolution dated September 3, 1991, adopted Local Law No. 4 of the Year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties listed on the attached sheets be and hereby are directed to repair/replace the sidewalks abutting such properties on or before August 5, 1992 in accordance with the Town's Streets and Sidewalks Ordinance, and BE IT FURTHER

ORDERED, that, should such property owners choose not to repair/replace their sidewalks as so notified, the Town will cause such sidewalks to be repaired/replaced, and audit and pay 50% of the expense thereof against the property which abuts such sidewalk over a period of two (2) years, with interest at the rate of 6.00%, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties listed on the attached sheet(s) of this Order by sending the attached Notice via certified mail addressed to each such owner at his address as it appears on the Town assessment roll.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of The Town Clerk

Richard M. Moleski

Town Clerk  
686-3434

Mary F. Holtz

1st Deputy  
686-3433

Vickie L. Dankowski

2nd Deputy  
686-3430

Growing In A New Direction



TOWN OF CHEEKTOWAGA

Ent. County - New York

July 7, 1992

Dear Resident:

Based on a recommendation from the Town Highway Superintendent, the Cheektowaga Town Board adopted a resolution on July 6, 1992 directing you and other property owners to repair the sidewalks in front of your properties. This letter and the enclosed Notice are being mailed by this office pursuant to such Town Board resolution.

In accordance with State law, the Cheektowaga Town Board enacted a local law in September of 1991 requiring property owners to pay 50% of the cost of repairing their sidewalks. This new law applies to you. Property owners, under this new law, are given the option of repairing the sidewalks themselves; if you choose to repair your own sidewalk, you must do so on or before August 5, 1992 and the Town will not reimburse you for any of these costs. If, however, you allow the Town to perform the sidewalk repair work, the Town will pay 50% of the cost of such work; you will then be billed for 50% of the actual cost for such work. Payment to the Town shall be made as follows:

1. On or before September 15, 1992, you may submit full payment to the Town.
2. If the Town does not receive full payment from you by September 15, 1992, the Town will add your cost of the sidewalk repair to your 1993 and 1994 County/Town tax bills.

The Town Highway Department will be responsible for scheduling the approved Town contractor to do the necessary sidewalk repair work. The repair work to be done to your sidewalk will be estimated by markings placed on your sidewalk by the Town Highway Department; please be advised that the actual repair work may differ from the estimated sidewalk repair work in some instances. The cost of the sidewalk repair work will also be computed by the Town Highway Department based on a cost of \$1.25 per square foot (\$25 per 20 square foot block).

I hope the above information is of some assistance to you.

Sincerely yours,

*Richard M. Moleski*

Richard M. Moleski  
Town Clerk

Town Hall, Broadway & Union Road • Cheektowaga, New York 14227

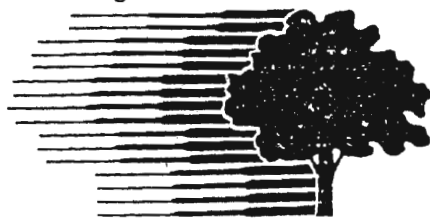
Meeting 7/6/92  
Highway Department

3145 Union Road  
Cheektowaga, NY 14227-1083  
716 / 686-3450  
Mobile: 716 / 863-5867

Christopher J. Kowal  
Superintendent of Highways

14206

Growing In A New Direction



TOWN OF CHEEKTOWAGA  
Erie County, New York

SIDEWALKS 1992 (cont.)

ROSSLER AVE

2053 William St (corner) Pulaski Stanley R & Sr. & W.

238 Grzechowiak Leonard Fr & W.

234 Kormanski Gerald M & W.

230 Krygier Louis A & W. <sup>7/9/92</sup> ~~Depew, NY 14043~~ (moved) - Ms. Mary DWANIAK

218 Penkalski Edward & W.

202 Portl, Louise Achard

192 Gerber Lorraine E.

186 Gozdiak Edward J & I

182 Warmus Edward F Jr & W.

180 Olewniczak Charles Jr & W.

172 Gozdiak Kevin & One

156 Kanowski Henry Jr & W.

148 ~~Hansen David A.~~ <sup>DAVID P. & MARLENE CONDRON</sup>

142 Jaskowiak Leonard Jr & W.

136 Cartenuto Joseph A.

130 Ciezkowski Stanley R. et al

126 Patajczak Daniel & W.

118 Nash Daniel A & W.

114 Klosko, Thaddeus C & W.

110 Maciejewski Stephen P & W.

102 Toporezyk Edward & W.

98 Tschamber Gary

94 Servos Donald R & W.

86 Kulinski Andrew Jr & W.

78 Gouthro Michael F & W.

74 Krajewski Leonard L & W.

70 Glenn Alan J.

66 Borden P. & Frank & Theresa Wagner Sr.

62 Brantell Kevin A.

58 Kozlowski Benedict J.

54 Chudik Martin W & W.

50 Kozlowski, Edward J & W.

46 Lewandowski Harry & W.

42 Leman Elizabeth A.

30 Wojcik Ronald A & W.

26 Jankos Joyce

12 Osieja Richard W & W.

4 Banish Anne

93 Gardon Walter & W.

99 Kalinowski Joseph & W.

105 Blachura Lorraine & I

111 Makuch Henry J & W.

123 Wisniewski Leonard & W.

127 Jozens Raymond C & W.

135 Schwagler Joseph & W.

139 Chalupka Frank T. & Etal

145 Jaskowiak Leonard J.

153 Pacer Carl H & etal

159 Marek Stanley A & W.

173 Kush Nancy L.

179 Hansen Brian M & W - 4301d Farm Rd. Depew, NY 14043

183 Poreda Robert T & W.

195 Suto Stephen & W.

203 Voelker William & W.

207 Lukasik Roman R & W.

213 Paschka Donald F & W.

217 Zadner Casimer & W.

223 Romano Salvatore U & W.

2059 William St Pokorski Edward S & W.

RESIDENT

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 2984 Union Road, Cheektowaga, New York, SBL #113.08-3-16 and according to the Assessor's Office is owned by Third Dunkin Donuts Realty, Tax Department, P.O. Box 317, Cheektowaga #1661, Randolph, Massachusetts 02368, 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 by assessed against the property hereinbefore described.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located on William Street, East corner of Frederick Street, Cheektowaga, New York, SBL #113.64-1-1 and according to the Assessor's Office is owned by Laura Josefiak, , Buffalo, New York 14206, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds 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 by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 15a Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for 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)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

Upon Roll Call....

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

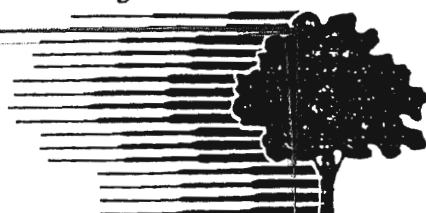
\*SEE NEXT PAGE(S) FOR ATTACHMENT

Meeting 7/6/92  
Highway Department

3145 Union Road  
Cheektowaga, NY 14227-1083  
716 / 686-3450  
Mobile: 716 / 863-5867

Christopher J. Kowal  
Superintendent of Highways

Growing In A New Direction



TOWN OF CHEEKTOWAGA  
Erie County, New York

14206

SIDEWALKS 1992 (cont.)

ROSSLER AVE

- 2053 William St (corner) Pulaski Stanley R & Sr. & W.  
238 Grzechowiak Leonard Fr W.  
234 Kormanski Gerald M. & W.  
230 Krygier Louis A & W. <sup>7/9/92</sup> ~~Depew NY 14042 (moved)~~ - Ms. Mary W. Wania  
218 Penkalski Edward & W.  
202 Portl, Louise Achard  
192 Gerber Lorraine E.  
186 Gozdiak Edward J & I  
182 Warmus Edward F Jr & W.  
180 Olewniczak Charles Jr & W.  
172 Gozdiak Kevin & One  
156 Kanowski Henry Jr W.  
148 ~~Hansen David A.~~ <sup>DAVID P. & MARLENE CONDRIZZO</sup>  
142 Jaskowiak Leonard Jr W.  
136 Cartenuto Joseph A.  
130 Cieczkowski Stanley R & etal  
126 Patajezak Daniel & W.  
118 Nash Daniel A & W.  
114 Klosko, Thaddeus C & W.  
110 Maciejewski Stephen P. & W.  
102 Toporczyk Edward & W.  
98 Tschamber Gary  
94 Servos Donald R & W.  
86 Kulinski Andrew Jr W.  
78 Gouthro Michael F & W.  
74 ~~Krajewski Leonard L & W.~~ <sup>REMOVED</sup>  
70 Glenn Alan J.  
66 Borden P. & Frank & Theresa Wagner Sr.  
62 Brantell Kevin A.  
58 Kozlowski Benedict J.  
54 Chudik Martin W & W.  
50 Kozlowski, Edward J & W.  
46 Lewandowski Harry & W.  
42 Leman Elizabeth A.  
30 Wojcik Ronald A & W.  
26 Jankos Joyce  
12 Osieja Richard W & W.  
4 Banish Anne  
93 Gardon Walter & W.  
99 Kalinowski Joseph & W.  
105 Blachura Lorraine & I  
111 Makuch Henry J & W.  
123 Wisniewski Leonard & W.  
127 Jozens Raymond C & W.  
135 Schwagler Joseph & W.  
139 Chalupka Frank T. & Etal  
145 Jaskowiak Leonard J.  
153 Pacer Carl H & etal  
159 Marek Stanley A & W.  
173 Kush Nancy L.  
179 Hansen Brian M & W - 43 Old Farm Rd. Depew, NY 14042  
183 Poreda Robert T & W.  
195 Suto Stephen & W.  
203 Voelker William & W.  
207 Lukasik Roman R & W.  
213 Paschka Donald F & W.  
217 Zadner Casimer & W.  
223 Romano Salvatore U & W.  
2059 William St Pokorski Edward S & W.

Residence: 260 Cass Ave. + Cheektowaga, New York 14227 + 716 / 895-7185



Meeting 7/6/92  
Highway Department

3145 Union Road  
Cheektowaga, NY 14227-1083  
716-686-3450  
Mobile: 716/863-5867

Christopher J. Kowal  
Superintendent of Highways

Growing In A New Direction



TOWN OF CHEEKTOWAGA  
Erie County, New York

# 1992 SIDEWALKS

VERN LANE 14227  
207 Mayne Peter & W.  
203 Church, Ann L - 52 First, Lanc. N.Y.  
195 Jennings, Jack W & W.  
191 Wagner, James & W.  
187 Wilson, Nancy L.  
179 Lesinski, Daniel P & W.  
175 Heveron, Norman C & W.  
171 Kuhn, Martha E.  
167 Bartkowiak G & W - 175 Messer Ave De  
163 Gorman, William H. Jr & W.  
109 Fair Elm Lane (corner) 14227  
145 Gould Robert M & W.  
141 Sciabarrasi Annette  
139 Rajca Myroslawa  
137 Wypych Arthur J & W.  
135 Arent, Richard S & W.  
133 Arena, Frank P & W.  
131 Malec, James L & W.  
129 Gasiewicz, Michael J.  
127 Horrigan, Daniel B. & W.  
123 Kantowski, Edwin & W.  
117 Welniewicz, Walter R. & W.  
115 Bekalarski, Robert & W.  
111 Hickson, Gerald J & W.  
103 Brown, Ralph S & W.  
101 Hardin, James J. Sr & W.  
99 Staskiewicz A H & W.  
97 Tonucci, Raymond L & W. 14227  
2 Sandy Lane (corner)  
71 Grenda, Lois J & I  
69 Pawlowski George F & W.  
65 Bialecki John & W.  
63 Kamad Wolodymyr & W.  
61 Machynski, Norman J & W.  
59 Rudnicki, Florence  
57 Majeski, David U & W.  
51 Zyskowski Zigmund & I  
49 Cegielski, Thomas J & W.  
  
45 Mazurkiewicz Eugene & W.  
43 Dywinski Bernard, A.  
39 Holas, Richard J & W.  
35 Bohn John F & W.  
33 Grelewski Walter J & W.  
31 Soltis, Gerald J & W.

## Vern La

29 - M/A - 12940 Belscher Rd.  
Springville, N.Y. 14141  
  
17 - c/o Edmund Widomski  
  
2848 William St.  
Sachar Rajinder S & W.  
36 Wellingwood  
Amherst, N.Y. 14051

## Vern Lane

140 - M/A 21 Woodell Ave. Buffalo, N.Y.  
14211

## VERN LA (cont)

29 Chlebowy John W. Jr (M/A)  
27 Piszczak Sophie  
25 Zigrosse Dominic J & W.  
23 Pritchard Robert I  
21 Bilski Joseph J & W.  
19 Drzewiecki, Richard P.  
(M/A) 17 Widomski L & S. Willhoff  
15 Gerbereaux Donna  
13 Makson, T. M & etal  
11 Hejna Jean  
9 Strasser Catherine, Mary  
5 Jaworski David J & W.  
2848 William St  
4 Wheeler, Elizabeth H & I  
6 Kutus, Raymond S & W.  
8 Pawelczyk Joseph & W.  
10 Nowak James A & W.  
12 Dwigun Wasilij & W.  
14 Kolodziejzski Joseph & W.  
18 Bakowski Frank J & W.  
20 Lippke Lois  
22 Mirabelli Richard F &  
24 Hirnyj Walter & W.  
28 Fronczak Jeffrey R & W.  
34 Hillgen George J & W.  
36 Kolodziejz Walter J.  
40 Tytko Raymond A & W.  
42 Kusz Richard & W.  
44 Zgoda Stanley E & W.  
46 Szczesniak Raymond B & W.  
50 Gontarek Roman & W.  
52 Colangelo David A.  
54 Weiss John J & W.  
56 Barsukiewicz Stephen & W.  
58 Fogle Ralph W & W.  
60 Niemira Leonard J & W.  
64 Cervellera Andrew R & W.  
68 Domkiewicz Harry J & W.  
72 Jankowiak, Gerald R & W.  
74 Ferraro, Charles & W.  
76 Adamowicz Joseph & W.  
80 Tominiak, Mauro & Susan L.  
84 Martynkiewicz Henry & W.  
86 Kindzierski Ralph & W.  
88 Kolaeki Eleanor

## Vern Lane

C 167 - M/A 175 Messer Ave, Depew, N.Y. 14043;  
163 - 840 Colvin Blvd. Kenmore, N.Y. 14217  
  
109 Fair Elm Lane  
Rohde Wolfgang H & W  
M/A 717 Longmeadow Rd.  
Eggerstville, N.Y. 14226  
  
2 Sandy Lane  
Gasiewicz, Sandra A

## Vern Lane

51 - 496 Lake Ave, Lancaster, N.Y.  
14086

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 2984 Union Road, Cheektowaga, New York, SBL #113.08-3-16 and according to the Assessor's Office is owned by Third Dunkin Donuts Realty, Tax Department, P.O. Box 317, Cheektowaga #1661, Randolph, Massachusetts 02368, 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 by assessed against the property hereinbefore described.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located on William Street, East corner of Frederick Street, Cheektowaga, New York, SBL #113.64-1-1 and according to the Assessor's Office is owned by Laura Josefiak, Buffalo, New York 14206, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds 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 by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 15a Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for 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)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

	<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT</u> <u>EXPIRES</u>
*	Kenneth Henderson	Snyder, N.Y. 14226	Towns	4/30/95
*	Peter D. Baker	Hamburg, N.Y. 14075	Towns	5/31/93
	Heather Nielsen	Cheektowaga, N.Y. 14215	Towns	6/30/94
	Edward Rivers	Hamburg, N.Y. 14075	Towns	6/30/94

NOTE: \* indicates renewal only

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

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for 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

<u>OWNER</u>	<u>VEHICLE: MAKE &amp; MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Town's Ambulance	1985 Ford	AA 4623	563

and, BE IT FURTHER

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, Solecki,  
Rogowski, Blachowski and Johnson  
NAYES: 0  
ABSENT: 0

Item No. 16a Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, the Town is desirous of providing an Employee Assistance Program for all full-time Town employees, AND

WHEREAS, representatives from all Town labor groups met with management personnel to hear presentations from various Employee Assistance Program providers, AND

WHEREAS, Child and Family Services was chosen to provide this contract, AND

WHEREAS, the expense of this program is reimbursable to the Town for the first year through the Cheektowaga Action Partnership Grant, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign the agreement with Child and Family Services.

