

MEETING NO. 21
OCTOBER 5, 1998

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 5th day of October, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Thomas J. Mazur

ABSENT: Councilmember James J. Jankowiak

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

I. RESOLUTIONS

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

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

SPECIAL DISTRICTS FUND

From:	1500-8173-4444	Tipping	\$12,000.00
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To:	1500-8160-4453	Building Repairs	\$12,000.00
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CAPITAL FUND

From:	5402-1910-2705	Transfers In-Gifts & Donations	\$13,025.00
	5402-1910-9393	Administrative	29,000.00
	5402-1910-3097	State Grant	41,378.00

To:	5402-7110-9801	North Creek-South Creek Playground	\$83,403.00
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Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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 2, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 88,174.81
HIGHWAY FUND	24,663.58
TRUST & AGENCY	5,106.83
PART TOWN FUND	1,586.11
HUD CDBG FUND	48,611.95
HUD HOUSING REHABILITATION	18,730.00
HUD RENTAL REHABILITATION	8,345.00
RISK RETENTION FUND	64,107.61
SPECIAL DISTRICTS FUND	199,092.98
CAPITAL FUND	<u>40,494.98</u>
	\$498,913.85

Item No. 3 cont'd.

Upon roll call. . . .

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

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

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, 1999, 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 8, 1998, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet 6:30 P.M. on the 20th day of October, 1998, 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 8, 1998, and post same on the signboard maintained by the Town Clerk.



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, 1999, 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 .

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 20th day of October, 1998, 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:

Item No. 4a cont'd.

SUPERVISOR	\$67,632
TOWN CLERK	\$58,710

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HIGHWAY SUPERINTENDENT	\$64,890
COUNCILMEMBER	\$19,107

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

Richard M. Moleski, Town Clerk

Dated: October 5, 1998
Published: October 8, 1998



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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1999 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

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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 20th day of October, 1998 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 8, 1998



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 20, 1998 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 5, 1998

Published: October 8, 1998



Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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Item No. 4c Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, a petition dated July 10, 1998 has been duly presented to the Town Board of the Town of Cheektowaga, according to law, proposing that said Town Board authorize and approve the construction of lateral sewers to serve three (3) homes at 175, 183 and 241 Pine Ridge Road, in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, described as follows:

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Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300±, more or less, east of the centerline of Pine Ridge Road, and extending northerly 280± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).

and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in said petition is eleven thousand Dollars (\$11,000.00), NOW, THEREFORE, BE IT

ORDERED, that, in accordance with the provisions of Section 199 of the Town Law of the State of New York, a public hearing be held on the 19th day of October, 1998 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, to consider said petition and hear all persons interested in the subject thereof concerning the same and, BE IT FURTHER

ORDERED, that the Town Clerk of the Town of Cheektowaga is hereby authorized and directed to publish a copy of this Order certified by him in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and to post a copy of same on the signboard maintained by him, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE

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

WHEREAS, bids were duly received by the Town Board of Cheektowaga at a bid opening on September 23, 1998, for Motor Oils, Lubricants, Anti-Freeze, Diesel Fuel, Unleaded Gasoline, etc. 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

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

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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, 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

Item No. 6 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 six years, the Community 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 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 month 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

Item No. 7 Moved by Supervisor Gabryszak, seconded by Councilmember Mazur

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

Item No. 7 cont'd.

RESOLVED, that Saturday, October 31, 1998 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 Saturday, October 31, 1998 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!

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, Johnson, Swiatek,
and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

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

WHEREAS, legislation has been introduced in the State Senate (S.6378-B) and Assembly (A.8567-B) to enact the Wireless Facility Siting Act (Article 13-E of the General Municipal Law), AND

WHEREAS, the Wireless Facility Siting Act would limit the authority of local governments to control the siting of telecommunications towers in their jurisdictions by:

1. Not requiring such facilities to comply with environmental review regulations;
2. Restricting the ability of local governments to prohibit/restrict the location of these facilities in residential areas;
3. Restricting the ability of local governments to prohibit towers over a certain height;
4. Mandating certain procedures for local governments to follow in reviewing applications for towers.

and,

Item No. 8 cont'd.

WHEREAS, the Town of Cheektowaga enacted its own regulations governing communications facilities (Section 82-33.1 of the Zoning Law) to protect Town residents, AND

WHEREAS, these regulations are in compliance with the Telecommunications Act of 1996 that seeks to balance the interests of land zoning and environmental impacts with the interest of the communication companies, AND

WHEREAS, the proposed State legislation would supersede Town regulations and deprive the Town of local home rule authority on this very important local issue, NOW, THEREFORE, BE IT

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RESOLVED, that this Town Board hereby expresses its opposition to the above referenced proposed legislation and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the State Senate, Assembly and Governor to vote against passage of the above referenced legislation and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution together with copies of the Town's Communications Facilities Law to Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor George Pataki.

Upon roll call. . . .

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

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

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 Anthony Marczak to rezone, from RA-Apartment District to NS-Neighborhood Services District, a 120' x 274' area at the rear of 2437 Union Road, AND

WHEREAS, the rezoning would extend in depth the existing NS-Neighborhood District zoning that presently exists on this property, AND

WHEREAS, the applicant will construct two (2) office buildings with required parking, AND

WHEREAS, the applicant has committed to preserving an archeological site and a portion of the land covered with trees by deeding these lands to the Town of Cheektowaga, AND

WHEREAS, the Advisory Committee, at its meeting held on September 2, 1998 rendered the recommendation shown on the attached memo dated September 3, 1998, 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.

Item No. 9a cont'd.

Upon roll call. . . .

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

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 9b Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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 Eugene Piotrowski, as agent for Eric and Sharon Jaszka, to rezone from R-Residence District to NS-Neighborhood Services District a 40'x170' area at the rear of 2550 Union Road, AND

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WHEREAS, the area to be rezoned will be used as a playground for the existing child daycare facility on the site, AND

WHEREAS, the applicant has preserved the trees within this area, except for those damaged in recent storms, AND

WHEREAS, the Advisory Committee, at its meeting held on September 16, 1998 rendered the recommendation shown on the attached memo dated September 17, 1998, 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, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town has refurbished two (2) previously existing street lighting installations located atop two (2) masonry columns at the intersection of Cleveland Drive and Roycroft Boulevard to enable connection to Niagara Mohawk Power Corporation facilities under Service Classification No. 3, Energy-Only, NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to connect the two (2) referenced 70W H.P.S. luminaires at a one time connection fee of \$302.52, which will result in an annual increase to the General Lighting District in the amount of \$48.26 for the energy charge in accordance with the Niagara Mohawk Rate Tariff P.S.C. No. 214 for Service Classification No. 3.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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Item No. 11 Moved by Unanimous, seconded by Unanimous

WHEREAS, the Town is the owner of a one-family dwelling located at 76 Rehm Road in the Town of Cheektowaga, AND

WHEREAS, pursuant to a lease agreement negotiated between the Town and Commonwealth Sport Fund LLC, a golf course will be developed over the land on which this dwelling stands and adjacent acreage, AND

WHEREAS, there is a need to demolish the building at 76 Rehm Road, AND

WHEREAS, Hy-View Fire District No. 8 has agreed to hold fire drills by burning this abandoned house during the month of October through a series of controlled burns pursuant to the terms in the attached letter, NOW, THEREFORE, BE IT

RESOLVED, that Hy-View Fire District No. 8 be and hereby is authorized to burn the Town-owned house at 76 Rehm Road subject to the terms in the attached letter and, BE IT FURTHER

RESOLVED, that the Director of the Facilities Department be and hereby is directed to:

1. Take all steps to ensure all utilities have been shut off for 76 Rehm Road.
2. Cooperate with and provide Hy-View Fire District No. 8 with keys for the existing lock system for 76 Rehm Road.
3. Monitor the burning of 76 Rehm Road and provide for security/safety around the building after each burn.

and, BE IT FURTHER

RESOLVED, that the Town hereby releases Hy-View Fire District No. 8 from any claim for loss resulting from such burning.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town Board has previously adopted guidelines governing the Town's Housing Rehabilitation Loan Program funded by Community Development Block Grant and HOME Partnership Program funds, AND

WHEREAS, current rehabilitation loan program guidelines for said programs do not provide for the rehabilitation of a "life estate" property, that is, a property in which an elderly person, who formerly owned said property, has retained the right to reside for the rest of their life but which ownership of has been transferred to another person or persons, AND

WHEREAS, in order to continue to provide for the effective administration and implementation of said Program, and to assure the achievement program goals, the Director of Community Development has recommended that adoption of the attached amendments to said Guidelines which include provisions for the rehabilitation of "life estate" properties occupied by elderly, low-moderate income persons, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts the attached amendment to the Community Development Block Grant and the HOME Program Housing Rehabilitation Loan Program Guidelines, said amendments to be effective immediately.

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Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 13 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town, as a member of the Amherst-Cheektowaga-Tonawanda HOME Investment Partnership Program Consortium, the Town received HOME Program funds 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 an amount of up to \$120,000.00 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 an amount of up to \$120,000 to the Town's First-Time Homebuyers Program from its housing rehabilitation program allocation.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

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ABSENT: Councilmember Jankowiak

Item No. 14 Moved by Councilmember Mazur, seconded by Councilmember Johnson

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

WHEREAS, Housing Rehabilitation Loan Program Guidelines, were adopted in order to allow for the effective implementation of the housing rehabilitation loan and to ensure the achievement of the Program's goals and objectives, AND

WHEREAS, said guidelines establish limits and conditions on the amount of assistance provided, AND

WHEREAS, the Community Development Director has reviewed a request for rehabilitation assistance which requires a waiver of program guidelines governing debt-to-value ratio and has recommended approval of the loan request in order to accomplish rehabilitation work required to correct and eliminate continued structural deterioration of the housing unit and maintain the unit in a habitable condition, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a housing rehabilitation loan agreement with the owners of 137 Hyland, Depew, New York 14043 in an amount not to exceed \$20,000.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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

EFFECTIVE

SANITATION DEPARTMENT

Andrew Cianflone

9/21/98

Item No. 15 cont'd.

