# TOWN OF CHEEKTOWAGA MEETING NO. 1 JANUARY 3, 1995

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of January, 1995 at 7:00 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; John Schaller, Assistant Chief of Police; Ronald Marten, Building and Plumbing Inspector and Leonard Szymanski, Facilities Foreman.

#### I. FROM THE TABLE

<u>Item No. 2</u> Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the terms of five (5) members of the Cheektowaga Traffic Safety Commission will be expiring on December 31, 1994, AND

WHEREAS, such members have expressed a willingness and desire to continue to serve on such commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Cheektowaga Traffic Safety Commission for a term expiring on December 31, 1997:

Michael McGuire David W. Metz Richard Zynda Carl Perlino. James Makowski



Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, Official Drainage Systems Maps were adopted by the Town Board on April 17, 1978 for the southeast area of the Town of Cheektowaga, AND

WHEREAS, there is a need to update the Southeast Section Drainage Study report and individual maps to include developments, wetland areas, the Union/Losson hazardous waste site and drainage recommendations especially in anticipation of the scheduled 1997 Transit Road Improvement Project by the New York State Department of Transportation, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. dated December 15, 1994 as submitted to the Town Engineer be and hereby is approved and accepted on recommendation of the Town Engineer, AND, BE IT FURTHER

Item No. 3 cont'd.

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc. for updating the southeast drainage maps and issuing a supplementary report, AND, BE IT FURTHER

RESOLVED, that funding not to exceed \$9,100.00 for said professional services is to be charged to the Storm Drainage District Budget

4000-8140-4581\$2,500.005312-1440-93421,474.755308-1440-93715,123.25

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### **II. PUBLIC HEARING**

Item No. 4 This being the time and place for a public hearing to be held to consider the appeal regarding the denial of an amusement arcade license for Discovery Zone located at 3755 Union Road. The Town Clerk presented proof that such notice of this hearing was forwarded to Mark A. Pascuzzi, General Manager, Discovery Zone, 3755 Union Road, Cheektowaga, New York 14225, and upon the order of the Supervisor such proof was duly filed.

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

# **III. RESOLUTIONS**

Item No. 5a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the regular Town Board meetings of the Town of Cheektowaga for the calendar year 1995 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

First and Third Mondays of March, April, May, June, July, August, October, November and December.

January 17th

February 6th and 27th September 5th and 18th

and, BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 5b</u> Motion by Councilman Blachowski, Seconded by Councilman Wielinski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 1995 at 6:30 P.M. on the fourth Monday of each month, except for the month of December, and BE IT FURTHER

Item No. 5b cont'd.

RESOLVED, that the work session for December shall be held at 6:30 P.M. on December 26, 1994, and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, Cheektowaga, New York.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motion by Councilman Rogowski, Seconded by Councilman Johnson

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

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

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the year 1995:

Marine Midland Bank, N.A. (Cheektowaga Office)

Manufacturers and Traders Trust Company (Airport Plaza)

Key Bank (Como Mall and Union Road)
Fleet Bank (Harlem Road Office)
Chase Lincoln First (Depew Office)
Citibank (Cheektowaga Office)

Chemical Bank (Walden Avenue Office)

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 8</u> Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 1995:

#### Item No. 8 cont'd.

New Year's DayJanuary 1, 1995SundayDay After New Year'sJanuary 2, 1995MondayPresident's DayFebruary 20, 1995MondayGood FridayApril 14, 1995Friday

Memorial Day	May 29, 1995	Monday
Independence Day	July 4, 1995	Tuesday
Labor Day	September 4, 1995	Monday
Columbus Day	October 9, 1995	Monday
Election Day	November 7, 1995	Tuesday
Veterans Day	November 10, 1995	Friday
Thanksgiving Day	November 23, 1995	Thursday
Day After Thanksgiving	November 24, 1995	Friday
Christmas Eve	December 24, 1995	Sunday
Christmas Day	December 25, 1995	Monday

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 9a Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED, that the salaries of the following Town Officials be and hereby are established and set forth as follows, effective January 1, 1995:

Supervisor	\$59,465.00
Councilman (6)	18,551.00
Tax Receiver	43,327.00
Town Clerk	48,256.00
Highway Superintendent	55,502.00
Town Justice (2)	46,160.81
Budget Director	5,000.00
Registrar of Vital Statistics	4,000.00



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

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



#### <u>AMENDED</u>

BE IT RESOLVED, that the salaries of the following Town Officials be and hereby are established and set forth as follows, effective January 1, 1995:

Supervisor	\$59,465.00
Councilman (6)	18,551.00
Tax Receiver	43,327.00
Town Clerk	48,256.00
Highway Superintendent	55,502.00
Town Justice (2)	46,331.00
Budget Director	5,000.00
Registrar of Vital Statistics	4,000.00

Item No. 9a cont'd.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the salaries of the following Town Officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 1995

Town Engineer	\$67,268.58
Assistant Town Engineer	54,347.81
Supervising Accountant	48,573.15
Accountant	36,994.82
Supervising Building Inspector	53,751.07
Assessor	50,675.40
Executive Director Youth	53,475.85
Program Coordinator - 1	32,553.52
Town Attorney	49,210.50
Deputy Town Attorney	33,492.35
Prosecuting Attorney	27,921.80
Clerk to Justice Court	32,692.86
Director of Community Development	45,169.35
Legislative Assistant	32,613.29
Council Office Clerk Steno	27,341.60
Assistant to the Supervisor	32,613.29
Deputy Tax Receiver	31,178.46
Ist Deputy Town Clerk	34,657.78
2nd Deputy Town Clerk	32,662.91
Working Crew Chief - Sanitation	47,773.63
Senior Citizens Director	44,988.35
Deputy Highway Superintendent	51,934.59
Employment & Training Director	54,248.48
Coordinator of Employee Relations	48,170.09
Secretary to Coordinator of	29,847.54
Employee Relations	
Junior Accountant	27,282.95
Program Coordinator - II	25,983.76
Project Director	39,931.79

Upon Roll Call. . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 9c Establish Salaries of Non-Union Personnel

This item was withdrawn.

<u>Item No. 10</u> Appointment of Bingo Inspectors and Bingo Inspector Chairman

This item was withdrawn.

<u>Item No. 11a</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

- A. Annual Audit A complete financial audit of the Town's records will be performed to include:
  - 1. Preparation of the Annual Financial Report to the New York Department of Audit and Control.

# Item No. 11a cont'd.

- 2. Preparation of financial audit of the Town's records for the year ended December 31, 1994.
- 3. Preparation of management letter relative to regular audit.

# B. Single Audit.

Conduct audit of Town's federal financial assistance for compliance with applicable federal laws and regulations in accordance with the Single Audit Act of 1984.

- C. <u>Consultative Services</u> Periodic consultation (minimum 90 hours) be provided to the Supervisor, and the Town's Chief Accountant on areas such as: State Revenue Sharing, Borrowings, federal and state legislative developments, and other areas as requested.
- D. <u>Benefit Basis Budget Preparation</u> Assistance will be provided to the Supervisor, Town Board and the Town's Chief Accountant in various phases of the preparation of the 1995 benefit basis budget Will compute special district rates for submission to Erie County to assist in the preparation of individual property tax bills.
- E. Ad Valorem Budget Consultation Will review the tentative 1996 Ad Valorem Budget and report as to their observations and recommendations to the Supervisor and Town Board on that document. Will also provide commentary on the internally-prepared projections of available funds balances related to budget preparation (minimum 100 hours).
- F. <u>Audit of Town Clerk, Tax Receiver and Town Justice Budgets.</u> Will prepare financial statements for these departments on the cash basis of accounting.
- G. Will aid the Town in the preparation of the Comprehensive Annual Financial Report to be Submitted to the Government Finance officer's Association for review in the Certificate of Excellence in Financial Reporting Program.
- H. Preparation of Detailed Budget Presentation Document.,

and

WHEREAS, the Town Board desires to retain the services of Deloitte & Touche, CPAs, for those services, NOW, THEREFORE, BE IT

RESOLVED, that Deloitte & Touche be retained to perform the services listed above for the year 1995 according to the following fee schedule:

\$28,500.00	General Fund	Acct. #01-1320-0004-4506
\$18,500.00	Sanitary Sewer Dist. #3	Acct. #23-8123-0004-4506
\$29,500.00	Sanitary Sewer Dist. #5	Acct. #25-8125-0004-4506
\$ 7,450,00	Capital Projects Fund	Acct Various

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 11b Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that Ken K. Kloeber Consulting Engineers be and hereby is retained to perform geotechnical services for an irrigation well on Town-owned property, as per the attached proposal, at an initial cost not to exceed \$20,000.00, and BE IT FURTHER

RESOLVED, that, should water not be found in the 370 foot depth and should the Town Engineer deem it necessary to drill a second and/or deeper test well, Ken K. Kloeber Consulting Engineers be and hereby is retained to provide such <a href="Item No. 11b cont'd">Item No. 11b cont'd</a>.

additional services as per the attached proposal at an additional cost not to exceed \$5,250.00, and BE IT FURTHER

RESOLVED, that moneys for such services shall be appropriated from budget line item number 5817-7140-1100.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Johnson and Wielinski

NAYES: Councilman Blachowski

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 12</u> Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

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

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

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

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

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

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

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

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

Item No. 13a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village, located partially within its boundaries and with a police department of four or more policemen on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, AND

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, AND

WHEREAS, the annual budget of the town for the fiscal year beginning January 1, 1995 provides for a credit of \$193,000.00 to the Village of Depew for the cost of the town police department assessed against the property in the Village, AND

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid agreement is approved, and the Supervisor be and he hereby is authorized to execute same on behalf of the Town.

Upon Roll Call . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, THE Town of Cheektowaga is operating a nutrition program for the elderly at the facilities of: Maryvale Presbyterian Church, located at <a href="Item No. 13b cont'd">Item No. 13b cont'd</a>.

425 Maryvale Drive, Cheektowaga; Infant of Prague Parish, located at 921 Cleveland Drive, Cheektowaga; Cayuga Village Community Center, located at 100 Hutchens Drive, Cheektowaga; and Maryvale East Apartments, 100 Moorman Drive, Cheektowaga, AND

WHEREAS, an agreement between the Town of Cheektowaga and the above facilities has been drafted relative to the operation of the said nutrition program for the year 1995, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of the said nutrition program for the year 1995, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign all the said agreements on behalf of the Town of Cheektowaga retroactive to January 1, 1995.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 13c</u> Motion by Councilman Blachowski, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga is operating a transportation program for the elderly, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of the said transportation program for the year 1995, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign all the said agreements on behalf of the Town of Cheektowaga retroactive to January 1, 1995.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 13d Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the Town with various projects, AND

WHEREAS, Robert J. Miller & Associates, a grants development firm, has been utilized by the Town for the past few years to assist the Town with obtaining grants, AND

WHEREAS, moneys obtained from grants procured through the efforts of Robert J. Miller & Associates far outweigh the cost to the Town for such firm's services, AND

WHEREAS, this Town Board wishes to continue to retain the services of Robert J. Miller & Associates for the 1995 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Letter of Agreement with Robert J. Miller & Associates, and BE IT FURTHER

RESOLVED, that the fee stipulated in such Letter of Agreement, \$33,500.00, shall be appropriated from budget line item number 0100-1220-4957, and BE IT FURTHER

# Item No. 13d cont'd

RESOLVED, that any additional fees for services provided to the Cheektowaga Action Partnership shall be paid out of CAP budget line item number 010-7320-4000.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 13e</u> Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to reconstruct a portion of Broadway, NY Route 130, from Bailey Avenue in the City of Buffalo to just east of Harlem Road in the Town of Cheektowaga as C.P.I.N. 5012.14, AND

WHEREAS, the NYSDOT, as part of said road reconstruction project, is to provide for the adjustment and modification to sanitary sewer manhole facilities in Town Sanitary Sewer District No. 3 at the easterly contract limit of the subject project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby grants permission to the NYSDOT to perform the necessary sanitary sewer manhole adjustments providing that such modifications, as designed and constructed, meet the approval of the Town Engineer, AND, BE IT FURTHER

RESOLVED, that all costs associated with the modification to the Town Sanitary Sewer District No. 3 facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board to sign the Public Utility Work Agreement, HC-140, as submitted by the New York State Department of Transportation.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

Item No. 14 Motion by Councilman Blachowski, Seconded by Supervisor 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**

OWNER VEHICLE: MAKE & MODEL LICENSE NO. CALL NO. Town's Ambulance 1994 Ford AA 7210 555 (Replacing 1987 Ford)

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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 15</u> Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated December 19, 1994, this Town Board ordered that bids be advertised for the purchase of nine (9) police vehicles, with trade-in allowances for ten (10) vehicles, AND

Item No. 15 cont'd.

WHEREAS, bids were duly opened on the 29th day of December, 1994, and such bids were tabulated, AND

WHEREAS, Emerling Chevrolet was the lowest responsible bidder for this purchase, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of nine (9) police vehicles be and hereby is awarded to:

Emerling Chevrolet 9000 Boston State Road Boston, New York 14025

at a bid price of \$135,088.00, with a trade-in allowance for ten (10) vehicles as listed in the bid specifications for \$20,400, and BE IT FURTHER

RESOLVED, that moneys for such bid award shall be appropriated from budget line item number 0100-3120-2303.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, as part of the approval of the construction of a building at 3824 Union Road, the developer, 6075 Main Street Co., was required to install sidewalks on such property, AND

WHEREAS, since the developer installed part of such sidewalk outside of the Union Road right-of-way, the developer was requested to convey a sidewalk easement over the front five feet of its property to the Town, AND

WHEREAS, the developer of 3724 Union Road has executed and submitted such sidewalk easement to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned sidewalk easement from 6075 Main Street Co., and BE IT FURTHER

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

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 17 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, B.D.R., Inc. has submitted requisition for final payment for Town of Cheektowaga Baseball and Softball Diamond Improvement, AND

WHEREAS, Darryl L.. Jones, Registered Landscape Architect and the Facilities Department Director have reviewed and approved the Contractors Certificate of Substantial Completion dated November 15, 1994 as the applicable date for commencement of warranties, Contractors Affidavit of Payment of Debts and Claims, Contractors Affidavit of Release of Leins, Consent of Surety Company to Final Payment Application and Certification of Payment, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Town Board hereby approved final payment in the amount of \$5,645.60 to B.D.R., Inc., S3480 Benzing Road, Orchard Park, New York 14127 for the Town of Cheektowaga Baseball and Softball Diamond Improvements, AND, BE IT FURTHER <a href="Item No. 17 cont'd">Item No. 17 cont'd</a>.

RESOLVED, that funds for said action are available from Capital Improvement Account #5402.7110.9404.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 18a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are terminated from the Department of Youth and Recreational Services, effective December 31, 1994:

Karen Hackett
Chris Payne
Deborah Sokolski
Lisa Heltman
Eric Blodgett
Cindy Okun
Sean Fiegel
Jeff Jankowski
Kevin Bogdan
Todd Corcoran
Eric King
David Michalski

Kirk Wilde

Ron Cyrankowski **Dale Summers** Katherine Netzel Dale Parks Wendy Parks Frank LaSota Shawn Paa Jackie Houser

Upon Roll Call . . . .

Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, AYES:

Blachowski, Johnson and Wielinski

NAYES: 0 0 ABSENT:

Motion by Councilman Wielinski, Seconded by Councilman Blachowski Item No. 18b

BE IT RESOLVED, that the following SEASONAL EMPLOYEES be and hereby are terminated, in the various departments as listed, effective December 31, 1994:

#### POLICE DEPARTMENT

Nadine Bucolo Traci Howlett Melissa Kreavy Marcia Morath

# SEWER MAINTENANCE DEPARTMENT

Mark Burkhard Timothy Danner Aaron Vanderlip Douglas Lauber Jason Mueller Louis Muller Alex Nesteruk David Pula Dean Sarago

Item No. 18b cont'd.

# **FACILITIES DEPARTMENT**

Brad Chojnacki Eugene Czajkowski Martin Doyle Jason Jankowiak Mark Krzykowski Monty Viau Joseph Sieber William Wierling

# TAX OFFICE

Denise Myers

Debra Nero

Rita Wick

Waltraud Piffl

Sandra Rakowski

Pamela Ruday

Judith Skrzydlewski

Patricia Cosimano

Geraldine Glascott

Virginia Helinski

Arlene Jankowski

Patricia Jaroszewski

Eleanor Kantowski

Mildred Keipper

Mark Kwiek

Carol Malkiewicz

Patricia Miller

**Evelyn Mogavero** 

#### Arlene Mueller

#### SANITATION/RECYCLING DEPARTMENTS

Richard Higley

James Kazmierczak

Greg Klima

Jerry Majka

Scott Miller

David Politowski

**David Principato** 

John Skonecki

John Strong

Ronald Strong

# **TOWN CLERK'S OFFICE**

Amy Szprygada Lori Vallone

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 19a</u> Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the term of Mark E. Weber as Trustee of the Cheektowaga Public Library Board expired as of January 1, 1995, AND

WHEREAS, Mark E. Weber has expressed his interest in continuing on such Board, NOW, THEREFORE, BE IT

#### Item No. 19a cont'd.

RESOLVED, that Mark E. Weber be and hereby is reappointed to the position of Trustee of the Cheektowaga Public Library Board, effective January 2, 1995 and expiring on January 1, 2000.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 19b</u> Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, AND

WHEREAS, the members of the Veterans Affairs committee serve for terms of one year, and their terms expired December 31, 1994, AND

WHEREAS, this Board wishes to reappoint these members to another one year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Cheektowaga Veterans Affairs Committee, effective January 1, 1995 and expiring on December 31, 1995:

Kenneth Blum, , Cheektowaga, New York
Alexander Burke, , Cheektowaga, New York
Victor Carlucci, , Depew, New York
Wesley Fuqua, , Cheektowaga, New York
Dorothy Kubik, , Cheektowaga, New York

Donald DeBarron, , Cheektowaga, New York 1
Joseph Lipowski, , Depew, New York
Sylvia Lipowski, , Depew, New York
Joseph Porempski, , Cheektowaga, New York 1
Earle Rosenthal, , Cheektowaga, New York 1
Elaine Rosenthal, , Cheektowaga, New York 1
Edward Schultz, , Sloan, New York

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 19c</u> Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the term of Edward Tokasz as member of the Cheektowaga Zoning Board of Appeals expired as of December 31, 1994, AND

WHEREAS, Edward Tokasz has performed his duties satisfactorily for the past 19 years, and desires to continue on such Board, NOW, THEREFORE, BE IT

RESOLVED, that Edward Tokasz, Leading to the Cheektowaga Coning Board of Appeals, effective January 1, 1995 and terminating on December 31, 1999.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 19d</u> Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, the term of Raymond Pugh as member of the Cheektowaga Planning Board expired as of December 31, 1994, AND

WHEREAS, Raymond Pugh has performed his duties on the Planning Board in a satisfactory manner since 1985, and desires to continue in such position, NOW, THEREFORE, BE IT

RESOLVED, that Raymond Pugh, be and hereby is reappointed as member of the Cheektowaga Planning Board, effective January 1, 1995 and ending on December 31, 2001.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 20</u> Motion by Councilman Jaworowicz, Seconded by Councilman Johnson

WHEREAS, by Town Board resolution, school crossing guards in Tier 1 retirement system were allowed to retire on the stipulation that they be afforded the option to immediately be rehired, NOW, THEREFORE, BE IT

RESOLVED, that Ann Kelly be and hereby is rehired as a school crossing guard, effective January 4, 1995.

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 21</u> Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

WHEREAS, vacancies exist in the position of Public Safety Dispatcher in the Police Department, AND

WHEREAS, the Civil Service eligible list for such position has been canvassed and candidates were interviewed, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the position of Public Safety Dispatcher in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association, effective January 9, 1995:

Gregory Tzetzo

Cheektowaga, New York 1

David Maguda

Cheektowaga, New York

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the following individuals be hired for the Department of Youth and Recreational Services (Seasonal):

Item No. 22a cont'd.

POOL SUPERVISOR II - 7180.1901 - \$8.70

Kathy Bobeck

RECREATION LEADER VII - 7140.1636 - \$6.75

Tony Pierino

POOL SUPERVISOR - 7180.1902 - \$8.85

Catherine Giles

POOL DIRECTOR - 7180.1902 - \$11.95

Brian Hansen

RECREATION SUPERVISOR - 7180.1902 - \$9.45

Jack Hartman

RECREATION SUPERVISOR VII - 7140.1642 - \$6.75

Anthony Lorigo

PROGRAM COORDINATOR - 7310.1811 - \$10.25

Jack Hornung

EDUCATION PROGRAM COORDINATOR (ENVIRONMENTAL EDUCATION) - 7310.1811 - \$10.25

Roger Newhouse

RECREATION INSTRUCTOR VII - 7140.1625 - \$6.00

David Feickert

<del>\_\_\_</del>

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0



BE IT RESOLVED, that the following individuals be hired for the Department of Youth and Recreational Services (Seasonal):

POOL SUPERVISOR II - 7180.1901 - \$8.70

Kathy Bobeck

RECREATION LEADER VII - 7140.1636 - \$6.75

Tony Pierino

POOL SUPERVISOR - 7180.1902 - \$8.85

Catherine Giles

POOL DIRECTOR - 7180.1902 - \$11.95

Brian Hansen

RECREATION SUPERVISOR - 7180.1902 - \$9.45

Jack Hartman

RECREATION SUPERVISOR VII - 7140.1642 - \$6.75

Anthony Lorigo

PROGRAM COORDINATOR - 7310.1811 - \$10.25

Jack Hornung

Item No. 22a cont'd.