Upon Roll Call....

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

Item No. 16b Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga, on September 1, 1987, gave Mr. & Mrs. Robert Baker a Housing Rehabilitation Community Development loan for property owned by them and located at 31 Basswood Drive, Cheektowaga, New York, and

WHEREAS, Mr. & Mrs. Baker are now applying for a separate mortgage loan through Old Stone Credit Corp. of New York, and Old Stone Credit Corp. is requesting the Town to execute a Subordination Agreement relating to the Town's Community Development Loan, NOW, THEREFORE, BE IT

Item No. 16b continued

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement relating to Mr. & Mrs. Baker and the Town's Housing Rehabilitation Community Development loan for 31 Basswood Drive, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

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

Item No. 16c Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town has submitted a Program Statement to the Department of Housing & Urban Development for Community Development Block Grant funding for the 1992-93 Program Year, and

WHEREAS, the Town's 1992-93 program statement has been approved by the Department of Housing and Urban Development, and

WHEREAS, it is necessary for the Town to execute a Grant Agreement with the Department of Housing & Urban Development for the use and receipt 1992-93 Community Development Block Grant funds in the amount of \$727,000, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Grant Agreements with the Department of Housing and Urban Development on behalf of the Town for the 1992-93 Community Development Block Grant Program Year.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Grant Agreement and  
Loan Guarantee  
Acceptance Provisions

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development



Community Development Block Grant Program

Grant Agreement

This Grant Agreement between the Department of Housing and Urban Development (HUD) and (name of the Grantee) Town of Cheektowaga, New York is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 et seq). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and the attached HUD Funding Approval, form HUD-7082 (the Funding Approval), including any special conditions, constitute part of the Agreement.

Subject to the provisions of this Grant Agreement, HUD will make the funding assistance for Fiscal Year 19 92 specified in the Funding Approval available to the Grantee upon execution of the Agreement by the parties.

The funding assistance specified in the Funding Approval may be used to pay costs incurred after May 20, 1992, provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Other pre-agreement costs may not be paid with funding assistance specified in the Funding Approval unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval.

The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58.

The Grantee further acknowledges its responsibility for adherence to the Agreement by subrecipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development

Signature <u>Joseph B. Lynch</u>	Title <u>Manager, 2.2S</u>	Date <u>MAY 19 1992</u>
----------------------------------	----------------------------	-------------------------

The Grantee Town of Cheektowaga, New York

Signature <u>[Signature]</u>	Title <u>Supervisor</u>	Date <u>X 7-8-92</u>
------------------------------	-------------------------	----------------------

Loan Guarantee Acceptance Provisions

N/A

(Use only for Section 108 Loan Guarantee Assistance to designated public agency)

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on \_\_\_\_\_ with respect to grant number \_\_\_\_\_, as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

Name of Public Agency/Grantee

Signature of Authorized Official	Title	Date
----------------------------------	-------	------

Funding Approval  
Title I of the Housing and Community  
Development Act (Public Law 93-383)

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development



HI-00515R

Community Development Block Grant Program

1. Name of Grantee Town of Cheektowaga, New York		2. Project/Grant No. B-92-MC-36-0009	
3. Grantee's Address (Include Street, City, County, State and Zip Code) Mr. Frank E. Swiatek Supervisor, Town of Cheektowaga Broadway and Union Road Cheektowaga, NY 14227 ERIE COUNTY		4. Date of Submission 4/22/92 5. a. Date of HUD Receipt of Submission: 4/23/92 b. Date Grantee Notified: c. Start of Program Year: 5/20/92	
Grantee's Tax Identification Number (TIN) # 16-6002209		6. <input checked="" type="checkbox"/> Original Funding Approval <input type="checkbox"/> Amendment Amendment No. <input type="text"/>	

All section references below are to the Housing and Community Development Act of 1974, as amended, unless otherwise indicated.

7. Category of Title I Assistance for this Funding Action (Check only one)			
a. <input checked="" type="checkbox"/> Entitlement (Sec. 106(b))		d. <input type="checkbox"/> Secretary's Discretionary (Sec. 107)	
b. <input type="checkbox"/> State-Administered (Sec. 106(d)(1))		e. <input type="checkbox"/> Section 108 Loan Guarantee (Sec. 108)	
c. <input type="checkbox"/> HUD Administered Small Cities (Sec. 106(d)(2)(B))		f. <input type="checkbox"/> Surplus Urban Renewal Funds (Sec. 112(b))	
8. Amount of Community Development Block Grant		FY _____	FY _____
a. Amount of CDBG Funds Currently Reserved for this Grantee	\$ _____	\$ _____	FY 1992 \$ 727,000
b. Amount of CDBG Funds Now Being Approved for this Grantee	\$ _____	\$ _____	\$ 727,000
c. Amount of Reservation to be Cancelled (Line 8a minus 8b)	\$ _____	\$ _____	\$ -0-

HUD Accounting Use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	-S
1	1 5 3						7 0 8 2		
4	1 7 6								
9									
12									
13									
14									
16									
18									
23									
30									
35									
Category	Amount 1	Effective Date	F	Amount 2	Schedule No.				
3									
41									
45									
50									
54									
60									
61									
65									
70									
74									
79									

Date Entered:

PAS \_\_\_\_\_  
LOCCS \_\_\_\_\_  
Batch No. \_\_\_\_\_  
Transaction Code \_\_\_\_\_  
Entered by: \_\_\_\_\_  
Verified by: \_\_\_\_\_

9. Amount of loan guarantee commitment now being approved: \$ _____	
10. Recipient of loan guarantee (Check applicable box)	
a. <input checked="" type="checkbox"/> Grantee identified in block No. 1	
b. <input type="checkbox"/> Public Agency designated to receive loan guarantee (Name and address) →	
11. Special conditions (Check applicable box)	
a. <input type="checkbox"/> Not applicable      b. <input checked="" type="checkbox"/> See attachment(s)	

13. SPECIAL CONDITIONS

- a. The funding assistance authorized hereunder shall not be obligated or utilized for any activities requiring a release of funds by HUD under the Environmental Review Procedures for the Community Development Block Grant Program at 24 CFR Part 58, until such release is issued in writing.
- b. Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or reviewed activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.



Item No. 16d Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant Funds from the Department of Housing and Urban Development, and

WHEREAS, federal regulations require that the Town annually 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 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 federal regulations.

Upon Roll Call....

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

Item No. 16e Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the Congress of the United States has passed, and the President of the United States has signed into law the Housing and Community Development Act of 1974, as amended, and

WHEREAS, the primary purpose of the Housing and Community Development Act is to develop better communities in the United States, and

WHEREAS, the Town of Cheektowaga desires to cooperate with the Villages of Sloan, Depew and Williamsville in applying for the utilizing a maximum share of any funds available under said Housing and Community Development Act, and

WHEREAS, said Villages desire to undertake essential community development and housing assistance activities, as defined in said Act, and

WHEREAS, the Town of Cheektowaga has been designated as a "Metropolitan City" by the United States Department of Housing and Urban Development and is thereby eligible for a formula share of program funds, provided said Town enters into cooperation agreements with its included units of general local government and submits said executed agreements to HUD by August 14, 1992, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized and directed to execute said Cooperation Agreements with the Villages of Sloan, Depew and Williamsville, on behalf of the Cheektowaga Town Board.

Upon Roll Call....

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

Item No. 16f Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, by resolution dated June 15, 1992, this Town Board entered into a License Agreement with Great Lakes Divers, Inc. for the use of a room in the Cheektowaga Recreation Center and Town Park Pool on Tuesday and Thursday evenings from June 30, 1992 to August 27, 1992, and

WHEREAS, Great Lakes Divers, Inc. has now requested the use of such facilities on Monday and Wednesday nights as well, and

Item No. 16f continued

WHEREAS, the Director of the Youth and Recreational Services Department has stated that such facilities are not being used by the town on these nights and has recommended the approval of such request provided an additional fee of \$500.00 is paid to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an addendum to the aforesaid License Agreement to authorize the use of such facilities on Monday and Wednesday nights from today's date until August 27, 1992 for an additional fee of \$500.00

Upon Roll Call....

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

Item No. 16g Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the New York State Department of Environmental Conservation requires all municipalities in New York to prepare a Comprehensive Recycling Analysis (CRA); and

WHEREAS, the Erie County Department of Environment and Planning issued a survey on March 10, 1992, asking whether the municipalities in Erie County would like to join in a cooperative, County led effort to prepare a multi-community CRA; and

WHEREAS, the Town of Cheektowaga responded to the survey by choosing to participate in the preparation of a cooperative, multi-community CRA; and

WHEREAS, municipalities which are not part of the Erie County Block Grant consortium are being assessed a charge of \$.05/resident as their share of the costs of preparing the CRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cheektowaga does hereby authorize the Supervisor to enter into an agreement with Erie County in an amount not to exceed \$4,219.00 for the purpose of preparing a CRA, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga does hereby appropriate sufficient funds to execute this agreement from budget account number 1500-8173-4575, and BE IT FURTHER

RESOLVED, that a certified copy of this resolution be furnished to Commissioner Richard M. Tobe, Erie County Department of Environment and Planning, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

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

Item No. 16h Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town is the owner of Cheektowaga Town Park located on Harlem Road, and

WHEREAS, the Town desires to place underground electrical service and a pedestal in Town Park, and needs connection to electrical service to be supplied by New York State Electric & Gas Corporation ("NYSEG"), and

WHEREAS, in order to accommodate the needs of the Town, NYSEG requires an easement from the Town, and

MEETING NO. 15  
July 6, 1992

Item No. 16h continued

WHEREAS, the Town Electrician has reviewed the easement location and has no objection to the granting of such easement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the granting of the aforementioned easement to NYSEG and authorizes the Supervisor to execute the attached easement agreement, 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.

Upon Roll Call.....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

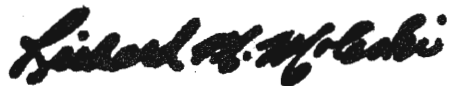
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 6, 1992, adopted a resolution authorizing the granting of an easement for the construction and maintenance of poles, wires and appurtenances over and across property located on Harlem Road in Cheektowaga Town Park.

A copy of such Easement agreement is on file in the Town Clerk's Office where the same may be inspected during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: July 6, 1992



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RICHARD M. MOLESKI  
Town Clerk

EASEMENT

THIS INSTRUMENT WITNESSETH THAT TOWN OF CHEEKTOWAGA, hereinafter called the Grantor(s), being the owner(s) of or having an interest in land situate in the Town of Cheektowaga, County of Erie, State of New York, fronting on the street or highway known as HARLEM ROAD, bounded Northerly by lands of Town of Cheektowaga and Southerly by lands of Town of Cheektowaga, for and in consideration of the sum of One and No / 100 Dollars (\$1.00), the receipt of which is hereby acknowledged, does hereby grant and release unto NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office in the Town of Dryden (no street address), County of Tompkins, State of New York, hereinafter called the Grantee, its lessees, licensees, successors and assigns forever, a permanent easement and right of way, with the right, privilege and authority to construct, reconstruct, relocate, extend, operate, inspect, maintain, repair, replace, and at its pleasure, remove any poles or line of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, braces, communication facilities and other fixtures and appurtenances which the Grantee shall require now and from time to time for the transmission and/or distribution of electric current and/or for communication purposes, for public or private use, in, upon, over, under, and across said land and/or the highways abutting or running through said land.

The easement and right of way hereby granted and released is 20 feet in width throughout its extent, situate, lying and being as follows:

The centerline of said easement is to enter the easterly portion of the Grantor's lands, which lands are fronting on the westerly side of Harlem Road from a now existing NYSEG electric distribution pole 108, continuing thence in a northwesterly direction across the Grantor's lands for a distance of about 4 feet to a point, same point being NYSEG pole 108-1. This is also to include all necessary side anchors and guying facilities.

TOGETHER with free ingress and egress over the easement and right of way and other lands of Grantor(s) for all of the above purposes and the right now and from time to time to trim, cut, burn, treat and/or remove by manual, mechanical and chemical means trees, brush, structures and other obstructions within said easement and right of way and such other trees adjacent to the right of way that, in the opinion of the Grantees, may interfere with the construction, operation and maintenance of their line or lines.

PROVIDED, however, that any damage (other than for trimming, cutting, treating, burning and/or removing trees, brush, structures and other obstructions as above provided) to the property of the Grantor(s), caused by the Grantee in the exercise of its rights under this instrument shall be borne by the Grantee.

RESERVING, however, to the Grantor(s): the right to cultivate the ground between said poles, towers and supporting structures and beneath said wires and fixtures, and the right to cross and recross said easement and right of way provided that such use of said ground shall not interfere with, obstruct or endanger any rights granted as aforesaid and shall not disturb the grade of said ground as it now exists, and provided that no structure shall be erected, no trees shall be grown, cultivated or harvested, and no excavating, mining or blasting shall be undertaken within the limits of the easement and right of way without written consent of the Grantee. Grantor(s) in said use of said ground shall maintain a clearance of 10 feet or more from Grantee's aerial wires with vehicles, machinery and equipment.

This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor(s) ha s hereunto set its hand(s) and seal(s) this 7th day of August, 19 92.  
IN PRESENCE OF:

CH-752 LMD

PLEASE NOTARIZE ON THE REVERSE SIDE

X [Signature] [Signature] (L.S.)

Address: 3301 Broadway  
Cheektowaga, NY 14227

X (L.S.)

Address: \_\_\_\_\_

X (L.S.)

Address: \_\_\_\_\_

X (L.S.)

Address: \_\_\_\_\_

EASEMENT

(Personal Acknowledgment)

(Subsc

Line \_\_\_\_\_

Auth \_\_\_\_\_ Parcel No. \_\_\_\_\_

Area Cost Center Co. \_\_\_\_\_

Construction W.O. No. \_\_\_\_\_

TOWN OF CHEEKTOWAGA

TO  
NEW YORK STATE ELECTRIC  
& GAS CORPORATION

Dated \_\_\_\_\_, 19 \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ ss:

Recorded on the \_\_\_\_\_ day of

\_\_\_\_\_, 19 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M

In Book \_\_\_\_\_ of Deeds at

Page \_\_\_\_\_ and examined.