EFFECTIVE

RECYCLING DEPARTMENT

Thomas Porto

9/21/98

Tony Pawlowski

"

John Paluszynski

"

Jeffrey Speaker

"

Charles Cobb

"

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 16 Moved by Councilmember Mazur, seconded by Councilmember Swiatek

WHEREAS, the Maryvale Senior High School established a Career Exploration Internship Program for its students to give them on-the-job experience in different fields of work, AND

WHEREAS, this Town Board accepted the non-paid internship of Jessica Kensy through the Maryvale Senior High School Program, NOW, THEREFORE, BE IT

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RESOLVED, that the resolution accepting the aforementioned internship shall be amended to indicate said internship will take place in the Cheektowaga Building and Plumbing Department's Neighborhood Preservation Office.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 17 Moved by Councilmember Jaworowicz, seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates the position of Network Administrator (Part-Time) pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 18 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, Daniel Kean was appointed to the Investigative Division as an Acting Detective March 30, 1998, AND

WHEREAS, he has successfully completed his Internship Training in the VGN Unit, the Juvenile Unit and the Scientific Investigation Unit of the Detective Bureau, NOW, THEREFORE, BE IT

RESOLVED, that Daniel Kean of XXXXXXXXXXXXXXXX, Cheektowaga XXXXX be appointed to the rank of Detective effective September 30, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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

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

WHEREAS, John E. Rogowski currently employed as a Light Motor Equipment Operator bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that John E. Rogowski of XXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of Cleaner in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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WHEREAS, a vacancy exists in the position of MEO-B in the Sanitation Department,
AND

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

WHEREAS, James Demler currently employed as a Temporary MEO-B in the
Sanitation Department bid on said vacancy and meets all the necessary qualifications, NOW,
THEREFORE, BE IT

RESOLVED, that James Demler of XXXXXXXXXXXXXXXXXXXX Parkway,
Cheektowaga XXXXX be and hereby is appointed to the position of MEO-B in the Sanitation
Department in accordance with the terms and conditions of the Town's collective bargaining agreement
with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 19c Moved by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of MEO-B in the Sanitation Department,
AND

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

WHEREAS, Brian Poules currently employed as a MEO-A in the Sanitation
Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE
IT

Item No. 19c cont'd.

RESOLVED, that Brian Poules of XXXXXXXXXXXXXXXX Cheektowaga, New York
XXXXX be and hereby is appointed to the position of MEO-B in the Sanitation Department in
accordance with the terms and conditions of the Town's collective bargaining agreement with the Town
of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 19d Moved by Councilmember Mazur, seconded by Supervisor Gabryszak_

WHEREAS, a vacancy exists in the position of Temporary MEO-A in the Sanitation
Department, AND

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

WHEREAS, Gerald Sprada currently employed as a MEO-B in the Sanitation
Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE
IT

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RESOLVED, that Gerald Sprada of XXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Temporary MEO-A in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

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

Item No. 19e Moved by Councilmember Mazur, seconded by Councilmember Rogowski_

WHEREAS, a vacancy exists in the position of LMEO-B in the Recycling Department,
AND

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

WHEREAS, Dennis Szafranski currently employed as a Laborers Aide in the Recycling Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Dennis Szafranski of XXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of LMEO-B in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

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

Item No. 20 Moved by Councilmember Mazur, seconded by Councilmember Rogowski

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

EFFECTIVE

FACILITIES DEPARTMENT - Laborer - \$6.00 per hour

David Roman XXXXXXXXXXXX, Cheektowaga XXXXX Immediately

Upon roll call. . . .

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

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

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

FROM SEASONAL TO PART-TIME

(Effective 10/12/98)

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Gregory Bean
Margaret Brezowski
Catherine Giles
Aaron Grupka
Brian Hansen
Jacqueline Houser
Beth Kawczynski
Stephanie Ketterl
Timothy Skrydlewski
Cheryl Stucke
Susan Switalski
Robin Thompson

Upon roll call. . . .

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

Item No. 22a Moved by Councilmember Mazur, seconded by Councilmember Johnson

BE IT RESOLVED, that the following individual be and hereby is hired as a Part-Time employee in the Police Department, not to exceed 19 hours on a weekly basis, effective October 6, 1998 through December 31, 1998.

NETWORK COORDINATOR - \$25.00 per hour

Mark Orzechowski XXXXXXXXXXXXXXXX, Cheektowaga XXXXX

Upon roll call. . . .

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

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

BE IT RESOLVED, that the following individual be hired as a Part-Time employee in the Youth and Recreation Department:

Volleyball - 7140.1627

Recreation Specialist III - \$6.15
(effective 10/8/98)

Amy Hughes XXXXXXXXXXXXXXXXXXXXXXXX XXXXX

Upon roll call. . . .

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

Item No. 23 Moved by Councilmember Mazur, seconded by Councilmember Johnson

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

SEWER MAINTENANCE - Laborer - \$6.00 per hour

Timothy Tomasik XXXXXXXXXXXXXXXXXXXX, Depew XXXXXX Immediately

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POLICE DEPARTMENT - Matron - \$10.42 per hour

Susan Romaszko XXXXXXXXXXXXXXXX, Cheektowaga XXXXX 9/21/98

POLICE DEPARTMENT - Crossing Guard - \$6.90 per hour

Alice Taber XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

BE IT FURTHER RESOLVED, that the following individual be and hereby is transferred as a Part-Time employee in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

BUILDING & PLUMBING DEPARTMENT - Clerk - \$6.75

Susan Sanscrante XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 24a Moved by Councilmember Rogowski, seconded by Councilmember Jaworowicz

WHEREAS, the National Institute of Parks & Grounds Management will be holding its 28th Annual Educational Conference and Show from October 25-28, 1998 in Las Vegas, Nevada, AND

WHEREAS, the program for this conference includes subjects such as employee training, lawn, shubbery and tree maintenance, personnel policies, coping with storm draining, etc., AND

Item No. 24a cont'd.

WHEREAS, the Director of the Facilities Department feels that his attendance at this conference is critical to the improved management of the Facilities Department, and is requesting permission to attend such conference, NOW, THEREFORE, BE IT

RESOLVED, that William L. Wielinski, Director of the Facilities Department, be and hereby is authorized to attend the above referenced conference and, BE IT FURTHER

RESOLVED, that the expenses for attending such conference, in an amount not to exceed \$1,334.00, shall be appropriated from budget line item number 0100-1910-4082.

Upon roll call. . . .

AYES: Councilmembers Jaworowicz, Rogowski, Swiatek, and Mazur

NAYES: Supervisor Gabryszak and Councilmember Johnson

ABSENT: Councilmember Jankowiak

Item No. 24b Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, on October 13-15, 1998, AND

WHEREAS, Edward J. Saternus, Fire Inspector for the Town of Cheektowaga, has requested permission to attend such seminar, AND

WHEREAS, such seminar will provide the Town's Fire Inspector with up-to-date information and legislation on fire prevention and control and satisfies a State of New York mandate for "in service" training, NOW, THEREFORE, BE IT

RESOLVED, that Edward J. Saternus be and hereby is authorized to attend the "Fire Marshals and Inspectors Seminar" on October 13-15, 1998 and, BE IT FURTHER

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RESOLVED, that the Town pay Mr. Saturnus' registration fee of \$25.00, lodging costs of \$80.00, and travel cost not to exceed \$20.00 for attending such seminar, and such expenses be charged to account number 0800-3620-4088, and that a town vehicle be provided for transportation to and from such seminar.

Upon roll call. . . .

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

Item No. 24c Moved by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, the New York State STOP-DWI Coordinator's Association is holding its Annual DWI and Traffic Safety Conference from October 19-21, 1998 in Buffalo, New York, AND

WHEREAS, three (3) members of the Cheektowaga Traffic Safety Commission have requested permission to attend this conference, AND

WHEREAS, this is the only conference the Traffic Safety Commission members attend annually, AND

WHEREAS, this conference will include discussion on topics outlining strategies for effective public safety and innovative ways to deal with traffic problems, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes Traffic Safety Commission members Charles Goetz, Michael McGuire and James Makowski to attend the aforementioned conference and, BE IT FURTHER

Item No. 24c cont'd.

RESOLVED, the registration fees for each of the above mentioned Traffic Safety Commission members (\$85.00 each; \$255.00 total) shall be appropriated from budget line item number 0100-1910-4082.

Upon roll call. . . .

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

II. 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 - July 1998
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 28 Minutes of Cheektowaga Planning Board - September 10, 1998
Received and Filed.

Item No. 29a Notice of Claim: Dennis Kluczynski vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Sanitation Department and Allied Claims Insurance Carrier.

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Received and Filed.

Item No. 29b Notice of Claim: Mark Polanski, Parent of Christopher Polanski, vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Department of Youth and Recreational Services and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29c Notice of Claim: E. Carey Cantwell vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Justice Court and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 30a Notice of Petition: Jerald Horowitz, et al vs the Assessor and Town of Cheektowaga
Copies were sent to the Assessor.
Received and Filed.

Item No. 30b Notice of Petition: Daniel T. Scaglione vs Board of Assessment Review.
Received and Filed.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak



Item No. 31 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

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 1999 Program Year, AND

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

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

MEETING NO. 21
OCTOBER 5, 1998

RESOLVED, that a public hearing be held on October 19, 1998 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such hearing be published in the CHEEKTOWAGA TIMES on Thursday, October 8, 1998.



LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Town of Cheektowaga will hold a Public Hearing on Monday, October 19, 1998 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway Avenue, Cheektowaga, New York, regarding the Town's 1999 Annual Plan for the Community Development Block Grant and HOME Investment Partnership Programs.

In 1998, the Town of Cheektowaga received \$856,000 under 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 \$907,000 in Home Investment Partnership program funds for the 1998 Program Year, of which Cheektowaga received \$296,000. 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 Item No. 31 cont'd.

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.

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

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE_

MEETING NO. 21
OCTOBER 5, 1998

Item No. 32 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, bids were duly received by this Town Board at a public bid opening held on October 2, 1998, for the purchase of One (1) New and Unused, 1998 or 1999 Model, One Ton Dump Truck as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for the purchase of One (1) New and Unused 1998 or 1999 Model, One Ton Dump Truck be awarded to Joe Basil Chevrolet Inc., 5111 Transit Road, Depew, New York 14043 at a total bid price of \$19,958.00 said bidder being the lowest responsible bidder meeting specifications and, BE IT FURTHER

RESOLVED, that monies be charged to line item 0300-5130-2407 and 0300-5148-4029.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 33 Moved by Supervisor Gabryszak, seconded by Councilmember Mazur to adjourn this meeting in memory of L. Charles Hintermeier, former councilmatic Republican candidate and active member of our community.

Richard M. Moleski
Town Clerk

MEETING NO. 22
October 19, 1998

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 19th day of October, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; John Schaller, Assistant Chief of Police; Pat Wojcik, Senior Citizens Director; Gerry Gabryszak, Director of Community Development; Ron Marten, Supervising Building and Plumbing Inspector; Earl Loder, Coordinator-Disaster Preparedness; Frank Max, Working Foreman-Sanitation Department; Robert Kaczmarek, Supervising Accountant; William Conway, Assessor.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed construction of lateral sewers to serve three (3) homes on Pine Ridge Road, namely; 175, 183 and 241 Pine Ridge Road in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, 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. Description as follows:

Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300± feet, more or less, east of the centerline of Pine Ridge Road, and extending northerly 270± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).