EDUCATION PROGRAM COORDINATOR (ENVIRONMENTAL EDUCATION) - 7310.1811 - \$10.25

Roger Newhouse

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 22b Motion by Councilman Wielinski, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed 24 weeks in a calendar year, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective January 1, 1995:

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

James Kazmierczak John Skonecki John Strong Ronald Strong 3 1 1 1 W (2 S

SEWER MAINTENANCE DEPARTMENT - \$5.00 per hour

Mark Burkard Timothy Danner Jason Mueller Louis Mueller Joseph Malkiewicz

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer)

Eugene Czajkowski William Wierling Felix Lampke Brad Chojnacki 5.00 per hour (L<u>aborer</u>

0100-7110-1491 0100-7110-1491

0100-7110-1491

TAX OFFICE - Day Shift - \$5.75 per hour (Clerical)

Arlene Jankowski
Patricia Jaroszewski
Patricia Miller
Waltraud Piffl
Sandra Rakowski
Rita Wick

TAX OFFICE - Night Shift - \$5.00 per hour (Clerical)

Patricia Cosimano
Geraldine Glascott
Mildred Helinski
Eleaner Kantowski
Mildred Keipper
Marie Kwiek
Evelyn Magavero
Carol Malkiewicz
Arlene Mueller
Denise Myers
Pamela Ruday
Judith Skrzydlewski
Joan Wojtkowski

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)
Julie Miller

Item No. 22b cont'd.

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)

Amy Szprygada

POLICE DEPARTMENT - \$6.00 per hour (Clerical)

Traci Howlett

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 23a</u> Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the following individuals be hired in the Department of Youth and Recreational Services (Part-Time):

<u>LIFEGUARD III - 7180.1903 - \$5.50 per hour</u>

Jeffrey Coia

RECREATION SPECIALIST IV - 7140.1651 - \$5.50 per hour

David Isch

<u>HEAD LIFEGUARD 7180.190</u>2 - \$7.30 per hour

Keith Stachura

RECREATION ATTENDANT IV - 7140.1630 - \$5.00 per hour

Brooke Nagowski

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

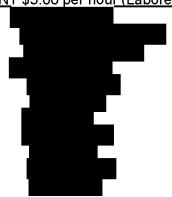
NAYES: 0 ABSENT: 0

<u>Item No. 23b</u> Motion by Councilman Wielinski, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME employees, in the various departments listed, not to exceed 19 hours on a weekly basis, in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective January 1, 1995:

SANITATION DEPARTMENT \$5.00 per hour (Laborer)

Richard Bosiacki
Jerome Brezozowski
Eric Cadwallader
Thomas Carney
Raymond Jochum
Timothy Millar
Edward Pozdyn
Marc Stanley
Paul Wilcox
Mark Wodarczak
Kevin Wroblewski



# SANITATION DEPARTMENT - \$6.00 per hour (Clerical)

Tracy Gielinski Nancy Ruhl



Item No. 23b cont'd.

POLICE DEPARTMENT - \$6.00 per hour (Clerical)

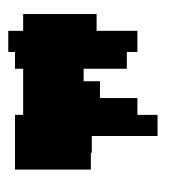
Marcia Morath

POLICE DEPARTMENT - SIGN MAINTENANCE DIVISION - \$6.00 per hour

Michael Urbanski Effective 12/9/94

# SEWER MAINTENANCE DEPARTMENT - \$5.00 per hour (Laborer)

Dean Sarago
Scott Skibniewski
Jerel Bogdan
Jerome Borowski
Ryan Czubaj
Leo Dominczak
Damian Klosko
David Klosko
Jeff Rogowski



# FACILITIES DEPARTMENT \$5.00 per hour

 Ann-Marie Herb
 0100-7110-1391

 Jason Jankowiak
 0100-7110-1491

 Mark Krzykowski
 0100-7110-1491

 Patricia Obarka
 0100-7110-1491

 Todd lozzia
 0100-7110-1491

# FACILITIES DEPARTMENT - \$5.50 per hour

 Dawn Matecki
 0100-7110-1491

 Cam Viverto
 0100-7110-1491

 Patricia Kantor
 0100-7110-1491

 Frances Strong
 0100-1625-1491

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES S 0 ABSENT: 0

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

BE IT RESOLVED, that the following fund transfers are hereby approved and made a

part hereof:

# **GENERAL FUND**

From: 0100-7140-1612 Recreation Attendants \$16,000.00 To: 0100-7140-1664 Pre-K Salaries 16,000.00

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 25 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 26th, 1994 are hereby approved and made a part hereof:

# Item No. 25 cont'd.

GENERAL	\$ 18,581.18
HIGHWAY FUND	4,615.02
TRUST & AGENCY FUND	854.00
PART TOWN FUND	408.60
CDBG HUD FUND	59,118.76
RISK RETENTION FUND	8,462.50
HUD REHABILITATION FUND	2,620.00
SPECIAL DISTRICTS FUND	7,962.53
CAPITAL FUND	<u>18,362.00</u>

\$160,984.59

Upon Roll Call . . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

# **IV. DEPARTMENTAL COMMUNICATIONS**

Item No. 26 Building Permits

Received and Filed.

<u>Item No. 27</u> Supervisor's Statement of Funds - November, 1994 Received and Filed.

Received and Filed.

<u>Item No. 28</u> Minutes of Cheektowaga Public Library Board - November 30, 1994

Received and Filed

# V. GENERAL COMMUNICATIONS

Item No. 29 Notice of Petition: Consolidated Rail Corporation vs State Board of Equalization and

Assessment, an agency of the State of New York and the Assessing Units set forth in

Exhibit A.

Received and Filed.



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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



# **VI. SUSPENSION OF RULES**

<u>Item No. 30</u> Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Maplewood Properties Incorporated/Elderwood Associates (the "Applicant") had applied to the Town for an environmental review of its proposal to construct a 160 bed Skilled Nursing facility and a 80 bed Adult Care facility at Environmental Quality Review Act ("SEQRA"), AND

WHEREAS, the appropriate governmental agencies (State, County and Town) have been solicited by the Town for lead agency status and their comments, AND Item No. 30 cont'd.

WHEREAS, there has been agreement by such agencies that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning this Project, AND

WHEREAS, the Applicant submitted documentation to the Town regarding various aspects of this Project, AND

WHEREAS, by resolution dated April 2, 1990, this Town Board approved the site plan and issued a Negative Declaration for the Project, AND

WHEREAS, the Applicant has submitted a revised site plan (8/94-revision date) to the Town with minor changes, AND

WHEREAS, these changes include additional landscaping and a modified building footprint, AND

WHEREAS, both the Cheektowaga Conservation Advisory Council ("CCAC") and the Environmental Advisory Committee ("EAC") have reviewed this plan and found the changes to be insignificant and within the parameters set by the Town Board resolution April 2, 1990, AND

WHEREAS, the CCAC has requested the applicant attempt to preserve certain mature trees and to replace others with new plantings, AND

WHEREAS, all previous environmental commitments and mitigation measures remain, AND

WHEREAS, the Town Environmental Advisory Committee has recommended that this Town Board reaffirm the Negative Declaration for the Project and accept the revised site plan (8/94-revision date) as the official site plan for the Project, NOW, THEREFORE, BE IT

RESOLVED, that, based on the April 2, 1990 Town Board resolution, developer commitments and other parameters within the Negative Declaration, this Town Board, hereby, reaffirms the Negative Declaration for the Project and accepts the revised site plan (8/94-revision date) as the official site plan for the project.

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, Section 64 of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, AND

WHEREAS, the <u>Cheektowaga</u> Times has served as the official newspaper of the Town for the past several years, and is qualified to so serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Times be and hereby is designated as the official newspaper of the Town of Cheektowaga.

Upon Roll Call . . .

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 32</u> Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Environmental Conservation (DEC) has designated the Town as a potentially responsible part (PRP) for the investigation, removal and remediation costs at the Pfohl Brothers Landfill Site, AND

WHEREAS, a group designated as the Pfohl Brothers PRP Steering Committee (PRP Group) is engaged in negotiations with NYSDEC on the terms of a Consent Decree providing for the remediation of the said Landfill Site, AND

WHEREAS, the location of the said Landfill Site within the territorial boundaries of the Town, as well as the designation of the Town as a PRP, presents complicated and technical engineering and legal problems, AND

WHEREAS, it is in the best interests of the Town to retain expert legal environmental advisors,

NOW, THEREFORE, BE IT RESOLVED, that the law firm of Damon & Morey be and they hereby are retained as environmental counsel to the Town Attorney on all legal proceedings related to the Pfohl Brothers Landfill, and BE IT FURTHER

RESOLVED, that the reasonable fee of the aforesaid environmental counsel be paid from budget line item 0100-1420-4501, along with all necessary disbursements; such fee and disbursements shall be monitored and approved by the Town Attorney.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 33</u> Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski to adjourn this

meeting in memory of Joseph Courtine and Gus Kwitzer.

Richard M. Moleski Town Clerk

# TOWN OF CHEEKTOWAGA MEETING NO. 2 January 17, 1995

<u>Item No. 1</u> 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 17th day of January, 1995 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: Councilman Patricia A. Jaworowicz

Councilman Jacqueline a. Blachowski

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Planning Board Chairman and Leonard Szymanski, Facilities Foreman.

# I. PUBLIC HEARING

Item No. 2 Construction of Ellicott Road Water Improvement

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 3a Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, 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 any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by the Town of Cheektowaga Engineering Department to construct approximately 1,200 lineal foot of 8 inch waterline with hydrants from the intersection of Broadway and Indian Road, then north along Indian Road to Ellicott Road, then west along Ellicott Road for a distance, and

WHEREAS, the New York State Department of Transportation ("NYSDOT") Eric County Department of Environmental and Planning, Eric County Water Authority and Forks Fire District No. 3 were notified of the project and given the opportunity to comment, and

WHEREAS, there has been a need for expanded fire service in the area for the purpose of providing hydrants to protect the existing structures in the areas as well as future development, and

WHEREAS, the Forks Fire District No. 3 has supported this project for many years, and

WHEREAS, the Advisory Committee, at its meeting held on January 11, 1995 and rendered the determination shown on the attached memo dated January 12, 1995, and

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

RESOLVED that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for purposes S.E.Q.R.A.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

0

ABSENT: Councilmen Jaworowicz and Blachowski

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 3b Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building

permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, 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 any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Thomas Quinn to convert a residence into a Take-Out Restaurant, and

WHEREAS, the applicant, as part of the conversion, would grant a storm drainage easement to the Town at the west end of the property, and

WHEREAS, the Advisory Committee at its meeting held on December 15, 1994 rendered the determination shown on the attached memo dated December 16, 1994, and

WHEREAS, pursuant to Chapter 82, Article VII, Section 82-46A of the Zoning Law of the Town of Cheektowaga the Special Permit issued to Richard Zaleski by the Town Board on June 2, 1986 for the subject property - 4900 Transit Road for use as an auto rental, sales and detail business will terminate. Furthermore, there shall not be any future use of the subject property for motor service uses in its current zoning classification, and

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

RESOLVED that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for the purposes of S.E.Q.R.A.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

\*\*SEE NEXT PAGE(S) for ATTACHMENT

<u>Item No. 4</u> Bond Resolution for Ellicott Road Water Improvement

\*\*SEE NEXT PAGE(S) for ATTACHMENT

AFFIDAVIT - NEXT PAGE

<u>Item No. 5</u> Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the purchase of baseball equipment for use in the Cheektowaga Youth and Recreational Services for analysis, tabulation and report, and

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

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

Laux Sporting Goods
25 Pineview Drive
Amherst, New York 14228
Jim Ludtka Sporting Goods
2931 Walden Avenue
Depew, New York 14043

Sportmaster
P. O. Box 5000
Pittsburgh, Pennsylvania 15206

#### and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

\*\*SEE NEXT PAGE(S) for ATTACHMENT

<u>Item No. 6a</u> Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 6<sup>th</sup> day of February, 1995 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the <u>Cheektowaga Times</u>, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.



#### NOTICE OF HEARING ON PROPOSAL TO AMEND

#### DOG ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 17<sup>th</sup> day of January, 1995 a public hearing will be held on February 6, 1995 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6.8 which pertains to dog impoundment fees, shall be amended to read as follows:

§21.6. Local fees enumerated.

B. Pursuant to §118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

	BASE FEE	FOR EACH DAY AFTER FIRST DAY
First Impoundment	\$25.00	
Second Impoundment (within one year of first impoundment)	\$35.00	\$5.00
Third Impoundment (Within one year of first impoundment)	\$50.00	\$5.00

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

January 17, 1995

RICHARD M. MOLESKI Town Clerk



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

# AFFIDAVIT - NEXT PAGE

<u>Item No. 6b</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

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

WHEREAS, the State Legislature has authorized municipalities to further increase income eligibility under such ordinance, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 6<sup>th</sup> day of February, 1995 at 7:00 P.M. to consider the advisability of amendment Chapter 69 of the Town Code to increase income eligibility for senior citizens under such ordinance, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the <u>Cheektowaga Times</u>, the official Town newspaper.



#### **NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 17<sup>th</sup> day of January, 1995 a public hearing will be held on February 6, 1995 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the Tax Exemption for Senior Citizens Ordinance (Chapter 69 of the Town Code) shall be amended and changed as follows:

§69-2. Conditions for exemption.

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

Income Range (Maximum)	Percentage of Exemption
\$14,100	50%
\$15,100	45%
\$16,100	40%
\$17,100	35%
\$18,100	30%
\$18,900	25%
\$19,800	20%

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

Dated: January 17, 1995

RICHARD M. MOLESKI Town Clerk



# Item No. 6b cont'd

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

AFFIDAVIT - NEXT PAGE

<u>Item No. 7a</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

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

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



#### TOWN OF CHEEKTOWAGA

#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 31, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Road for the Leasing and Servicing of Portable Chemical Toilets for the year, 1995.

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

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

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

RICHARD M. MOLESKI Town Clerk

Dated: January 17, 1995



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

AFFIDAVIT - NEXT PAGE

# Item No. 7b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the purchase of clothing for use in various programs in the Youth and Recreational Services Department for the 1995 and 1996 calendar year, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said clothing. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 31, 1998 at 11:00 A.M., Eastern Standard Time, at Town Hall, corner of Broadway and Union Roads, for the purchase of clothing for use in various Youth and Recreation programs.

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

Bid prices will be in effect for the calendar years 1995 and 1996.

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

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

RICHARD M. MOLESKI Town Clerk

Dated: January 17, 1995

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AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

AFFIDAVIT - NEXT PAGE

Item No. 7c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, it is in order that bids be advertised for the purchase of various vehicles for the Sewer Maintenance Department, Engineering Department and Main Pump Station, and

WHEREAS, the Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of various vehicles for the Sewer Maintenance Department, Engineering Department and Main Pump Station, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER



#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 31, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Road for the Leasing and Servicing of Portable Chemical Toilets for the year, 1995.

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

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

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

RICHARD M. MOLESKI Town Clerk

January 17, 1995



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

AFFIDAVIT - NEXT PAGE

<u>Item No. 7d</u> Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for public works projects in the Town of Cheektowaga, and

WHEREAS, the Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment and operators for said public works projects, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 31, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the furnishing of equipment, operators and laborers for public works projects in the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Equipment, Operators and Laborers for Public Works Projects" and submitted to the Town Clerk prior to the bid opening.

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

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

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

RICHARD M. MOLESKI Town Clerk

January 17, 1995



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

# AFFIDAVIT - NEXT PAGE

# Item No. 7e Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, and

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED that this requested be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of manhole castings with vented type covers, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 15<sup>th</sup> day of February, 1995 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 15, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the furnishing of manhole castings and 24" diameter covers for the Sewer Department.

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

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

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

RICHARD M. MOLESKI Town Clerk

January 17, 1995



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

0

ABSENT: Councilmen Jaworowicz and Blachowski

# AFFIDAVIT - NEXT PAGE

#### Item No. 7f Motion by Councilman Solecki, Seconded by Councilman Wielinski

WHEREAS, it is in order that bids be advertised to cover the purchase of works uniforms for the year of 1995 for the Town of Cheektowaga, and

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED that this requested be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year 1995, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 31<sup>st</sup> day of January, 1995 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 31, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the furnishing of work uniforms for the 1995 calendar year.

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

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

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

RICHARD M. MOLESKI Town Clerk

DATED: January 17, 1995



AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

#### AFFIDAVIT - NEXT PAGE

#### Item No. 7g Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, it is in order that bids be advertised to cover the purchase of corrugated metal pipe and reinforced concrete pipe requirements for the 1995 calendar year, and

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of corrugated metal pipe and reinforced concrete pipe, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 15<sup>th</sup> day of February, 1995 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



# NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on February 15, 1995 at 11:00 am, Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads,

Cheektowaga, New York for the furnishing of corrugated metal pipe and reinforced concrete pipe for the 1995 calendar year.

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

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

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

RICHARD M. MOLESKI Town Clerk

DATED: January 17, 1995



Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski AYES:

NAYES:

0

ABSENT: Councilmen Jaworowicz and Blachowski

AFFIDAVIT - NEXT PAGE

Motion by Councilman Johnson, Seconded by Councilman Solecki Item No. 8

WHEREAS, the Engineering Department undertook necessary erosion control improvement to Scajaquada Creek Tributary T-2A for that portion of the channel situated within the New York State Thruway right-of-way south of Genesee Street, and

WHEREAS, said channel improvements were made under a Permit No. 2653 issued by the New York State Thruway Authority to the Town through the Town Engineer as its representative, and

WHEREAS, the New York State Thruway Authority requires a resolution indicating that the Town Board authorized the Town Engineer to sign the Occupancy Permit Application, NOW, THEREFORE, BE IT

RESOLVED that this Town Board advises all parties concerned that it has granted Chester L. Bryan, Town Engineer, the authority to apply for and to sign the New York State Occupancy Permit Application on behalf of the Town of Cheektowaga for Town projects located within the New York State Thruway.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

Motion by Supervisor Gabryszak, Seconded by Councilman Johnson Item No. 9a

WHEREAS, by resolution dated August 16, 1993, this Town Board retained Foit-Albert Associates to provide architectural and engineering services for the proposed Losson Road/Julia Boyer Reinstein Library, and

WHEREAS, a New York State Amendment to the State Uniform Fire and Building code became effective August 31, 1994 altering the requirements for sprinklers in building construction, and

WHEREAS, it is now required to install a sprinkling system in the construction of the Losson Road/Julia Boyer Reinstein Library, NOW, THEREFORE, BE IT

RESOLVED that the agreement with Foit-Albert Associates for architectural and engineering services be amended to include additional professional services for the design and addition of a sprinkler system for the Losson Road Library, and BE IT FURTHER

RESOLVED that the proposal of Foit-Albert Associates, as submitted to the Town Engineer and dated December 22, 1994, be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to sign said proposal on behalf of this Town Board, and BE IT FURTHER

RESOLVED that the cost of said professional services in the total amount of \$3,200.00 shall be appropriated from budget line item 5403-1220-9409.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES:

ABSENT: Councilmen Jaworowicz and Blachowski

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

WHEREAS, a Certificate of Substantial Completion, dated November 19, 1994, has been submitted for the Stiglmeier Park Accessible Playstructure Project, and

# Item No. 9b cont'd

WHEREAS, the Contractor, Johnstone Landscaping Services, Inc., has also submitted a Contractor's Affidavit of Release of Liens and a Contractor's Affidavit of Payment of Debts and Claims, and

WHEREAS, the Project Architect, Darryl L. Jones, has recommended that the Town accept the work as completed within the intent of the contract documents, NOW, THEREFORE, BE IT

RESOLVED that the Town hereby accepts the Stiglmeier Park Playstructure Project as complete and authorizes the Town Supervisor to execute the attached copies of the Certificate of Substantial Completion.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

\*\*SEE NEXT PAGE(S) for ATTACHMENT

<u>Item No. 9c</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Ernest A. Holfoth and/or Holfoth Risk Management, Division of Aldrich & Cox, Inc. has provided risk management and general insurance consulting services to the town since 1978, and

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management, Division of Aldrich & Cox, Inc., and the Town terminated on December 31, 1994, and

WHEREAS, Holfoth Risk Management, Division of Aldrich & Cox, Inc., has submitted a proposed 3 year consulting agreement for risk management and general insurance consulting services at annual fees of \$26,400 for 1995; \$27,000 for 1996; and \$27,600 for 1997, and

WHEREAS, such proposed agreement has been reviewed and found to be acceptable, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Section 64(6) of the Town Law, the aforesaid Consulting Agreement between Holfoth Risk Management, Division of Aldrich & Cox, Inc. and the Town be and the same is accepted and approved, and BE IT FURTHER

RESOLVED that the said Consulting Agreement be executed by the Supervisor in the name of the Town.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, and Johnson

NAYES: Councilman Wielinski

ABSENT: Councilmen Jaworowicz and Blachowski

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

WHEREAS, the contracts awarded for the construction of the Losson Road Library (to be known as the Julia Boyer Reinstein Library) require the Town to provide Property insurance during construction, and

WHEREAS, the Town's insurance consultant obtain two quotations and has recommended purchase of Builders Risk Insurance to cover the Town and its contractors with a \$500 deductible, off premises and transit extension, and flood and earthquake perils subject to a \$5,000 deductible, NOW, THEREFORE, BE IT

RESOLVED that this Board approves the purchase of \$2,127,000 Builders Risk Insurance with Fireman's Fund Insurance Company through Clauss & Co., Inc. at an annual premium of \$3,000 to be paid from budget line item number 5403-1220-9409.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 10b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town's Excess Workers' Compensation Insurance expired on December 31, 1994, and

WHEREAS, Arthur J. Gallagher & Company has submitted a proposal for the January 1, 1995 renewal of such insurance utilizing Continental Casualty as the insurer, and

WHEREAS, the premium rate for the \$350,000 self-insured retention coverage will remain the same as in 1994 due to the higher estimated payrolls for 1995, NOW, THEREFORE, BE IT

# Item No. 10b cont'd

RESOLVED that this Town Board hereby agrees to purchase Excess Workers' Compensation Insurance from Continental Casualty (CNA), through Arthur C. Gallagher & Company, for 1995 at an estimated annual premium of \$33,108, and BE IT FURTHER

RESOLVED that moneys for such insurance premium shall be appropriated from budget line item number 1000-1710-4519,

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 11 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, American Paving & Excavating has submitted requisition for Final Payment for construction related to Cheektowaga Town Park Site Improvements, and

WHEREAS, Darryl L. Jones, Registered Landscape Architect and the Facilities Department Director have reviewed and approved the Certificate of Substantial Completion, Contractors' affidavit of Payment of Debts and Claims, Contractors Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Consent of Surety Company to Final Payment, Wage and Supplement Affidavit, Contractors' Payroll Statement, Application and Certificate for Payment, Record Drawing, Warranties and Guarantees and Shop drawing for Electrical Components and Fixtures, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby approves Final Payment of \$24,401.05 to American Paving & Excavating, 5880 Thompson Road, Clarence Center, New York 14032 for construction work related to Cheektowaga Town Park Site Improvements, and BE IT FURTHER

RESOLVED that funds for said action are available from Capital Improvement Accounts #5402.7110.9403 and 54402.7110.9402.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 12 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Sanitation Department employees, Anthony Broniszewski, of be placed on unpaid suspension with loss of insurance benefits, effective immediately. This status to continue pending the recommendation of a hearing officer and further action of this Town Board pursuant to Section 75 of the New York State Civil Service Law.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 13 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following PART-TIME employees be and hereby are terminated as listed:

**EFFECTIVE** 

**FACILITIES DEPARTMENT** 

Mark Krszykowski 01/07/94

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 14 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department,

and

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

WHEREAS, Joseph Korabek, currently employed as Light Motor Equipment Operator in the Recycling Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED that Joseph Korabek of 19 Slate Creek Drive, Cheektowaga, New York 14227 be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 18, 1995.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

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

BE IT RESOLVED that the following individuals be hired in the Youth & Recreational Services Department at the titles and salaries indicated (part-time):

LIFEGUARD II - 7180.1903 - \$5.00

Dorothy Wojcik

BASKETBALL - 7140.1654 - RECREATION INSTRUCTOR III - \$5.00

**Scott Morris** 

BASKETBALL - 7140.1654 - SUPERVISOR III - \$6.00

Maureen M. Collins

THEATRE WORKSHOP - 7140.1652 - RECREATION ATTENDANT I - \$4.25

Joseph Bucheker

LACROSSE - RECREATION INSTRUCTOR VII - 7140.1625 - \$6.00

David Feickert

RINK PERSONNEL - RECREATION ATTENDANT I - 7140.1611 - \$4.25

William N. Froman, Jr.