(Clerk)

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
before me, the subscriber, personally appeared

\_\_\_\_\_ to me personally known and known to me to be  
the same person \_\_\_\_\_ described in and who  
executed the within Instrument and duly  
acknowledged to me the execution of the  
same.

(Notary Public)

REMARKS

Paid from Working Fund \_\_\_\_\_ Office

Ck. No. \_\_\_\_\_ Amt. \_\_\_\_\_ Date \_\_\_\_\_

Ck. No. \_\_\_\_\_ Amt. \_\_\_\_\_ Date \_\_\_\_\_

Consideration on this document is less than  
\$100.00.

RETURN TO  
CORPORATE DOCUMENT DEPARTMENT  
NEW YORK STATE ELECTRIC & GAS CORP.  
POST OFFICE BOX 287  
ITHACA, NEW YORK 14851

STATE OF NE  
COUNTY OF

On this \_\_\_\_\_  
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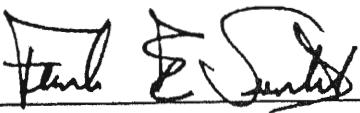
MEMORANDUM OF CUSTOMER OWNERSHIP OF UNDERGROUND ELECTRIC SERVICE LINES  
FROM NYSEG OVERHEAD FACILITIES

Date 8/7/92

It is understood the underground electric service line connected to pole # 108-1 of line # 457 in the (Town, ~~Village~~ <sup>XXXXXX</sup>) of Cheektowaga serving (my, our) premises located at Harlem Road, N/W ~~XX~~ of pole 108-1 consisting of facilities approximately N/L ft. in length, is (my, our) property and is to be maintained by (me, us), or (my, our) heirs, successors and assigns. Therefore, the operation or failure of said service line will not give rise to any liability on the part of NYSEG, its successors and assigns. If said pole is to be replaced, moved or relocated for any reason, the cost of relocating (my, our) underground electric service line is to be borne by (me, us).

It is further understood that should emergency repairs of said underground electric service line be necessary, and NYSEG is subsequently requested to make such repairs, (I, we) agree to pay to NYSEG the cost of repair. Further, (I, we) agree to be responsible for maintaining an adequate voltage level to (my, our) facilities given an adequate voltage level at the point of connection of said facilities to NYSEG's system.

CH-752 LMD

Signed ☒ 

Address 3301 Broadway  
Cheektowaga, NY 14227

Work Order or  
Service Order No.  
\_\_\_\_\_

CA-208, 1/90

White - NYSEG copy, Yellow - Customer copy

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

**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 July 6, 1992  
adopted a resolution authorizing the  
granting of an easement for the con-  
struction and maintenance of poles,  
wires and appurtenances over and  
across property located on Harlem  
Road in Cheektowaga Town Park.  
A copy of such Easement agree-  
ment is on file in the Town Clerk's  
office where the same may be in-  
spected during regular business  
hours.  
TAKE FURTHER NOTICE that  
such resolution is subject to permis-  
sive referendum under Article 7 of  
the Town Law of the State of New  
York.  
BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF  
CHEEKTOWAGA, ERIE  
COUNTY, NEW YORK.  
RICHARD M. MOLESKI  
Town Clerk  
DATED: JULY 6, 1992  
PUBLISH: July 9, 1992

Melanie Wolf, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
clerk of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for .....1..... weeks;  
first publication.....July 9, 1992.....;  
last publication.....July 9, 1992.....;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf  
9th

Sworn to before me this .....

day of July, 1992

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 12/11/93



Item No. 16i Authorize Supervisor to Execute Agreement Between the Town of Cheektowaga Action Partnership and the Sheraton Inn  
This item was withdrawn.

Item No. 17 Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, the Americans with Disabilities Act becomes effective for employers on July 26, 1992, AND

WHEREAS, this act is one of the most impacting pieces of legislation on employment practices to be enacted in recent years, NOW, THEREFORE, BE IT

RESOLVED, that DRS and Associates be contracted for the one-time cost of \$750 to conduct a training program on A.D.A. for up to 25 Town supervisors and managers. This expense is to be charged to line #0100-1910-4101.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that the position of Cleaner in the Facilities Department be and hereby is abolished.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

EFFECTIVE

YOUTH & RECREATIONAL SERVICES

Christopher Klinshaw  
Brendan Simon  
Cheryl Smith  
Jennifer Golas  
Christine Human  
Melanie Maciejewski  
Laura Mutka  
Jennifer Raczkowski  
Jennifer Tobolski

Immediately  
"  
"  
"  
"  
"  
"  
"  
4/4/92

SANITATION/RECYCLING DEPARTMENT

John Skubinski  
David Manzella  
Brian Habitzruther  
Shawn Pokorski

6/18/92  
"  
Immediately  
"

TOWN CLERK'S OFFICE

Lisa DeMont

Immediately

FACILITIES DEPARTMENT

Dennis Piekarski

Immediately

Item No. 19 continued

POLICE DEPARTMENT

EFFECTIVE

Jane Wojciechowski  
Patricia Hyzy  
Gail Burget

Immediately  
"  
"

Upon Roll Call....

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

Item No. 20a Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, by resolution, this Town Board created the position of Program Coordinator in the Youth and Recreational Services Department, and

WHEREAS, this Town Board is interested in filling said position, and

WHEREAS, this position will be underwritten by a contract established with the Cheektowaga Action Partnership (C.A.P.), and

WHEREAS, C.A.P. is funded by the U.S. Department of Health and Human Services' Public Health Services under grant number 1H86SP04160-01A1, NOW, THEREFORE, BE IT

RESOLVED, that Kerry A. Switalski, currently employed as Director of the Cheektowaga Youth Engaged in Service (Y.E.S.) Program through a contract between the Town Youth and Recreation Department and the Youth Department of the Diocese of Buffalo is familiar with the duties and meets all the necessary qualifications of said position, AND BE IT FURTHER

RESOLVED, that Kerry A. Switalski of Cheektowaga, New York 14225 be and hereby is appointed to the full-time position of Program Coordinator (0100-7310-1161) in the Youth and Recreation Department, on a provisional basis pending the establishment of a valid Civil Service examination list for said position, effective immediately and at a salary of \$23,100.00 per year.

Upon Roll Call....

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

Item No. 20b Motion by Councilman Solecki, Seconded by Councilman Blachowski

WHEREAS, a temporary vacancy exists in the position of Light Motor Equipment Operator in the Recycling Department, AND

WHEREAS, said vacancy has been posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Daniel Carrier, currently employed as a temporary Laborer in the Central Garage, applied for said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Daniel Carrier of Cheektowaga, New York 14225, be and hereby is appointed to the temporary vacancy of Light Motor Equipment Operator in the Recycling Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective July 7, 1992.

Item No. 20b continued

Upon Roll Call....

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

Item No. 20c Motion by Supervisor Swiatek, Seconded by Councilman Rogowski

WHEREAS, Francis P. State resigned his position as member of the Board of Assessment Review, and

WHEREAS, his term expired on September 30, 1991, and

WHEREAS, Rudy Santa Maria has the experience and qualifications necessary to serve on the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED, that Rudy Santa Maria, Cheektowaga, New York 14225 be and hereby is appointed to the Board of Assessment Review, effective immediately and terminating on September 30, 1996, at a salary of \$1,217.24 per year.

Upon Roll Call....

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

Item No. 20d Appointment to Fill Vacancy on the Cheektowaga Conservation Advisory Council  
This item was withdrawn.

Item No. 21a Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES in the various departments listed and 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 24 weeks in a calendar year:

EFFECTIVE

TOWN CLERK'S OFFICE - \$5.00 per hour (Laborer)

Christopher Hiller

6/29/92

YOUTH & RECREATIONAL SERVICES - Recreation Attendant (Alternate)  
Level I - \$4.25 per hour - #7140.1614

James Havernick, Jr.

Immediately

FACILITIES DEPARTMENT - \$4.65 per hour (Laborer)

John Jaroszewski

"

SANITATION/RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

Christopher Trietly

Immediately

AND, BE IT FURTHER

RESOLVED, that the salary of Jeanette Mutka, part-time Dog Control Officer, be and hereby is established at \$6.00 per hour, effective immediately

AND, BE IT FURTHER

Item No. 21a continued

RESOLVED, that the salary for Ronald Bolognese, a seasonal employee is the Town Clerk's Office, be and hereby is transferred from line #0100-1410-1391 to line #0100-1415-1600, effective July 1, 1992.

Upon Roll Call....

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

Item No. 21b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that the following individual be transferred (retroactive to June 29, 1992) - 7140.1614

From Recreation Attendant III (\$4.75 per hour) to Recreation Attendant IV - \$5.00 per hour

Christopher Mahalic 14206

BE IT RESOLVED, that the following individuals be transferred as indicated (retroactive to June 29, 1992) - 7180.1903

From Lifeguard III (\$5.00 per hour) to WSI III - \$5.75 per hour

Renee Gajewski 14211

From Lifeguard IV (\$5.75 per hour) to WSI IV - \$6.00 per hour

Ann Marie Gorski 14225  
Keith J. Stachura 14225

From Lifeguard V (\$6.00 per hour) to WSI V - \$6.25 per hour

Michael Mekarski 14225

From Lifeguard II (\$5.00 per hour) to Lifeguard III - \$5.50 per hour

Kelly Sweeney 14225

BE IT FURTHER RESOLVED, that the following individual be hired as a seasonal employee to aid the Youth and Recreational Services Department in conducting its 1992 summer program:

Recreation Supervisor II (Arts and Crafts) 7140.1613 - \$6.00 per hour

Sharon Kensy 14225

Upon Roll Call....

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

Item No. 22a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the State University of New York at Albany is conducting a seminar on Applying Quality Improvement Principles to Public-Sector Services and Administrative Operations on July 20-21, 1992. The course will be held at the Ramada Inn-Albany.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to attend this seminar, and the Police Department will be responsible for the registration fee, travel, lodging and meal expenses which will amount to approximately \$900.00. He will use his police vehicle for transportation to and from this course.

Item No. 22a continued

RESOLVED, that the Town Board is authorizing Chief Bruce Chamberlin to attend this seminar and that the time he spends at this seminar be authorized as normal duty time. This expense will be charged to line 0100-3120-4093.

Upon Roll Call....

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

Item No. 22b Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Action Partnership is a grant funded program of the Federal Office of Substance Abuse Prevention, and

WHEREAS, one of the goals of the program is to offer substance abuse prevention training opportunities to partnership members and community leaders, and

WHEREAS, the National D.A.R.E. Officers Association is sponsoring their 5th Annual D.A.R.E. Conference in Louisville, Kentucky on July 14-18, and BE IT FURTHER

RESOLVED, that Officer Kenneth Jezioro, full-time D.A.R.E. Officer of the Cheektowaga Police Department, be authorized to attend such training at a cost limitation of Nine Hundred and Fifty Dollars \$950.00 (0100-7320-4000) to be totally reimbursed to the Town by the Cheektowaga Action Partnership.

Upon Roll Call....

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

Item No. 22c Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, the New York State Government Finance Officers Association - Western Region will be holding its Western State Council Seminar in Buffalo, New York on July 16-17, 1992, and

WHEREAS, the Supervising Accountant for the Town has requested permission to attend this meeting, and

WHEREAS, information important to the Town on the following topics will be covered at this meeting

- \* Consolidation of Local Governments
- \* Recent Treasury Department Regulations Impacting Tax-Exempt Financing
- \* General Municipal Law and Local Finance Law Amendments,

NOW, THEREFORE, BE IT RESOLVED, that Robert E. Kaczmarek be hereby authorized to attend the aforementioned meeting, and

NOW, THEREFORE, BE IT RESOLVED, that the Town shall pay all reasonable costs associated with Mr. Kaczmarek's attendance at this meeting not to exceed \$75.00 out of budget line item 0100-1910-4081.

Upon Roll Call....

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

Item No. 22d Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the Cornell Waste Management Institute will be sponsoring a Compost Management Short Course for Professionals in Ithaca, New York on August 17, 18 and 19, 1992, AND

Item No. 22d continued

WHEREAS, participants of this course will learn the science of composting, technologies and strategies for producing composts and collecting compostables, how to analyze the economics and markets and how to work with the community, AND

WHEREAS, the General Crew Chief of the Town's Sanitation/Recycling Department, David J. Kulik, has requested permission to attend this course, NOW, THEREFORE, BE IT

RESOLVED, that David J. Kulik be and hereby is authorized to attend the aforementioned course and be reimbursed for all necessary expenses, not to exceed \$750.00, from line #1500-8160-4088, AND, BE IT FURTHER

RESOLVED, that a Town vehicle be provided Mr. Kulik for travel to and from said course.

Upon Roll Call....

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

Item No. 23 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:	0100-1355-1351	Senior Clerk-Assessors	\$ 600.00
	0100-1640-1391	Part-Time Clerical-Central Garage	1,025.00
	0100-1410-4052	Record Administration-Town Clerk	3,000.00
	0100-1415-8000	Employee Benefits-Town Clerk	132.00
	0100-1415-8000	Employee Benefits-Town Clerk	502.00
	0100-1415-4500	Supplies & Equipment-Town Clerk	333.00
	0100-1415-1400	Administrative Ass't.-Town Clerk	1,600.00
	0100-1415-1400	Administrative Ass't.-Town Clerk	900.00
	0100-9010-8975	Retirement Buyout	8,000.00
TO:	0100-1355-1374	Clerk-Typists-Assessors	250.00
	0100-1355-1403	Property Appraisal Tech.-Assessors	350.00
	0100-1640-1412	Laborer	1,025.00
	0100-1410-4111	Publishing Notices-Town Clerk	3,000.00
	0100-1415-1500	Senior Clerk	132.00
	0100-1415-2000	Equipment-Town Clerk	502.00
	0100-1415-2000	Equipment-Town Clerk	333.00
	0100-1410-1391	Part-Time Clerical	1,600.00
	0100-1625-1452	Building Maintenance-Facilities	900.00
	0100-7550-4374	Polish Festival	8,000.00

SPECIAL DISTRICTS

FROM:	1500-8160-1414	Sanitation-MEO B	\$60,300.00
	1500-8160-1444	Sanitation-MEO A	22,050.00
TO:	1500-8173-1410	Recycling-MEO B	60,300.00
	1500-1873-1410	Recycling-MEO B	22,050.00

Upon Roll Call....

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

MEETING NO. 15  
July 6, 1992

Item No. 24 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 3, 1992 hereby approved and made a part hereof:

GENERAL FUND	\$ 932,541.88
HIGHWAY FUND	275,000.20
TRUST & AGENCY FUND	25,325.45
CDBG HUD FUND	36,295.48
PART TOWN FUND	12,044.68
RISK RETENTION FUND	44,244.77
DEBT SERVICE FUND	450,000.00
SPECIAL DISTRICTS FUND	1,166,236.28
HUD REHABILITATION FUND	616.00
CAPITAL FUND	48,815.80
	<hr/>
	\$2,991.120.54

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Building Permits  
Received and Filed.

Item No. 26a Minutes of Cheektowaga Library Board - May 27, 1992  
Received and Filed.