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. 3 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:	0100-3120-4321 Data Processing Services	\$ 5,000.00
	0100-1355-3820 NYS Star Proceeds	2,000.00
TO:	0100-3120-1370 System Engineer	\$ 5,000.00
	0100-1355-4001 Office Supplies	2,000.00

Item No. 3 cont'd

MEETING NO. 22
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SPECIAL DISTRICTS FUND

FROM:	2500-1910-2401 Interest Earnings	\$ 1,300.00
TO:	2500-9125-8151 Group Life Insurance	\$ 900.00
	2500-8135-8151 Group Life Insurance	400.00

CAPITAL FUND

FROM:	5301-1450-9312 Repairs & Improvements	\$ 1,167.00
	5301-1625-9313 Flashing & Painting	3,833.00
	5301-1910-9399 Administration	115,000.00
TO:	5301-1640-9304 Building Repairs	\$120,000.00

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

Item No. 4 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 16, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 387,356.92
HIGHWAY FUND	106,889.34
TRUST & AGENCY	21,286.28
PART TOWN FUND	5,277.26
HUD CDBG FUND	1,748.63
HUD HOUSING REHABILITATION	5,117.00
RISK RETENTION FUND	88,020.91
SPECIAL DISTRICTS FUND	302,203.20
CAPITAL FUND	<u>126,199.02</u>
	\$1,044,098.56



Motion by Councilmember Jaworowicz, Seconded by Councilmember Johnson to amend the above resolution, and the voting was as follows:

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



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 16, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 387,356.92
HIGHWAY FUND	106,889.34
TRUST & AGENCY	21,286.28
PART TOWN FUND	5,277.26
HUD CDBG FUND	1,748.63
HUD HOUSING REHABILITATION	5,117.00
RISK RETENTION FUND	88,020.91
SPECIAL DISTRICTS FUND	302,203.20
CAPITAL FUND	<u>126,199.02</u>
	\$1,044,098.56

Item No. 4 cont'd

and BE IT FURTHER

MEETING NO. 22
October 19, 1998

RESOLVED that approval of the statement submitted by Hawkins & Delafield, such funds to come out of the Capital Fund, is contingent upon review and approval by the Town Attorney.

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

Item No. 5a Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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 Ciminelli Development to rezone 61 Buell Avenue and adjacent property, including a paper street which the applicant has requested the Town Board to abandon, from R-Residence District to M1-Light Manufacturing and,

WHEREAS, the applicant intends to use the property for parking for the Concourse Center at 3909 Genesee Street, a stormwater detention basin and also for a landscaped buffer along Buell Avenue, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan to show a 35 foot wide buffer along Buell Avenue on which would be located at 24 foot landscaped berm 4 feet high, no access drives to Buell Avenue, a storm water detention basin and a 5 foot wide sidewalk, and

WHEREAS, a 30 foot setback with existing trees will be maintained adjacent to the residential lot line to the north, and

WHEREAS, all trees to be removed from the site will be replaced, while many trees are to be preserved, and

WHEREAS, as a result of the locating of the basin closer to Buell Avenue, the parking area will be established further from Buell Avenue than originally proposed, and

WHEREAS, all the above improvements and the restriction that no changes be made without the consent of the Town Board of the Town of Cheektowaga have been made part of an agreement to be executed and filed with the Erie County Clerk's Office upon completion of the rezoning, and

WHEREAS, the applicant has requested that the Town abandon a paper street known as Nowicki Place, and

WHEREAS, the Town has sewer utilities in this paper street, and

WHEREAS, the applicant has agreed to give to the Town an easement for Town-owned utilities on the property, as well as the right to access these utilities throughout the parking area, and

WHEREAS, an unoccupied house located on the subject parcel has been determined to have no historical significance, and

Item No. 5a cont'd

WHEREAS, the abandonment of the paper street would not impact the Town or the area surrounding the site and the abandonment would be in keeping with the policy of the Town to divest itself of paper streets which are not of value to the Town, and

MEETING NO. 22
October 19, 1998

WHEREAS, the Advisory Committee at its meeting held on July 15, 1998 rendered the determination shown on the attached memo dated July 16, 1998, 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.

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

NAYES: 0

ABSENT: 0

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

Item No. 5b Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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

**MEETING NO. 22
October 19, 1998**

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 St. Philip the Apostle Church to establish a parking lot at the rear of the church for additional parking spaces for the facility, and

WHEREAS, this project was subject to review because of its proximity to the Dr. Victor Reinstein Woods Nature Preserve, a Town designated Critical Environmental Area, and its location within a Town designated 400 foot buffer surrounding the preserve, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by rearranging the parking scheme in front of the facility for improved vehicle movements, eliminating a driveway and moving other driveways to further improve traffic access to Losson Road, and

WHEREAS, the applicant has further agreed to provide replacement tree plantings for those lost during construction of the parking lot and to install a 5' sidewalk along Losson Road within two years of the completion of the parking lot, and

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site, and

WHEREAS, the Advisory Committee at its meeting held on October 14, 1998 rendered the determination shown on the attached memo dated October 15, 1998, 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.

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

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

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

WHEREAS, a petition dated July 10, 1998 has been duly presented to the Town Board of the Town of Cheektowaga proposing that said Town Board approve the construction of lateral sewers in or along an easement at the rear of 175, 183 and 241 Pine Ridge Road in Sewer District No. 5 hereinafter described, and

WHEREAS, said Town Board duly adopted on the 5th day of October, 1998, an Order reciting in general terms the filing of said petition, the improvement proposed, the maximum amount

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proposed to be expended for said improvement as stated in said petition, and specifying that a public hearing be held on the 19th day of October, 1998 at 7:00 o'clock P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, to consider said petition and hear all persons interested in the subject matter thereof, concerning the same, and

WHEREAS, certified copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of the construction of said improvement, and hear all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make the said improvements, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga does hereby authorize and approve the construction of lateral sewers in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, described as follows:

Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300± feet, more or less, east of the centerline of Pine Ridge Road, and extending northerly 270± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).

and BE IT FURTHER

RESOLVED that the maximum amount to be expended for said improvement is Eleven Thousand Dollars (\$11,0000.00), and BE IT FURTHER

RESOLVED that moneys for such improvement shall be appropriated from the budget for Sanitary Sewer District No. 5 thereafter to be reimbursed as provided below, and BE IT FURTHER

RESOLVED that the cost of such improvement shall be apportioned and assessed, pursuant to Section 202 of the Town Law, upon the parcels of land deemed benefited, in proportion to the amount of benefit which the improvement conferred upon the same over a period of fifteen (15) years, said moneys to be used to reimburse Sanitary Sewer District No. 5 budget.

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

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

WHEREAS, Concourse Center, L.L.C. has petitioned for the rezoning from R-Residence District to M1-Light Manufacturing District of property owned by it and located at 61 Buell Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 8th day of September, 1998 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

Item No. 7a cont'd

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 Concourse Center L.L.C. for the rezoning from R-Residence District to M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

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

**SEE NEXT PAGE(S) for ATTACHMENT

AFFIDAVIT - NEXT PAGE

Item No. 7b Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Anthony Marczak has petitioned for the rezoning from RA-Apartment District to NS-Neighborhood Services District of property owned by it and located at 2437 Union Road Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of September, 1998 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, and

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WHEREAS, the applicant has committed to conveying an easement or fee title to property adjoining Slate Bottom Creek to the Town and reserving to himself the remainder of the property to the rear of his property under its existing zoning, 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 Anthony Marczak for the rezoning from RA-Apartment 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 Ordinance of the Town of Cheektowaga be amended in accordance with the above.

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

**SEE NEXT PAGE(S) for ATTACHMENT

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Item No. 7c Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

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

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of October, 1998 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, and

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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 Eugene R. Piotrowski, Builder, Dev., Inc. for the rezoning from 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 Ordinance of the Town of Cheektowaga be amended in accordance with the above.

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

**SEE NEXT PAGE(S) for ATTACHMENT

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

WHEREAS, bids were received and opened by the Town Clerk for Vending Machine Concessions for various Town Buildings on September 17, 1998 at 11:00 A.M., and

WHEREAS, Bid proposals have been reviewed by the Facilities Department Director,
NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby awards bid for Vending Machine Concessions for various Town Buildings to:

All Seasons Services, Inc.
255 Cooper Avenue
Tonawanda, New York, 14150-6641

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

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NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the contracting of Snow Removal if a snow emergency should occur, for use by the Cheektowaga Highway Department. 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, NY 14227, between the hours of 9:00 AM and 4:30 PM, Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 AM on October 30, 1998.



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 1998-99 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, NY 14227, between the hours of 9:00 AM and 4:30 PM.

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, NY 14227, prior to the time of the bid opening scheduled for Friday, October 30, 1998 at 11:00 AM 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.

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

RICHARD M. MOLESKI
Town Clerk



Item No. 9 cont'd

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

AFFIDAVIT - NEXT PAGE

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Item No. 10 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated September 21, 1998, this Town Board retained Nussbaumer & Clarke, Inc., at a cost not to exceed \$1,000.00 to locate various easements on the survey for the golf course property, and

WHEREAS, upon meeting with the Deputy Town Attorney and Town Engineer, it was determined that additional work was required from Nussbaumer & Clarke, Inc., and

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a bill for a total of \$1,895.00 for all work performed to revise the golf course survey, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the additional work requested from Nussbaumer & Clarke, Inc., for a total cost of \$1,895.00, and BE IT FURTHER

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

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

NAYES: 0

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ABSENT: 0

Item No. 11a Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

WHEREAS, a housing rehabilitation loan was previously provided to Loretta Abrams, owner of 35 Gabrielle Drive, in the amount of \$23,650, and

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

WHEREAS, additional work of up to \$3,615.00 is necessary to complete the project, thereby raising the total loan amount to over \$25,000, and

WHEREAS, the Town Director of Community Development has recommended approval of the additional loan funds, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes additional housing rehabilitation loan funds in the amount of up to \$3,615.00 for the project located at 35 Gabrielle Drive and directs the Supervisor to execute a loan amendment and any other documents necessary to provide said funding.

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

Item No. 11b Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the Roof Replacement Project at the Main Pump Station was awarded by Town Board Resolution dated March 2, 1998 to Jameson Roofing Co., Inc. in the amount of \$51,199.00, and

WHEREAS, Nussbaumer & Clarke, Inc., the Project Engineer and the Town Engineer have advised that work on the aforesaid contract has been completed in accordance with contract requirements, NOW, THEREFORE, BE IT

RESOLVED that the Town Board accept the completed project as recommended by the Town Engineer and hereby authorizes the Town Supervisor to execute the final contract acceptance documents.

Item No. 11b cont'd

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

Item No. 12 Motion by Councilmember Swiatek, Seconded by Councilmember Mazur

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 24 Homewood Avenue, Cheektowaga, New York, SBL# 114.09-1-12.211 and according to the Assessor's Office is owned by Theodore Kulbacki, 2 Wendling Ct., Lancaster, New York 14086, 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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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

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

RECYCLING DEPARTMENT
Marvin Rowland
Nicholas Jakubczak

EFFECTIVE

10/05/98

"

JUSTICE COURT
Kathryn Kmiotek

"

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

Item No. 13b Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be and hereby are terminated, effective immediately (seasonal):

James Casucci
James Coleman
Nick Wierzbicki
Christian Wild
Eric Zenecki

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

Item No. 14a Appointment of Laborer's Aide in Recycling Department
This item was withdrawn.

Item No. 14b Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, and

WHEREAS, Ronald V. Bolognese, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX, is interested in said vacancy, has submitted an application and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that Ronald V. Bolognese be and hereby is appointed to the permanent position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 26, 1998.

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

Item No. 14c Appointment to Zoning Board of Appeals

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This item was withdrawn.