# Item No. 15a cont'd

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

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

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

# FACILITIES DEPARTMENT - \$5.50 per hour (Laborer)

Harry Rogalski Effective 1/16/95
Monty Viau Effective 1/16/95

POLICE DEPARTMENT - \$5.00 per hour (Clerical)

Jodee Fiorella Effective 1/18/95
Alison Owens Effective 1/18/95

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 16a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individual be and hereby is hired as a SEASONAL EMPLOYEE, not to exceed 24 weeks in a calendar year, in the department listed and in compliance with the provisions of the town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

## EMPLOYEE RELATIONS - \$5.00 per hour (Clerical)

Tanja Zoerner Effective 1/18/95

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 16b Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a SEASONAL employee was hired in the Tax Office at the January 3, 1995 Town Board meeting, and

WHEREAS, the employee was incorrectly listed as Mildred Helinski of Street, NOW, THEREFORE, BE IT

RESOLVED that Virginia Helinski of be hired as a SEASONAL EMPLOYEE in the Tax Office (Night Shift), not to exceed 24 weeks in a calendar year in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, at the rate of \$5.00 per hour effective January 1, 1995.

# Item No. 16b cont'd

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

<u>Item No. 17a</u> Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, the 1995 Training School and Annual Meeting of the Association of Towns will be held at the New York Hilton and Towers in New York City from February 19-22, 1995, and

WHEREAS, during such meeting, sessions covering numerous municipal related topics of interest to Town officials are held, and

WHEREAS, it is advantageous to the Town to have certain Town officials attend this meeting, NOW, THEREFORE, BE IT

RESOLVED that the following individuals be and hereby are authorized to attend the 1995 Training School and Annual Meeting of the Association of Towns:

Supervisor

Councilman Jaworowicz Councilman Solecki Superintendent of Highways

Town Clerk

Coordinator of Employee Relations

Zoning Board Chairman

Town Engineer

#### and BE IT FURTHER

RESOLVED that Supervisor Dennis H. Gabryszak be and hereby is designated as the official Voting Delegate to represent the Town, and BE IT FURTHER

RESOLVED that the Town shall reimburse the above named individuals for their reasonable and necessary expenses incurred in attending such meeting out of budget line item number 0100-1910-4082.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, and Wielinski

NAYES: Councilman Johnson

ABSENT: Councilmen Jaworowicz and Blachowski

## Item No. 17b Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Niagara Frontier Building Officials Association is conducting an education seminar on various aspects of building codes and inspections from February 6-8, 1995 at the Buffalo Marriott Hotel, Amherst, New York, and

WHEREAS, said seminar provides 15 of the 24 mandatory credit hours of New York State in-service training, and

WHEREAS, it is required that certain Building and Housing Inspectors be authorized to attend said seminar, NOW, THEREFORE, BE IT

RESOLVED that Ronald Marten, Thomas Adamczak, Lawrence Kensy and Gary Parks are authorized to attend said educational seminar on February 6, 7 and 8, 1995 at the Buffalo Marriott Hotel, at a cost of \$160.00 per person, said costs to be paid from the Building Inspection Department Budget.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

#### Item No. 17c Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the 18<sup>th</sup> Annual PRIDE World Drug Conference will be held March 23<sup>rd</sup> through the 25<sup>th</sup> in Indianapolis, Indiana, and

WHEREAS, key issues relating to school and community-based prevention and treatment will be addressed, and

WHEREAS, the Town of Cheektowaga will be represented by students and faculty from Cheektowaga Central, Cleve-Hill, Maryvale, John F. Kennedy and Villa Maria High School, NOW, THEREFORE, BE IT

RESOLVED that Gabrielle Coyne, program coordinator for the Cheektowaga Action Partnership, be authorized to represent CAP and accompany the schools to said conference with total travel expenses not to exceed \$450.00.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

# Item No. 17d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the American Camping Association is sponsoring an Upstate New York Camp Conference and Risk Management Seminar, and

WHEREAS, the Youth and Recreational Services Department is addressing the issue of risk management within its programs, and

WHEREAS, the Conference will also cover topics including understanding and working with Attention Deficit-Hyperactivity disorders, children with special needs, and a number of topics concerning the development of our learning and developmentally disabled population, NOW, THEREFORE, BE IT

RESOLVED that Deborah Ann Fleetwood, Program Coordinator for the Adapted Recreation/Summer Day Camp programs, be permitted to attend said conference in Syracuse, New York during the period of February 9-11, 1995, and BE IT FURTHER

RESOLVED that she be reimbursed for her conference and seminar fees, not to exceed \$160.00 (01-7310-4681), travel expenses not to exceed \$100.00 (01-1910-4083); hotel, lodging and meals, not to exceed \$185.00 (01-7140-4191).

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: C

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 17e Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, the New York State Government Finance Officers' Association (GFOA) will be holding its Annual Conference in Albany, New York on March 21-14, 1995, and

WHEREAS, the Supervising Accountant of the Town is the Chairperson of the Western Council of GFOA, and has requested permission to attend this meeting, and

WHEREAS, information important to the Town will be discussed at this meeting, NOW, THEREFORE, BE IT

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

#### Item No. 17e cont'd

RESOLVED that the Town shall pay all reasonable costs associated with Mr. Kaczmarek's attendance at this meeting not to exceed \$1,100.00 out of budget line item 0100-19109-4082.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

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# <u>Item No. 17f</u> Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the North Carolina State University in affiliation with the National Recreation & Parks Association, is conducting a graduate seminar on Strategic Planning Entitled "From Strategic Thinking to Strategic Management" at Oglebary Park, West Virginia from Sunday March 12<sup>th</sup> through Thursday, March 16<sup>th</sup>, and

WHEREAS, this educational program for park and recreation administrators, managers and Supervisors focuses on Strategic Business plans, Adopting New Ways of Doing Business, Management Principles for Successful Customer Service, A Benefits Approach to Pricing in the 90's, Partnering for Results, and Technology and Information Management, and

WHEREAS, the Town of Cheektowaga is desirous of continuing to explore alternative sources of revenue to support youth and recreational activities within the community, NOW, THEREFORE. BE IT

RESOLVED that Kenneth J. Kopacz, Executive Director of the Department of Youth & Recreational Services, be reimbursed the necessary transportation, meals and lodging expenses to attend said meeting at a cost not to exceed \$395.00 (estimate) (Line Item No. 01-7140-0004-4191); travel \$165.00 (estimate) (01-1910-0004-4083) and training fees not to exceed \$300.00 (Line Item 01-7310-4681).

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

# Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

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

# **GENERAL FUND**

FROM:	0100-7620-2031	Senior Center Programs	\$ 2,000.00
	0100-3120-3820	State Aid Police	25,000.00
ТО	0100-7620-3825 0100-3120-4025 0100-3120-1541		\$ 2,000.00 7,770.00 17,230.00

# SPECIAL DISTRICTS FUND

FROM: 1500-8160-4469 Landfill \$ 1,000.00 TO: 1500-8160-4453 Building Repairs \$ 1,000.00

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

<u>Item No. 19</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to January 13<sup>th</sup>, 1995 are hereby approved and made a part hereof:

GENERAL FUND	\$357,000.41
HIGHWAY FUND	46,077.02
TRUST & AGENCY FUND	9,425.55
PART TOWN FUND	1,657.11
CDBG HUD FUND	4,473.41
RISK RETENTION FUND	17,828.28
HUD REHABILITATION FUND	24,215.00
SPECIAL DISTRICTS FUND	69,789.68
CAPITAL FUND	<u>98,140.89</u>
	\$628,607.35

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

# III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 20</u> Office of Disaster Preparedness - Quarterly report for October - December 1994 Received and Filed.

<u>Item No. 21a</u> Minutes of Cheektowaga Planning Board - December 8, 1994 Received and Filed.

<u>Item No. 21b</u> Minutes of Cheektowaga Traffic Safety Commission - December 20, 1994 Received and Filed.

# **IV. GENERAL COMMUNICATIONS**

Item No. 22a Notice of Claim - Susan & Richard Beyer, as parents of Andrew Beyer vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Highway Department; Allied Claims, Insurance Company.

Received and Filed.

<u>Item No. 22b</u> Notice of Claim - Laurie Ucasz vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Sanitation Department; Allied Claims, Insurance Company.

Received and Filed.

# V. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilman Solecki to suspend the rules to include the following item and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: (

ABSENT: Councilmen Jaworowicz and Blachowski

Item No. 23 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga is committed to improving the quality and safety of its play equipment and support facilities at various playground locations, and

WHEREAS, the State of New York offers grant monies under Title 9 of the Environmental Protection Act of 1993 to improve park lands, and

WHEREAS, the Town of Cheektowaga wishes to submit an applications for funding New Play Structures and Site Improvements at various locations, and

WHEREAS, Darryl L. Jones, Registered Landscape Architect has submitted a proposal to assist the Town in preparing said grant application, prepare preliminary reports, SEQR reports, maps and budget estimates for a fee not to exceed \$1,400, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retains Darryl L. Jones, RLA to prepare preliminary reports necessary for application to the State of New York under Title 9 of the Environmental Protection Act of 1993 for New Play Structures and Site Improvements at Various Locations at a fee not to exceed \$1,400.00 and BE IT FURTHER

RESOLVED that funds for said action are available from Account #5309.7110.0047.

AYES: Supervisor Gabryszak, Councilmen Solecki, Rogowski, Johnson and Wielinski

NAYES: 0

ABSENT: Councilmen Jaworowicz and Blachowski

<u>Item No. 24</u> Motion by Councilman Wielinski, Seconded by Councilmember Rogowski

to adjourn the meeting.

RICHARD M. MOLESKI Town Clerk

# TOWN OF CHEEKTOWAGA MEETING NO. 3 FEBRUARY 6, 1995

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of February, 1995 at 7:00 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Bruce Chamberlin, Chief of Police; Ronald Marten, Building and Plumbing Inspector; Sal LaGreca, Planning Board Chairman; Patricia Wojcik, Director of Senior Services; Bernadette Futch, Dog Control Officer and Leonard Szymanski, Facilities Foreman.

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

§69-2. Conditions for exemption.

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

<u>Income Range (Maximum)</u>	Percentage of Exemption
\$14,100	50%
15,100	45%
16,100	40%
17,100	35%
18,000	30%
18,900	25%
19,800	20%

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

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 21 of the Code of the Town of Cheektowaga, (Dog Ordinance) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6.8 which pertains to dog impoundment fees, shall be amended to read as follows:

§21.6. Local fees enumerated.

B. Pursuant to §118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

First Impoundment	BASE FEE \$25.00	FOR EACH DAY AFTER FIRST DAY
Second Impoundment (within one year of first impoundment	35.00	\$5.00
Third Impoundment (within one year of first impoundment	50.00	5.00

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

# **II . RESOLUTIONS**

# Item No. 4a Motion by Unanimous, Seconded by Unanimous

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

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

WHEREAS, the State Legislature authorized municipalities to further increase eligibility under such an ordinance, AND

WHEREAS, a public hearing was held on the 6th day of February, 1995 at 7:00 P.M. to consider the advisability of amending Chapter 69 of the Town Code to increase income eligibility for senior citizens under such ordinance, NOW, THEREFORE, BE IT

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

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

# §69-2. Conditions for exemption.

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

Income Range (Maximum)	Percentage of Exemption
\$14,100	50%
15,100	45%
16,100	40%
17,100	35%
18,000	30%
18,900	25%
19,800	20%

Item No. 4a cont'd.

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on February 6, 1995 and that a certified copy be published in the CHEEKTOWAGA TIMES, the official Town newspaper; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

**AFFIDAVIT - NEXT PAGE** 

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

WHEREAS, it was proposed that Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") be amended, AND

WHEREAS, this Town Board held a public hearing on February 6, 1995 to consider the advisability of adopting proposed amendments to the Dog Ordinance; said hearing being held in accordance with the notice thereof which was duly published as required by law and at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof; AND

WHEREAS, it is in the public interest to adopt such amendments to the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Dog Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6.8 which pertains to dog impoundment fees, shall be amended to read as follows:

§21.6. Local fees enumerated.

B. Pursuant to §118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

	BASE FEE	FOR EACH DAY AFTER FIRST DAY
First Impoundment	\$25.00	
Second Impoundment (within one year of first impoundment)	35.00	\$5.00
Third Impoundment (within one year of first impoundment)	50.00	5.00

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on February 6, 1995; and that a certified copy be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and an affidavit of such publication shall be filed with the Town Clerk and, BE IT FURTHER

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 5a</u>
Bond: Renovation of Town Buildings, including reconstruction of roofs (at Senior Citizen and Dartwood Centers)

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 5b</u> Bond: Various Capital Improvements

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 5c</u> Bond: Sidewalks

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 5d</u> Bond: Highway Improvements

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 5e</u> Bond: Sonwil Drive Street Improvement

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 5f</u> Bond: Sonwil Drive Lateral Sewers

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, it has been recommended that certain provisions of the Amusement Arcade Ordinance of the Town of Cheektowaga, New York be amended or repealed:

NOW, THEREFORE, BE IT RESOLVED, that, in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 27th day of February, 1995 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place it shall be determined by the Town Board whether the Amusement Arcade Ordinance of the Town of Cheektowaga, New York shall be amended as provided in the attached notice of Hearing; and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to mail the attached Notice of Hearing to each public and private school, and each church located in the Town of Cheektowaga.



#### NOTICE OF HEARING ON PROPOSAL TO AMEND

#### AMUSEMENT ARCADE ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of February, 1995, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 27th day of February, 1995 at 7:00 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the Amusement Arcade Ordinance of the Town of Cheektowaga, New York shall be amended and changed as follows:

1. RESOLVED, that Section 1, Definitions, which defines the term Amusement Device, shall be amended to read as follows:

<u>AMUSEMENT DEVICE</u> - any mechanical or electronic device on contrivance accessible to the general public for use as a game, contest or amusement by one (1) or more persons, singularly or collectively, or which may be so used. The term "amusement device" includes but is not necessarily limited to pinball machines, bagatelle, pool tables, foosball tables, electronic games, games utilizing motion and similar devices. The term "amusement device" does not include jukeboxes or rides.

2. RESOLVED that Section 12, which pertains to the Appeal of the decision of the Town Clerk, shall be re-named "Variances; Appeals" and shall read as follows:

# §5-12. Variances; Appeals

A. In the event a person is denied a license due to the restrictions contained in subsection 5.A. of this ordinance, such person may apply to the Town Board to vary or modify the provision or requirement of said subsection 5.A where such person can show that there are unique circumstances or conditions peculiar with the property or type of amusement arcade and that strict compliance with such requirement would create an excessive and unreasonable economic burden and would be physically or legally impracticable. Such person shall also show that a modification or variance, if granted, would not:

- 1. affect the character of the nearby residential neighborhood;
- 2. have a negative impact on the nearby church or public or private school which is within 500 feet of the amusement arcade;

# Item No. 6a cont'd.

- 3. act contrary to this ordinance's intended objective in protecting the morals and welfare of minor and other members of the community; and
- 4. tend to depreciate the value of adjacent property.

The Town Board shall fix a reasonable time for the hearing of such variance request.

- B. Any person aggrieved by any other decision of the Town Clerk in denying, suspending or revoking any application for a license or license issued hereunder may apply to the Town Board for review. Such request for review shall be made within thirty (30) days after the rendering of the decision of the Town Clerk by the filing of a notice of appeal, specifying the grounds therefor. The Town Board shall fix a reasonable time for the hearing of such appeal.
- C. The Town Board shall, from time to time, establish a fee for the application for a variance under subsection A. hereof.

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

Richard M. Moleski
Town Clerk

Dated February 6, 1995

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0

ABSENT: 0

**AFFIDAVIT - NEXT PAGE** 

<u>Item No. 6b</u> Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is eligible to receive up to approximately \$885,000 in Community Development Block Grant Funds for the 1995 Program Year, AND

WHEREAS, the HOME Consortium, of which the Town of Cheektowaga is a member along with the Towns of Amherst and Tonawanda, is expected to receive up to \$885,000 in Home Investment Partnership program funds for the 1995 Program Year, of which Cheektowaga will receive a proportionate and equitable share, AND

WHEREAS, the Town of Cheektowaga is required to hold public hearings for the purpose of obtaining the views of Town residents and interested parties regarding community development and housing needs in the Town, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on March 6, 1995 at 6:15 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York for the above said purpose, and BE IT

FURTHER RESOLVED, that a legal notice of such public hearing, containing a notice of proposed community development objectives and use of funds and a statement of the range of allowed activities under the Community Development Program, be published in the <u>Cheektowaga Times</u> on February 23, 1995.



# TOWN OF CHEEKTOWAGA CONSOLIDATED PLAN

#### NOTICE OF PUBLIC HEARING

The Town of Cheektowaga will hold a Public Hearing on Monday, March 6, 1995 at 6:15 P.M. at Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, regarding the Town's 1995 Consolidated Plan, which includes the Community Development Block Grant and the HOME Investment Partnership Programs.

The Town of Cheektowaga and the Villages of Depew and Sloan, and Williamsville are eligible to receive up to approximately \$885,000, under Title I of the Housing and Community Development Act of 1977, as amended, plus program income estimated at \$637,000 (\$187,000 from the Town's Revolving Housing Rehabilitation Loan Program and \$450,000 through the Cheektowaga Economic Development Corporation's revolving business loan program). The HOME Consortium, of which the Town of Cheektowaga is a member along with the Towns of Amherst and Tonawanda, is expected to receive up to \$884,000 in Home Investment Partnership program funds for the 1995 Program Year, of which Cheektowaga will receive a proportionate and equitable share. The purpose of this hearing is to provide the citizens of the Town and Villages and interested parties with the opportunity to express their views and opinions on housing and community development needs in the Town and to review the Town's performance under the Community Development and HOME Programs. Eligible activities for which these funds can be used include housing rehabilitation, street and drainage improvements, parks, playgrounds and recreational facilities, water and sewer facilities, economic development activities, code enforcement, public services, planning and administrative costs. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

It is the intent and purpose of the Town of Cheektowaga and the Villages of Sloan, Depew, and Williamsville to foster and maintain strong and viable communities through the use and expenditure of federal Community Development Block Grant funds. Further, said funds shall be assigned to areas deemed most needy on the basis of social, economic and physical conditions. The Town and Villages shall prioritize community needs including but not limited to housing, neighborhood revitalization and stabilization, recreation, and economic industrial development. It is estimated that no less than 90% of funds will be used for activities that will benefit low and moderate income persons. It is the explicit intent of the Town and Villages to accomplish implementation of program goals and objectives through the cooperation and input of the citizens in these communities.

Residents of low and moderate income neighborhoods as well as all citizens of the Town and Villages are encouraged to participate in this process and

# Item No. 6b cont'd.

express their views on the use of funds and activities that may be carried out with program funds. Technical assistance is available to groups representative of low and moderate income persons to assist in developing proposals or identifying needs within their community. No CDBG or HOME activities are expected or likely to result in displacement. In the unanticipated event displacement due to CDBG funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. The hearing location is accessible to the physically handicapped. Written comments may be submitted to the office of Community Development at the address given below. A full presentation of CDBG program goals and objectives can be obtained in the Office of Community Development, Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York 14211, by appointment, between the hours of 9:00 A.M. and 4:30 P.M., weekdays or can be discussed with the Community Development Director by calling 896-1700 between 9:00 A.M. and 4:30 P.M., Monday through Friday.