Item No. 26b Minutes of Traffic Safety Commission - June 16, 1992  
Received and Filed.

Item No. 27 Office of Disaster Preparedness Quarterly Report - April-June 1992  
Received and Filed.

Item No. 28 Supervisor's Statement of Funds - May 1992  
Received and Filed

Item No. 29 Letter of Resignation: Member of Cheektowaga Conservation Advisory Council  
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 30a Notice of Claim: Allstate Ins. Co./Lisa Kaylor and Mettieirene & Thomas Wagner vs the Town of Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Highway Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30b Notice of Claim: New York Central Mutual Fire Ins. Co./James and Monica Makarikas vs the Town of Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Police Department and Allied Claims Insurance Carrier.  
Received and Filed.



Item No. 30c Notice of Claim: Mark Brinkel vs the Town of Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,  
Town Attorney; Joan Meyers, Supervisor's Office; Highway Department  
and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30d Notice of Claim: Rae Hastings vs the Town of Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,  
Town Attorney; Joan Meyers, Supervisor's Office; Police Department  
and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30e Notice of Claim: Ralph and Nancy Santangelo d/b/a Santangelo Hair  
Designs vs the Town of Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,  
Town Attorney; Joan Meyers, Supervisor's Office; Police Department  
and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30f Notice of Claim: Lisa M. Kaylor and Frances Knepper vs the Town of  
Cheektowaga  
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,  
Town Attorney; Joan Meyers, Supervisor's Office; Highway Department  
and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 31 Notice of Petition: New York Telephone (various locations) vs the  
Town of Cheektowaga  
Copies were sent to: Assessor  
Received and Filed.

Item No. 32 Request to Speak: William Gangloff

\* \* \* \* \*

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JOHNSON  
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S)  
AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

\* \* \* \* \*

V. SUSPENSION OF RULES

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

BE IT RESOLVED, that the following individuals be and hereby are  
hired as PART-TIME employees, not to exceed 19 hours on a weekly basis, in the  
various departments listed and in compliance with the provisions of the Town's  
collective bargaining agreement with the Town of Cheektowaga Employees Association.

EFFECTIVE

POLICE DEPARTMENT - \$5.00 per hour (Clerical)

Julie Ross  
Michelle Brezowski  
Jacqueline Mancini

Immediately  
"  
"



Item No. 33 continued

Upon Roll Call....

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

Item No. 34 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendations concerning the 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, Frank Ciminelli Corporation submitted an application for environmental review of its proposal to construct a mausoleum in the Holy Sepulchre Cemetery, and

WHEREAS, the Environmental Advisory Committee reviewed the proposal and found no adverse impacts associated with the mausoleum, but requested the applicant to submit a drainage plan to the Town Engineer for approval, and

WHEREAS, the Town Engineer has reviewed the drainage plan for this site and has found same acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a determination of non-significance with respect to the proposed construction of a mausoleum in the Holy Sepulchre Cemetery, and BE IT FURTHER

RESOLVED, that the Building Inspector be directed to file this negative declaration with the NYS DEC, interested and involved agencies and the applicant.

Upon Roll Call....

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

Item No. 35 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Thruway access ramps will shortly be completed at William Street, a County road in the Town of Cheektowaga, AND

WHEREAS, large numbers of semi-tractor-trailers and other heavy trucks are expected to traverse William Street between Harlem Road and the access ramps, AND

WHEREAS, the Norfolk-Southern Auto Transport Railyards alone will account for 336 tractor-trailer movements on Harlem Road, AND

WHEREAS, two schools, a church, a library and numerous residences abut William Street between Harlem and the NYS Thruway, AND

WHEREAS, large numbers of homes and the recreation facilities north and south of William Street also generate frequent pedestrian crossings and intersecting vehicular traffic, AND

WHEREAS, the William Street Citizens and Taxpayers Protective Association has gone on record as opposing truck through traffic on William Street between Harlem and the Thruway, NOW, THEREFORE, BE IT

MEETING NO. 15  
July 6, 1992

Item No. 35 continued

RESOLVED, that the Town Board, in the interest of public safety, hereby petitions the County of Erie to undertake all necessary steps to restrict truck through traffic from William Street between Harlem and the Thruway in anticipation of the access ramps being connected, AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Dennis T. Gorski, Legislator Raymond K. Dusza, and the Clerk of the Legislature.

Upon Roll Call....

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

Item No. 36 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz to adjourn this meeting.

MEETING NO. 16  
July 20, 1992

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of July, 1992 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 Richard B. Solecki  
Councilman William P. Rogowski  
Councilman Jacqueline A. Blachowski  
Councilman Thomas M. Johnson, Jr.

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Employment and Training Director/Planning Board Chairman, Robert Kaczmarek, Chief Accountant; Chester Bryan, Town Engineer and John Schaller, Assistant Chief of Police.

I. PUBLIC HEARING

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

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections designated, shall be amended by deleting therefrom the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yields</u>	<u>Sign Location</u>
Bright Street	North-south	Parker Street	Westbound	N.E. Corner
Bright Street	North-south	Parker Street	Eastbound	S.W. Corner

Section 76-80. Stop intersection designated, shall be amended by adding thereto the following:

Parker Street	East-west	Bright Street	Southbound	N.E. Corner
Parker Street	East-west	Bright Street	Northbound	S.E. Corner

ARTICLE X

Parking. Standing and Stopping

Section 76-102. Parking prohibited in designated locations:

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No. parking anytime

CLAUDE DRIVE	east side	from Mapleview Road to Huth Road
CLAUDE DRIVE	east side	from Dingens Street north to Hurd Street

Item No. 2 continued

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

B. No parking anytime

CLAUDE DRIVE                      east side                      from the north curblin of Dingens Street to the  
south curblin of William Street

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                      Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, in 1989, Mobil Oil Corporation (the "Applicant") applied to the Town for a rezoning from M1-Light Manufacturing District to CM-General Commercial District and for a special permit for property located at the southwest corner of Union Road and Galleria Drive for the purpose of constructing a gasoline dispensing station and car wash (the "Project"), and

WHEREAS, Mobil Oil Corporation also applied for an environmental review of its proposal under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, by resolution dated September 5, 1989, this Town Board determined that a Draft Environmental Impact Statement ("DEIS") addressing certain issues must be prepared by the Applicant and be submitted to the Town Board for review, and

WHEREAS, due to changes in the Town Zoning Law and Zoning Maps in 1992, the Applicant now needs to rezone such property from C-Retail Business District to MS-Motor Services District, and thus Mobil Oil Corporation has amended its application, and

WHEREAS, the Applicant submitted the requested DEIS and other additional documentation to the Town, and

WHEREAS, the Town's Environmental Review Advisory Committee has reviewed the DEIS and other documentation submitted and has recommended that this Town Board accept the DEIS as adequate for review and schedule a public hearing on same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that the DEIS for the Project, although not necessarily reflecting the views of the members of this Town Board or of Town representatives, is adequate for review under SEQRA, and BE IT FURTHER

RESOLVED, that this Town Board hereby determines to schedule a public hearing for August 17, 1992 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, to receive public input on the rezoning application and the DEIS for the Project, and BE IT FURTHER

RESOLVED, that the Town Board hereby provides a public comment period for written comments on the DEIS to be submitted by the public and involved and interested agencies which will close at 6:45 P.M. on August 27, 1992, and BE IT FURTHER

RESOLVED, that the Town Building Inspector, as SEQRA Intake Officer for the Town, cause a Notice of Completion of DEIS and Notice of SEQRA Public Hearing be published in the CHEEKTOWAGA TIMES and circulated and filed, along with the DEIS, with all involved agencies as required by SEQRA, and BE IT FURTHER

RESOLVED, that the Town Clerk publish the attached Notice of Hearing with respect to the rezoning of this property in the CHEEKTOWAGA TIMES.

Item No. 3 continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\* See Next Page

AFFIDAVIT - NEXT PAGE

PLEASE NOTE THAT NOTICE WAS NOT PUBLISHED AND THEREFORE AFFIDAVIT NOT RECEIVED  
DUE TO RESOLUTION BEING AMENDED AT THE AUGUST 3, 1992 TOWN BOARD MEETING.

Item No. 4a      Award of Bid: Furnishing of New and Unused Tires and Tubes along  
with Recapping of Our Used Tire Casings.  
This item was withdrawn.

Item No. 4b      Award of Bid: Furnishing of fuel, oil, gas, lubricants, etc.  
This item was withdrawn.

Item No. 5      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 TWO (2) NEW AND UNUSED, 1993 MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS for use by the Cheektowaga Highway Department.

Information to 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 thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforementioned item at 11:00 A.M. on Friday, July 31st, 1992.

\* \* \* \* \*

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 received proposals for the purchase of TWO (2) NEW AND UNUSED, 1993, MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS AND SALT SPREADERS for use by the Cheektowaga Highway Department at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 31st, 1992 at 11:00 A.M.

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 "BID FOR TWO (2) NEW AND UNUSED 1993 MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS".

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:        July 20, 1992

PUBLISHED:   July 23, 1992

\* \* \* \* \*

Upon Roll Call....

AYES:        Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES:       0

ABSENT:      0

AFFIDAVIT - NEXT PAGE

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

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

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TWO (2) NEW AND UNUSED, 1993, MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS for use by the Cheektowaga Highway Department at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 31st, 1992 at 11:00 A.M.

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TWO (2) NEW AND UNUSED 1993 MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS."

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: July 20, 1992  
PUBLISH: July 23, 1992

Melanie Wolf, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for 1 weeks:  
first publication July 23, 1992;  
last publication July 23, 1992;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf  
23rd

Sworn to before me this .....

day of July, 1992

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 12/11/92



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

LEGAL NOTICE  
TOWN OF CHEEKTOWAGA  
HIGHWAY DEPARTMENT  
LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TWO (2) NEW AND UNUSED, 1993, MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS for use by the Cheektowaga Highway Department at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 31st, 1992 at 11:00 A.M.

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TWO (2) NEW AND UNUSED 1993 MODEL, LIGHT DUTY DUMP TRUCKS, WITH FRONT SNOW PLOWS, AND SALT SPREADERS."

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: July 20, 1992  
PUBLISH: July 23, 1992

Melanie Wolf, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for 1 weeks:  
first publication July 23, 1992;  
last publication July 23, 1992;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf  
23rd  
Sworn to before me this 23rd  
day of July, 1992  
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 12/11/93



Item No. 6a Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, Garden Village Investors, has 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 tax years 1983, 1984, 1985, 1986, 1987 and 1988 for property located on French Road, Cheektowaga, New York and identified as SBL# 124.02-2-9, and

WHEREAS, Garden Village Investors and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, Garden Village Investors and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for Garden Village Investors and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended the attached Settlement Agreement be approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby approve the attached Settlement Agreement between Garden Village Investors and the Town of Cheektowaga, 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 settlement, and BE IT FURTHER

RESOLVED, that this Town Board does direct that the Settlement Agreement be submitted to the Supreme Court of the State of New York for an Order approving said Settlement Agreement between Garden Village Investors and the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that any refunds payable, by the Town, shall be part of County of Erie Charge Backs to the Town in the budget year 1993 and payback to the County of Erie in the budget year 1994.

Upon Roll Call....

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

\* SEE ATTACHED PAGES

KAVINOKY & COOK

ATTORNEYS AT LAW

120 DELAWARE AVENUE

BUFFALO, NY 14202

TELEPHONE (716) 845-6000

FAX (716) 845-6474

July 30, 1992

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

207 QUEEN'S QUAY WEST  
SUITE 455 - P.O. BOX 149  
TORONTO, ONTARIO  
CANADA M5J 1A7  
TELEPHONE (416) 866-8242  
FAX (416) 866-8249

EDWARD H. KAVINOKY, 1903-1977  
WILLIAM H. HEPP, 1913-1980

ROGER T. COOK  
CHARLES R. SANDLER  
RETIRED

HARRY A. RACHLIN  
PETER D. COOK, P.C.  
ALLAN R. LIPMAN  
OF COUNSEL

A FIRM INCLUDING  
PROFESSIONAL  
CORPORATIONS

ARNOLD B. GARDNER, P.C.  
WAYNE D. WISBAUM\*, P.C.  
LAUREN D. RACHLIN  
SAMUEL L. SHAPIRO  
GENE M. SIMON  
RUSSELL J. PIERI  
SUE S. GARDNER  
RANDOLPH C. OPPENHEIMER  
JONATHAN E. RODWIN  
COURTLAND R. LAVALLÉE  
KENNETH A. COHEN  
THOMAS J. KEABLE  
BRIAN D. BAIRD  
DAVID A. LOTEMPLO\*\*  
MARILYN A. HOCHFIELD  
BRIAN P. COOK  
ROSA S. SVISCO  
DAVID L. SNYDER  
CANDACE L. BELL

\*ALSO ADMITTED IN FLORIDA

\*\*ALSO ADMITTED IN DISTRICT OF COLUMBIA

Joseph G. Sacco, Esq.  
22 Victoria Boulevard  
Kenmore, NY 14217

Re: Robert J. Bradley vs. Town of Cheektowaga, et al.  
Premises: 2929 Walden Avenue  
Index No.: 08268/88

Dear Mr. Sacco:

Enclosed please find a copy of the Order and Settlement Agreement in the above proceeding, with Notice of Entry thereon, which Order was granted by the Honorable Irving Fudeman on July 27, 1992 and entered in the Erie County Clerk's Office on July 29, 1992.

We request that the revised assessment figures, as set forth in the enclosed Settlement Agreement, be used to update the assessment rolls and to compute any refunds with interest due the Petitioner relating to the subject property.

These refunds, payable to Petitioner, should be sent to the attention of the undersigned along with a statement of computations for refunds. Thank you for your assistance in this matter.

Very truly yours,

KAVINOKY & COOK

*Janet L. Greenwald*  
Janet L. Greenwald  
Legal Assistant

Enclosure

cc: Wayne D. Wisbaum, Esq.  
Frank P. McGarry, Esq. (w/encl.)  
Town of Cheektowaga Assessor (w/encl.)  
Town of Cheektowaga Clerk (w/encl.)  
Erie County Commissioner of Finance (w/encl.)  
Cheektowaga Central School District Superintendent (w/encl.)

RECEIVED  
JUL 31 1992  
CHEEKTOWAGA TOWN CLERK'S OFFICE  
BOX # 42  
NO. 33

At a Special Term of the Supreme  
Court of the State of New York,  
held in and for the County of Erie  
at the Erie County Courthouse,  
Buffalo, New York on the  
27<sup>th</sup> day of July, 1992.

