<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, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski

Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; David Kulyk, Director of Solid Waste; Robert Kaczmarek, Supervising Accountant; William Pugh, Town Engineer; William Conway, Assessor; Ronald Marten, Building and Plumbing Inspector; and John Schaller, Assistant Chief of Police

I. RESOLUTIONS

Item No. 2a Motion By Supervisor Gabryszak, Seconded by Councilmember Blachowski

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 1996 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 16th February 5th and 26th September 3rd and 16th

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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 2b</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Johnson

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 1996 at 6:30 P.M. on the fourth Monday of each month, except for the months of February and May, and BE IT FURTHER

RESOLVED, that the work session for February, 1996 shall be held on February 27th, 1996 at 6:30 and the work session for May, 1996 shall be held on May 28, 1996 at 6:30 P.M., and BE IT RESOLVED,

Item No. 2b continued

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 3a</u> Motion By Councilmember Wielinski, Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 1996:

New Year's Day	January 1, 1996	Monday
Day After New Year's	January 2, 1996	Tuesday
President's Day	February 19, 1996	Monday
Good Friday	April 5, 1996	Friday
Memorial Day	May 27, 1996	Monday
Independence Day	July 4, 1996	Thursday
Labor Day	September 2, 1996	Monday
Columbus Day	October 14, 1996	Monday
Election Day	November 5, 1996	Tuesday
Veterans Day	November 11, 1996	Monday
Thanksgiving Day	November 28, 1996	Thursday
Day After Thanksgiving	November 29, 1996	Friday
Christmas Eve	December 24, 1996	Tuesday
Christmas Day	December 25, 1996	Wednesday

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 3b</u> Motion By Councilmember Blachowski, Seconded by Councilmember Swiatek

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

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

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motion By Councilmember Blachowski, Seconded by Councilmember Wielinski

WHEREAS, the Town of Cheektowaga is eligible to receive funding under the Community Development Block Grant and HOME Investment Partnerships Programs for the 1996 Program Year, AND

WHEREAS, the amount of Community Development Block Grant and HOME Program funding for which the Town will be eligible next year has not yet been made available by the Department of Housing and Urban Development, AND

WHEREAS, the Town of Cheektowaga is required to prepare and submit to the Department of Housing and Urban Development an Annual Plan which identifies the activities that the Town will carryout during the next program year, AND

WHEREAS, the Town of Cheektowaga, as a member of the HOME Consortium with the Towns of Tonawanda and Amherst, will submit its Annual Plan in conjunction with the Towns of Tonawanda and Amherst, AND

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs and to review program performance during the previous program year, AND

WHEREAS, proposed activities under the 1996 Community Development Block Grant and HOME Programs will be available for public review and comment in the public libraries within the Town, the Cheektowaga Town Clerk and Community Development Office on January 3rd, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 16, 1996 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the CHEEKTOWAGA TIMES on Thursday, January 4, 1996.

FY 1996 ACTION PLAN TOWNS OF AMHERST, CHEEKTOWAGA AND TONAWANDA

PUBLIC HEARINGS

Public hearings will be held on January 16, 22 and 24, 1996 for the Action Plan covering the period April 1, 1996 - March 31, 1997 for the Towns of Amherst, Cheektowaga and Tonawanda. The purpose of the hearings is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the three towns, as well as comments on the draft Action Plan, which is available for public review in local libraries.

A draft Action Plan has been placed in local libraries throughout the three towns for citizen review. It sets goals for addressing housing and community development needs in the three towns and delineates federal programs that will be used to meet those goals. Federal Community Development Block Grant (CDBG), HOME (3 town Consortium) and Emergency Shelter Grants (ESG) that the towns apply for will be covered by the Plan.

Anticipated funding levels for these programs for Federal FY 1996 are:

Amherst	\$	785,000
Cheektowaga CDBG	\$	885,000
Tonawanda CDBG	\$2	,204,000
HOME Consortium	\$	884,000
ESG (Tonawanda only)	\$	72,000

Item No. 4 continued

Those wishing to offer comments at the public hearings are encouraged to submit a written text, as well. Those not choosing to appear at the public hearing may submit comments in

writing to the Amherst Planning Department, 5593 Main Street, Williamsville, New York 14221; the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, New York 14211; and the Tonawanda Office of Community Development Parkside Village Community Building, 169 Sheridan Parkside Drive, Tonawanda, New York 14150.

Public hearings will be held at the following times and locations:

Town of Amherst Municipal Building, 5583 Main Street Williamsville, New York 14221, at 7:30 p.m., Monday, January 22, 1996

Town of Cheektowaga Town Hall, Broadway and Union Roads Cheektowaga, New York 14227, at 6:30 p.m., Tuesday, January 16, 1996

Town of Tonawandda Office of Community Development Parkside Village Community Building Room 113, 169 Sheridan Parkside Drive Tonawanda, New York 14150, at 7:00 p.m., Wednesday, January 24, 1996

Interpreters will be available upon request at the meetings to sign for the hearing impaired. If you are in need of such special arrangements, please contact the Cheektowaga Community Development Office at 897-7200, the Tonawanda Community Development office at 871-8850, or the Amherst Planning Development at 631-7082 seven (7) business days in advance of the hearing. All hearing locations are accessible to the physically handicapped.

Carl J. CalabreseThomas J. AhernDennis H. GabryszakTown SupervisorTown SupervisorTown SupervisorTown of TonawandaTown of AmherstTown of Cheektowaga

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 5</u> Motion By Councilmember Wielinski, Seconded by Councilmember Rogowski

BE IT RESOLVED, that Marine Midland Bank, N.A. (Cheektowaga Office), Fleet Bank (Harlem Road Office), Key Bank (Cheektowaga Office), Chase Bank, 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 BE IT FURTHER

RESOLVED, that Marine Midland Bank, N.A. (Cheektowaga Office), Fleet Bank (Harlem Road Office), Key Bank (Cheektowaga Office), Chase Bank, N.A. (Depew Office), Chemical Bank (Walden Avenue) 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 be 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Swiatek

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 1996:

Marine Midland Bank, NA (Cheektowaga Office)

Manufacturers and Traders Trust Company (Airport Plaza)
Key Bank (Appletree Business Park and Union Road)

Fleet Bank (Harlem Road Office) Chase Bank, N.A. (Depew Office) Citibank (Cheektowaga Office)

Chemical Bank (Walden Avenue Office)

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Wielinski

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

WHEREAS, this Town Board wishes to readopt such Investment Policy with minor amendments, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the attached Investment Policy as the comprehensive investment policy of the Town of Cheektowaga, effective immediately.

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8a Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga will enter into an agreement with the County of Erie to receive funds to increase its service to "at risk" youth as a result of savings in the PINS/JD Diversion Program; AND

WHEREAS, the Town will receive an advance payment of \$10,000 from the County,

AND

WHEREAS, the Town will enter into an agreement with the Be-A-Friend Big Brother/Big Sister Program for provision of said service, which will require establishment of necessary budget lines, NOW, THEREFORE, BE IT

RESOLVED, that the following account lines be and hereby are amended:

BAF/Erie Co. (Expense) Account # - 7140.4489

\$10,000

BAF/Erie Co. (Revenue) Account # - 7140.2180

\$10,000

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak Item No. 8b

WHEREAS, the Department of Youth and Recreational Services will receive an advance payment of \$5,033.34 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 amended:

Y.E.S./B.O.C.E.S. (Expense) Account 0001-7310-4695

\$5,033.34

Y.E.S./B.O.C.E.S. (Revenue) Account 0001-7310-3975 \$5,033.34

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 9 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following recreational fees be established effective January 1, 1966 for the 1996 summer season.

Item No. 9 continued

SOFTBALL TEAM FRANCHISE FEES

Coed	-	\$235.00
Women's	-	\$235.00
Men's Leisure		\$235.00
Fast Pitch	-	\$235.00
Business*	(5	\$275.00
Over 40	-	\$275.00

Friday Men's Classic -

*Non-residents must pay an additional fee at a cost of \$18 per person per league they play in. Each team must have a minimum of 60% of their actual roster being Town Residents. Town Business Teams may enter into any division (all of its players must be empowered by a company that is located within Cheektowaga). All teams, with the exception of the Over 40 league, must pay a \$22 refundable forfeit fee.

\$300.00

DIAMOND RENTAL FEES

All diamond rentals are in two (2) hour time blocks

	RESIDENT	NON-RESIDENT
<u>Diamonds</u> Per two hour time block No lights Lights	\$ 30.00 \$ 55.00	\$ 40.00 \$ 65.00
Diamonds 13 week series Same two hour time block No lights	\$250.00	\$400.00
Lights Games added	\$400.00	\$650.00
No lights Lights	\$ 25.00 \$ 50.00	\$ 35.00 \$ 60.00

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 10 Motion By Councilmember Wielinski, Seconded by Councilmember Blachowski

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

part hereof:

GENERAL FUND

From: 0100-1910-4711 Contingency \$5,000.00

To: 0100-1110-1003 Justice \$5,000.00

Motion by Supervisor Gabryszak, no second to table the

above resolution, Item 10

Item No. 10 continued

Upon roll call. . . .

AYES: Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and

Swiatek

NAYES: Supervisor Gabryszak

ABSENT: 0

<u>Item No. 11</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED, that the following Vouchers and Warrants were submitted to the Town of Cheektowaga prior to December 29, 1995 and are hereby approved and made a part hereof:

GENERAL FUND	\$197,791.56
HIGHWAY FUND	\$ 26,315.89
TRUST & AGENCY	\$ 12,405.47
PART TOWN FUND	\$ 1,946.62
RISK RETENTION FUND	\$ 22,566.14
CDBG HUD FUND	\$ 4,455.00
SPECIAL DISTRICTS FUND	\$ 93,900.18
CAPITAL FUND	<u>\$ 26,570.16</u>

\$385,951.02

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 12a Motion By Councilmember Rogowski, Seconded by Councilmember Wielinski

BE IT RESOLVED, that the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 1996:

Supervisor	\$61,251.00
Councilmember (6)	\$18,551.00
Tax Receiver	\$44,628.00
Town Clerk	\$49,706.00
Highway Superintendent	\$57,170.00
Town Justice (2)	\$50,220.00
Budget Director	\$ 5,000.00
Registrar of Vital Statistics	\$ 4,000.00

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 12b</u> Establish Salaries of Town Officials and Non-Union Personnel

This item was withdrawn.

<u>Item No. 12c</u> Establish Salaries of Part-Time Employees

This item was withdrawn.

<u>Item No. 13a</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

BE IT RESOLVED, that James J. Kirisits, 2 Manlon Terrace, Cheektowaga, New York be and hereby is reappointed Town Attorney, effective January 1, 1996 to December 31, 1997.

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13b</u> Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

BE IT RESOLVED, that William R. Pugh, 86 Jessica Lane, Cheektowaga, New York be and hereby is reappointed Town Engineer, effective January 1, 1996 to December 31, 1997.

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13c</u> Motion By Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, the term of office of the registrar of vital statistics for the Town of Cheektowaga has expired, AND

WHEREAS, pursuant to Section 4121 of the Public Health Law of the State of New York, a town clerk is eligible for appointment as a registrar for his town, AND

WHEREAS, the Town Clerk of the Town of Cheektowaga has traditionally acted as the registrar of vital statistics for the Town of Cheektowaga and all such records are maintained in his office, NOW, THEREFORE, BE IT

RESOLVED, that Town Clerk, Richard M. Moleski, be and hereby is reappointed as the registrar of vital statistics for the Town of Cheektowaga for a term expiring on December 31, 1999.

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 13d Motion By Councilmember Blachowski, Seconded by Councilmember Rogowski

WHEREAS, Section 11-c of the Domestic Relations Law of the State of New York authorizes town boards to appoint marriage officers who shall have the authority to solemnize marriages, AND

WHEREAS, by resolutions dated August 22, 1989 and January 6, 1992, the Cheektowaga Town Board appointed marriage officers pursuant to such law, AND

WHEREAS, the terms of such marriage officers expired on December 31, 1995, and this Town Board wishes to continue the availability of the services of such marriage officers for the benefit of Town taxpayers, NOW, THEREFORE, BE IT

RESOLVED, that the following named individuals be and hereby are reappointed as marriage officers authorized to solemnize marriages within the territory of the Town of Cheektowaga:

Richard M. Moleski Vickie L. Dankowski

Item No. 13d continued

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13e</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED, that the following individuals be and hereby are appointed as Bingo Inspectors, effective January 1, 1996 for a term of one year:

Katherine Zydel, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Ruth A. Cassacci, XXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX John Abraham, XXXXXXXXXXXXXXXXXXXXX Depew, New York XXXXX Joanne Burst, XXXXXXXXXXXXXXXXXX, Depew, New York XXXXX

Thaddeus I. Marciniak, XXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

and, BE IT FURTHER

RESOLVED, that the following individual be and hereby is appointed Bingo Inspector Chairman, effective January 1, 1996 for a term of one year:

Kenneth J. Jeffords, XXXXXXXXXXXXXX, Depew, New York XXXXX

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13f</u> Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, the terms of three (3) members of the Cheektowaga Traffic Safety Commission expired on December 31, 1995, 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, 1998:

Lou Penkalski XXXXXXXXXXXXXXXX, Cheektowaga Charles Getz XXXXXXXXXXXXXX, West Seneca John Sandilands XXXXXXXXXXXXXXXXXXXXXXX, Marilla

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13g</u> Motion By Councilmember Rogowski, Seconded by Councilmember 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

Item No. 13g continued

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one year, and their terms expired on December 31, 1995, 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, 1996 and expiring on December 31, 1996:

Kenneth Blum, XXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX Alexander Burke, XXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX Victor Carlucci, XXXXXXXXXXXXXXXXXXX, Depew, New York XXXXX Wesley Fuqua, XXXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX Dorothy Kubik, XXXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Donald LeBarron, XXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX Joseph Lipowski, XXXXXXXXXXXXXX, Depew, New York XXXXX Sylvia Lipowski, XXXXXXXXXXXXXX, Depew, New York XXXXX Joseph Porempski, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Earle Rosenthal, XXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13h</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Wielinski

WHEREAS, the terms of Andrew A. Kulyk as Chairman of the Cheektowaga Zoning Board of Appeals expired as of December 31, 1995, AND

WHEREAS, Andrew A. Kulyk has performed his duties satisfactorily as Chairman of the Zoning Board of Appeals in the past, and desires to continue on such Board, NOW, THEREFORE, BE IT

RESOLVED, that Andrew A. Kulyk, XXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is reappointed as Chairman of the Cheektowaga Zoning Board of Appeals, effective January 1, 1996 and terminating on December 31, 2000.

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 14 Motion By Councilmember Rogowski, Seconded by Councilmember Jaworowicz

WHEREAS, there is a vacancy on the Cheektowaga Planning Board created as a result of the expiration of a member's term in office, AND

WHEREAS, Anthony H. Sisti has applied for such position and meets the qualifications established in the law for such position, NOW, THEREFORE, BE IT

WHEREAS, Anthony H. Sisti, XXXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of member of the Cheektowaga Planning Board, effective January 1, 1996 and terminating on December 31, 2002.

<a href="https://linearchy.com/li

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is a member of the Northeast-Southtowns Solid Waste Management Board ("NEST"), a board which was created to help reduce the cost of the removal of solid waste for various municipalities, AND

WHEREAS, pursuant to the agreement creating NEST, the Town Board must designate a representative and one or more alternates to serve on the NEST Board, NOW, THEREFORE, BE IT

RESOLVED, that the following persons shall serve as representative and alternate to the NEST Board on behalf of the Town:

Representative David J. Kulik, Foreman

Sanitation Department

Alternate Dennis H. Gabryszak,

Supervisor

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 16</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Wielinski

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

- A. <u>Annual Audit</u> 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.
 - 2. Preparation of financial audit of the Town's records for the year ended December 31, 1995.
 - 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) will 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. Benefit Basis Budget Preparation Assistance will be provided to the Supervisor, Town Board and the Town's Chief Accountant in various phases of the preparation of the 1997 benefit basis budget. Will compute special district rates for submission to Erie County to assist in the preparation on individual property tax bills.

Item No. 16 continued

- E. Ad Valorem Budget Consultation Will review the tentative 1997 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 fund 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 Program.
- H. Preparation of Detailed Budget Presentation Document.

AND,

WHEREAS, this Town Board desires to retain the services of Deloitte & Touche, CPA's, for these services, NOW, THEREFORE, BE IT

RESOLVED, that Deloitte & Touche be retained to perform the services listed above for the year 1996 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 17</u> Motion By Councilmember Rogowski, Seconded by Councilmember Swiatek

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 1996 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

RESOLVED, that additional fees for services provided to the Cheektowaga Action Partnership shall be paid out of CAP budget line item number 0100-7320-4000.

Item No. 17 continued

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 18 Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

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

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

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

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

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

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

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

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 19a Motion By Councilmember Johnson, Seconded by Supervisor Gabryszak

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, 1996 provides for a credit of \$210,425.00 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 hereby is authorized and directed to execute same on behalf of the Town.

Upon roll call. . .

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

Johnson, Wielinski and Swiatek

NAYES: 0

ABSENT: 0

<u>Item No. 19b</u> Motion By Councilmember Blachowski, Seconded by Councilmember Wielinski

WHEREAS, the Town administers a housing rehabilitation program for eligible Town homeowners to make necessary repairs and improvements to their homes, AND

WHEREAS, the Town's Housing Rehabilitation Loan Program Policy Guidelines require Town Board approval of rehabilitation loans of more than \$25,000, AND

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 830 Beach Road in an amount not to exceed \$27,500, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a housing rehabilitation loan agreement, and any other necessary related documents, with the owner of 830 Beach Road, Cheektowaga, New York, for a housing rehabilitation loan in an amount not to exceed \$27,500.

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be terminated from the Youth and Recreational Services Department (seasonal/part-time):

John Hartman Jack Hornung Roger Newhouse Cathy Giles Brian Hansen Anthony Lorigo Wendy Sala

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 21a Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be hired in the Youth and Recreational Services Department (seasonal):

Pools - 7180.1902

Pool Supervisor I - \$9.45

Cathy Giles XXXXXXXXXX, Depew, New York XXXXX

Recreation Supervisor - Special Events - \$9.70

John Hartman XXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Pool Director - \$12.20

Brian Hansen XXXXXXXXXXXXXXX, Depew, New York XXXXXX

Item No. 21a continued

Cheektowaga Conservation Corps

7310.1811

Program Coordinator - \$10.50

Jack Hornung XXXXXXXXXXXXXXXXXXXXXX, Akron, New York XXXXX

Education Coordinator - \$10.50

Roger Newhouse XXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 21b Motion By Supervisor Gabryszak, Seconded by Councilmember Wielinski

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, 1996:

SEWER MAINTENANCE DEPARTMENT - \$5.50 per hour

TAX OFFICE - Day Shift \$5.75 per hour

Judith Havernick XXXXXXXXXX

Patricia Miller XXXXXXXXXX

TAX OFFICE - Night Shift \$5.00 per hour

Patricia Cosimano XXXXXXXXXXXXXXXX Geraldine Glascott XXXXXXXXXXXXXXXXXX Virginia Helinski XXXXXXXXXXXXXXX XXXXXXXXXXXX Eleanor Kantowski Rita Kujawa XXXXXXXXXXXXXX Wanda Lennert XXXXXXXXXX Evelyn Magavero XXXXXXXXXXXXXX Carol Malkiewicz XXXXXXXXXXXXXXXXX Arlene Mueller XXXXXXXXXXXXXX Denise Myers XXXXXXXXXXXXXXXXX

Item No. 21b continued

TAX OFFICE - Night Shift \$5.00 per hour cont'd.

