

TOWN OF CHEEKTOWAGA
MEETING NO. 20
OCTOBER 6, 1997

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of October, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

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

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending the Environmental Impact Review Ordinance. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendment being as follows:

A brief synopsis of the proposed changes is as follows:

- 1, Various technical changes to reflect changes in the State Environmental Quality Review Act ("SEQRA") (i.e., time frames, referenced sections from SEQRA);
2. Adding the Zoning Inspector as a member of the Town Environmental Advisory Committee;
3. Revising the application fee sections to authorize the Town Board to establish an Environmental Impact Review Fee Schedule for various stages of environmental review.

The Supervisor announced that the Town Clerk 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.

*See Item 10 - Decision to Amend Environmental Impact Review Ordinance

II. RESOLUTIONS

Item No. 3 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

GENERAL FUND

From:	0100-7510-4375	Historical Observances	\$ 444.00
	0100-7510-4051	Records Management	205.00
	0100-3120-3820	State Aid-Police	91,000.00
	0100-9501-9131	Bond Principal	27,565.00
To:	0100-7510-4043	Maps, Record Supplies	649.00
	0100-3120-1541	Patrolmen	91,000.00
	0100-1640-4443	Equipment Repair-Sanitation	12,500.00
	0100-1640-2502	Other Equipment	15,065.00

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SPECIAL DISTRICTS FUND

From:	2500-1910-2799	Sewer District #5-Fund Balance	\$50,000.00
	2500-8135-4431	Equipment Repair	3,500.00
To:	2500-8125-2512	Roof & Paving Repair	50,000.00
	2500-8135-2506	Maintenance Repair	3,500.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to October 3, 1997 are hereby approved and made a part hereof:

GENERAL FUND	\$ 407,845.65
HIGHWAY FUND	78,474.39
TRUST & AGENCY	19,226.12
PART TOWN FUND	6,062.57
HUD CDBG FUND	10,713.71
HUD HOUSING REHABILITATION FUND	21,276.04
RISK RETENTION FUND	21,793.20
SPECIAL DISTRICTS FUND	457,997.45
CAPITAL FUND	<u>440,301.19</u>
	\$1,463,609.32

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 5a Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 1998, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 9, 1997, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:30 P.M. on the 27th day of October, 1997, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 9, 1997, and post same on the signboard maintained by the Town Clerk.

Item No. 5a cont'd.



LEGAL NOTICE
of
PUBLIC HEARING
on
PRELIMINARY BUDGET
and
LIGHTING DISTRICTS and CONSOLIDATED GARBAGE DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 1998, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours, effective October 9, 1997.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:30 P.M. on the 27th day of October, 1997, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

SUPERVISOR	\$65,662
TOWN CLERK	\$55,000
HIGHWAY SUPERINTENDENT	\$65,000
COUNCILMEMBER	\$18,552

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

Richard M. Moleski, Town Clerk

Dated: October 6, 1997
Published: October 9, 1997



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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Item No. 5b Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1998 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

WHEREAS, this Town Board has assessed the Special District costs on a benefit basis against the lots or parcels of land against which the improvement was chargeable, AND

WHEREAS, this Town Board had prepared an assessment roll for each district describing each lot of land in the district, the owner thereof, and the assessment levied against it, AND

WHEREAS, this Town Board has filed such estimates and assessment rolls with the Town Clerk, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board shall meet at 6:30 P.M. on the 27th day of October, 1997 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES, the official Town newspaper on October 9, 1997.



PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, New York has completed it's Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE IS ALSO GIVEN that a public hearing on such Estimates and Assessment Rolls will be held on October 27, 1997 at 6:30 P.M. at the Town Hall, corner of Broadway and Union Roads, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

Richard M. Moleski
Town Clerk

Dated: October 6, 1997
Published: October 9, 1997



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

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Item No. 5c Moved by Councilmember Johnson, seconded by Councilmember Blachowski

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WHEREAS, Eric and Sharon Jaszka has made application and requested the Rezoning from NS-Neighborhood Services District and R-Residential District to NS-Neighborhood Services District for property located at 2550 Union Road, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 20, 1997 at 6:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon roll call
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 1998 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 identified the activities that the Town will carry-out 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 it's 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, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on October 20, 1997 at 6:15 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, October 9, 1997.



LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Town of Cheektowaga will hold a Public Hearing on Monday, October 20, 1997 at 6:15 P.M. at Cheektowaga Town Hall, 3301 Broadway Avenue, Cheektowaga, New York, regarding the Town's 1998 Annual Plan for the Community Development Block Grant and HOME Investment Partnership Programs.

In 1997, the Town of Cheektowaga received \$924,000 under the Title I of the Housing and Community Development Act of 1977, as amended. The HOME Consortium, of which the Town of Cheektowaga is a member along with the Towns of Amherst and Tonawanda, received \$859,000 in Home Investment Partnership program funds for the 1997 Program Year, of which Cheektowaga received \$280,186. 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. The purpose of this hearing is to provide the citizens of the Town of Cheektowaga, the Villages of Sloan, Depew and Williamsville and interested parties the opportunity to express their views and opinions on housing and community development needs in the Town and to review the Town's performance under the Community Development and HOME Programs. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low and moderate income neighborhoods as well as all citizens of the Town and Villages are encouraged to participate in this process and express their views on the use of funds and activities that may be carried out with program funds. No CDBG or HOME activities are expected or likely to result in displacement. In the unanticipated event displacement due to CDBG funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Item No. 5d cont'd.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. The hearing location is accessible to the physically handicapped. Written comments

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may be submitted tot he Office of Community Development at the address given below. A full presentation of CDBG program goals and objectives can be obtained in the Office of Community Development, Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York 14211, be appointment, between the hours of 9:00 A.M. and 4:30 P.M. on weekdays, or can be discussed with the Community Development Director by calling 897-7200 between 9:00 A.M. and 4:30 P.M., Monday through Friday.



Upon roll call
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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Item No. 6a Moved by Councilmember Rogowski, seconded by Councilmember Jaworowicz

WHEREAS, bids were duly received by the Town Board of Cheektowaga at a bid opening on September 17th, 19967 for MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL, UNLEADED GASOLINE, ETC. for use by various departments of the Town of Cheektowaga, as a

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result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for items mentioned above be awarded to T.F. Kurk, Inc., 2130 Clinton Street, Buffalo, New York 14206 for Diesel Fuel, Kerosene and Unleaded Gasoline and American Lubricants, Inc., 619 Bailey Avenue, Buffalo, New York 14206, for Motor Oils, Gear Oils, Anti-Freeze, etc. being the lowest responsible bidders meeting specifications as per schedule attached and made a part of this resolution hereof, AND

BE IT FURTHER RESOLVED, that payment of these items be charged to the line item 0300-5110-4162.



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6b Moved by Councilmember Rogowski, seconded by Councilmember Jaworowicz

WHEREAS, bids were duly received by the Town Board of Cheektowaga at a bid opening on September 17th, 1997, for TIRES AND TUBES for use by various departments of the Town of Cheektowaga, as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for items mentioned above be awarded to George Ray Tire Inc., 47 Lakeshore Drive West, Dunkirk, New York 14048 and Valley Tire Co., Inc., 2750 Kenmore Avenue, Buffalo, New York 14150 for Tires and Tubes being the lowest responsible bidders meeting specifications as per schedule attached and made a part of this resolution hereof, AND

BE IT FURTHER RESOLVED, that payment of these items be charged to the line item 0300-5130-4462.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6c Moved by Councilmember Rogowski, seconded by Councilmember Jankowiak

WHEREAS, bids were opened on the 2nd day of October, 1997 at 11:00 A.M. local time for the Town of Cheektowaga/Recreation Center Building Rehabilitation Project, Mechanical Work, AND

WHEREAS, Ronald C. Hosken, Architect and Facilities Director, William L. Wielinski have reviewed said bid proposals for compliance with the compliance with the terms set forth in the plans and specifications, AND

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WHEREAS, North East Mechanical, Inc. has submitted the low bid of \$175,900.00 and meets the terms as stated in the project plans and specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby awards the Town of Cheektowaga/Recreation Center Building Rehabilitation Project, Mechanical Work to North East Mechanical, Inc., 139 Sawyer Avenue, Depew, New York 14043 in the amount of \$175,900.00 and, BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5709.7110.9704.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 7a Moved 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 contract of Snow Removal if a snow emergency should occur.

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 Wednesday, October 22, 1997.



NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1997-98 winter season.

Specifications and information are available at the office of the Town Clerk at his office in the Cheektowaga Town Hall located at Broadway and Union Roads, Cheektowaga, New York 14227, between the hours of 9:00 A.M. and 4:30 P.M.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Wednesday, October 22, 1997, at 11:00 A.M. in the Town Hall Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words "BIDS FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN AN EMERGENCY".

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Item No. 7a cont'd.

Non-collusion forms must be signed and submitted with bids.

Richard M. Moleski



Upon roll call

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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Item No. 7b Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for the furnishing of one (1) Truck with High Velocity Sewer Cleaner for the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of one (1) 1997 Truck with High Velocity Sewer Cleaner,, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of One (1) 1997 Truck With High Velocity Sewer Cleaner.

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

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

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

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

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

Richard M. Moleski
Town Clerk

Dated: October 6, 1997



Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES:	0
ABSENT:	0

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Item No. 7c Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the purchase of one (1) Water Turbine Cutter for the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the purchase of one (1) Water Turbine Root Cutter, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

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NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of One (1) Water Turbine Root Cutter for the Sewer Maintenance Department.

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

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

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

Richard M. Moleski
Town Clerk

Dated: October 6, 1997



Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES:	0
ABSENT:	0

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Item No. 7d Moved by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for the furnishing and installation of one (1) Hexagon Shelter at the Senior Citizens Center, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of one (1) Hexagon Shelter at the Senior Citizens Center, said notice to be published in the CHEEKTOWAGA TIMES, AND BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.



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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 22, 1997 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of One (1) Shelter at the Senior Citizens Center, Broadway and Union Road, in the Town of Cheektowaga.

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

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

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

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

The work shall be completed within 150 calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

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

Richard M. Moleski
Town Clerk

DATED: October 6, 1997



Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES:	0
ABSENT:	0

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Item No. 8a Moved 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, an application was submitted by the Town of Cheektowaga to amend Chapter 23A, "Environmental Impact Review Ordinance of the Town of Cheektowaga", of the Code of the Town of Cheektowaga, AND

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WHEREAS, the amendments would bring Chapter 23A into compliance with the revised Part 617 of 6NYCRR, State Environmental Quality Review, with emphasis on new section numbers and other test changes which became effective January 1, 1996, AND

WHEREAS, the Environmental Advisory Committee (EAC) recommended that the composition of the EAC be changed to bring additional planning expertise to the review process by increasing membership to seven (7) members by inclusion of the Chairpersons of the Conservation Advisory Council and Traffic Safety Commission or their representatives, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on September 10, 1997 rendered the recommendation shown on the attached memo dated September 12, 1997, AND

WHEREAS, this Town Board has reviewed the applications 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 SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8b Moved 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, an application was submitted by Benderson Development Company for the purpose of constructing a 7,500 square foot retail store on Losson Road near Transit Road, AND

WHEREAS, the proposed Hollywood Video (Phase II) store's parking lot would be connected to the Boston Market (Phase I) parking lot to form one continuous parking lot, AND

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WHEREAS, the applicant increased the green area/buffer along the west property line to 100 feet in width, including a number of significant trees, will save other trees and will plant trees on the site, AND

WHEREAS, the driveway to Losson Road was arranged to provide a safer future traffic pattern, AND

WHEREAS, the application submitted an overall concept plan for the 20± acre site, as recommended by the Erie County Department of Environmental & Planning and various Town reviewing bodies, showing 100 ft. of treed buffer on the west property line and 80 ft. along the south line, as well as a drainage plan, tree & wetland survey and an internal traffic pattern with access to Transit Road, AND

WHEREAS, the Planning Board reviewed the site plan in conjunction with the overall concept plan and recommended approval of the site plan at their meeting of September 11, 1997, AND

WHEREAS, the EAC reviewed the site plan, as Phase II, in conjunction with the overall concept plan, found the concept plan acceptable, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on September 10, 1997 rendered the recommendation shown on the attached memo dated September 12, 1997, AND

WHEREAS, this Town Board has reviewed the applications submitted, the overall concept plan, site plan (Phase II) and the recommendations made by the Environmental Advisory Committee, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project, Hollywood Video (Phase II) will not have a significant effect on the environment approves the Phase II site plan and therefore issues a "Negative Declaration" for the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8c Moved by Councilmember Johnson, seconded by Councilmember Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, 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 Angela Ciccotelli for the purpose of constructing a 1,500 square foot hairstyling facility on vacant land known as 4848 Transit Road, AND

WHEREAS, the applicant submitted a wetlands investigation and tree survey report which showed no impacts on wetlands or forest lands, AND

WHEREAS, the Planning Board has recommended approval of the site plan at its meeting held on September 18, 1997, AND

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WHEREAS, the New York State Department of Transportation ("NYSDOT") has approved the driveway location and provided a storm water drainage outlet to Transit Road, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on August 27, 1997 rendered the determination shown on the attached memo dated August 28, 1997, AND

WHEREAS, this Town Board has reviewed the applications 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, finds the site plan acceptable and therefore issues a "Negative Declaration" for the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8d Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga 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 Benderson Development Company to construct an 11,100 square foot retail store at the southwest corner of Union Road and George Urban Boulevard, known as 3960-3966 Union Road, AND

WHEREAS, the applicant has agreed to rebuild a portion of Town-owned sanitary sewer along Union Road, AND

WHEREAS, a separate lease agreement has been signed with the Town for use of the Town property, which traverses the site, as parking and landscaped area, AND

WHEREAS, the Planning Board has recommended approval of the site plan at their July 10, 1997 meeting, AND

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WHEREAS, the applicant has committed to seek to combine its Union Road driveway with the driveway to the south as suggested by the Traffic Safety Commission and New York State Department of Transportation (NYSDOT), AND

WHEREAS, the applicant has renewed the request to the NYSDOT for a traffic signal on Union Road at the Tops development to the south to improve traffic movements on that area of Union Road, AND

WHEREAS, the Advisory Committee, at its meeting held on July 23, 1997 rendered the determination shown on the attached memo dated July 24, 1997, AND

WHEREAS, this Town Board has reviewed the applications 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, finds the site plan acceptable and therefore issues a "Negative Declaration" for the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 9 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

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, an application was submitted by Buffalo Crushed Stone, Incorporated to rezone 140.5 acres of land to AG-Aggregate District to allow for the expansion of the existing quarry at 500 Como Park Boulevard, AND

WHEREAS, an Environmental Assessment Form ("EAF") for this project was prepared,
AND

WHEREAS, the Town of Cheektowaga solicited for Lead Agency status for review of this action for purposes of S.E.Q.R.A., AND

WHEREAS, the Town Board of the Town of Cheektowaga was established as the Lead Agency by resolution dated September 15, 1997 with concurrence of involved/interested outside agencies, AND

WHEREAS, the documents submitted by the applicant were reviewed by various advisory groups within the Town, including the Environmental Advisory Committee ("EAC"), Conservation Advisory Council ("CAC"). Traffic Safety Commission ("TSC") and Planning Board, AND

WHEREAS, many residents of the area attended meetings of these advisory groups and expressed their opinions on the proposed expansion of the quarry, AND

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WHEREAS, the EAC has reviewed the project and comments at meetings held on August 27th, September 10th and September 24th, AND

WHEREAS, the EAC at its meeting held on September 24, 1997, rendered the recommendation shown on the memo dated September 29, 1997, AND

WHEREAS, this Town Board has reviewed the EAF and other documents submitted by the applicant as well as documents submitted by involved/interested agencies and residents of the area, in accordance with Article 8 of the Environmental Conservation Law and 6NYCRR Part 617, AND

WHEREAS, this Town Board, believes that the project, as presented by the applicant could cause the following significant adverse impacts on the environment:

1. Result in the removal or destruction of large quantities of vegetation (140.5 acres), potential negative effects on wetlands;
2. Increase the potential for leaching of materials from the Inactive Hazardous Waste Site on Indian Road;
3. Result in the impairment of the environmental characteristics of a Critical Environmental Area (Cayuga Creek Floodplain); and pose the threat of creek pollution;
4. Create a material conflict with the community's current plans or goals as officially approved or adopted;
5. Impair the character of aesthetic resources or of existing community or neighborhood character, negatively affect housing, area businesses and other operations (e.g. Hospice, Maplewood Health Care Center, Appletree Business Park, churches);
6. Create a hazard to human health;
7. Increase the potential for damage to buildings in the area due to blasting, and continue and/or increase the effects of noise from mining operations;
8. Increase and/or continue the production of noxious odors and other factors resulting in poor air quality;
Item No. 9 cont'd.
9. Increase the potential for increased emissions of dust affecting nearby residents;
10. Irreversibly alter 140.5 acres with a project having a life span of over 40 years;
11. Impact traffic in the area through the closing of Indian Road and the continuation of truck traffic in this area for another 40± years;
12. A substantial change in the use, or intensity of use, of land; AND

WHEREAS, the above list is not an all inclusive or exhaustive list of potential adverse impacts associated with the project, AND

WHEREAS, this Town Board, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, believes that potentially significant environmental impacts relating to this project must be addressed by the applicant, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby determines that the project will have a significant adverse impact affect on the environment and therefore issues a "Positive Declaration" for the purpose of S.E.Q.R.A. and, BE IT FURTHER

RESOLVED, that Buffalo Crushed Stone Incorporated be directed to submit a Draft Environmental Impact Statement ("DEIS") to the Town for review and, BE IT FURTHER

RESOLVED, that this Town Board hereby determines that scoping under SEQRA is necessary for this project, and directs Buffalo Crushed Stone, Inc. to prepare a draft scope for this project and submit same for the Town to review and, BE IT FURTHER

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RESOLVED, that the Town Building Inspector, as Intake Officer for the Town, prepare, file and publish a Positive Declaration for this project with the appropriate agencies and the applicant and otherwise make same available in accordance with Section 617.12 of the S.E.Q.R.A. regulations.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, on August 27, 1997, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), AND

WHEREAS, due to various changes in the State Environmental Quality Review Act regulations, the Supervising Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, AND

WHEREAS, in accordance with the Town Law of the State of New York, a public hearing was held on the 6th day of October, 1997 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens had an opportunity to be heard; AND

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below,

NOW, THEREFORE, BE IT RESOLVED, that the Environmental Impact Review Ordinance be and the same hereby is amended and changed as follows:

SEQRA
1997
PROPOSED AMENDMENTS TO CHAPTER 23A
OF THE CODE
OF THE
TOWN OF CHEEKTOWAGA

<u>SECTION</u>	<u>READS</u>	<u>CHANGE TO</u>
23A-5A	.."Section 617.12"...	..."Section 617.4..