Item No. 14d Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated September 8, 1998, this Town Board authorized and directed the Supervisor to execute an Indenture of Lease between the Town and Commonwealth Sport Fund, LLC in order to facilitate private development of a golf course on Town-owned land located south of Genesee Street, east of Sonwil Drive and north and west of Rehm Road, and

WHEREAS, the acquisition of said land was financed with a portion of the proceeds of the Town's Various Purposes Serial Bonds - 1989, Series A and Series B, of which portion \$917,800 aggregate principal amount of bonds remain outstanding; and

WHEREAS, in order to preserve the tax-exemption on such bonds after the lease of such land to a private developer such as Commonwealth Sport Fund, LLC it is necessary to provide for the defeasance (within the meaning of federal tax law) of such bonds; and

WHEREAS, such defeasance requires the establishment and funding of an escrow fund, through deposit of moneys in a total amount which, when invested in an appropriate portfolio of United States Government obligations will provide earnings sufficient to pay all required principal and interest payments due on such bonds to maturity; and

WHEREAS, pursuant to said Indenture of Lease, Commonwealth Sport Fund, LLC will make an initial payment of rent in the amount of \$590,000 which, together with available current funds of the Town, will be deposited in said escrow fund and invested in said portfolio in order to effect said defeasance; NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is authorized and directed to establish said escrow fund to be held by M & T Bank upon such terms and conditions as he shall agree upon with said bank; and BE IT FURTHER

RESOLVED that the Supervisor is authorized and directed to cause the deposit in said escrow fund of said initial payment of rent, together with Town current funds hereby appropriated in an amount not to exceed \$550,000.00, and BE IT FURTHER

RESOLVED that the Supervisor is authorized and directed to cause the investment of said deposited funds in such portfolio of United States government obligations as he shall determine, with the assistance of the Town's financial advisor, will be sufficient to effect the defeasance of said outstanding Town bonds, and BE IT FURTHER

Item No. 14d cont'd

RESOLVED that the Supervisor, the Clerk, the Supervising Accountant, and the Town Attorney are each authorized and directed to take such other actions and execute such documents as may be necessary and appropriate to effect said defeasance consistent with the provisions of said Indenture of Lease; and BE IT FURTHER

RESOLVED that this resolution shall take effect immediately.

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

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

BE IT RESOLVED that the following individual be hired as a Recreation Attendant I (trainee) at the ninety (90) day training rate of \$4.25 per hour, and BE IT FURTHER

RESOLVED that the salary rate be increased to the minimum wage of \$5.15 per hour after said ninety day period:

Recreation Supervisors - 7140.1613 (Arts and Crafts)
(part-time)

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Andrea Ketterl XXXXXXXXXXXXXXXXXXXXXXXXXX

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

Item No. 15b Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak
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

SANITATION DEPARTMENT - Laborer - \$6.00 per hour
Joseph Sliwinski XXXXXXXXXXXXXXXXXXXX, Chktg, XXXXX 10/20/98

JUSTICE COURT - Clerk - \$6.00 per hour
Judith Smith XXXXXXXXXXXXXXXXXXXX Chktg, XXXXX 10/20/98

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

Item No. 16 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be and hereby are transferred as indicated, effective immediately:

Item No. 16 cont'd

From seasonal to Part-time

Kimberly Arnold	Shaun Mertz
Anthony Astran	Lisa Robida
John Ciesielski	Sara Sinclair
Erica D'Amico	Cheryl Skrowski
Melissa Gladwell	Eileen Skrowski
James K. Hathaway	Susan Stoklosa
Amanda Jaworowicz	Massoud Toloue
Christine Kempa	Melissa Tweedy
Stephanie King	Melissa Uhteg
Sarah Kosicki	Maria Vannelli
Jason Krasinski	Cheryl Wazny
Kara Krzykowski	Adam Zakrewski

From Part-time to Seasonal

Cindy Pietz

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

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 17** Supervisor's Statement of Funds - August, 1998
Received and Filed.
- Item No. 18** Office of Disaster Preparedness - Quarterly report from July to September
Received and Filed.
- Item No. 19** Cheektowaga Traffic Safety Commission - Minutes of September 15, 1998.
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 20a** Notice of Claim - Melanie Mruk vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.
- Item No. 20b** Notice of Claim - Steven Chase vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.
- Item No. 21** Order & Settlement Agreement regarding Wal-Mart Stores, Inc.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilmember Johnson, Seconded by Councilmember Mazur
to suspend the rules to include the following three (3) items, and the voting was as follows:

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

- Item No. 22** Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Basil Ford, Inc. has made application and requested the rezoning of property located at 1540 Walden Ave. from CM-General Commercial District to MS-Motor Services District, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on November 2, 1998 at 6:30 o'clock P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

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

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Item No. 23 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the owners of properties at 175, 183 and 241 Pine Ridge Road have petitioned this Town Board to construct lateral sanitary sewers to service their properties, and

WHEREAS, this Town Board has approved the construction of said lateral sewers, and

WHEREAS, in order to install such sewers, it is necessary for the Town to acquire easements from the involved property owners, and

WHEREAS, the property owners at 175, 183 and 241 Pine Ridge Road have executed easements to the Town for the installation of lateral sanitary sewers on their properties, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts sanitary sewer easements from the owners of properties at 175, 183 and 241 Pine Ridge Road, and BE IT FURTHER

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

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

Item No. 24 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated March 16, 1998, this Town Board dedicated a strip of land located between the east side of Sonwil Drive and the westerly terminus of Rehm Road, as further described in the Schedule A attached to such resolution, and

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WHEREAS, such resolution and Schedule A were filed in the Erie County Clerk's Office on June 26, 1998 in Liber 10934 of Deeds at Page 8731, and

WHEREAS, there was an error in the legal description/Schedule A, which legal description/Schedule A has now been corrected, NOW, THEREFORE, BE IT

RESOLVED that the legal description/Schedule A for the dedicated right-of-way contained in the above referenced resolution be and hereby is amended/corrected as described in the attached Corrected Schedule A, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to file a certified copy of this resolution and corrected Schedule A in the Erie County Clerk's Office.

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

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

Item No. 25 Motion by Councilmember Mazur, Seconded by Councilmember Rogowski
to adjourn the Meeting
Time meeting was Adjourned: 8:00 PM.

RICHARD M. MOLESKI
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO 23
October 20, 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 20th day of October, 1998 at 6:30 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; William Pugh, Town Engineer; Robert Kaczmarek, Supervising Accountant; Ron Marten, Supervising Building & Plumbing Inspector; William Wielinski, Facilities Director; Frank Max, 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; Larry Golas, Foreman-Wastewater Treatment Foreman; Ron Kmiotek, Judge, Cheektowaga Town Court.

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 1999 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 1999 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 1999 for the General Fund, Consolidated Garbage District and General Lighting Districts.

***The 1999 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. 24
NOVEMBER 2, 1998

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 2nd day of November, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember James J. Jankowiak
 Councilmember Thomas J. Mazur

ABSENT: Councilmember Jeff Swiatek

Also present were: Richard M. Moleski, Town Clerk; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; William Pugh, Town Engineer; Robert Kaczmarek, Supervising Accountant; James J. Kirisits, Town Attorney; Ronald Marten, Building and Plumbing Inspector; Patricia Wojcik, Director of Senior Services; and Bruce Chamberlin, Police Chief; Frank Max, Working Crew Chief-Sanitation/Recycling Department; and Tom Carney, Sanitation Foreman.

I. RESOLUTIONS

Item No. 2 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:	0100-1430-4051	Records Management	\$ 392.00
	0100-1430-4088	Travel, Training & Conferences	353.00
	0100-1430-4194	Media Advertising	104.26
	0100-1440-4042	Maps	1,500.00
	0100-1440-4325	Copy Machine Supplies	2,000.00
	0100-7110-1374	Clerk-Typist	4,871.26
	0100-7620-2036	Special Event Revenues	3,000.00
	0100-1910-4711	Contingency	25,000.00
	0100-1110-2610	Fines & Forfeited Bail	10,700.00
	0100-9010-8975	Retirement Buyouts	400.00
To:	0100-1430-4001	Office Supplies	\$ 392.00
	0100-1430-4001	Office Supplies	353.00
	0100-1430-4001	Office Supplies	104.26
	0100-1440-4191	Miscellaneous	3,500.00
	0100-7110-1375	Account Clerk-Typist	4,871.26
	0100-7620-4491	Special Events	3,000.00
	0100-1910-4720	Build Now-NY	25,000.00
	0100-1110-2105	Equipment	1,700.00
	0100-1110-4591	Jurors	1,000.00
	0100-1110-4592	Contracted Clerical	8,000.00
	0100-7270-4388	Friends of the Woods	400.00

HIGHWAY FUND

From:	0300-5150-4178	Special Blacktop	\$ 5,000.00
	0300-5150-4177	Receivers & Pipe	5,000.00
To:	0300-5130-4462	Parts & Supplies	\$ 5,000.00
	0300-5130-4462	Parts & Supplies	5,000.00

Item No. 2 cont'd.

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PART TOWN FUND

From:	0800-3620-2201	Office Equipment	\$ 500.00
	0800-3620-2201	Office Equipment	1,000.00
	0800-3620-1401	Assistant Building Inspector	2,600.00

To:	0800-3620-4001	Office Supplies	\$ 500.00
	0800-3620-4191	Miscellaneous	1,000.00
	0800-3620-1755	Part-Time Housing Inspector	2,600.00

SPECIAL DISTRICTS FUND

From:	2500-8125-4545	Telemetry-Sewer District	\$ 2,940.00
	2500-8125-4550	Photographic Mapping	1,180.00
	2500-8125-2505	Other Equipment	14,880.00

To:	2500-8125-4955	Capital and Reconstruction	\$11,000.00
	2500-8125-4543	Contracted Sewer Repair	8,000.00

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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 30, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$187,043.33
HIGHWAY FUND	100,446.05
TRUST & AGENCY	5,643.93
PART TOWN FUND	1,821.96
HUD CDBG FUND	23,231.03
HUD HOUSING REHABILITATION	27,107.00
HUD RENTAL REHABILITATION FUND	5,057.50
RISK RETENTION FUND	46,716.56
SPECIAL DISTRICTS FUND	69,529.29
CAPITAL FUND	41,573.17
	<u>\$508,169.82</u>

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 4 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 16, 1998 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 5th day of November, 1998, said amendments being set forth in the Notice of Hearing.

Item No. 4 cont'd.



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NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on November 16, 1998 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD east and west sides: from the north curblineline of Maryvale Drive to a point one hundred fifteen feet north.

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

BEACH ROAD east side: from the north curblineline of Maryvale Drive to a point one hundred fifteen feet north.

BEACH ROAD west side: from the north curblineline of Cleveland Drive to the south curblineline of Binner Road.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of South Seine Drive to a point sixty (60) feet north of the north curblineline of South Seine Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of North Seine Drive to a point sixty (60) feet north of the north curblineline of North Seine Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of Denise Drive to a point sixty (60) feet north of the north curblineline of Denise Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Cherbourg Drive to a point sixty (60) feet north of the north curblineline of East Cherbourg Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Toulon Drive to a point sixty (60) feet north of the north curblineline of East Toulon Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Rouen Drive to a point sixty (60) feet north of the north curblineline of East Rouen Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of LeHavre Drive to a point sixty (60) feet north of the north curblineline of LeHavre Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of Whitney Place (south) to a point sixty (60) feet north of the north curblineline of Whitney Place (south).