Pamela Ruday XXXXXXXXXXXX Joan Wojtkowski XXXXXXXXXXXXXXXX

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 21c Motion By Supervisor Gabryszak, Seconded by Councilmember Wielinski

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, 1996:

SEWER MAINTENANCE DEPARTMENT - \$5.50 per hour

David Klosko XXXXXXXXXXX

SEWER MAINTENANCE DEPARTMENT - \$6.00 per hour

Leo Dominczak XXXXXXXXXXXXXXXX

MAIN PUMP STATION - \$6.00 per hour

FACILITIES DEPARTMENT - \$6.00 per hour

SANITATION DEPARTMENT - \$5.50 per hour

Richard Bosiacki XXXXXXXXXXXX

Nicholas Notar XXXXXXXXXXXXXXXXX

Item No. 21c continued

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 22</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, Fred Pryor Seminars will be holding a seminar entitled "Management Skills for Secretaries, Administrative Assistants, and Support Staff", in Buffalo on January 10, 1996, AND

WHEREAS, such seminar will assist the personnel in the Supervisor's Office as well as others, AND

WHEREAS, Valerie A. Meyers, Assistant to Town Supervisor is hereby authorized to attend such seminar,

NOW, THEREFORE, BE IT RESOLVED, that fees for such seminar will not exceed \$149.00, and shall be appropriated from budget line item number 0100-1910-4082.

Upon roll call. . . .

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 23</u> Building Permits Received and Filed.

Item No. 24 Minutes of Cheektowaga Planning Board - November 9, 1995

Received and Filed.

Item No. 25a Notice of Claim: Gina Czajka 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. 25b Notice of Claim: Jerome F. Burger 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. 25c Notice of Claim: Robert Frederico 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. 25d Notice of Claim: Mark S. Bolis vs the Town of Cheektowaga

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

Attorney; Sanitation Department and Allied Claims Insurance Carrier.

Received and Filed.

<u>Item No. 25e</u> Notice of Claim: Paul W. Crabtree 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.

III. GENERAL COMMUNICATIONS

Item No. 26a Petition Regarding Rezoning of Property at 525 Losson Road

Received and Filed.

Item No. 26b Petition Regarding Rezoning of Property at 525 Losson Road

Received and Filed.

<u>Item No. 27</u> Motion By Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in

memory of Edward S. Chmielewski, brother of Richard M. Moleski, Town Clerk; John Slisz, former Town employee; and John DeJoseph, Supervisor of the Town of Elma.

Richard M. Moleski Town Clerk

<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 16th day of January, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Jerry Gabryszak, Director of Community Development; Bruce Chamberlin, Chief of Police.

I. RESOLUTIONS

Item No. 2 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:	0100-3120-3820	State Aid-Police	\$11,800.00
TO:	0100-3120-1541	Patrolmen	\$ 8,000.00
	0100-3120-3800	Bike Patrol Supplies	3,800.00

CAPITAL FUND

FROM:	5402-1910-9399	Administrative Expense	\$ 4,000.00
TO:	5402-7110-9601	Recreation Center	\$ 4,000.00

Cooling Tower Study

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to January 12, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$ 4,119,743.02
HIGHWAY FUND	843,616.40
TRUST & AGENCY	26,129.95
PART TOWN FUND	82,476.68
RISK RETENTION FUND	59,142.31
CDBG HUD FUND	14 830 90

Item No. 3 cont'd

HUD HOUSING REHABILITATION FUND SPECIAL DISTRICTS FUND

CAPITAL FUND

6,145.00 3,960,869.43 <u>958,075.56</u> \$10,071,029.25

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 4a</u> Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the purchase of baseball and hockey equipment for use in the Youth and Recreational Services Department, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of said equipment. 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 February 7, 1996 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 bid proposals will be received and considered by the Town Board of the Town of Cheektowaga, publicly opened and read by the Town Clerk of the Town of Cheektowaga, Erie County, New York, on February 7, 1996 at 11:00 a.m., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and hockey equipment.

Information for bidders and specifications may be obtained from the Town Clerk, Richard M. Moleski, at his office at Town Hall. Telephone number (716) 686-3434.

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

RICHARD M. MOLESKI, Town Clerk Town Hall Broadway and Union Road Cheektowaga, New York 14227

DATE: January 16, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 4b</u> Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the installation and repair of storm and sanitary sewers in the Town of Cheektowaga, and

WHEREAS, the Cheektowaga 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, operators and laborers for said installation and repair of storm and sanitary sewers, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 29th day of January, 1996 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 29, 1996 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment, operators and laborers for the Installation and Repair of Storm and Sanitary Sewers in the Town of Cheektowaga.

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

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

No bidder may withdraw his bid within forty five (45) days after the actual date of the opening thereof.

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

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

RICHARD M. MOLESKI Town Clerk

DATED: January 16, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 4c</u> Motion by Councilmember Wielinski, seconded by Councilmember Rogowski

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 1996 for the Town of Cheektowaga, 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 work uniforms for the Town of Cheektowaga for the year of 1996, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 29th day of January, 1996 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 29, 1996 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 1996 calendar year.

Information for bidders and specifications maybe 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: January 16, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 4d</u> Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for the maintenance and installation of drainage and erosion control projects for local tributaries in the Town of Cheektowaga, and

WHEREAS, the Cheektowaga 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 maintenance and installation of drainage and erosion projects for local tributaries, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 29th day of January, 1996 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 29, 1996 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment and operators for the maintenance and installation of drainage and erosion control projects for local tributaries in the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing of Equipment and Operators for the Maintenance and Installation of Drainage and Erosion Control Projects" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty five (45) days after the actual date of the opening thereof.

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

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

RICHARD M. MOLESKI Town Clerk

DATED: January 16, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 5a Motion by Councilmember Jaworowicz, seconded by Councilmember Wielinski

WHEREAS, the Town's current agreement with the County of Erie for the removal of snow and ice on certain county roads expired on August 31, 1995, and

WHEREAS, the County has agreed to increase its payments to the Town under such contract in accordance with the request made by the Town Board by resolution dated September 18, 1995, and

WHEREAS, the County of Erie has submitted to the Town of Cheektowaga a snow and ice removal contract for a five (5) year period beginning on the 1st day of September, 1995 and ending on the 31st day of August, 2000, and

WHEREAS, said agreement is acceptable to the Town Superintendent of Highways, 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 for snow and ice removal on behalf of the Town of Cheektowaga.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR AGREEMENT

<u>Item No. 5b</u> Motion by Councilmember Jaworowicz, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of the property located at 66 Haller Avenue in the Town of Cheektowaga, New York, and

WHEREAS, said owner has applied for a mortgage loan through Marathon Capital L.P. for the purpose of consolidating his mortgage and other debt, and

WHEREAS, Marathon Capital has conditioned its approval of the owner's mortgage on the subordination of the Town's mortgage to that of Marathon Capital, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute a Subordination Agreement with Marathon Capital, L.P., 5678 Main Street, Williamsville, New York, 14221, in relation to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 66 Haller Avenue, Cheektowaga, New York 14211.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 5c</u> Motion By Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the County of Erie has realized a savings in the PINS/JD Diversion Program and has agreed to pass along \$10,000 to the Town of Cheektowaga to increase its service to "at risk" youth; and

WHEREAS, the Department of Youth and Recreational Services has a need to increase its services to children residing in the single parent families which comprise almost 17 percent of our total households; and

WHEREAS, the TOWN will enter into an agreement with the Be-A-Friend Program Inc. to provide assistance to Cheektowaga youth through its Big Brother/Big Sister Program with these funds; and

WHEREAS, the TOWN Law Department has approved as to form an agreement written by the COUNTY to authorize transfer of said funds; NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby authorized and directed to sign the attached agreement between the TOWN and the COUNTY to advance said funds.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR AGREEMENT

Item No. 6 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, the Niagara Frontier Transportation Authority ("NFTA") operates the Metro Bus System which provides bus transportation in Erie and Niagara Counties, and

WHEREAS, presently, the NFTA has a bus stop on the south side of Walden Avenue at Duke Road in front of Wegmans and the Galleria Mall, and

WHEREAS, the majority of people who get off at this bus stop must cross Walden Avenue to go to the Walden Galleria Mall, thereby creating pedestrian and traffic safety concerns, and

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the NFTA should relocate the bus stop within the Walden Galleria complex property, and

WHEREAS, it would be desirable for the bus stop to be located on the Walden Galleria Mall property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the NFTA and the Pyramid Company of Buffalo/Walden Galleria to meet to identify a site on the Walden Galleria Mall property to utilize as a bus stop in lieu of the aforementioned bus stop on the south side of Walden Avenue, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NFTA and the Pyramid Company of Buffalo/Walden Galleria.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motion by Supervisor Gabryszak, seconded by Councilman Jaworowicz

WHEREAS, Thomas W. Sansone caused a notice of claim to be served upon the Town of Cheektowaga on account of person injuries sustained by him on February 24, 1991, when part of a nature trail in Stiglmeier Park gave way causing him to fall down an embankment, and

WHEREAS, on or about January 8, 1992, a summons and complaint on the claim of Thomas W. Sansone and his wife, Geraldine Sansone, was served upon the Town, and

WHEREAS, the aforesaid lawsuit has been thoroughly investigated and vigorously defended by claim administrators and attorneys for the Town under its self-insured liability claims program, and

WHEREAS, the said defense attorneys for the Town have recommended the settlement of the aforesaid lawsuit by payment of the sum of \$39,500.00, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$39,500.00 be paid by the Town from its self-insured liability claim fund, in full and final settlement of the aforesaid lawsuit of Thomas W. Sansone and Geraldine Sansone, subject to the approval, if required, of a Justice of the Supreme Court wherein such lawsuit is pending, and BE IT FURTHER

RESOLVED that attorneys from the law firm of Grosse, Chelus, Herdzik & Speyer be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement and compromise.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 8</u> Motion by Councilmember Jaworowicz, seconded by Councilmember Wielinski

WHEREAS, the Town of Cheektowaga Highway Department is responsible for maintaining the walkways and stairs which cross the New York State Thruway from Old Maryvale Drive to Maryvale Drive in the Town, and

WHEREAS, Cleveland Hill Cross Country Team has requested permission to clean such walkways and stairs and to remove glass, stones, etc. from same and possibly paint over graffiti on such walkways and stairs, and

WHEREAS, the Town Superintendent of Highways has recommended approval of the request of Cleveland Hill Cross Country, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to Cleveland Hill Cross Country Team to clean the aforementioned walkways and stairs and to remove debris, graffiti, etc. therefrom under the supervision of the Cheektowaga Highway Department, and BE IT FURTHER

RESOLVED that prior to performing any work on such walkways or stairs, a representative to Cleveland Hill Cross Country Team shall contact the Town Highway Department to coordinate such work.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No 9</u> Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has supported the Meals on Wheels Program for over fourteen years, and

WHEREAS, we are presently serving 248 elderly residents daily with two home-delivered 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 1996 to insure the continuity of this program in our Town.

Funding Account: 0100-7620-4629

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 10</u> Motion by Supervisor Gabryszak, seconded by Councilmember Rogowski

BE IT RESOLVED that Dorothy McManus, Nutrition Site Manager and Marie Fredericks, Group Leader, be terminated as employees of the Cheektowaga Department of Senior Services effective January 5, 1996, and BE IT FURTHER

RESOLVED that Alice Saskowski, XXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be hired as Nutrition Site Manager at the Maryvale East Complex at \$6.00 per hour and Richard Piontek, XXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX as a Van Driver at \$6.25 per hour effective January 16, 1996.

FUNDING ACCOUNT:

Nutrition Site Manager 0100-7610-1639

Van Driver 0100-7620-1636

Item No. 10 cont'd

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 11</u> Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED that the below listed individuals be terminated from the Youth and Recreational Services Department, effective immediately (part-time):

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 12a Motion by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance 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, George Ross, currently employed as Motor Equipment Operator "A", bid on said vacancy, was interviewed, and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that George Ross of XXXXXXXXXXXXXXXXXXXXXX, Sloan, New York XXXXX, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Department, in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective January 17, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 12b Motion by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance Department, and

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

WHEREAS, Mark Wegner, currently employed as General Mechanic, bid on said vacancy, was interviewed, and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

Item No. 12b cont'd

RESOLVED that Mark Wegner of XXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Department, in accordance with the terms and conditions of the collective bargaining agreement

between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective January 17, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13</u> Motion by Councilmember Swiatek, seconded by Councilmember Wielinski

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

MAIN PUMP STATION - \$6.00 per hour (Laborer)

Leroy Linkner XXXXXXXXXXXXXX, Chktg., NY XXXXX 02/05/96

SEWER MAINTENANCE DEPARTMENT - \$5.50 per hour (Laborer)

Damian Klosko XXXXXXXXXXXXXXXX, Chktg., NY XXXXX 01/01/96

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 14a Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED that the below listed individual, presently employed as a Recreation Attendant in Line Item 7140.1611 also be hired as a Lifeguard V in Line Item 7180.1903 at a rate of \$6.25 per hour, not to exceed a total of 19 hours per week (part-time):

Gregory Bean XXXXXXXXXXXXXX XXXXX

and BE IT FURTHER

RESOLVED that the following individuals be transferred as indicated (part-time):

From Recreation Leader II to Recreation Supervisor IV - \$6.25 - 7140.1614

From Recreation Attendant II to Recreation Specialist II - \$5.00 - 7140.1614

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 14b</u> Motion by Councilmember Swiatek, seconded by Councilmember Wielinski

BE IT RESOLVED that the 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

SEWER MAINTENANCE DEPARTMENT - \$5.50 per hour (Laborer)

Jeffrey Rogowski XXXXXXXXXXX, Depew, XXXXX Immediately

POLICE DEPARTMENT-TRAFFIC MAINTENANCE DIVISION - \$6.50 per hour

Michael Urbanski XXXXXXXXXXXXXXXXX, Chktg, XXXXX Immediately Thomas Bollman XXXXXXXXXXXXXX, Chktg., XXXXX Immediately

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer) (1491-1625)

James DiGiacomo XXXXXXXXXXXXXXXXX, Chktg, XXXXX Immediately

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 15</u> Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, a need exists to replace the Evaporative Condenser at the Town Park Recreation Center, and

WHEREAS, R.P. Morrow Associates, P,C. has submitted a proposal to provide Mechanical and Engineering Services required for the Replacement of the Evaporative Condenser at the Town Park Recreation Center, and

WHEREAS, said proposal for professional services includes fifteen (15) sets of plans and specifications for Evaporative Condenser and steel support removal and replacement, attend Bid Opening, review Bids, attend up to four on site job meetings during construction, review shop drawings and conduct a final punch list, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retains the firm of R.P. Morrow Associates, P,C, to perform Professional Services related to the Replacement of the Evaporative Condenser at the Town Park Recreation Center at a fee not to exceed \$3,500.00 and BE IT FURTHER

RESOLVED that funds for said action are available from Account #5402.7110.9601.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16a Motion by Supervisor Gabryszak, seconded by Councilman Jaworowicz

WHEREAS, the 1996 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 18-21, 1996, and

Item No. 16a cont'd

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 1996 Training School and Annual Meeting of the Association of Towns:

Supervisor Superintendent of Highways Town Clerk Town Engineer Councilmember Swiatek

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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Wielinski and Swiatek

NAYES: Councilmember Johnson

ABSENT: 0

<u>Item No. 16b</u> Motion by Councilmember Jaworowicz, seconded by Councilmember Johnson

WHEREAS, the New York State Government Finance Officers' Association (GFOA) will be holding its Annual Conference in Albany, New York on March 27-29, 1996, and

WHEREAS, information important to the Town will be discussed at this meeting and which the Town will be required to implement, and

WHEREAS, the Supervisor and Supervising Accountant have requested permission to attend this meeting, and

WHEREAS, the Supervising Accountant of the Town is the Chairperson of the Western Council of GFOA, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Gabryszak and Robert E. Kaczmarek be and hereby are authorized to attend the aforementioned conference, and BE IT FURTHER

RESOLVED that the Town shall pay all reasonable costs associated with this conference not to exceed \$1,200.00 per individual out of budget line item #0100-1910-4082.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 16c</u> Motion by Councilmember Blachowski, seconded by Councilmember Swiatek

WHEREAS, the New York State Emergency Management Association ("NTSEMA") will be holding its winter conference in Saratoga Springs, New York from January 24-26, 1996, and

Item No. 16c cont'd

WHEREAS, the Town's Disaster Coordinator has requested permission to attend such conference, and

WHEREAS, the State Emergency Management Office will pay all costs associated with attending this conference, NOW, THEREFORE, BE IT

RESOLVED that Earl Loder be and hereby is authorized to attend the NYSEMA winter conference and to take the Town Disaster Coordinator's Vehicle to and from such conference.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16d Motion by Councilmember Jaworowicz, seconded by Councilmember Wielinski

WHEREAS, the Niagara Frontier Building Officials Association is conducting an educational seminar on various aspects of building codes and inspections from February 4-7, 1996 at the Buffalo Marriott Hotel, Amherst, NY 14221, and

WHEREAS, said seminar provides 18 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 Richard J. Willis, and Lawrence J. Kensy, Housing Inspectors, are authorized to attend said educational seminar on February 4, 5, 6 and 7, 1996, at the Buffalo Marriott Hotel, at a cost of \$170.00 per person, said costs to be paid from the Community Development and the Building Inspection Department Budgets.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16e Motion by Supervisor Gabryszak, seconded by Councilmember Rogowski

WHEREAS, the Cheektowaga Action Partnership has received an invitation to attend a Workplace Prevention Forum April 11th, 12th, 13th, 1996 in Washington, D.C., and

WHEREAS, said invitation is only being extended to Community Partnerships who have receive Workplace Supplemental Grants from CSAP, and

WHEREAS, CAP has been a recipient of said grant and will share information and documentation regarding program outcomes with other partnerships, businesses and community leaders from across the country, NOW, THEREFORE, BE IT

RESOLVED that Ellen M. Fischer, CAP Project Director be authorized to attend said conference and be reimbursed all necessary travel and lodging expenses from the appropriate budget line item (0100-7320-4000).