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7a</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Bid Proposals were received for the Leasing and Servicing of Portable Chemical Toilets on January 31, 1995, AND

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

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for the Leasing and Servicing of Portable Chemical Toilets to:

J.B. New York Enterprises, Inc. D/B/A Ball Toilets & Septic Service 3725 Jeffrey Boulevard Blasdell, New York 14219

for

1) Category I Single Units - \$1.29 per day, per unit 2) Category III Special Events - \$5.50 per day, per unit

and

Rural Sanitation Service, Inc. 10100 County Road

Clarence Center, New York 14032

for

1) Category II Handicapped Units - \$1.50 per day, per unit

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 7b</u> Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, bids were duly received on January 31, 1995 as the result of advertisement for the purchase of various vehicles for the Sanitary Sewer Maintenance, Main Pump Station and Engineering Department, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report are hereto attached and contained in a letter to the Town Board dated February 2, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of various vehicles for the Sanitary Sewer Maintenance, Main Pump Station and Engineering Departments, as recommended by the Town Engineer, be and the same is hereby awarded as follows:

Bison Truck Center Inc. 2370 Walden Avenue Cheektowaga, New York 14225

Item I		No Bid
Item 11 Item III Item IV Item IV-A	One 1995 Low Boy Dump Truck Two Vans One G-10 Van Trade-In Value 1983 Van	\$21,073.00 33,214.00 15,673.00 - 700.00
		\$14,973.00
Item V Item V A-B	Two 3/4 Ton Pick-Ups Trade-In Value 1988 Pick-Ups	\$31,062.00 - <u>5,600.00</u> \$25,462.00
Itam Na 7ha	ont'd	

# Item No. 7b cont'd.

said bids meeting the requirements of the specifications, and, BE IT FURTHER

RESOLVED, that funds have been budgeted for said vehicles in Account #2500-8135-2509 for a G-10 Van, Account #2500-8125-2305 for a Low Boy Dump Truck, Account #2500-8125-2514 for Pick-Up Trucks and Account #2500-8125-2516 for two Vans.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

# <u>Item Mo. 7c</u> Motion by Councilman Solecki, Seconded by Councilman Wielinski

WHEREAS, bids were duly received and opened at the January 31, 1995 public bid opening as the result of advertisement, therefore, for the furnishing of work uniforms to Town of Cheektowaga employees. Said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 2, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to Flirt's Uniforms, P.O. Box 541, East Amherst, New York 14051.

ITEM I	Work Pants (sizes to 42)	\$13.00
ITEM II	Work Pants (sizes 44 and up)	15.00
ITEM III	Shirts (long sleeve, sizes up to 17-1/2)	111.50
ITEM IV	Shirts (long sleeve, sizes 18 and up)	114.00
ITEM V	Chambray Shirts (long sleeve, sizes up to 17-1/2)	10.50
ITEM VI	Chambray Shirts (long sleeve, sizes 18 and up)	12.00
ITEM VII	Shirts (short sleeve, sizes up to 17-1/2)	10.80
ITEM VIII	Shirts (short sleeve, sizes 18 and up)	12.00
ITEM IX	Chambray Shirts (short sleeve, sizes up to 17-1/2)	10.00
ITEM X	Chambray Shirts (short sleeve, sizes 18 and up)	12.00
ITEM XI	Coveralls (long sleeve, 36-52 regular)	21.90
ITEM XII	Coveralls (long sleeve, 36-52 long)	24.90
ITEM XIII	Denim Jeans (sizes up to 42)	11.50
ITEM XIV	Denim Jeans (sizes 44 and up)	13.50
ITEM XV	Bib Overalls	18.75
ITEM XVI	Tee Shirts	5.65

Said bid being a responsible bidder meeting the requirements of the specifications.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 8a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town Clerk's Office has received a Local Government Records Management Improvement Grant from New York State for the purpose of microfilming Town records, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on Thursday, February 15, 1995 in the Council Chambers at the Cheektowaga Town Hall.



# NOTICE TO BIDDERS

# TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on Thursday, February 15, 1995, at a public bid opening at 11:00 A.M. at the Town Hall located on Broadway and Union Roads, Town of Cheektowaga, New York, for the purpose of microfilming services for the Town of Cheektowaga Town Records.

Specifications for microfilm services may be picked up at the office of the Town Clerk located at 3301 Broadway, Town of Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

Richard M. Moleski Town Clerk Town of Cheektowaga

Dated: February 6, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 8b</u> Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town is in need of senior citizen vans to be used by the Senior Services Department for transportation services for Senior Citizens, AND

WHEREAS, 1994 Community Development Block Grant funds were budgeted for the purchase of such a van, AND

WHEREAS, State Senator William Stachowski has provided local initiative funding to the Town for the purchase of such a van, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA TIMES, the BUFFALO NEWS, and the BUFFALO CHALLENGER, and, BE IT

FURTHER RESOLVED, that the Town Clerk be and hereby is designated as the official to open bids for such vans on February 22, 1995 at 11:00 A.M. in the Town Hall Council Chambers.



# NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of two (2) new and unused 1995 Vans for use by the Senior Services Department.

Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, during regular business hours.

The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on February 22, 1995.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on February 22, 1995 at 11:00 A.M.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Richard M. Moleski Town Clerk

Dated: February 6, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

**AFFIDAVIT - NEXT PAGE** 

Item No. 8c Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga Sewer Maintenance Department desires to purchase one (1) high velocity sewer cleaner to clean sanitary sewers with high pressure water, AND

WHEREAS, the Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of a high velocity sewer cleaner, said notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on March 8, 1995 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



## NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 8, 1995 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of One (1) 1995 Truck with High Velocity Sewer Cleaner.

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

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

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

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

Richard M. Moleski Town Clerk

Dated: February 6, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

**AFFIDAVIT - NEXT PAGE** 

<u>Item No. 8d</u> Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, it is in order that bids be advertised to cover the purchase of traffic control signs, street name signs and brackets for the 1995 calendar year, AND

WHEREAS, the Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of traffic control signs, street name signs and brackets, said notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 8th day of March, 1995 at 11:00 A.M., Eastern Standard Time, at public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 8, 1995 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of traffic control signs, street name signs and brackets for the 1995 calendar year.

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

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

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

Richard M. Moleski Town Clerk

Dated: February 6, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 8e</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Town is the recipient of a U.S. Small Business Administration Grant for New York's National Small Business Tree Planting Program, and

WHEREAS, to implement this tree planting program, it is in order that bids be advertised for the Furnishing and Installation of Trees at Various Sites Within the Town of Cheektowaga, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 15th day of February, 1995 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



# **NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 15th day of February, 1995 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for Furnishing and Installation of Trees along Town highways within the Town of Cheektowaga.

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

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 Furnishing and Installation of Trees (1995)".

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

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

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

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

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

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

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

#### Item No. 8e cont'd.

The work shall be completed within 30 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

Richard M. Moleski Town Clerk Town of Cheektowaga



Dated: February 6, 1995

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

#### Item No. 8f Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of chemical fertilizers and herbicides in the Town of Cheektowaga, AND

WHEREAS, the Town has engaged in an annual Fertilization/Weed Control Program as part of its obligation with an agreement with the New York State Department of Environmental Conservation in the maintenance of all lands associated with the Scajaquada Creek Flood Control Project, NOW, THEREFORF, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of chemical fertilizers and herbicides, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 15th day of February, 1995 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



# NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 15, 1995 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the application of Chemical Fertilizers and Herbicides in the Town of Cheektowaga, New York.

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

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

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

Richard M. Moleski Town Clerk

Dated: February 6, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### AFFIDAVIT - NEXT PAGE

#### <u>Item No. 9</u> Motion by Supervisor Gabryszak, Seconded by Councilmah Jaworowicz

WHEREAS, the Town of Cheektowaga has supported the Meals on Wheels Program for over thirteen years, AND

WHEREAS, we are presently serving 248 elderly residents daily with two homedelivered meals, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga will present a grant of \$25,000.00 to Meals on Wheels Program for the year 1995 to insure the continuity of this program in our Town.

FUNDING ACCOUNT: 01-7620-4000-4629

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### <u>Item No. 10</u> Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Cheektowaga Senior Citizens donated the following items to the Cheektowaga Senior Center for its use in programming with a total value of \$6,000.00: two (2) microwave ovens, one (1) computer, one (1) set of risers, one (1) beverage cooler, spring seasonal decorations and a wireless microphone system, AND

WHEREAS, Niagara Hobby owner, John Kavulich, has donated \$1,000.00 for the purchase of two (2) television sets and two (2) VCRs for the Cheektowaga Senior Citizen Center, AND

WHEREAS, the Rochester Community Savings Bank has donated \$300.00 to the the Sunshine Program at the Cheektowaga Senior Citizen Center, AND

WHEREAS, through the efforts of Erie County Legislator Raymond Dusza, a grant of \$1,500.00 has been received for the Sunshine Program, AND

NOW, THEREFORE, BE IT RESOLVED, the Town graciously acknowledges and accepts these donations to the Cheektowaga Senior Citizen Center.

\*Sunshine Program serves the homebound and disabled elders providing transportation and recreation planned by the Cheektowaga Senior Services Department.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 11 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Cheektowaga Southside, Inc. desires to have an Opening Day Parade on Saturday, June 3, 1995 starting at 1:00 P.M., AND

WHEREAS, the parade route will be as follows:

Beginning at the Doyle 1 Firehall on William Street; then proceeding east on William Street to Standard Parkway; then proceeding north on Standard Parkway to Standard Park,

AND,

WHEREAS, Cheektowaga Southside, Inc. has requested permission from this Town Board to have its Opening Day Parade and desires a police escort, , NOW, THEREFORE, BE IT

#### Item No. 11 cont'd.

RESOLVED, that Cheektowaga Southside, Inc. be and hereby is authorized to conduct its Opening Day Parade along the above mentioned route, and BE IT FURTHER

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Buffalo Airfield, Inc. is a domestic corporation with its offices and principal place of business at 4500 Clinton Street in the Town of West Seneca, New York, AND

WHEREAS, Buffalo Airfield, Inc., operates as a private owner, a public use airport at 4500 Clinton Street, West Seneca, New York, and a part of such airport is situated in the Town of Cheektowaga, New York, AND

WHEREAS, Buffalo Airfield, Inc., has undertaken a project to relocate, mark and light (Medium Intensity Taxiway Lighting) (MITL) Parallel Taxiway to Runway 6/24 (approx. 2,600' x 25'), including associated drainage, engineering and appraisal services for the acquisition of avigation easements for the runway ends 6 and 24 approach surfaces; "and increase land donation credit by 7.10 acres± (from 3.01 acres± to 10.11 acres±) out of a total of 74.21 acres±," AND

WHEREAS, the application for Buffalo Airfield, Inc., to the Federal Aviation Administration for available federal funding for said project under the Airport Improvement Program has been approved, AND

WHEREAS, the purpose of said project is the improvement of said airport, AND

WHEREAS, the project has been deemed consistent with sound transportation development policy and planning concepts for New York State participation, AND

WHEREAS, the federal share of the grant shall not exceed to \$1,153,421, the New York share shall not exceed to \$64,079 and the Sponsor's share shall not exceed to \$64,079, for a total project cost amount of \$1,281,579, AND

WHEREAS, it is a requirement of Transportation Law Section 14-h that Buffalo Airfield, Inc.'s application for funding of the New York State share be endorsed by a Resolution of this Board, AND

WHEREAS, after due deliberation by this Board, we find that such project and the state share to be paid towards its cost are of benefit to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby formally endorses the aforesaid project by Buffalo Airfield, Inc. for purposes of Transportation Law Section 14-h.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: (

ABSENT: 0

# Item No. 13 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Sonwil Drive was recently reconstructed and extended, and accepted as a Town highway, AND

WHEREAS, in addition, Sonwil Distribution Center, Inc. constructed a sanitary sewer line near Sonwil Drive, AND

WHEREAS, the Town Engineering Department requested a sanitary sewer easement from Sonwil Distribution Center, Inc., and one was presented to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned sanitary sewer easement from Sonwil Distribution Center, Inc., and BE IT FURTHER

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

### Item No. 14 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, in 1989, The Saratoga Associates prepared a Parks Needs Assessment for the Town of Cheektowaga to outline plans for the development of recreational facilities, parks and playgrounds in the Town, AND

WHEREAS, Darryl L. Jones, RLA, was requested to update such Parks Needs Assessment on behalf of the Town, AND

WHEREAS, Darryl L. Jones, RLA has prepared suggested amendments to such Parks Needs Assessment, which amendments are attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the Parks Needs Assessment originally prepared by The Saratoga Associates in 1989, be and hereby are adopted and approved by this Town Board.



MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN ROGOWSKI TO TABLE THE ABOVE RESOLUTION, ITEM 14, UNTIL FEBRUARY 14, 1995 AT 5:30 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



Item No. 15 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

WHEREAS, Appendix A of such Investment Policy lists the banks and trust companies where Town moneys can be invested and the maximum amounts to be deposited in such institutions, AND

Item No. 15 cont'd.

WHEREAS, there is a need to increase the maximum amount of tax receipts which the Tax Receiver can deposit in M & T Bank from \$10,000,000 to \$60,000,000, NOW, THEREFORE, BE IT

RESOLVED, that Appendix A of the Investment Policy of the Town of Cheektowaga be and hereby is amended to increase the maximum amount of tax receipts which the Tax Receiver can deposit in M & T from \$10,000,000 to \$60,000,000, effective immediately.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, Benderson Development Company has made application to the Town for a building permit to construct a restaurant building at 4940 Transit Road, AND

WHEREAS, the portion of Transit Road on which the proposed building would front is not as yet served by a sanitary sewer, AND

WHEREAS, Section 13-13 of the Building Construction Administration ordinance states that no building permit shall be issued unless a public sanitary sewer is in place, or, in lieu of such sanitary sewer being in place, the applicant must submit the following to the Town:

1. A surety bond in an amount fixed by the Town Board guaranteeing that the sanitary sewer will be constructed within six (6) months after the issuance of the building permit and that all other provisions of Chapter 13 of the Town Code will be fully complied with.

AND.

WHEREAS, the owner of the property had heretofore submitted a surety bond in the amount of \$8,000.00 to guarantee construction of the sanitary sewer, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, based on authority found in Section 13-13.8 of the Building Construction Administration ordinance, approves the issuance of a building permit to Benderson Development Company, Incorporated for the construction of a restaurant building at 4940 Transit Road, conditioned on the construction of an approved sanitary sewer line.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: Councilman Solecki

ABSENT: 0

### <u>Item No. 17</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Tom Greenauer Development, Inc. has submitted application for Final Payment for Site Work related to the Reconstruction of the Alexander Community Center, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed and approved the Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Consent of Surety Company to Final Payment, Asbestos Statement, Contractor's Warranty extension for the South Parking Lot and Record Drawings, NOW, THEREFORE, BE IT

#### Item No. 17 cont'd.

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment in the amount of \$5,078.75 for Site Work at the Alexander Community Center to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140-0250, and, BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9313.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

### <u>Item No. 18</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Edward P. Osuch caused a notice of claim to be served upon the Town of Cheektowaga due to personal injuries sustained by his son, Erik P. Osuch, a minor, when he fell on broken glass at Rehm Road Park on October 27, 1993, AND

WHEREAS, the facts and circumstances surrounding this claim have been investigated by the Town's claims services administrator under our self-insured liability claim program, AND

WHEREAS, the aforesaid claims services administrator has recommended that the claim of Erik P. Osuch be settled and compromised by the payment of the sum of \$7,500.00,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$7,500.00 be paid by the Town from its self-insured liability claims fund, in full and final settlement of the aforesaid claim.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### Item No. 19 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, in order to provide for adequate fire flows at the southern terminus of Allied Drive, the developer of the Universal Wine and Liquor Company warehouse proposes to loop the existing dead end 8" diameter waterline an Allied Drive with the 12" diameter Grunner Road waterline, AND

WHEREAS, to further enhance fire protection on Allied Drive, an additional hydrant is proposed to be located within the highway right-of-way at the southeast quadrant of the Allied Drive cul-de-sac, AND

WHEREAS, Mr. Paul Hockwater, Jr., Chief of the Forks Fire Company, in a letter dated January 21, 1995, copy attached, has approved of the installation of the subject hydrant, NOW, THEREFORE, BE IT

RESOLVED that all costs associated with the aforesaid waterline improvements are to be borne by the developer, and, BE IT FURTHER

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install one (1) additional hydrant at the above described location detailed on engineering plans developed by E & M Engineers, and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible to insure the the payment of the annual hydrant rental charges to the Erie County Water Authority for the subject hydrant, which charges are recovered by Town billing to the respective fire district.

# Item No. 19 cont'd.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 20 Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Niagara Mohawk Power Corporaltion (NMPC) be and hereby is authorized to furnish and install one (1) 100 watt high pressure sodium luminaire on an existing wood distribution pole located at #50 Alpine Place in the Town of Cheektowaga at an annual increase to the General Lighting District of \$129.56, in accordance with the attached NMPC Street Lighting Proposal dated January 16, 1995.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 21a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, some of the duties and responsibilities of the Town's Police Department are to protect life and property, enforce all relevant laws, prevent and detect crime and provide emergency response services within the Town, AND

WHEREAS, in accomplishing its duties and responsibilities, the Police Department has the goals of maximizing the efficiency of the Department, improving internal communications and alignments in order to strengthen the focus, commitment and development of human resources, and fostering and strengthening community and governmental partnerships, AND

WHEREAS, this Board and the Chief of Police are in agreement that the location of a police substation at 2370 Genesee Street will further the aforesaid duties and responsibilities, as well as the specified goals,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and he hereby is authorized to sign that certain lease between Paul A. Fusani and the Town of Cheektowaga for use of the property at 2370 Genesee Street, Cheektowaga, New York for 5 years, commencing February 1, 1995, at an annual rental of \$3,360.00, and BE IT FURTHER

RESOLVED, that the improvements necessary for the proper operation of the aforesaid police substation, totalling \$8,450.00, be paid from funds already budgeted for such purpose.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN JAWOROWICZ TO AMEND THE ABOVE RESOLUTION, ITEM 21a, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



#### <u>AMENDED</u>

WHEREAS, some of the duties and responsibilities of the Town's Police Department are to protect life and property, enforce all relevant laws, prevent and detect crime and provide emergency response services within the Town, AND

WHEREAS, in accomplishing its duties and responsibilities, the Police Department has the goals of maximizing the efficiency of the Department, improving internal communications and alignments in order to strengthen the focus, commitment and development of human resources, and fostering and strengthening community and governmental partnerships, AND

WHEREAS, this Board and the Chief of Police are in agreement that the location of a police substation at 2370 Genesee Street will further the aforesaid duties and responsibilities, as well as the specified goals,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and he hereby is authorized to sign that certain lease between Paul A. Fusani and the Town of Cheektowaga for use of

the property at 2370 Genesee Street, Cheektowaga, New York for 5 years, commencing February 1, 1995, at an annual rental of \$3,360.00, AND BE IT FURTHER

RESOLVED, that the aforesaid lease be signed by the Supervisor only after the provisions of same have been reviewed and approved by the Town Attorney, AND BE IT FURTHER

RESOLVED, that the improvements necessary for the proper operation of the aforesaid police substation, totalling \$8,450.00, be paid from funds already budgeted for such purpose. <a href="Item No. 21a cont'd">Item No. 21a cont'd</a>.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is a self-insurer for most risks of loss, and all meritorious general, police/dispatcher, professional and other liability claims made against it are covered under such self-insurance program, AND

WHEREAS, the Town has implemented its self-insured liability claims program by the retention of professional claims and loss control administrators,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and he hereby is authorized to sign a certain defense and indemnification agreement on a claim/lawsuit involving a sanitation truck (truck #35) manufactured and sold to the Town by Peterbilt Motors Co./PACCAR Inc.

Upon Roll Call ...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 21c</u> Motion by Councilman Rogowski, Seconded by Councilman Blachowski

BE IT RESOLVED, that Supervisor Dennis H. Gabryszak is authorized to sign contracts between the Town of Cheektowaga and the performers at the Polish American Festival to be held on August 18, 19, and 20, 1995.

FUNDING SOURCE: 01-7550-0004-4374

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 21d Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign the attached Settlement Agreement.

Upon Roll Call

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 2le</u> Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign the attached Notice of Hearing.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 21f</u> Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga and Sonwil Distribution Center, Inc. ("Sonwil") entered into an Agreement dated February 7, 1994 (hereinafter "the Agreement") pertaining to the dedication and improvement of Sonwil Drive, the extension of Sonwil Drive and the satisfaction of certain Town Board resolutions in connection therewith, and providing for the Town to adopt bonding resolutions to authorize the financing of the construction of such improvements, AND

WHEREAS, completion of the project described in the Agreement was conditioned on the amount of the bond not exceeding the sum of \$385,000.00, AND

WHEREAS, pursuant to the Agreement, Sonwil is obligated to pay all costs associated with such bonds, AND

WHEREAS, this Town Board adopted bond resolutions on June 6, 1994 totaling \$385,000.00, and thereafter awarded a bid to have the necessary improvements to Sonwil Drive completed, AND

WHEREAS, most of the money approved pursuant to the aforementioned bond resolutions has been expended, AND

WHEREAS, Sonwil has requested that this Town Board authorize an increase in the amounts bonded for the Sonwil Drive improvements from \$385,000.00 to \$410,000.00 in order to cover engineering expenses incurred by Sonwil in the preparation of the Plans and Specifications for this project, AND

WHEREAS, all costs associated with an increase in the amount of the bonds for this project will be paid by Sonwil, AND

WHEREAS, the improvement and dedication of Sonwil Drive as a Town highway is a benefit to the Town due to the fact that it enhances the developability of adjacent properties, and will provide, via a future extension of Airport Drive, for the enhanced fire protection of many properties in the area, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Amendment of Agreement with Sonwil relating to approval of an increase in the amounts bonded for this project.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 21 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the NYS Department of Parks, Recreation, and Historic Preservation offers a grant program under Title 9 of the Environmental Protection Act of 1993 to develop and enhance recreational facilities, AND

WHEREAS, the Town of Cheektowaga wishes to restore or replace playground equipment at the following locations: Town Park, Dingens Park, North and South Creek Parks, Town Hall Office Complex, Eiffel Park, Kelly Park, Dartwood Park, and Cedargrove Park; AND

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$200,000.00, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary applications, forms, etc. to be submitted to the New York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant in an amount not to exceed \$200,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding, and BE IT FURTHER

RESOLVED, that this Town Board hereby commits itself to adopt a bond resolution to be used for the Town's 50% matching funds should this grant be awarded.