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23A-5B	.. "Section 617.4(j)" "Section 617.14(g)" ..
23A-5B2	"Freshwater wetlands"...	"Freshwater wetlands of 1/2 acre or greater"...
23A-5C	.. "Section 617.13" "Section 617.5" ..
23A-5C	DELETE "(1) Extension or addition of a commercial building with a threshold of three thousand (3,000) square feet."	
23A-5C	... "(2) Modifications" "(1) Modifications" ...
23A-5C	... "(3) Extension" "(2) Extension" ...
23A-5C	... "(4) Construction" "(3) Construction" ...
23A-5C	DELETE "(5) Repair, rehabilitation and maintenance of buildings and facilities."	
23A-6A	.. "Section 617.12" "Section 617.4" ..
23A-6B	.. "Section 617.13" "Section 617.5" ..
23A-6C	CHANGE TO READ "If the action is one which is unlisted, then Part 1 of a Full EAF shall be completed."	
23A-6D	.. "Type II or exempt as listed in Section 617.13 of 617.2" ...	TO READ ... "Type II as listed in Section 617.5" ..
23A-6D	ADD "A determination that no review is necessary under Chapter 23 does not preclude a review under other applicable Town laws or ordinances."	
<u>Item No. 10 cont'd.</u>		
23A-7	CHANGE TO READ "The Supervising Building Inspector or his designee shall be designated the Intake Officer and Secretary to the Advisory Committee."	
23A-8	RELABEL "23A-8" "23A-9"	"23A-9" "23A-8"
23A-8A	.. "Section 617.6(d)(1)	... "Section 617.6(b)(1)" ..
23A-8B	.. "Section 617.7" "Section 617.6(b)(4)" ..
23A-8C	.. "Building and Plumbing Inspector" "Intake Officer" ..
23A-8D	CHANGE TO READ "The Advisory Committee may, within thirty (30) days of receipt of a complete application, hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in recommending a determination on the application."	
23A-9	CHANGE TO READ "The Advisory Committee shall be composed of the Town Zoning Inspector, Town Engineer, Town Superintendent of Highways, Town Planning Board Chairman, Traffic Control Officer of the Town of Cheektowaga Police Department, Cheektowaga Conservation Advisory Council Chairman, and Town Traffic Safety Commission Chairman, or their designees."	
23A-10	CHANGE TO READ "Application fee."	

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Every EAF shall be accompanied by a fee,
as determined by Town Board resolution, to
defray expenses."

- 23A-11 ... "Advisory Committee" "Town Board" ...
- 23A-11 ... "for Type I actions only," "for Type I and unlisted actions," ..
- 23A-11 .. "Section 617.11" "Sections 617.7" ..
- .. "Sections 617.13" "Sections 617.5" ..
- .. "Sections 617.10(b)" "Section 617.12" ..
- 23A-12C CHANGE TO READ
 "Said DEIS shall be submitted with a fee, as determined by Town Board
 resolution, to defray expenses of the town in evaluating same or a fee to cover
 the costs incurred to engage an outside consultant to review said DEIS, as
 regulated by 6 NYCRR Part 617."
- 23A-13B .. "Section 617.10(d) and (e)" "Section 617.12" ..
- 23A-13C ... "Advisory Committee" "Town Board" ...
- 23A-13C .. "be had, notice shall be published in a town newspaper at least (10)" days ..
- TO READ
 ... "be held, a notice shall be published in a town newspaper at least fourteen (14)"
 days ...
- 23A-14 ... "Advisory Committee" "Town Board" ...
- Item No. 10 cont'd.
- 23A-14 .. "Section 617.10(b)" "Section 617.12" ..
- 23A-15A CHANGE TO READ
 "if, upon review of the DEIS and comments received, the Advisory Committee
 recommends that an action may have a significant effect on the environment, the
 Town Board shall direct the Intake Officer to instruct the applicant to prepare a Final
 Environmental Impact Statement (FEIS) adhering to the following format:"
- 23A-15C CHANGE TO READ
 "Said FEIS shall be accompanied by a fee, as determined by Town Board resolution,
 to defray expenses of the town in evaluating same or a fee to cover the costs to
 engage an outside consultant to review said FEIS, as regulated by 6 NYCRR Part
 617."
- 23A-16 .. "Section 617.10(g) and (h)" "Section 617.12" ..
- 23A-17 .. "Section 617.11" "Section 617.7 (c)" ..
- 23A-18 CHANGE TO READ
 "Findings.
 When the Town Board decides to undertake, fund, approve or disapprove an
 action, it shall make its findings in a written determination. The findings must:
- (A) consider the relevant environmental impacts, facts and conclusions
 disclosed in the final EIS;
- (B) weigh and balance relevant environmental impacts with social, economic
 and other considerations;
- (C) provide a rationale for the Town Board's decision;
- (D) certify that consistent with social, economic and other essential
 considerations from among the reasonable alternatives available, the

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action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will e avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

and,

BE IT 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 October 6, 1997; 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 the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Environmental Impact Review Ordinance of the Town of Cheektowaga, New York” 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 into the minutes.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 11a Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is constantly receiving applications from various developers for various projects with the Town, AND

WHEREAS, Town employees must spend great amounts of time in reviewing various aspects of these projects (i.e., Development Review, Environmental Review, Zoning Review), and the Town should be compensated adequately for such review costs, AND

WHEREAS, fees currently being charged by the Town to developers need to be increased to cover Town review costs, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the following fee schedule shall be adopted and implemented:

<u>Development Review Application</u>	
*parcels up to five (5) acres	\$100
*parcels five (5) to ten (10) acres	\$200
*parcels over ten (10) acres	\$300
<u>Environmental Assessment Form (SEQR)</u>	
*Unlisted-parcels up to five (5) acres	\$200
-parcels five (5) to ten (10) acres	\$250
-parcels over ten (10) acres	\$300
*Type I -parcels up to five (5) acres	\$550
-parcels five (5) to ten (10) acres	\$600
-parcels over ten (10) acres	\$800
<u>Filing of DEIS or FEIS</u>	\$200 minimum
<u>Rezoning/Special Permit Application</u>	
*parcels up to five (5) acres	\$500
*parcels five (5) to ten (10) acres	\$550
*parcels over ten (10) acres	\$600

Upon roll call

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 11b Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga Building Code requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, AND

WHEREAS, it has been recommended that the attached Building and Plumbing Permit fee schedule be adopted, AND

WHEREAS, it is in the public interest to adopt that attached Building and Plumbing Permit fee schedule, NOW, THEREFORE, BE IT

RESOLVED, that the Building and Plumbing Permit fees shall be as set forth on the attached fee schedule.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11c Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski

WHEREAS, there is a need for a Records and Information Disposition Policy due to the amount of records currently retained and regularly generated by all Town Departments, AND

WHEREAS, the Town is lacking in sufficient space to house records properly in order to maintain preservation and use, AND

WHEREAS, numerous volumes of currently retained records series have reached legal retention requirements according to the State Archives and Records Administration MU-1 schedule, AND

WHEREAS, said policy will coincide with the State Archives and Records Administration MU-1 Schedule for all Town records pertaining to the retention requirements of the schedule, NOW THEREFORE, BE IT

RESOLVED, that the attached rules of procedure for the disposition of government records that are mandated by the State Archives and Records Administration MU-1 Schedule be and hereby are adopted by the Town Board.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 12 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated September 15, 1997, this Town Board retained the services of URS Greiner to assist the Town with the review of Buffalo Crushed Stone's ("BCS") application for rezoning and environmental review of its proposal to expand its quarry located at 500 Como Park Boulevard in the Town, AND

WHEREAS, said resolution stated that URS Greiner was retained "at a cost not to exceed \$3,500.00 without further Town Board authorization; and moneys to be charged to appropriate account number . . .", AND

WHEREAS, a budget line item has now been set up where such moneys may be appropriated from and this Town Board wishes to appropriate moneys for review of BCS's applications with the 1997 and 1998 budgets, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned September 15, 1997 resolution be and hereby is amended to provide as follows:

1. \$10,000.00 is appropriated as follows from budget line item number 0100-1910-4709 to pay for services of URS Greiner in regards to the review of BCS's applications.
2. Said moneys shall be appropriated from the following budgets:
 - 1997 Ad Valorem Budget - up to \$3,500.00
 - 1998 Ad Valorem Budget - remainder of \$10,000.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 13 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, Benderson Development Company, Inc. ("Benderson") is in the process of developing the northwest corner of Union Road and George Urban Boulevard, and is also the owner of the Tops Plaza at the northeast corner of Union Road and George Urban Boulevard, AND

WHEREAS, Benderson had various traffic analyses performed along this section of Union Road and feels that a traffic signal at the north Tops Plaza driveway is warranted; and has thus

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requested permission from the New York State Department of Transportation ("DOT") to erect a traffic signal at such location, AND

WHEREAS, this Board is in agreement that a traffic signal is warranted at the north Tops Plaza driveway, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the DOT to issue a traffic signal permit to Benderson for the erection of a traffic signal at the aforementioned north Tops Plaza driveway and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT Buffalo Office, c/o Robert Delfozo, 125 Main Street, Buffalo, New York 14203.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 14 Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Safehomes Program is a drug prevention resource network for parents within our community, AND

WHEREAS, for the past five years the Cheektowaga Action Partnership has promoted the program to local schools, AND

WHEREAS, each fall school open houses and other events present opportunities to recruit additional parents to sign Safehome pledge cards, AND

WHEREAS, there is a great need to get resources and information into the hands of our community to keep our children Drug Free, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga proclaim the money of October as "Safehomes Sign-Up Month" and encourage all families to take advantage of this valuable drug prevention awareness tool.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 15 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, the children of our community are entitled to the fun and excitement associated with "Halloween Night", including going from door-to-door in their immediate neighborhoods with their happy challenges of trick-or-treat; AND

WHEREAS, it would appear that parents generally favor the early evening hours, since it tends to limit participation to the younger children, for whom the observance was originally intended and thereby discourages interference and disruption by the very small percentage of older children, who under cover of darkness and with their identities concealed and costumes, might otherwise spoil the fun for the smaller children, NOW, THEREFORE, BE IT

RESOLVED, that Friday, October 31, 1997 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:30 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.



“DESIGNATION OF HALLOWEEN NIGHT”

BE IT RESOLVED, that Friday, October 31, 1997 be designated as 'HALLOWEEN NIGHT' in the Town of Cheektowaga.

The time of “trick-or-treating” activities will be between 6:00 P.M. and 8:30 P.M.

We encourage all householders to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

HAPPY HALLOWEEN TO ALL!

Item No. 15 cont'd.

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

Richard M. Moleski, Town Clerk



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 16a Moved by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, during the Town’s review of the proposed Airport Commerce Park-East at 4950 Genesee Street, an easement was requested from the developer to allow the Town to maintain the bed and banks of Ellicott Creek as it crosses such property, AND

WHEREAS, the developer, 4950 Genesee Street, LLC, has submitted the requested easement to the Town, which easement has been reviewed and approved by the Town Engineering Department and the Town Attorney’s Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves and accepts the aforementioned easement from 4950 Genesee Street, LLC and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 16b Moved by Councilmember Johnson, seconded by Councilmember Rogowski

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WHEREAS, as part of the development of property located at 3637 Union Road, the Town requested an easement from the developer for sidewalks and traffic control/parking signage purposes, AND

WHEREAS, the developer, Benderson Development Company, Inc., has submitted the requested easement to the Town, which easement has been reviewed and approved by the Town Engineering Department and Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves and accepts the aforementioned easement from Benderson Development Company, Inc. and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 17a Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and accumulated debris on vacant property located at 16 Bay Lane, Cheektowaga, New York, SBL #92.14-3-24 and according to the Assessors' Office is owned by Christine Drzewiecki, 16 Bay Lane, Cheektowaga, New York 14225, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 17b Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and accumulated debris on vacant property located at 22 Gruner Road, Cheektowaga, New York, SBL #113.01-1-5 and according to the Assessors' Office is owned by Robert M. Schultz, 1939 Harlem Road, Cheektowaga, New York 14212, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 18 Moved 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)/attendants(s), and has recommended that the Town Board issue such licenses.

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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.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 19a Moved by Councilmember Rogowski, seconded by Councilmember Johnson

WHEREAS, the NYS Department of Parks, Recreation, and Historic Preservation offers a grant program under Title 3 of the Clean Water/Clean Air Bond Act of 1996 to acquire land that will enhance public access to water bodies, AND

WHEREAS, the Town of Cheektowaga wishes to acquire a 14 acre parcel adjacent to Cayuga Creek, AND

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$500.00, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act of 1996, in an amount not to exceed \$20,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the acquisition of land adjacent to Cayuga Creek and, BE IT FURTHER

RESOLVED, that this Town Board hereby commits itself to adopt a bond resolution or appropriate monies in the Town's 1998 annual budget to be used for the Town's 50% matching funds, not to exceed \$20,000, should this grant be awarded.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 19b Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the NYS Department of Parks, Recreation and Historic Preservation offers a grant program under Title 9 of the Environmental Protection Act of 1993 to develop and enhance recreational facilities, AND

WHEREAS, the Town of Cheektowaga wishes to restore or replace playground equipment and recreational facilities at North Creek and South Creek Parks, AND

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$350,000, AND

WHEREAS, members of the North Creek/South Creek community have raised approximately \$11,000 to be used as matching monies for the restoration of North Creek and South Creek Parks, NOW, THEREFORE, BE IT

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RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$31,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the Enhancement of North Creek/South Creek Park and, BE IT FURTHER

Item No. 19b cont'd.

RESOLVED, that this Town Board hereby commits itself to adopt a bond resolution or appropriate monies in the Town's 1998 annual budget to be used for the Town's 50% matching funds, not to exceed \$31,000, should this grant be awarded.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 19c Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga, in an effort to lower the Town's costs for administering its Group Dental and Vision Care services for Town employees, by resolution dated September 2, 1997, authorized the issuance of a Request for Proposals for such services, for a period of up to three (3) years, AND

WHEREAS, proposals from qualified administrators were received and opened on September 22, 1997, AND

WHEREAS, the Town Insurance Consultant, Holfoth Risk Management reviewed the proposals received and, in the attached letter dated September 30, 1997, recommended that the Town contract with Dental Pay through Capital Management Group, as per its proposal, AND

WHEREAS, this Board feels it is in the best interests of the Town taxpayers and the Town to award the contract for claims administration services for the self-insurance program for the Town's Dental and Vision Care Programs to Dental Pay through Capital Management Group, NOW, THEREFORE, BE IT

RESOLVED, that the contract for claims administration services for the self-insurance program for the Town's Dental and Vision Care employee benefits plans be and hereby is awarded to Dental Pay through Capital Management Group upon the terms and the prices stated in said company's proposal for the term beginning October 15, 1997 and ending October 15, 2000 and, BE IT FURTHER

RESOLVED, that, at present, this program will be listed to the Police Department and a small group of management employees, but may be expanded when other Town employee groups are added as their collective bargaining agreements renew and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract with Dental Pay in accord with the terms of this resolution and Dental Pay's proposal and, BE IT FURTHER

RESOLVED, that the fee for these services shall be funded through the Town's self-insurance risk retention fund.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

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ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER SWIATEK TO DISPENSE WITH READING THE NAMES IN ITEMS 20A AND 20B, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0



Item No. 20a Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Youth and Recreation employees be terminated, effective immediately (Seasonal/Part-Time):

Christopher Bandura
Jonathan Bialek
Philomena Bakowski
Jonathan Blank
Eric Burns
Jennifer Cerne
James Coleman
Aaron Cwiklinski
Ben Dennis
Heather DeSimone
Teri-Ann Duszynski
Marisa Fallacaro
Susan Kopp
Joseph Marchewka
Jason Przybysz
Michael R. Smith
Amy Snyder
Elizabeth Snyder
Heather Solecki
Sharon Wasielewski
Amy Wojdyla
Daniel J. Zilbauer, Jr.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 20b Moved by Councilmember Swiatek, seconded by Councilmember Jaworowicz

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

EFFECTIVE

RECYCLING DEPARTMENT

Donald Pieczynski	10/06/97
David Zablotny	"
Patrick McCloskey	"
John Balbzoski	"

Item No. 20b cont'd.

EFFECTIVE

FACILITIES DEPARTMENT

Paul Pignatora	10/06/97
Matthew Starr	"
David Szczepanek	"
Brian Duke	"
Ronald Sobocinski	"
David Rozak	"
Mark Wood	"
Christopher Hutt	"
Walter Gardon	"
Kevin Rydzynski	"
Paul Ivanowski	"
Florian Urbanski	"

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES:	0
ABSENT:	0

Item No. 21 Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Youth and Recreation employees be transferred/upgraded as indicated:

PART-TIME

Margaret Brezowski
Joseph J. Bucheker
Jonathan Chapp
Aaron Grupka
Julie Isch
Timothy J. Hinkley
Courtney M. Hoerner
Beth Kawczynski
Camille A. Kazmierczak
Thomas Kazmierczak, III
Stephanie Ketterl
Kathy Kreil
Chris Mahalic
Jon Owens
Lori Ownes
Marc S. Sacco
Leanne M. Ventura
Elizabeth Sinski
Tim Skrzdkewski
Rachel Williams

Rink Personnel - 7140.1611

From Recreation Attendant I to Recreation Attendant II - \$5.40

Amy Rainville (effective 9/1)

Gymnastics - 7140.1630

From Recreation Attendant to Recreation Attendant I - \$5.15

Julie L. Lesser (effective 9/1)

Item No. 21 cont'd.