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 16f</u> Motion by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, the Niagara Frontier Building Officials Association is conducting an educational seminar on various aspects of building codes and inspections from February 5-7, 1996 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, and Gary Parks are authorized to attend said educational seminar on February 5, 6 and 7, 1996 at the Buffalo Marriott Hotel, at a cost of \$170.00 per person, said costs to be paid from the Building Inspection Department Budget.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 17a</u> Minutes of Cheektowaga Planning Board - December 14, 1995

Received and Filed.

Item No. 17b Minutes of Cheektowaga Traffic Safety Commission - December 16, 1995

Received and Filed.

Item No. 18 Office of Disaster Preparedness - Quarterly report from October to December, 1995

Received and Filed.

Item No. 19 Town of Cheektowaga Records Management Program Year End Report for 1995

Received and Filed.

Item No. 20 Supervisor's Statement of Funds - November 1995

Received and Filed.

Receiver of Taxes and Assessments - Report of moneys for 1994 Item No. 21

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22a Notice of Claim - Mary Miceli by Gaetano Miceli, son vs Town of Cheektowaga

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

Attorney; Chief of Police; Allied Claims, Insurance Carrier.

Received and Filed.

Item No. 22b Notice of Claim - Patricia Bellomo vs Town of Cheektowaga

> Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; James Matecki, Facilities Director; N. Rutkowski, Facilities Department;

Allied Claims, Insurance Carrier.

Received and Filed.

Notice of Claim - Mary Pilarz vs Town of Cheektowaga Item No. 22c

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

Attorney; Chief of Police; Highway Department, Allied Claims, Insurance Carrier.

Received and Filed.

Item No. 23 Petition requesting to retain R-Residential Zoning on Losson Road

Copies were sent to: Dennis H. Gabryszak, Supervisor; Town Board Members;

James Kirisits, Town Attorney.

Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilmember Johnson, seconded by Councilmember Blachowski to suspend the rules to include the following items, and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 0 ABSENT:

Item No. 24 Motion by Councilmember 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, rezoning, special permits, etc. 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, an application was submitted by Harry Konst as a representative of AHEPA 91, Incorporated for the purpose of rezoning property known as 887 French Road, and

WHEREAS, the request is to rezone 3.4 acres of land from RS-Residence Single District to RSC-Residential Senior Citizens to construct a 3-story 50 unit senior citizens facility, and

WHEREAS, the plan has been modified to incorporate a future Town drainage easement, easier access at French Road and landscaping, and

WHEREAS, the various reviewing Town committees have recommended approval, and

WHEREAS, the Advisory Committee at its meeting held on December 13, 1995 render the determination shown on the attached memo dated December 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 the purposes of S.E.Q.R.A.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 25</u> Motion by Councilmember Blachowski, seconded by Councilmember Johnson

WHEREAS, Harry Konst, as representative of AHEPA 91, Inc. has petitioned for the rezoning from RS-Residence Single District to RCS - Residential Senior Citizen District of property owned by it and located at 887 French Road, Cheektowaga, New York which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of January, 1996, at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance") and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and based on commitments from the application has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment, NOW, THEREFORE, BE IT

RESOLVED that the application of Harry Konst as representative of AHEPA 91, Inc. for the rezoning from RS-Residence Single District to RSC - Residential Senior Citizens District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 26 Motion by Supervisor Gabryszak, seconded by Councilmember Wielinski

WHEREAS, the New York State Archives and Records Administration offers a grant program to assist local governments with the 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.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 27</u> Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

to adjourn the meeting.

MEETING NO. 2 January 16, 1996

> RICHARD M. MOLESKI Town Clerk

<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 5th day of February, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Jerry Gabryszak, Director of Community Development; John Schaller, Assistant Chief of Police; and Kenneth Kopacz, Director of Youth and Recreational Services Department.

I. RESOLUTIONS

Item No. 2 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: 0100-1410-4001 Office Supplies \$ 3,025.00

To: 0100-1410-4431 Equipment Maintenance \$ 3,025.00

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED, that the following Vouchers and Warrants that were submitted to the Town of Cheektowaga prior to February 2, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$	629,861.41
HIGHWAY FUND		673,789.91
TRUST & AGENCY FUND		28,533.64
PART TOWN FUND		7,109.95
RISK RETENTION FUND		68,391.94
CDBG HUD FUND		267.94
HUD HOUSING REHABILITATION FUND		12,061.00
SPECIAL DISTRICTS FUND		300,334.72
CAPITAL FUND		<u>5,371.53</u>
	\$1	,725,722.04

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

Councilmember Jaworowicz

WHEREAS, Bernard Pieczynski, the record owner of the real property located at 525 Losson Road, Cheektowaga, New York, by petition dated September 14, 1995, requested the rezoning of such property from its residential classification (R-Residence District) to a business district classification (NS-Neighborhood Services District), so that the property could be used for a "funeral home with residence"), AND

WHEREAS, the Cheektowaga Planning Board has considered the aforesaid petition; and by letter dated November 22, 1995, recommended that the petition be denied based, in part, on the well-established plan that the properties abutting Losson Road be developed in accordance with their residential classification, AND

WHEREAS, the Town's Environmental Advisory Committee has considered the aforesaid petition; and at its meeting of November 15, 1995, concluded

"the rezoning would be incompatible with the Town's Master Plan and the uses along Losson Road. It has been the intent of the Town and Town Board that Losson Road was to be kept residential for most of its length due to the existing residences and continuing residential growth as well as the fact

that the north side of Losson Road is occupied primarily

by Stiglmeier Town Park as well as a new Town Library. The Town had never intended to allow commercial growth along Losson Road and it is the committee's belief that this rezoning could lead to a proliferation of rezoning applications."

WHEREAS, on December 18, 1995, a public hearing on the petition was held before this Town Board, and all interested parties were given an opportunity to be heard thereat, AND

WHEREAS, the current R-Residential District zoning classification of the property would allow the following residential uses:

- 1. division into (3) single family residential lots, plus a fourth lot if authorized by variance.
 - 2. division into (2) two family residential lots, and
- 3. division into (3) single family residential lots with resident professional accessory uses, which professional accessory uses include health care professionals, attorneys, engineers, architects, community planners, landscape architects, land surveyors, accountants, insurance agents, etc., AND

WHEREAS, since at least 1985-86, the Town Board has envisioned that, as one of the last residentially developable areas in the Town, the properties abutting Losson Park would be developed as residences; and, in keeping with that vision (a) by resolution dated August 4, 1986, under the now repealed Zoning Ordinance of 1969, zoned all properties along Losson Road as residential, (b) by resolution dated September 15, 10986, denied the application of Edward W. Miller/Barron Miller Funeral Home, Inc. for the rezoning of the property at 782 Losson Road from its residential classification to a restricted business district classification, and (c) after a comprehensive and thorough investigation, study and review, culminating with the adoption of the current Zoning Law of the Town of Cheektowaga, New York on January 21, 1992, again, in the interest of Neighborhood stability and in keeping with its comprehensive plan for the properties along Losson Road, reaffirmed that such properties be residentially developed for the benefit of the entire community, AND

WHEREAS, since at least 1985-86, the Town Board has envisioned that, as one of the last residentially developed areas in the Town, the properties abutting Losson Park would be developed as residences; and, in keeping with that vision (a) by resolution dated August 4, 1986, under the now repealed Zoning Ordinance of 1969, zoned all properties along Losson Road as residential, (b) by resolution dated September 15, 1986, denied the Item No. 4 continued

application of Edward W. Miller/Barron Miller Funeral Home, Inc. for the rezoning of the property at 782 Losson Road from its residential classification to a residential business district

classification, and (c) after a comprehensive and thorough investigation, study and review, culminating with the adoption of the current Zoning Law of the Town of Cheektowaga, New York on January 21, 1992, again, in the interest of neighborhood stability and in keeping with its comprehensive plan for the properties along Losson Road, reaffirm that such properties be residentially developed for the benefit of the entire community, AND

WHEREAS, this Board has carefully and comprehensively reviewed this entire matter, including, but not limited to, applicant's site plan, various advisory board opinions, along with numerous both pro and con letters and petitions, AND

WHEREAS, evidence has been submitted to this Board that the property at 525 Losson Road cannot be profitably used, sold or leased under its current R-Residence District classification,

NOW, THEREFORE, BE IT RESOLVED, that the application of Bernard Pieczynski for the rezoning of the property at 525 Losson Road be and the same hereby is denied based on the hereinabove enumerated reasons.

Upon roll call. . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Johnson, Wielinski,

and Swiatek

NAYES: Councilmember Rogowski
ABSTAINED: Councilmember Blachowski

ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 5</u>

Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

Councilmember Johnson

WHEREAS, interest has been expressed for the establishment of "sports rub" or "body rub" businesses within the Town of Cheektowaga, AND

WHEREAS, the Zoning Law of the Town of Cheektowaga does not directly specify this type of a use as permitted use in any specific zoning district in the Town, AND

WHEREAS, "sports rub" and "body rub" businesses are not currently licensed by the State of New York or County of Erie, and thus may deserve specialized treatment in terms of zoning districts in which they are allowed, AND

WHEREAS, the Building Inspections Department is uncertain as to how to classify this type of business and feels that the Zoning Law must be modified to accommodate this type of business in a proper zoning district, AND

WHEREAS, the Cheektowaga Police Department is also concerned about the placement of this type of business in a proper zoning district, AND

WHEREAS, there is need to properly study the situation in order to determine where such establishments can be located in the Town, and alternatives are currently being discussed and reviewed, AND

WHEREAS, the courts have said that a local legislature may by interim or stopgap ordinance stop for a reasonable time the commencement of certain uses until proper review of zoning takes places, AND

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on the issuance of permits for a period of 90 days where a zoning change and implementing legislation were under consideration has been found to be appropriate, AND

WHEREAS, this Town Board desires to temporarily stop the establishment of "sports rub" and "body rub" businesses in this Town, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 26th day of February, 1996 at 7:00 o'clock 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 a 'BODY RUB BUSINESS MORATORIUM" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than 10 days prior to the date of said hearing.



NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway, on the 26th day of February, 1996 at 7:00 o'clock P.M. of said day for the purpose of considering the adoption of the following BODY RUB BUSINESS MORATORIUM Ordinance:

BODY RUB BUSINESS MORATORIUM

1. For a period of 90 days the following type of business use is declared to be a Special Review Zoning District:

Item No. 5 continued

Any establishment having a fixed place of business where massages are administered, including but not limited to "Body Rub Establishments", Sports Rub Establishments" and "Hot Oil Body Rub Establishments". This definition shall not be construed to include a hospital, a bona fide medical or health

service establishment, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

- 2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the establishment of body rub businesses within the Town of Cheektowaga.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: February 6, 1996

Richard M. Moleski Town Clerk

Upon roll call. . .

AYES:

Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

ltem No. 6a Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on January 29, 1996 for the furnishing of equipment and operators for the installation and repair of storm and sanitary sewers during the calendar year of 1996 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 from Allan Blachowski, Principal Engineer, to the Town Board dated January 31, 1996, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for the installation and repair of storm and sanitary sewers in the Town of Cheektowaga be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

Item 1	Single Axle Dump	\$250.00 per 8 hour day
Item 2	Tandem Dump	400.00 per 8 hour day
Item 3	Rubber Tire Backhoe	500.00 per 8 hour day
Item 4	Laborers	385.00 per 8 hour day
Item 5	Crawler Hydraulic Backhoe	450.00 per 8 hour day
Item 6	Front End Loader	350.00 per 8 hour day
Item 7	Walk Behind Saw	1.00 per 8 hour day
Item 7A	Vermeer Road Saw	8.00 per 8 hour day
Item 8	Equipment Truck	300.00 per 8 hour day
Item 9	Shield 6' X 8'	1.00 per 8 hour day
Item 10	Shield 8' X 16'	1.00 per 8 hour day
Item 11	Transport Shield	1.00 per 8 hour day
Item 12	Roller (small)	1.00 per 8 hour day

AND, BE IT FURTHER

RESOLVED, that payment for said payment and operators for sanitary and storm sewer 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 6b</u> Motion By Councilmember Wielinski, Seconded by Councilmember Rogowski

WHEREAS, bids were duly received and opened at the January 29, 1996 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 January 31, 1996, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to Kristen Uniforms & Linens, 2010 Eggert Road, Amherst, New York 14226

Item IA	Work Pants (sizes to 44)	\$12.90
Item IB	Work Pants (sizes 46 - 50)	14.90
Item IC	Work Pants (sizes 52 - 60)	17.42
Item IIA	Shirts (long sleeve, sizes up to 17-1//2)	11.45
Item IIB	Shirts (long Sleeve, sizes 18 and up)	13.90
Item IIIA	Chambray Shirts (long sleeve, sizes up to 17-1/2)	10.45
Item IIIB	Chambray Shirts (long sleeve, sizes 18 and up)	11.90
Item IVA	Shirts (short sleeve, sizes up to 17-1/2)	10.70
Item IVB	Shirts (short sleeve, size 18 and up)	11.95
Item VA	Chambray Shirts (short sleeve, sizes up to 17-1/2)	9.90
Item VB	Chambray Shirts (short sleeve, sizes 18 and up)	11.90
Item VIA	Coveralls (long sleeve sizes 36-46,, short - X long)	21.80
Item VIB	Coveralls (long sleeve sizes 48-50, short - X long)	24.80
Item VIC	Coveralls (long sleeve sizes 52-60, regular - tall)	27.50
Item VIIA	Denim Jeans (sizes to 42)	11.40
Item VIIB	Denim Jeans (sizes 44-56)	13.40
Item VIIIA	Bib Overalls (sizes to 44)	18.65
Item VIIIB	Bib Overalls (sizes 44-60)	20.85
Item IXA	Women Work Pants (sizes 4-28)	11.00
Item XA	Women Shirts (long sleeve, S-XXL)	8.00
Item XIA	Women Shirts (short sleeve, S-XXL	7.00
Item XIIA	Tee Shirts	5.50

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

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 6c</u> Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on January 29, 1996 for the furnishing of equipment and operators for maintenance and installation of drainage and erosion control projects during the calendar year of 1996 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 January 31, 1996, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for maintenance and installation of drainage and erosion control projects in the Town of Cheektowaga be awarded to Kissell Excavating Inc., 1026 Reilein Road, Cowlesville, New York 14037 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	448.00 per 8 hour day
Item 4	Dozer	448.00 per 8 hour day
Item 5	Dozer	496.00 per 8 hour day
Item 6	Tandem Dump Truck	320.00 per 8 hour day
Item 7	Landscape Type Tractor	320.00 per 8 hour day
Item 8	Hydraulic Backhoe	475.00 per 8 hour day
Item 9	Laborers	288.00 per 8 hour day
Item 10	Hydraulic Backhoe	488.00 per 8 hour day

and, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for maintenance and installation of drainage and erosion control 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 7a Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

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, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 21st day of February, 1996 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 21, 1996 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 5, 1996

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7b</u> Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, 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 manhole castings with self-sealing covers and manhole castings with vented type covers, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 21st day of February, 1996 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 21, 1996 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of Sanitary Manhole Frames and Covers for the Sewer Maintenance Department.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Sanitary Manhole Frames and Covers" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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

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

Richard M. Moleski Town Clerk

Dated: February 5, 1996



Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga charges certain fees associated with the reserving of picnic shelters at various Town Parks and Playgrounds, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby adopts the following fee structure for reserving picnic shelters at various Town Parks and Playgrounds:

Resident Fees - Effective 3/6/96

Shelter Permit (Per Shelter-Per Date) - @ \$25.00 Electrical Power (Per Shelter-Per Date Additional) - @ \$10.00

Non-Resident - Effective 5/15/96

Shelter Permit (Per Shelter-Per Date) - @ \$50.00 Electrical Power (Per Shelter-Per Date Additional) - @ \$20.00

and, BE IT FURTHER

RESOLVED, that the above referenced fee structure shall replace the fee structure contained in the Shelter Permit Policy previously adopted by the Town Board on February 28, 1994 (amended August 15, 1994).



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON TO TABLE THE ABOVE RESOLUTION, ITEM 8, AND THE VOTING WAS AS FOLLOWS:

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0



<u>Item No. 9</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Johnson

WHEREAS, Pauline Koslicki caused a notice of claim to be served upon the Town of Cheektowaga on account of personal injuries sustained by her in January of 1993, when ice accumulated and was placed at the base of her driveway allegedly by Town Highway Department employees, AND

WHEREAS, thereafter, a summons and complaint the claim of Pauline Koslicki was served upon the Town, AND

WHEREAS, the aforesaid lawsuit has been thoroughly investigated and vigorously defended by claim administrators and attorneys for the Town under its self-insured liability claims program, AND

WHEREAS, the said defense attorneys for the Town have recommended the settlement of the aforesaid lawsuit by payment of the sum of \$8,000.00, NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$8,000.00 be paid by the Town from its self-insured liability claim fund, in full and final settlement of the aforesaid lawsuit of Pauline Koslicki, subject to the approval, if required, of a Justice of the Supreme Court wherein such lawsuit is pending, and BE IT FURTHER

Item No. 9 continued

RESOLVED, that attorneys from the law firm of Hurwitz & Fine, P.C. be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement and compromise.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 10 Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town Board of the Town of Cheektowaga is required to submit a list of designated polling places for 1996 to the Erie County Board of Elections, AND

WHEREAS, each such polling place shall have one entrance that provides access, by ramp or otherwise, to physically handicapped or elderly voters, provided, however,

that this requirement may be waived in writing by the Erie County Board of Elections upon a petition to said Board by the Town Board showing good and sufficient cause, AND

WHEREAS, there are 111 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 1996 be approved for submittal to the Erie County Board of Elections.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11 Motion By Councilmember Wielinski, Seconded by Councilmember Swiatek

WHEREAS, the Town Clerk has informed the Town Board that the March 7, 1996 Presidential Primary will be a one party primary with only two or three Republican Party Candidates on each voting machine of the Town of Cheektowaga, AND

WHEREAS, Section 4-104(5) of the Election Law of the State of New York provides for the consolidation of election districts located within the same polling place in Primary Elections if the candidates of each district are the same on each voting machine and the consolidation results in less than 1200 voters in a consolidated polling place, AND

WHEREAS, the Town Clerk has informed the Town Board that he wishes to take advantage of Section 4-104(5) of the Election Law to save the taxpayers a total of approximately \$40,000.00, of which \$29,000.00 is inspectors payroll costs, \$4,000.00 is voting machine delivery costs and \$7,000 is rental of polling places, AND

WHEREAS, the Town Clerk has assured the Town Board that no voter will be inconvenienced by the consolidation since only districts within the same polling place will be consolidated, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Cheektowaga be and is hereby authorized to petition the Erie County Board of Elections to consolidate election districts

within the Town of Cheektowaga for the March 7, 1996 Presidential Primary pursuant to the provision of Section 4-104(5) of the Election Law of the State of New York, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized to take any further action necessary to effect the purpose and interest of this consolidation resolution.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motion By Councilmember Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is home to numerous retail stores and supermarket chains, AND