PRESENT: *Hon. Irving Fudeman*  
Justice Presiding

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  
ROBERT J. BRADLEY

Petitioner

-vs-

ORDER

THE BOARD OF ASSESSMENT REVIEW FOR THE  
TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE  
TOWN OF CHEEKTOWAGA; AND THE TOWN OF  
CHEEKTOWAGA, NEW YORK

Index No: 08268/88

Respondents

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

Intervenor-Respondent

**FILED**

JUL 29 1992

For Review of the Assessment of Certain  
Real Property known as 2929 Walden Avenue  
in the said Town of Cheektowaga  
For the Tax Year 1988-89, 1989-90, 1990-91 and  
1991-1992

ERIE COUNTY CLERK'S OFFICE

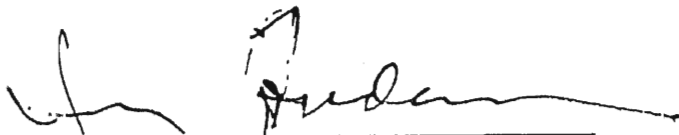
PETITIONER having heretofore commenced the within proceedings  
under Article 7 of the Real Property Tax Law to review the assessments  
of a certain parcel of real property located at and known as 2929  
Walden Avenue in the Village of Depew, County of Erie and State of New  
York (SBL 103.14-4-1) for the tax years 1988-89, 1989-90, 1990-91 and

KAVINOKY & COOK  
120 Delaware Ave., Buffalo, New York 14202

1991-92 and it now being proposed that the within proceedings be settled upon the terms and conditions set forth in the annexed Settlement Agreement entered into between the parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement,

NOW, on joint motion of Kavinoky & Cook, Wayne D. Wisbaum, of counsel, attorneys for the petitioner, and David L. Jones, Esq., and Frank P. McGarry, Esq. attorneys for the respondents and intervenor-respondent, respectively, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the respondents and that the same be, and hereby is, approved.

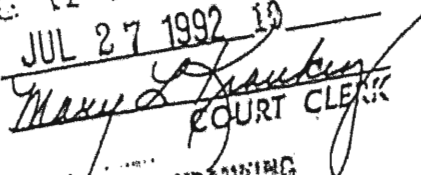


Justice of the Supreme Court

JUSTICE IRVING FUDMAN

CEA 1115

JUL 27 1992 10



COURT CLERK

MARY L. BRINK

KAVINOKY & COOK

120 Delaware Ave., Buffalo, New York 14202

SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted a proceeding under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Village of Depew, Town of Cheektowaga, Erie County, New York, known as 2929 Walden Avenue, (SBL 103.14-4-1) on the tax assessment rolls for the tax year 1991-92, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1988-89 tax year has been as follows:

Value of Land:     \$    353,600

Total:             \$ 5,183,200

2. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land:     \$    353,600

Total:             \$ 3,000,000

KAVINOKY & COOK  
120 Delaware Ave., Buffalo, New York 14202

3. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1989-90 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

4. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1989-90 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

5. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1990-91 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

6. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1990-91 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

7. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1991-92 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

8. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1991-92 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

9. That the assessment of SBL 103.14-4-1 as of June 1, 1992 be increased to \$3,200,000 and further that as of June 1, 1993 that the assessment of SBL 103.14-4-1 further be increased to \$3,600,000.

10. The assessment of SBL 103.14-4-1 etc. shall be \$3,600,000 for the tax year 1994-95.

11. Petitioner covenants that it will not seek relief from the assessment of SBL 103.14-4-1 for the tax years 1992-93, 1993-94 and 1994-95, provided that said assessment for those tax years is as set forth in this paragraph and in paragraphs 9 and 10 above.

12. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

13. The attorneys for the parties hereby stipulate to a discontinuance of each and every one of the within proceedings.

14. That refunds shall be computed as if to be paid with interest at the statutory interest rate pursuant to the refund computations attached hereto and made a part of this Settlement Agreement as Schedule "A".

15. The refunds set forth in paragraph 14 and in Schedule "A" shall be offset against the taxes now due and payable, as more fully set forth in Schedule "A".

16. Notwithstanding the foregoing, if any assessable additions or improvements are made to SBL 103.14-4-1 after the date of this agreement and before the taxable status date for the tax assessment rolls for 1994-95, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

17. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

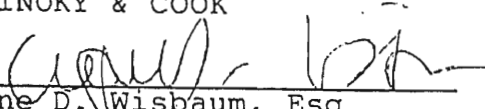
18. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

19. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1994-95 tax year.




20. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York  
JULY 20, 1992

KAVINOKY & COOK  
By:   
Wayne D. Wisbaum, Esq.  
Attorneys for Petitioner  
120 Delaware Avenue  
Buffalo, New York 14202

Dated: JULY 24 New York  
1992

Joseph G. Sacco, Esq.  
  
Joseph G. Sacco, Esq.  
Attorney for Respondents  
22 Victoria Boulevard  
Kenmore, New York 14217

Frank P. McGarry, Esq.

Frank P. McGarry, Esq.  
Attorney for Intervenor-Respondent  
1600 Statler Towers  
Buffalo, New York 14202

20. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York  
JULY 26, 1992

KAVINOKY & COOK  
By: Wayne D. Wisbaum  
Wayne D. Wisbaum, Esq.  
Attorneys for Petitioner  
120 Delaware Avenue  
Buffalo, New York 14202

Dated: JULY 24, New York  
1992

Joseph G. Sacco, Esq.

Joseph G. Sacco, Esq.  
Attorney for Respondents  
22 Victoria Boulevard  
Kenmore, New York 14217

Frank P. McGarry, Esq.  
Frank P. McGarry, Esq.  
Attorney for Intervenor-Respondent  
1600 Statler Towers  
Buffalo, New York 14202

SCHEDULE "A"

KAVINOKY & COOK  
TAX ASSESSMENT REDUCTION CALCULATIONS  
RE: 2929 WALDEN AVE./R. BRADLEY

I. TAXES PAID:

<u>YEAR/TAX</u>	<u>ORIG. TAX (5,183,200 ASSESSED VALUE)</u>	<u>REVISED TAX (3,000,000 ASSESSED VALUE)</u>	<u>REDUCTION</u>
1988/89 SCHOOL	65449.59	37881.77	27567.82
1989 TOWN/COUNTY:			
COUNTY	45268.61	26201.16	19067.45
TOWN	21188.88	12263.98	8924.90
SEWER/FIXED	1779.82	1779.82	0.00
SEWER/VARIABLE	4506.07	2608.08	1897.99
	72743.38	42853.03	29890.35
1989/90 VILLAGE	55680.53	32227.50	23453.03
<u>YEAR/TAX</u>	<u>ORIG. TAX (5,183,200 ASSESSED VALUE)</u>	<u>REVISED TAX (3,000,000 ASSESSED VALUE)</u>	<u>REDUCTION</u>
1989/90 SCHOOL	64508.67	37337.17	27171.50
1990 TOWN/COUNTY:			
COUNTY	48690.45	28181.69	20508.76
TOWN	22484.08	13013.63	9470.45
SEWER/FIXED	1889.82	1889.82	0.00
SEWER/VARIABLE	3965.27	2259.07	1670.20
	77029.62	45380.21	31649.41
1990/91 VILLAGE	65477.18	37897.73	27579.45
<u>TOTAL PAID:</u>	<u>400888.97</u>	<u>233577.42</u>	<u>167311.55</u>

II. TAXES NOT PAID:

1990/91 SCHOOL	66270.23	38356.75	27913.48
1991 TOWN/COUNTY:			
COUNTY	48887.98	28296.02	20591.96
TOWN	28016.12	16215.53	11800.59
SEWER/FIXED	1070.82	1070.82	0.00
SEWER/VARIABLE	<u>3988.35</u>	<u>2308.43</u>	<u>1679.92</u>
	81963.27	47890.81	34072.46
1991/92 VILLAGE	68058.18	39391.60	28666.58
1991/92 SCHOOL	71171.20	41193.39	29977.81
1992 TOWN/COUNTY			
COUNTY	50535.73	29249.73	21286.00
TOWN	34881.62	20189.24	14692.38
SEWER/FIXED	1454.82	1454.82	0.00
SEWER/VARIABLE	<u>4824.21</u>	<u>2792.22</u>	<u>2031.99</u>
	91696.38	53686.01	38010.37
<u>TOTAL UNPAID:</u>	<u>379159.26</u>	<u>220518.55</u>	<u>158640.71</u>

III. REFUND & INTEREST ON TAXES PAID @ 9% TO 3/31/92:

	<u>DATE PAID</u>	<u>TAX REFUND</u>	<u>INTEREST</u>	<u>TOTAL</u>
1988/89 SCHOOL	10/15/88	27567.82	8580.49	36148.31
1989 TOWN/COUNTY	2/15/89	29890.35	8406.44	38297.01
1989/90 VILLAGE	6/30/89	23453.03	5804.62	29257.65
1989/90 SCHOOL	10/15/89	27171.50	6011.69	33183.20
1990 TOWN/COUNTY	2/15/90	31649.41	6052.95	37702.36
1990/91 VILLAGE	6/30/90	<u>27579.45</u>	<u>4343.76</u>	<u>31923.21</u>
		<u>167311.55</u>	<u>39200.18</u>	<u>206511.73</u>

IV. CORRECTED TAX & ESTIMATED INTEREST TO 3/31/92:

	<u>DATE DUE</u>	<u>CORRECTED TAX</u>	<u>EST. INTEREST</u>	<u>TOTAL</u>
1990/91 SCHOOL	10/15/90	38356.75	9598.03	47,954.78
1991 TOWN/COUNTY	2/15/91	47890.81	8067.94	55,958.75
1991/92 VILLAGE	6/30/91	39391.60	7267.75	46,659.35
1991/92 SCHOOL	10/15/91	41193.39	4205.85	45,399.24
1992 TOWN/COUNTY	2/15/92	<u>53686.01</u>	<u>1610.58</u>	<u>55,296.59</u>
		<u>220518.56</u>	<u>30750.15</u>	<u>251,268.71</u>

V. SUMMARY OF ASSESSMENT REDUCTIONS:

TOTAL REFUNDS + INTEREST DUE (FROM III ABOVE):	206512
TOTAL UNPAID TAXES + EST. INT. DUE (FROM IV ABOVE):	251269
UNALLOCATED PAYMENTS ON DEPOSIT WITH COUNTY:	<u>85000</u>
NET REFUND DUE:	40243

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 ROBERT J. BRADLEY

Index No.

Petitioner

ORDER and  
SETTLEMENT  
AGREEMENT

Year

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF  
CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF  
CHEEKTOWAGA; AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Index No. 09168/80

Respondents

for Review of the Assessment of Certain Real  
Property known as 2929 Walden Avenue in the  
said Town of Cheektowaga for the Tax Years  
1988-89, 1989-90, 1990-91 and 1991-92

KAVINOKY & COOK

Attorneys for Petitioner

COPY

Office, Post Office Address and Telephone  
120 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202  
(716) 856-9234

Personal Service of the within  
hereon endorsed, is admitted this

day of

, 19

and of the notice (if any)

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that an *Order + Settlement Agreement*  
within entitled action on the *27th* day of *July*  
of the County of *Erie* on the *29th* day of *July*

of which the within is a copy, was duly granted in the  
19 *92* and duly entered in the office of the Clerk  
19 *92*

To  
Attorney(s) for

KAVINOKY & COOK  
Attorneys for *Petitioner*

Sir:—Please take notice

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court, at  
on the day of , 19

To  
Attorney(s) for

KAVINOKY & COOK  
Attorneys for

STATE OF NEW YORK, COUNTY OF

SS:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says; deponent is not a party to the action.

is over 18 years of age and resides at

On , 19 deponent served the within

upon

attorney(s) for

in this action, at

(the address, designated by said attorney(s) for that purpose by depositing a

true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody  
of the United States Postal Service within the State of New York.

Sworn to before me, this

day of

, 19

Notary Public, Commissioner of Deeds

MEETING NO. 16  
July 20, 1992

Item No. 6b Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, Robert J. Bradley has 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 tax years, 1988, 1989, 1990 and 1991 for property known as 2929 Walden Avenue and identified as SBL# 103.14-4-1, and

WHEREAS, Robert J. Bradley and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, Robert J. Bradley and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for Robert J. Bradley and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended the attached Settlement Agreement be approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby approve the attached Settlement Agreement between Robert J. Bradley and the Town of Cheektowaga, 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 settlement, and BE IT FURTHER

RESOLVED, that this Town Board does direct that the Settlement Agreement be submitted to the Supreme Court of the State of New York for an Order approving said Settlement Agreement between Robert J. Bradley and the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that any refunds payable, by the Town, shall be part of County of Erie Charge Backs to the Town in the budget year 1993 and payback to the County of Erie in the budget year 1994.

Upon Roll Call....

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

\* SEE NEXT PAGES

At a Special Term of the Supreme  
Court of the State of New York,  
held in and for the County of Erie  
at the Erie County Courthouse,  
Buffalo, New York on the  
27<sup>th</sup> day of July, 1992.

PRESENT: *Hon. Irving Fudeman*  
Justice Presiding

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  
ROBERT J. BRADLEY

Petitioner

-vs-

ORDER

THE BOARD OF ASSESSMENT REVIEW FOR THE  
TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE  
TOWN OF CHEEKTOWAGA; AND THE TOWN OF  
CHEEKTOWAGA, NEW YORK

Index No: 08268/88

Respondents

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

Intervenor-Respondent

**FILED**

For Review of the Assessment of Certain  
Real Property known as 2929 Walden Avenue  
in the said Town of Cheektowaga  
For the Tax Year 1988-89, 1989-90, 1990-91 and  
1991-1992

JUL 29 1992

ERIE COUNTY CLERK'S OFFICE

PETITIONER having heretofore commenced the within proceedings  
under Article 7 of the Real Property Tax Law to review the assessments  
of a certain parcel of real property located at and known as 2929  
Walden Avenue in the Village of Depew, County of Erie and State of New  
York (SBL 103.14-4-1) for the tax years 1988-89, 1989-90, 1990-91 and

KAVINOKY & COOK  
120 Delaware Ave., Buffalo, New York 14202



SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted a proceeding under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Village of Depew, Town of Cheektowaga, Erie County, New York, known as 2929 Walden Avenue, (SBL 103.14-4-1) on the tax assessment rolls for the tax year 1991-92, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1988-89 tax year has been as follows:

Value of Land:     \$    353,600

Total:             \$ 5,183,200

2. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land:     \$    353,600

Total:             \$ 3,000,000

3. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1989-90 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

4. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1989-90 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

5. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1990-91 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

6. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1990-91 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

7. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1991-92 tax year has been as follows:

Value of Land: \$ 353,600

Total: \$ 5,183,200

8. The assessment of 2929 Walden Avenue (SBL 103.14-4-1) on the tax assessment roll for the 1991-92 tax year shall be adjusted as follows:

Value of Land: \$ 353,600

Total: \$ 3,000,000

9. That the assessment of SBL 103.14-4-1 as of June 1, 1992 be increased to \$3,200,000 and further that as of June 1, 1993 that the assessment of SBL 103.14-4-1 further be increased to \$3,600,000.

10. The assessment of SBL 103.14-4-1 etc. shall be \$3,600,000 for the tax year 1994-95.

11. Petitioner covenants that it will not seek relief from the assessment of SBL 103.14-4-1 for the tax years 1992-93, 1993-94 and 1994-95, provided that said assessment for those tax years is as set forth in this paragraph and in paragraphs 9 and 10 above.

12. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

13. The attorneys for the parties hereby stipulate to a discontinuance of each and every one of the within proceedings.

14. That refunds shall be computed as if to be paid with interest at the statutory interest rate pursuant to the refund computations attached hereto and made a part of this Settlement Agreement as Schedule "A".