Recreation Attendants - 7140.1614

From Recreation Attendant III to Recreation Leader I - \$6.15

Steve Ciemcioch

Seasonal

Hockey - 7140.1639

Eugene Pytlewski

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER SWIA TEK TO
DISPENSE WITH READING THE NAMES IN ITEMS 22A, 22B AND 22C, AND THE VOTING WAS AS
FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0



Item No. 22a Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be hired as Part-Time employees in
the Youth and Recreational Services Department, at the titles and salaries indicated:

Rink Personnel 0 7140.1611
Recreation Attendant I - \$5.15

Scott Butts	XXXXXXXXXXXXXXXXXXXX	XXXXX
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Gymnastics - 7140.1630
Recreation Attendant I - \$5.15

Janet Burkhard	XXXXXXXXXXXXXXXXXXXX	XXXXX
Julie Skowronski	XXXXXXXXXXXXXXXXXXXX	XXXXX
Amy Witt	XXXXXXXXXXXXXXXXXXXX	XXXXX

Administrative Interns - 7310.1804
Recreation Attendant II - \$5.15

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Donna Kubicki XXXXXXXXXXXXXXXXXXXX XXXXX

Recreation Attendant - 7140.1612
Recreation Instructor IV - \$6.15

Sandra Rutkowski XXXXXXXXXXXXXXXXXXXX XXXXX
Item No. 22a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 22b Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

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 Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT - Central Records - Clerk - \$5.15 per hour

Amy Bartoszek XXXXXXXXXXXX, Depew XXXXX 10-06-97

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 22c Moved by Councilmember Swiatek, seconded by Councilmember Jankowiak

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

RECYCLING DEPARTMENT - \$6.00 per hour

Donald Becker XXXXXXXXXXXXXXXXXXXX,
Cheektowaga, New York XXXXX 10-06-97

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 23a Moved by Councilmember Swiatek, seconded by Councilmember Jaworowicz

WHEREAS, a continuing Judicial Education Program was held in Buffalo, New York from September 28, 1997 through October 1, 1997, AND

WHEREAS, said program presented basic and advanced certification programs for Town Justices and could be used toward satisfying the judicial education requirements for Town Justices, AND

WHEREAS, the Town Justices requested permission to attend this Program, AND

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WHEREAS, the Chairman of the Courts Committee preliminary approved said request of the Town Justices, NOW, THEREFORE, BE IT

Item No. 23a cont'd.

RESOLVED, that this Town Board hereby approves the aforementioned attendance of the two (2) Town Justices at the September 28 - October 1, 1997 Judicial Education Program and, BE IT FURTHER

RESOLVED, that the actual and necessary expenses of the Town Justices, in an amount not to exceed \$450.00 (\$225.00 per Justice), shall be appropriated from budget line item number 100-110-4082.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 23b Moved by Councilmember Swiatek, seconded by Councilmember Jankowiak

WHEREAS, the Annual Conference of N.Y.S. Magistrates Court Clerks was held in Buffalo, New York from September 28, 1997 to October 1, 1997, AND

WHEREAS, topics discussed at such conference included forms used in Town Justice Courts, recordkeeping, sealed orders, new legislation and small claims and civil update procedures, AND

WHEREAS, the Town Justices requested permission for Court Clerks Barbara Boehringer and Barbara Pinkowski to attend this conference, AND

WHEREAS, the Chairman of the Courts Committee preliminary approved the aforementioned request of the Town Justices, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned attendance of the two (2) Court Clerks at the September 28 - October 1, 1997 Annual Conference of N.Y.S. Magistrates Court Clerks and, BE IT FURTHER

RESOLVED, that the actual and necessary expenses of the Court Clerks, in an amount not to exceed \$450.00 (\$225.00 per Court Clerk) shall be appropriated from budget line item number 100-110-4082.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 24 Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski

WHEREAS, the Town Clerk is currently preparing for the administration of an Archival Grant through the Local Government Records Management Improvement Fund Grant from the State Archives and Records Administration,

WHEREAS, the Town is in need of an assessment of Archival records in order to prepare for the preservation and processing of the archival records,

WHEREAS, Mary F. Bell of the Buffalo and Erie County Historical Society, be and hereby is approved and retained for said professional consulting services, AND THEREFORE, BE IT

RESOLVED, that funding not to exceed \$500.00 for said professional services shall be chargeable to the State Archives and Records Administration Grant, account #0100-1415-4001 and Town Clerk Records Management, account #0100-1410-4051.

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Item No. 24 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Building Permits
Received and Filed.

Item No. 26 Tentative Ad Valorem and Benefit Basis Budgets
Received and Filed.

Item No. 27 Supervisor's Statement of Funds - August 1997
Received and Filed.

Item No. 28 Minutes of Cheektowaga Planning Board - September 18, 1997
Received and Filed.

Item No. 29 Quarterly Report - Office of Disaster Preparedness - August/September 1997
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 30a Summons and Complaint: Barbara White, individually and as parent and natural guardian of Alison White, a minor vs the Town of Cheektowaga and Compan Big Toys Northeast, Inc.
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 30b Summons and Complaint: Paul Riffel, individually and as parent and natural guardian of Joshua Riffel, an infant 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. 31a Notice of Claim: Travelers Insurance Company/Philip Sciolino 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. 31b Notice of Claim: Ronald T. Sikora vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Sewer Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 31c Notice of Claim: Ellen E. Sopic, individually and on behalf of Michael D. Sopic, an infant, and Michael P. Sopic 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.

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- Item No. 31d Notice of Claim: Margaret C. Zavarella vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 31e Notice of Claim: Rick Baron vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Sanitation Department and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 31f Notice of Claim: Anna LaGambina vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 31g Notice of Claim: Richard and Celina M. Vitovitch vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.



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

Upon roll call . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 32 Moved by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, AND

WHEREAS, the Cheektowaga Central High School has made application to hold its annual Homecoming Parade, beginning at South Creek Drive to Nagel Drive to Zoerb Avenue to Union Road, on Friday, October 10, 1997 beginning at 6:00 P.M., AND

WHEREAS, this Board has reviewed the application submitted by Cheektowaga Central High School, which application has been approved by the Police Department, and has no objection to same, AND

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities
2. Submittal of site plan
3. Requirement that application be made at least 60 days prior to the date of the special event

Item No. 32 cont'd.

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4. Submittal of Security Plan
5. Submittal of Fire Prevention/Emergency Services Plan

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central High School for its Homecoming Parade to be held on Friday, October 10, 1997 and, BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660 (a) (6) of the Vehicles and Traffic Law.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 33 Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski to adjourn this meeting in memory of Joseph Moskal, long time Democratic Committeeman of the Village of Sloan and the Town of Cheektowaga. This meeting was adjourned at 8:15 P.M.

Richard M. Moleski
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 21
October 20, 1997**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of October, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

ABSENT: 0

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

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

GENERAL FUND

FROM: 0100-3020-1565 Senior Dispatcher \$ 2,500.00

TO: 0100-3020-4431 Equipment Repairs & Maint. \$ 2,500.00

SPECIAL DISTRICTS FUND

FROM: 4000-8140-4476 Ditch & Creek Pest Control \$12,000.00

TO: 4000-8140-4476 Storm Sewer Maintenance \$12,000.00

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 3 Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to October 17, 1997 are hereby approved and made a part hereof:

GENERAL FUND	\$233,843.74
HIGHWAY FUND	96,820.76
TRUST & AGENCY	8,859.93
PART TOWN FUND	27,310.33
HUD CDBG FUND	31,785.65
HUD HOUSING REHABILITATION FUND	1,650.00
RISK RETENTION FUND	38,250.17
SPECIAL DISTRICTS FUND	291,068.52
CAPITAL FUND	<u>224,248.03</u>
	\$953,837.13

Item No. 3 cont'd

TOWN OF CHEEKTOWAGA
MEETING NO. 21
October 20, 1997

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4 Authorize Supervisor to sign payment in lieu of tax agreement regarding 891-893
French Road
This item was withdrawn.

Item No. 5a 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, an application was submitted by Sharon R. Jaszka to rezone vacant land located at 2550 Union Road from NS-Neighborhood Services District and R-Residence District to NS-Neighborhood Services District, and

WHEREAS, the project consists of the construction of a building on such property for a day care center, and

WHEREAS, during the course of review and comment by various agencies, revisions were suggested (i.e. save trees, additional plantings, relocation of driveway, relocation of dumpster), and

WHEREAS, this project is located in an area where there is a mix of homes and businesses, and it is felt that a child day care facility would be compatible with the present uses in the area, and

WHEREAS, the Advisory Committee, at its meeting held on September 10, 1997, made the determination shown on the attached memo dated September 12, 1997, and

WHEREAS, this Town Board has reviewed the applications 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 SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 5b 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

TOWN OF CHEEKTOWAGA
MEETING NO. 21
October 20, 1997

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 Seneca Creek Development Corporation to rezone 20± acres of land on the south side of French Road from R-Residential District to RSC-Senior Citizen Housing District, and

WHEREAS, the project consists of 192 units of senior apartments in twenty-four (24) buildings and a fifty (50) unit assisted living building, and

WHEREAS, this project has been referred to numerous agencies including the Erie County Department of Environment and Planning, South Line Fire District #10, the Town of West Seneca, New York State Department of Environmental Conservation and Federal Aviation Administration, and

WHEREAS, during the course of review and comment by agencies and the public, a number of revisions were suggested, and

WHEREAS, the applicant revised the plan to include additional fire hydrants, landscaping with berms, an improved storm sewer detention system, gated emergency access, security devices and fencing in certain areas for screening, and

WHEREAS, a small commercial plaza that had been planned for the front of the development was eliminated and the area converted to green area, increasing green space to approximately 59% of the site area, and

WHEREAS, it was determined by professional studies that the project will generate significantly less traffic and sanitary sewerage if developed as proposed, than if developed as presently zoned, and

WHEREAS, the Erie County Department of Environment & Planning, Sewerage Management Division, has reviewed the project impacts and engineering data and in a letter dated May 29, 1997, has indicated that capacity will be available for the project once the Sewer District #1 ORF becomes operational in the fall of 1997, and

WHEREAS, the Town Engineer has reviewed the drainage and has found it revised as requested and generally satisfactory, and

WHEREAS, the applicant has committed to addressing a number of requests of neighboring residents, and

WHEREAS, the Advisory Committee, at its meeting held on August 5, 1997, rendered the determination shown on the attached memo dated August 7, 1997, and

WHEREAS, this Town Board has reviewed the applications 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 SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek and Jankowiak
NAYES: Councilmember Blachowski
ABSENT: 0

**See next page(s) for attachments

Item No. 6a Motion by Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, Sharon R. Jaszka has petitioned for the rezoning from NS-Neighborhood Services District and R-Resident District to NS-Neighborhood Services District of property owned by Eric and Sharon Jaszka and located at 2550 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

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WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of October, 1997 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

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

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED that the application of Sharon R. Jaszka for the rezoning from NS-Neighborhood Services District and R-Residence District to NS-Neighborhood Services District of the property specified in the attached legal description be and the same is hereby granted, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

AFFIDAVIT - NEXT PAGE

Item No. 6b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, David Manko/Seneca Development has petitioned for the rezoning from RS-Residence Single District and RSC-Residential Senior Housing District to (6.81± acres); and from RS-Residence District & RSC-Residential Senior Citizen Housing District to RSC-Residential Senior Citizen Housing District (9.20± acres) of property owned by Vincent Molino and located at 891-895 French Road (French Road Commons), Cheektowaga, New York, which property is more particularly described in the attached legal description, and

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WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of July, 1997 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

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

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED that the application of David Manko/Seneca Creek Development for the rezoning from RS-Residence Single District to RSC-Residential Senior Citizen Housing District and from RS-Residence Single District & RSC-Residential Senior Citizen Housing District to RSC-Residential Senior Citizen Housing District of the property specified in the attached legal description be and the same are hereby granted, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek and Jankowiak
NAYES: Councilmember Blachowski
ABSENT: 0

**See next page(s) for attachments

AFFIDAVIT - NEXT PAGE

Item No. 7 Motion by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, it is in order that bids be advertised for the purchase of one (1) horizontal feed yard waste reduction machine for the Sanitation Department, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the purchase of one (1) horizontal feed yard waste reduction machine, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

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RESOLVED that sealed bids will be received by the Town of Cheektowaga on November 5, 1997 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 5, 1997 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new Horizontal Feed Yard Waste Reduction Machine for the Sanitation Department.

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

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

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

RICHARD M. MOLESKI
Town Clerk

Dated: October 20, 1996



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated February 24, 1997, this Town Board approved a Special Tower Permit and Site Plan for a wireless telephone communications transmission facility on property located at 4230-4236 Union Road, Cheektowaga, New York ("Airport Plaza Site") and

WHEREAS, such Special Tower Permit and Site Plan were approved based on commitments made by Upstate Cellular Network ("UCN") and Sprint Spectrum, L.P. ("Sprint") that such telephone communication facility would be relocated to a site on the New York State Thruway property ("Thruway Site") if approval for such location was obtained from the New York State Thruway Authority ("NYSTA") no later than October 31, 1997, and

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WHEREAS, the UCN and Sprint have been engaged in negotiations with the NYSTA over a lease for the Thruway Site, but UCN and Sprint feel that the terms of the lease proposed by the NYSTA are unacceptable and unfair to them, and

WHEREAS, this Board is very anxious to have the UCN/Sprint telephone communications facility relocated onto the Thruway Site, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NYSTA to resolve negotiations with UCN and Sprint for the approval of a mutually acceptable lease for the Thruway Site as soon as possible, and BE IT FURTHER

RESOLVED that the Town Board hereby also formally requests UCN and Sprint to, if negotiations for a lease at the Thruway Site are not finalized by October 31, 1997, extend the time deadline for relocating its facility from the Airport Plaza Site to the Thruway Site, and to otherwise make every effort to negotiate in good faith with the NYSTA for the lease for the Thruway Site, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor George Pataki, Assemblyman Paul Tokasz, Senator William Stachowski, NYSTA Chairman Howard E. Steinberg, NYSTA Director of General Services Michael J. Keogh, and representatives of UCN and Sprint.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the New York State Department of Transportation proposes the May, 1998 letting for the reconstruction of Harlem Road from William Street to Clinton Street, identified as PIN 5268.29, and

WHEREAS, as part of said highway reconstruction project, there is a need to perform adjustments and modifications to Sanitary Sewer District No. 3 facilities located within the State highway right-of-way, NOW, THEREFORE, BE IT

RESOLVED that this Town Board, in its capacity as the Board of Managers for Sanitary Sewer District No. 3, hereby grants permission to the NYSDOT to perform the necessary modifications to sanitary sewer facilities providing that such modifications, as designed and constructed, meet the approval of the Town Engineer so as to insure continued proper and uninterrupted functioning of said system, and BE IT FURTHER

RESOLVED that all costs associated with the relocation and modification to sewer district facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, and BE IT FURTHER

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

Item No. 9 cont'd

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Councilmember Rogowski, Seconded by Councilmember Johnson

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WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has established a grant program under the 1996 Clean Water/Clean Air Bond Act, Title 3 Section 56-0303 for Water Quality Improvement Projects, and

WHEREAS, the Town of Cheektowaga recognizes a need to stabilize the creek embankment on the south side of Cayuga Creek to abate creek bank erosion which is negatively impacting Stiglmeier Park, its trail and bridge system and which erosion is contributing to the loss of mature trees, and

WHEREAS, the Town wishes to apply for a 50% matching grant to an amount not to exceed \$25,000 to perform said creek bank revetment project, NOW, THEREFORE, BE IT

RESOLVED that the engineering consulting firm of Nussbaumer & Clarke, Inc., a technical consultant to the town be and hereby is authorized and directed to complete the necessary application forms and exhibits to be submitted to the NYSDEC for the purpose of securing this grant, and BE IT FURTHER

RESOLVED that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funding from the NYSDEC in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act of 1996 in an amount not to exceed \$25,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the aforesaid Cayuga Creek Bank stabilization and revetment project, and BE IT FURTHER

RESOLVED that this Town Board hereby commits itself to provide and appropriate monies from the Town's 1998 Townwide Drainage District Budget to provide for the Town's 50% matching funds, not to exceed \$25,000 should this grant be awarded, and BE IT FURTHER

RESOLVED that one (1) certified copy of this resolution be forwarded to the Albany Office of the NYSDEC together with the grant application.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has established a grant program under the 1996 Clean Water/Clean Air Bond Act, Title 3 Section 56-0303 for Water Quality Improvement Projects, and

WHEREAS, the Town of Cheektowaga following a feasibility analysis has determined that the 55 year old Alpine Pump Station facility, located within Sanitary Sewer District No. 4, together with the force main system is in need of rehabilitation and replacement, which project will have a potential beneficial impact on the water quality of Scajaquada Creek, and

WHEREAS, the Town wishes to apply for a grant in the amount of 85% of the projected pump station improvements cost, with a grant amount not to exceed \$1,062,500, NOW, THEREFORE, BE IT

Item No. 10b cont'd

RESOLVED that the engineering consulting firm of Nussbaumer & Clarke, Inc., a technical consultant to the town be and hereby is authorized and directed to complete the necessary application forms and exhibits to be submitted to the NYSDEC for the purpose of securing this grant, and BE IT FURTHER

RESOLVED that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funding from the NYSDEC in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act of 1996 in an amount not to exceed \$1,062,500 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the aforesaid Alpine Pump Station Rehabilitation Project, and BE IT FURTHER

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RESOLVED that this Town Board hereby commits itself to adopt a bond resolution or appropriate monies in the Town's 1998 Sanitary Sewer District Budget to provide for the Town's 15% matching funds, not to exceed \$187,500 should this grant be awarded, and BE IT FURTHER

RESOLVED that one (1) certified copy of this resolution be forwarded to the Albany Office of the NYSDEC together with the grant application.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 10c Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has established a grant program under the 1996 Clean Water/Clean Air Bond Act, Title 3 Section 56-0303 for Water Quality Improvement Projects, and

WHEREAS, the Town of Cheektowaga following investigation by the Town Sewer Maintenance Department and Town Engineering Department has determined that sanitary sewer pipeline rehabilitation in Sanitary Sewer District No. 3 is necessary in advance of a NYSDOT project providing for the reconstruction of Harlem Road slated for a 1998 letting, and

WHEREAS, said sanitary sewer pipeline rehabilitation project will reduce groundwater infiltration potentially affecting the water quality of Cayuga Creek, and

WHEREAS, the Town wishes to apply for a grant in the amount of 75% of the projected project cost, with a grant amount not to exceed \$300,000, NOW, THEREFORE, BE IT

RESOLVED that the engineering consulting firm of Nussbaumer & Clarke, Inc., a technical consultant to the town be and hereby is authorized and directed to complete the necessary application forms and exhibits to be submitted to the NYSDEC for the purpose of securing this grant, and BE IT FURTHER

RESOLVED that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funding from the NYSDEC in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act of 1996 in an amount not to exceed \$300,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the aforesaid Sanitary Sewer District No. 3 Pipeline Rehabilitation Project, and BE IT FURTHER

RESOLVED that this Town Board hereby commits itself to adopt a bond resolution or appropriate monies in the Town's 1998 Sanitary Sewer District No. 3 Budget to provide for the Town's 25% matching funds, not to exceed \$100,000 should this grant be awarded, and BE IT FURTHER

RESOLVED that one (1) certified copy of this resolution be forwarded to the Albany Office of the NYSDEC together with the grant application.