WHEREAS, Proctor & Gamble Co. has, for many years, distributed manufacturer's coupons for discounts on its products, AND

WHEREAS, beginning February 1, 1996, Proctor & Gamble ceased distribution of its manufacturer's coupons in Buffalo, Rochester and Syracuse as part of a test to determine its impact on the sale of its products, AND

WHEREAS, a large number of consumers, especially senior citizens and those on fixed incomes, rely on coupons as a way to make ends meet, AND

WHEREAS, in addition to the face value of the coupons, the major supermarkets in Western New York have been doubling or tripling the value of the coupons, thereby resulting in further savings to Western New York shoppers, AND

WHEREAS, the cessation of Proctor & Gamble Campany's manufacturer's coupons may result in higher costs to consumers in Western New York despite the intent of Proctor & Gamble Co. to lower the list prices of its products, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its opposition to the decision of Proctor & Gamble Co. to cease distribution its manufacturer's coupons for its products in the Western New York area and, BE IT FURTHER

Item No. 12 continued

RESOLVED, that this Town Board hereby strongly requests Proctor & Gamble Co. to reconsider its decision to cease the distribution of manufacturer's coupons in Western New York and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Proctor & Gamble Co. in Cincinnati, Ohio.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 13a Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, the New York State Department of Transportation is currently preparing preliminary engineering design plans and documents for the reconstruction of Broadway Avenue, Route 130, from Union Road eastward to Transit Road within the Town of Cheektowaga, and also within the Village of Depew under PIN 5012.18.121, AND

WHEREAS, in conjunction with the reconstruction of said highway, this Town Board recognizes the need to provide a safe area for pedestrian travel along Broadway Avenue, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Department of Transportation to provide for the construction of sidewalks as part of the aforesaid project on both the north and south side of Broadway for that portion of the project located within the Town of Cheektowaga, exclusive of the Village of Depew, and hereby agrees to maintain or cause to be maintained sidewalks constructed as part of said project, including the control of snow and ice and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit a copy of the foregoing resolution to the:

New York State Department of Transportation ATTN: Thomas Romano, Sr. Design Engineer 125 Main Street, Buffalo, New York 14203

and

Robert M. Kucewicz, Mayor Village of Depew 85 Manitou Street, Depew, New York 14043

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 13b</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Blachowski

WHEREAS, an increasing number of motorists in the northeastern towns of Erie County utilize Exit 49 (Transit Road Interchange) and Exit 50 (Williamsville Toll Barrier), AND

WHEREAS, motorists utilizing the Williamsville Toll Barrier are required to pay a toll and frequently experience traffic delays, especially at rush hours, AND

Item No. 13b continued

WHEREAS, the Williamsville Toll Barrier Relocation Task Force, consisting of a State Assemblyman and officials from the Towns of Amherst, Cheektowaga, Clarence, Lancaster and Newstead, and representatives from private businesses, have requested the relocation of the Williamsville Toll Barrier to a point east of Transit Road (i.e. east of the Ransom Road overpass in Newstead), AND

WHEREAS, the relocation of the Williamsville Toll Barrier to a point east of Transit Road would be non-obtrusive to residents, be accessible to surrounding towns, alleviate traffic congestion and spur economic development along the Thruway, AND

WHEREAS, this relocation of a thruway toll barrier could help to reduce traffic on Genesee Street and Walden Avenue in the Town of Cheektowaga, AND

WHEREAS, the New York State Legislature has previously endorsed the concept of relocating the Williamsville Toll Barrier, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby formally memorializes the New York State Thruway Authority to study the feasibility of relocating the Williamsville Toll Barrier to a point east of Transit Road (i.e. east of the Ransom Road overpass in Newstead) to encourage greater use of this section of the Thruway, reduce commuter costs, ease traffic congestion and spur economic development and, BE IT FURTHER

RESOLVED, that this Town Board further requests the Erie County Legislature to adopt a resolution to support the relocation of the Williamsville Toll Barrier and, BE IT FURTHER

RESOLVED, that New York State Legislators representing Erie County be and hereby are requested to enact legislation and appropriate funds to provide for the relocation of the Williamsville Toll Barrier east of Transit Road and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the New York State Thruway Authority, State Senator William Stachowski, State Assemblyman Paul A. Tokasz, Governor George Patacki and the Clerk of the Erie County Legislature.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 14</u> Motion By Councilmember Johnson, Seconded by Councilmember Jaworowicz

WHEREAS, Theodore Kulbacki owns real property abutting Hitchcock Drive, a so-called paper street shown on the Town's Assessment Map, AND

WHEREAS, Theodore Kulbacki has petitioned the Town for the abandonment of a portion of such paper street on the north side of Como Park Boulevard, AND

WHEREAS, the Map Cover for the Borden Como Subdivision approved by this Town Board and the Town Superintendent of Highways (Map Cover No. 2581 depicts this portion of Hitchcock Drive to be abandoned, AND

WHEREAS, investigation shows that the aforesaid portion of Hitchcock Drive has never been opened, dedicated or laid out as a Town highway, nor has it ever been maintained in any way by the Town, AND

Item No. 14 continued

WHEREAS, the owner and prospective purchasers of the property abutting Hitchcock Drive have agreed to place a deed restriction on the abutting lots (Subdivision Lots Nos. 6 and 7 on Map Cover 2581) stating that only one dwelling (single family home with an inlaw garage apartment) shall be constructed on Subdivision Lot No. 6 and one dwelling shall be constructed on Subdivision Lot. No. 7, AND

WHEREAS, the Superintendent of Highways and the Town Engineer have no objection to the abandonment of that portion of Hitchcock Drive petitioned by Theodore Kulbacki, NOW, THEREFORE, BE IT

RESOLVED, based on and contingent upon the above referenced deed restriction being executed and filed in the Erie County Clerk's Office, that a portion of the aforesaid paper street, which is more particularly described in the petition of Theodore Kulbacki, dated September 14, 1995, be and the same is hereby abandoned as a Town highway, subject to any water, storm and/or sanitary sewer pipes or easements of record and, BE IT FURTHER

RESOLVED, that the Town Superintendent of Highways file, and cause to be recorded in the Town Clerk's Office, the written consent of this Town Board along with a written description, signed by him and by this Town Board, of the highway so abandoned

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 15a</u> Motion By Councilmember Johnson, Seconded by Councilmember 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, rezoning, special permits, etc. renders its recommendation concerning the environmental significance 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 the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Edwin Egan, Architect for owners of property at 4890 Transit Road, vacant land at the southwest corner of Transit Road and Madeira Drive, AND

WHEREAS, the owner proposes to construct a 2,900 square foot restaurant with parking for 32 vehicles on the site, AND

WHEREAS, the Architect has agreed to provide additional landscaping along the west property line and plantings on the Town property along the south property line, AND

WHEREAS, the Advisory Committee at its meeting held on January 24, 1996 rendered the determination shown on the attached memo dated January 25, 1996, AND

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

Item No. 15a continued

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.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 15b Motion By Councilmember 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, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Cooper Turbo-Compressor Incorporated, to construct a 24,165 square foot addition to the existing facility at 3101 Broadway for assembly, shipping, storage and testing of compressors and associated equipment, AND

WHEREAS, the applicant will provide additional landscaping in the front yard of the premises to screen utility boxes located there, AND

WHEREAS, the applicant has committed to provide additional plantings in the area of the lagoon to enhance its conservation value and will provide access to the Cheektowaga Conservation Advisory Committee ("CCAC") and Town Engineer, AND

WHEREAS, the applicant has committed to maintain, including snow removal, any sidewalks installed as part of the New York State Department of Transportation Broadway Re-building project, AND

WHEREAS, the applicant is committed to continued operation in an environmentally sound manner, AND

WHEREAS, the "EAC" has reviewed the application and is recommending that the Town Board issue a "Negative Declaration" for this project, 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 environmental and therefore issues a 'Negative Declaration' for the purposes of S.E.Q.R.A.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 15c</u> Motion By Councilmember 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, rezoning, 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

Item No. 15c continued

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Benderson Development Company, Inc. to construct a 6,178 square foot restaurant, known as Chili's Grill and Bar, at 3637 Union Road, AND

WHEREAS, this restaurant will be constructed on the site presently occupied by the 4,400 square foot Ted's Hot Dog restaurant, AND

WHEREAS, as part of the project the two (2) driveways to Union Road will be eliminated and landscaping installed, AND

WHEREAS, this driveway removal and moving of an existing driveway on South Creek Drive will improve traffic movements around the site, AND

WHEREAS, the applicant will install sidewalks along Union Road from the main plaza entrance to South Creek Drive and along South Creek Drive to the first driveway, AND

WHEREAS, the Advisory Committee at its meeting held on November 15, 1995 rendered the determination shown on the attached memo dated November 17, 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16 Motion By Councilmember Rogowski, Seconded by Councilmember Wielinski

WHEREAS, Grove Roofing Company, Inc. has substantially completed the Roof Replacement work at the Dartwood Community Center, AND

WHEREAS, minor punch list items remain to be completed; removal of gravel at roof drains, cap with composition flashing and coat with fibrated aluminum and coat cap sheet at caping with fibrated aluminum, AND

WHEREAS, the Facilities Department Director requested that Grove Roofing Company, Inc. submit a Certified Check #1359 in the amount of \$200.00 payable to the Town of Cheektowaga to be released upon completion and inspection of minor punch list items, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby accepts Certified Check #1359 in the amount of \$200.00 from Grove Roofing Company, Inc., 157 Reading Street, Buffalo, New York 14220-2197 as retention for uncompleted work related to the Roof Replacement at the Dartwood Community Center and, BE IT FURTHER

RESOLVED, that upon completion of remaining punch list items Grove Roofing Company, Inc., submit Town voucher and invoice approved by the Facilities Department Director for release of retention in the amount of \$200.00.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 17a</u> Motion By Councilmember Johnson, Seconded by Councilmember Jaworowicz

WHEREAS, on December 18, 1995, this Town Board awarded the Fire Alarm System Contract for the Main Pump Station to CIR Electrical Construction Corporation for the total sum of \$23,980.00, AND

WHEREAS, it has been determined by project inspections that smoke devises which were not provided in the original contract are required in the Conference/Lunch Room and air compressor area and an additional shut down relay in required for control of the air handling unit, AND

WHEREAS, the scope of work for said Change Order is outlined in the attached letter dated January 30, 1996 from Principal Engineer Assistant, Allan Blachowski, and considered part of this resolution, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$1,421.00 as an increase to the contract of

CIR Electrical Construction Corporation 1067 Harlem Road, Cheektowaga, New York 14227

be approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign said Change Order No. 1 on behalf of this Town Board and, BE IT FURTHER

RESOLVED, that funds for said Change Order No. 1 are available in Account No. 2500-8135-2507.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 17b</u> Motion By Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, Contract Documents for Roof Replacement work at the Dartwood Community Center require the Town of Cheektowaga to provide and pay for all clearance testing for asbestos, AND

WHEREAS, Scaffidi and Moore Architects omitted this provision in the specifications, base bid for Roof Replacement work awarded to Grove Roofing Company, Inc. at the Dartwood Community Center, AND

WHEREAS, Grove Roofing Company, Inc. has submitted Change Order R-1 in the amount of \$1,117.50 for Asbestos Clearing Testing, AND

WHEREAS, the Facilities Department Director and Deputy Town Attorney have reviewed the proposal submitted by Grove Roofing Company, Inc. and determined the scope of work is included in the project manual and recommend payment, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order R-1 in the amount of \$1,117.50 for Asbestos Clearance Testing to Grove Roofing Company, Inc., 157 Reading Street, Buffalo, New York 14220 and, BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5504.7110.9507.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 18a</u> Motion By Councilmember Rogowski, Seconded by Councilmember Johnson

WHEREAS, R. Neth & Son, Inc. has submitted application for Final Payment for Roof Replacement work at the Cheektowaga Senior Citizens Center, AND

WHEREAS, R. Neth & Son, Inc. has submitted for the Base Contract, Change Order R-1 and R-2, the required Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage & Supplement Affidavit, Asphalt Shingle Limited Warranty, Certificate of Substantial Completion dated December 19, 1995 and Consent of Surety Company to Final Payment, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed and approved R. Neth & Son, Inc. application for Final Payment, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment for Roof Replacement Work at the Senior Citizens Center to R. Neth & Son, Inc., 146 Taylor Drive, Depew, New York 14043:

Final Payment Base Bid - \$2,940.00

Final Payment Change Order R-2 - \$3,464.00

BE IT FURTHER RESOLVED, that funds for said action are available from Account #5504.7620.9508.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 18b</u> Motion By Councilmember Rogowski, Seconded by Councilmember Johnson

WHEREAS, Grove Roofing Company, Inc. has submitted Certificate of Substantial Completion dated October 20, 1995 for Roof Replacement work at the Dartwood Community Center, AND

WHEREAS, Grove Roofing Company, Inc. has submitted Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Celotex Roof Warranty and Consent of Surety Company to Final Payment, AND

WHEREAS, Grove Roofing Company, Inc. has submitted a Town voucher and Application and Certificate for Final Payment No. 3 in the amount of \$1,465.00, AND

WHEREAS, Scaffidi and Moore Architects and the Facilities Department Director have reviewed and approved Grove Roofing Company, Inc. request for Final Payment, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment for Roof Replacement work at the Dartwood Community Center in the amount of \$1,465.00 to Grove Roofing Company, Inc., 157 Reading Street, Buffalo, New York 14220.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 19</u> Motion By Councilmember Wielinski, Seconded by Councilmember Swiatek

BE IT RESOLVED, that the Niagara Mohawk Power Corporation is hereby authorized to remove four (4) existing 175 watt mercury vapor standard enclosed luminaries on Woodridge Avenue, located on poles No. 11, 41, 183R, replacing said facilities with four (4) 100 watt high pressure sodium standard enclosed luminaries, resulting in an annual <u>reduction</u> to the General Lighting District billings of \$70.90 in accordance with the attached Niagara Mohawk Street Lighting Proposal dated January 18, 1996.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20a Motion By Supervisor Gabryszak, Seconded by Councilmember Blachowski

WHEREAS, the New York State Department of Transportation ("NYSDOT") is proposing the reconstruction of Broadway from Harlem Road to a point just beyond the Senior Citizen Center in the Town of Cheektowaga, AND

WHEREAS, as part of such project, the NYSDOT has notified the Town that it needs to acquire 0.8± acres of Town-owned property in front of the Town Hall, Historical Museum and Senior Citizen Center and miscellaneous signage and light poles located on such property, AND

WHEREAS, Town officials have met and discussed this matter with NYSDOT representatives, and have received assurances that the maple trees in front of Town Hall will remain, AND

WHEREAS, Town officials have also recommended that the Town retain the light standard at the Senior Citizen Center parking lot and the historical marker/toll gate site sign, AND

WHEREAS, the NYSDOT has offered the Town \$76,400.00 for the taking of such property, signs and light standards, which amount has been determined by the Town Assessor and other Town officials to be fair and reasonable compensation, AND

WHEREAS, the land in question is not presently utilized or needed by the Town for Town purposes, NOW, THEREFORE, BE IT

RESOLVED, that, based upon assurances by the NYSDOT that the maple trees in front of Town Hall will remain, this Town Board agrees to the transfer of the aforementioned property to the NYSDOT for \$76,400.00, which funds shall be utilized for the purchase of Town Hall, Historical Museum, Senior Citizen and miscellaneous Town signage and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Agreement of Adjustment, Attachment to Agreement and any and all other documents necessary to consummate this transaction.

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20b Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga previously created Water Districts Nos. 9 and 10 and is the owner of facilities employed in the sale and distribution of water to consumers in said districts, AND

WHEREAS, the Erie County Water Authority ("ECWA") is an Authority created under State law to provide a safe and adequate supply of water to the residents of Erie County, AND

WHEREAS, the ECWA has the capacity and expertise to operate and manage the facilities of Water Districts Nos. 9 and 10 and has performed such services for the Town for many years, AND

WHEREAS, the ECWA has prepared a Lease Management Agreement for the continuation of such services and has submitted same to the Town for approval, AND

WHEREAS, this Board is in agreement that the ECWA should continue to provide lease management services to Water Districts Nos. 9 and 10, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Lease Management Agreement with the ECWA for Water Districts Nos. 9 and 10.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20c Motion By Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga is eligible to receive up to \$885,000 in Community Development Block Grant Funds for the 1996 Program Year, and, as a member of the Amherst-Cheektowaga-Tonawanda HOME Investment Partnership Program, the Town is entitled to an equitable share of the \$884,000 HOME Consortium entitlement grant, AND

WHEREAS, Public Hearings regarding the use of said funds were held on November 6, 1995 and January 16, 1996, AND

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

RESOLVED, that the Town Board hereby approves the submission of the Town of Cheektowaga Annual Plan to the Department of Housing and Urban Development for the 1996 Program Year in conjunction with the Amherst-Cheektowaga-Tonawanda Consortium, including the projects contained on the attached CDBG and HOME Projects Summaries and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign the attached Certifications and any other necessary and related documents in conjunction with said Consolidated Plan.

Item No. 20c continued

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20d Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of renting campground facilities known as Camp Aloha from February 23, 1996 through February 25, 1996, AND

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

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc. is willing to rent such facilities to the Town provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$945.50 (Line Item No. 7310.4698).

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

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

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

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20e Motion By Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, on December 27, 1995, 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 \$5,033.34 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.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 20f</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town, in its 1996 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 to their accounting report from the 1994 and 1995 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
Friends of the Woods, Ltd. Debonair Baton & Drum Corps Art Society of Cheektowaga	\$ 675.00 675.00 675.00
Cheektowaga Community Chorus, Inc.	6,185.00

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 1996 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 20g Motion By Councilmember Rogowski, Seconded by Councilmember Blachowski

BE IT RESOLVED, that subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak be authorized to 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

MOTION BY COUNCILMEMBER WIELINSKI, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 20g, AND THE VOTING WAS AS FOLLOWS:

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

AMENDED

BE IT RESOLVED, that subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak be authorized to 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 not to exceed the sum of the following Town Budget Line Items.