MOTION BY COUNCILMAN ROGOWSKI, SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE RESOLUTION, ITEM 21g, UNTIL FEBRUARY 14, 1995 AT 5:30 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

<u>Item No. 21h</u> Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Archives and Records Administration offers a grant program to assist local governments with administration of municipal records; AND

WHEREAS, the Town wishes to continue efforts to microfilm Town records, thereby reducing retrieval time, required storage space, and usage of fragile paper records; NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Archives and Records Administration for the purpose of securing a grant in an amount not to exceed \$50,000, and BE IT FURTHER

RESOLVED, that all matching requirements will be met utilizing in-kind services, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES:

ABSENT: 0

<u>Item No. 21i</u> Motion by Councilman Wielinski, Seconded by Councilman Johnson

WHEREAS, the Town, in its 1995 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, AND

WHEREAS, agreements between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups, AND

WHEREAS, the organizations listed below have completed and returned signed agreements and their accounting report from the 1993 and 1994 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreements in the forms attached to this resolution, with the cultural and not-for-profit organizations listed below for the amounts listed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreements with the following referenced cultural and not-for-profit organizations for the following respective amounts:

Cultural/Not-For-Profit Organization	Funding Approved
Cheektowaga Community Symphony Orchestra	\$6,185.00
Arts Society of Cheektowaga	675.00
Debonairres Drum & Baton Corps	675.00
Cheektowaga Garden Club	440.00

and, BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural /not-for-profit organization out of the respective cultural group budget line item in the 1995 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon Roll Call

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

WHEREAS, the designated hearing office in the matter of the disciplinary charges brought against Richard L. Wilson, a laborer in the Town's Sanitation Department, has submitted his Report and Recommendations, AND

WHEREAS, each member of this Town Board has reviewed the aforesaid Report and Recommendation, as well as the transcript of the hearing and exhibits upon which it was based,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the finding of misconduct found by the said hearing officer; however, based upon such facts, as well as the authority continued in the Civil Service Law and the Memorandum of Agreement dated May 24, 1994, this Board independently determines that the appropriate disciplinary punishment is dismissal, and therefore, BE IT FURTHER

RESOLVED, that Richard L. Wilson is terminated from his employment with the Town of Cheektowaga effective June 1, 1994, and BE IT FURTHER

RESOLVED, that this resolution be substituted for the resolution passed on December 5, 1994, terminating the employment of Richard L. Wilson.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jawarowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 22b</u> Motion by Councilman Wielinski, Seconded by Councilman Solecki

BE IT RESOLVED, that the following Part-Time employee be and hereby is terminated

as listed:

#### POLICE DEPARTMENT-CROSSING GUARD

Nancy L. Zielinski Effective Immediately

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 23</u> Motion by Councilman Rogowski, Seconded by Councilman Wielinski

BE IT RESOLVED, that Marie Hoffman be terminated as an employee in the Department of Senior Services.

BE IT FURTHER RESOLVED, that Dorothy McManus,

Cheektowaga 14225 be hired as a Part-Time Nutrition Site Manager at \$5.25 per hour in the Department of Senior Services.

FUNDING SOURCE: 7620-1639

Upon Roll Call..

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

<u>Item No. 24a</u> Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator-B in the Sanitation Department, AND

Item No. 24a cont'd.

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

WHEREAS, John Ross, currently employed as a Laborer's Aide in the Recycling Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that John Ross of Cheektowaga, New York 14225, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective February 7, 1995.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 24b Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

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

RESOLVED, that John Rogowski of Resolved, Sloan, New York 14211, be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective February 7, 1995.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 25</u> Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Board of Plumbing and Drainage Examiners of the Town of Cheektowaga consists of five (5) members, including the Supervising Building and Plumbing Inspector, the Town Engineer, and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership, AND

WHEREAS, the last three (3) members shall be appointed by the Supervisor, by and with the consent of the other members of the Town Board, and must be residents of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the following persons be and hereby are appointed to the Board of Plumbing and Drainage Examiners of the Town of Cheektowaga for a term of two (2) years, at a compensation not to exceed Two Hundred Fifty Dollars (\$250.00) per year.

Joseph V. Schmigel, Cheektowaga, New York
Louis Costrino, Cheektowaga, New York
Elmer Kobel, Cheektowaga, New York

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 26</u> Motion by Councilman Blachowski, Seconded by Councilman Johnson

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

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

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

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

RESOLVED, that the following individuals shall be designated to serve as members of the EMS Board for 1994 for a term of one year:

REPRESENTING **DESIGNATE** ALTERNATE Bellevue Dell Reitz Jack McFarland Ronald Passmore Cleveland Hill Robert Trautman Richard Ralecki Doyle

**Forks** Vince Piasecki Robert Aliedemayer Hy-View Robert Schmitt Roman Gawronski VillagelSloan Shawn McGee Katherine Griffo Southline Ralph Collins All Commissioners **U-Crest** Stanley Pinski **Robert Cummings** Dr. Steven Lakomy St. Joe's Hospital Dr. Ellman

Capt. John Howlett Chief of Police

SPSD Kenneth Paa Police/Fire Comm.

and, BE IT FURTHER

RESOLVED, that Vince Piasecki shall be appointed to serve as Chairman of the EMS Board and Robert Schmitt, Alternate.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: Ω ABSENT: O

Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz Item No. 27a

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed 24 weeks in a calendar year, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

SANITATION DEPARTMENT - \$5.00 per hour

Jeffrey Schuler Effective 1/17/95

MAIN PUMP STATION - \$5.50 per hour

Leroy James Linkner Effective 2/07/95

TAX OFFICE - DAY SHIFT - \$5. 75 per hour

Judith Havernick Effective 2/01/95

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT:

Item No. 27b Motion by Councilman Wielinski, Seconded by Councilman Wielinski

WHEREAS, a part-time employee of the Police Department was erroneously terminated as a Seasonal employee on December 31, 1994,

BE IT RESOLVED, that the following individual be and hereby is hired as a PART-TIME employee, not to exceed 19 hours on a weekly basis, in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

#### POLICE DEPARTMENT - \$6.00 per hour

Nadine Bucolo Effective 1/01/95

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 28a Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the New York State Conference for Aging will be holding a Governor's Conference on Aging at Saratoga Springs, New York from March 6-9, 1995, AND

WHEREAS, such Conference is designated to identify recommendations determining the platform of New York State at the White House Conference on Aging, AND

WHEREAS, Patricia L. Wojcik, Director of Senior Services has been appointed a Congressional Delegate to the WHCOA from May 1 to 5, 1995 in Washington, D.C.

WHEREAS, this Conference is intended to produce policy recommendations to guide national aging policy over the next decade, AND

WHEREAS, travel, lodging, and fees for the NYS Conference will not exceed \$500.00 and there will be minimal expenses for the White House Conference since travel, lodging and fees will be funded by the White House Conference, NOW, THEREFORE, BE IT

RESOLVED, that Patricia L. Wojcik be and hereby is authorized to attend the aforementioned Conferences.

BUDGET SOURCE: 0100-7620-4681

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 28b</u> Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, the Working Crew Chief of the Town Sanitation/Recycling Department is interested in purchasing an integrated automated refuse vehicle, and needs to learn more about such vehicle, AND

WHEREAS, Crane Carrier, Inc. manufactures such vehicle and has offered to pay all expenses associated with having the Working Crew Chief of the Sanitation IRecycling Department and General Foreman of Central Garage visit its plant in Tulsa, Oklahoma to see how such vehicles are manufactured and how they operate, AND

WHEREAS, it is in the Town's best interest to allow such Town employees to travel to Crane Carrier's plant in Tulsa, Oklahoma to learn more about integrated automated refuse vehicles, NOW, THEREFORE, BE IT Item No. 28b cont'd.

RESOLVED, that David J. Kulik, Working Crew Chief of the Sanitation/Recycling Department, and Arthur Ferdinand, General Foreman of the Central Garage, be and hereby are authorized to travel to Tulsa, Oklahoma from February 6-7, 1995 to visit the manufacturing plant of Crane Carrier, Inc., and BE IT FURTHER

RESOLVED, that, if need be, said Town employees are authorized to utilize a Town vehicle to commute to an airport outside of the Town boundaries.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 29</u> Retain Firm to Study Town's Telecommunication Needs

This item was withdrawn.

item No. 30 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following fund transfers are hereby approved and made a

part hereof:

**GENERAL FUND** 

From: 0100-1410-1391 Part-Time Clerical \$5,000.00

To: 0100-1415-1500 Senior Clerk \$5,000.00

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to February 3, 1995 and are hereby approved and made a part hereof:

GENERAL FUND	\$ 367,345.95
HIGHWAY FUND	1,177,692.03
TRUST & AGENCY FUND	38,975.29
PART TOWN FUND	62,682.65
CDBG HUD FUND	31,584.04
RISK RETENTION FUND	196,766.97
NYS HOME PROGRAM	2,500.00
DEBT SERVICE FUND	260,249.00
HUD REHABILITATION FUND	18,756.00
SPECIAL DISTRICTS FUND	1,405,978.59
CAPITAL FUND	891,942.64
	\$7, 766,473.16

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

## **III. DEPARTMENTAL COMMUNICATIONS**

Item No. 32 Building Permits

Received and Filed.

Item No. 33 Supervisor's Statement of Funds - December, 1994

Received and Filed.

<u>Item No. 34</u> Minutes of Cheektowaga Public Library Board of Trustees -December 28, 1994

Received and Filed.

## IV. GENERAL COMMUNICATIONS

Item No. 35a Notice of Claim: Viola Alma Fonville vs the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney;

Chief of Police and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 35b Notice of Claim: Patricia Morrow, parent of Aaron George Benson vs the Town of

Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits; Town Attorney;

Allied Claims Insurance Carrier.

Received and Filed.

Item No. 36 Notice of Petition Regarding Parking of Commercial Vehicles on Charlotte Road

Received and Filed.

<u>Item No. 37a</u> Amended Petition Regarding Street Improvements - Sonwil Drive

Received and Filed.

<u>Item No. 37b</u> Amended Petition Regarding Lateral Sewers - Sonwil Drive

Received and Filed.

Item No. 38 Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting

until February 14, 1995 at 5:30 P.M. and in memory of Herb Niebergall, long time resident of Cheektowaga and responsible for the formation of the Cheektowaga Classique League and Manager of the Cheektowaga Travelers Baseball Club for close

to 50 years.

Richard M. Moleski Town Clerk

## TOWN OF CHEEKTOWAGA MEETING NO. 4 FEBRUARY 14, 1998

<u>Item No. 1</u> At an adjourned 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 14th day of February, 1995 at 5:30 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr.

ABSENT: Councilman William P. Rogowski

Councilman William L. Wielinski

Also present were: Richard M. Moleski, Town Clerk.

### I. RESOLUTIONS

<u>Item No. 2</u> Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

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

WHEREAS, the Town Board is the lead agency with respect to the installation of playground equipment at various Town parks, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on February 14, 1995, recommended the environmental determination of negative declaration with respect to this project and has requested certain items be changed, as is further stated in the attached memo dated February 14, 1995, AND

WHEREAS, this Town Board has reviewed the Town's application and the recommendations made by the Environmental Advisory Committee for this item, Now, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a negative declaration with respect to this project under S.E.Q.R.A.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

Item No. 2a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, in 1989, The Saratoga Associates prepared a Parks Needs Assessment for the Town of Cheektowaga to outline plans for the development of recreational facilities, parks and playgrounds in the Town, AND

WHEREAS, Darryl L. Jones, RLA, was requested to update such Parks Needs Assessment on behalf of the Town, AND

WHEREAS, Darryl, L. Jones, RLA, has prepared suggested amendments to such Parks Needs Assessment, which amendments are attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the Parks Needs Assessment originally prepared by The Saratoga Associates in 1989, be and hereby are adopted and approved by this Town Board.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 3</u> Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the NYS Department of Parks, Recreation, and Historic Preservation offers a grant program under Title 9 of the Environmental Protection Act of 1993 to develop and enhance recreational facilities; AND

WHEREAS, the Town of Cheektowaga wishes to restore or replace playground equipment at the following locations: Town Park, Dingens Park, North and South Creek Parks, Town Hall Office Complex, Eiffel Park, Kelly Park, Dartwood Park, and Cedargrove Park; AND

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$200,000, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant in an amount not to exceed \$200,000, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding, and, BE IT FURTHER

RESOLVED, that this Town Board hereby commits itself to adopt a bond resolution to be used for the Town's 50% matching funds should this grant be awarded.



MOTION BY COUNCILMAN JOHNSON, SECONDED BY SUPERVISOR GABRYSZAK TO AMEND THE ABOVE RESOLUTION, ITEM 3, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski



## <u>AMENDED</u>

WHEREAS, the NYS Department of Parks, Recreation, and Historic Preservation offers a grant program under Title 9 of the Environmental Protection Act of 1993 to develop and enhance recreational facilities; AND

WHEREAS, the Town of Cheektowaga wishes to restore or replace playground equipment at the following locations: Town Park, Dingens Park, North and South Creek Parks, Eiffel Park, Kelly Park, Dartwood Park, and Cedargrove Park; AND

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$200,000, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant in an amount not to exceed \$200,000, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding, and BE IT FURTHER

RESOLVED, that this Town Board hereby commits itself to adopt a bond resolution to be used for the Town's 50% matching funds should this grant be awarded. Item No. 3 cont'd.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

AYES: 0

ABSENT: Councilmen Rogowski and Wielinski



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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski



#### **III. SUSPENSION OF RULES**

Item No. 4a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that Supervisor Dennis H. Gabryszak be authorized sign contracts between the Town of Cheektowaga and the performers at the Cultural Center summer concerts and special events to be held in June, July, and August.

FUNDING SOURCE: 01-7140-4503

01-7140-4491

Upon Roll Call

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

<u>Item No. 4b</u> Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, on December 5, 1994, the Town of Cheektowaga entered into an agreement with the Youth Department of the Diocese of Buffalo for continuation of the Cheektowaga Youth Engaged in Service (Y.E.S.) program, AND

WHEREAS, Erie I B.O.C.E.S., through a grant from the New York State Education Department, will provide the Town of Cheektowaga with \$5,833.34 to expand operation of the program and allow increased participation by developmentally and learning disabled individuals, low-income youth and community service restitution clients, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached addendum to the existing agreement with the Youth Department of the Diocese of Buffalo to provide this additional service.

BUDGET LINE ITEM: 0001-7310-4695

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 4c</u> Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga, through the Department of Youth and Recreational Services, has submitted to Erie I B.O.C.E.S., a renewal application for a youth project funded by the New York State Education Department Learn and Serve America Program, to advance the moral, physical, mental and social well-being of its youth; AND

WHEREAS, the Town's application would maintain the expansion of its very successful Cheektowaga Youth Engaged in Service (Y.E.S.) program which is provided under contract by the Youth Department of the Diocese of Buffalo; AND

WHEREAS, the approved B.O.C.E.S. application allocates \$5,833.34 for the Cheektowaga youth project, and the District Superintendent and Chief Executive Officer of Erie I B.O.C.E.S. has executed all necessary documents and agreements to implement such programs, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is directed to execute said documents and agreements between the Town of Cheektowaga and Erie I B.O.C.E.S.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

<u>Item No. 5</u> Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Department of Youth and Recreational Services will receive an advance of payment \$5,833.34 from Erie I B.O.C.E.S. as the administrator of a renewal grant from the New York State Education Department which allows for the expansion of the Youth Engaged in Service (Y.E.S.) program through the learn and Serve America Program, AND

WHEREAS, a budget line item must be established to meet the requirement for separate financial reporting procedures for the component, NOW, THEREFORE, BE IT

RESOLVED, that the following account lines be and hereby are established:

Y.E.S./B.O.C.E.S. (Expense) - Account 0001-7310-4695 - \$5,833.34

Y.E.S./B.O.C.E.S. (Revenue) - Account 0001-7310-3975 - \$5,833.34

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

<u>Item No. 6</u> Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, a grievance of the Town of Cheektowaga Employees Association (TCEA) that the Town violated section 3.06 of their collective bargaining agreement by not employing at least 270 permanent employees covered by such agreement was sustained by an Arbitrator's Opinion and Award, dated May 6, 1994, AND

WHEREAS, in addition, the Arbitrator determined that, if the Town did not employ at least 270 permanent employees covered by the agreement by June 5, 1994, "the Town shall pay the Union the equivalent of the salary for the particular position for the period of time the unfilled position(s) continue", AND

WHEREAS, the aforesaid Arbitrator's Opinion and Award has been confirmed by the Hon. Joseph D. Mintz, Justice, Supreme Court, however, the case was remitted to the Arbitrator for a calculation of any and all damages, AND

#### Item No. 6 cont'd.

WHEREAS, the Town and the TCEA disagree on the amount and extent of the damages involved in applying the aforesaid arbitration decision; but both parties wish to compromise and settle such disagreement,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of this Town Board and the Town of Cheektowaga, be and he hereby is authorized to sign that certain Settlement Agreement and General Release, and, BE IT FURTHER

RESOLVED, that the said Settlement Agreement and General Release be implemented by all Town departments and employees affected thereby, and, BE IT FURTHER

RESOLVED, that all sums of money necessary to fulfill the Town's obligations under the aforesaid Agreement be paid over a period of four years.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski,

and Johnson

NAYES: 0

ABSENT: Councilmen Rogowski and Wielinski

<u>Item No. 7</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson to adjourn this

meeting in memory of Mr. Peter Rogowski, father of Councilman William Rogowski.

Richard M. Moleski Town Clerk

## TOWN OF CHEEKTOWAGA MEETING NO. 5 February 27, 1995

<u>Item No. 1</u> 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 27<sup>th</sup> day of February, 1995 at 7:00 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; William Pugh, Assistant Town Engineer; Sal LaGreca, Planning Board Chairman; Ken Kopacz, Executive Director of Youth & Recreation; Robert Kaczmarek, Supervising Accountant; Ronald Marten, Supervising Building & Plumbing Inspector; David Kulik, Working Foreman Sanitation Department; Bruce Chamberlin, Chief of Police.

### I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 5 of the Code of the Town of Cheektowaga, (Amusement Arcade Ordinance) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED, that Section 1, Definitions, which defines the term Amusement Device, shall be amended to read as follows:

AMUSEMENT DEVICE - any mechanical or electronic device or contrivance accessible to the general public for use as a game, contest or amusement by one (1) or more persons, singularly or collectively, or which may be so used. The term "amusement device" includes but is not necessarily limited to pinball machines, bagatelle, pool tables, foosball tables, electronic games, games utilizing motion and similar devices. The term "amusement device" does not include jukeboxes or rides.

2. RESOLVED that Section 12, which pertains to the Appeal of the decision of the Town Clerk, shall be re-named "Variances; Appeals" and shall read as follows:

§5-12. Variances; Appeals

A. In the event a person is denied a license due to the restrictions contained in subsection 5.A. of this ordinance, such person may apply to the Town Board to vary or modify the provision or requirement of said subsection 5.A where such person can show that there are unique circumstances or conditions peculiar with the property or type of amusement arcade and that strict compliance with such requirement would create an excessive and unreasonable economic burden and would be physically or legally Impracticable. Such person shall also show that a modification or variance, if granted, would not:

- 1. affect the character of the nearby residential neighborhood;
- 2. have a negative impact on the nearby church or public or private school which is within 500 feet of the amusement arcade;

- 3. act contrary to this ordinance's intended objective in protecting the morals and welfare of minor and other members of the community; and
- 4. tend to depreciate the value of adjacent property.

The Town Board shall fix a reasonable time for the hearing of such variance request.

B. Any person aggrieved by any other decision of the Town Clerk in denying, suspending or revoking any application for a license or license issued hereunder may apply to the Town Board for review. Such request for review shall be made within thirty (30) days after the rendering of the decision of the Town Clerk by the filing of a notice of appeal, specifying the grounds therefor. The Town Board shall fix a reasonable time for the hearing of such appeal.

C. The Town Board shall, from time to time, establish a fee for the application for a variance under subsection A. hereof.