Item No. 10c cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, by letter dated October 8, 1997, copy attached, Mr. David Reinhardt, District Secretary for the Board of Fire Commissioners of Pine Hill Fire District No. 5, has requested the installation of three (3) additional fire hydrants on Genesee Street, at the corners of Genesee Street and Normandy Place (2455 Genesee Street), Winkler Avenue (2495 Genesee Street) and Pendennis Place (2549 Genesee Street), and

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WHEREAS, the addition of these fire hydrants would serve to enhance public safety and fire fighting capabilities in this area, and

WHEREAS, the New York State Department of Transportation is proposing the May, 1998 letting of a project to reconstruct Genesee Street, identified as P.I.N. 5463.01.102, with which hydrant installation must be coordinated, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves of the installation of the aforesaid hydrants and that the Town of Cheektowaga hereby assumes responsibility for the payment of annual hydrant rental charges to the Erie County Water Authority for said hydrants with said charges being recovered by Town billing to the respective fire company, and BE IT FURTHER

RESOLVED that the Erie County Water Authority is hereby requested to coordinate hydrant installation at the proper time frame with the anticipated N.Y.S.D.O.T. reconstruction project, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to go forward certified copies of this resolution to the following individuals at the NYSDOT, Erie County Water Authority and the Pine Hill Fire District:

Mr. Jeff Zaprowski
N.Y.S.D.O.T.
125 Main Street
Buffalo, New York 14203

Mr. Dick Croad
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

Mr. David Reinhardt
District Secretary
Board of Fire Commissioners
Pine Hill Fire District No. 5
2435 Genesee Street
Cheektowaga, New York 14225

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 12 Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz

WHEREAS, the owners of vacant land located south of 57 Beach Road (S.B.L. #91.15-10-33), Valentino Tonelli, et al., have offered to convey such land to the Town at no cost to the Town, and

WHEREAS, Scajaquada Creek Tributary T-2A traverses this parcel, and the NYS Department of Environmental Conservation has some easements across this property for creek maintenance, and

WHEREAS, the Town Engineer has recommended that the Town accept this land, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the donation of the above referenced property from Valentino Tonelli, et al., and BE IT FURTHER

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RESOLVED that the Town Attorney be and hereby is directed to prepare the necessary deed and other documents for this land donation, and to file such deed in the Erie County Clerk's Office.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz

WHEREAS, as part of the site improvements recently approved by various Town departments at Jim's Truck Stop, 2115 Walden Avenue, a drainage easement was requested to link previously granted easements to the east and west, and

WHEREAS, the owner of such property, White Arrow Service Stations, Inc., has submitted the requested easement to the Town, which easement has been reviewed and approved by the Town Engineering Department and Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves and accepts the aforementioned easement from White Arrow Service Stations, Inc., and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, during the site plan approval for the Liberty Park Senior Citizens apartments and the Brookfield Condominiums at 2911 William Street, the developer was required to grant drainage easements to the Town for drainage systems constructed therein, and

WHEREAS, the owners of such property, Liberty Park Senior L.P. and Brookfield Development Partners, LLC, have submitted the required easements to the Town, which easements have been reviewed and approved by the Town Engineering Department and Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves and accepts the aforementioned easements from Liberty Park Senior, L.P. and Brookfield Development Partners, LLC, and BE IT FURTHER

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

Item No. 13b cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated October 6, 1997, this Town Board awarded a contract for claims administration services for the self-insurance program for the Town's Dental and Vision care employee benefits plans to Dental Pay through Capital Management Group, and

WHEREAS, said resolution stated that said contract would become effective October 15, 1997 and terminate on October 15, 2000, and

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WHEREAS, it will take additional time for the Town and Dental Pay to complete the paperwork to make a smooth transition from the existing providers of these services, NOW, THEREFORE, BE IT

RESOLVED that the first "RESOLVED" paragraph of the aforementioned October 6, 1997 resolution be and hereby is amended to provide that the term of the contract shall begin on December 1, 1997 and terminate on December 1, 2000.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreational employees be transferred as indicated:

Part-time

Tony Pierino (effective 10/20/97)

Noreen Brezowski
Rebecca Volk
(effective 11/3/97)

and BE IT FURTHER

RESOLVED that the following individual be terminated, effective immediately:

Angela Wojcik

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

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

EFFECTIVE

FACILITIES DEPARTMENT

James Robinson	10/20/97
Richard Gramza	10/20/97

Item No. 16 cont'd

MAIN PUMP STATION

Todd Kopcinski	10/20/97
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilmember Rogowski, Seconded by Councilmember Swiatek

BE IT RESOLVED that as per Section 11.01 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, Robert Sprada be an hereby is granted a one (1) year leave of absence from his position of Working Foreman in the Highway Department as to allow him to serve as Deputy Highway Superintendent.

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 18 Provisional appointment to position of Senior Engineering Assistant in Engineering Department.
This item was withdrawn.

Item No. 19 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

BE IT RESOLVED that the salaries of the following part-time van drivers be and hereby are established and set forth as follows, effective October 21, 1997:

SENIOR SERVICES - Van Driver - \$6.50 per hour

Robert Brands
Victor Carlucci
Cynthia Kwiatkowski
Celio Nero
Richard Piontek
John Polakiewicz
Randolph Skrzydlewski
Tom Slisz
Scott Stevenson

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the following individuals be hired as part-time employees in the Youth and Recreation Department at the titles and salaries indicated (effective immediately):

Rink Personnel - 7140.1611

Recreation Attendant I \$5.15

Scott Callen XXXXXXXXXXXXXXXXXXXXXXXX

Recreation Attendant II \$5.40

Michelle Diehl XXXXXXXXXXXXXXXXXXXXXXXX

Item No. 20a cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

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Item No. 20b Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

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

POLICE DEPARTMENT - D.A.R.E. Office - Clerk \$5.15 per hour

Deborah Weishaupt XXXXXXXXXXXXXXX Cheektowaga, XXXXX 10/21/97

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

BE IT RESOLVED that the following individual be and hereby is hired as a SEASONAL EMPLOYEE in the Town Clerk's office, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed 24 weeks in a calendar year, and BE IT FURTHER

RESOLVED that said appointment is made effective immediately and will be invoiced through the State Archives and Records Administration grant.:

TOWN CLERK'S OFFICE - S.A.R.A. Grant - Clerk - \$10.00 per hour

Chari Carver XXXXXXXXXXXXXXXXXXXX, West Seneca XXXXX

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Minutes of Traffic Safety Commission - meeting of September 16, 1997
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 23a Notice of Claim - Mary Thomson as grant and natural guardian of John Anthony Thomson, in infant vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.

Item No. 23b Notice of Claim - Hartford Insurance Group for Sam Barns vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.

Item No. 24 Notice of Petition and Demand for Admission - Daniel E. Murphy and Colleen B. Murphy vs the Assessor and the Board of Assessment Review
Received and Filed.

Item No. 25 Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski
to adjourn the meeting.
Time Meeting Adjourned: 8:05 P.M.

RICHARD M. MOLESKI
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO 22
October 27, 1997

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 27th day of October, 1997 at 6:30 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 Jeff Swiatek
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; William Pugh, Town Engineer; Sal LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police; Chris Kowal, Highway Superintendent; Ron Marten, Supervising Building & Plumbing Inspector; William Wielinski, Facilities Director; James Burst, Foreman in Sewer Department; Dave Kulik, Working Foreman in Sanitation Department; Ken Kopacz, Executive Director of Youth and Recreational Services; Robert McCarthy, Personnel Director; Pat Wojcik, Director of Senior Services; William Conway, Assessor; Bob Sprada, Highway Foreman.

I. PUBLIC HEARINGS

Item No. 2 The Supervisor advised the Town Board that this was the time and place advertised for a Public Hearing to consider the Preliminary Benefit Basis Budget of the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

***The 1998 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.

The Supervisor then asked if anyone wished to speak either in favor or against the proposed budget. Comments were heard, Decision was reserved. The hearing was closed.

Item No. 3 This being the time and place advertised for a Public Hearing on the estimates and revenues and expenditures for the year 1998 for the General Fund, Consolidated Garbage District and General Lighting Districts, the Town Clerk presented proof that the Notice of Hearing has been duly published and posted as required by law. The Clerk then proceeded to read aloud the estimates of revenues and expenditures for the year 1998 for the General Fund, Consolidated Garbage District and General Lighting Districts.

***The 1998 Ad Valorem Budget is on file in the Town Clerk's Office.

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.

RICHARD M. MOLESKI
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 23
NOVEMBER 3, 1997

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of November, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; Ronald Marten, Building and Plumbing Inspector; Salvatore LaGreca, Planning Board Chairman; John Schaller, Assistant Chief of Police; Robert Kaczmarek, Supervising Accountant; William Pugh, Town Engineer; Patricia Wojcik, Director of Senior Services Department; William Conway, Assessor; Robert Sprada, Assistant Highway Superintendent; and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

Item No. 2 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

GENERAL FUND

From:	0100-1450-4551	Moving Machines	\$ 1,000.00
	0100-1220-4093	Town Training	4,864.71
	0100-1440-4325	Copy Machine Supplies	1,000.00
	0100-9010-8141	Medical Insurance	10,200.00
To:	0100-1410-4593	Contracted Steno	\$ 1,000.00
	0100-3020-1561	Public Safety Dispatchers	4,864.71
	0100-1440-4191	Miscellaneous Expenses	1,000.00
	0100-9010-8171	Dental Insurance	10,200.00

HIGHWAY FUND

From:	0300-9010-8141	Medical Insurance	\$10,600.00
	0300-5110-2770	Tree Planting	1,057.00
To:	0300-9010-8171	Dental Insurance	\$10,600.00
	0300-5150-4458	Chips Improvements	1,057.00

PART-TOWN FUND

From:	0800-9010-8141	Medical Insurance	\$ 2,000.00
To:	0800-9010-8171	Dental Insurance	\$ 2,000.00

SPECIAL DISTRICTS FUND

From:	1500-8160-8141	Medical Insurance	\$ 8,200.00
	1500-8173-8141	Medical Insurance	1,325.00
	2500-8135-8141	Medical Insurance	6,300.00
	2500-8125-2514	Pickup Truck	1,000.00
To:	1500-8160-8171	Dental Insurance	\$ 8,200.00
	1500-8173-8171	Dental Insurance	1,325.00
	2500-8125-8171	Dental Insurance	6,000.00
	2500-8135-8171	Dental Insurance	300.00
	2500-8125-2505	Other Equipment	1,000.00

Item No. 2 cont'd.

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Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 3 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to October 31, 1997 are hereby approved and made a part hereof:

GENERAL FUND	\$ 306,671.63
HIGHWAY FUND	136,949.26
TRUST & AGENCY	17,984.16
PART TOWN FUND	5,387.44
HUD CDBG FUND	2,410.97
HUD HOUSING REHABILITATION FUND	18,229.32
RISK RETENTION FUND	8,738.16
SPECIAL DISTRICTS FUND	304,692.88
CAPITAL FUND	<u>293,042.81</u>
	\$1,094,106.63

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4a Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimates of revenues and expenditures for the 1998 fiscal year, AND

WHEREAS, the Supervisor, as the Town's Budget Officer, has caused a tentative budget to be prepared, and the Town Clerk has presented such budget to this Town Board, AND

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 1998, and a public hearing was conducted thereon October 27, 1997, as required by Section 108 of the Town Law.

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 1998, and the same shall be entered in the minutes of the Town Board.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4b Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, Dennis H. Gabryszak, Supervisor of the Town of Cheektowaga, New York, presented a Budget and Assessment Roll showing the various sums of money that were and will be required to defray the expenses of the Special Districts respectively and does determine same to be necessary and required as aforesaid set forth, namely:

Item No. 4b cont'd.

Town of Cheektowaga
1998

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NOVEMBER 3, 1997

Final Benefit Basis Budget

AND,

WHEREAS, a Public Hearing was duly held on the 27th day of October, 1997 at 6:30 P.M., in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE, BE IT

RESOLVED, that the Budget and Assessment Roll for Special Districts in the Town of Cheektowaga, be and the same is hereby adopted and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Rolls for the year 1998.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson , Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT:

TOWN OF CHEEKTOWAGA

1998 FINAL AD VALOREM AND BENEFIT BASIS BUDGET

Item No. 5a Moved by Councilmember Rogowski, seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated October 6th, 1997, this Town Board directed that a Notice to Bidders be published advertising for labor and equipment necessary to remove snow during a snow emergency, AND

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NOVEMBER 3, 1997

WHEREAS, such bids were duly received and opened on October 22, 1997, AND

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

RESOLVED, that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Custom Topsoil Inc., 320 Crabapple Lane, Cheektowaga, New York 14227, being the only responsible bidder. (Attached and made part of this resolution is bid submitted for review.)

RESOLVED, that line item to be used in case of emergency is 0300-5142-4029.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 5b Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, bids were duly received on October 22, 1997 as a result of advertisement for the purchase of one (1) high velocity sewer cleaning truck for the Sewer Maintenance Department, 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

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Assistant Town Engineer, Walter Domino, P.E., to the Town Board, dated October 29, 1997, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of one (1) high velocity sewer cleaning truck, as recommended, be and the same is hereby awarded to MVR Service Inc., P.O. Box 1041, Buffalo, New York 14207 (716) 822-0183) for their bid, less trade-in, in the amount of \$60,102.00 for the Sreco Model with truck chassis by Emerling Chevrolet, Inc. and, BE IT FURTHER

RESOLVED, that funds have been budgeted for said vehicle in Account #2500-8125-2515.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 5c Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, bids were duly received on October 22, 1997 as a result of advertisement for the purchase of one (1) Water Turbine Root Cutter for the Sewer Maintenance Department, 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 Assistant Town Engineer, Walter Domino, P.E., to the Town Board, dated October 29, 1997, NOW, THEREFORE, BE IT

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RESOLVED, that the bid for the purchase of one (1) Water Turbine Root Cutter, as recommended, be and the same is hereby awarded to Foster's Equipment, Inc. 1 Keuka Business Park, Suite #103, Penn Yan, New York 14527, (800-537-7484) for their bid in the amount of \$8,665.00 for the Lumberjack Model and, BE IT FURTHER

RESOLVED, that funds have been budgeted for said root cutter in Account #2500-8125-2505.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6a Moved 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

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WHEREAS, an application was submitted by Zaepfel Development to construct a 30,000 square foot warehouse/office at 2727 Broadway, AND

WHEREAS, the site, presently a stone and blacktop parking lot would be landscaped to an extent (41%) exceeding Town requirements and the Planning Board has recommended approval, AND

WHEREAS, the Town Engineer has received plans for site improvements and found them acceptable, AND

WHEREAS, the west driveway would be closed with curbing and the remaining driveway would be widened in coordination with the New York State Department of Transportation, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on October 8, 1997 rendered the recommendation shown on the attached memo dated October 9, 1997, AND

WHEREAS, the Town Board has reviewed the applications 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 finds the site plan acceptable and therefore issues a "Negative Declaration" for the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6b Moved 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, an application was submitted by Jeffrey Mucciarelli to rezone 3700 Genesee Street from CM-General Commercial to MS-Motor Service District, AND

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WHEREAS, the applicant is proposing to maintain the used car sales that exists and also would repair motor vehicles, perform collision work, AND

WHEREAS, the site is presently landscaped in excess of the Zoning Law requirements, the applicant has agreed to the Planning Board request to replace dead vegetation as well as expand and fence in the vehicle storage area with solid fencing, AND

WHEREAS, the Planning Board has recommended approval of the rezoning and site plan by memo dated September 23, 1997, AND

WHEREAS, the applicant was informed that a number of variances may be required due to the proposed division of the property to isolate a rear storage building from the rezoning site, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on September 10, 1997 rendered the recommendation shown on the attached memo dated September 12, 1997, AND

WHEREAS, this Town Board has reviewed the applications 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, finds the site plan acceptable, and therefore issues a "Negative Declaration" for the purpose of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 7 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak
Councilmember Rogowski

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

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

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

WHEREAS, an application was submitted by the Town of Cheektowaga Engineering Department relative to the installation of a 54 inch storm sewer trunk line along Harlem Road from Dingens Street to Cayuga Creek, AND

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WHEREAS, this area of Town is in need of an improved storm water drainage system,
AND

WHEREAS, this sewer would be installed at the same time the New York State Department of Transportation ("NYSDOT") undertakes the rebuilding of this portion of Harlem Road thereby reducing the cost to the Town, AND

WHEREAS, various agencies had been referred and reviewed this project including the NYSDOT, Erie County Department of Environment and Planning ("ECDEP"), New York State Thruway Authority ("NYSTA"), New York State Department of Environmental Conservation ("NYSDEC") and U.S. Army Corps of Engineers ("USACE"), AND

WHEREAS, the agencies commented and indicated that certain agreements must be entered into for the use of the agencies properties, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on October 22, 1997 rendered the recommendation shown on the attached memo dated October 27, 1997, 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 hereby issues a "Negative Declaration" for the purpose of SEQRA subject to the following conditions:

1. The Town Engineer complies with all requirements of the NYSDEC and USACE;
2. An appropriate lease be entered into with the NYSTA;
3. An easement agreement be entered with the Erie County.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8 Moved by Councilmember Blachowski, seconded by Councilmember Johnson

WHEREAS, Jeffrey P. Mucciarelli of Gabe's Collision Service, Inc. has petitioned for the rezoning from CM-General Commercial District to MS-Motor Service District for auto leasing and auto repair (mechanical and collision) of property owned by Benderson Development Company, Inc. and recently sold to Gabe's Collision Service, Inc., and located at 3700-3706 Genesee Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, AND

WHEREAS, the existing used car sales operation on this property is a legal non-conforming use under the Zoning Law and may continue subject to the provisions of Article VII of the Zoning Law, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 6th day of October, 1997 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 Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, with the exception of the rear 85 feet by 312.96 feet (Sublots 20-23

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and the northerly 15± feet of Sublots 18 and 19), which will remain zoned CM-General Commercial District, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning,

NOW, THEREFORE, BE IT RESOLVED, that the application of Jeffrey P. Mucciarelli for the rezoning from CM-General Commercial District to MS-Motor Service District of the property specified in the attached legal description be and the same is hereby granted subject to the condition that applicant obtain a variance from the Zoning Board of appeals for a setback/green area variance created by the splitting/segmenting of the property and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 9a Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town Clerk's Office has informed this Town Board that owners of multiple dogs, at times, avoid the individual dog license fees by purchasing a purebred license, AND

WHEREAS, as a result of purchasing a purebred license in lieu of individual licenses, the Town loses money, AND

WHEREAS, in order to equalize these fees, it is necessary for the Town to increase the fee for a purebred license, AND

WHEREAS, an amendment to the Dog Ordinance has been drafted to equalize such dog license fees, 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 17th day of November, 1997 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended as provided in the attached Notice of Hearing and, BE IT FURTHER

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RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES not less than ten (10) days prior to the date of such hearing.