FUNDING SOURCE: 01-7140-4503

01-7140-4491

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: 0

Item No. 21 Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

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 the EMS Board concerning the licensing of new/renewal driver(s)/attendants(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

WHEREAS, R.P. Morrow Associates, PC has submitted a proposal to the Facilities Department Director to furnish professional Mechanical and Engineering services for the Town's Preventive Maintenance Contract, AND

WHEREAS, said Preventive Maintenance Contract is for Heat, Vent, Air Conditioning Equipment and Generators at various Town Buildings, AND

WHEREAS, said professional services require the updating and rewriting of specifications manual for competitive bidding of the Preventive Maintenance Contract, increase the Contractor's Scope of Work to include the Julia B. Reinstein Library, new equipment installed at the Alexander Community Center, Police and Court Building and Town Park Recreation Center and inclusion of Energy Monitoring System, preventive maintenance and service, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retain the firm of R.P. Morrow Associates, PC, 47 Elmhurst Place, Buffalo, New York 14216-3105 at a fee not to exceed \$7,500.00 for professional Mechanical and Engineering Services pertaining to the Preventive Maintenance Contract for Heat, Vent and Air Conditioning at various Town Buildings and, BE IT FURTHER

RESOLVED, that funds for said action are available from Accounts

#7110-4451 - \$2,500.00 #1625-4432 - \$2,500.00 #7410-4439 - \$2,500.00

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 23a Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

BE IT RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

TAX OFFICE

Rita Kujawa Immediately

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 23b Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the below listed individual be terminated from the Youth and Recreation Department, effective immediately:

Item No. 23b continued

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 24a Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities 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, Ralph Collins, currently employed as a Recreation Attendant in the Youth and Recreational Services Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Ralph Collins of XXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective February 12, 1996; salary to be charged to line #0100-7110-1422.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 24b Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

WHEREAS, a temporary 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, Timothy Jaworowicz, 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 Timothy Jaworowicz of XXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX 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 6, 1996.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 24c</u> Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

WHEREAS, a temporary vacancy exists in the position of Clerk-Typist in the Youth and Recreational Services 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, no full-time employee bid on said vacancy, AND

WHEREAS, Susan Switalski, currently employed as a part-time Clerk in the Youth and Recreational Services Department has been performing the duties and is familiar with the position and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Susan Switalski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of temporary Clerk-Typist in the Youth and Recreational Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 25a</u> Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

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

TAX OFFICE (Night Shift) - \$4.75 per hour

Virginia Kruass XXXXXXXXXXXXX, Depew XXXXX Immediately

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 25b</u> Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

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

FACILITIES DEPARTMENT - \$5.00 per hour (0100-1625-1491)

Jason Dauscher XXXXXXXXXXXXXXXX Immediately

Cheektowaga, New York XXXXX

Item No. 25b continued

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: 0

<u>Item No. 26</u> Motion By Councilmember Rogowski Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be transferred as indicated

(Part-Time)

From Administrative Intern (7310.1804) - to Recreation Leader VII - 7140.1614/7140.1633 \$6.75

From Recreation Attendant I to Recreation Attendant II - 7140.1651 - \$4.50

From Recreation Leader VIII to Recreation Leader IX - 7140.1664 - \$7.25/Recreation Leader

<u>IX - 7140.1612 - \$7.50</u>

Pre-K - 7140.1664

From Recreation Leader IX to Recreation Leader X - \$7.50

From Recreation Specialist X to Recreation Leader IX - \$7.25

From Recreation Specialist V to Recreation Specialist VI - \$6.00

Wee-Three - 7140.1664

From Recreation Attendant I to Recreation Attendant II - \$4.50

Brooke Nagowski XXXXXXXXXXXXXXX XXXXX

Aerobics - 7140.1612

From Recreation Instructor V to Recreation Instructor VI - \$6.00

BE IT RESOLVED, that the below listed individual be hired as indicated) Part-

Time):

Administrative Intern - 7310.1804 - Clerk - \$5.00

Item No. 26 continued

Rink Personnel - 7140.1611

Recreation Attendant I - \$4.25

Pools

Lifeguard - 7180.1903

Lifeguard I - \$4.75

Andrea Solecki XXXXXXXXXXXXXXXX XXXXX

Bathhouse - Attendants - 7180.1901 - \$4.25

Upon roll call. . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 27a Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, The North Carolina State University is conducting a conference entitled: Competing for Resources in the 21st Century at Oglebay Park, West Virginia from Sunday, March 10th through Friday, March 15th, AND

WHEREAS, this educational program for park and recreation administrators, managers and supervisors focuses on "Technology and Information Management", Strategic Business Planning", "A Benefits Approach to Pricing in the "90's", and "Management Principles",

WHEREAS, the Town of Cheektowaga is desirous of continuing to explore alternative sources or revenue to support youth and recreational activities within the community, AND

RESOLVED, that Kenneth J. Kopacz, Executive Director of the Department of Youth and Recreational Services, be reimbursed the necessary transportation, meals and lodging expenses to attend said meeting at a cost not to exceed \$425.00 (estimate) (Line Item No. 01-7140-0004-4191); travel \$165.00 (estimate) (01-1910-0004-4083) and training fees not to exceed \$325.00 (Line Item 01-7310-0004-4681).

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 27b Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, the 19th Annual PRIDE WORLD DRUG CONFERENCE will be held March 28th through the 30th in Cincinnati, Ohio, AND

Item No. 27b continued

WHEREAS, said conference encourages attendance from representatives of schools, parent groups, police and community-based prevention and treatment agencies and will focus on "Strengthening America Through Healthy Communities - One Family at a Time", NOW, THEREFORE, BE IT

RESOLVED, that Gabrielle Coyne, Program Coordinator for the Cheektowaga Action Partnership and Officer Michael Sisti, of the Town of Cheektowaga's D.A.R.E. program be authorized to attend said conference and be reimbursed all necessary travel expenses from the appropriate CAP budget line (0100-7320-4000).

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 27c Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, a Waste Expo '96 will be held from May 20-25, 1996, AND

WHEREAS, a said expo being held relates to solid waste, AND

WHEREAS, David J. Kulik, General Crew Chief of the Town Sanitation/ Recycling Departments has requested permission to attend this expo, AND

WHEREAS, this Board feels that it would be advantageous to the Town for Mr. Kulik to attend this expo, NOW, THEREFORE, BE IT

RESOLVED, that David J. Kulik be and hereby is authorized to attend the aforementioned Waste Expo '96 and to be absent from the Town of Cheektowaga from May 20-25, 1996 for such expo and, BE IT FURTHER

RESOLVED, that the reasonable and necessary expenses in an amount not to exceed \$1,000.00 shall be appropriated from budget line item numbers 1500-8173-4088 and 1500-8160-4088.



MOTION BY COUNCILMEMBER WIELINSKI, SECONDED BY COUNCILMEMBER JOHNSON TO TABLE THE ABOVE RESOLUTION, ITEM 27C, AND THE VOTING WAS AS FOLLOWS:

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0



II. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Building Permits

Received and Filed.

Item No. 29 Town Clerk's Office Annual Report

Received and Filed.

<u>Item No. 30</u> Minutes of Cheektowaga Planning Board - January 11, 1996

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 31a Notice of Claim: Leslie G. Huber 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.

<u>Item No. 31b</u> Notice of Claim: James D. Lis vs the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Police Department and Allied Claims Insurance Carrier. Received and Filed.

Item No. 31c Notice of Claim: Amy S. Zawadzki vs the Town of Cheektowaga

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

Attorney; Police Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 31d Notice of Claim: Raymond Banaszak vs the Town of Cheektowaga

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

Attorney; Sanitation Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 31e Notice of Claim: Henry J. Marszalkowski vs the Town of Cheektowaga

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

Attorney; Facilities Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 32 Notice of Order: Repeals the right lane must turn right designation for the

westbound lane of Route 20 and Route 78, Transit Road, SH 9217 for

southbound traffic turning right onto French Road, CR 321.

Received and Filed.

Item No. 33a Petition Regarding Spot Rezoning for Any Individual or Business

Received and Filed.

Item No. 33b Petition Regarding Rezoning of Property Located at 525 Losson Road

Received and Filed.

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0



IV. SUSPENSION OF RULES

<u>Item No. 34</u>
Bond: Increase and Improvement of Facilities of the Consolidated Refuse and Garbage District

*SEE NEXT PAGE FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

MEETING NO. 3 February 5, 1996

Item No. 35 Motion By Supervisor Gabryszak, Seconded by Councilmember Blachowski

WHEREAS, Hy-View Fire District No. 8 owns the Hy-View Fire Hall at 8 Airport Avenue and adjacent property located in the Town, AND

WHEREAS, Hy-View Fire District No. 8 desires to construct an addition to its fire hall and a parking lot on the land adjacent to the Fire Hall, AND

WHEREAS, the land adjacent to the Fire Hall is zoned R-Residential District, and the Town Zoning Law requires that a fire hall and accessory uses be located in a CF-Community Facilities District, AND

WHEREAS, Hy-View Fire District is in the process of applying to the Town for a rezoning and environmental review of its proposal to construct an addition to the Fire Hall and parking lot, AND

MEETING NO. 3 February 5, 1996

WHEREAS, the fees for rezoning and environmental review are \$200 and \$200 respectively, AND

WHEREAS, Hy-View Fire District No. 8 has requested the Town to waive this fee for the Fire District, AND

WHEREAS, since Hy-View Fire District is a governmental entity, the Town is authorized to waive this fee, NOW, THEREFORE, BE IT

RESOLVED, that the \$200.00 rezoning application fee and the \$200.00 environmental review application fee for the above referenced matter contemplated by Hy-View Fire District No. 8 be and the same is hereby waived and, BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to accept the rezoning and environmental review applications from Hy-View Fire District No. 8 without the fees prescribed therefor.

Upon roll call. . . .

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

Johnson, Wielinski, and Swiatek

NAYES: 0 ABSENT: 0

Item No. 36 Motion By Supervisor Gabryszak, Seconded by Councilmember Swiatek to

adjourn this meeting in memory of Dorothy Kowal and Henry Czubaj.

Richard M. Moleski Town Clerk

<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 26th day of February, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski

Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Ken Kopacz, Executive Director of Youth and Recreation; Dave Kulik, Working Foreman in Sanitation Department; Captain Tom Rowan, Cheektowaga Police Department.

I. PUBLIC HEARINGS

<u>Item No. 2</u> This being the time and place advertised for a public hearing to consider the advisability of adopting proposed "Body Rub Business Moratorium Ordinance", hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed. Said Ordinance as follows:

BODY RUB BUSINESS MORATORIUM

1. For a period of 90 days the following type of business use is declared to be a Special Review Zoning District:

Any establishment having a fixed place of business where massages are administered, including but not limited to "Body Rub Establishments", Sports Rub Establishments" and "Hot Oil Body Rub Establishments". This definition shall not be construed to include a hospital, a bona fide medical or health service establishment, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist, licensed massage therapist or barbershops or beauty shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

- 2. All departments, agencies and authorities of the Town to withhold the issuance of any permits for the establishment of body rub businesses within the Town of Cheektowaga.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.



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

Item No. 3 This being the time and place advertised for a public hearing to determine the necessity to provide for the Increase and Improvement of facilities of the District, consisting of the purchase of commercial quality plastic wheel garbage receptacles for automatic garbage collection, at the estimated total cost of \$300,000. The Supervisor directed the Town Clerk to present proof of the

Item No. 3 cont'd

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.

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

II. FROM THE TABLE

<u>Item No. 4</u> Authorize General Crew Chief to attend expo

This item was withdrawn.

<u>Item No. 5</u> Motion by Councilmember Rogowski, seconded by Councilmember Wielinski

WHEREAS, the Town of Cheektowaga charges certain fees associated with the reserving of picnic shelters at various Town Parks and Playgrounds, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Town Board hereby adopts the following fee structure for reserving picnic shelters at various Town Parks and Playgrounds:

RESIDENT FEES - Effective 3/6/96

Shelter Permit (Per Shelter-Per Date) - @ \$25.00

Electrical Power (Per Shelter - Per Date

Additional)

- @ \$10.00

NON - RESIDENT FEES - Effective 5/15/96

Shelter Permit (Per Shelter-Per Date) - @ \$50.00

Electrical Power (Per Shelter - Per Date - @ \$20.00 Additional)

and BE IT FURTHER

RESOLVED that the above referenced fee structure shall replace the fee structure contained in the Shelter Permit Policy previously adopted by the Town Board on February 28, 1994 (amended August 15, 1994).



Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak to amend the above resolution by deleting Non-Resident Fees, and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0



Motion by Councilmember Rogowski, seconded by Councilmember Wielinski

WHEREAS, the Town of Cheektowaga charges certain fees associated with the reserving of picnic shelters at various Town Parks and Playgrounds, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Town Board hereby adopts the following fee structure for reserving picnic shelters at various Town Parks and Playgrounds:

Item No. 5 cont'd

RESIDENT FEES - Effective 3/6/96

Shelter Permit (Per Shelter-Per Date) - @ \$25.00

Electrical Power (Per Shelter - Per Date - @ \$10.00 Additional)

and BE IT FURTHER

RESOLVED that the above referenced fee structure shall replace the fee structure contained in the Shelter Permit Policy previously adopted by the Town Board on February 28, 1994 (amended August 15, 1994).

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

III. RESOLUTIONS

<u>Item No. 6</u> Motion Supervisor Gabryszak, seconded by Councilmember Johnson

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

part hereof:

HIGHWAY FUND 1995

FROM: 0300-5142-1701 Labor Allocation \$8,300.00

TO: 0300-5141-1935 Snow Allocation \$8,300.00

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 7 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

\$2,621,575.79 General Fund Highway Fund 529,757.40 Trust & Agency 18,611.19 Part Town Fund 53,698.66 Risk Retention Fund 104,071.63 CDBG HUD Fund 391.65 **HUD Housing Rehabilitation Fund** 13,310.00 Special Districts Fund 2,334,813.77

Capital Fund <u>71,805.24</u>

\$5,748,035.33 =======

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 8 Bond Resolution - Increase & Improvement of Facilities of Consolidated Garbage

District

This item was withdrawn.

<u>Item No. 9</u> Motion by Unanimous, seconded by Unanimous

WHEREAS, interest has been expressed for the establishment of a "sports rub" or "body rub" business within the Town of Cheektowaga, and

WHEREAS, the Zoning Law of the Town of Cheektowaga does not directly specify this type of a use as a permitted use in any specific zoning district in the Town, and

WHEREAS, "sports rub" and "body rub" businesses are not currently licensed by the State of New York or County of Erie, and thus may deserve specialized treatment in terms of zoning districts in which they are allowed, and

WHEREAS, the Building Inspections Department is uncertain as to how to classify this type of business and feels that the Zoning Law must be modified to accommodate this type of business in a proper zoning district, and

WHEREAS, the Cheektowaga Police Department is also concerned about the placement of this type of business in a proper zoning district, and

WHEREAS, there is need to properly study the situation in order to determine where such establishments can be located in the Town, and alternatives are currently being discussed and reviewed, and

WHEREAS, the courts have said that a local legislature may by interim or stop-gap ordinance stop for a reasonable time the commencement of certain uses until proper review of zoning takes place, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on the issuance of permits for a period of 90 days where a zoning change and implementing legislation were under consideration has been found to be appropriate, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 26th day of February, 1996 at 7:00 PM, 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 had an opportunity to be heard on whether a "BODY RUB BUSINESS MORATORIUM" should be enacted, and

WHEREAS, this Town Board feels it is in the best interests of the health, safety and welfare of the Town to enact the "BODY RUB BUSINESS MORATORIUM", NOW, THEREFORE, BE IT

RESOLVED that the "BODY RUB BUSINESS MORATORIUM", as attached hereto be and the same is hereby adopted, 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 26, 1996; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that the "BODY RUB BUSINESS MORATORIUM" ordinance shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry in the minutes.



BODY RUB BUSINESS MORATORIUM

1. For a period of 90 days the following type of business use is declared to be a Special Review Zoning District:

Any establishment having a fixed place of business where massages are administered, including but not limited to "Body Rub Establishments", Sports Rub Establishments" and "Hot Oil Body Rub Establishments". This definition shall not be construed to include a hospital, a bona fide medical or health service establishment,

Item No. 9 cont'd

nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist, licensed massage therapist or barbershops or beauty shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

2. All departments, agencies and authorities of the Town to withhold the issuance of

any permits for the establishment of body rub businesses within the Town of Cheektowaga.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 10 Motion by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated January 21, 1992, Local Law No. 1 of the Year 1992 of the Town of Cheektowaga, entitled "A Local Law Relating to Zoning" was enacted, and

WHEREAS, the Building Inspections Department and the Police Department have recommended that certain provisions of the Local Law Relating to Zoning be amended, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 18th day of March, 1996 at 7:00 PM at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 96-1 of the Year 1996, entitled "A Local Law Amending a Local Law Relating to Zoning", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Public Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 18th day of March, 1996 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road to consider and discuss and, if need be, act upon proposed Local Law Intro No. 96-1, entitled "A Local Law Amending A Local Law Relating to Zoning." A brief description of Local Law Intro No. 96-1 is as follows:

Town of Cheektowaga

A Local Law Amending a Local Law Relating to Zoning

A Local Law amending the Town of Cheektowaga Zoning Law to classify adult cabarets, adult entertainment establishments, body rub/sports rub (massage) establishments and steam bath/hot tub/whirlpool bath establishments and related uses as Adult Uses as permitted uses in a M2-General Manufacturing District in the Town of Cheektowaga. In addition, amendments to other subsections in the Adult uses provisions of the Zoning Law are being proposed to clarify such provisions.

A copy of the complete text of the Local Law Intro No. 96-1 is on file in the Town Clerk's Office where the same may be examined during regular business hours.

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

Dated: February 26, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 11 Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the purchase of baseball and hockey equipment 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:

Laux Sporting Goods 25 Pineview Drive Amherst, New York 14228

Majestic Sales 20 Pequot Trail West Port CT 06880

Sportmaster PO Box 5000 Pittsburgh, PA 15206 Jim Ludtka Sporting Goods 2931 Walden Avenue Depew, New York 14043

MMI Federal P.O. Box 241367 Montgomery, AL 36124

and BE IT FURTHER

RESOLVED that any purchases resulting from the award of this bid for the Youth and Recreational Services Department will be appointed to various 7140. and 7310. accounts for cost centering purposes.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 12a Motion by Councilmember Jaworowicz, seconded by Councilmember

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, 1996.

Information for bidders and specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, 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 20, 1996 at 11:00 A.M., in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on Wednesday, March 20, 1996 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, 1996 tree planting.

Specifications for new trees may be picked up at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, between the hours of 9:00 A.M., and 4:30 P.M., Monday through Friday.

Item No. 12a cont'd

Non-collusion forms must be signed and submitted with each bid.

RICHARD M. MOLESKI Town Clerk Town of Cheektowaga



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 12b</u> Motion by Councilmember Johnson, seconded by Councilmember Wielinski

WHEREAS, it is in order that bids be advertised to cover the purchase of traffic control signs, street name signs and brackets for the 1996 calendar year, and

WHEREAS, the Engineering Department is hereby requested to prepare specifications as per the attached letter dated February 21, 1996, 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 12th day of March, 1996 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga on March 12, 1996 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 1996 calendar year.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Traffic Control Signs and Brackets 1996" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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

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

RICHARD M. MOLESKI Town Clerk

Dated: February 26, 1996



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 12c Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, there is need to replace and purchase refuse collection containers for automated pick-up, and

WHEREAS, the Engineering Department is hereby requested to prepare specifications as per the attached letter dated February 22,1996, 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 refuse collection containers for automated pick-up, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 13th day of March, 1996 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.