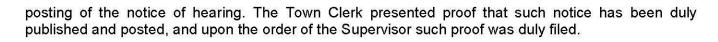


The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 3 This being the time and place advertised for a public hearing to consider the construction of Lateral Sewers - Sewer District #8 in the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 4 This being the time and place advertised for a public hearing to consider Proposed Street Improvements - extension of Sonwil Drive in the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and



\*SEE NEXT PAGE(S) FOR ATTACHMENT

# **II. RESOLUTIONS**

<u>Item No. 5a</u> Bond Resolution - Lateral Sewers - Sewer District #8



<u>Item No. 6</u> Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Town Board of the Town of Cheektowaga has previously adopted an ordinance entitled "AMUSEMENT ARCADE ORDINANCE, " and

WHEREAS, it is recommended that certain provisions of the "AMUSEMENT ARCADE ORDINANCE" of the Town of Cheektowaga, New York be amended or repealed, and

WHEREAS, this Town Board, at a regular meeting held on the 6th day of February, 1995, duly adopted a resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, on the 27th day of February, 1995 to consider the advisability of adopting said amendment to the "AMUSEMENT ARCADE ORDINANCE", and

WHEREAS, notice of the said public hearing was duly published as required by law, and

WHEREAS, a public hearing on the proposed amendment was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 27th day of February, 1995 at 7:00 P.M., Eastern Standard Time; and at which hearing all persons interested in the subject matter thereof had an opportunity to be heard, and

WHEREAS, this Town Board has now determined that it is in the public interest to adopt and enact an amendment to the "AMUSEMENT ARCADE ORDINANCE",

NOW, THEREFORE, BE IT RESOLVED that the "AMUSEMENT ARCADE ORDINANCE" be, and the same hereby is amended as follows:



1. RESOLVED, that Section 1, Definitions, which defines the term Amusement Device, shall be amended to read as follows:

AMUSEMENT DEVICE - any mechanical or electronic device or contrivance accessible to the general public for use as a game, contest or amusement by one (1) or more persons, singularly or collectively, or which may be so used. The term "amusement device" includes but is not necessarily limited to pinball machines, bagatelle, pool tables, foosball tables, electronic games, games utilizing motion and similar devices. The term "amusement device" does not include jukeboxes or rides.

2. RESOLVED that Section 12, which pertains to the Appeal of the decision of the Town Clerk, shall be re-named "Variances; Appeals" and shall read as follows:

#### §5-12. Variances; Appeals

A. In the event a person is denied a license due to the restrictions contained in subsection 5.A. of this ordinance, such person may apply to the Town Board to vary or modify the provision or requirement of said subsection 5.A where such person can show that there are unique circumstances or conditions peculiar with the property or type of amusement arcade and that strict compliance with such requirement would create an excessive and unreasonable economic burden and would be physically or legally impracticable. Such person shall also show that a modification or variance, if granted, would not:

- 1. affect the character of the nearby residential neighborhood;
- 2. have a negative impact on the nearby church or public or private school which is within 500 feet of the amusement arcade;
- 3. act contrary to this ordinance's intended objective in protecting the morals and welfare of minor and other members of the community; and
- 4. tend to depreciate the value of adjacent property.

The Town Board shall fix a reasonable time for the hearing of such variance request. **Item No. 6 cont'd** 

B. Any person aggrieved by any other decision of the Town Clerk in denying, suspending or revoking any application for a license or license issued hereunder may apply to the Town Board for review. Such request for review shall be made within thirty (30) days after the rendering of the decision of the Town Clerk by the filing of a notice of appeal, specifying the grounds therefor. The Town Board shall fix a reasonable time for the hearing of such appeal.

C. The Town Board shall, from time to time, establish a fee for the application for a variance under subsection A. hereof.



#### and BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga on the 27th day of February, 1995; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

The aforementioned amendment to the "AMUSEMENT ARCADE ORDINANCE" shall take effect ten (10) days after such publication, but such amendment shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 7a Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ( "EAC" ) reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, and

WHEREAS, the Town Board, pursuant to the Environmental impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, and

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by the Town of Cheektowaga Engineering Department for the installation of 500+ lineal feet of 8" sanitary sewer to service homes and lots, from 175 Pine Ridge Road to 265 Pine Ridge Road, presently on septic systems, and

WHEREAS, the project was referred to the Erie County Department of Environment and Planning and also to the New York State Department of Environmental Conservation for comment, and

WHEREAS, both agencies have indicated the Town should be Lead Agency and that no further studies are required for the project, and

WHEREAS, the Advisory Committee, at its meeting held on February 14, 1995 rendered the determination shown on the attached memo dated February 14, 1995, and

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect an the environment and therefore issues a "Negative Declaration" for purposes of S.E.Q.R.A.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

# <u>Item No. 7b</u> Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ( "EAC" ) reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, and

WHEREAS, the Town Board, pursuant to the Environmental impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, and

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Forest Materials Incorporated to construct a 9,000 square foot building at its facility at 1665 Harlem Road, and

WHEREAS, the applicant has met with the EAC, Planning Board and Conservation Advisory Council to discuss the project, and

WHEREAS, as a result of these meetings the plan was modified by providing a driveway to Stradtman Street to provide fire department access, and

WHEREAS, the Advisory Committee, at its meeting held on February 14, 1995 rendered the determination shown on the attached memo dated February 14, 1995, and

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for purposes of S.E.Q.R.A.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

## Item No. 8a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the purchase of various clothing items for use in the Cheektowaga Youth and Recreational Services Department as a result of advertisement thereof, and such bids were referred to the Director of Youth and Recreational Services for analysis, tabulation and report, and

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

RESOLVED, that the bid be awarded to the following bidders, meeting specifications:

Jim Ludtka Sporting Goods 2931 Walden Avenue Pine Ridge Enterprises 8386 N. Main Street

Depew, New York 14043 Eden, New York 14057

Buffalo Swim Wear 23 S. Long Street Williamsville, New York 14221

#### and BE IT FURTHER

RESOLVED, that any purchases resulting from the award of this bid for the Youth and Recreational Services Department will be apportioned to various 7140. and 7310. accounts for cost centering purposes.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 8b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, bids were received on February 15, 1995 for the application of chemical fertilizers and herbicides, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 21, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the application of chemical fertilizers and herbicides for the year of 1995 be awarded to Turf Tec of Western New York, Inc., 5096 Lockport Road, Lockport, New York 14094 at the following total and unit bid prices:

ITEM 1	Nitrogen Fertilization Creek Areas	\$5	,650.00
ITEM 2	Chemical Trimming Areas	\$	750.00
ITEM 3	Retention Basins	\$2	,475.00
ITEM 4	Nitrogen Fertilizer	\$	.0029/sq.ft.
ITEM 5	Weed Control	\$	.0035/sq.ft.
ITEM 6	Chemical Trimming	\$	.0069/sq.ft.
ITEM 7	Weed & Feed Lawn Areas	\$	.0038/sq.ft.
ITEM 8	Chemical Trimming of Fence Lines	\$	50.00
ITEM 9	Grass Growth Regulator	\$	850.00
ITEM 10	Brush Control	\$3	,270.00

## and BE IT FURTHER

RESOLVED, that payment for the application of chemical fertilizers and herbicides shall be charged to Account No. 018-540-4587

# Item No. 8b cont'd

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 8c Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, bids were duly received on February 15, 1995 as a result of advertisement for the furnishing of all corrugated metal, aluminized for the furnishing of all corrugated metal, aluminized metal, slotted, polyethylene and reinforced concrete pipe requirements of the Town of Cheektowaga for the year 1995. Said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 16, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the contract for furnishing pipe to the Town for the year of 1995, as per said unit prices and as recommended by the Town Engineer, is hereby awarded to the following:

K & S Contractors Supply 1971 Gunville Road Lancaster, New York 14086 (716) 759-6911

# ITEM A

I LEIVI A		
6" Dia CMP 8" Dia CMP 10" Dia CMP 54" Dia CMP 60" Dia CMP 72" Dia CMP 84" Dia CMP	\$	2.27 L.F. 3.10 L.F. 3.73 L.F. 34.56 L.F. 48.81 L.F. 58.49 L.F. 69.38 L.F.
50" X 31" CMP 58" X 36" CMP 65" X 36" CMP 72" X 44" CMP	\$	26.95 L.F. 30.70 L.F. 34.54 L.F. 49.33 L.F.
ITEM B		
12" End Section 15" End Section 18" End Section 21" End Section 24" End Section 30" End Section 36" End Section	£7.5	30.30 L.F. 45.50 L.F. 54.00 L.F. 70.00 L.F. 86.00 L.F. 152.00 L.F. 244.00 L.F.
12" Slotted Drain - 21/2" 12" Slotted Drain - 6" 12" Slotted Drain - Band 15" Slotted Drain - 21/2" 15" Slotted Drain - 6" 15" Slotted Drain - 6" 15" Slotted Drain - Band 18" Slotted Drain - 21/2" 18" Slotted Drain - 6" 18" Slotted Drain - Band	\$	25.52 L.F. 31.00 L.F. 16.00 L.F. 27.70 L.F. 32.50 L.F. 17.00 L.F. 29.95 L.F. 35.00 L.F. 18.00 L.F.
ITEM D		
	12.00	

6"Dia CMP Perf U.D.	\$ 2.29 L.F.
8"Dia CMP Perf U.D.	3.40 L.F.
12" Dia CMP Perf U.D.	4.40 L.F.
15" Dia CMP Perf U.D.	5.68 L.F.

# Item No. 8c cont'd

# ITEM E

48" RCP, Class IV	67.72 L.F.
54" RCP, Class III	75.72 L.F.
54" RCP, Class IV	87.35 L.F.
60" RCP, Class III	92.91 L.F.
60" RCP, Class IV	106.60 L.F.
66" RCP, Class III	112.00 L.F.
66" RCP, Class IV	128.00 L.F.
72" RCP, Class III	132.00 L.F.
72" RCP, Class IV	150.50 L.F.
84" RCP, Class III	175.00 L.F.
84" RCP, Class IV	200.00 L.F.
ITENA E	

## <u>ITEM F</u>

18" Spiral Rib CMP	\$ 9.50 L.F	
21" Spiral Rib CMP	15.90 L.F	
24" Spiral Rib CMP	20.95 L.F	
30" Spiral Rib CMP	25.00 L.F	
36" Spiral Rib CMP	30.00 L.F	
42" Spiral Rib CMP	35.00 L.F	į,
48" Spiral Rib CMP	40.00 L.F	Section 1
(a)		

Chemung Supply Corporation P.O. Box 527 Elmira, New York 14902 (607) 733-5506

# ITEM A

12" CMP	\$ 5.60 L.F.
15" CMP	7.00 L.F.
18" CMP	8.25 L.F.
21" CMP	12.60 L.F.
24" CMP	14.75 L.F.
30" CMP	18.50 L.F.
36" CMP	22.25 L.F.
42" CMP	25.80 L.F.
48" CMP	29.50 L.F.
43" X 27" CMP	23.15 L.F.
43" X 27" Paved Invert	28.50 L.F.
50" X 31" Paved Invert	33.50 L.F.
58" X 36" Paved Invert	37.80 L.F.
65" X 36" Paved Invert	42.15 L.F.
72" X 44" Paved Invert	57.50 L.F.

# ITEM D

10" Dia CMP Perf U.D. \$ 4.34 L.F.

# Item No. 8c cont'd

Vellano Brothers, Inc. 4401 Walden Avenue Lancaster, New York 14086 716)684- 7222

# ITEM G

12" Polyethylene Pipe\$	3.80 L.F.
15" Polyethylene Pipe	4.92 L.F.
18" Polyethylene Pipe	7.17 L.F.
24" Polyethylene Pipe	10.47 L.F.
30" Polyethylene Pipe	17.95 L.F.
36" Polyethylene Pipe	24.70 L.F.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

## <u>Item No. 8d</u> Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, as a result of advertisement, bids were received on January 31, 1995 for the furnishing of equipment and operators for public works projects during the calendar year of 1995 in the Town of Cheektowaga, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 16, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for public works projects in the Town of Cheektowaga be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit for submission of the lowest bid meeting the specifications as per the unit prices of:

Item 1	Hydraulic Backhoe	\$500.00 per 8 hour day
Item 2	Tractor with Front End Loader	400.00 per 8 hour day
Item 3	Dozer	450.00 per 8 hour day
Item 4	Dozer	450.00 per 8 hour day
Item 5	Dozer	500.00 per 8 hour day
Item 6	Single Axle Dump	375.00 per 8 hour day
Item 7	Tandem Dump Truck	400.00 per 8 hour day
Item 8	Landscape Type Tractor	300.00 per 8 hour day

Item 9	Hydraulic Backhoe	475.00 per 8 hour day
Item 10	Laborers	350.00 per 8 hour day
Item 11	Hydraulic Backhoe	490.00 per 8 hour day
Item 12	Front End Loader	400.00 per 8 hour day
Item 13	Saw Cutting Machine	1.00 per 8 hour day
Item 14	Equipment Truck	300.00 per 8 hour day
Item 15	Shield - Trench 6' X 8'	1.00 per 8 hour day
Item 16	Shield - Trench 8' X 16'	1.00 per 8 hour day
Item 16A	Transport Shield Cost	1.00 per 8 hour day
Item 17	Blacktop Roller (Small)	1.00 per 8 hour day

#### and BE IT FURTHER

RESOLVED, that payment for said equipment and operators for public works projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

# <u>Item No. 8e</u> Motion by Councilman Johnson, seconded by Councilman Wielinski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of manhole frames with self-sealing covers and manhole frames with vented covers, which bids were duly received and opened at the February 15, 1995 public bid opening, and

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

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

RESOLVED, that the contract for the furnishing of manhole frames and covers be and hereby is awarded to:

Syracuse Casting Sales Corp. P.O. Box 1821 South Bay Road Cicero, New York 13039

ITEM	QUANTITY	DELIVERED UNIT BID PRICE
Frame with 24" diameter self-sealing cover (set)	25 50	\$112.00 \$119.00

Frame with 24" diameter 25 \$118.00 vented cover (set) 50 \$117.00

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 8f Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received and opened at a public bid opening held on February 15, 1995 as a result of advertisement therefor, for the furnishing of microfilming services for Town of Cheektowaga records, and such bids were referred to the Town of Cheektowaga for analysis, tabulation and report, and

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

RESOLVED, that the contract for furnishing of microfilming services for Town of Cheektowaga Payroll and Accounting records be and hereby is awarded to Biel's Microfilm Corp., 1201 Indian Church Road, Buffalo, New York 14224, at a total estimated bid cost of \$62.50 per roll of film for Payroll records and \$67.50 per roll of film for Accounting records, \$9.60 per roll of silver duplicate and \$6.20 per roll of diazo duplicates, and BE IT FURTHER

RESOLVED, that any purchases resulting from the award of this contract will be funded through the Town's Local Government Records Management Improvement Grant from New York State.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 8g Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of bids for two (2) senior citizen vans for which bids were received and publicly opened on February 22, 1995, and

WHEREAS, a tabulation and analysis of bids received indicate that it is more advantageous to the Town to waive the requirement for a single rear emergency door in favor of dual rear emergency doors and award the bid for said vans to DeLacy Ford, Inc. for submitting the lowest responsible bid prices which substantially met the requirements of the specifications, and

WHEREAS, the Town also elects to purchase a clearcoat paint finish for said vehicles at the additional cost of up to \$175.00 per vehicle, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of two (2) 1995 senior citizen vans is awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, NY 14059, in conformance with their bid proposal for two (2) Ford E350 Club Wagons at the price of \$18,794 each, plus an additional cost of up to \$175.00 per van for a clearcoat paint finish, and BE IT FURTHER

RESOLVED, that the purchase of one van is funded by Community Development Block Grant Program funds and the purchase of one van is funded by and contingent upon receipt of New York State Local Initiative funding.

Upon Roll Call ...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 9a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga desires to construct a waterslide at the Town Park Pool, and

WHEREAS, bond moneys were previously authorized for this purpose, and

WHEREAS, specifications for the construction of this waterslide have now been completed, NOW, THEREFORE, BE IT

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

RESOLVED, that the Town Clerk be and hereby is designated as the official to open bids for such waterslide construction on March 22, 1995 at 11:00 A.M., in the Town Hall Council Chambers.



#### NOTICE TO BIDDERS

Sealed bids for the <u>Cheektowaga Town Park Waterslide</u> are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on March 22, 1995 at 11:00 AM in the Town Hall, 3301 Broadway, for the installation of a new waterslide and related sitework at the Town Park Pool.

Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town of Cheektowaga Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227-1088, and copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

# Item No. 9a cont'd

Any bidder for the project furnishing the required bid security, including the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum water rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

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

RICHARD M. MOLESKI Town Clerk

Dated: March 3, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 9b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, it is in order that bids be advertised to cover the replacement of sidewalks in various locations in the Town of Cheektowaga, and

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on March 22, 1995 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



# NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 22, 1995 at 11:00 A.M., Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the replacement of sidewalks in various locations in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Office of the Highway Superintendent, 3145 Union Road, Cheektowaga, NY 14225.

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

RICHARD M. MOLESKI

DATED: February 27, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 9c Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new trees for the Town's tree planting in spring, 1995. 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, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, March 22, 1995 at 11:00 A.M., in the Council Chambers of the Cheektowaga Town Hall.



#### **NOTICE TO BIDDERS**

# TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on Wednesday, March 22, 1995 at a public bid opening at 11:00 A.M., at the Town Hall, located on Broadway, New York for the purpose of furnishing new trees for spring, 1995, tree planting.

Specifications for new trees may be picked up at the office of the Superintendent of Highways located at 3145 Union Road, Town of Cheektowaga, New York, between the, hours of 8:00 a.m. and 3:30 p.m., Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

RICHARD M. MOLESKI Town Clerk Town of Cheektowaga

Dated: February 27, 1995



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

# Item No. 10 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, on February 1, 1995, the New York State Department of Environmental Conservation (DEC) conducted a public hearing on their Hazardous Substance Waste Disposal Site Study, prepared for the New York State Legislature, and accomplished in consultation with the New York State Department of Health, and

WHEREAS, such study purports to determine the listing of sites eligible for monies from the Hazardous Waste Remedial Fund ("State Superfund"), and

WHEREAS, the Town Board and Cheektowaga Conservation Advisory Council were represented at the hearing, and

WHEREAS, comments on the Study report are being solicited through February 28, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga provides the following comments:

- 1. We support the expansion of the Superfund's spending authority to cover hazardous <u>substance</u> disposal sites.
- 2. In the course of conducting the Study, a number of sites located in the Town of Cheektowaga were reviewed, as found on various lists and recommended by various "departments, agencies and public groups." We request the complete list of Cheektowaga sites considered in the Study.
- 3. A list of Cheektowaga sites that were rejected for listing was not provided, however, it is reported that five (5) sites were delisted as a consequence of the Study. Therefore, we request a list of any such sites and the reasons for rejecting same for potential Superfund remediation.
- 4. The Study contains a reference to Westinghouse BACA under "Sites nominated by the Division of Water (D.O.W.) that did not meet Requirements for Inclusion In the Inventory" relative to the "D.O.W. List of Contaminated Aquifer Segments" (Appendix D of the report). We hereby request that the Town be provided with the D.O.W.'s reason for recommending the Westinghouse site and the reasons for the Study's rejection of this site.

5. The Town of Cheektowaga was never formally notified of the hearing, although it was conducted in our Town Hall, nor solicited in the DEC's May 1994 mailings seeking input relative to sites recommended for listing and review under the proposed Study. We ask that the Town Clerk of the Town of Cheektowaga be placed on the permanent mailing list of the Director of the division of Hazardous Waste Remediation, as an interested party, and BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the Commissioners of the New York State Departments of Health and Environmental Conservation, and to Governor George Pataki, State Senator William Stachowski and Assemblyman Paul Tokasz.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 11 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, the Town Board of the Town of Cheektowaga is required to submit a list of designated polling places for 1995 to the Erie County Board of Elections, and

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

#### Item No. 11 cont'd

WHEREAS, there are III Election Districts in the Town of Cheektowaga located in 43 Polling Places, all of which provide proper accessibility, NOW, THEREFORE, BE IT

RESOLVED that the attached list of Town of Cheektowaga polling places for 1995 be approved for submittal to the Erie County Board of Elections.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### Item No. 12 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, by resolutions dated March 21, 1994, this Town Board rendered an environmental determination and approved a rezoning for the Losson Manor Subdivision, and

WHEREAS, such environmental determination and rezoning resolutions required the applicant to comply with certain conditions, including the following:

 All the lands to the rear of the lots, including the federal wetlands and the Wegman's detention basin when completed by the applicant, as approved by the Town Engineer, be deeded to the Town.

and

WHEREAS, the Town Engineer has recommended that the Wegman's retention basin not be deeded to the Town, and

WHEREAS, by resolution dated June 7, 1993, (reaffirmed by resolution dated January 18, 1994), the Town Board, based on commitments made by 81 and 3 of Watertown, Inc. (the "Developer"), issued a Negative Declaration for the development of a 30± acre site at the northwest corner of Losson and Transit Roads (adjacent to the Losson Manor Subdivision); one of the Developer's commitments included the following:

7. Will prepare necessary legal descriptions for and grant the Town conservation easements for all existing wetlands areas.

and

WHEREAS, it has been recommended that the Developer convey its fee interest in the wetlands (rather than easement rights) and grant a conservation easement for the retention basin to the town, and

WHEREAS, Developer has prepared and submitted to the Town for its acceptance the following documents:

- 1. Deed for lands to the rear of the subdivision lots including the federal wetlands, but excluding the Wegman's retention basin.
- 2. Conservation Easement for retention basin;
- 3. Drainage Easement:
- 4. Declaration of Use and Restrictions.

## 5. Plan showing compensatory planting schemes

and

WHEREAS, a proposed Map Cover for the Losson Manor Subdivision has also been submitted to the Town, and the Town Engineer, Highway Superintendent and Building Inspector have recommended that such subdivision be accepted by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced documents and directs the Town Attorney to file the deed, easements and Declaration of Use and Restrictions in the Erie County Clerk's Office, and BE IT FURTHER

RESOLVED, that the acceptance of the lands described in the above referenced deed and conservation easement shall be accepted by this Town Board in place of the deed mentioned in condition number 2 in the March 21, 1994 resolution and easements mentioned in commitment number 7 from the above referenced June 7, 1993 resolution (reaffirmed January 18, 1994), and BE IT FURTHER

RESOLVED, that Losson Manor Subdivision be and hereby is approved by this Town Board, as per the attached letter from the Town Highway Superintendent.