NOTICE OF HEARING ON PROPOSAL TO AMEND

DOG ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuant of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 3rd day of November, 1997, a public hearing will be held on November 17, 1997 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place is shall be determined by the Town Board whether Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6 entitled "Local fees enumerated; when effective" shall be amended by deleting therefrom the existing subsection C, which states "Local license fees shall take effect on February 1, 1989."

2. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6, entitled "Local fees enumerated; when effective" shall be amended by adding thereto a new subsection C, which shall read as follows:

C. Pursuant to §110, Subsection 4 of the Agriculture & Markets Law of the State of New York, a local (Town) license fee of \$20.00 shall be added to the license fee established by the Agriculture & Markets Law for a multiple dog/kennel license, a/k/a a purebred license under the Agriculture & Markets Law (which license may be purchased in lieu of or in addition to individual licenses, and which are primarily purchased by dog breeders)."

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

Dated: November 3, 1997

Richard M. Moleski
Town Clerk



Item No. 9a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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NOVEMBER 3, 1997

Item No. 9b Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga Amusement Arcades Ordinance mandates that a license may not be granted for any premises to be used as a amusement arcade if such premises is located within 500 feet of a school, church or R-District boundary, AND

WHEREAS, Section 12 of such ordinance authorizes an applicant to appeal to this Town Board to vary or modify this requirement if an applicant can attest to and prove certain matters, AND

WHEREAS, the Pyramid Company of Buffalo has appealed to this Town Board from the requirement that Jeepers, an amusement arcade, is not 500 feet from a R-District boundary, AND

WHEREAS, Jeepers is proposing to locate in the northerly portion of the Walden Galleria Mall in the location formerly leased by Birdies & Bogeys, which location, according to the Building Inspections Department, is 420± feet from a R-District boundary, NOW, THEREFORE, BE IT

RESOLVED, that a hearing on the application of the Pyramid Company of Buffalo for a variance from the requirement that Jeepers, an amusement arcade, be at least 500 feet from a R-District boundary be and hereby is scheduled for Monday, November 17, 1997 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens may be heard and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Legal Notice in the CHEEKTOWAGA TIMES.

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LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that that Town Board of the Town Board of the Town of Cheektowaga, Erie County, New York will meet at the Town Hall, 3301 Broadway, Cheektowaga, New York on the 17th day of November, 1997 at 7:00 P.M., to consider the application of:

PYRAMID COMPANY OF BUFFALO

for a Variance to the AMUSEMENT ARCADES ORDINANCE on premises located at

WALDEN GALLERIA MALL
ONE GALLERIA DRIVE

RELATIVE TO:

Location of an Amusement Arcade within 500 feet of a R-Residence District boundary

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



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 10 Moved by Councilmember Jaworowicz, seconded by Councilmember Jankowiak

WHEREAS, the Erie County Industrial Development Agency ("ECIDA") and Buffalo Airport Center Associates own property located at 4454 Genesee Street in the Town of Cheektowaga known as the Buffalo Airport Center (formerly known as the Westinghouse Plant), AND

WHEREAS, the Niagara Frontier Transportation Authority ("NFTA") commenced eminent domain proceedings to acquire the Buffalo Airport Center property, AND

WHEREAS, the Buffalo Airport Center property is contaminated by asbestos and hazardous wastes and is listed on the State list of inactive hazardous waste sites, and is scheduled for clean-up, AND

WHEREAS, the Buffalo Airport Center building and property have deteriorated to a great extent and are an eyesore and safety hazard, AND

WHEREAS, the new Greater Buffalo Niagara Airport terminal, a state-of-the-art architectural asset to Western New York, is adjacent to this eyesore, AND

WHEREAS, the Buffalo Airport Center property is one of the first sites seen by visitors from out-of-town and presents a bad image of this Town and area, AND

WHEREAS, the Town of Cheektowaga has committed itself to a neighborhood preservation and wellness program, and is actively working to eliminate blight in all areas, including residential and commercial, throughout the Town, AND

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WHEREAS, especially with the opening of the new Airport terminal, this Town Board feels that action should be taken immediately to clean up and remove this eyesore from the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the ECIDA and Buffalo Airport Center Associates to take all steps to do everything within its power to clean up the property known as the Buffalo Airport Center and, BE IT FURTHER

RESOLVED, that this Town Board memorializes the New York State Department of Environmental Conservation ("DEC") and State of New York to clean up all hazardous wastes on this site and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the NFTA to take all steps immediately to acquire this property and to demolish and remove this eyesore and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the ECIDA, Buffalo Airport Center Associates, the DEC, the NFTA, Assemblyman Paul A. Tokasz, Senator William T. Stachowski, Governor George Pataki, Congressman Jack Quinn, Senator Alfonse D'Amato and Senator Daniel P. Moynihan.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 11a Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and accumulated debris on vacant property located at 1071 Walden Avenue, Cheektowaga, New York, SBL #101.60-8-19 and according to the Assessors' Office is owned by Harold Gieger, 2976 Seneca Street Inc., P.O. Box 473, Cheektowaga, New York 14072, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 11a cont'd.

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 11b Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and accumulated debris on vacant property located on Carol Drive, Cheektowaga, New York, SBL #90.68-5-3 and according to the Assessors' Office is owned by Jerry A. Felber, Jr., 850 North French Road, Buffalo, New York 14228, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

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Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12 Moved by Councilmember Jaworowicz, seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga, as a member of the Amherst-Cheektowaga-Tonawanda HOME Investment Partnership Program Consortium, the Town received an allocation of HOME Program funds during the 1995 and 1996 Program Years through the Town of Amherst for housing rehabilitation and a first-time home-buyers program, AND

WHEREAS, additional funding is recommended for the first-time homebuyers program in order to meet the need generated by said program, AND

WHEREAS, the Director of Community Development has recommended the Town request the Amherst-Cheektowaga-Tonawanda HOME Consortium to transfer funds in the amount of \$60,000.00 to the Town's first-time homebuyers program from its housing rehabilitation program allocation, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby requests the Town of Amherst, as lead community for the Amherst-Cheektowaga-Tonawanda HOME Consortium, to transfer the sum of \$60,000 to the Town's First-Time Homebuyers Program from its housing rehabilitation program allocation.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 13 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of the War of 1812 Cemetery located on Aero Drive in the Town of Cheektowaga, AND

WHEREAS, this Town Board feels that this cemetery has local, state and federal historical significance and should be placed on the State and National Registers of Historic Places, AND

WHEREAS, the Town Historian has prepared an application and supporting documentation for the War of 1812 Cemetery to be placed on the State and National Registers of Historic Places, AND

WHEREAS, this Town Board wishes such applications to be filed with the appropriate agencies, and to be listed on such Registers of Historic Places, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs Town Historian Mary F. Holtz to file such applications with the State and Federal agencies entrusted with placing properties on the State and National Registers of Historic Places, and to take whatever other action is necessary to have the War of 1812 Cemetery listed on such Registers of Historic Places.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 14 Moved by Councilmember Blachowski, seconded by Councilmember Jaworowicz

MEETING NO. 23
NOVEMBER 3, 1997

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

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

1997 FORD - License No. AB8574 - Call No. 585

AND, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 15a Authorize Supervisor to Sign Amendment Regarding Solid Waste Disposal Agreement
This item was withdrawn.

Item No. 15b Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the four (4) roofs at the Sewer District No. 5 Main Pump Station facility have reached their expected service life and are in need of replacement as significant leaks have been reported by the Superintendent of the Main Pump Station facility, AND

Item No. 15b cont'd.

WHEREAS, components of the existing roofs are believed to contain asbestos which will require sampling and analysis to formulate an abatement plan in conjunction with roof replacement which requires the preparation of construction bid documents and technical specifications, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Town Engineer dated October 28, 1997 to perform technical services associated with asbestos sampling, analysis and report; preparation of plans, specifications and services during construction is hereby approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering agreement for the aforesaid technical services on behalf of this Town Board and, BE IT FURTHER

RESOLVED, that funding for professional services associated with roofing replacement at the Main Pump Station in an amount not to exceed \$9,100.00 shall be chargeable to Account No. 2500-8135-2512 entitled Roof and Paving Repair.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 15c Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, the Erie County Legislature appropriated \$6,000.00 in its 1997 budget to be used for the purchase of office equipment for the Cheektowaga Town Justice Court, AND

MEETING NO. 23
NOVEMBER 3, 1997

WHEREAS, a contract to provide such moneys to the Town of Cheektowaga for this purpose has been prepared by the County of Erie and submitted to the Town, AND

WHEREAS, the Town desires to avail itself of this funding, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned agreement with the County of Erie.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 16 Building Permits
Received and Filed.

Item No. 17 Supervisor's Statement of Funds - September, 1997
Received and Filed.

Item No. 18a Minutes of Cheektowaga Public Library Board - September 24, 1997
Received and Filed.

Item No. 18b Minutes of Cheektowaga Planning Board - October 9, 1997
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 19 Summons and Complaint: Richard E. Thurnherr II and Dawn Thurnherr, as Parents and Natural Guardians of Jennifer Ann Thurnherr, an Infant vs the Town of Lancaster, Village of Depew and the Town of Cheektowaga.
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; and Allied Claims Insurance Carrier. (Note: Firemens Park is not in Town of Cheektowaga.)
Received and Filed.

Item No. 20a Notice of Claim: Mary Jankowski, for Dairy Queen 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. 20b Notice of Claim: Bernard Prucnal vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Senior Services Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 20c Notice of Claim: James Lis 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.



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

MEETING NO. 23
NOVEMBER 3, 1997

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 21 Moved by Councilmember Swiatek, seconded by Councilmember Jankowiak

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

SANITATION DEPARTMENT - \$6.00 per hour

Joseph Louern	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
Marc Beang	XXXXXXXXXXXXXXXXXXXXXXX	"
Erik Rieger	XXXXXXXXXXXXXXXXXXXXXXX	"
Kevin Bruno	XXXXXXXXXXXXXXXXXXXXXXX	"

POLICE DEPARTMENT - (Dog Warden) - \$6.00 per hour

Andy Korzen XXXXXXXXXXXXXXXXXXXXXXXX Immediately
Item No. 21 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 22 Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski to adjourn this meeting. This meeting was adjourned at 8:00 P.M.

Richard M. Moleski
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of November, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; William Pugh, Town Engineer; Ronald Marten, Supervising Building and Plumbing Inspector, Robert McCarthy, Director of Employee Relations; Sal LaGreca, Planning Board Chairman; Bruce Chamberlin, Chief of Police; William Conway, Sole Assessor; Andrew Kulyk, Chairman of the Zoning Board of Appeals; Robert Kaczmarek, Supervising Accountant.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of a variance to the Amusement Arcades Ordinance of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said applicant being:

Pyramid Company

for a Variance to the AMUSEMENT ARCADES ORDINANCES on premises located at

**Walden Galleria Mall
One Galleria Drive**

Relative to:

Location of an Amusement Arcade within 500 feet of a R-Residence District boundary.



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

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

1. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6 entitled "Local fee enumerated; when effective" shall be amended by deleting therefrom the existing subsection C, which states "Local license fees shall take effect on February 1, 1989."

Item No. 3 cont'd

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

2. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6, entitled "Local fee enumerated; when effective" shall be amended by adding thereto a new subsection C, which shall read as follows:

C. Pursuant to §110, Subdivision 4 of the Agriculture & Markets Law of the State of New York, a local (Town) license fee of \$20.00 shall be added to the license fee established by the Agriculture & Markets Law for a multiple dog/kennel license, a/k/a a purebred license in lieu of or in addition to individual licenses, and which are primarily purchased by dog breeders."



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. 4 Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

GENERAL FUND

FROM:	0100-1356-4511	Transcript Services	\$ 158.00
	0100-1355-4575	Contracted Appraisals	2,500.00
	0100-3120-3820	State Aid-Police	38,770.19
	0100-1450-4342	Polling Place Rental	5,000.00
	0100-1910-4711	Contingency	2,000.00
	0100-1640-2502	Equipment	25,000.00
TO:	0100-1355-4001	Office Supplies	\$ 2,658.00
	0100-3120-1501	Captains	400.98
	0100-3120-1531	Detectives	4,087.07
	0100-3120-1511	Lieutenants	3,156.69
	0100-3120-1541	Police Officers	19,903.52
	0100-3020-1561	Dispatchers	8,583.90
	0100-3120-1551	Sergeants	2,460.34
	0100-3120-1351	Senior Clerk	177.69
	0100-1450-4431	Equipment Repairs	2,000.00
	0100-1410-4051	Records Management	3,000.00
	0100-7110-2303	Movable Equipment	27,000.00

SPECIAL DISTRICTS FUND

FROM:	1500-8173-1205	Assistant Foreman-Recycle	\$ 9,400.00
TO:	1500-8173-1492	Seasonal Laborer-Recycle	\$ 9,400.00

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
 Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 5 Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to November 14, 1997 are hereby approved and made a part hereof:

**TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997**

GENERAL FUND	\$ 150,242.54
HIGHWAY FUND	31,358.09
TRUST & AGENCY	9,724.29
PART TOWN FUND	1,384.07
HUD CDBG FUND	61,731.40
RISK RETENTION FUND	46,153.05
SPECIAL DISTRICTS FUND	470,270.73
CAPITAL FUND	313,778.01
	<u>\$1,084,642.18</u>

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

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

WHEREAS, the Town of Cheektowaga Amusement Arcades Ordinance mandates that a license may not be granted for any premises to be used as an amusement arcade if such premises is located within 500 feet of a school, church or R-District boundary, and

WHEREAS, Section 12 of such ordinance authorizes an applicant to appeal to this Town Board to vary or modify this requirement if an applicant can attest to and prove certain matters, and

WHEREAS, the Pyramid Company of Buffalo has appealed to this Town Board from the requirement that Jeepers, an amusement arcade, is not 500 feet from a R-District boundary, and

WHEREAS, Jeepers is proposing to locate in the northerly portion of the Walden Galleria Mall in the location formerly leased by Birdies & Bogeys, which location, according to the Building Inspections Department, is 420± feet from a R-District boundary, and

WHEREAS, a hearing on this appeal/variance was held before this Town Board on the 17th day of November, 1997 at 7:00 P.M., and

WHEREAS, the applicant was shown to the satisfaction of this Town Board the following with respect to the issuance of the variance:

1. It would not affect the character of the R-Residence District, which is 420± feet away, because this R-Residence District is only a 30± foot side buffer area between the north side of Galleria Drive and Nokomis Park. Actual residentially used properties are much more than 500 feet from the proposed amusement arcade.
2. It would not have a negative effect on any church or nearby school.
3. It would not act contrary to the Amusement Arcade Ordinance's intended objective of protecting the morals and welfare of minors and other members of the community. The proposed amusement arcade will have adequate safety and security measures in place for its operation and each child must be accompanied by a supervising adult.
4. It would not tend to depreciate the value of adjacent property.

Item No. 6a cont'd

5. Strict application of the Amusement Arcade Ordinance would produce an excessive and unreasonable economic burden and would be physically or legally impracticable because arcade games are critical to the operation of Jeepers.

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

NOW, THEREFORE, BE IT

RESOLVED that the application of Pyramid Company of Buffalo for a variance to allow it to obtain an Amusement Arcade license for Jeepers to be located in the Walden Galleria Mall be and hereby is granted subject to the following conditions:

1. Applicant must obtain an Amusement Arcade license from the Town Clerk
2. Applicant must obtain the required use variance from the Zoning Board of Appeals.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 6b Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the Town Clerk's Office has informed this Town Board that owners of multiple dogs, at times, avoid the individual dog license fees by purchasing a purebred license, and

WHEREAS, as a result of purchasing a purebred license in lieu of individual licenses, the Town loses money, and

WHEREAS, in order to equalize these fees, it is necessary for the Town to increase the fee for a purebred license, and

WHEREAS, an amendment to the Dog Ordinance has been drafted to equalize such dog license fees, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 17th day of November, 1997 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens had an opportunity to be heard as to whether Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") should be amended as provided in the Notice of Hearing, and

WHEREAS, it is in the public interest to amend the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED that Chapter 21 of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

1. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6 entitled "Local fees enumerated; when effective" shall be amended by deleting therefrom the existing subsection C, which states "Local license fees shall take effect on February 1, 1989.
2. RESOLVED that ARTICLE II, LICENSE FEES, Section 21-6, entitled "Local fees enumerated; when effective" shall be amended by adding thereto a new subsection C, which shall read as follows:

"C. Pursuant to §110, Subdivision 4 of the Agriculture & Markets Law of the State of New York, a local (Town) license fee of \$20.00 shall be added to the license fee established by the Agriculture & Markets Law for a multiple dog/kennel license,

Item No. 6b cont'd

a/k/a a purebred license under the Agriculture & Markets Law (which license may be purchased in lieu of or in addition to individual licenses, and which are primarily purchased by dog breeders)."

and BE IT FURTHER

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

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 November 17, 1997; 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 the affidavit of such publication shall be filed with the Town Clerk.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

[illegible]

WHEREAS, Chapter 69 of the Code of the Town of Cheektowaga (Tax Exemption for Senior Citizens) provides a partial real property tax exemption for senior citizens whose incomes do not exceed certain limits, and

WHEREAS, presently the law requires that veterans disability compensation be included as income under such law, and

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

WHEREAS, the State Legislature recently enacted Chapter 168 of the Laws of 1997, which authorizes local governments to adopt an ordinance which would exclude veterans disability compensation as income for senior citizen tax exemptions, and

WHEREAS, this Board feels that elderly disabled veterans who are often unable to work have a constant struggle to meet the tax obligations on their homes, and need additional relief, and

WHEREAS, the Town Attorney's Office has drafted proposed amendments to Chapter 69 of the Code of the Town of Cheektowaga to address this matter, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 1st day of December, 1997 at 7:00 P.M., to consider the advisability of amending Chapter 69 of the Town Code, 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, the official Town newspaper.



NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 17th day of November, 1997, a public hearing will be held on the 1st day of December, 1997 at 7:00 p.m. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearings all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 69 of the Code of the Town of Cheektowaga (Tax Exemption for Senior Citizens) shall be amended and changed as follows:

1. RESOLVED that
Section 69-2, Conditions for exemption, Subsection B, Income range; applicability, shall be amended by deleting therefrom Subsection (2) and a new subsection B.(2) shall be added which reads as follows:
 - (2) For purposes of this law , income shall not include veterans disability compensation, as defined in Title 38 of the United States Code.

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

Dated: November 17, 1997

RICHARD M. MOLESKI
Town Clerk



Item No. 7 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

Item No. 8 Motion by Councilmember Jankowiak, Seconded by Councilmember Rogowski

WHEREAS, sealed bids were opened on August 28, 1997 at 11:00 A.M. for the purchase of two (2) 1997 trucks with 14' stake body with hoist and hydraulic liftgate for the Sanitation Department, and

WHEREAS, there is a need to clarify/redefine the requirements in the bid specifications to ensure that the Town obtains the equipment it needs, NOW, THEREFORE, BE IT

RESOLVED that, in the best interests of the Town, all bids received and opened on August 28, 1997 for two (2) 1997 trucks with 14' stake body with hoist and hydraulic liftgate be and hereby are rejected.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilmember Rogowski, Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated October 6, 1997, this Town Board awarded bids for TIRES and TUBES for use by various Town Departments, based on recommendations by the Town Highway Department, and

WHEREAS, the Town Highway Department has reviewed its original recommendations and now feels that the recapping of three sized tires listed below, should be awarded to Bandag Tire Retreaders of Buffalo, Inc., 202 Walden Avenue, Buffalo, NY 14211, NOW, THEREFORE, BE IT

RESOLVED that the award of bids for the following referenced recapping of tires to George Ray Tire, Inc. and Valley Tire Co., Inc. be and hereby are rescinded and the same shall be awarded to Bandag Tire Retreaders of Buffalo., Inc. at the following referenced prices:

MUD & SNOW THREAD (TUBELESS, BELTED) Recapping of Our Casings

11R22.5 (Maxi Lug Recap)Drive Trac	\$76.02
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REGULAR HIGHWAY THREAD (TUBE TYPE, BELTED) Recapping of Our Casings

10.00R20 (Recapped)	Drive Trac	\$76.02
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MUD & SNOW THREAD (TUBE TYPE, BELTED) Recapping of our Casings

11.00R22 (Maxi-Lug Recap)	Drive Trac	\$81.12
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of Athletic White Stripe, and BE IT FURTHER

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

RESOLVED that sealed bids will be received on the 4th day of December, 1997 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

Item No. 10a cont'd

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 4, 1997 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of Athletic White Stripe for the year 1998.

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.

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

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

RICHARD M. MOLESKI
Town Clerk

DATED: November 17, 1997



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 10b Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division annually requires Pool Maintenance Chemicals for 1998, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Pool Maintenance Chemicals, and BE IT FURTHER

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

RESOLVED that sealed bids will be received on the 4th day of December, 1997 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 4, 1997 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Pool Maintenance Chemicals for the year 1998.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: November 17, 1997



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 10c Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

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

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

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

RESOLVED that sealed bids will be received on the 4th day of December, 1997 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



**TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997**

**TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS**

Sealed proposals will be received by the Town Clerk on December 4, 1997 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the Leasing and Servicing of Portable Chemical Toilets for the year 1998.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: November 17, 1997



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 11 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the U.S. House of Representatives, on October 22, 1997 enacted a bill known as the Private Property Rights Implementation Act of 1997, and

WHEREAS, such Act allows developers in a dispute over zoning and land-use rules to sue local governments in federal court, thereby bypassing state courts, and

WHEREAS, litigation in federal courts can be more expensive to local governments, and this Act would otherwise weaken local zoning and land-use powers, and

WHEREAS, such Act is opposed by the National League of Cities, the National Governors' Association and the U.S. Conference of Mayors, and

WHEREAS, this Town Board is also in opposition to this Act and considers it to be a federal intrusion on what historically have been local issues (zoning), NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby expresses its opposition to the Private Property Rights Implementation Act of 1997 and memorializes the United States Senate and President Clinton to reject such Act and BE IT FURTHER

TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Congressman Jack Quinn, Senator Daniel P. Moynihan, Senator Alfonse D'Amato, President William Clinton and to the NYS Association of Towns.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12 Approval of amendment to the Solid Waste Disposal Agreement of 1988
This item was withdrawn.

Item No. 13a Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga, as part of its Employee Assistance Program, has retained the services of Child and Family Services of Erie County to provide professional consultation and counseling services to Town employees in need of same, and

WHEREAS, an updated agreement to provide these services to the Town has been prepared by Child & Family services of Erie County, and

WHEREAS, such agreement has been modified only slightly over the previous terms, and is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to sign the attached Consulting services Agreement with Child and Family Services of Erie County, and BE IT FURTHER

RESOLVED that fees for services rendered pursuant to this agreement shall be appropriated from budget item number 0100-1430-4751.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 13b Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, by resolutions dated October 6, 1997 and October 20, 1997, this Town Board awarded a contract for claims administration services for the self-insurance program for the Town's Dental and Vision care employee benefits plans to Dental Pay through Capital Management Group, and

WHEREAS, in order to implement such dental self-insurance program, it is necessary that dentists who agree to become participating dentists in such program sign agreements with the Town, and

WHEREAS, Dental Pay has a standardized Participating Professional Agreement which it recommends be utilized for obtaining participating dentists under the Town's self-insurance program, and

WHEREAS, such agreement has been approved as to form by the Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the aforementioned Participating Professional Agreement, and authorizes and directs the Supervisor to sign such agreements with participating dentists approved by Dental Pay.

**TOWN OF CHEEKTOWAGA
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

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

EFFECTIVE

SANITATION DEPARTMENT

Erik Buehler	Immediately
David Principato	"
Nicholas Astyk	"
Joseph Louern	"
Kevin Bruno	"
Erik Rieger	"

EMPLOYEE RELATIONS DEPARTMENT

Jill Zolikowski	Immediately
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FACILITIES DEPARTMENT

Gordon Hagmier	Immediately
Michael Papero	"
Jeffrey Helmbrecht	"
Ronald Kaczmarek	"

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

BE IT RESOLVED that the following individuals be and hereby are hired as **SEASONAL EMPLOYEES**, not to exceed 24 weeks in a calendar year, in the various departments

Item No. 15 cont'd

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 - \$5.50 per hour

Jason Stucke	XXXXXXXXXXXXXXXXXX	Immediately
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FACILITIES DEPARTMENT - \$6.00 per hour

Michael Stachura	XXXXXXXXXXXXXXXXXXXXX	Immediately
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

**TOWN OF CHEEKTOWAGA
MEETING NO. 24
November 17, 1997**

Item No. 16 Minutes of Traffic Safety Commission - Minutes of meeting of October 17, 1997
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 17 Summons & Complaint - Thomas Wasielewski, Father and Daniel J., an infant vs
Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Council Office; Allied Claims, Insurance Company; Facilities Department-
Losson Road.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson
to suspend the rules to include the following items, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilmember Jankowiak, Seconded by Councilmember Rogowski

WHEREAS, the Town's Recycling Department regularly collects yard waste (i.e. grass,
clippings, leaves) which is generated in the Town, and disposes of same, and

WHEREAS, due to the volume of yard waste collected and the cost involved in
recycling same, there is a need to call for bids for such service, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish the attached Notice to Bidders
for the Acceptance for Recycling of Yard Waste Generated in and collected by the Town of
Cheektowaga in the Cheektowaga Times, and BE IT FURTHER

Item No. 18 cont'd

RESOLVED that the sealed bids will be received on the 11th day of December, 1997
at 11:00 a.m. by the Town Clerk at a public bid opening to be held in the Council Chambers in the
Cheektowaga Town Hall.



Sealed proposals will be received and considered by the Town Board of the Town of
Cheektowaga on December 11, 1997 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of
Broadway and Union Roads, Cheektowaga, New York, for the Acceptance for Recycling of Yard Waste
Generated and Collected by the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid
for Yard Waste Recycling Contract" 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

**TOWN OF CHEEKTOWAGA
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waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

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

RICHARD M. MOLESKI
Town Clerk

Dated: November 17, 1997



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 19 Hiring of part-time employees - various departments
This item was withdrawn.

Item No. 20 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak
to adjourn the meeting.
Time Meeting Adjourned: 7:20 P.M.

RICHARD M. MOLESKI
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 25
DECEMBER 1, 1997

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1st day of December, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; Ronald Marten, Building and Plumbing Inspector; Salvatore LaGreca, Planning Board Chairman; Thomas Rowan, Police Captain; William Pugh, Town Engineer; Patricia Wojcik, Director of Senior Services Department; William Conway, Assessor; and Leonard Szymanski, Facilities Foreman.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending Chapter 69 of the Code of the Town of Cheektowaga (Tax Exemption for Senior Citizens). The Supervisor directed the Town Clerk to present proof of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendment being as follows:

1. RESOLVED that
Section 69-2, Conditions for exemption, Subsection B, Income range; applicability, shall be amended by deleting therefrom Subsection (2), and a new subsection B. (2) shall be added which reads as follows:

(2) For purposes of this law, income shall not include veterans disability compensation, as defined in Title 38 of the United States Code.

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

II. RESOLUTIONS

Item No. 3 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

GENERAL FUND

From:	0100-7110-1431	Maintenance Workers	\$ 16,100.00
	0100-7110-1496	Seasonal Diamond Maintenance	5,000.00
	0100-7110-1491	Part-Time Laborers	22,000.00
	0100-7110-1493	Seasonal Tree Maintenance	3,611.00
	0100-7110-1491	Part-Time Laborers	389.00
	0100-7110-4451	Building & Grounds Maintenance and Repairs	50,000.00
	0100-1625-1411	Cleaner	9,000.00
	0100-1625-1422	General Mechanic	8,000.00
	0100-1625-1491	Part-Time Laborers	3,000.00
	0100-1625-4432	Building Maintenance and Repairs	1,700.00
	0100-7310-1802	Developmentally Disabled Camp	2,468.00
	0100-7310-1803	Adapted Recreation Program	2,224.00

Item No. 3 cont'd.

MEETING NO. 25
DECEMBER 1, 1997

GENERAL FUND cont'd.

From:	0100-7140-1636	Soccer	1,800.00
	0100-7140-1654	Basketball	1,800.00
	0100-7310-4681	In-Service Training	4,462.00
	0100-7310-4689	Youth Conservation Corps	5,060.00
	0100-7310-4698	Overnight Camp	1,500.00
	0100-7180-4612	Transportation	476.00
	0100-1315-1370	Systems Analyst	7,500.00
	0100-9010-8111	Retirement	200,000.00
	0100-1355-3820	Star Grant	16,234.02
	0100-1110-4082	Business Travel	750.00
	0100-1110-4001	Office Supplies	850.00
	0100-9010-8101	Retirement	13,500.00
To:	0100-7110-2303	Over the Road Vehicles	69,500.00
	0100-7110-2201	Office Equipment	10,000.00
	0100-7110-2304	Park Equipment	17,600.00
	0100-1625-2303	Over the Road Vehicles	21,700.00
	0100-7310-1801	Camp Ji-ik-to-wah-gah	2,468.00
	0100-7310-1810	Camp Flamingo	2,224.00
	0100-7140-1611	Rink Personnel	1,800.00
	0100-7140-1813	New Programs	1,800.00
	0100-7310-2501	Office Equipment	4,462.00
	0100-7310-2501	Office Equipment	5,060.00
	0100-7310-2501	Office Equipment	1,500.00
	0100-7180-4191	Miscellaneous	476.00
	0100-1315-4321	Computer Expense	6,500.00
	0100-1315-4431	Maintenance Agreements	1,000.00
	0100-1910-4322	Contracted Services-HEAP	200,000.00
	0100-1355-1391	Part-Time Clerical	16,234.02
	0100-1110-4592	Courts-Clerical	1,600.00
	0100-1640-4161	Gasoline	13,500.00

RISK RETENTION

From:	1000-1710-4527	Administrative Claims Liability	\$ 1,000.00
To:	1000-1710-4523	Claims Administration-W.C.	\$ 1,000.00

CAPITAL PROJECTS

From:	5905-1440-1101	Southwest Drainage-William/Dingens	\$175,154.00
	5826-1910-5031	Transfers-In	575,154.00
To:	5905-9950-9901	Transfers-Out	\$175,154.00
	5826-1440-9802	Harlem Road Sanitary Sewer Reconstruction	400,000.00
	5826-1440-9801	Harlem Road Storm Sewer	175,154.00

SPECIAL DISTRICTS FUND

From:	1500-1873-1205	Assistant Foreman	\$ 8,000.00
	7600-8350-4340	Hydrant Maintenance	120.00
	2300-8123-4821	Contracted Repairs	48,743.00
	2300-1910-2799	Appropriated Fund Balance	351,257.00
To:	1500-8160-1205	Working Foreman	\$ 8,000.00
	7600-8350-4339	Hydrant Charges-WD #10	120.00
	2300-9950-8001	Transfers-Out	400,000.00

Item No. 3 cont'd.

Upon roll call

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4 Moved by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to November 28, 1997 are hereby approved and made a part hereof:

GENERAL FUND	\$1,553,276.91
HIGHWAY FUND	217,344.65
TRUST & AGENCY	14,521.58
PART TOWN FUND	20,410.36
HUD CDBG FUND	64,851.26
RISK RETENTION FUND	5,340.71
SPECIAL DISTRICTS FUND	2,366,868.43
CAPITAL FUND	<u>23,788.27</u>
	\$4,266,402.17

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 5 Moved by Councilmember Swiatek, seconded by Councilmember Rogowski
Councilmember Johnson

WHEREAS, Chapter 69 of the Code of the Town of Cheektowaga (Tax Exemption for Senior Citizens) provides a partial real property tax exemption for senior citizens whose incomes do not exceed certain limits, AND

WHEREAS, presently, the law requires that veterans disability compensation be included as income under such law, AND

WHEREAS, the State Legislature recently enacted Chapter 168 of the Laws of 1997, which authorizes local governments to adopt an ordinance which would include veterans disability compensation as income for senior citizens tax exemptions, AND

WHEREAS, this Board feels that elderly disabled veterans who are often unable to work have a constant struggle to meet the tax obligations on their homes, and need additional relief, AND

WHEREAS, the Town Attorney's Office has drafted proposed amendments to Chapter 69 of the Code of the Town of Cheektowaga to address this matter, AND

WHEREAS, a public hearing was held on the 1st day of December, 1997 at 7:00 p.m. to consider the advisability of amending Chapter 69 of the Town Code, NOW, THEREFORE, BE IT

1. RESOLVED that Section 69-2, Conditions for exemption, Subsection B Income range; applicability, shall be amended by deleting therefrom Subsection (2), and a new subsection B. (2) shall be added which reads as follows:

(2) For purposes of this law, income shall not include veterans disability compensation, as defined in Title 30 of the United States Code.

and, BE IT FURTHER

Item No. 5 cont'd

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 December 1, 1997 and that a certified copy be

MEETING NO. 25
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published in the CHEEKTOWAGA TIMES, the official Town newspaper; and an affidavit of such publication shall be filed with the Town Clerk and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 6a Moved by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, bids were duly received on November 5, 1997 as a result of advertisement for the purchase of one (1) new horizontal feed yard waste reduction machine for the Recycling/Sanitation Department, AND

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DECEMBER 1, 1997

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is attached hereto and contained in a letter from Assistant Town Engineer, Walter Domino, P.E. to the Town Board, dated November 24, 1997, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of one (1) new horizontal feed yard waste reduction machine, as recommended, be and the same is hereby awarded to Baschmann Services, Inc., 1101 Maple Road, Elma, New York 14059 (716) 655-1101 for their bid price in the amount of \$189,077 for the Willibald Model MZA 3250 plus options and, BE IT FURTHER

RESOLVED, that this grant award is contingent upon the approval of a contract extension for the Recycling grant previously awarded to the Town by the New York State Department of Environmental Conservation.

Upon roll call . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6b Moved by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, bids were opened on October 22, 1997 at 11:00 A.M. for the furnishing and installation of one (1) hexagon shelter at the Senior Citizens Center, 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

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Assistant Town Engineer, Walter Domino, P.E., to the Town Board, dated November 24, 1997, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing and installation of one (1) hexagon shelter at the Senior Citizens Center, as recommended, be and the same is hereby awarded to Kostas General Construction, Inc., 5463 Seneca Street, West Seneca, New York 14224, (716) 677-5905 for their bid in the amount of \$69,300 for all materials and labor in compliance with the project plans, specifications and Addendum #1 and, BE IT FURTHER

RESOLVED, that funds for said project are available in the Senior Citizens Trust and Agency Account #0600-0892-0000.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 7 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, this Town Board previously retained Wendel Engineers to prepare an open space inventory for the Town, AND

WHEREAS, such Open Space Inventory Map has now been completed by Wendel Engineers and has been reviewed and approved by the Town Office of Building & Plumbing Inspections, AND

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WHEREAS, this Open Space Inventory Map should prove to be an invaluable tool for use by all the reviewing groups and departments in the Town, and should be formally accepted, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned Open Space Inventory Map and adopts same as the official Open Space Inventory Map of the Town of Cheektowaga.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 8 Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, State Comptroller H. Carl McCall has instituted a program called \$SMART Reviews, AND

WHEREAS, a \$SMART Review entails the study of a particular function or functions of a local government, AND

WHEREAS, at the conclusion of a \$SMART Review, the Office of the State Comptroller issues non-binding recommendations, suggesting methods of containing costs and/or enhancing revenues without raising taxes, AND

WHEREAS, the benefits of participating in the \$SMART Program have been discussed by Town Board members, AND

WHEREAS, a \$SMART Review must be prepared by a resolution of the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that the Office of the State Comptroller be and hereby is requested and invited to conduct a \$SMART Review in the Town of Cheektowaga focusing on the following areas:

- Sanitation/Recycling
- Purchasing

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the Office of the State Comptroller.



MOTION BY COUNCILMEMBER SWIA TEK, SECONDED BY COUNCILMEMBER JANKOWIAK TO AMEND THE ABOVE RESOLUTION, ITEM 8, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0



Item No. 8 cont'd.