Item No. 4 cont'd.

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

Dated: November 2, 1998

MEETING NO. 24
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Richard M. Moleski
Town Clerk

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak,
and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT - NEXT PAGE

Item No. 5 Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the purchase of clothing for use in various programs in the Youth and Recreational Services Department for the 1999, 2000 and 2001 calendar years, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of said clothing. Information for bidders and specifications may be obtained from the office of

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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 November 17, 1998 at 11:00 A.M., Eastern Standard Time, a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 17, 1998 at 11:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing for use in various Youth and Recreation programs.

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

Bid prices will be in effect for the calendar years 1999, 2000, and 2001.

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

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



Richard M. Moleski
Town Clerk

Dated: November 2, 1998

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT - NEXT PAGE

Item No. 6 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town's contracts for Self-Insured Workers' Compensation claim management services and loss control services will be expiring on December 31, 1998, AND

WHEREAS, Holfoth Risk Management, the Town's Insurance Consultant, has prepared a Request for Proposals for these services for 1999, 2000 and 2001, NOW, THEREFORE, BE IT

MEETING NO. 24
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RESOLVED, that this Town Board hereby issues a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services for 1999, 2000 and 2001 and, BE IT FURTHER

RESOLVED, that Holfoth Risk Management be and hereby is directed to forward copies of this Request for Proposals to interested insurance claims management companies and, BE IT FURTHER

RESOLVED, that sealed proposals shall be submitted to and be opened by Holfoth Risk Management at their offices on November 30, 1998 at 11:00 A.M.



TOWN OF CHEEKTOWAGA

INSTRUCTIONS TO BIDDERS

1. SUBMISSION OF PROPOSALS

The Town of Cheektowaga is requesting proposals for Claims Administration and Loss Control services in connection with a self-insurance program. The selected program will be effective January 1, 1999 and all proposals must be received no later than noon on November 30, 1998 at:

Holfoth Risk Management
3075 Southwestern Boulevard
Suite 202
Orchard Park, New York 14127-1287

The Town of Cheektowaga reserves the right to reject any and all bids, waive any informalities in any bid and *to negotiate terms for such self-insurance services as, in its opinion, best serves the interest of the Town.* It is the intent to select the service provider(s) on the combined basis of cost, service and qualifications.

Interviews with selected service providers will be held and the quality and extent of service and experience with municipalities will be major factors in the decision making process.

2. ITEMS TO BE SUBMITTED WITH BIDS

East bid must include the following items.

- *a. Completed Summary of Quotations.
- *b. Completed Bidder's Questionnaire.
- c. Complete specimen proposed Claim Administration and/or Loss Control contracts.
- *d. Non-Collusive Bidding Certification.
- *e. Quotations Declaration to be furnished by Bidders.
- f. Resumes detailing the qualifications and experience of key personnel to be providing Claims Administration and/or Loss Control services.
- g. Sample loss runs

*Forms for completion are included in this Request for Proposals.

Item No. 6 cont'd.

3. ACCURACY OF INFORMATION IN REQUEST FOR PROPOSALS

The information contained in this Request for Proposals is furnished for the convenience of the bidders. Each bidder must carefully examine this Request for Proposals and make whatever reasonable inquiries or inspections of the operations that are necessary for quotation purposes.

If conditions or exposures are determined to be at variance with information contained herein, bidders are to use the information furnished herein (and subsequently by addenda only) for quotation purposes and submit proposed adjustments to contemplate the variances determined. All

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bidders obtaining the Request for Proposals must make certain that each service provider furnished with the Request for Proposals is also furnished with subsequent addenda, if issued.

4. INQUIRIES

All inquiries regarding the Request for Proposals should be directed to James B. Hood, Jr., CPCU, Executive Director, or Christopher B. Ashton, Holfoth Risk Management Division, Aldrich & Cox, Inc., 3075 Southwestern Boulevard, Suite 202, Orchard Park, New York, Phone: (716) 675-0505, Fax (716) 675-2098.

5. CONDITIONED BID AND RECOMMENDATIONS

Every bid must indicate the bidder's willingness to provide the service proposed at the price proposed without qualification (e.g., subject to inspection or Home Office approval). If acceptance of any service is predicated upon compliance with certain recommendations, they must be clearly indicated in the bid together with an anticipated date of compliance.

If there are additional feasible recommendations which would result in cost savings, such recommendations should be separately stated together with the amount of savings for each.

6. DEVIATIONS AND ALTERNATE PROPOSALS

A declaration of *all* deviations from the Request for Proposals must be clearly stated in the Bidder's Questionnaire. Except for stated deviations, the service contract ultimately purveyed must provide all Services and Modifications in the Request for Proposals with no unusual exclusions or limitations. The submission of specimen contracts shall not waive or modify the requirement to declare all deviations from this Request for Proposals.

Notwithstanding the above, alternate proposals and innovations are welcomed, however, they must be specific. Deviations from this Request for Proposals must be declared in the Bidder's Questionnaire and the cost of savings must be included in the Summary of Quotations.

7. CLAIM AND LOSS INFORMATION

Each claims administrator must agree to give the Town of Cheektowaga monthly reports of claims made and losses paid on behalf of the Town in connection with the Workers' Compensation exposure until such time as all claims are closed. Such reports must show all open and closed claims by year, and must contain sufficient detail to allow verification of such claims or losses and include any other reasonable information as may be required by the Town.

In addition, each claims administrator must agree to prepare and file the periodic reports required by the New York Workers' Compensation Board and check and approve all assessments and prepare Town vouchers for their payment.

8. COMPUTATIONS AND ADJUSTMENTS

Each bidder must make certain that all bids are correct and that the service(s) proposed will be provided. Upon awarding of the contract(s), the successful bidder must provide a written statement of its acceptance of the service(s) as bid and agreed to within 3 working days.

Item No. 6 cont'd.

9. BIDDER'S QUESTIONNAIRE

As stated in item 2 of these instructions, a complete Bidder's Questionnaire must accompany all proposals. If there is insufficient room to provide information on items such as deviations, alternate proposals, etc., an additional page or pages may be attached. Please, however, refer to the question number of the Bidder's Questionnaire, giving appropriate reference from the appropriate Quotation.



Upon roll call. . . .

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

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

WHEREAS, by resolution on May 21, 1990, the consulting engineering firm of Nussbaumer & Clarke, Inc. was retained to provide professional engineering services to the Town, including, but not limited to, the preparation of plans and specifications on the conversion of 3 digesters at the main pump station into garage and storage facilities, and to thereafter supervise the construction of same; AND

WHEREAS, on December 1, 1992, the Town's sewer maintenance garage sustained substantial damage by fire; and on December 21, 1992, Nussbaumer & Clarke, Inc. was retained to assess and evaluate the scope of such fire damage, to prepare plans and specifications for the restoration of the garage and to provide other necessary general construction services thereon; AND

WHEREAS, the aforesaid public projects, known as the Sewer Maintenance Garage Restoration and Digester Conversion at Plant No. 5, were publicly bid, and Contract A-General Construction was awarded to Baker Development and Construction Co., Inc. (Baker); AND

WHEREAS, by letter dated November 16, 1993, the Town was formally notified by the Westchester Fire Insurance Company, the surety for Baker under the general construction contract, that the Baker company had "voluntarily defaulted" on the project; AND

WHEREAS, the Meridian Consulting Group, Inc. was retained by the aforesaid surety to coordinate the completion of the project by North Star Construction, Inc.; AND

WHEREAS, the completion of the project was further complicated by the filing of several mechanics liens by subcontractors, as well as by a withholding of payment notice issued to the Town by the State Department of Labor; AND

WHEREAS, the Town sustained actual delay damages by reason of the failure of Baker to complete the project within the time provided in the contract, including, but not limited to, certain professional engineering services provided by Nussbaumer & Clarke, Inc. in representing the interests of the Town in project construction, inspection, supervision and completion; AND

WHEREAS, despite the withholding notice issued by the State, the Town Engineer has recommended payment of the invoices submitted by Nussbaumer & Clarke, Inc. from funds retained by the Town on the project;

NOW, THEREFORE, BE IT RESOLVED, that the outstanding invoices of Nussbaumer & Clarke, Inc., totaling \$41,147.72, be paid from funds retained by the Town in Capital Account No. 5305-8125-8378, following review and approval by the Town Engineer.

Upon roll call. . . .

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

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

WHEREAS, Buffalo Crushed Stone, Inc. ("BCS") submitted an application to the New York State Department of Environmental Conservation ("DEC") to "renew" its mining permit for property located at 500 Como Park Boulevard in the Town of Cheektowaga ("Cheektowaga Quarry"), AND

WHEREAS, such "renewal" application states that mining is permitted not only on the property which is currently being quarried, but also on adjacent lands owned by BCS which are not zoned and have not been zoned for mining, AND

WHEREAS, the Town of Cheektowaga is in the process of conducting an environmental review of BCS's proposal to rezone 140± acres of land adjacent to the Cheektowaga Quarry, and has issued a Scoping Document to BCS and the DEC for same, AND

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WHEREAS, by resolution dated May 4, 1998 and June 1, 1998, this Town Board memorialized the DEC to not renew BCS's mining permit for those lands which are not zoned for mining; to treat BCS's application as a new application; or to place a general advisory on the DEC "renewal" permit stating that BCS must still obtain local zoning approvals, AND

WHEREAS, the Town of Cheektowaga was notified on October 26, 1998 that the DEC, on October 3, 1998, renewed BCS's application until May 9, 1998 without any advisory, AND

WHEREAS, in light of the on-going environmental review and the inaccuracies in the BCS renewal application, this Town Board disagrees with the issuance of the renewal permit by the DEC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the DEC to reconsider the mining permit renewal it issued to BCS for the Cheektowaga Quarry and adjacent property and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Michael J. Meyers, DEC MLR Specialist, 128 South Street, Olean, New York 14760; Steven J. Doleski, DEC Regional Permit Administration, 270 Michigan Avenue, Buffalo, New York 14203; and Gerald P. Mikol, DEC Regional Director and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to notify BCS that, despite the issuance of the permit/renewal permit by the DEC, 140± acres of land included in the permit are not zoned for mining (AG District) and, as such, BCS is prohibited from conducting mining activities in such area and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office is further directed to review the Town's options with respect to the aforementioned issuance of the permit/renewal permit to, together with the Building Inspections Department, ensure that BCS does not conduct mining operations in the area not zoned for same.

Upon roll call. . . .

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

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

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to install one (1) 5200 lumen high pressure sodium luminaire on Orchard Place, Pole 9, Line 436 to provide for improved highway lumination at an annual increase to the General Lighting District of \$115.37.

Upon roll call. . . .