^{**}See next page(s) for attachments



NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga on March 13, 1996 at 11:00 A.M. Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads for the furnishing of refuse collection containers for automated pickup for the Sanitation Department.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Refuse Collection Containers and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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

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

RICHARD M. MOLESKI Town Clerk

Dated: February 26, 1996



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

Wielinski and Swiatek

NAYES: Councilmember Johnson

ABSENT: 0

See next page(s) for Attachments

FFIDAVIT - NEXT PAGE

Item No. 13 Motion by Councilmember Johnson, seconded by Councilmember Jaworowicz

WHEREAS, Walden Avenue, a State highway maintained by the New York State Department of Transportation ("DOT"), is a heavily travelled roadway located, in part, in the Town of Cheektowaga, and

WHEREAS, at present, there is a traffic signal on Walden Avenue at Duke Road in front of the Walden Galleria Mall and the Wegmans Supermarket plaza/Borders Bookstores, and

WHEREAS, at times, pedestrians have occasion to cross Walden Avenue at Duke Road to go to and from the Walden Galleria Mall, K-Mart, Borders Bookstore, Wegmans Supermarket, Pier I, Toys-R-Us, Olive Garden, etc., and

WHEREAS, at present, there is no defined pedestrian crosswalk at this location or any other nearby signal location, and

WHEREAS, in the interest of public safety, this Town Board feels that the DOT should study this location to determine the necessity for a defined pedestrian crosswalk or other pedestrian crossing device, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the DOT to conduct a traffic/pedestrian study along this area of Walden Avenue, including the Walden Avenue/Duke Road intersection to determine if a need exists and pedestrian safety warrants the placement of a defined pedestrian crosswalk or other pedestrian crossing device at this location, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DOT (c/o James Barnack, Regional Traffic Engineer, 125 Main Street, Buffalo, New York 14203), Assemblyman Paul A. Tokasz, Senator William T. Stachowski and to the Niagara Frontier Transportation Authority.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 14a Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town entered into an agreement with the New York State Department of Transportation dated February 24 1994 in connection with the cost of relocating municipally owned facilities maintained for public use, which agreement provides for reimbursement to the Town for modifications required at the Sewer District No. 8 Rein Road Pump Station necessitated as a result of significant grade changes established under the NYSDOT project for the Reconstruction of Genesee Street, D254088, C PIN 5209.25.321, and

WHEREAS, said agreement provides for reimbursement to the Town for engineering design services and construction costs associated with modifications required to the pump station wet well, electrical control panel, access road and appurtenances, and

WHEREAS, all work under said agreement has been completed and accepted by the Town and the State of New York, and documentation for project costs totaling \$23.235 has been submitted by the Town Engineer for reimbursement under the terms of the agreement, and

WHEREAS, as a condition of, and prior to, reimbursement by the State of New York of the funds expended by the Town for said work under said agreement, the Town is required to deliver a certain release, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby directs the Town Supervisor to execute the General Release for the Municipal Agreement, and BE IT FURTHER

RESOLVED that the reimbursable funds upon receipt shall be credited to Account No. 5407-1910-3089.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 14b Motion by Councilmember Wielinski, seconded by Councilmember Rogowski

WHEREAS, National Fuel Gas Distribution Corporation has requested a fifteen (15) foot wide Right-of-Way from the Town over land located south of the Sanitation Department building, in order to service the Erie County Fire Training Tower property, and

WHEREAS, National Fuel Gas Distribution Center has agreed to release and discharge another right-of-way previously granted by the Town in exchange for this right-of-way, and

WHEREAS, the Town Engineering Department has investigated the location of such right-of-way and has stated that it will not interfere with the Town's use of such property, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Right-of-Way, And BE IT FURTHER

RESOLVED that conveyance of this Right-of-Way is subject to receipt and recording of the above mentioned Release and Discharge of the earlier Right-of-Way, and BE IT FURTHER

RESOLVED that the granting of this easement is subject to permissive referendum under Section 64 (2) of the Town Law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the <u>Cheektowaga Times</u>.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga on February 26, 1996, adopted a resolution authorizing the granting of a Right-of-Way to lay, maintain, alter, operate, relocate, remove and change the size of a pipeline for the distribution of gas over and across property owned by the Town of Cheektowaga located to the south of the Sanitation Department building south of Broadway and East of Union Road just west of the Erie County Fire Training Academy on Broadway in the Town of Cheektowaga.

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

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

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

Dated: February 26, 1996

RICHARD M. MOLESKI Town Clerk



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

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Item No. 14c Motion by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, the Town, in its 1996 budget, allocated moneys to certain cultural and notfor-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 sign agreements and their accounting report from the 1994 and 1995 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:

^{**}See next page(s) for attachment

Cultural/Not-For-Profit OrganizationFunding ApprovedCheektowaga Garden Club\$ 440.00Cheektowaga Cultural Society\$2130.00Cheektowaga Historical Association\$ 965.00Cheektowaga Community Symphony Orchestra\$6185.00

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 in the 1996 Town budget, subject to audit and approval of a properly signed Town voucher.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 14d</u> Motion by Councilmember Rogowski, seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga Department of Senior Services in conjunction with Meals on Wheels of Buffalo and Erie County operates a Meals on Wheels Program from the Cheektowaga Senior Center, and

WHEREAS, an agreement between the Town of Cheektowaga and Meals on Wheels of Buffalo and Erie County has been drafted relative to the operation of said program for the year 1996, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign the said agreement on behalf of the Town of Cheektowaga retroactive to June 1, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 14e</u> Motion by Councilmember Blachowski, seconded by Councilmember Rogowski

^{**}See next page(s) for attachments

WHEREAS, the Town of Cheektowaga Department of Senior Services in conjunction with the State University of New York at Buffalo offers an internship program for gerontology students at the Cheektowaga Senior Center, and

WHEREAS, an agreement between the Town of Cheektowaga and the State University of New York at Buffalo has been drafted relative to the operation of said program for the year 1996, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign the said agreement on behalf of the Town of Cheektowaga retroactive to June 1, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 15</u> Motion by Councilmember Blachowski, seconded by Councilmember Jaworowicz

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 the 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.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16a Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be terminated, effective immediately (part-time)

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 16b</u> Motion by Councilmember Swiatek, seconded by Councilmember Rogowski

BE IT RESOLVED that the following Seasonal and/or Part-time employees be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

David Tarapacki XXXXXXXXXXXXXXXXXX 2/3/96

^{**}See next page(s) for attachments

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 17 Motion by Councilmember Swiatek, seconded by Councilmember 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 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

FACILITIES DEPARTMENT - \$5.50 per hour (0100-7100-1491)

Ann Marie Herb XXXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX Immediately

FACILITIES DEPARTMENT - \$5.00 per hour (0100-7110-1491)

Thomas Potempa XXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX Immediately

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 18a</u> Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individual be hired in the Youth and Recreational Services Department, effective February 26, 1996 (part-time):

Recreation Attendant - 7140.1612 (Aerobics) Recreational Instructor VII \$6.00

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item NO. 18b</u> Motion by Councilmember Swiatek, seconded by Councilmember 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:

EFFECTIVE

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

Sandra Marzullo XXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX 2/20/96

TOWN CLERK'S OFFICE - \$6.00 per hour

Margaret Sisti XXXXXXXXXXXXXXXXXX, Sloan, NY XXXXX Immediately

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 19 Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Environmental Industry Association is conducting a conference and exposition entitled: Staking your Claim on the 21st Century at Las Vegas, Nevada from Monday, May 20 through Friday May 24th, and

WHEREAS, a said expo being held relates to solid waste and recycling, and

WHEREAS, this educational program for solid waste managers, administrators and supervisor focuses on "Technology and Information Management", "Strategic Business Planning", and "Medical and Hazardous Wastes Education" and

WHEREAS, this Board feels that it would be advantageous to the Town for Mr. Kulik to attend this expo, NOW, THEREFORE, BE IT

RESOLVED that David J. Kulik be and hereby is authorized to attend the aforementioned Waste Expo '96 and to be absent from the Town of Cheektowaga from May 20 - 25, 1996 for such expo, and BE IT FURTHER

RESOLVED that David J. Kulik, General Crew Chief of the Sanitation and Recycling Departments be reimbursed the necessary transportation, meals and lodging expenses to attend said conference at a cost not to exceed \$1000.00 which shall be appropriated from budget line items numbers 1500-8173-4088 and 1500-8160-4088.

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

Wielinski and Swiatek

NAYES: Councilmember Johnson

ABSENT: 0

Item No. 20a Motion by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, fire damaged, and abandoned structure at 24 Atwood Place, Cheektowaga, New York, SBL #90.84-2-53 that is unsecured, open to unauthorized entry and a danger to the safety of others and according to the Assessors' Office is owned by Baha R. Kufash, 424 East Amherst, Buffalo, New York 14215-1532, and

WHEREAS, these conditions require that the Town of Cheektowaga Building Inspections Department take immediate steps to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all opening in this structure be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Item No. 20a cont'd

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 20b</u> Motion by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated debris on vacant fire damaged property located at 24 Atwood Place, Cheektowaga, New York, SBL #90.84-2-53 and according to the Assessors' Office is owned by Baha R. Kufash, 424 East Amherst, Buffalo, New York 14215-1532, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 21</u> Minutes of Cheektowaga Traffic Safety Commission - January 16, 1996 Received and Filed.

Item No. 22 Town Clerk - Report of Bingo and Games of Chance Activity for 1995 Received and Filed.

<u>Item No. 23</u> Dog Control Officer - Annual Activity Report for 1995 Received and Filed.

V. GENERAL COMMUNICATIONS

Summons & Complaint - Peter J. Schmitt/Bells Markets, Inc./1999 William Street Supermarket Co., Inc. Etc. vs Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Allied Claims, Insurance Carrier; Sanitation Department Received and Filed.

Item No. 25a
Notice of Claim - Victoria L. Frears vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Allied Claims, Insurance Carrier; Highway Department.
Received and Filed

Item No. 25b

Notice of Claim - Thomas R. Novo vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Allied Claims, Insurance Carrier; Sewer Maintenance Department
Received and Filed

Notice of Claim - Andrea Martin vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Allied Claims, Insurance Carrier; Chief of Police.
Received and Filed.

Notice of Claim - Sharon & Nicholas Fago vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Allied Claims, Insurance Carrier; Chief of Police.
Received and Filed.

Item No. 25e
Notice of Claim - Steven Bald vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Allied Claims, Insurance Carrier; Chief of Police.
Received and Filed

Item No. 26 Report from E.C. Water Authority
Copies were sent to: Dennis Gabryszak, Supervisor; Town Board Members.
Received and Filed

VI. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski to suspend the rules to include the following items and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 27 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on March 18, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the Cheektowaga Times on the 7th day of March, 1996, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on March 18, 1996 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

76-81 Yield Intersections designated.

Section 76-81 shall be amended by adding thereto the following:

Item No. 27 cont'd

Street	<u>Direction</u>	Entrance Street	<u>Traffic</u> <u>Yields</u>	<u>Sign</u> Location
Cedargrove Cir.	East West	Shelby Drive	Northbound	S.E. Corner
Cedargrove Cir.	East West	Shelby Drive	Southbound	N.W. Corner
Cedargrove Cir.	East West	Elkhurst Dr.	Northbound	S.E. Corner
Cedargrove Cir.	East West	Elkhurst Dr.	Southbound	N.W. Corner
Cedargrove Cir.	North South	Sierra Dr.	Eastbound	S.W. Corner
Cedargrove Cir.	North South	Sierra Dr.	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

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

B. No parking anytime

Smith Street West side from the south curbline of Genesee Street to a point

150+ feet south of the south curbline of Genesee Street,

for a distance of 150+

Old Maryvale Dr. (at Mother of Divine Grace Church North side

from a point 195 <u>+</u> feet east of the east curbline of Rosary Blvd. to a point 415<u>+</u> feet east of the east curbline of

Rosary Blvd. for a distance of 220+ feet.

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

Dated: February 26, 1996

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 28 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is presently reviewing various matters relating to the use of the Town's sanitary Sewers and the fees established therefor, and

WHEREAS, there is a need to have an outside accounting firm perform cost analysis of the Town's sanitary sewer expenses and charges and to review the Town's Sewer Use Local Law, and

WHEREAS, Deloitte & Touche LLP, certified public accountants, has submitted a proposal to perform these services at a cost range between \$17,500.00 and \$19,500.00, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby retains Deloitte & Touche LLP to perform the services listed on the attached letter dated February 22, 1996 at an amount not to exceed \$19,500.00 and BE IT FURTHER

RESOLVED that moneys for such services in an amount of \$19,500.00 shall be transferred from contracted sewer repairs 2500-8125-4543 to accounting and auditing 2500-8125-4506 and be appropriated from this account to pay the fees of Deloitte & Touche LLP for the aforementioned services.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

**See next page(s) for attachment

<u>Item No. 29</u> Motion by Supervisor Gabryszak , Seconded by Councilmember Swiatek to adjourn the meeting.

RICHARD M. MOLESKI Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 5 MARCH 4. 1996

<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 4th day of March, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Kenneth Kopacz, Director of Youth and Recreational Services Department; Salvatore LaGreca, Chairman of Planning Board; Larry Golas, Superintendent Waste Water Pump Station; and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

<u>Item No. 2</u> 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: 0100-3020-1561 Public Safety Dispatcher \$3,000.00

To: 0100-3020-4093 Public Safety Dispatcher Training \$3,000.00

Upon roll call . . .

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 3</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED, that the following Vouchers and Warrants were submitted to the Town of Cheektowaga prior to March 1, 1996 and are hereby approved and made a part hereof:

GENERAL FUND	\$178,933.22
HIGHWAY FUND	61,483.72
TRUST & AGENCY	9,789.51
PART TOWN FUND	1,857.94
RISK RETENTION FUND	55,942.55
CDBG HUD FUND	18,905.97
HUD HOUSING REHABILITATION FUND	10,932.00
SPECIAL DISTRICTS FUND	162,062.00
CAPITAL FUND	<u>1,130.00</u>

\$501,036.91

Item No. 3 continued

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

Item No. 4 Motion By Councilmember Johnson, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on March 18, 1996 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 7th day of March, 1996, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on March 18, 1996 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE IV

Traffic Control Signals

76.40 Installation, maintenance and operation of traffic control signals.

Section 76.40 A. - Traffic control signals shall be installed, maintained and operated as follows - shall be amended by deleting therefrom the following:

- (32) Pine Ridge at E. Delavan Avenue
- (b) Normal operation: flashing red on Pine Ridge Road. Flashing yellow on East Delavan Avenue

Section 76.40 A. - Traffic control signals shall be installed, maintained and operated as follows - shall be amended by adding thereto the following:

- (32) Pine Ridge at E. Delavan Avenue
- (b) Normal operation: flashing red on Pine Ridge Road and on East Delavan Avenue

ARTICLE VIII

Stop and Yield Intersections

76.80 Stop intersections designated

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

Item No. 4 continued

		Entrance	Traffic	Sign	
Street	Direction	Street	Stops	Location	

East Delavan Ave. East-west Pine Ridge Road northbound S.E. Corner

East Delavan Ave. East-west Pine Ridge Road southbound N.W. Corner

Pine Ridge Road North-south East Delavan Ave. eastbound S.W. Corner

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

YORK

Richard M. Moleski Town Clerk

Dated: March 4, 1996

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 5a Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, a Notice to Bidders was duly published for the receipt o 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 21, 1996 public bid opening, AND

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

WHEREAS, bids were reviewed by Allan Blachowski, Principal Engineer, 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:

Neenah Foundry Company P.O. Box 729 Neenah, WI 54957

<u>Item</u>	Quantity	Delivered <u>Unit Bid Price</u>
Frame with 24" diameter self-sealing cover (set)	25 50	\$137.00 \$132.00

Syracuse Casting Sales Corp. P.O. Box 1821 South Bay Road Cicero, New York 13039

<u>Item</u>	Quantity	Delivered <u>Unit Bid Price</u>
Frame with 24" diameter	25	\$129.70
vented cover (set)	50	\$126.70

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 5b</u> Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, bids were received on February 21, 1996 for the application of chemical fertilizers and herbicides, 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 29, 1996, NOW, THEREFORE, BE IT

^{*}SEE NEXT PAGE FOR ATTACHMENT

RESOLVED, that the contract for the application of chemical fertilizers and herbicides for the year of 1996 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	\$5,725.00
ITEM 2	Chemical Trimming Areas	\$ 765.00
ITEM 3	Retention Basins	\$2,495.00
ITEM 4	Nitrogen Fertilizer	.0030/sq.ft.
ITEM 5	Weed Control	.0036/sq.ft.
ITEM 6	Chemical Trimming	.0070/sq.ft.
ITEM 7	Weed & Feed Lawn Areas	.0039/sq.ft.
ITEM 8	Chemical Trimming of Fence Lines	\$ 50.00
ITEM 9	Grass Growth Regulator	\$ 850.00
ITEM 10	Brush Control	\$3,335.00
	Total bid for Items 1, 2 and 3:	\$8,985.00

AND, BE IT FURTHER

RESOLVED, that payment for the application of chemical fertilizers and herbicides shall be charged to Account No. 018-540-4587.

Upon roll call . . .