15. The refunds set forth in paragraph 14 and in Schedule "A" shall be offset against the taxes now due and payable, as more fully set forth in Schedule "A".

16. Notwithstanding the foregoing, if any assessable additions or improvements are made to SBL 103.14-4-1 after the date of this agreement and before the taxable status date for the tax assessment rolls for 1994-95, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

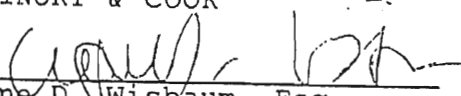
17. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

18. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

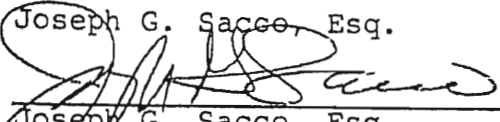
19. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1994-95 tax year.

20. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York  
JULY 20, 1992

KAVINOKY & COOK  
By:   
Wayne D. Wisbaum, Esq.  
Attorneys for Petitioner  
120 Delaware Avenue  
Buffalo, New York 14202

Dated: JULY 24 New York  
1992

Joseph G. Sacco, Esq.  
  
Joseph G. Sacco, Esq.  
Attorney for Respondents  
22 Victoria Boulevard  
Kenmore, New York 14217

Frank P. McGarry, Esq.

Frank P. McGarry, Esq.  
Attorney for Intervenor-Respondent  
1600 Statler Towers  
Buffalo, New York 14202

20. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York  
JULY 20, 1992

KAVINOKY & COOK  
By: Wayne D. Wisbaum  
Wayne D. Wisbaum, Esq.  
Attorneys for Petitioner  
120 Delaware Avenue  
Buffalo, New York 14202

Dated: JULY 24, New York  
1992

Joseph G. Sacco, Esq.

Joseph G. Sacco  
Joseph G. Sacco, Esq.  
Attorney for Respondents  
22 Victoria Boulevard  
Kenmore, New York 14217

Frank P. McGarry, Esq.

Frank P. McGarry  
Frank P. McGarry, Esq.  
Attorney for Intervenor-Respondent  
1600 Statler Towers  
Buffalo, New York 14202

SCHEDULE "A"

KAVINOKY & COOK  
TAX ASSESSMENT REDUCTION CALCULATIONS  
RE: 2929 WALDEN AVE./R. BRADLEY

I. TAXES PAID:

<u>YEAR/TAX</u>	ORIG. TAX (5,183,200 <u>ASSESSED VALUE</u> )	REVISED TAX (3,000,000 <u>ASSESSED VALUE</u> )	<u>REDUCTION</u>
1988/89 SCHOOL	65449.59	37881.77	27567.82
1989 TOWN/COUNTY:			
COUNTY	45268.61	26201.16	19067.45
TOWN	21188.88	12263.98	8924.90
SEWER/FIXED	1779.82	1779.82	0.00
SEWER/VARIABLE	<u>4506.07</u>	<u>2608.08</u>	<u>1897.99</u>
	72743.38	42853.03	29890.35
1989/90 VILLAGE	55680.53	32227.50	23453.03
<u>YEAR/TAX</u>	ORIG. TAX (5,183,200 <u>ASSESSED VALUE</u> )	REVISED TAX (3,000,000 <u>ASSESSED VALUE</u> )	<u>REDUCTION</u>
1989/90 SCHOOL	64508.67	37337.17	27171.50
1900 TOWN/COUNTY:			
COUNTY	48690.45	28181.69	20508.76
TOWN	22484.08	13013.63	9470.45
SEWER/FIXED	1889.82	1889.82	0.00
SEWER/VARIABLE	<u>3965.27</u>	<u>2259.07</u>	<u>1670.20</u>
	77029.62	45380.21	31649.41
1990/91 VILLAGE	65477.18	37897.73	27579.45
<u>TOTAL PAID:</u>	<u>400888.97</u>	<u>233577.42</u>	<u>167311.55</u>

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 ROBERT J. BRADLEY

Index No.

-VS-

Petitioner

ORDER and  
SETTLEMENT  
AGREEMENT

Year

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF  
CHEEKTOWAGA, THE ASSESSOR OF THE TOWN OF  
CHEEKTOWAGA, AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Index No. 06166/80

Respondents

For Review of the Assessment of Certain Real  
Property known as 2929 Walden Avenue in the  
said Town of Cheektowaga for the Tax Years  
1988-89, 1989-90, 1990-91 and 1991-92

KAVINOKY & COOK

Attorneys for Petitioner

COPY

Office, Post Office Address and Telephone  
120 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202  
(716) 856-9234

Personal Service of the within

hereon endorsed, is admitted this

day of

, 19

and of the notice (if any)

Attorney(s) for

Sir: Please take notice

that an *Order & Settlement Agreement*  
within entitled action on the *27th*  
of the County of *Erie*

day of *July*  
on the *29th*

of which the within is a copy, was duly granted in the  
, 19 *92* and duly entered in the office of the Clerk  
day of *July*, 19 *92*

To  
Attorney(s) for

KAVINOKY & COOK

Attorneys for

*Petitioner*

NOTICE OF ENTRY

Sir: Please take notice

that an order

of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court, at  
on the day of , 19

To  
Attorney(s) for

KAVINOKY & COOK

Attorneys for

NOTICE OF SETTLEMENT

STATE OF NEW YORK, COUNTY OF

SS.:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says; deponent is not a party to the action.

is over 18 years of age and resides at

On , 19

upon deponent served the within

attorney(s) for

in this action, at

the address, designated by said attorney(s) for that purpose by depositing a

true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody  
of the United States Postal Service within the State of New York

Sworn to before me, this

day of

, 19

Notary Public, Commissioner of Deeds



Item No. 7 Motion by Councilman Blachowski Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure and an unsafe, abandoned 48" deep above ground swimming pool containing stagnant water at 257 North Seine Drive, Cheektowaga, New York, S.B.L. #125.06-11-22 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessors' Office is owned by Robert C. Crutcher and Wife, c/o Francine Lewis, 128 Urban Street, Buffalo, New York 14211, AND

WHEREAS, the Town of Cheektowaga has notified the owner of these conditions, AND

WHEREAS, these conditions require that immediate steps be taken to board over and secure all openings in this structure and drain the 48" deep above ground swimming pool containing stagnant water 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 the abandoned 48" deep above ground swimming pool be properly drained, and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 8a Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located north of 530 Cayuga Road (front portion), Cheektowaga, New York, SBL #81.17-2-27.11 and according to the Assessors' Office is owned by 530 Cayuga Incorporated, 3409 Broadway, Cheektowaga, New York 14227, 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, Solecki,  
Rogowski, Blachowski and Johnson  
NAYES: 0  
ABSENT: 0

Item No. 8b Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located South of 369 Shanley Street, (Sublots 36, 37), Cheektowaga, New York, SBL #112.67-5-14 and SBL #112.67-5-15 and according to the Assessor's Office is owned by Victor Skubinski, Buffalo, New York 14206, 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.

Item No. 8b continued

Upon Roll Call....

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

Item No. 8c Motion by Councilman Blachowski Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located North of 395 Borden Road, Cheektowaga, New York. SBL #125.12-10-13 and according to the Assessor's Office is owned by County of Erie, 95 Franklin Street, Buffalo, New York 14202, and

WHEREAS, the Erie County Deputy Commissioner of Finance, Bob Kowaleski, has authorized the Town of Cheektowaga Housing Inspector to take immediate steps 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, Solecki,  
Rogowski, Blachowski and Johnson  
NAYES: 0  
ABSENT: 0

Item No. 9 Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, Frank Ciminelli Construction Company (the "Developer") applied to the Town of Cheektowaga for an environmental review of its request to develop 82 acres of land bounded on the north by the New York State Thruway, on the south by Aero Drive, on the west by the Greater Buffalo International Airport, and on the east by Scott Place, into a warehousing/light manufacturing complex (the "Project"), and

WHEREAS, the appropriate governmental agencies (State, County and Town) were solicited by the Town for lead agency status and their comments, and

WHEREAS, there was agreement by such agencies that the Town Board is to be designated as lead agency for the Project, and

WHEREAS, the Erie County Department of Environment and Planning ("DEP"), the New York State Department of Environmental Conservation ("DEC") and the Town Environmental Advisory Committee ("EAC") recommended that a Draft Environmental Impact Statement ("DEIS") be prepared for the Project, and

WHEREAS, thereafter and by resolution dated October 2, 1989, the Town Board determined that significant environmental effects relating to the Project existed (a/k/a positive declaration) and that a DEIS for same must be prepared by the Developer, and

WHEREAS, on April 29, 1992 and thereafter, the Developer submitted documentation to this Town Board stating that the environmental impacts the Town Board anticipated with respect to the Project would not occur, and

WHEREAS, the Developer has mitigated the environmental effects from the Project by reducing the development area to a first phase consisting of 20 acres, and

WHEREAS, the Developer has made certain commitments, as stated in the attached letters, with respect to the Project, and

Item No. 9 continued

WHEREAS, the Developer has had meetings with the Cheektowaga Conservation Advisory Council and the Cheektowaga Traffic Safety Commission to review the scaled-down Project and has prepared a tree preservation plan for the site, and

WHEREAS, the DEC, DEP and Army Corps of Engineers appear to be satisfied with the Project as reduced, and

WHEREAS, the Town EAC met numerous times with the Developer to discuss the mitigated Project and, at its meeting held on July 14, 1992, recommended that this Town Board rescind the positive declaration issued on October 2, 1989 and issue a negative declaration based on the commitments made by the Developer, NOW, THEREFORE, BE IT

RESOLVED, that, based on the commitments made by the Developer, as stated in the attached letters, this Town Board hereby rescinds the positive declaration for the Project issued on October 2, 1989, and BE IT FURTHER

RESOLVED, that this Town Board issues a negative declaration for the scaled down Project, and BE IT FURTHER

RESOLVED, that this Town Board reserves the right to conduct a further environmental review with respect to Phase II and further phases of the Project and to evaluate the Developer's mitigation measures with respect to said phases of the Project, and BE IT FURTHER

RESOLVED, that the Town Building Inspector, as SEQRA Intake Officer, prepare the necessary negative declaration for the Project as indicated above and file same with the DEC, interested and involving agencies and the Developer.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGES



July 15, 1992

Councilman Thomas Johnson  
Town of Cheektowaga  
Broadway & Union Roads  
Cheektowaga, NY 14225

Dear Councilman Johnson:

This letter of intent shall serve as notice that the Ciminelli Development Company, Inc., as requested by the Town of Cheektowaga Conservation Counsel has agreed to enact a deed restriction including right of access intended to preserve approximately 2.3 acres of wetland as delineated in our project plans describing the filling of approximately .86 acres of wetland under the regulatory authority of the Army Corp of Engineers Nationwide Permit #26, pursuant to Town approval of our development project located at Aero Drive and Scott Place.

We agree to fully comply with all rules and regulations as applied by the Army Corp, NYSDEC, and the Town of Cheektowaga in the event that mitigation is required by future development build-to-suit requirements.

Sincerely,

Todd A. Nelson  
Director of Construction

TAN:jjjs

c Tom Adamczak  
Chet Bryan

Ciminelli Development Company, Inc.  
Centerpointe Corporate Park • 350 Essay Road, Suite 101 • Williamsville, NY 14221  
716/631-8000 • Fax 716/631-8034





July 16, 1992

Town of Cheektowaga  
Broadway and Union Roads  
Cheektowaga, NY 14225

Attn: Chester Bryan, Environmental Committee  
Tom Adamczyk, Building Department  
Tom Johnson, Conservation Counsel

RE: Aero Drive Developer Statement  
82 Acre parcel at Scott Place and Aero Drive

Dear Gentlemen:

Ciminelli Development Company, Inc. has submitted drawings describing our plans for the development of an 82 acre parcel located at Scott Place and Aero Drive. Our initial intent is to develop the 20 Acre portion at the corner of Scott Place and Aero Drive. This area requires the placement of earth fill to create buildable sites above the 100 year storm elevation.

Our wetland delineations have identified jurisdictional wetlands in this area. We have obtained permission from The Army Corp of Engineers to fill .86 acres of wetland under Nationwide Permit 26. The 2.3 acre wetland in this area will be preserved. A letter of intent describing a wetland deed restriction and right of access has been issued.

In addition to wetland considerations, the Town of Cheektowaga, as lead agency under SEQR regulations, has received professional reports describing the existing and proposed impact to soil, groundwater, surface drainage, flood plain, vegetation, Municipal Services, hazardous waste, cultural resources, landscape, noise/air quality and traffic, etc. All reports have been assembled, catalogued and indexed for easy access and are on file at the Cheektowaga Town Hall.

The conclusions and recommendations of these studies and reports have been accepted and incorporated into our revised development plans so as to create an environmentally viable development project in the Town of Cheektowaga.

We no longer intend to cross the NYSDEC wetland known as Aero Creek with any development activities. Our plans for the area north of Aero Creek have shifted towards the creation of a proposed 20 acre wetland sanctuary, or to be left alone in its current undeveloped natural state.

Ciminelli Development Company, Inc.  
Centerpointe Corporate Park • 350 Essjay Road, Suite 101 • Williamsville, NY 14221  
716/631-8000 • Fax 716/631-8034



Our "wetland sanctuary" proposed idea involves the creation of wetlands under current wetland mitigation rules and regulations independent of any required need to mitigate or perform any work whatsoever in this area. We intend to create a wetland in anticipation of changes in current legislation that will allow credit for "wetland banking" prior to development needs for mitigation. Our risk is that this necessary legislation will not be enacted in which case we will have created a beneficial wetland for the earth. We have offered the land area for this use, but do not have internal funds available at this time for "wetland sanctuary" creation. We are currently seeking external sources of funding and volunteers for labor.

In the event that additional buildings are developed beyond the scope of the 20 acre area located at Scott Place and Aero Drive, wetland mitigation would be required.

Sediment soil tests on the various water courses entering the site have been completed. These tests indicate that the Aero Drive site is environmentally "clean" and acceptable for normal fill and construction activities without hazardous risk.

The tree survey is complete and on file with the Town of Cheektowaga. Existing trees in the 50' perimeter area bordering our 20 acre site can be saved as indicated. We will landscape according to the Town of Cheektowaga code requirements on a project basis as indicated during future site plan approval procedures.

HEC-II flood analysis for 100 year storm conditions affect flood elevations at the maximum point by approximately +2" well with in the Army Corp tolerance of +12". Since the original site purchase, 161,333 cubic yards of fill have been removed for airport runway extension enhancing flood plain capacity. Our plans involve returning 127,000 cy of fill to the site for a net gain of flood capacity of 21%.

We have conducted traffic studies and addressed peak flow rates and capacities for both Aero Drive and Scott Place under no build, Phase I and Phase II development scenarios. Under existing and projected future development conditions, traffic volumes are expected to remain acceptable. Additional traffic study research can be conducted as specific site tenants are obtained prior to site plan approval procedures as deemed necessary the by Town of Cheektowaga.

We are requesting that the positive declaration previously received under SEQR procedures be rescinded due to our compliance with all previous environmental concerns.


Once, and if a negative declaration under SEQR is obtained and fill is placed, we intend to construct buildings on a build-to-suit the tenant basis as customers are obtained.