# Item No. 12 cont'd

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 13a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Section 239-m of the General Municipal Law of the State of New York formerly required the Town to notify the County Department of Environment and Planning of all variance and temporary permit application, and

WHEREAS, Section 239-m of the General municipal Law was amended in 1991 to allow the Town and County to enter into an agreement whereby certain zoning actions would not have to be submitted to the County for review and recommendation, and

WHEREAS, the County prepared an agreement wherein it is stated that certain zoning actions would no longer need to be referred to the County, and

WHEREAS, this Town Board, by resolution dated August 3, 1992, approved such an agreement with the County, and

WHEREAS, the County of Erie has revised such agreement, and has submitted same to the Town for approval, and

WHEREAS, it is in the best interests of the Town and its citizens to approve such agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Agreement with the County of Erie.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

# <u>Item No. 13b</u> Motion by Councilman Wielinski, Seconded by Councilman Johnson

WHEREAS, the Town, in its 1995 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, and

WHEREAS, agreement between the Town and these cultural and not-for profit organizations have been prepared and forwarded to such groups, and

WHEREAS, the organizations listed below have completed and returned signed agreements and their accounting report from the 1993 and 1994 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreements in the forms attached to this resolution, with the cultural and not-for-profit organizations listed below for the amounts listed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreements with the following referenced cultural and not-for-profit organizations for the following respective amounts:

Cultural/Not-For-Profit Organization	Funding Approved
Cheektowaga Community Chorus	\$6,185.00
Cheektowaga Historical Society	\$ 965.00
Friends of the Woods, Ltd.	\$ 675.00

# and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/ not-for-profit organizations out of the respective cultural group budget line item in the 1995 Town budget, subject to the audit and approval of a properly signed Town voucher.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 13c Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated August 16, 1993 this Town Board engaged the firm of Foit-Albert Associates to provide architectural and engineering design and construction phase services for the Julia Boyer Reinstein Library located on Losson Road, and

WHEREAS, the architectural services fee set forth in the Owner/Architect Agreement dated August 23, 1993 was based on the design of a 16,600 S.F. building, and

WHEREAS, a number of building enhancements to the original library design have been added subsequent to the aforesaid Agreement as detailed in the attached letter from Foit-Albert Associates to the Town Engineer dated February 9, 1995, which have increased the necessary scope of services being provided by Foit-Albert Associates, NOW, THEREFORE, BE IT

RESOLVED, that the Agreement with Foit-Albert Associates for architectural and engineering services be amended to include additional professional services associated with the increase in size of the library structure, and related enhancements to better serve the needs of the community, and BE IT FURTHER

RESOLVED, that the proposal of Foit-Albert Associates as submitted to the Town Engineer and dated February 9, 1995 be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to sign said proposal on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that the cost of said professional services in the amount of \$33,600.00 shall be appropriated from budget line item No. 5403-1220-9409.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

# <u>Item No. 14</u> Motion by Councilman Blachowski, Seconded by Councilman Solecki

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

NOW, THEREFORE, BE IT RESOLVED that the recommendations of 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 15 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, John Ross, was erroneously appointed to the position of Laborer in the Sanitation Department on February 7, 1995, NOW, THEREFORE, BE IT

RESOLVED, that said resolution be amended as follows:

"RESOLVED, that John Ross of Resolution, Cheektowaga New York 1 , be and hereby is appointed to the position of Light Motor Equipment Operator-B in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective February 7, 1995."

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 16a</u> Motion by Councilman Wielinski, Seconded by Councilman Solecki

WHEREAS, Section 71 of the State of New York Civil Service Law allows for the termination of employees that have been off work for more than one (1) year due to an occupational injury or disease, as defined in the Workers' Compensation Law, and

WHEREAS, Guenther Haug, an employee of the Sanitation Department, has been off work and on Workers' Compensation for longer than one (1) year, NOW, THEREFORE, BE IT

RESOLVED, that Guenther Haug be and hereby is terminated from his employment with the Town of Cheektowaga, effective immediately, AND BE IT FURTHER

RESOLVED, that as a result of said termination under Section 71 of the New York State Civil Service Law, this individual may, within one (1) year after termination, submit medical documentation certifying that he is physically fit to perform the duties of his position and shall be reinstated to his former position or a position in a lower grade, if a vacancy exists. if there is no current vacancy, the person is placed on a preferred list for four years and is eligible to fill the next appropriate vacancy, and BE IT FURTHER

RESOLVED, that medical coverage be continued for sixty (60) days.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 16b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following PART-TIME employee be and hereby is terminated as listed:

#### SEWER MAINTENANCE

Leo Kazukiewicz Effective Immediately

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 17</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following individuals be and hereby are appointed as Bingo Inspectors, effective January 1, 1995 for a term of one year:

Katherine Zydel,
Ruth A. Cassacci,
Longin M. Olech,
Stanley Sliwinski,
John Abraham,
Cheektowaga, NY

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is appointed Bingo Inspector Chairman, effective January 1, 1995 for a term of one year:

Kenneth J. Jeffords, Depew, NY 1

and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as alternate Bingo Inspectors, to serve as Bingo Inspectors in the event the above named Bingo Inspectors are unable to perform their duties:

Joanne Burst, Depew, NY 1
Thaddeus L. Marciniak, Cheektowaga, NY 1

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 18a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board is responsible for appointing Bingo Inspectors to supervise the operation of bingo games in the Town of Cheektowaga to ensure that such games are fairly conducted in compliance with State law, and

WHEREAS, this Town Board has previously appointed Bingo Inspectors and had established annual salaries for such positions, and

WHEREAS, in the event a Bingo Inspector is unable to perform his/her duties in any given week and an alternate Bingo Inspector has to perform such duties, it is necessary to establish a weekly salary for such inspectors, NOW, THEREFORE, BE IT

RESOLVED that the salaries of the following referenced Bingo Inspectors and Chairman shall be established at the following weekly rates, effective January 1, 1995:

Bingo Inspectors (or Alternates) \$126.60/week Bingo Chairman \$132.55/week

and BE IT FURTHER

RESOLVED, that, in the event a Bingo Inspector is unable to perform his/her duties in any given week, he/she shall receive no salary for such week, and the alternate Bingo Inspector chosen to replace him/her shall receive such salary for said week.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 18b Establish salaries of part-time people in various departments

This item was withdrawn.

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

WHEREAS, the Federal Hazard Communication Law requires employers to train employees on chemical hazards in the workplace, and

WHEREAS, the Town's Disaster Coordinator regularly teaches hazard communication to Town employees, and

WHEREAS, the Keller-Technical Institute will be holding an in-depth Hazard Communication Train- the- Trainer Seminar on April 13, 1995 in Buffalo, New York to provide hazard communication trainers with up-to-date information on this law and how to deliver more effective training sessions, and

WHEREAS, the Town's Disaster Coordinator has requested permission to attend this seminar, NOW, THEREFORE, BE IT

RESOLVED, that Earl Loder be and hereby is authorized to attend the aforementioned Hazard Communication Train-the-Trainer Seminar, and BE IT FURTHER

RESOLVED, that the fee for such seminar shall be appropriated from budget line item number 0100-1220-4008.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 20 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, on May 3, 1994 this Town Board awarded the contract for the Sewer Maintenance Garage Restoration Project - Contract B (HVAC) to Allied Mechanical, Inc. for the total sum of \$48,226.00, and

WHEREAS, due to lack of progress by the General Contractor in completing the requirements of Contract A (General), Allied Mechanical, Inc. was directed to core drill holes for the installation of the paint room exhaust fans so as to facilitate the completion of work under Contract B, and

WHEREAS, the Town Engineer and the Project Consulting Engineer, Nussbaumer & Clarke, Inc. have recommended the approval of Change Order B-1, the cost of which will be deducted from monies owed the General Contractor under Contract A in a future change order for the close-out of Contract A, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. B-1 in the amount of \$1,836.00 as an increase to the contract of Allied Mechanical, Inc., 531 Virginia Street, Buffalo, New York 14202, be approved, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order B-1 on behalf of this Town Board.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

part hereof:

Item No. 21 cont'd

# **COMMUNITY DEVELOPMENT**

FROM:	0700-1093-0705 0700-1093-0670 0700-1091-0707 0700-1092-0707 0700-1092-0705	Contingency Contingency Contingency	\$ 9,000.00 75,000.00 10,000.00 37,613.78 25,000.00 25,400.00 5,600.00 1,977.00 630.00 3,450.00 5,400.00 3,000.00
TO:	0700-1093-0600 0700-1093-0600 0700-1091-0600 0700-1092-0600 0700-1094-0600 0700-1099-0600 0700-1090-0600 0700-1091-0600 0700-1092-0600	Housing Rehabilitation	\$ 9,000.00 75,000.00 10,000.00 37,613.78 25,000.00 25,400.00 5,600.00 1,977.00 630.00 3,450.00 5,400.00 3,000.00

Upon Poll Call.

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 22 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to February 24th, 1995 are hereby approved and made a part hereof:

GENERAL FUND	\$2, 513,801. 70
HIGHWAY FUND	760,608.43
TRUST & AGENCY FUND	24,983.32
PART TOWN FUND	48,003.93
CDBG FUND	50,978.03
RISK RETENTION FUND	73,710.52
NYS HOWE PROGRAM	3,299.00
HUD REHABILITATION1 FUND	26,835.00
SPECIAL DISTRICTS FUND	2,471,736.38
CAPITAL FUND	<u>126,105.69</u>
	\$6,100.062.00

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## **III. DEPARTMENTAL COMMUNICATIONS**

<u>Item No. 23a</u> Minutes of Cheektowaga Planning Board - January 12, 1995

Received and Filed.

Item No. 23b Minutes of Cheektowaga Traffic Safety Commission - January 24, 1995

Received and Filed.

# **IV. GENERAL COMMUNICATIONS**

<u>Item No. 24</u> Summons & Complaint - Amy Roska vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; James Matecki, Facilities Director; Allied Claims, Insurance Carrier.

Received and Filed.

Item No. 25 Petition from residents of Princeton, Marilyn Harvard Woodcrest Courts regarding

poor drainage

Copies were sent to: Dennis Gabryszak, Supervisor; Town Board Members.

Received and Filed.

Item No. 26 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

to adjourn the meeting

RICHARD M. MOLESKI Town Clerk

# TOWN OF CHEEKTOWAGA MEETING NO. 6 MARCH 6, 1995

Item No. 1 At an regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of March, 1995 at 7:00 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Ronald Marten, Supervising Building & Plumbing Inspector; Jerome Gabryszak, Director of Community Development, Bruce Chamberlin, Chief of Police and Leonard Szymanski, Facilities Foreman.

#### I. RESOLUTIONS

Item No. 2a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the furnishing of football equipment for the Youth and Recreational Services Department, AND

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

RESOLVED, that the bid be awarded to the following bidders meting specifications:

Jim Ludtka Sporting Goods
2931 Walden Avenue

Laux Sporting Goods
25 Pineview Drive

Depew, New York 14043 Amherst, New York 14228

BE IT RESOLVED, that the costs resulting from the awarding of this bid be funded through line item:

--7140.4601

BE IT FURTHER RESOLVED, that the items not being awarded under this bid be and hereby are rescinded.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 2b</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing and installation of trees along Town highways within the Town of Cheektowaga, funded in part, and to be installed in accordance with a U.S. Small Business Administration Grant for New York's National Small Business Tree Planting Program, which bids were duly received and opened on February 15, 1995, AND

Item No. 2b cont'd.

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which report is hereto attached and contained in a letter to the Town Board dated March 1, 1995, AND

WHEREAS, said report recommends that the contract for the furnishing and installation of trees be awarded to Gleason's Nursery, Inc., 4780 Sheridan Drive, Williamsville, New York 14221 for the adjusted base bid price of \$20,140.00, said bid being the lowest meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and installation of trees be and hereby is awarded to Gleason's Nursery, Inc. in the amount of \$20,140.00 for the quantities of the various tree species and unit bid prices outlined below, AND, BE IT FURTHER

RESOLVED, that funding for the aforesaid project shall be from budget line item #5005-8560-0700.

ITEM	COMMON NAME (BOTANICAL NAME)	UNIT <u>QUANTITY</u>	PRICE
Α	Skyline Locust (Gleditsia Tricanthos Inermis) "Skyline"	34	\$119.00
В	Imperial Locust (Gleditsia Triacanthos Inermis "Imperial"	30	125.00
С	Little Leaf Linden (Tilia Cordata Greenspire)	32	130.00
D	Crimson King Maple (Acer Platanoides) "Crimson King"	30	130.00
E	Summit Ash (Fraxinus Pennsylvanica Lanceo- lata) "Summit"	36	119.00

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 3</u> Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the furnishing of various football equipment and clothing items for use in youth and recreation programs, AND

WHEREAS, bids were awarded at the February 27, 1995 Town Board meeting, AND

WHEREAS, some of the items were not bid on or some of the items necessitated a change in description, NOW, THEREFORE, BE IT

RESOLVED, that the items that were referred to in the Notice to Bidders dated January 17, 1995 which were not awarded, be and hereby are rescinded, and BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of said football equipment and clothing items for the Youth and Recreational Services Department. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk; said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on Wednesday, March 22, 1995 at 11:00 A.M.. Eastern Standard Time at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 22, 1995 at 11:00 a.m., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing and football equipment for use in various Youth and Recreation programs.

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

Bid prices will be in effect for the calendar years 1995 and 1996.

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

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

Richard M. Moleski Town Clerk

Dated: March 6, 1995



Upon Roll Call...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES 0 ABSENT: 0

# AFFIDAVIT - NEXT PAGE

Item No. 4 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following PART-TIME employee be and hereby is terminated as listed:

#### **FACILITIES DEPARTMENT**

Patricia Obarka Effective Immediately

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 5</u> Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town previously appointed Christine Lacey as Payroll Clerk on a provisional basis, pending the establishment of a valid competitive Civil Service list for said position, AND

WHEREAS, such competitive list has now been established by the Erie County Department of Personnel and Christine Lacey is listed as an eligible candidate, NOW, THEREFORE, BE IT

RESOLVED, that Christine Lacey be and hereby is permanently appointed to the position of Payroll Clerk effective January 10, 1995, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

## FACILITIES DEPARTMENT - Laborer - \$5.00 per hour

Elizabeth B. Little Effective 3/07/95

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Establish Salaries of Part-Time/Seasonal Employees in Various

Departments

This item was withdrawn.

<u>Item No. 8a</u> Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the International Association of Chiefs of Police is hosting a training course March 13-14, 1995 in Albany, New York.

# Item No. 8a cont'd.

WHEREAS, this course, <u>COP/POP: The Implementation Process</u> will cover the topics of community oriented policing (COP) and problem oriented policing (POP). After completing this training officers will understand the elements and objectives of COP/POP, be able to establish values of policing to include the community and the police department, develop a COP philosophy, and be able to identify substantive community problems. An integral part of this training will be group

exercises, where participants will explore a range of responses to deal with specific problems. Chief Chamberlin is requesting authorization to send Capt. Richard Chamberlin, Lt. Mark Nacke, Lt. Cheryl Rucinski and Lt. John Glascott to this training. The police department will be responsible for tuition, meals, lodging and travel expenses amounting to approximately \$1,500. A police vehicle will be used for transportation to and from this training. NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send the above officers to this training, and that the time they spend there be authorized as normal duty time. This expense will be charged to lines 0100-3120-4093 and 0100-3120-4085.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Madison County Virginia Sheriff's Department is hosting their annual K-9 Training Seminar. The Seminar will be held in Madison, Virginia March 20-24, 1995.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send officer Daniel Smith and "Gringo" to this training seminar. Officer Smith and "Gringo" have been requested to instruct a portion of this seminar. Officer Smith will be using the K-9 vehicle for transportation to and from this seminar. The Police Department will be responsible for the expense of gasoline and tolls, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Officer Smith and "Gringo" to this seminar and that the time he spends at this training be authorized as normal duty time. The expense will be charged to line 0100-3120-4085.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 9</u> Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Scaffidi & Moore Architects has submitted proposals to furnish professional services for Roof Reconstruction at the Cheektowaga Senior Citizens Center and Dartwood Community Center, AND

WHEREAS, said professional services shall include Specifications, Working Drawings, Site inspections, Contract Documents and Asbestos Abatement Activities, including testing, documentation and air sampling, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board retains the firm of Scaffidi & Moore Architects, 4535 Bailey Avenue, Buffalo, New York 14226 at a fee not to exceed \$11,620.00 for Roof Reconstruction at the Cheektowaga Senior Citizens Center and Dartwood Community Center, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Account #7110.4000.4458.

#### Item No. 9 cont'd.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 10</u> Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga Amusement Arcade Ordinance provides that the Town Board shall establish a fee for variance applications, AND

WHEREAS, it has been recommended by the Supervising Building and Plumbing Inspector that a fee for such variance application be set at \$100.00, AND

WHEREAS, it is in the public interest to set the variance application fee as recormended, NOW, THEREFORE, BE IT

RESOLVED, that the Amusement Arcade Ordinance variance application fee be set at \$100.00 and shall be effective immediately.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. Ila Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, previously, this Town Board retained the services of Hiscock & Barclay to represent the Town's interests in the lawsuit entitled <u>"Town of Cheektowaga v. Starlite Builders, et al., AND</u>

WHEREAS, such lawsuit is still ongoing and, in order for the interests of the Town to continue to be represented, it is necessary for this Town Board to appropriate additional moneys for the services of Hiscock & Barclay, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to appropriate the additional sum of \$4,000.00 to be used to pay the expenses of Hiscock & Barclay in the above entitled lawsuit, and BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jawarowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. Ilb Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, previously, this Town Board retained the services of Howard P. Schultz, MAI, to prepare appraisals for certain property for the Town, AND

WHEREAS, the Town acquired some of the property listed in said appraisal through condemnation, and thereafter the owner of such property commenced litigation in order to seek additional compensation for such property, AND

WHEREAS, as a result of such litigation, it is necessary that the Town acquire additional appraisal services from Howard P. Schultz, MAI, NOW, THEREFORE, BE IT <a href="Item No. Ilb cont'd">Item No. Ilb cont'd</a>.

RESOLVED, that this Town Board hereby appropriates the additional sum of \$11,000.00 to be used to pay for appraisal services to be rendered by Howard P. Schultz, MAI, and BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motion by Supervisor Gabryszak, seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers & Warrants that were submitted to the Town of Cheektowaga prior to March 3rd, 1995 are hereby approved and made a part hereof:

GENERAL FUND	\$ 98,332.63
HIGHWAY FUND	137,478.41
TRUST & AGENCY FUIJD	129.50
PART TOWN FUND	766.92
CDBG HUD FUND	23,000.77
HUD REHABILITATION FUND	7,666.00
SPECIAL DISTRICTS FUND	391,845.70
CAPITAL FUND	40,591.00

\$699,810.93

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

## **II. DEPARTMENTAL COMMUNICATIONS**

Item No. 13 Building Permits

Received and Filed.

## **III. GENERAL COMMUNICATIONS**

Item No. 14a Notice of Claim: Alice and Raymond Molenda vs the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney

and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 14b Notice of Claim: Kevin and Michele Palmer vs the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney;

Highway Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 15 Request to Speak: Mr. and Mrs. Robert Frost re: Amusement Arcade Ordinance

Received and Filed.



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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



#### **IV. SUSPENSION OF RULES**

<u>Item No. 16</u> Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department,

AND

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

WHEREAS, Joseph Alba, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Alba of Resolved, Cheektowaga, New York 1 be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 6, 1995.



MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN ROGOWSKI TO AMEND THE ABOVE RESOLUTION, ITEM 16, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0



<u>AMENDED</u>

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department,

AND

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

WHEREAS, Joseph Alba, currently emoloyed as a Laborer in the Highway Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Alba of processing the property of the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 7, 1995.

Item No. 8 cont'd.

Upon Roll Call ...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 17</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Town's current telephone system is out-of-date, in as much of it is some 20 years old, AND

WHEREAS, Gordon L. Allen of G.L. Allen Associates, who is in the business of telecommunication system consulting, planning and management, has proposed to study the Town's

telecommunication needs, with the view of preparing specifications for bid for a modern telecommunication system, all as is more fully set forth in the annexed proposal dated January 27, 1995,

NOW, THEREFORE, BE IT RESOLVED, that Gordon L. Allen be and he hereby is retained for the aforesaid project, under the terms and conditions specified in the annexed proposal, and BE IT FURTHER

RESOLVED, that the \$4,000.00 cost of this project be paid from funds previously budgeted therefor.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, Julia B. Reinstein is the owner of a triangular-shaped parcel of land located near the intersection of Bellevue Avenue and Como Park Boulevard, AND

WHEREAS, Mrs. Reinstein wishes to donate said land to the Town and has submitted the attached deed to the Town for its acceptance, AND

WHEREAS, this land and the area around it are significant in the history of the Town of Cheektowaga, said history being detailed in the attached letter and memo from Julia B. Reinstein, AND

WHEREAS, Mrs. Reinstein has requested that the Town officially name this property the "Bellevue Triangle" NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned land and deed from Julia B. Reinstein, and BE IT FURTHER

RESOLVED, that said land is hereby officially named the "Bellevue Triangle", and BE IT FURTHER

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

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,

Blachowski, Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 19</u> Motion by Supervisor Gabryszak, seconded by Councilman Jaworowicz to adjourn this meeting in memory of Joseph Starosciak, husband of Genevieve-Starosciak, former Erie County Clerk.

Richard M. Moleski Town Clerk

# TOWN OF CHEEKTOWAGA MEETING NO. 7 March 20, 1995

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of March, 1995 at 7:00 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Ronald Marten, Supervising Building & Plumbing Inspector; Bruce Chamberlin, Chief of Police; Sal LaGreca, Chairman of Planning Board; Bill Pugh, Assistant Town Engineer; David Kulik, Working Foreman in Sanitation Department and Leonard Szymanski, Facilities Foreman.