AMENDED

WHEREAS, State Comptroller H. Carl McCall has instituted a program called \$SMART Reviews, AND

WHEREAS, a \$SMART Review entails the study of a particular function or functions of a local government, AND

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WHEREAS, at the conclusion of a \$SMART Review, the Office of the State Comptroller issues non-binding recommendations, suggesting methods of containing costs and/or enhancing revenues without raising taxes, AND

WHEREAS, the benefits of participating in the \$SMART Program have been discussed by Town Board members, AND

WHEREAS, a \$SMART Review must be prepared by a resolution of the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that the Office of the State Comptroller be and hereby is requested and invited to conduct a \$SMART Review in the Town of Cheektowaga focusing on the following areas:

- Sanitation/Recycling
- Purchasing

and, BE IT FURTHER

RESOLVED, that the precise scope of the \$SMART Review in the above areas will be determined at a later date by the Town Board, after consultation with the Office of the State Comptroller and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the Office of the State Comptroller.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 9 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, on petition by the National Association of Broadcasters and the Association for Maximum Service Television, the Federal Communications Commission ("FCC") is proposing a rule (No. 97-296) relating to transmission towers which would diminish the zoning authority of local governments, AND

WHEREAS, this proposed rule contains the following restrictions:

1. It would limit the time period a local government has to consider requests for broadcast transmission facilities to 45 days.
2. It makes health and safety objectives the only grounds on which local governments can exercise any measure of control; environmental concerns and aesthetics could not be considered.
3. It removes local leverage for a negotiated settlement.

and

WHEREAS, the Federal Communications Act of 1996 gave broad powers to telecommunications companies to erect transmission towers, and limited local government controls over such towers to zoning restrictions, AND

Item No. 9 cont'd.

WHEREAS, in response to the Federal Communications Act of 1996, this Town Board amended the Town Zoning Law to protect Town residents from the unwarranted intrusion of these towers in their neighborhoods, AND

WHEREAS, the FCC's proposed rule No. 97-296 would usurp local zoning controls the Town has over the location of transmission towers and not give Town residents ample opportunity to give their input on this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record against the above referenced proposed FCC rule and, BE IT FURTHER

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RESOLVED, that this Town Board hereby memorializes the FCC to reject such proposed rule and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the FCC, Congressman Jack Quinn, Senator Daniel P. Moynihan, Senator Alfonse D'Amato, President William Clinton, the NYS Public Service Commission and the NYS Association of Towns.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 10 Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, previously, this Town Board retained the services of Hiscock & Barclay to represent the Town's interests in the lawsuit entitled "Town of Cheektowaga v. Starlite Builders, et al.", AND

WHEREAS, such lawsuit is still ongoing and, in order for the interests of the Town to continue to be represented, it is necessary for this Town Board to appropriate additional moneys for the services of Hiscock & Barclay, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to appropriate the additional sum of \$10,000.00 to be used to pay the expenses of Hiscock & Barclay in the above entitled lawsuit and, BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Jankowiak

NAYES: Councilmember Blachowski

ABSENT: 0

Item No. 11 Moved 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)/attendants(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

Item No. 11 cont'd.

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 12a Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, by resolution dated July 21, 1997, this Town Board engaged the consulting engineering firm of LaBella Association, P.C. to prepare design drawings and specifications for a storm sewer trunkline to be constructed on Harlem Road south of Dingens Street, to be financed by the Town as a betterment to the New York State Department of Transportation Project for the Reconstruction of Harlem Road, between William Street and Clinton Street, identified as PIN 5268.29.102, AND

WHEREAS, the subject storm sewer trunkline design proposes the utilization of a portion of New York State Thruway Authority right-of-way from Harlem Road eastward to Aris Avenue, being the most cost effective corridor, outletting flows to Cayuga Creek, AND

WHEREAS, utilization of New York State Thruway Authority right-of-way for the stated purpose requires submission of an Occupancy Permit Application by the Town to permit construction and periodic long term maintenance, NOW, THEREFORE, BE IT

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RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to make application to the New York State Thruway for the required Occupancy Permit associated with the aforementioned storm sewer project.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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

WHEREAS, the Cheektowaga Police Department ("CPD") has been purchasing mobile data equipment for use in its vehicles to assist it with law enforcement efforts, AND

WHEREAS, the CPD has applied for funding under the local Law Enforcement Block Grants Program, to purchase laptop computers and associated radio modems and software for patrol vehicles to provide direct access to law enforcement data systems, AND

WHEREAS, the U.S. Department of Justice has notified the Town that it has approved the Town's funding request for \$83,055 under the Local Law Enforcement Block Grant Program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned grant award documents and all papers related to such award on behalf of the Town and, BE IT FURTHER

RESOLVED, that the Town's matching funds in the amount of \$9,228.00 shall be appropriated from budget line item number 3120-2205.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12c Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with Catholic Charities Metropolitan Services Department of 525 Washington Street, Buffalo, New York 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

Item No. 12c cont'd.

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 1998 through December 31, 1998 with a total cost not to exceed the sum of \$129,440.00 and, BE IT FURTHER

RESOLVED, that Catholic Charities Metropolitan Services will reimburse the Town for up to \$37,800.00 (25%) of the actual costs of operating said program and the New York State Office of Children and Family Services will reimburse the Town for up to \$37,800.00 (30%) leaving the actual cost to the Town at \$59,280.00 (45%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

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NAYES: 0
ABSENT: 0

Item No. 12d Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Child and Family Services to continue said program for a twelve (12) month period, January 1, 1998 through December 31, 1998 with a total cost not to exceed the sum \$93,840.00 and, BE IT FURTHER

RESOLVED, that Child and Family Services will reimburse the Town for up to \$14,076.00 (15%) of the actual costs of operating said program and the New York State Office of Child and Family Services will reimburse the Town for up to \$28,607.00 (30%) leaving the actual cost to the Town at \$51,157.00 (55%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12e Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of the Youth Engaged in Service program with the Youth Department - Diocese of Buffalo of 795 Main Street, Buffalo, New York, which provides teenagers with opportunities to assist their community in various projects that have a need for volunteers, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

Item No. 12e

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and the Youth Department - Diocese of Buffalo to continue said program for a twelve (12) month period, January 1, 1998 through December 31, 1998 with a total cost not to exceed the sum of \$45,882.00 and, BE IT FURTHER

RESOLVED, that the Youth Department - Diocese of Buffalo will reimburse the Town for up to \$8,718.00 (19%) of the actual costs of operating said program leaving the actual cost to the Town at \$37,164.51 (81%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

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Item No. 12f Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at each of Cheektowaga's four branch libraries, which provide special activities that encourage children to read and become more familiar with the library, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga continue said program for a twelve (12) month period, January 1, 1998 through December 31, 1998 with a total cost not to exceed the sum of \$2,000.00 and, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute said agreement between the Town of Cheektowaga and the Cheektowaga Public Library System.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 12g Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center, located at 2600 Harlem Road, Cheektowaga, New York, AND

WHEREAS, the Western New York Club Hockey - Cheektowaga is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center, AND

WHEREAS, the License Agreement states the terms and conditions of such ice skating rink rental, and is acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the License Agreement between the Town of Cheektowaga and Western New York Club Hockey - Cheektowaga and, BE IT FURTHER

RESOLVED, that monies from such rental be deposited into the General Fund, Line Item 7140.2123.

Item No. 12g cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 12h Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center, located at 2600 Harlem Road, Cheektowaga, New York, AND

WHEREAS, the Western New York Club Hockey - Maryvale Team is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center, AND

WHEREAS, the License Agreement states the terms and conditions of such ice skating rink rental, and is acceptable to the Town, NOW, THEREFORE, BE IT

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RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the License Agreement between the Town of Cheektowaga and the Western New York Club Hockey - Maryvale Team and, BE IT FURTHER

RESOLVED, that monies from such rental be deposited into the General Fund, Line Item 7140.2123.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12i Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, the Town, through its Department of Youth and Recreational Services, is desirous of (I.) implementing expanded opportunities to gain community and program participant input and (II.) incorporating a prevention/resiliency focus in its youth programs; AND

WHEREAS, the Cheektowaga Action Partnership (CAP), Inc., a not-for-profit organization with offices at 3409 Genesee Street, Cheektowaga, New York, has the expertise and ability to provide planning, training and consultant services, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and the Cheektowaga Action Partnership, Inc. to provide said services for a twelve month period, January 1, 1998 through December 31, 1998 for a total cost not to exceed the sum of \$12,756.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310.4688

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12j Moved by Councilmember Jaworowicz, seconded by Councilmember Blachowski

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

Item No. 12j cont'd.

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing housing rehabilitation loans to the owners of the properties located at 38 Shanley Street in an amount not to exceed \$31,500, and at 75 Meadowbrook Parkway in an amount not to exceed \$27,035, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute housing rehabilitation loan agreements, and any other necessary related documents, with the owners of 38 Shanley Street, Cheektowaga, New York 14206 for a housing rehabilitation loan not to exceed \$31,500 and with the owner of 75 Meadowbrook Parkway, Cheektowaga, New York 14206 for a housing rehabilitation loan not to exceed \$27,035.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12k Moved by Councilmember Jaworowicz, seconded by Councilmember Blachowski

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WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of the property located at 71 Alaska Street in the Town of Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from Lockport Savings Bank for the purpose of refinancing existing mortgage debt for a lower interest rate, AND

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

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with Lockport Savings Bank, 6950 South Transit Road, Lockport, New York 14095 in relation to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 71 Alaska Street, Cheektowaga, New York 14206.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 13a Moved by Councilmember Swiatek, seconded by Councilmember Jankowiak

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

EFFECTIVE

TOWN CLERK'S OFFICE

Susan Zagoria
Amy Szprygada
Lori Vallon

Immediately
"
"

MAIN PUMP STATION

Robert Cieslikowski

Immediately

Item No. 13a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 13b Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

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

Julie Lesser

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

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Item No. 14 Moved by Councilmember Swiatek, seconded by Councilmember Blachowski

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

EFFECTIVE

FACILITIES DEPARTMENT - \$6.00 per hour (7110-1491)

Florian Urbanski XXXXXXXXXXXXXXXX, Depew XXXXX Immediately

and, BE IT FURTHER

RESOLVED, that Amy Wielinski be and hereby is transferred as a part-time Laborer in the Facilities Department to part-time Clerk at the hourly rate of \$6.00 (Acct. #7110-1411), effective immediately.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 15a Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the WNY Chapter of the Water Environment Association and the WNY Branch of the American Public Works Association are conducting a teleconference on strategies for Urban Wet Weather Management on December 10, 1997 at the Erie Community College in Amherst, which conference will focus on wet weather regulations and practices, the proposed EPA Stormwater Phase II rule and the status of national policy on sanitary sewer overflows, AND

WHEREAS, Town Engineer, William Pugh, P.E., and Principal Engineer Assistant, Allan Blachowski, have requested permission to attend said teleconference, as the subject policy and regulations are pertinent to the operation of the Town's wastewater collection system, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid Engineering Department employees be and hereby are authorized to attend said teleconference on December 10, 1997 at Erie Community College at a total cost of \$60.00, to utilize a Town vehicle to travel to and from said conference site, with the cost of registration chargeable to Account No. 2500-8125-4087.

Item No. 15a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

Item No. 15b Moved by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, The National League of Cities has awarded the Cheektowaga Police Department the "1997 Excellence in Community Policing Award" in the category of Community Policing and Violence Against Women for its domestic violence training program entitled "Transitions". A project that was a joint venture between the Cheektowaga Police Department, Haven House and the National conference to develop an organizational culture responsive to the needs of domestic violence victims.

WHEREAS, the training utilized actors from the Theater for Change in three interactive vignettes. And, over three hundred law enforcement officials from Western New York attended this innovative training program.

WHEREAS, the following members of the Cheektowaga Police Department were vital to the success of the project. Capt. Thomas Rowan and Lt. Cheryl Rucinski researched the training initiative, gathered statistics, wrote the grant training proposal and enlisted the community partners to successfully apply for and receive grant monies from the federal government for this project. Lt. Cheryl

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Rucinski was the project director for the whole training initiative responsible for the administration of the grant. Officers Scott Prell, Christopher Chojnacki, Paul Batt and Valentine Zimniewicz researched and developed the three vignettes with the Theatre for Change. They chose the topics, wrote the dialogue and attended dress rehearsals with the actors to ensure the authenticity of the police procedure.

WHEREAS, Lt. Rucinski and Officers Prell, Chojnacki, Zimniewicz and Batt have been invited to the Congress of Cities Convention in Philadelphia from December 4-7, 1997 to present this program at the "Good Neighbors, Great Cities: Showcase of City Programs". And, to receive this prestigious national award at a ceremony on Saturday, December 6, 1997.

WHEREAS, Chief Bruce Chamberlin and Capt. Thomas Rowan have also been invited to participate in this event, and will be attending from December 5-7, 1997.

WHEREAS, the travel and lodging costs for Lt. Rucinski and the four officers will be fully covered under the federal grant, and charged to line 0100-3120-4100. Officers will be traveling via town vehicles. The costs Chief Chamberlin and Capt. Rowan will be covered by the Town and charged to line 0100-3120-4085 amounting to approximately \$650.00, NOW, THEREFORE, BE IT

RESOLVED, that all named personnel are authorized to attend this conference in Philadelphia, and expenses are to be charged to designated lines.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek, and Jankowiak

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 16 Building Permits
Received and Filed.

Item No. 17 Supervisor's Statement of Funds - October, 1997
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 18a Notice of Claim: Merchants Insurance Group for Insured Joseph and Antoinet Shehadi (Claimant Jacqueline Saad) vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 18b Notice of Claim: Sharon Z. Zynda vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 18c Notice of Claim: Giovanna Ferraina vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 19 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak to adjourn this meeting. This meeting was adjourned at 7:50 P.M.

TOWN OF CHEEKTOWAGA
MEETING NO. 26
December 15, 1997

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of December, 1997 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 Jeff Swiatek
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; William Pugh, Town Engineer; Ronald Marten, Supervising Building and Plumbing Inspector, Robert McCarthy, Director of Employee Relations; Sal LaGreca, Planning Board Chairman; Captain Tom Rowan; Police Department; Mary Holtz, Deputy Town Clerk; Tom Mazur, Councilmember Elect; Len Szymanski; Foreman-Facilities Department; Robert Kaczmarek, Supervising Accountant.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

GENERAL FUND

FROM:	0100-1110-2770	Unclassified Revenue	\$10,000.00
	0100-1420-4321	Computer Expense	800.00
	0100-1415-1600	Clerical Assistance	1,000.00
	0100-3610-4086	Association Membership	85.00
	0100-3610-4086	Association Membership	13.00
	0100-7310-4687	Child & Family Services	843.00
	0100-7140-4503	Concerts	345.00
	0100-7140-4611	Transportation	1,070.00
	0100-9010-8101	Employee Retirements	80,000.00
	0100-9010-8111	Police Retirements	50,000.00
	0100-9010-8190	Retirement Incentive	50,000.00
	0100-3120-1511	Lieutenants Salary	40,000.00
	0100-3120-1541	Patrolmen Salaries	10,000.00
TO:	0100-1110-2105	Equipment	\$ 10,000.00
	0100-1420-4001	Office Supplies	300.00
	0100-1420-4013	Law Books	500.00
	0100-1415-4510	Supplies & Materials	1,000.00
	0100-3610-4261	Postage	85.00
	0100-3610-4001	Office Supplies	13.00
	0100-7310-4261	Postage	843.00
	0100-7141-4191	Miscellaneous Expenses	1,415.00
	0100-9010-8975	Retirement Buyout	180,000.00
	0100-3120-1551	Sergeants Salaries	50,000.00

HIGHWAY FUND

FROM:	0300-5110-4171	Road Oil	\$ 588.00
	0300-5140-4190	Barricade & Fences	700.00
	0300-5141-1491	Part-Time Laborers	6,000.00
	0300-9010-8141	Medical Insurance	9,063.00

Item No. 2 cont'd

TOWN OF CHEEKTOWAGA
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TO:	0300-5140-4191	Miscellaneous Expenses	\$ 1,088.00
	0300-5140-4001	Office Expenses	200.00
	0300-5141-1416	Tree Trimmer	6,000.00
	0300-9010-8143	Retirees Medical Insurance	8,728.00
	0300-9010-8151	Group Life Insurance	335.00

PART-TOWN FUND

FROM:	0800-9010-8141	Medical Insurance	\$ 38.00
TO:	0800-9010-8151	Group Life Insurance	\$ 38.00

RISK RETENTION

FROM:	1000-1930-4703	Workers Compensation Claims	\$21,000.00
TO:	1000-1931-4730	Unemployment	\$20,000.00
	1000-1722-4519	Excess Workers Compensation Insurance	1,000.00

SPECIAL DISTRICTS FUND

FROM:	4000-8140-4588	Ditch, Creek & Tributary Fertilization	\$ 12,600.00
	2300-8123-4163	Gas, Oil & Grease	4,540.30
	2500-8125-8190	Retirement Incentive	8,006.00
	2500-8125-1492	Seasonal	5,000.00
	1500-8173-1409	Recycling Laborer	26,000.00
	1500-8160-8101	Retirement	30,000.00
	1500-1910-1081	In Lieu of Taxes	200,000.00
	1500-1910-2401	Interest Earnings	18,880.00
	1500-8160-8190	Retirement Incentive	5,000.00
	1500-8160-9131	Bond Principal	35,000.00
	1500-8160-8141	Medical Insurance	470.00
	1500-8173-8141	Employee Medical	140.00
	1500-8160-4021	Maintenance Supplies	4,000.00
	1500-8160-4001	Office Supplies	2,000.00
	1500-8173-4431	Equipment Repairs	5,000.00
	1500-8160-4071	Uniform Replacement	1,000.00
	1500-8160-9211	Bond Interest	8,650.00
TO:	4000-8140-4543	Ditch & Creek Maintenance	\$ 12,600.00
	2300-8123-4432	Sewer Repairs & Maintenance	4,540.30
	2500-8125-8151	Group Life Insurance	406.00
	2500-8125-8141	Employee Medical	7,600.00
	2500-8125-1420	Senior Maintenance Man	2,000.00
	2500-8125-1203	Working Crew Chief	3,000.00
	1500-8160-1205	Working Forman	14,000.00
	1500-8160-1412	Laborer	106,510.00
	1500-8160-1414	MEO-B	124,370.00
	1500-8160-1444	MEO-A	12,000.00
	1500-8160-8121	FICA Expense	18,000.00
	1500-8160-8975	Retirement Buyouts	40,000.00
	1500-8160-8151	Group Life Insurance	470.00
	1500-8173-8151	Group Life Insurance	140.00
	1500-8160-4453	Building Repairs	11,000.00
	1500-8160-4186	Tolls	1,000.00
	1500-8160-4352	Erie County Chargebacks	8,650.00