If customers are obtained that require different zoning then specific details can be addressed by the Town of Cheektowaga through the standard rezoning application process. As customers are obtained the specific's of their building locations and intended use details can be addressed through the standard Town of Cheektowaga site plan approval process, and the specific building details and requirements of construction can be addressed at both the building permit and certificate of occupancy stages of check and balance authorization.

Town of Cheektowaga  
July 16, 1992  
Page Three

Current economic conditions have caused us to react to our potential development market in this new and creative way. We ask for your help based on our commitment in working together to efficiently and effectively develop beneficial building products for the benefit of our business, the Town of Cheektowaga, the future customer and the environment at large.

Sincerely,

A handwritten signature in dark ink, appearing to read "Todd A. Nelson". The signature is fluid and cursive, with a large initial "T" and "A".

Todd A. Nelson  
Director of Construction

TAN:jjjs



PUBLIC EMPLOYMENT RELATIONS BOARD  
STATE OF NEW YORK

---

IN THE MATTER OF

Town of Cheektowaga Employees  
Association, Inc.,

Petitioner,

and

Town of Cheektowaga,

Respondent.

PERB Case No. CP-268

SETTLEMENT AGREEMENT

REGARDING UNIT PLACEMENT OF CERTAIN  
YOUTH BUREAU POSITIONS.

---

The undersigned parties have agreed to this Settlement Agreement to resolve all issues relating to PERB Case No. CP-268 as follows:

1. THAT, the titles of Administrative Clerk and Program Coordinator (Grant) are included in the Bargaining Unit;
2. THAT, the titles of Assistant Project Director (Substance Abuse) and Program Coordinator (Youth Bureau) are excluded from the Bargaining Unit;
3. THAT, the salaries of employees hold the newly included titles and shall be maintained at current levels;
4. THAT, the salaries shall be changed effective September 1, 1992, as follows:

Administrative Clerk	- \$19,786.00
Program Coordinator (Grant)	- \$23,693.00
5. THAT, the Probationary Period shall start on May 1, 1992, or the first day of employment, which ever is later; ,



6. THAT, if employees in the titles of Administrative Clerk or Program Coordinator (Grant) are laid-off at the end of their Grant Term, the employer will not be required to first lay-off temporary, seasonal and part-time employees;

7. THAT, such employees shall have a maximum of twelve (12) months Right of Recall to formerly held positions;

8. THAT, the employees filling the titles of Administrative Clerk and Program Coordinator (Grant) do not count as part of the "270" employees set forth in a Memorandum of Agreement between the parties dated September 1, 1990; and

9. THAT, the Town of Cheektowaga Employees Association shall withdraw the Petition PERB Case No. CP-268.

TOWN OF CHEEKTOWAGA EMPLOYEES  
ASSOCIATION, INC.

DATED: 7-20-92

BY: [Signature]

TOWN OF CHEEKTOWAGA

DATED: 7-20-92

BY: [Signature]

MEETING NO. 16  
July 20, 1992

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

WHEREAS, the Town is lead agent for the Cheektowaga Action Partnership, a local coalition chartered to coordinate alcoholism and other drug abuse prevention/education programs within the community, and

WHEREAS, C.A.P. is desirous of holding its annual awards banquet at the Sheraton Inn, Buffalo Airport, October 29, 1992, and

WHEREAS, funds are available for reserving space for said banquet (0100-7320-4000). THEREFORE BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute a booking agreement between the Town's Cheektowaga Action Partnership and the Sheraton Inn, Buffalo Airport for a sum not to exceed \$500.00.

Upon Roll Call....

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

Item No. 10c Motion by Councilman Blachowski Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has initiated a Walden Village Improvements Program along Walden Avenue between the Buffalo City line and Harlem Road, and

WHEREAS, the Walden Village program includes the placement of display banners and planters on utility poles along Walden Avenue, and

WHEREAS, Niagara Mohawk requires the execution of an indemnification Agreement for the use of the utility poles. NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the attached Agreement with Niagara Mohawk Power Corporation.

\* SEE ATTACHED PAGES

Upon Roll Call....

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

August 3, 1992

DATE

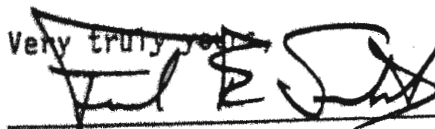
Niagara Mohawk Power Corporation  
535 Washington Street  
Buffalo, NY 14203

Gentlemen:

In consideration of your permitting the Town of Cheektowaga, New York, and/or its contractor, to attach street decorations to your light poles or other facilities in Cheektowaga, New York, during the period from January 1, 1992 to December 31, 1992 the Town hereby agrees to defend, protect, indemnify and save harmless Niagara Mohawk Power Corporation, its successors, assigns, officers and employees from all injury and damage to its or their property or persons and from and against all claims, demands, orders, injuries, damages, proceedings, suits, actions, judgments, and liabilities of any and every kind and nature whatsoever caused by, arising out of, or resulting at any time hereafter from the attachment, maintenance or removal of said decorations to any and all poles and other fixtures, facilities or properties owned or used by Niagara Mohawk Power Corporation in said Town of Cheektowaga, New York.

Before any such attachments are made, we will furnish the System Risk Management Department at 300 Erie Boulevard West, Syracuse, New York, 13202, satisfactory evidence that we have secured and will continuously maintain during the entire time that said decorations are attached to your poles or other facilities, a policy of Public Liability and Property Damage insurance insuring the Town of Cheektowaga, New York, for limits of at least \$500,000 per occurrence covering Bodily Injury and \$100,000 per occurrence covering Property Damage. If a combined single limit is provided, such limit shall not be less than \$500,000. Such insurance shall also cover the liability assumed by us under this agreement and shall name Niagara Mohawk Power Corporation as an additional insured.

Very truly yours,



By: Supervisor

c:\f1\decorate.cdc

Approval of the above offer granted  
contingent upon receipt of insurance  
specified above.

NIAGARA MOHAWK POWER CORPORATION

By: William J. Matthews  
Manager, Mass Accounts, Consumer Relations  
Date: August 21, 1992

(Upon execution of this Agreement, one copy is to be forwarded immediately to the Manager, System Risk Management Department.)

CHEEKTOWAGA TOWN CLERKS OFFICE  
EX # 42  
NO. 83

MEETING NO. 16  
July 20, 1992

Item No. 10d Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS. the Town of Cheektowaga has a storm sewer easement over the rear 25 feet of property located at 19 Old Farm Road, Cheektowaga, New York, and

WHEREAS. the owner of such property desires to erect a swimming pool over the westerly portion of such easement. and

WHEREAS. the Town Engineering Department has reviewed this request and has no objection to the Town releasing the westerly five (5) feet of such easement. NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the release of the westerly five (5) feet of the aforementioned 25 feet wide easement and authorizes and directs the Supervisor to execute a partial discharge and release of 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 July 20, 1992, adopted a resolution authorizing the partial discharge and release of a storm sewer easement over the rear of property located at 19 Old Farm Road in the Town of Cheektowaga.

A copy of such Partial Discharge and Release of Easement is on file in the Town Clerk's Office where the same may be inspected during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: July 20, 1992

RICHARD M. MOLESKI, TOWN CLERK

\* \* \* \* \*

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

PARTIAL DISCHARGE AND RELEASE

OF

EASEMENT

THIS INDENTURE, made and entered into as of the 18th day of August,

1992 by and between the TOWN OF CHEEKTOWAGA, NEW YORK, a domestic municipal corporation having its principal office and place of business located at the Town Hall, Broadway and Union Road, Cheektowaga, New York, hereinafter referred to as the party of the first part, and

LARRY R. THOMPSON and MARIE L. THOMPSON, residing at

Cheektowaga, New York, County of Erie and State of New York, hereinafter referred to as the party of the second part.

W I T N E S S E T H:

That the party of the first part, in consideration of the sum of One and No/100 (\$1.00 and no more) Dollar and other good and valuable consideration paid by the party of the second part, does hereby release, remit and quitclaim unto the party of the second part, their successors and assigns forever the following described easement:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Loc No. 71, Township 11, Range 7 of the Holland Land Company's Survey, and further described as follows:

BEING the westerly five (5) feet of the 25 foot wide easement lying along the easterly side of Sublot No. 5, as shown on a map filed in the Erie County Clerk's Office under Cover No. 1354.

IN WITNESS WHEREOF the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer this 18<sup>th</sup> day of August, 1992.

TOWN OF CHEEKTOWAGA

By: Frank E. Swiatek

Supervisor

STATE OF NEW YORK     )  
COUNTY OF ERIE        )   SS.:  
TOWN OF CHEEKTOWAGA    )

On the 18<sup>th</sup> day of August, 1992, before me came FRANK E. SWIATEK to me known, who, being by me duly sworn, did depose and say that he resides at 22 Ely Drive, Depew, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in, and which executed the foregoing Partial Discharge and Release of Easement; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the Town Board of said municipal corporation; and that he signed his name thereto by like order.

Valerie A. Meyers

VALERIE A. MEYERS  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES APRIL 11, 1994

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

NOTICE OF ADOPTION OF  
RESOLUTION  
SUBJECT TO PERMISSIVE  
REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 20, 1992, adopted a resolution authorizing the partial discharge and release of a storm sewer easement over the rear of property located at 19 Old Farm Road in the Town of Cheektowaga.

A copy of such Partial Discharge and Release of Easement is on file in the Town Clerk's Office where the same may be inspected during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

RICHARD M. MOLESKI  
Town Clerk

Dated: July 20, 1992

PUBLISH: July 23, 1992

Melanie Wolf....., of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk..... of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for ..... weeks;  
first publication: July 23, 1992.....;  
last publication: July 23, 1992.....;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf.....

Sworn to before me this 23rd.....

day of July....., 1992

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 12/11/93

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

NOTICE OF ADOPTION OF  
RESOLUTION  
SUBJECT TO PERMISSIVE  
REFERENDUM  
NOTICE IS HEREBY GIVEN, that  
the Town Board of the Town of  
Cheektowaga, on July 20, 1992,  
adopted a resolution authorizing the  
partial discharge and release of a storm  
sewer easement over the rear of prop-  
erty located at 19 Old Farm Road in the  
Town of Cheektowaga.  
A copy of such Partial Discharge  
and Release of Basement is on file in  
the Town Clerk's Office where the  
same may be inspected during regular  
business hours.  
TAKE FURTHER NOTICE that  
such resolution is subject to permis-  
sive referendum under Article 7 of the  
Town Law of the State of New York.  
BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF  
CHEEKTOWAGA, ERIE COUNTY,  
NEW YORK.  
RICHARD M. MOLESKI  
Town Clerk  
Dated: July 20, 1992  
PUBLISHED: July 23, 1992

Melanie Wolff, of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for 1 weeks:  
first publication July 23, 1992;  
last publication July 23, 1992;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolff  
Sworn to before me this 23rd  
day of July, 1992  
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 12/11/93



MEETING NO. 16  
July 20, 1992

Item No. 11 Motion by Councilman Rogowski Seconded by Councilman Johnson

WHEREAS, this Town Board, by resolution dated August 3, 1987, approved plans for the Losson Park Estates Subdivision, Phase I, and such subdivision map was filed in the Erie County Clerk's Office under Cover Number 2541, and

WHEREAS, the owners of this property are now proposing to resubdivide this property into 15 sublots for two-family dwellings, and

WHEREAS, this Town Board previously approved the rezoning of this property to R-Residence District and determined that such subdivision plan would not have a significant effect on the environment, and

WHEREAS, the Town Highway Superintendent and Town Engineer's Office have reviewed this amended subdivision map and have recommended approval of same subject to the conditions stated in the attached letters, NOW, THEREFORE, BE IT

RESOLVED, that the plans for the amended Losson Park Estates Subdivision be and hereby are approved subject to the conditions stated in the attached letters dated June 26, 1992 and July 10, 1992 from the Town Engineer's Office and the Town Superintendent of Highways, and BE IT FURTHER

RESOLVED, that, due to the fact that there are no trees on this site having a caliper of more than four inches, a tree preservation plan is not required.

\* SEE ATTACHED PAGES

Upon Roll Call....

AYES: Supervisor Swiatek. Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

Chester L. Bryan, P.E.  
Town Engineer

Growing In A New Direction



TOWN OF CHEEKTOWAGA  
Erie County, New York

MEMO

TO: Chris Kowal  
Highway Superintendent

FROM: William Pugh, P.E.  
Assistant Town Engineer

DATE: June 26, 1992

RE: Losson Park Estates Subdivision

This office has performed a review of the proposed Losson Park Estates Subdivision consisting of fifteen (15) lots fronting on the north side of Crabapple Lane. This subdivision represents a re-subdivision of what was formerly filed as an eleven (11) lot subdivision under MC 2541 in April 1989 to accommodate the construction of eight (8) unit apartment buildings. It is my understanding that the current subdivision proposal, which was recently rezoned from RA to R, is being developed for the construction of two (2) family homes. It is also my understanding that the sanitary sewer and storm drainage located within the R.O.W. outletting to Cayuga Creek have previously been installed and accepted and that the waterline and hydrant required by the Bellevue Fire District No. 9 are in-place.

As the aforesaid infrastructure has already been constructed, our review of the plans at this time concerns itself with lot grading and drainage.

It is the recommendation of the writer that the following items be made a condition of subdivision approval to be completed prior to the issuance of building permits:

- 1) Installation of all rear yard drainage as designed subject to the provisions of the Public Improvement Permit Ordinance.
- 2) Establishment and stabilization of the embankment area along the north line of sublots 11 thru 15.

- 3) Balancing of all sublots to within a reasonable tolerance of finish grade so that all drainage patterns are established resulting in a functional storm drainage system.
- 4) Filing of all drainage easements in conjunction with the amended Map Cover in the Erie County Clerk's Office.
- 5) That the commitment agreed to and made a condition of the Town Board Resolution dated May 4, 1992 for rezoning concerning a deed restriction for the portion of the applicant's property located within the 100 year flood plain be complied with. (Copy of aforesaid resolution attached)

WRP:dms  
Enc.

CC: C. Bryan  
R. Marten  
T. Skowron  
K. Schenk  
J. Patterson

**Highway Department**

3145 Union Road  
Cheektowaga, NY 14227-1083  
716/686-3450  
Mobile: 716/863-5867

**Christopher J. Kowal**  
Superintendent of Highways

*Growing In A New Direction*



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

July 10, 1992

Honorable Supervisor, Frank Swiatek  
and Honorable Town Board  
Cheektowaga, NY 14227

Re: Approval of Plans  
Losson Park Estates Subdivision

Dear Honorable Members of the Board:

Mr. W.R. Pugh, Asst. Town Engineer; Mr. T. Skowron, Highway Engineer and I have reviewed the plans for this most current above-referenced Subdivision of M.C. 2541 from 11 to 15 Sublots.

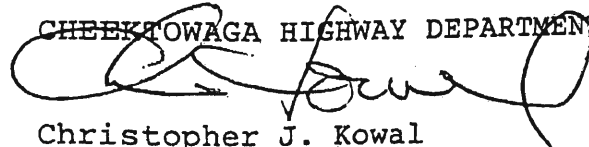
These plans are found to be in conformance with current specifications of the Town of Cheektowaga, including:

1. A properly designed storm sewer (in place),
2. lots located along Crabapple Lane; a Town highway - Sublots 1 to 15,
3. tree planting required,
4. all essential drainage easements must be recorded and filed prior to issuance of Public Improvement Permit,
5. conditions outlined in the attached letter from the Asst. Town Engineer become part of this approval.