#### I. RESOLUTIONS

<u>Item No. 2a</u> Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Benderson Development, Sweet Home Blend-All Hotel Development, Inc. has made application and requested a Rezoning from RA-Apartment District to C-Retail for property located at 760 Dick Road, said applicant being the property owner, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 3, 1995 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

**AFFIDAVIT - NEXT PAGE** 

WHEREAS Joseph LaPorta, Meineke Discount Mufflers & Brakes, has made application and requested a Rezoning from C-Retail to MS-Motor Services for property located at 2810 Union Road, said applicant being the property owner, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 3, 1995 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 3a Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building

permits, etc. and renders its recommendation concerning the environmental significance of such application, and

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, and

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Gregory Carballada, Architect, to construct a 18,750 square foot warehouse on Bison Parkway, and

WHEREAS, a warehouse is compatible with uses presently existing in the area, those uses being warehousing, manufacturing and offices, and

WHEREAS, the Planning Board has approved the Landscaping plan at their meeting of March 9, 1995, and

WHEREAS, the Town Engineer and Town Highway Department have requested easements for the storm drainage systems on the west and north sides of the property, and

WHEREAS, a sanitary sewer extension is required for this project and the extension must be approved by other agencies, and

WHEREAS, the Environmental Advisory Committee, at its meeting held on March 15, 1995 rendered the determination shown on the attached memo dated March 15, 1995, and

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment provided certain conditions are complied with, the conditions being:

- No building permit to be issued prior to granting of easements to the Town for stormwater drainage along the west and north sides of the property
- No building permit to be issued until the plans for the sanitary sewer extension are approved by all involved agencies
- No Certificate of Occupancy is to be issued until the sanitary sewer extension is installed and accepted by all involved agencies.

and therefore issues a "Conditional Negative Declaration" for purposes of SEQRA.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

## Item No. 3b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, etc. and renders its recommendation concerning the environmental significance of such application, and

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, and

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by CS Architects to construct a 90 seat Restaurant (Kenny Rogers Roasters) at 3823 Union Road, and

WHEREAS, the New York State Department of Transportation reviewed the plan and found no impact on the State Highway system, and

WHEREAS, the applicant has met with the EAC, Planning Board, and other Town Groups and Departments, and

WHEREAS, as a result of these meetings, the applicant has modified landscaping, submitted an exterior property maintenance/housekeeping schedule and a letter for undertaking snowplowing/sidewalk clearing, and

WHEREAS, the applicant is coordinating with the Town Engineer for the purpose of installing sidewalks along Union Road, and

WHEREAS, the applicant has committed to continually cooperating with the Town to maintain visibility of the intersection as part of the snow clearing activity, and

WHEREAS, the Environmental Advisory Committee, at its meeting held on March 15, 1995 rendered the determination shown on the attached memo dated March 15, 1995, and

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for purposes of S.E.Q.R.A.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

# Item No. 4a Motion by Councilman Solecki, Seconded by Councilman Wielinski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing on one (1) Roll-Off Hoist for the Sanitation Department, which bids were duly received and opened at a public bid opening for that purpose, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) Roll-Off Hoist be awarded to Cyncon Equipment, Inc., 6800 W. Henrietta Road, W. Henrietta, New York 14586 for their bid in the

amount of \$26,632.00 for one (1) Roll-Off Hoist, said bid being the lowest bid meeting requirements of the specifications, and BE IT FURTHER

RESOLVED, that funding for said Roll-Off Hoist shall be chargeable to Account #5304-8160-9364.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

#### Item No. 4b Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 1993 Cab and Chassis for the Sanitation Department, which bids were duly received and opened at a public bid opening for that purpose, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) 1993 Cab and Chassis be awarded to Bison Truck Center, Inc., 2370 Walden Avenue, P.O. Box 201, Buffalo, New York 14225-0201 for their bid in the amount of \$77,600.00 for one (1) 1993 Cab and Chassis, said bid being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that funding for said Cab and Chassis shall be chargeable to Account #5304-8160-9364.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

# Item No. 4c Motion by Councilman Wielinski, Seconded by Councilman Johnson

WHEREAS, bids were duly received on March 8, 1995 as the result of advertisement, therefore, for the furnishing of traffic control signs, street name signs and brackets for the 1995 calendar year. Said bids were referred to the Town Engineer for analysis, tabulation and report, which said report is hereto attached and contained in a letter to the Town Board dated March 9, 1995, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of traffic control signs, street name signs and brackets for the 1995 calendar year, per said unit prices, be awarded to the following:

Chemung Supply Corporation P.O. Box 527 Elmira, New York 14902 (607) 733-5506 FAX (607)732-5379

## Item No. 4c

## ITEM 1 - Square and Diamond Signs - Finished

	CLASS A
18" X 18"	\$ 7.74
24" X 24 "	13.74
30" X 30 "	21.49
36" X 36"	25.00
48" X 48"	40.00

## ITEM 2 - Octagon Signs - Finished

	<u>C</u>	LASS A
30" X 30" 36" X 36"	\$	17.53 22.17
ITEM 3 - Rectangle Signs Finished		
	<u>C</u>	LASS A
12" X 18" 18" X 24" 18" X 30" 24" X 30" 24" X 36" 24" X 48" 30" X 36" 36" X 12" 36" X 48"	\$	5.59 10.33 11.29 17.84 18.14 24.00 22.50 9.08 30.00
ITEM 4 - Traffic Signs - Finished		
	<u>C</u>	LASS A
36" 48"	\$	13.77 20.00
ITEM 5 - Street Name Signs - Finished		
	<u>C</u>	LASS A
12" X 6" 18" X 6" 24" X 8" 30" X 8" 36" X 8" 42" X 8"	\$	2.12 3.68 6.49 8.69 8.48 9.38 10.00
ITEM 6 - Street Sign Brackets		
	<u>C</u>	LASS A
2" Round Post - Ext/Flat 2" Square Post - Ext/Flat	\$	3.59 3.59

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

# \*\*SEE NEXT PAGE(S) for ATTACHMENT

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

WHEREAS, this Town Board has previously authorized the preparation of plans and specifications for modifications to Sanitary Sewer District No. 8, Pump Station No. 1 facilities, and

WHEREAS, the Town Engineer advises that plans and specifications prepared by Nussbaumer & Clarke, Inc., Consulting Engineers, have been completed, and the project is ready for solicitation of bids, and

WHEREAS, costs associated with modifications to the site and pump station wet well chamber are to be reimbursed by the New York State Department of Transportation (NYSDOT) as

provided for under an approved Utility work Agreement associated with the NYSDOT reconstruction of Genesee Street Project C.P.I.N. 5209.25.321, .322, .303, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for Grade and Pavement Adjustments to the Rein Road Pump Station, said notice to be published in the CHEEKTOWAGA TIMES, and BF IT FURTHER

RESOLVED, that sealed bids will be received on the 5th day of April, 1995 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York on the 5th day of April, 1995 at 11:00 A.M., Local Time in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for the Grade and Pavement Adjustments to the Rein Road Pumping Station, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the Contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for the Grade and Pavement Adjustments to the Rein Road Pumping Station".

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

#### Item No. 5a cont'd

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

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

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

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

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in 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 60 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF: THE TOWN OF CHEEKTOWAGA

RICHARD M. MOLESKI, Town Clerk

Dated: March 20, 1995

Published: March 20, 1995

**\_\_\_** 

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, it is in order that bids be advertised for the furnishing and installation of one (1) shelter and three (3) concrete pads at the Dingens Street Park, and

WHEREAS, the Engineering Department is hereby requested to prepare plans and specifications, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of one (1) shelter and three (3) concrete pads, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on April 5, 1995 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.



#### **NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 5, 1995 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and installation of one (1) Shelter and Three (3) Concrete Pads at the Dingens Street Park in the Town of Cheektowaga.

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

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

Each proposal must be accompanied by a certified check For a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

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

RICHARD M. MOLESKI Town Clerk



Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## AFFIDAVIT - NEXT PAGE

### Item No. 6a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, sewer odor complaints have been registered on a periodic basis, particularly during the warm summer months, associated with the Sanitary Sewer District No. 5 force main/gravity sewer discharge where wastewater flows join Buffalo Sewer Authority facilities located west of Pine Ridge Road, and

WHEREAS, preliminary investigation and monitoring indicates elevated concentrations of hydrogen sulfide gas are present during the warmer months of the year which may be associated with the lengthy force main conveyance of wastewater from the Sewer District No. 5 Main Pump Station to Buffalo Sewer Authority Facilities, and

WHEREAS, this Town Board recognizes the need to minimize or eliminate odors associated with the conveyance of wastewater to the Buffalo Sewer Authority, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated March 10, 1995, to perform the necessary data gathering, odor control analysis, pilot testing and final recommendations be and hereby is approved, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said Consulting Engineering Agreement for the aforesaid Sewer District No. 5 Odor Control Investigation Study on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that funding for professional services as associated with the aforementioned study in the amount of \$14,600.00 shall be chargeable to Account No. 5016-8125-2501.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, pursuant to Article 13-A of the New York Civil Practice Law and Rules, the Erie County District Attorney is authorized to commence civil forfeiture actions against criminal defendants to recover money and other property constituting the proceeds of crime, and

WHEREAS, the Erie County Legislature has adopted policies and procedures with respect to such forfeiture moneys realized, and

WHEREAS, on February 2, 1995, the Erie County Legislature, on the recommendation of the District Attorney, appropriated \$3,660.00 for the Town of Cheektowaga Police Department, and thereafter a Grant Award Agreement was forwarded to the Town for approval and signature, and

WHEREAS, such Grant Award Agreement requires that the moneys appropriated be added, in a non-supplanting manner, to the Cheektowaga Police Department's budget to be used expressly for the Drug Interdiction Unit, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Grant Awards Agreement with the County of Erie.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## <u>Item No. 7</u> Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga Receiver of Taxes and Assessments is charged with the collection of real property taxes for the County, Town, special districts and school districts, and

WHEREAS, if such taxes are not paid when due, the Town Receiver of Taxes and Assessments is required to notify the delinquent property owners, and

WHEREAS, pursuant to Section 987 (1) of the Real Property Tax Law, the Town may impose a fee for such late payment notice and have such fee added to the property owner's tax bill, NOW, THEREFORE, BE IT

RESOLVED, that the Town Receiver of Taxes and Assessments be and hereby is authorized and directed to charge \$1.00 for the aforementioned late payment notice, and BE IT FURTHER

RESOLVED, that said late payment notice fee shall be added to and become chargeable to the tax bill for such property.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 8 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following SEASONAL employee be and her terminated as

listed:

RECYCLING DEPARTMENT

Eric Cadwallder Effective Immediately

Upon Roll Call ...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 9 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Patricia Hamme be terminated as an employee in the Department of Senior Services, and BE IT FURTHER

RESOLVED, that Patricia C. Marciniak, Cheektowaga, NY 1 be hired as a part-time Nutrition Site Manager at \$5.25 per hour in the Department of Senior Services.

FUNDING SOURCE: 7620-1639.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No. 10</u> Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, after receipt of proposals from four firms, this Town Board, by resolution dated July 18, 1994, retained Computer Task Group, Inc., as consultants for Phase I of a contract for the analysis, design and implementation of a Townwide Information System, and Item No. 10 cont'd

WHEREAS, it is now necessary to complete such analysis, design and implementation of a Townwide Information System, NOW, THEREFORE, BE IT

RESOLVED, that Computer Task Group, Inc., 700 Delaware Avenue, Buffalo, New York 14209 be and hereby is retained, as per its 1994 proposal, to complete the project for the analysis, design and implementation of a Townwide Information System at a cost of \$33,000.00., and BE IT FURTHER

RESOLVED, that moneys for such project shall be appropriated from budget line item number 5312-1440-9338.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

<u>Item No.11a</u> Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Detective First Grade in the Police Department, and

WHEREAS, the Chief of Police and his screening committee recommend that Robert J. Walker be appointed to said vacancy, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Walker be and hereby is appointed to Detective First Grade in the Police Department, effective March 21, 1995.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

WHEREAS, there is a vacancy on the Cheektowaga Conservation Advisory Council ("CCAC") created by the resignation of Daniel Quartironi, and

WHEREAS, the CCAC has recommended that this Town Board appoint Edward Kosmoski, Jr. to this vacancy, and

WHEREAS, Mr. Kosmoski has many years experience in project/construction management and is familiar with regulations, including environmental laws, relating to commercial construction projects, and

WHEREAS, this Board feels that Mr. Kosmoski would be an asset to the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that Edward Kosmoski, Jr., proceedings, Depew, New York be and hereby is appointed as a member of the CCAC, effective immediately and terminating on October 15, 1996.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 12a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed 24 weeks in a calendar year, in the various departments

#### Item No. 12a cont'd

listed and in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga Employees Association:

#### SIGN MAINTENANCE - \$6.50 per hour - Laborer

Thomas R. Nowak

Michael A. Urbanski

Thomas J. Hudy

Effective 3/21/95

Effective 3/21/95

Effective 3/21/95

FACILITIES DEPARTMENT - \$5.00 per hour - Laborer

Timothy Blackowski Effective 4/3/95

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

### Item No. 12b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individual be hired in the Youth and Recreational Services Department at the title and salary indicated (part-time):

#### RECREATION ATTENDANT II - TGIF 7140.1614 - \$4.50

Glen Getz

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

### Item No. 13a Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network MAGLOCLEN) and the Pennsylvania Homicide Investigators Association (PHIA) will co-host a Regional Information Sharing Conference on Homicide Investigation March 29-31, 1995, in Conshohocken, PA., and ,

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Lt. James Morath, Lt. Eugene Leahy, and Det. Floyd Lukowski to this conference. Lt. Morath and Lt. Leahy have not received any form of homicide training. officer will receiving training in the following topics: Forensic Hypnosis; Child Abuse/Neglect Homicides, both from a medical examiner's and prosecutor's perspective; the Use of NCIC in Homicide Investigations as well as Crime Scene Management and Crime Scene Photography. The issues such as DNA, Fingerprints, Ballistics and Search Warrants will also be discussed. The Police Department will be responsible for registration, lodging, meals and travel expenses amounting to approximately \$600.00. A Police Vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send the above Officers to this training, and that the time they spend there be authorized as normal duty time. Expenses will be charged to line 0100-3120-4094 and 0100-3120-4085.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## <u>Item No. 13b</u> Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the New York State Assessors' Association is offering a Seminar on "Valuation of Pre-Fabricated Residences" at the Whistle Stop Restaurant in Alden, New York on Thursday, March 30, 1995 from 9 a.m. to 4:30 p.m., and

WHEREAS, William R. Conway, Assessor, has requested that Kevin Gawel attend said seminar, NOW, THEREFORE, BE IT

RESOLVED, that Kevin Gawel be and hereby is authorized to attend said Seminar, and BE IT FURTHER

RESOLVED, that the cost of \$75.00 be charged to account #0100-1355-4001.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

### <u>Item No. 14</u> Motion by Councilman Johnson, Seconded by Councilman Wielinski

BE IT RESOLVED that the New York State Electric & Gas Corporation (NYSEG) be and hereby is authorized to furnish and install two (2) 100 watt, 8500 lumen high pressure sodium luminaries on Meadowbrook Parkway on Pole 2-1 and Pole 1 replacing two (2) existing 175 watt mercury vapor luminaries at an annual decrease to the General Lighting District of \$17.74 in accordance with the attached NYSEG Street Lighting Proposal.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

### Item No. 15 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, on May 3, 1993 this Town Board awarded the 1contract for the Sewer Maintenance Garage Restoration Project, Contract D, Electrical, to Warren's Electric Company for the total sum of \$34,022.00, and

WHEREAS, due to the default of the General Contractor, Baker Development and Construction Company under Contract A for the subject project and the delays by the surety in progressing this project to facilitate the ability to complete Contract D, Warren's Electric Company was required to maintain insurance coverages as required under the contract for a period exceeding one (1) year beyond the contractually scheduled completion date, and

WHEREAS, the Town Engineer and the Project Consulting Engineer, Nussbaumer & Clarke, Inc., have recommended the approval of Change order #D-2 (final) which provides for compensation to Warren's Electric Company for payment of the premium for the extension of insurance coverage, the cost of which will be deducted from monies owed the General Contractor under Contract A during the closeout of Contract A, and

WHEREAS, Warren's Electric has executed the project close-out documents for Contract D consisting of the Forms of Guarantee, Contractor's Affidavit of Release of Liens, Form of Affidavit for Final Payment and Engineer's Statement of Completion and has submitted the Consent of Surety for final payment, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #D-2 in the amount of \$500.00 as an increase to the contract of Warren's Electric Company, 77 Reading Street, Buffalo, NY 14220 be approved, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #D-2 on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that funding in the amount of \$500.00 shall be chargeable to Account No. 5305-8125-9378, and BE IT FURTHER

RESOLVED, that Contract D is hereby deemed complete in accordance with the contract plans and specifications and the Supervisor, on behalf of this Town Board, is further authorized and directed to execute the State of Completion for said Contract D.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 16 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, Lake Side Contracting Company, Inc. has submitted requisition for Final Payment for General Construction and Masonry Work at the Alexander Community Center, and

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed the project for compliance with the terms set forth in the plans and specifications for General Construction and Masonry Work, and

WHEREAS, Lake Side Contracting Company, Inc. has furnished Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Asbestos Statement, Consent of Surety Company to Final Payment, Carpet Maintenance Instruction, Contractor confirmation that no changes in contract requirement occurred and Manufacturer's 10 year water repellent costing warrant, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment in the amount of \$7,708.00 to Lake Side Contracting Company, Inc., 303 South Park, Buffalo, New York 14204 for General Construction and Masonry Work at the Alexander Community Center, and BE IT FURTHER

# Item No. 16 cont'd

RESOLVED, that funds for said action are available from Capital Improvement Account #5301.1625.9308 and 0100.7110.4458.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 17 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

part hereof:

**GENERAL FUND** 

FROM: 0100-1010-2201 Office Equipment \$ 2,500.00

TO: 0100-1010-4188 Equipment Rental \$ 2,500.00

NYS HOME FUND

FROM: 1100-8600-0703 Administration Expense \$11,800.00

TO: 1100-8600-0600 Housing Rehabilitation \$11,800.00

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED that the following Vouchers & Warrants are sub to the Town of Cheektowaga prior to March 17, 1995 are hereby approved and part hereof:

GENFRAL FUND	\$ 2,465,289.32
HIGHWAY FUND	1,343.875.38
TRUST & AGFAICY FUND	4, 705, 242.07
PART TOWN FUND	68,514.80
RISK RETENTION FUND	172,216.22
CDBG HUD FUND	215,000.49
NYS HOME FUND	4,518.99
HUD REHABILITATION FUND	8,376.00
SPECIAL DISTRICTS FUND	971,646.29
CAPITAL FUND	477,381.71
	\$10,432,061.27

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

### **II. DEPARTMENTAL COMMUNICATIONS**

<u>Item No. 19</u> Minutes of Cheektowaga Traffic Safety Commission - February 21, 1995

Received and Filed.

### **III. GENERAL COMMUNICATIONS**

Item No. 20a Summons & Complaint - Donna Trautman & Infant, Nicole Trautman vs

Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Highway Department; ALLIED CLAIMS, Insurance Carrier.

Received and Filed.

<u>.Item No. 20b</u> Summons & Complaint - Filene's Basement, Inc. vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Bruce Chamberlin, Chief of Police; ALLIED CLAIMS, Insurance Company

Received and Filed.

Item No. 21a Notice of Claim - Peter Kowalyk vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Sewer Department; ALLIED CLAIMS, Insurance Carrier.

Received and Filed.

Item No. 21b Notice of Claim - Barbara Mueller vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town

Attorney; Sanitation Department; ALLIED CLAIMS, Insurance Carrier.

Received and Filed.

<u>Item No. 22</u> Petition from Senior Citizens Group at St. Josaphat's regarding Wilson Farms Store

at 2719 William Street.

Copies were sent to: Dennis H. Gabryszak, Supervisor; Town Board Members;

Building Inspector's Office; Planning Board Chairman.

Received and Filed.

#### **IV. SUSPENSION OF RULES**

Motion by Councilmen Johnson, Seconded by Councilman Wielinski

to suspend the rules to include the following items and the voting was as follows:

Upon Roll Call ...

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 23 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a temporary vacancy exists in the position of Cleaner in the Facilities Department, and

WHEREAS, notice of said temporary vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, Francis G. Strong, currently employed as a Part-Time Laborer in the Building Maintenance Department, bid on said temporary vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Francis G. Strong be and hereby is appointed to the position of Cleaner (Temporary) in the Facilities Department in accordance with the terms and conditions as setforth in the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective March 21, 1995.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## Item No. 24a Motion by Councilman Jaworowicz, Seconded by Councilman Johnson

WHEREAS, the New York State Government Finance Officers' Association (GFOA) will be holding its Annual Conference in Albany, New York on March 21-24, 1995, and

WHEREAS, the Supervisor has requested permission to attend this meeting, and

WHEREAS, information important to the Town will be discussed at this meeting, NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Dennis H. Gabryszak be and hereby is authorized to attend the aforementioned meeting, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with the Supervisor's attendance at this meeting out of budget line number 6100-1910-4082.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

## <u>Item No. 24b</u> Motion by Councilman Jaworowicz, Seconded by Councilman Johnson

WHEREAS, the Erie County Government Association has scheduled a working meeting with its Western New York Legislative Delegates and the Governor's Office for April 23-25, 1995, and

WHEREAS, the Supervisor has requested attendance at this meeting in order to represent the Town's interests on several important matters to be discussed, NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Dennis H. Gabryszak be and hereby is authorized to attend the aforementioned meeting, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with the Supervisor's attendance at this meeting out of budget line number 0100-1910-4082.

Upon Roll Call ....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski,

Johnson and Wielinski

NAYES: 0 ABSENT: 0

Item No. 25 Motion by Councilman Johnson, Seconded by Councilman Wielinski

to adjourn the meeting.

RICHARD M. MOLESKI Town Clerk