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to December 12, 1997 are hereby approved and made a part hereof:

TOWN OF CHEEKTOWAGA
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GENERAL FUND	\$ 273,675.49
HIGHWAY FUND	258,176.40
TRUST & AGENCY	12,737.18
PART TOWN FUND	4,390.05
HUD CDBG FUND	34,167.49
RISK RETENTION FUND	72,094.78
SPECIAL DISTRICTS FUND	444,339.02
CAPITAL FUND	<u>147,400.92</u>
	\$1,246,981.33

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4a Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, bid proposals were received for the furnishing of Athletic White Stripe for the Facilities Department on December 4, 1997, and

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

RESOLVED that the Cheektowaga Town Board hereby award said Bid for Athletic White Stripe to:

Scranton's Thruway Builders Supplies Corp.
3360 Walden Avenue
Depew, New York 14043

- for -

Athletic White Stripe at \$.06 per lb.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4b Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, bids proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 4, 1997, and

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

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

Ball Toilets & Septic Service
P.O. Box 2072
Blasdell, New York 14219

For

Category A - Single Units - \$1.12 per day, per unit, Items I through X

Item No. 4b cont'd

Category B - Handicapped Units - \$2.20 per day, per unit, Item I

Category C - Special Events - \$12.30 per day, per unit, Items I through X

TOWN OF CHEEKTOWAGA
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4c Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on December 4, 1997, at a meeting held for said purpose, and

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

RESOLVED that the Cheektowaga Town Board hereby awards said Bid for Pool Maintenance Chemicals to:

Alden Pool, Inc.
P.O. Box 298
Alden, New York 14004

- for -

Category I	- Bromine	- \$2.47 per lb.
Category II	- Diatomaceous Earth	- \$.25 per lb.
Category III	- Sodium Bicarbonate	- \$.35 per lb.
Category IV	- Soda Ash	- \$.28 per lb.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4d Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, the Facility Department is in need of new 1998 3/4 ton, 4-wheel drive Pick-up Trucks with Snow Plows, and

WHEREAS, Robert Green Truck Division, Inc., Route 17 East, Exit 107, P.O. Box 8002, Rock Hill, New York 12775 has been awarded the New York State Contract (Bid #PO52682) for new 1998 Chevrolet, 3/4 ton, 4-wheel drive Pick-Ups, and

WHEREAS, the Town of Cheektowaga wishes to take advantage of the above successful bid, and

WHEREAS, Funds are available for the purchase of four (4) of the above Pick-Ups, NOW, THEREFORE, BE IT

RESOLVED that Robert Green Truck Division, Inc., be awarded the low bid for four (4) Pick-Ups with snow plows at a total cost of \$86,086.80, and BE IT FURTHER

RESOLVED that funds for the above award shall be charged to 01-7110-2303 (\$64,827.20) and 01-1625-2303 (\$21,259.60) respectively.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 4e Motion by Councilmember Rogowski, Seconded by Councilmember Jankowiak

WHEREAS, the Facility Department is in need of a new 1998 1-Ton, 4-Wheel Drive Mini-Dump Truck with Snow Plow, and

WHEREAS, Robert Green Truck Division, Inc., Route 17 East, Exit 107, P.O. Box 8002, Rock Hill, New York 12775 is lowest bidder on a New York State bid for a new 1998 Chevrolet CK31003 4-Wheel Drive 1-Ton Truck with Snow Plow, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, funds are available for the purchase of the above Truck, NOW, THEREFORE, BE IT

RESOLVED that Robert Green Truck Division, Inc., be awarded the low bid of \$26,025.30 for the above Mini-Dump Truck with Plow, contingent upon the State of New York awarding the said bid to Robert Green Truck Division, Inc., and BE IT FURTHER

RESOLVED that funds for the above award shall be charged to 01-7110-2303.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

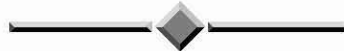
Item No. 4f Award of Bid - Recycling of Yard Waste
This item was withdrawn.

Item No. 5 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the purchase of baseball and softball 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 January 7, 1998 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 January 7, 1997 at 11:00 a.m., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and softball equipment.

Information for bidders and specifications may be obtained from the Town Clerk's Office at Town Hall. Telephone No.: (716) 686-3400.

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

Dated: December 18, 1997

Item No. 5 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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Item No. 6 Order calling for public hearing - Increase & Improvement of Facilities of Town-wide
Drainage District

**See next page(s) for attachments

AFFIDAVIT - NEXT PAGE

**TOWN OF CHEEKTOWAGA
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Item No. 7a Call for public hearing - Local Law #1 of 1998 - Property Tax Exemptions for Persons with Disabilities
This item was withdrawn.

Item No. 7b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Buffalo Crushed Stone, Inc. ("BCS") has applied to the Town of Cheektowaga to rezone 140.5± acres of land adjacent to the Buffalo Crushed Stone Quarry, 500 Como Park Boulevard, from R-Residential District (38.57± acres), NS-Neighborhood Services District (14.97± acres) and M1-Light Manufacturing District (87.01± acres) to AG-Special Aggregates District and for SEQRA review for expansion of the quarry, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, the Town has been established as lead agency for the SEQRA review for this rezoning, and

WHEREAS, as part of the environmental review for this rezoning, BCS has submitted a Draft Scoping Document, and

WHEREAS, the Town has provided a copy of the Draft Scoping Document to all involved agencies, and

WHEREAS, this Town Board desires to provide an opportunity for public participation, that is, comments, on this Draft Scoping Document, and also wishes to have the Cheektowaga Environmental Advisory Committee ("EAC"), which is composed of Town employees and appointees from various departments and committees, be involved in the review of this document, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby directs the EAC to review the Draft Scoping Document submitted by BCS, and BE IT FURTHER

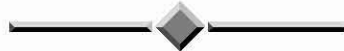
RESOLVED that this Town Board hereby directs that the EAC shall hold a public scoping meeting on Tuesday, January 6, 1998 at 6:30 P.M., in the Town Hall Council Chambers to solicit comments on the Draft Scoping Document, and BE IT FURTHER

RESOLVED that a copy of the Draft Scoping Document shall be available in the Town Clerk's Office, the Cheektowaga South Branch Library and the Julia Boyer Reinstein Library where interested parties may view same, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Public Scoping Meeting in the Cheektowaga Times, and BE IT FURTHER

RESOLVED that after such public scoping meeting, BCS shall be given until Friday, January 9, 1998, at 4:30 P.M. to submit additional comments and/or a revised/supplemental Draft Scoping Document to the Town, and BE IT FURTHER

RESOLVED that the Town Board will, on a reasonable request by BCS, extend the deadline for submission of comments and/or a revised/supplemental Draft Scoping Document provided BCS agrees to extend the time frame for this Town Board to provide it with a final written scope of this project.



**NOTICE OF PUBLIC SCOPING MEETING
CONCERNING PROPOSED BUFFALO CRUSHED STONE, INC.
QUARRY EXPANSION**

TAKE NOTICE THAT the Environmental Advisory Committee of the Town of Cheektowaga will hold a public Scoping meeting on Tuesday, January 6, 1998 at 6:30 P.M. at the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York to solicit comments from the public relative to the Draft Scoping Document submitted by Buffalo Crushed Stone, Inc. For its proposed expansion of its Quarry located at 500 Como Park Boulevard in the Town of Cheektowaga.

Item No. 7b cont'd

Copies of the Draft Scoping Document submitted by Buffalo Crushed Stone, Inc. are available for viewing during regular business hours at the following locations:

Town Clerk's Office, Town Hall, 3301 Broadway

Cheektowaga South Branch Library, 2660 William Street

Julia Boyer Reinstein Library, 1030 Losson Road

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

Dated: December 15, 1997

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RICHARD M. MOLESKI
Town Clerk



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga has a drainage easement along the southerly twenty feet of 56 Colden Court in the Town, and

WHEREAS, the owner of 56 Colden Court has requested permission to erect a fence across this Town easement to connect his fence to the neighbors at 60 Colden Court to stop people (i.e. children) from trespassing through this property to go onto Maryvale School property, and

WHEREAS, the Town Engineer and a Town Highway Superintendent have no objection to the erection of a fence over this easement area, NOW, THEREFORE, BE IT

RESOLVED that James Pepe, 56 Colden Court, Cheektowaga, New York 14225 be and hereby is granted permission to erect a fence over the above referenced easement area, subject to the following:

1. The Town retains its easement rights over this land

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2. The Town may remove this fence if it needs to enter the property to exercise its easement rights (i.e. repair/replace pipes).
3. Fence construction must conform to Town Zoning and Building Codes.

And BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Mr. James Pepe.



Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson to table this item, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

THIS ITEM WAS TABLED.



Item No. 9 Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, Town vehicles (i.e. Sanitation trucks) must travel on the New York State Thruway ("Thruway") on a daily basis and must pay tolls to travel on the Thruway, and

WHEREAS, the New York State Thruway Authority ("NYSTA") allows public corporations to have charge accounts for the purpose of paying tolls, and

WHEREAS, the Town of Cheektowaga desires to have a charge account with the NYSTA for the purpose of paying tolls for its vehicles, and

WHEREAS, the NYSTA has prepared a Credit Agreement for the purpose of issuing charge accounts, and

WHEREAS, the Town Attorney's Office has reviewed such Credit Agreement and has approved same as to form, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute such Credit Agreement on behalf of the Town.

Item No. 9 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Youth and Recreational Services Department's Youth Engaged in Service (Y.E.S.) program has requested permission to conduct an overnight camp-out on January 3rd and 4th, 1998 in the Alexander Community Center, and

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All Parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed", NOW, THEREFORE, BE IT

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RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, and that said waiver be extended to the Cheektowaga Youth and Recreation's Y.E.S. program for use of the Alexander Community Center on January 3rd and 4th, 1998, and BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police and the Facilities Department Director.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the contract for the Homeworth Parkway Sanitary Sewer Replacement Project was awarded by Town Board Resolution dated June 16, 1996 to Mar-Wal Construction Company, Inc., 440 Gould Avenue, Depew, New York 14043 for a total approved bid price of \$211,050.00, and

WHEREAS, Nussbaumer & Clarke, Inc. and the Town Engineer have advised that the contract has been completed in accordance with contract requirements, and

WHEREAS, Nussbaumer & Clarke, Inc. and the Town Engineer have further recommended the approval of Change Order #1 (final) which provides for the final adjustment to contract item quantities incorporated into the project as outlined in the Change Order document, NOW, THEREFORE, BE IT

RESOLVED that Change Order #1 in the amount of \$15,600.00 as a deduction to the contract of Mar-Wal Construction Company, Inc. be and hereby is approved, and BE IT FURTHER

RESOLVED that this Town Board hereby accepts the completed project as recommended by the Town Engineer and hereby authorizes the Town Supervisor to execute Change Order No. 1 and the final contract acceptance documents.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 28 Cayuga Creek Road, Cheektowaga, New York, SBL#124.22-2-6 and according to the Assessor's Office is owned by Cheryl Ziccardi, 2190 Jamison Road, East Aurora, New York 14052, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed by the Town and all costs incurred be assessed against the property hereinbefore described.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga was awarded a grant through the Federal Intermodal Surface Transportation Efficiency Act ("ISTEA") for the Rails-to-Historic Trails project (P.I.N.

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57755.08), which grant is administered through the New York State Department of Transportation ("DOT"), and

WHEREAS, the grant agreement requires the Town to assign a Project Manager on this project, and

WHEREAS, Allan Blachowski, Assistant Principal Engineer for the Town, has been involved in numerous meetings on this project and has engaged in preliminary design on the trails, and is otherwise familiar with this project and is qualified to act as Project Manager, NOW, THEREFORE, BE IT

RESOLVED that Allan Blachowski, Assistant Principal Engineer in the Town Engineering Department, be and hereby is appointed Project Manager for the Rails-to-Historical Trails project hereinabove referred to.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga was awarded a grant through the Federal Intermodal Surface Transportation Efficiency Act ("ISTEA") for the Rails-to-Historic Trails project (P.I.N. 57755.08), which grant is administered through the New York State Department of Transportation ("DOT"), and

WHEREAS, the Town needs to retain a consultant to design the project, and

WHEREAS, the grant agreement requires the Town to designate individuals to serve on the consultant Selection Committee, and

WHEREAS, it is appropriate that the following individuals serve on the Consultant Selection Committee, NOW, THEREFORE, BE IT

RESOLVED that the following individuals be and hereby are designated to serve as the Town's representatives on the Consultant Selection Committee:

Ronald Marten, Supervising Building & Plumbing Inspector

Kevin G. Schenk, Chairman, Cheektowaga Conservation Advisory Council

Walter Domino, P.E., Assistant Town Engineer

Item No. 14 cont'd

and BE IT FURTHER

RESOLVED that Walter A. Wolansk, P.E., Civil Engineer II, Project Coordinator for the DOT, be and hereby is also designated to serve on the Consultant Committee.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

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

EFFECTIVE

TOWN CLERK'S OFFICE

Cheri Carver

Immediately

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RECYCLING DEPARTMENT

Ara Rustowicz	11/15/97
Carl Gorney	11/22/97
Larry Kwaczala	11/21/97
John Bratek	12/03/97
John Sasiadek	12/03/97

FACILITIES DEPARTMENT

Daryl Pischka	Immediately
Matthew Culley	Immediately

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

BE IT RESOLVED that the letter of resignation submitted by Anthony Sisti from his position of Planning Board Member be and hereby is accepted effective December 30, 1997.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
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

TOWN CLERK'S OFFICE - S.A.R.A. Clerk - \$10.00 per hour

Stephan M. Koenig	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
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Item No. 17 cont'd

FACILITIES DEPARTMENT - \$7.00 per hour (0100-7110-1491)

Eugene Czajkowski	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
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FACILITIES DEPARTMENT - \$6.00 per hour (0100-1625-1491)

Felix Lampke	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
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TAX OFFICE - (Day Shift) - \$6.25 per hour

Julie M. Miller	XXXXXXXXXXXXXXXXXXXXXXX	12/15/97
Delphine Gembka	XXXXXXXXXXXXXXXXXXXXXXX	12/15/97

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 18 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

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compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

ASSESSOR'S OFFICE - S.T.A.R. Program - \$6.00 Per Hour

Beatrice Szymkowiak	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Gordon Allen	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Norman Lizak	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Geraldine Bonk	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Joan Miller	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Virginia Fronczak	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Helen Koza	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98
Dorothy Jankowiak	XXXXXXXXXXXXXXXXXXXXXXX	1/8/98

SANITATION DEPARTMENT - \$6.00 Per Hour

Robert Marchewka	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
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JUSTICE COURT - \$6.00 Per Hour

Judy Szczesniak	XXXXXXXXXXXXXXXXXXXXXXX	Immediately
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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the below listed Youth and Recreation employees be transferred as indicated, effective 12/31/97:

Seasonal to Part-time

Joseph Cantafio	Camille Russell
Catherine Giles	Constance Stewart
Brian Hansen	Colleen Tonsoline
Angela Krzemien	Michael Yelich
Eugene Pytlewski	

Item No. 19 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

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

WHEREAS, the Niagara Frontier Building Officials Association is conducting an education seminar on various aspects of building codes and inspections on February 2, 3, 4, 1997 at the Buffalo Hilton, 120 Church Street, Buffalo, 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, Gary Parks, Louis Costrino are authorized to attend said educational seminar on February 2, 3, 4, 1997 at the Buffalo Hilton, at a cost of \$170.00 per person, said costs to be paid from the Building Inspection Department Budget, and BE IT FURTHER

**TOWN OF CHEEKTOWAGA
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RESOLVED that Lawrence Kensy is authorized to attend said educational seminar with the \$170.00 cost shared equally between the Building Inspection Department and the Community Development Office.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 21 Minutes of Planning Board - Minutes of meeting of November 13, 1997
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22a Summons & Complaint - James Mazzariello Jr. Vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town
Attorney; Council Office; Allied Claims, Insurance Company; Chief of Police.
Received and Filed.

Item No. 22b Summons & Complaint - Lorraine Grzybowski vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town
Attorney; Council Office; Allied Claims, Insurance Company; William Wielinski,
Facilities Director; N. Rutkowski, Foreman in Facilities Department.
Received and Filed.

Item No. 23a Notice of Claim - Valerie Kennedy, Adm. Of Estate of Antwon Thomas vs Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town
Attorney; Council Office; Allied Claims, Insurance Company; Chief of Police.
Received and Filed.

Item No. 23b Notice of Claim - Charles Horey vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town
Attorney; Council Office; Allied Claims, Insurance Company; Sanitation Department
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson
to suspend the rules to include the following resolutions, and the voting was as
follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, the Town Justice Court implemented a computer network in December,
1991 for the utilization of the New York State Unified Justice Court Software System through Service
Education, Inc., and this network has performed admirably for the past five years, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, the Town Court has been notified that the current software will be upgraded to a windows environment in 1998, and the current hardware configuration is not capable of supporting this upgrade, and

WHEREAS, the Town Court through the system's hardware consultant, Business Computer Plus, Inc. has developed new hardware specifications to meet current and future needs of the court, and the software providers, Service Education, Inc. has reviewed these specifications, and

WHEREAS, AmeriData of Albany, New York holds the New York State contract for Compaq computers for 1997, and the Town's Accounting Department has secured three external requests for proposal to verify that there is a financial benefit in utilizing the State contract for new computers, and

WHEREAS, funds are available for the purchase of these computers, NOW,
THEREFORE, BE IT

RESOLVED that AmeriData of Albany, New York be awarded the low bid of \$32,167.90 for Compaq Pentium computers, and BE IT FURTHER

RESOLVED that funds for the above award shall be charged to account number 5710-1315-9706.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated January 6, 1997, Town Board meeting dates for 1997 were established, and

WHEREAS, this Town Board wishes to establish the first regular Town Board meeting date for 1998 at this time, NOW, THEREFORE, BE IT

RESOLVED that the first regular Town Board meeting date for 1998 shall be held on the 5th day of January, 1998 at 7:00 P.M. (Public Comment Period at 6:45 P.M.) in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

Item No. 25 cont'd

RESOLVED that the Town Clerk be and hereby is directed to give public notice of the time and place of such meeting to the news media at least one week prior to such meeting and to conspicuously post such notice at least 72 hours before such meeting.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Swiatek and Jankowiak
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Supervisor Gabryszak, Seconded by Councilmember Blachowski
to adjourn the meeting.
Time Adjourned: 7:30 P.M.

RICHARD M. MOLESKI
Town Clerk