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

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

WHEREAS, the N.Y.S.D.O.T. has awarded a contract for the reconstruction of Genesee Street identified as P.I.N. 5463.01.301, AND

WHEREAS, as part of said project, Niagara Mohawk Power Corporation will be required to relocate existing street lighting facilities funded annually through the Town General Lighting District, located within the Niagara Mohawk Service District, between the Buffalo City Line and Harlem Road, AND

WHEREAS, the Town incurs an annual charge for wood poles installed exclusively for lighting purposes, a number of which currently exist on the north side of Genesee Street, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board supports the re-establishment of lighting facilities along the described segment of highway, to be provided in the most economical manner, and hereby requests that Niagara Mohawk Power Corporation develop a lighting plan eliminating installation of

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wood poles exclusively for street lighting, relocating such existing facilities to the south side of Genesee Street and, BE IT FURTHER

RESOLVED, that a certified copy of this resolution be delivered to:

Nancy Schott
Consumer Representative
Niagara Mohawk Power Corporation
535 Washington Street
Buffalo, New York 14203-1497

Upon roll call. . . .

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

Item No. 11 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, as part of the development of property located at 2262 Union Road in the Town, the developer agreed to convey a Conservation Easement to the Town over the rear 225-332 feet of its property, AND

WHEREAS, said Conservation Easement has now been presented to the Town by the developer, and said easement has been reviewed and approved by the Town Engineer and Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned Conservation Easement over 2262 Union Road 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, Johnson, Jankowiak, and Mazur
NAYES: 0
ABSENT: Councilmember Swiatek

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

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

Item No. 12 cont'd.

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, 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 Dean Sutton Architects to convert a former gas station, located at 465-469 French Road, into an ice cream store, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by: installing a 5' sidewalk along French Road and Kelly Drive where necessary, providing pedestrian walkways from the public sidewalks to the store, reducing the driveway width along the public roads for improved traffic safety, installing fencing along the west side of the

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property, installing additional landscaping along the perimeter especially the front, providing an easement to the Town along the west property line for an existing drainage system, AND

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site throughout the year, AND

WHEREAS, the Advisory Committee, at its meeting held on September 30, 1998 render the determination shown on the attached memo dated October 1, 1998, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 13a Moved by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 102 Hedwig, Cheektowaga, New York, SBL #102.45-2-15 and according to the Assessors' Office is owned by Rochester Community Savings Bank, 1215 Superior Avenue, Cleveland, Ohio 44114, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

MEETING NO. 24
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Item No. 13b Moved by Councilmember Mazur, 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 88 West Toulon Drive, Cheektowaga, New York, SBL #125.06-17-50 and according to the Assessors' Office is owned by Mr. & Mrs. Willard F. Kratze, 88 West Toulon Drive, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 15a Moved by Supervisor Gabryszak, seconded by Unanimous

WHEREAS, to foster economic growth, the State of New York has implemented the "Build Now - N.Y." initiative with a goal of marketing an inventory of pre-approved sites for job creation throughout the State, AND

WHEREAS, matching grants of up to \$50,000 are available under the "Build Now - N.Y." initiative to assist in new jobs creation, recovering brownfields and to promote future investment and economic development, AND

WHEREAS, this Town Board recognizes the potential benefits associated with such economic stimulus related to short term job development through build-out of the private Broadway Development Park, improving access to the Interstate System by planning a new Interchange at Broadway with the I-90, and through preparation of a master plan for redevelopment of hundreds of acres of vacant industrially-zoned railroad lands as a major rail/highway intermodal center for Western New York, AND

WHEREAS, this Town Board previously designated this area off of Broadway as an Economic Development Zone, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to submit an application under the "Build Now - N.Y." program for \$50,000 in funding for the

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aforementioned initiative; and to execute a letter of commitment indicating that the Town will commit the sum of \$50,000 (\$25,000 of which will be contributed by the County of Erie, and \$5,000 of which will be contributed by Benderson Development Company) under this initiative, should the Town's application be approved and, BE IT FURTHER

RESOLVED, that the Town's share of the cost of this initiative shall be appropriated from budget line item number 0100-1910-4720.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the County of Erie has created the Buffalo Creek Stream Bank Stabilization Program to address stream bank erosion problems in the Buffalo Creek Watershed, which includes Cayuga Creek and Slate Bottom Creek within the Town of Cheektowaga, and the Erie County Soil and Water Conservation District will act as a project partner with the various municipalities in Erie County, AND

WHEREAS, municipalities who wish to participate have been requested to provide a ten thousand dollar (\$10,000) cash or an "in-kind" pledge so that the Partnership Program can use a local match to apply for federal and state cost-sharing funds, AND

WHEREAS, the Town, in committing to the partnership, will not have to expend funds or in-kind services unless and until a specific project is identified and undertaken in the Town of Cheektowaga by the Partnership, AND

WHEREAS, the Town Board has given due review and consideration to joining in the Partnership Program and deems it in the public interest to join said program, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby authorizes the Supervisor to prepare and execute a Letter of Commitment to the County of Erie/Municipal Regionalism Committee of the Erie County Legislature indicating that the Town of Cheektowaga will commit the sum of ten thousand dollars (\$10,000) to the Partnership, such funds to be provided by the Town through the Townwide Drainage District Budget only in the event that a project is identified and undertaken within the Town of Cheektowaga for stream bank erosion control in the Buffalo Creek watershed with the understanding that supplemental funds for the project will be provided through grant funds received by the Partnership and, BE IT FURTHER

Item No. 15b cont'd.

RESOLVED, that a certified copy of this resolution shall be transmitted to:

LuAnn Freeman, Executive Sec/Treas.
Erie County Soil & Water Conservation District
50 Commerce Way
East Aurora, New York 14052-22185

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town of Cheektowaga is the owner of a parcel of vacant land located on the west side of Transit Road south of 4890 Transit Road, AND

WHEREAS, the owners of 4890 Transit Road, Louis P. and Roula Galanes, have requested permission to lease a portion of this property for parking for its business, AND

MEETING NO. 24
NOVEMBER 2, 1998

WHEREAS, the Town-owned property is not presently needed by the Town, and the proposed parking lot will not interfere with drainage through the property, AND

WHEREAS, if the Town approves a lease with Mr. and Mrs. Galanes, employees will park in the parking lot rather than on Madeira Drive, thereby alleviating a parking problem on the street, AND

WHEREAS, landscaping in the parking lot area will be as directed by the Town Engineer, AND

WHEREAS, the proposed lease agreement, as prepared by the Town Attorney's Office, requires Mr. and Mrs. Galanes to obtain liability coverage over the leased property and to name the Town as an additional insured on same, AND

WHEREAS, the request of Mr. and Mrs. Galanes and the need for additional parking are unique so as to warrant approval of a lease of Town-owned land, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a lease with Louis P. and Roula Galanes for the use of the above referenced Town-owned property at an annual rental of \$1,000.00 and, BE IT FURTHER

RESOLVED, that that resolution is subject to permission referendum under Section 64(2) of the Town Law and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

Upon roll call. . . .

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

AFFIDAVIT - NEXT PAGE

Item No. 16a Moved by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use, AND

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, AND

WHEREAS, John R. Tuck, Appraiser-Auctioneer, will sell such motor vehicle and equipment at a public auction in accordance with his letter dated September 27, 1998, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby retains John R. Tuck, 950 Bowen Road, Elma, New York as per the attached proposal, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at a public sale to the highest responsible bidder at an auction to be held on November 7, 1998 and, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any and all documents that may be required to effectuate the sale and transfer of all said vehicles and equipment.

Upon roll call. . . .

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

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NOVEMBER 2, 1998

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Main Pump Station (Plant 5) utilizes an electrically operated megatherm boiler system and electrically operated hot water tanks which are very energy intensive installed during the original facility construction when a natural gas moratorium was in effect, AND

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) offers a program available to municipalities through which NYSERDA funds up to 50% of engineering and technical evaluation/analysis and feasibility study costs associated with energy conservation through the use of alternative fuels, AND

WHEREAS, the Superintendent of the Main Pump Station and Town Engineer have recommended that such a study be performed to investigate opportunities to reduce annual Plant 5 energy costs, NOW, THEREFORE, BE IT

RESOLVED, that the engineering consulting firm of Nussbaumer & Clarke, Inc., be and hereby is authorized and directed to complete the necessary application forms and exhibits to be submitted to NYSERDA for the purpose of securing this grant in accordance with the proposal dated October 14, 1998 submitted to the Town Engineer in an amount not to exceed \$2,500.00 and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute the subject application and, BE IT FURTHER

RESOLVED, that funding for professional technical services associated with the preparation of the grant application shall be chargeable to Account #2500-8125-4581.

Upon roll call. . . .

MEETING NO. 24
NOVEMBER 2, 1998

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

Item No. 17 Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

EFFECTIVE

RECYCLING DEPARTMENT

Joseph Sliwinski Immediately

TAX OFFICE

Delphine Gembka	11/13/98
Judith Havernick	"
Julie Miller	"
Patrica Miller	"
Waltraud Piffl	"

Upon roll call. . . .

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

Item No. 18a Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department, AND

Item No. 18a cont'd.

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

WHEREAS, Richard Latshaw, currently employed as a Temporary General Mechanic in the Facilities Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Richard Latshaw of XXXXXXXXXXXXXXXX, Cheektowaga XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call. . . .

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

Item No. 18b Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department, AND

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

MEETING NO. 24
NOVEMBER 2, 1998

WHEREAS, John Ross, currently employed as a Cleaner in the Building Maintenance Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that John Ross of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call. . . .

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

Item No. 18c Moved by Councilmember Mazur, seconded by Councilmember Rogowski

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

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

WHEREAS, James Schork, currently employed as a Light Motor Equipment Operator-B in the Recycling Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that James Schork of XXXXXXXXXXXXXXXXXXXX, Depew, New York XXXXX be and hereby is appointed to the position of Cleaner in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Item No. 18c cont'd.

Upon roll call. . . .

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

Item No. 18d Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, Charles Nowakowski is interested in said vacancy, has submitted an application and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Charles Nowakowski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the permanent position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective November 9, 1998.

Upon roll call. . . .

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

Item No. 19a Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

MEETING NO. 24
NOVEMBER 2, 1998

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 - Laborer

Philip O'Donnell XXXXXXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

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

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

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

EFFECTIVE

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Jane Pulaski XXXXXXXXXXXXXXXXXXXX, Sloan XXXXX Immediately

POLICE DEPARTMENT - Crossing Guard - \$6.90 per hour

Donna Whited XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

tem No. 19b cont'd.

EFFECTIVE

SENIOR SERVICES - Van Driver - \$6.00 per hour

Raymond Paprocki XXXXXXXXXXXXXXXXXXXX, Cheektowaga XXXXXX Immediately

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

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

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

FROM SEASONAL TO PART-TIME

(Effective 11/9/98)
Lynn Butts

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

II. GENERAL COMMUNICATIONS

MEETING NO. 24
NOVEMBER 2, 1998

Item No. 21 Building Permits
Received and Filed.

Item No. 22a Minutes of Cheektowaga Planning Board - October 8, 1998
Received and Filed.