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6 Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders 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 Town Clerk located at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 A.M. on March 20,1996.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 20,1996 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 Town Clerk, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions 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 per cent (5%) of the amount of the bid, payabel to the Town of Cheektowaga, New York or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

Richard M. Moleski Town Clerk

Dated: March 4, 1996

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, the Capital Markets Deregulation and Liberalization Act of 1995 (currently H.R. 2131) is pending approval by the House Committee on Commerce, and the House Subcommittee on Telecommunications and Finance, AND

WHEREAS, this bill would immunize broker-dealers from liability for recommendations made to institutional investors, including state and local governments and public pension funds, unless the broker-dealer enters into a written agreement with the institutional investor, AND

WHEREAS, this bill would also prohibit states from enforcing their own securities laws and preempt these laws with federal laws, thus removing another layer of protection for investors, AND

WHEREAS, the Government Finance Officers Association, the National League of Cities and the National Association of State Auditors, Comptrollers and Treasurers have expressed their opposition to this bill, AND

WHEREAS, this Town Board feels that this bill will have an adverse impact on government investors, taxpayers and pension beneficiaries, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its opposition to the Capital Markets Deregulation and Liberalization Act of 1995 (H.R. 2131) ,and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to notify the Town's Congressional representatives of the Town's opposition to this bill.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

Item No. 8 Motion By Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, part of the New York State Department of Transportation ("DOT") Five-Year Capital Plan, as approved by the Legislature in 1993, included the widening of Transit Road (Route 78) from Broadway to French Road, from two lanes to five lanes (DOT Project No. 511162), AND

WHEREAS, design work for this project has been largely completed, but due to the urgency of the State's fiscal situation, this project may be suspended, AND

WHEREAS, this Board feels that the widening of Transit Road from Broadway to French Road would create an opportunity for further development along this portion of Transit Road, would thus provide an opportunity for tremendous economic development, and would serve to address the serious drainage concerns of the area of the Town abutting Transit Road, AND

WHEREAS, it is imperative that funding be provided in the State's 1996-97 budget so that the project can proceed with a possible ground-breaking in 1996, AND

WHEREAS, at a public hearing held by the DOT to discuss this project, the Town of Cheektowaga was represented and supported this project as being in the best interests of the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes Governor George Patacki, the New York State Legislature and DOT to ensure that DOT Project No. 511162 proceeds as expeditiously as possible and that funding be included in the State's 1996-97 budget for such project, and BE IT FURTHER

Item No. 8 continued

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor George Patacki, State Senator William T. Stachowski, State Assemblyman Paul Tokasz and to Robert Russell, Regional Director to the DOT.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WIELINSKI TO AMEND THE ABOVE RESOLUTION, ITEM 8, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0



AMENDED

WHEREAS, part of the New York State Department of Transportation ("DOT") Five-Year Capital Plan, as approved by the Legislature in 1993, included the widening of Transit Road (Route 78) from Broadway to French Road, from two lanes to five lanes (DOT Project No. 511162), AND

WHEREAS, <u>preliminary</u> design work for this project has been largely completed, but due to the urgency of the State's fiscal situation, this project may be suspended, AND

WHEREAS, this Board feels that the widening of Transit Road from Broadway to French Road would create an opportunity for further development along this portion of Transit Road, would thus provide an opportunity for tremendous economic development, and would serve to address the serious drainage concerns of the area of the Town abutting Transit Road, AND

WHEREAS, it is imperative that funding be provided in the State's 1996-97 budget so that the project can proceed with a possible ground-breaking in 1996, AND

WHEREAS, at a public hearing held by the DOT to discuss this project, the Town of Cheektowaga was represented and supported this project as being in the best interests of the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes Governor George Patacki, the New York State Legislature and DOT to ensure that DOT Project No. 511162 proceeds as expeditiously as possible and that funding be included in the State's 1996-97 budget for such project, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor George Patacki, State Senator William T. Stachowski, State Assemblyman Paul Tokasz and to Robert Russell, Regional Director to the DOT.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 9</u> Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga owns water distribution facilities on the west side of Transit Road located within Town Water District No. 9, which facilities terminate at the southern corporate boundary bordered by the Town of West Seneca, AND

WHEREAS, in order to provide water service to two (2) developed residential properties in the Town of West Seneca located at #3524 and #3514 Transit Road in an economical manner, the Town of West Seneca proposes a 180 L.F. 8" watermain extension southward from the terminus of Water District No. 9 facilities, AND

WHEREAS, the Erie County Water Authority who maintains Water District No. 9 facilities through a lease management agreement with the Town has reviewed the proposed waterline extension, and is in agreement with said proposal, and has further determined that the proposed extension will not adversely affect Water District #9 customers presently being served, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, acting in its capacity as Water Commissioners for Water District No. 9, hereby approves the proposed connection to Water District No. 9 facilities for the proposed 180 L.F. 8" diameter extension AND, BE IT FURTHER

RESOLVED, that the Town of West Seneca shall assume all costs and all maintenance responsibilities associated with the installation and maintenance of said watermain extension and, BE IT FURTHER

RESOLVED, that all work associated with the aforesaid waterline extension shall meet with the technical requirements of the Erie County Water Authority and New York State Department of Health.

Upon roll call . . .

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 10a</u> Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town, in its 1996 budget, allocated moneys to certain cultural and notfor-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 1994 and 1995 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

Cheektowag Art Guild

\$ 915.00

and, BE IT FURTHER

Item No. 10a continued

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 1996 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 10b</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, grant monies are available through the New York State Council on the Arts-Folk Arts program to support activities associated with the 1996-98 Cheektowaga Polish-American Festival, AND

WHEREAS, the Town is in need of financial assistance to enhance activities offered in conjunction with the folk arts component of the Cheektowaga Polish-American Festival, AND

WHEREAS, the Town desires the preparation and submission of a grant application requesting funding for three years in the amount of \$4,800 per year, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants be authorized and directed to complete the necessary application, forms, etc. to enable the Town to apply for the grant from this program and, BE IT FURTHER

RESOLVED, that should the grant application be awarded, the Town's share of required matching funds, not to exceed a total of \$8,000.00 per year, is available from the General Fund-Celebrations, Polish Festival Celebration budget line #0100-7550-4374 and, BE IT FURTHER

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

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 10c</u> Motion By Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, Erie County offers Public Benefit grant monies to qualified agencies for various purposes, AND

WHEREAS, the Cheektowaga Senior Center qualifies for grant funding under the guidelines establishing Public Benefit grant monies, AND

WHEREAS, the Center proposes to transport homebound senior citizens to the Senior Center and provide them with a variety of activities and programs, AND

WHEREAS, the Senior Center seeks funding in the amount of \$3,000.00 to offset the costs associated with said programming, 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 Erie County for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 10d</u> Authorize Supervisor to Execute Release and Modification of Easement Rights

This item was withdrawn.

<u>Item No. 11</u> Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, this Town Board, by resolution dated August 2, 1993 engaged the firm of EMS Consulting to prepare plans and specifications for a Traffic Signal Installation and Highway Pavement Modifications at the intersection of Cayuga Creek Road and William Street, AND

WHEREAS, the technical services agreement dated August 2, 1993 for said project included a provision for Engineering Services During Construction on an hourly basis for inspection and project administration, which was not previously awarded, and which services were required to successfully complete this project, NOW, THEREFORE, BE IT

RESOLVED, that EMS Consulting be and hereby is authorized to submit itemized project documentation for Engineering Services provided during the Construction Phase of the Project, in accordance with Section III-A, Paragraph 4 of the aforesaid agreement and, BE IT FURTHER

RESOLVED, that payment for documented Services as provided during the Construction Phase of the subject project in an amount not to exceed \$2,500.00 shall be chargeable to said project, and shall be appropriated from budget line item 5112-5110-9118.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; C

<u>Item No. 12</u> Motion By Councilmember Swiatek, Seconded by Councilmember Blachowski

BE IT RESOLVED, that the position of Real Property Appraiser be and hereby is created in the Assessor's Office, effective immediately.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 13</u> Motion By Councilmember Swiatek, Seconded by Councilmember Blachowski

WHEREAS, the position of Real Property Appraiser has been created in the Assessor's Office, AND

WHEREAS, there currently exists no valid promotional Civil Service list for the title of Real Property Appraiser, AND

WHEREAS, Kevin Gawel, is currently serving in the position of Real Property Appraisal Technician and is familiar with the duties and meets the necessary qualifications for the position of Real Property Appraiser, NOW, THEREFORE, BE IT

RESOLVED, that Kevin Gawel of XXXXXXXXXXXXXXX, Depew, New York XXXXX, be and hereby is appointed to the position of Real Property Appraiser in the Assessor's Office, on a provisional basis, pending the establishment of a valid promotional Civil Service list for said position and, BE IT FURTHER

RESOLVED, that said appointment is made effective March 5, 1996 at an annual salary of \$39,317.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

Item No. 14 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the below listed individual be transferred as indicated: (Part-

Time)

From Instructor to Certified Lifeguard Instructor - \$9.45 - (7140.1615)

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

Item No. 15a Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, Con-Expo will be holding its conference in Las Vegas, Nevada from March 20th through March 24th, 1996, AND

WHEREAS, the Town Highway Superintendent has requested permission to attend such conference, NOW, THEREFORE, BE IT

RESOLVED, that Christopher J. Kowal, Highway Superintendent, is authorized to attend such conference. Line item to be charged 0300-5130-4087, cost not to exceed \$1,000.00.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

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

WHEREAS, the International Association of Chief's of Police will be sponsoring a training course on *Advanced Tactical Management for Commanders and Supervisors* in Toledo, Ohio March 11-13, 1996.

WHEREAS, Chief Chamberlin is requesting authorization to send Capt. Richard Chamberlin, Lt. Gary Schmidt, Lt. Cheryl Rucinski, and Lt. John Glascott to this training. This course is designed to increase the attendees' appreciation for the political, legal and practical realities that affect tactical operations. The importance of the relationship between overall command of an incident and command of the tactical response functions themselves is discussed. Participants will learn to use the Incident Management System (IMS), which is replacing the Incident Command (ICS) as the national standard for managing incidents, to command tactical operations. The police department will be responsible for tuition, lodging, meals and transportation amounting to approximately \$2,100.00, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send the above officers to this training, and that the time spent 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 16 Building Permits

Received and Filed.

<u>Item No. 17a</u> Minutes of Cheektowaga Public Library Board - January 24, 1996

Received and Filed.

<u>Item No. 17b</u> Minutes of Cheektowaga Planning Board - February 8, 1996

Received and Filed.

Item No. 18 Supervisor's Statement of Funds - December 1995

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 19 Notice of Claim: Russell Mantione and Anna Jean Mantione vs the Town of

Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Parks Department; Facilities Department and Allied Claims Insurance

Carrier. Received and Filed.

MEETING NO. 5 March 4, 1996

MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER BLACHOWSKI TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0



<u>Item No. 20</u> Bond: Increase and Improvement of Facilities of Consolidated Refuse and Garbage

District

This item was not acted upon due to the fact that there was an objection from Councilmember Johnson to the waiver of rules for this item.

Item No. 21 Motion By Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga has previously provided a mortgage-secured Housing Rehabilitation to Bonita A. Nola, for property owned by her at 225 Medina Street, Cheektowaga, New York 14206, AND

WHEREAS, Bonita A. Nola has applied to re-finance her mortgage through Homestead Financial Services, which has conditioned its approval on the Town's subordination of its mortgage to that of Homestead Financial Services, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement, and any related documents with Homestead Financial Services pertaining to the Town's mortgage on the property at 225 Medina Street, Cheektowaga, New York 14206.

Upon roll call

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

Johnson, Wielinski, and Swiatek

NAYES; 0 ABSENT: 0

<u>Item No. 22</u> Motion By Councilmember Wielinski, Seconded by Councilmember Swiatek to

adjourn this meeting.

Richard M. Moleski Town Clerk

<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 18th day of March, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Jacqueline A. Blachowski Councilmember Thomas M. Johnson, Jr. Councilmember William L. Wielinski

Councilmember Jeff Swiatek

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Robert Kaczmarek, Supervising Accountant; Andrew Kulyk, Zoning Board Chairman; Len Szymanski, Working Foreman-Facilities Department.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting proposed Local Law Intro No. 96-1, entitled "A Local Law Amending A Local Law Relating to Zoning" hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed. A description of Local Law Intro No. 96-1 is as follows:



Town of Cheektowaga

A Local Law Amending a Local Law Relating to Zoning

A Local Law amending the Town of Cheektowaga Zoning Law to classify adult cabarets, adult entertainment establishments, body rub/sports rub (massage) establishments and steam bath/hot tub/whirlpool bath establishments and related uses as Adult Uses as permitted uses in a M2-General Manufacturing District in the Town of Cheektowaga. In addition, amendments to other subsections in the Adult uses provisions of the Zoning Law are being proposed to clarify such provisions.

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 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic), hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed. Said amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

76-81 Yield Intersections designated.

Section 76-81 shall be amended by adding thereto the following:

Item No. 3 cont'd

Street	<u>Direction</u>	Entrance Street	<u>Traffic</u> <u>Yields</u>	<u>Sign</u> Location
Cedargrove Cir.	East West	Shelby Drive	Northbound	S.E. Corner
Cedargrove Cir.	East West	Shelby Drive	Southbound	N.W. Corner
Cedargrove Cir.	East West	Elkhurst Dr.	Northbound	S.E. Corner
Cedargrove Cir.	East West	Elkhurst Dr.	Southbound	N.W. Corner
Cedargrove Cir.	North South	Sierra Dr.	Eastbound	S.W. Corner
Cedargrove Cir.	North South	Sierra Dr.	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

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

B. No parking anytime

Smith Street	West side	from the south curbline of Genesee Street to a point 150 <u>+</u> feet south of the south curbline of Genesee Street, for a distance of 150 <u>+</u>
Old Maryvale Dr. (at Mother of Divine Grace Church)	North side	from a point 195 <u>+</u> feet east of the east curbline of Rosary Blvd. to a point 415 <u>+</u> feet east of the east curbline of Rosary Blvd. for a distance of 220 <u>+</u> feet.

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

Item No. 4 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic), hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed. Said amendments being as follows:

ARTICLE IV

Traffic Control Signals

76.40 Installation, maintenance and operation of traffic control signals.

Section 76.40 A. - Traffic control signals shall be installed, maintained and operated as follows - shall be amended by deleting therefrom the following:

- (32) Pine Ridge at E. Delavan Avenue
- (b) Normal operation: flashing red on Pine Ridge Road. Flashing yellow on East Delavan Avenue

Section 76.40 A. - Traffic control signals shall be installed, maintained and operated as follows - shall be amended by adding thereto the following:

(32) Pine Ridge at E. Delavan Avenue

(b) Normal operation: flashing red on Pine Ridge Road and on East Delavan Avenue Item No. 4 cont'd

ARTICLE VIII

Stop and Yield Intersections

76.80 Stop intersections designated

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

Street	Direction	Entrance <u>Street</u>	Traffic <u>Stops</u>	Sign <u>Location</u>	
East Delavan Ave.	East-west	Pine Ridge Road	northbound	S.E. Corner	
East Delavan Ave.	East-west	Pine Ridge Road	southbound	N.W. Corner	
Pine Ridge Road	North-south	East Delavan Ave.	eastbound	S.W. Corner	

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. 5 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: 0100-3120-1541 Patrolman \$14,000.00

TO: 0100-1220-4094 Training Grant \$14,000.00

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motion by Supervisor Gabryszak . Seconded by Councilmember Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to March 15, 1996 are hereby approved and made a part hereof:

General Fund		\$2,349,437.25
Highway Fund		1,039,773.67
Trust and Agency		4.616,658.75
Part Town Fund		45,569.10
Risk Retention Fu	nd	149,455.08
CDBG HUD Fund		41,219.00
HUD Housing Rehabilitation Fund		26,639.04
Special Districts F	und	2.957,505.27
Capital Fund	79 525 68	

\$11,305,782.84

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 7 Bond Resolution - Increase & Improvement of Facilities of Consolidated Refuse and

Garbage District



Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

to table the above resolution and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 8 Motion by Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated January 21, 1992, Local Law No. 1 of the Year 1992 of the Town of Cheektowaga, entitled "A Local Law Relating to Zoning" was enacted, and

WHEREAS, the Building Inspections Department and the Police Department have recommended that certain provisions of the Local Law Relating to Zoning be amended, and

WHEREAS, a public hearing was held on the 18th day of March, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law No. 1 of the Year 1996 entitled "A Local Law Amending a Local Law Relating to Zoning", and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 1 of the Year 1996, entitled "A Local Law Amending a Local Law Relating to Zoning" be and the same is hereby adopted and BE IT FURTHER

RESOLVED that, within twenty (20) days of its adoption, the Town Clerk shall file one (1) certified copy of this Local Law in his office and one (1) certified copy in the office of the Secretary of State, and BE IT FURTHER

RESOLVED that Local Law No. 1 of the Year 1996 shall be effective immediately upon its filing with the Secretary of State.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 9a Motion by Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, the Town's cable television franchise agreement with International Cablevision, Inc., d/b/a Adelphia Cable Communications ("Adelphia") has expired, and

WHEREAS, by Town Board resolution dated January 18, 1994, the Cable Television Committee was created to perform a due diligence review of Adelphia's performance and to negotiate a new franchise agreement with Adelphia, and

^{**}See next page(s) for attachment

WHEREAS, the Cable Television Committee considered Adelphia's trouble calls, technical performance tests of Adelphia's system and Adelphia's financial information, and

WHEREAS, the Cable Television Committee solicited comments from the public about Adelphia's performance, and

WHEREAS, the Cable Television Committee adopted a Request for Proposals for a new franchise agreement, and thereafter Adelphia submitted a proposed franchise agreement, and

WHEREAS, the Cable Television Committee met numerous times on its own, with representatives of Adelphia and with representatives of the New York State Department of Public Service (formerly the New York State Commission on Cable Television) to identify the future cable related needs of the Town, to review the performance of Adelphia and to refine a franchise renewal agreement for the Town, and

WHEREAS, the Cable Television Committee has now received a proposed franchise renewal agreement from Adelphia which it feels is acceptable and in the best interest of the Town, and

WHEREAS, the Cable Television Committee has completed its due diligence review on behalf of the Town, and

WHEREAS, pursuant to law, public notice of the receipt of a franchise proposal from Adelphia must be given, NOW, THEREFORE, BE IT

RESOLVED that receipt is hereby acknowledged of a proposal from Adelphia for a cable television franchise renewal agreement for the Town of Cheektowaga and BE IT FURTHER

RESOLVED that a public hearing will be held on the 3rd day of April, 1996 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to discuss the proposed cable television franchise agreement submitted to the Town of Cheektowaga by Adelphia; at which hearing all interested parties will be afforded an opportunity to be heard concerning the renewal and to otherwise participate in the hearing and to ask questions, and BE IT FURTHER

RESOLVED that copies of the proposed franchise renewal agreement are on file in the Town Clerk's Office where same may be examined during regular business hours, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Public Hearing in the Cheektowaga Times on March 21, 1996.



NOTICE OF PUBLIC HEARING

ON

CABLE TELEVISION FRANCHISE RENEWAL

NOTICE IS HEREBY GIVEN that the Cheektowaga Cable Television Committee has completed its due diligence review and negotiation of a cable television franchise agreement with International Cablevision, Inc., d/b/a Adelphia Cable Communications.

Item No. 9a cont'd

FURTHER NOTICE IS HEREBY GIVEN that the Town of Cheektowaga has received a franchise renewal agreement proposal from International Cablevision, Inc., d/b/a Adelphia Cable Communications.

FURTHER NOTICE IS HEREBY GIVEN that a public hearing will be held on the 3rd day of April, 1996 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway Cheektowaga, New York to discuss the proposed cable television franchise renewal agreement; at such hearing all interested parties will be afforded an opportunity to be heard concerning this agreement and to otherwise participate in the hearing and ask questions.

A copy of the proposed franchise renewal agreement is available for public inspection in the Town Clerk's Office at the Cheektowaga Town Hall where the same may be examined during regular business hours.