With all requirements being met, I recommend the approval of plans for this phase of the development.

Very truly yours,

CHEEKTOWAGA HIGHWAY DEPARTMENT



Christopher J. Kowal  
Superintendent of Highways

CJK:nms

cc: Town Clerk  
Town Engineer  
Town Attorney ✓  
Bldg. Inspector  
Hwy. Engineer

Residence: 260 Cass Ave. + Cheektowaga, New York 14227 + 716/895-7185

Promoting Pride - Progress - Professionalism!

MEETING NO. 16  
July 20, 1992

Item No. 12a Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

FACILITIES DEPARTMENT

EFFECTIVE

Jason Scott

8/3/92

YOUTH & RECREATIONAL SERVICES DEPARTMENT

Kelly Mahoney  
Kelly Sweeney

Immediately  
"

Upon Roll Call....

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

Item No. 12b Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, by resolution dated February 18, 1992, this Town Board appointed Francis Strong, a seasonal employee, to the temporary vacancy of Cleaner in the Facilities Department, AND

WHEREAS, as per Section 18.02(c) of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Mr. Strong must be terminated from this position, NOW, THEREFORE, BE IT

RESOLVED, that Francis Strong be and hereby is terminated from the temporary position of Cleaner in the Facilities Department, effective immediately, AND, BE IT FURTHER

RESOLVED, that Francis Strong be and hereby is returned to his former position of Seasonal Employee in the Facilities Department, effective immediately.

Upon Roll Call....

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

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

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

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, James McCloskey, currently employed as a Laborer's Aide in the Recycling Department, bid on said temporary vacancy, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that James McCloskey be and hereby is appointed to the temporary position of Cleaner in the Facilities Department in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective July 21, 1992.

Upon Roll Call....

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

MEETING NO. 16  
July 20, 1992

Item No. 17a Motion by Councilman Rogowski Seconded by Councilman Johnson

WHEREAS, the Town advertised for bids for the removal of roadway lighting from the Kensington Expressway, and

WHEREAS, it is anticipated that such roadway lighting removal work will cost in the vicinity of \$65,000.00, and

WHEREAS, the Town does not have moneys appropriated in the 1992 budget to cover the cost of this work and intends to adopt a bond resolution in the near future to cover the costs of this work, and

WHEREAS, the Town desires to borrow funds from another existing budget line item to cover the costs of this work and to repay the borrowing after a bond resolution for same is adopted, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes a capital project account entitled "Kensington Expressway Light Removal" to perform such roadway lighting removal, and BE IT FURTHER

RESOLVED, that moneys in the amount of \$65,000.00 be transferred into such account temporarily from another account designated by the Town's Supervising Accountant, and BE IT FURTHER

RESOLVED. that moneys resulting from the adoption of a bond resolution for the aforesaid roadway lighting removal shall be used to repay the temporary borrowing from the existing line item aforementioned.

\* \* \* \* \*

MOTION BY COUNCILMAN ROGOWSKI AND SECONDED BY COUNCILMAN JAWOROWICZ TO AMEND THE THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

\* \* \* \* \*

AMENDED

Motion by Councilman Rogowski Seconded by Councilman Johnson

WHEREAS, the Town advertised for bids for the removal of roadway lighting from the Kensington Expressway, and

WHEREAS, it is anticipated that such roadway lighting removal work will cost in the vicinity of \$65,000.00, and

WHEREAS. the Town does not have moneys appropriated in the 1992 budget to cover the cost of this work and intends to adopt a bond resolution in the near future to cover the costs of this work. and

WHEREAS. the Town desires to borrow funds from the Capital Fund budget line item to cover the costs of this work and to repay the borrowing after a bond resolution for same is adopted, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes a capital project account entitled "Kensington Expressway Light Removal" to perform such roadway lighting removal, and BE IT FURTHER

RESOLVED, that moneys in the amount of \$65,000.00 be transferred into such account temporarily from another account designated by the Town's Supervising Accountant, and BE IT FURTHER

RESOLVED. that moneys resulting from the adoption of a bond resolution for the aforesaid roadway lighting removal shall be used to repay the temporary

MEETING NO. 16  
July 20, 1992

Item No. 17a continued

borrowing from the existing line item aforementioned.

Upon Roll Call....

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

Item No. 17b Motion by Councilman Rogowski Seconded by Councilman Johnson

WHEREAS, in 1991, the State Legislature restructured the Consolidated Local Street and Highway Improvement Program (Chips), creating a new payment mechanism for the capital project portion of the program, and

WHEREAS, before the Town can avail itself of the CHIPS funding for the capital project portion, the Town must first spend the money and then seek reimbursement from CHIPS, and

WHEREAS, a capital account must be established, moneys must be transferred into such account, and then moneys from such account will be spent, to be reimbursed later, NOW, THEREFORE, BE IT

RESOLVED, that the following accounts be and hereby are established:

CHIPS State Aid (Expense) - Account #5201-5132-0001 - \$119,860.00  
CHIPS State Aid (Revenue) - Account #5201-5132-3089 - \$119,860.00

Upon Roll Call....

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

\* \* \* \* \*

MOTION BY COUNCILMAN GABRYSAK AND SECONDED BY SUPERVISOR SWIASTEK TO DISPENSE WITH READING OF FIGURES AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

\* \* \* \* \*

Item No. 18 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:	0100-1415-8000	Fringe Benefits-Archives Grant	\$ 229.00
	0100-1625-1431	Maintenance Worker-Bldg. & Grounds	500.00
	0100-7310-1813	New Programs - Youth & Recreation	1,000.00
	0100-7310-1813	New Programs - Youth & Recreation	3,000.00
	0100-7310-4687	Child & Family Services	700.00
	0100-7310-1813	New Programs - Youth & Recreation	10,000.00
	0100-7310-4687	Child & Family Services	1,000.00
	0100-1220-1374	Clerk-Typist-Supervisor	3,150.00

MEETING NO. 16  
July 20, 1992

Item No. 18 continued

GENERAL FUND

TO:	0100-1415-1500	Senior Clerk-Archives Grant	\$ 229.00
	0100-1625-1491	Part Time Labor - Bldg. & Grounds	500.00
	0100-7140-4024	Arts & Crafts - Youth & Recreation	1,000.00
	0100-7140-4491	Special Events - Youth & Recreation	3,000.00
	0100-7140-4611	Transportation - Youth & Recreation	700.00
	0100-7140-4492	Haunted Forest - Youth & Recreation	10,000.00
	0100-7180-4074	Pool Clothing - Youth & Recreation	1,000.00
	0100-1430-1391	Part-Time Clerical Personnel	3,150.00

HIGHWAY FUND

FROM:	0300-5110-4173	Stone, General Repairs	\$ 5,000.00
	0300-5110-4331	Machine Rental	4,744.20
TO:	0300-5110-4185	Barricades	5,000.00
	0300-5130-2407	Equipment	4,744.20

CAPITAL FUND

FROM:	5908-1910-5031	Transfer In	\$10,376.27
	5005-1910-5031	Transfer In	14,000.00
TO:	5811-9950-9901	Transfer out to Fund 5908	1,000.00
	5906-9950-9901	Transfer out to Fund 5908	5,000.00
	5547-9950-9901	Transfer out to Fund 5908	3,950.63
	5012-9950-9901	Transfer out to Fund 5908	425.64
	5009-9950-9901	Transfer out to Fund 5005	6,607.04
	5529-9950-9901	Transfer out to Fund 5005	6,701.59
	5729-9950-9901	Transfer out to Fund 5005	691.37

SPECIAL DISTRICTS FUND

FROM:	1500-8160-1411	Cleaner-Sanitation	\$ 7,150.00
	1500-8173-1410	Recycling Drivers	7,605.60
TO:	1500-8160-1391	Part-Time Clerical Sanitation	7,150.00
	1500-8160-1444	MEO "A" - Sanitation	7,605.60

Upon Roll Call....

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

Item No. 19 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following vouchers and warrants as submitted to the Town of Cheektowaga prior to July 8, 1992 hereby are approved and made a part hereof:

GENERAL FUND	\$1,906,407.77
HIGHWAY FUND	448,297.25
TRUST & AGENCY FUND	11,028.91
CDBG HUD FUND	19,361.64
PART TOWN FUND	41,484.37
RISK RETENTION FUND	135,566.08
STATE AHC FUND	2,912.00
DEBT SERVICE FUND	15,232.50
SPECIAL DISTRICTS FUND	889,023.49
HUD REHABILITATION	33,307.85
CAPITAL FUND	309,103.32
	<u>\$3,811,725.18</u>

Upon Roll Call....

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



III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Minutes of Cheektowaga Planning Board: June 11, 1992  
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21 Protest of Consolidated Rail Corp. regarding Tentative Railroad  
Ceilings for Assessing Units  
Copies were sent to: Assessor's Office

\* \* \* \* \*

MOTION BY COUNCILMAN ROGOWSKI AND SECONDED BY SUPERVISOR SWIATEK TO SUSPEND THE  
RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek. Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski. Blachowski and Johnson

NAYES: 0

ABSENT: 0

\* \* \* \* \*

V. SUSPENSION OF RULES

Item No. 22 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, Richard S. Mucci has petitioned for the rezoning from  
C-Retail Business District to RA-Apartment District of property owned by Jane  
Tylenda and located at 1041 Walden 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 20th day of July, 1992 at 7:00 o'clock P.M., after publication and ser-  
vice of the notices required by the provisions of the Code of the Town of  
Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given  
an opportunity to be heard at such hearing, and

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

1. Applicant will have to obtain variances from the Zoning Board of  
Appeals

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 recommended that this Town Board issue a determination that such  
rezoning will not have a significant effect on the environment,

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees  
with the recommendation made by the Environmental Advisory Review Committee, and  
directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard S. Mucci for the rezoning  
from C-Retail Business District to RA-Apartment District of the property specified  
in the attached legal description be and the same is hereby granted, subject to the  
aforementioned condition recommended by the Cheektowaga Planning Board, and BE IT  
FURTHER

MEETING NO. 16  
July 20, 1992

Item No. 22 continued

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

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,  
Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: 0

\* SEE LEGAL DESCRIPTION

AFFIDAVIT - NEXT PAGE

lawful money of the United States, paid by the Grantee(s), does

hereby grant and release unto the Grantee(s),  
her heirs and assigns forever.

All that Tract or Parcel of Land, situate in the Town of

Cheektowaga, County of Erie and State of New York, being part of Lot Number

thirty-three (33), Township eleven (11), Range seven (7) of the Holland Land

Company's Survey and further distinguished as Subdivision Lots numbers thirteen

(13) and fourteen (14) in Block Number three (3) as shown on map filed in Erie

County Clerk's Office under Cover Number 325.

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

Melanie Wolf....., of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk..... of the Cheek-  
towaga Times, a public newspaper published  
weekly in said town; that the notice, of which  
the annexed printed slip, taken from said news-  
paper is a copy, was inserted and published in  
said paper once a week for ..... weeks:  
first publication July 23, 1992.....;  
last publication July 23, 1992.....;  
and that no more than six days intervened be-  
tween publications.

Melanie Wolf.....  
Sworn to before me this 23rd.....  
day of July....., 1992  
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 12/11/93

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 July 1992 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 Richard B. Solecki  
Councilman William P. Rogowski  
Councilman Jacqueline A. Blachowski  
Councilman Thomas M. Johnson, Jr.

ABSENT: 0

Motion by Councilman Johnson and Seconded by Councilman Solecki

WHEREAS, Richard S. Mucci has petitioned for the rezoning from C-Retail Business District to RA-Apartment District of property owned by Jane Tylenda and located at 1041 Walden 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 20th day of July, 1992 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 Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

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

1. Applicant will have to obtain variances from the Zoning Board of Appeals 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 recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard S. Mucci for the rezoning from C-Retail Business District to RA-Apartment District of the property specified in the attached legal description be and the same is hereby granted, subject to the aforementioned condition recommended by the Cheektowaga Planning Board, and BE IT FURTHER

RESOLVED, that the Zoning Map Law 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 Number thirty-three (33), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lots numbers thirteen (13) and fourteen (14) in Block Number three (3) as shown on map filed in Erie County Clerk's Office under Cover Number 325.

I RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga 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 July 20, 1992, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with the law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 22, inclusive, of said book.

2. I have compared the attached extract with the 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 the 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 July, 1992.

RICHARD M. MOLESKI  
Town Clerk

Upon roll call.....  
Supervisor Swiatek Voting AYE  
Councilman Blachowski Voting AYE  
Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE  
Councilman Rogowski Voting AYE  
Councilman Solecki Voting AYE  
Councilman Johnson Voting AYE

AYES: 7  
NAYES: 0  
ABSENT: 0

PUBLISH: July 23, 1992

MEETING NO. 16  
July 20, 1992

Item No. 23a Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS. the Town advertised for bids for New and Unused Tires and Tubes, Along with Recapping of our Used Tire Casings at the July 6, 1992 meeting, and

WHEREAS. only one bid was received for such material, and

WHEREAS, the Town Superintendent of Highways recommended to this Town Board to rescind such bids, therefore

BE IT RESOLVED, that bid for New and Unused Tires and Tubes, Along with Recapping of our Used Tire Casings opened on July 17, 1992, be hereby rescinded.

Upon Roll Call....

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

Item No. 23b Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the Town advertised for bids for Motor Oils, Lubricants, Anti-Freeze, Unleaded Gasoline and Diesel Fuel, etc. at the July 6, 1992 meeting, and

WHEREAS. bids were received after the 11:00 A.M. deadline on July 17, 1992, and

WHEREAS, the Town Superintendent of Highways recommended to this Town Board to rescind such bids, therefore

BE IT RESOLVED, that bids for Motor Oils, Lubricants, Anti-Freeze, Unleaded Gasoline and Diesel Fuel, etc. opened on July 17, 1992 be hereby rescinded.

Upon Roll Call....

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

Item No. 24a 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, NY 14227, between the hours of 8:00 A.M. and 3:30 P.M. Monday thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the office to open bids on the aforesaid items at 11:00 A.M. on July 31, 1992.

\*\*\*\*\*

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 quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc for use by various departments in the Town at

MEETING NO. 16  
July 20, 1992

Item No. 24a continued

a public bid opening July 31, 1992 at 11:00 A.M. to be held in the Council Chamgers at the Cheektowaga Town Hall

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways located at 3145 Union Road. Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL ETC."

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

RICHARD M. MOLESKI, TOWN CLERK

PUBLISHED: July 23, 1992

DATED: July 20, 1992

\* \* \* \* \*

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

AFFIDAVIT - NEXT PAGE

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

.....Melanie Wolf....., of the town  
of Cheektowaga, in said County of Erie, being  
duly sworn, deposes and says that he (she) is  
Clerk  
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Clerk

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 quantities of motor  
oils, lubricants, anti-freeze, etc.

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TOWN OF CHEEKTOWAGA  
HIGHWAY DEPARTMENT  
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