Item No. 22b Minutes of Cheektowaga Public Library Board - October 8, 1998
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 23a Notice of Claim: U.S. Postal Service 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. 23b Notice of Claim: David Penvose vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Senior Services and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23c Notice of Claim: Laura Stewart vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Bruce Chamberlin, Chief of Police and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23d Notice of Claim: American Ref-Fuel Company of Niagara, L.P. vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Councilmember James J. Jankowiak and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24 Summons and Complaint: Roger E. Saulter vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Chief Bruce Chamberline and Allied Claims Insurance Carrier.
Received and Filed.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek



IV. SUSPENSION OF RULES

Item No. 25 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

MEETING NO. 24
NOVEMBER 2, 1998

WHEREAS, by resolution dated October 19th, 1998, 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

WHEREAS, such bids were duly received and opened on October 30, 1998, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 26 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

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

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

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

WHEREAS, an application was submitted by THD Donut (Delaware), Inc. to demolish 3816 Union Road, formerly Baracini's Restaurant, and construct a 2,815 sq. ft. Tim Horton's Restaurant, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan to show improved traffic movements at Union Road, increased landscaping and improved on-site traffic movements, AND

WHEREAS, the applicant has submitted a shared parking agreement acceptable to the Town Attorney, AND

WHEREAS, additional parking will be provided by acquisition of property, from Atlas Auto Glass, at the rear of the site, AND

WHEREAS, the Advisory Committee, at its meeting held on August 12, 1998 rendered the recommendation shown on the attached memo dated August 13, 1998, 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 purpose of SEQRA.

MEETING NO. 24
NOVEMBER 2, 1998

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak,
and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 27 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak to
adjourn this meeting. This meeting was adjourned at 8:20 P.M.

Richard M. Moleski
Town Clerk

MEETING NO. 25
November 16, 1998

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 16th day of November, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember Jeff Swiatek
 Councilmember James J. Jankowiak
 Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; Captain Tom Rowan, Police Department; Pat Wojcik, Senior Citizens Director; Ron Marten, Supervising Building and Plumbing Inspector; Earl Loder, Coordinator-Disaster Preparedness; Frank Max, Working Foreman-Sanitation Department; Robert Kaczmarek, Supervising Accountant; William Conway, Assessor; Ken Kopacz, Executive Director-Youth & Recreational Services.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof 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 proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD	east and west sides:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:		
BEACH ROAD	east side:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
BEACH ROAD	west side:	from the north curbline of Cleveland Drive to the south curbline of Binner Road
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of South Seine Drive to a point sixty (60) feet north of the north curbline of South Seine Drive

Item No. 2 cont'd

MEETING NO. 25
November 16, 1998

TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of North Seine Drive to a point sixty (60) feet north of the north curbline of North Seine Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Denise Drive to a point sixty (60) feet north of the north curbline of Denise Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Cherbourg Drive to a point sixty (60) feet north of the north curbline of East Cherbourg Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Toulon Drive to a point sixty (60) feet north of the north curbline of East Toulon Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Rouen Drive to a point sixty (60) feet north of the north curbline of East Rouen Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of LeHavre Drive to a point sixty (60) feet north of the north curbline of LeHavre Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Whitney Place (south) to a point sixty (60) feet north of the north curbline of Whitney Place (south).



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. 3 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: 0100-7140-1632	Dartwood Camp	\$ 2,500.00
0100-7140-1632	Dartwood Camp	2,500.00
0100-7140-1632	Dartwood Camp	2,500.00
0100-7140-1651	Theater Workshop	8,000.00
0100-7140-1651	Theater Workshop	585.00
0100-7310-1801	Camp JI-IK-TO-WAH-GAH	10,561.00
0100-7310-1802	Crabapple Day Camp	4,570.00
0100-7310-4677	Catholic Charities	1,840.00
0100-7310-4685	Youth Dept. - Project YES	6,430.00
0100-7310-4687	Child & Family Services	12,980.00
0100-7310-4691	Developmentally Disabled Camp	1,750.00
0100-1910-4711	Contingency	5,000.00
0100-3610-4001	Office Supplies	200.00
0100-3610-4086	Association Memberships	98.00
0100-1355-4575	Contracted Appraisals	12,000.00
0100-1420-4012	Printed Briefs	400.00
0100-1420-4321	Computer Expense	320.00
0100-1910-4101	Unallocated Insurance	10,500.00
0100-1910-4706	Real Property Taxes	9,500.00
0100-1910-2401	Interest Earnings	65,000.00

Item No. 3 cont'd

TO:	0100-7140-1622	Recreation Attendant	\$ 2,500.00
	0100-7140-1623	Recreation Leader	2,500.00

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0100-7140-1664	Pre-K	2,500.00
0100-7140-1611	Rink Personnel	8,000.00
0100-7140-1640	In-Line Skating	585.00
0100-7310-1810	Camp Flamingo	10,561.00
0100-7310-1810	Camp Flamingo	4,570.00
0100-7310-2501	Equipment	1,840.00
0100-7310-2501	Equipment	6,430.00
0100-7310-2501	Equipment	12,980.00
0100-7310-4001	Office Supplies	1,750.00
0100-1420-4501	Contracted Legal Service	5,000.00
0100-3610-4261	Postage	298.00
0100-1355-4561	Contracted Legal	12,000.00
0100-1420-4013	Law Books	400.00
0100-1420-4013	Law Books	320.00
0100-1910-4261	Postage	20,000.00
0100-1910-4322	Contracted Services	65,000.00

PART TOWN FUND

FROM:	0800-3620-1401	Asst. Bldg. Inspector	\$ 2,600.00
	0800-8020-4192	Other Expenses	300.00
TO:	0800-3620-1755	Part-Time Housing Inspector	\$ 2,600.00
	0800-9010-8151	Group Life Insurance	300.00

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

NAYES: 0

ABSENT: 0

Item No. 4 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 13, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 769,686.20
HIGHWAY FUND	152,860.94
TRUST & AGENCY	16,428.29
PART TOWN FUND	15,236.55
HUD CDBG FUND	2,818.00
HUD HOUSING REHABILITATION	18,120.00
DEBT SERVICE FUND	180,000.00
RISK RETENTION FUND	83,771.37
SPECIAL DISTRICTS FUND	2,798,073.58
CAPITAL FUND	203,543.79
	<u>\$4,240,538.72</u>

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

NAYES: 0

ABSENT: 0

Item No. 5a Motion by Supervisor Gabryszak, Seconded by Councilmember Swiatek

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 1999 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

Item No. 5a cont'd

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 1999, and a public hearing was conducted thereon October 20, 1998 as required by Section 108 of the Town Law, NOW, THEREFORE, BE IT

MEETING NO. 25
November 16, 1998

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, 1999, and the same shall be entered in the minutes of the Town Board.

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

Item No. 5b Motion 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 there 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:

Town of Cheektowaga
1999
Final Benefit Basis Budget

and

WHEREAS, a Public Hearing was duly held on the 20th day of October, 1998 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 1999.

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

**SEE NEXT PAGE(S) for copy of:

TOWN OF CHEEKTOWAGA
1999 FINAL AD VALOREM AND BENEFIT BASIS BUDGET

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

WHEREAS, this Town Board held a public hearing on November 16, 1998 at 7:00 P.M., to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED as follows:

**MEETING NO. 25
November 16, 1998**

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD	east and west sides:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
------------	----------------------	--

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

BEACH ROAD	east side:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
BEACH ROAD	west side:	from the north curbline of Cleveland Drive to the south curbline of Binner Road
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of South Seine Drive to a point sixty (60) feet north of the north curbline of South Seine Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of North Seine Drive to a point sixty (60) feet north of the north curbline of North Seine Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Denise Drive to a point sixty (60) feet north of the north curbline of Denise Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Cherbourg Drive to a point sixty (60) feet north of the north curbline of East Cherbourg Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Toulon Drive to a point sixty (60) feet north of the north curbline of East Toulon Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Rouen Drive to a point sixty (60) feet north of the north curbline of East Rouen Drive.

Item No. 6 cont'd

TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of LeHavre Drive to a point sixty (60) feet north of the north curbline of LeHavre Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Whitney Place (south) to a point sixty (60) feet north of the north curbline of Whitney Place (south).

MEETING NO. 25
November 16, 1998



Section 2. Time to take effect

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the Villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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

AFFIDAVIT - NEXT PAGE

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

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on December 7, 1998 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 19th day of November, 1998, said amendments being set forth in the Notice of Hearing.



MEETING NO. 25
November 16, 1998

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on December 7, 1998 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by deleting therefrom the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

SONWIL DRIVE east side from south curbline of Genesee Street to its terminus

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curbline of Genesee Street to its
terminus

LeHAVRE DRIVE South side from the west curbline of Dartwood Drive to a point
seventy-five (75) feet west.

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

Dated: November 16, 1998

RICHARD M. MOLESKI
Town Clerk



Item No. 7 cont'd

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

NAYES: 0

ABSENT: 0

-

AFFIDAVIT - NEXT PAGE

MEETING NO. 25
November 16, 1998

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

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

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

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

MEETING NO. 25
November 16, 1998

RESOLVED that sealed bids will be received on the 9th day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Board of the Town of Cheektowaga on December 9, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment, operators and laborers for the Installation and Repair of Sanitary Sewers in the Town of Cheektowaga for the year of 1999.

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

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

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

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any 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 16, 1998



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

AFFIDAVIT - NEXT PAGE

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

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, Hiscock & Barclay has continued to represent the interests of the Town since January of 1998 without payment for such services, 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 \$30,000.00 to be used to pay the expenses of Hiscock & Barclay in the above entitled lawsuit, and BE IT FURTHER

MEETING NO. 25
November 16, 1998

RESOLVED that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

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

Item No. 10 Motion by Councilmember Mazur, Seconded by Councilmember Swiatek

WHEREAS, continuous complaints have been received by the Town Board regarding weeds and accumulated debris on vacant property located at 4800 Transit Road, Cheektowaga, New York, SBL# 126.05-3-4 and according to the Assessor's Office is owned by James Anderson & Elizabeth Irvin, 6080 Woodward, Detroit, Michigan 48202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by removing the 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.

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

Item No. 11a Motion by Unanimous, Seconded by Unanimous

WHEREAS, the Erie County Industrial Development Agency (EDIDA) is the owner of certain real property located at 4454 Genesee Street, Cheektowaga, New York, which property was formerly owned by the Westinghouse Electric Corporation (the Westinghouse site); and

WHEREAS, the ECIDA leased the Westinghouse site to the Buffalo Airport Associates (BACA); and, pursuant to the terms of a negotiated Lease Agreement, dated August 11, 1985, BACA was required to make certain payments-in-lieu-of-taxes (PILOT) to the County, the Town, the Lancaster School District and the Cheektowaga-Maryvale School District; and

WHEREAS, BACA failed to make the payments specified and agreed to in the aforesaid Lease Agreement; and

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) wishes to acquire the Westinghouse site for expansion of the Buffalo Niagara International Airport, etcetera; and

Item No. 11a cont'd

WHEREAS, the NFTA has entered into a memorandum of understanding with BACA for the purchase of the Westinghouse site and, as part of the transaction, the NFTA has agreed to demolish the buildings on the site, to remediate the site and to assume the liability of all outstanding payments in lieu of taxes on behalf of BACA; and

WHEREAS, the NFTA will pay future PILOTS to local taxing jurisdictions in the event that portions of the Westinghouse site are not used for NFTA's transportation purposes; and

WHEREAS, the NFTA has agreed to pay in full all outstanding PILOT amounts due the Town up to January 5, 1999, including principal, interest and penalties, in three equal annual installments, that is, April 1, 1999, April 1, 2000 and April 1, 2001; and

WHEREAS, the NFTA has further agreed that, in the event it fails to make any of the agreed to payments due the Town and other local taxing jurisdictions, the County will have the right to offset such amount(s) against the transportation payments paid by the County to the Niagara Frontier

**MEETING NO. 25
November 16, 1998**

Metro System, Inc. (NFTMS or Metro) under the contract entered into between the County and Metro;
NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of this Town Board and the Town of Cheektowaga, be and he hereby is authorized and directed to execute an agreement, along, with any and all necessary related papers with the NFTA, ECIDA and others confirming the payment of all outstanding PILOT liabilities of BACA by the NFTA as aforesaid.