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

DATED: March 18, 1996

RICHARD M. MOLESKI Town Clerk



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 9b Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated September 8, 1987, Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention" was adopted, and

WHEREAS, a Scajaquada Creek Flood Study was prepared for the Town by the consulting engineering firm of Pratt & Huth Associates, and

WHEREAS, based on such study, the Flood Insurance Rate map was changed by a Letter of Map Revision ("LOMR") issued by the Federal Emergency Management Agency ("FEMA"), and

WHEREAS, such Letter of Map Revision significantly reduced the designated floodplain for Scajaquada Creek between the New York State Thruway and Dick Road, and

WHEREAS, the Region 9 of the New York State Department of Environmental Conservation ("DEC") notified the Town that Section 3.2 of the Town's Local Law for Flood Damage Prevention must be amended to officially adopt the LOMR, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 1st day of April, 1996 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 96-2 of the Year 1996, entitled "A Local law to Amend the Local Law for Damage Prevention", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga, on the 1st day of April, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend the Local Law for Flood Damage Prevention (Local Law No. 1 of the Year 1987) by the adoption of Local Law Intro No. 96-2 of the Year 1996, entitled "A Local Law to Amend the Local Law for Flood Damage Prevention". A brief description of Local Law Intro No. 96-2 of the Year 1996 is as follows:

Town of Cheektowaga

Local Law Intro No. 96-2 of the Year 1996

A Local Law to amend Section 3.2 of Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention" to amend the areas of special flood hazard in the Town based on updated flood study findings.

A copy of the complete text of Local Law Intro No. 96-2 of the Year 1996 shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Dated: March 18, 1996

RICHARD M. MOLESKI Town Clerk



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 9c</u> Motion by Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, during the process of negotiating a franchise renewal agreement for cable television, community concern was expressed about utility companies entering private property without the owner's proper consent to repair utility company wires, etc., and

WHEREAS, to address such concerns, the Cable Television Committee has proposed the adoption of a local law to require utility companies to obtain the prior consent of the owner of the property to gain access to such property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held on the 1st day of April, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 96-3, entitled "A Local Law for Consent Requirements", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Public Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga, on the 1st day of April, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon proposed Local Law Intro No. 96-3 entitled "A Local Law for Consent Requirements". A brief description of Local Law Intro No. 96-3 is as follows:

A Local Law to establish an orderly procedure for utility companies to enter the premises of a Town of Cheektowaga resident for the purposes of examining its utility lines, repair, etc. while maintaining the resident's right to privacy and protection of their private property.

A copy of the complete text of the Local Law Intro No. 96-3 is on file in the Town Clerk's Office where the same may be examined during regular business hours.

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

Dated: March 18, 1996

RICHARD M. MOLESKI Town Clerk



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 10 Motion by Councilmember Johnson, Seconded by Councilmember 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, the Cheektowaga Planning Board has reviewed the proposed Zoning Law amendments and has recommended approval of same, and

WHEREAS, the Town Building Inspections Department recommended that the Adult Use Section of the Zoning Law (Section 82-37.A. (1) (i)) be amended to include certain new types of businesses, and

WHEREAS, the EAC has reviewed the proposed amendments to the Zoning Law and is recommending that the Town Board issue a "Negative Declaration" for same, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby determines that the proposed amendments to Section 82-37.A. (1) (i) of the Zoning Law 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, Councilmembers Jaworowicz, Rogowski, Blachowski,

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 11</u> Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated November 6, 1995 this Town Board memorialized the New York State Department of Transportation ("DOT") to conduct a Reliever Study to identify other potential public use airports in less populated areas of Western New York where improvements funding could be made available for the purpose of diverting air traffic away from the Buffalo Airfield, and

WHEREAS, the DOT has now completed its "Reliever Analysis for Western New York Region" with the purpose in mind being diverting traffic away from the Buffalo Airfield so as to alleviate traffic and noise concerns from the adjacent residential neighborhoods, and

WHEREAS, such Reliever Analysis indicates that Lancaster Airport appears to be the best candidate to provide increase competition for Buffalo Airfield since it is ideally situated to divert traffic, is located in an area compatible with airport noise, has an approved Airport Layout Plan and is eligible for and has applied for FAA funding, and

WHEREAS, the conclusion of this Reliever Analysis is that special funding priority be given to Lancaster Airport, for the purposes of alleviating noise problems and decreasing public opposition to future safety-related grants at Buffalo Airfield, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees with and supports the above referenced Reliever Analysis for Western New York Region prepared by the DOT, and BE IT FURTHER

RESOLVED that this Town Board hereby memorializes the DOT and FAA to give special funding priority to Lancaster Airport in order to lessen congestion and noise problems at the Buffalo Airfield, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the FAA, DOT, State Senator William Stachowski and State Assemblyman Paul Tokasz.

Item No. 11 cont'd

Motion by Councilmember Johnson, Seconded by Councilmember Rogowski to amend the above resolution, and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0



WHEREAS, by resolution dated November 6, 1995 this Town Board memorialized the New York State Department of Transportation ("DOT") to conduct a Reliever Study to identify other potential public use airports in less populated areas of Western New York where improvements funding could be made available for the purpose of diverting air traffic away from the Buffalo Airfield, and

WHEREAS, the DOT has now completed its "Reliever Analysis for Western New York Region" with the purpose in mind being diverting traffic away from the Buffalo Airfield so as to alleviate traffic and noise concerns from the adjacent residential neighborhoods, and

WHEREAS, such Reliever Analysis indicates that Lancaster Airport appears to be the best candidate to provide increase competition for Buffalo Airfield since it is ideally situated to divert traffic, is located in an area compatible with airport noise, has an approved Airport Layout Plan and is eligible for and has applied for FAA funding, and

WHEREAS, the conclusion of this Reliever Analysis is that special funding priority be given to Lancaster Airport, for the purposes of alleviating noise problems at Buffalo Airfield, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees with and supports the above referenced Reliever Analysis for Western New York Region prepared by the DOT, and BE IT FURTHER

RESOLVED that this Town Board hereby memorializes the DOT and FAA to give special funding priority to Lancaster Airport in order to lessen congestion and noise problems at the Buffalo Airfield, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the FAA, DOT, State Senator William Stachowski and State Assemblyman Paul Tokasz.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 12 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, Broadway is a State highway maintained by the New York State Department of Transportation ("DOT"), and

WHEREAS, the DOT proposes the improvement of NY Route 130, Broadway SH914 in the Town of Cheektowaga (from the Cheektowaga West Town Line to Union Road), and

WHEREAS, the DOT will include, as part of the improvement projects for the above mentioned state highway, the planting of trees and shrubs in the area between the curbline and the Conrail right-of-way pursuant to Section 19 of the Highway Law, as shown on the contract plans relating to the project, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga approves the plantings shown on the contract plans relating to the project and that the Town of Cheektowaga will maintain or cause to be

Item No. 12 cont'd

maintained the plantings constructed as above stated and as shown the contract plans, and BE IT FURTHER

RESOLVED that the clerk of this Board is hereby directed to transmit six (6) certified copies of the foregoing resolution to the State Department of Transportation.



Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson to table the above item for further study and review and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 13 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following recreational fees be established for Summer 1996 and Fall/Winter 1996-97:

PRE-K

Resident \$276.00 Non-Resident \$326.00

INSTALLMENT PLAN:

Resident \$148.00 (Due at Registration)

\$148.00 (Due February 1st)

Non-Resident \$173.00 (Due at Registration)

\$173.00 (Due February 1st)

INDOOR YOUTH SOCCER

Resident Non-Resident

First Child \$38.00 \$52.00 Each Additional \$28.00 \$42.00

INDOOR ADULT SOCCER

Per Team Per Session \$340.00

Non-Resident \$24.00 each

INDOOR SOCCER FIELD RENTAL

Per One Hour Time Slot \$40.00

ICE RENTAL

Per Hour	PRIME TIME	\$118.00	5:00 pm -
			11:00 pm
			Weekdays

and All Day weekends

NON-PRIME \$88.00 8:00 am -

5:00 pm Weekdays

Item No. 13 cont'd

ICE HOCKEY

io E i i o i i e i i	RESIDENT House Travel		NON-RESIDENT House Travel	
Novice	\$160	N/A	\$310	N/A
MITE 4 or more teams 3 or less teams	\$210 \$250	\$310	\$360 \$400	\$460
SQUIRT 4 or more teams 3 or less teams	\$230 \$270	\$330	\$380 \$420	\$480
PEE WEE	\$300	\$350	\$450	\$500
BANTAM	\$330	\$380	\$480	\$530
MIDGET	\$420**	\$300	\$570**	\$450

^{**}NO TRAVEL OR HIGH SCHOOL PLAYERS

⁻⁻Second Child Enrolled from Family \$25.00 reduction

-- Third Child Enrolled from Family \$50.00 reduction

--1996-97 Try-Out Fee - \$7.00

RESIDENCE IS DEFINED AS PER LOCAL LAW NO. 1 OF THE YEAR 1988, WHICH STATES "RESIDENCY -- THE ACTUAL DOMICILE OF AN INDIVIDUAL, WHICH HE OR SHE ACTUALLY PHYSICALLY USES OR OCCUPIES FOR LIVING PURPOSES, THAT IS, WHERE HE OR SHE NORMALLY EATS, SLEEPS, AND MAINTAINS USUAL PERSONAL AND HOUSEHOLD EFFECTS"



Motion by Councilmember Wielinski, Seconded by Councilmember Swiatek to table the above item and the voting was as follows:

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 14</u> Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz

WHEREAS, proposals were solicited and received for the provision of professional services for the drainage improvements project identified as Cedargrove Heights Stage II, Phase VIII Project, and

WHEREAS, proposals from fourteen (14) consulting engineering firms were received on November 27, 1995 and reviewed by the Town Engineer and Director of Community Development with analysis, tabulation and report hereto attached and outlined in the attached memorandum from the Town Engineer dated March 12, 1996, and

WHEREAS, this Town Board concurs with the recommendation of the Town Engineer and the Director of Community Development that award be made to the firm of Nussbaumer & Clarke, Inc., having submitted the lowest responsible engineering services fee proposal for Categories A, B & C of the project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the contract for the provision of professional services for the Cedargrove Heights Stage II, Phase VIII Project, to:

Nussbaumer & Clarke, Inc. 3556 Lake Shore Road Buffalo, New York 14219-1439

Item No. 14 cont'd

in an amount not to exceed \$24,311, which proposal work shall include survey, mapping, preparation of plans and specifications, contract and bidding documents, and a maximum of six (6) parcel maps provided for under Categories A, B & C and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to enter into said agreement with Nussbaumer & Clarke, Inc. for the provision of the aforesaid professional services for the Cedargrove Heights, Stage II, Phase VIII Project, and BE IT FURTHER

RESOLVED that funding for this contract in the total amount not to exceed \$24,311 shall be paid from the Community Development Block Grant Funds.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

^{**}See next page(s) for attachments

<u>Item No. 15a</u> Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of property located at 14 Donlen Drive in the Town of Cheektowaga, New York, and

WHEREAS, said owner has applied for a mortgage loan through G.E. Capital Home Equity Services, for the purpose of refinancing existing mortgage debt and consolidating other debt at a lower interest rate, and

WHEREAS, approval of the mortgage has been conditioned on the subordination of the Town's mortgage to that of G.E. Capital Home Equity Services, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute a Subordination Agreement with G.E. Capital Home Equity Services, Metro Center Office Park, 475 Kilvert Street, Warwick, Rhode Island, 02886 in relation to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 14 Donlen drive, Cheektowaga, New York 14225.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 15b Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of renting campground facilities known as Camp Aloha from August 11, 1996 through August 17, 1996, and

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

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc. is willing to rent such facilities to the Town provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$5,500. (Line Item No. 7310.4698), and

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

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

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

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 15c</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Maplewood Property Associates, L.P. is the owner of the Maplewood Health Care Center located at 225 Bennett Road in the Town of Cheektowaga, and

WHEREAS, by resolution dated May 20, 1991, the Cheektowaga Town Board accepted drainage and conservation/creek maintenance easements over 225 Bennett Road from Maplewood Properties, Inc., and

WHEREAS, Maplewood Property Associates, L.P. is in the process of transfering a two-acre parcel to Maplewood Residence for the construction of an assisted living facility on Bennett Road, and

Item No. 15c cont'd

WHEREAS, Maplewood Property Associates, L.P., in order to complete the transfer of property to Maplewood Residence, has requested the Town to release a portion of the conservation/creek maintenance easement and to modify the terms of the drainage easement, and

WHEREAS, this request has been reviewed by the Town Engineering and Attorneys Department and it has been determined that such release and modification will not adversely effect the Town's right under such easements, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Release and Modification of Easement Rights document requested by Maplewood Property Associates, L.P., and BE IT FURTHER

RESOLVED that the approval of this release and modification is subject to permissive referendum under Section 64(2) of the Town Law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on March 18, 1996, adopted a resolution authorizing the granting of a Release and Modification of

Easement Rights to release a portion of a Conservation/Creek Maintenance easement and to modify the terms of a drainage easement across property located at 225 Bennett Road (Maplewood Health Care Center) in the Town of Cheektowaga.

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

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

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

Dated: March 18, 1996

RICHARD M. MOLESKI Town Clerk



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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 15d Motion by Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, New York State Senator William Stachowski has appropriated funds to the Cheektowaga Police Department for the purpose of financing the Cheektowaga Police Mobile Data Project, and

WHEREAS, the Town of Cheektowaga and the Town Police Department are interested in availing themselves of this funding, and

WHEREAS, the Town of Cheektowaga Police Department made application for funding through this program and the Town has been notified that it will be granted such funding in the amount of \$50,000 for the program period 4/1/96 thru 3/31/97, the Town will not match any funds, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the above referenced Grant Award Agreement and any and all other documentation necessary to receive funding to Senator Stachowski's Office.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 15e Motion by Councilmember Jaworowicz Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of the property located at 15 Hedwig Street in the Town of Cheektowaga, New York, and

WHEREAS, said owner has applied for a mortgage loan through EquiCredit Corporation of NY, for the purpose of refinancing her existing first mortgage, and

WHEREAS, EquiCredit Corporation has conditioned its approval of the owner's mortgage on the subordination of the Town's mortgage to that of EquiCredit Corporation, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute a Subordination Agreement with EquiCredit Corporation of NY, 6225 Sheridan Drive, Amherst, New York 14221-4800, in relation to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 15 Hedwig Street, Cheektowaga, New York 14211.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 16a</u> Motion by Councilmember Swiatek, Seconded by Councilmember Wielinski

BE IT RESOLVED that the position of Housing Aide (Part-Time) be and hereby is created in the Building and Plumbing Department, effective immediately.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 16b Motion by Councilmember Swiatek, Seconded by Councilmember Wielinski

BE IT RESOLVED that the position of Housing Inspector (Part-Time) be and hereby is created in the he Building and Plumbing Department, effective immediately.

Item No. 16b cont'd

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 17a Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Housing Aide (Part-Time) in the Building and Plumbing Department, and

WHEREAS, Dale M. Parks has applied for said vacancy, was interviewed, and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that Dale M. Parks of XXXXXXXXXXXXX, Cheektowaga, New York, XXXXX be and hereby is appointed to the position of Housing Aide (Part-Time), not to exceed 19 hours on a weekly basis, at a salary of \$8.00 per hour, effective March 19, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 17b Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Housing Inspector (Part-Time) in the Building and Plumbing Department, and

WHEREAS, Donald O'Neill has applied for said vacancy, was interviewed, and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that Donald O'Neill of XXXXXXXXXXXXXXXXXX, Sloan, New York, XXXXX be and hereby is appointed to the position of Housing Inspector (Part-Time), not to exceed 19 hours on a weekly basis, at a salary of \$9.00 per hour, effective March 19, 1996.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 17c</u> Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Assistant Superintendent Wastewater Pump Station, and

WHEREAS, said vacancy was posted in accordance with the terms of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit.

WHEREAS, there is no valid Civil Service list for the title of Assistant Superintendent Wastewater Pump Station, and

WHEREAS, Jon Nichy, currently employed as a Pump Operator in the Main Pump Station, bid on said vacancy, was interviewed and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that Jon Nichy of XXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Assistant Superintendent Wastewater Pump Station, on a provisional basis, pending the establishment of a valid Civil Service examination list for said position, and as set forth by the terms and conditions of the agreement between the Town and the Town of Cheektowaga Supervisory Unit, effective March 19,1996.

Item No. 17c cont'd

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 18</u> Motion by Councilmember Swiatek, Seconded by Councilmember Wielinski

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

FACILITIES DEPARTMENT - \$6.00 per hour (0100-7110-1491)

James Ludtka XXXXXXXXXXXXX, Chktg, NY XXXXX Immediately

JUSTICE COURT - \$6.00 per hour

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

Item No. 19 Motion by Councilmember Wielinski, 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 24-29, 1996, and

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.

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

Johnson, Wielinski and Swiatek

NAYES: 0 0 ABSENT:

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Cheektowaga Traffic Safety Commission - Minutes of February 20, 1996. Received and Filed.

IV. GENERAL COMMUNICATIONS

NYS Dept. of Trans. - Designation of Restricted Highway - Broadway (from Harlem Item No. 21 Road to Union Road)

Item No. 21 cont'd

Dennis Gabryszak, Supervisor; Town Board Members; Copies were sent to: Cheektowaga Traffic Safety Commission; Highway Department Received and Filed

Item No. 22a Notice of Claim - James Chojnacki vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Allied Claims, Insurance Company, Highway Department

Received and Filed

Item No. 22b Notice of Claim - Rogelio Costellanos Jr., and Leonard Wiggins vs Town of

Cheektowaga

Dennis H. Gabryszak, Supervisor; James Kirisits, Town Copies were sent to: Attorney; Allied Claims, Insurance Company, Highway Department; Chief of Police.

Received and Filed

Item No. 22c Notice of Claim - Barbara Pulit vs Town of Cheektowaga

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

Attorney; Allied Claims, Insurance Company, Highway Department

Received and Filed.

Item No. 22d Notice of Claim - Gary Janas vs Town of Cheektowaga

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

Attorney; Allied Claims, Insurance Company, Highway Department

Received and Filed

Item No. 22e Waldemar Jurkowski vs Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Allied Claims, Insurance Company, Highway Department

Received and Filed

<u>Item No. 23</u> Depew/Cheektowaga Taxpayers Assoc., Inc. - letter regarding Bond for purchasing

receptacles for Sanitation

Copies were sent to: Dennis Gabryszak, Supervisor; Town Board Members;

Sanitation Department. Received and Filed.

VI. SUSPENSION OF RULES

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

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

<u>Item No. 24</u> Motion by Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, Hy-View Fire District No. 8 has made application and requested the rezoning of 8 Airport Drive from R-Residential District to CS-Community Facilities, said applicant being the owner of the aforementioned property, NOW, THEREFORE, BE IT

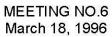
RESOLVED that a public hearing be held regarding said request under the provisions of the Zoning Ordinance on April 1, 1996 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

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

Johnson, Wielinski and Swiatek

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE



<u>Item No. 25</u> Motion by Supervisor Gabryszak , Seconded by Councilmember Swiatek to adjourn the meeting.

RICHARD M. MOLESKI Town Clerk