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

Item No. 11b Motion by Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town of Lancaster has requested the Town of Cheektowaga to renew its agreement with it for the proper disposal of dead dogs for the Town of Lancaster, and

WHEREAS, the dog Control Officer has recommended that the Dog Disposal Agreement with Lancaster be renewed for another three (3) years at a cost of \$11.00 per dead dog, and

WHEREAS, a new agreement between the Town of Lancaster and the Town of Cheektowaga for the period beginning November 1, 1998 and ending October 31, 2001 has been prepared and is acceptable as to form by the Town Attorney's Office, and

WHEREAS, this Town Board, in an expression of inter-municipal cooperation, is willing to enter into this new agreement with the Town of Lancaster, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Dog Disposal Agreement on behalf of the Town of Cheektowaga.

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

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

Item No. 12 Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

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

EFFECTIVE

RECYCLING DEPARTMENT

Philip O'Donnell
Eric Ziarnowski

11/04/98
"

SANITATION DEPARTMENT

Susan Piejda
Timothy Kosiba

10/08/98
10/26/98

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

**MEETING NO. 25
November 16, 1998**

Item No. 13 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as temporary employees in the Tax Office, pursuant to Section 25.01 of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

<u>TAX OFFICE</u>	<u>EFFECTIVE</u>
Delphine Gembka	Immediately
Judith Havernick	"
Julie Miller	"
Patricia Miller	"
Waltraud Piffl	"

AND BE IT FURTHER

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:

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT - Laborer - \$6.00 per hour</u>	
Joseph Wieczorek XXXXXXXXXXXX, Chktg., NY XXXXX	Immediately

and BE IT FURTHER

RESOLVED that the resolution of November 2, 1998, hiring a Van Driver in Senior Services shall be amended as follows:

<u>SENIOR SERVICES - Van Driver - \$6.50 per hour</u>	
Raymond Paprocki XXXXXXXXXXXXXXXXXXXX, Chktg, NY XXXXX	Immediately

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 14 Minutes of Traffic Safety Commission - October 20, 1998
Received and Filed.

Item No. 15 Supervisor's Statement of Funds - August & September, 1998
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 16 Notice of Claim - Burton G. Denning Jr. & Susan Denning vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.

V. SUSPENSION OF RULES

MEETING NO. 25
November 16, 1998

Motion by Councilmember Johnson, Seconded by Councilmember Mazur to suspend the rules to include the following item, and the voting was as follows:

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

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

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 Fluid Power Service Corporation to rezone 1540 Walden Avenue, Basil Ford, Inc., and adjacent property from CM-General Commercial to MS-Motor Service, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan by showing the enlargement of the access easement to the cemetery to a width of 30', a depressed area for display of the vehicles to allow visibility of the cemetery from Walden Avenue and drainage of the site as approved by the Town Engineer, and

WHEREAS, the applicant has committed to a deed restricted prohibiting access to residential streets to the north and resubmission of a site plan should the applicant ever desire to utilize a vacant area to the rear of the cemetery, and

WHEREAS, the Advisory Committee at its meeting held on September 16, 1998 rendered the determination shown on the attached memo dated September 17, 1998, and

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

Item No. 17 cont'd

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.

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

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

MEETING NO. 25
November 16, 1998

Item No. 18

Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn the meeting in memory of Norbert Lonczak, husband of Carol, employed in the Building Inspector's Office, and long-time volunteer Fireman at Cleveland Hill Volunteer Fire Co.

Time Meeting Adjourned: 7:45 P.M.

TOWN OF CHEEKTOWAGA
MEETING NO. 26
DECEMBER 7, 1998

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 7th day of December, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant; James J. Kirsits, Town Attorney; Ronald Marten, Building and Plumbing Inspector; Bruce Chamberlin, Police Chief; Frank Max, Working Crew Chief-Sanitation/Recycling Department; and Kenneth Kopacz, Director of Youth and Recreational Services.



PLEASE NOTE THAT THE FOLLOWING RESOLUTION, ITEM 16B, WAS TAKEN OUT OF ORDER FROM THE AGENDA AND ADDRESSED AS THE FIRST ITEM OF THIS MEETING.



Item No. 16b Moved by Councilmember Swiatek, seconded by Unanimous Councilmember Johnson

WHEREAS, Buffalo Crushed Stone, Inc. has commenced a lawsuit against the Town of Cheektowaga relating to the use of its land on Como Park Boulevard for mining purposes, AND

WHEREAS, this lawsuit is of grave concern to this Town Board and, if Buffalo Crushed Stone is successful, many town residents could be negatively affected, AND

WHEREAS, this lawsuit also challenges the viability and integrity of Town ordinances and laws, including the Town Zoning Law and comprehensive master plan of the Town; and could have far-reaching impacts on the enforceability of the Zoning Law, AND

WHEREAS, this litigation involves complex areas of law relating to mining and zoning, AND

WHEREAS, David J. Seeger Esq. is an attorney with offices in Buffalo who has had experience in mining and zoning litigation matters, and is qualified to represent the interests of the Town in this litigation, NOW, THEREFORE, BE IT

RESOLVED, that David J. Seeger be and hereby is retained as counsel to the Town Attorney to represent the interests of the Town at the following referenced rates of pay:

\$ 95/hour - for out of Court work
\$135/hour - for time spent in Court

and, BE IT FURTHER

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

Item No. 16b cont'd.

MEETING NO. 26
DECEMBER 7, 1998

Upon roll call

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

NAYES: 0

ABSENT: 0

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending Chapter 76 of the Code of the Town of Cheektowaga Vehicle and Traffic Ordinance. The Supervisor directed the Town Clerk to present proof of the notice of hearing. The Town Clerk present proof that such notice was duly filed. Said amendment being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by deleting therefrom the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

SONWIL DRIVE east side from the south curblineline of Genesee Street to its terminus.

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curblineline of Genesee Street to its terminus.

LEHAVRE DRIVE south side from the west curblineline of Dartwood Drive to a point seventy-five (75) feet west.

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;

Item No. 3 cont'd.

GENERAL FUND

MEETING NO. 26
DECEMBER 7, 1998

From:	0100-1315-1370	System Analyst	\$49,000.00
	0100-9010-8975	Retirement Buyout	1,000.00
	0100-1110-4082	Business Travel	1,500.00
	0100-1110-4501	Microfilm, Records Mgt.	3,000.00
	0100-1450-4191	Miscellaneous Expenses	490.00
	0100-1450-4342	Polling Places	1,160.00
	0100-1450-4551	Moving Machines	1,265.00
	0100-1450-4431	Election Repairs & Equipment	305.00
	0100-1450-1799	Election Inspectors	500.00
To:	0100-1315-4321	Computer Expense	\$10,000.00
	0100-9501-9400	Interfund Transfers	39,000.00
	0100-9010-8151	Group Life Insurance	1,000.00
	0100-1110-4001	Office Supplies	3,000.00
	0100-1110-1901	Court Officers	1,500.00
	0100-1410-1380	Records Management Clerk	3,720.00

HIGHWAY FUND

From:	0300-5142-4433	Stakes-Blades-Steel	\$13,000.00
	0300-5141-1412	Laborers	2,500.00
To:	0300-5130-4462	Parts and Supplies	\$13,000.00
	0300-5141-1371	Clerk	2,000.00
	0300-5141-1402	Engineer	500.00

HUD C.D.B.G. FUND

From:	0700-1098-0600	Housing Rehab	\$ 3,750.00
	0700-1098-0600	Housing Rehab	6,000.00
To:	0700-5098-0600	Depew Rehab	\$ 3,750.00
	0700-9098-0600	Sloan Rehab	6,000.00

RISK RETENTION FUND

From:	1000-1910-2798	Appropriated Fund Reserve	\$75,000.00
To:	1000-1932-4703	Liability, Judgment and Claims	\$75,000.00

SPECIAL DISTRICTS FUND

From:	1500-8160-1205	Working Foreman	\$20,000.00
	1500-8160-4468	Composting	40,000.00
	1500-8160-1205	Working Foreman	9,000.00
	1500-8160-1205	Working Foreman	5,000.00
To:	1500-8160-1414	MEO-B	\$20,000.00
	1500-8160-1414	MEO-B	40,000.00
	1500-8173-1409	Lab Aide	9,000.00
	1500-8173-1492	Seasonal	5,000.00

Upon roll call

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

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 December 4, 1998 are hereby approved and made a part hereof;

GENERAL FUND	\$1,696,796.93
--------------	----------------

MEETING NO. 26
DECEMBER 7, 1998

HIGHWAY FUND	191,732.26
TRUST & AGENCY	21,237.45
PART TOWN FUND	42,299.19
HUD CDBG FUND	252,970.56
HUD HOUSING REHABILITATION	12,721.00
HUD RENTAL REHABILITATION	4,077.50
RISK RETENTION FUND	60,560.64
SPECIAL DISTRICTS FUND	383,925.30
CAPITAL FUND	<u>123,905.14</u>
	\$2,790,225.97

Upon roll call

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

Item No. 5 Moved by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, this Town Board held a public hearing on December 7, 1998 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by deleting thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

Item 5 cont'd.

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

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SONWIL DRIVE east side from the south curblineline of Genesee Street to its terminus.

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curblineline of Genesee Street to its terminus.

LEHAVRE DRIVE south side from the west curblineline of Dartwood Drive to a point seventy-five (75) feet west.

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Facilities Department is in need of two (2) new 1998 two wheel tractors with Flail mowers to replace two (2) existing 1983 Ford Tractors Model 530A, AND

WHEREAS, Buffalo Tractor & Implement Co. Inc., 3045 Seneca Street, Buffalo, New York 14224 has been awarded STATE CONTRACT No. 40601 ITEM 8A which is a new Model 4630, 2 WD, New Holland Tractor with a 8 x 2 transmission, turf tires, 88" rear SHD Flail mower and underneath exhaust, AND

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WHEREAS, Buffalo Tractor & Implement Co. Inc., has offered to accept the trade in of two (2) used 1983 Ford Tractors Model 530A (Town No.'s 137 & 135) along with 3 used flail mowers (1987 Ford flail mower model No. 917, serial No. K420840, 1998 Ford Flail mower model 22BU8801 serial No. Y4JL0312 and 1987 Mott flail mower model 7400-C serial No. 4565 for the sum of \$4,902.50, AND

WHEREAS, funds are available for the purchase of the new tractors less the trade-in allowance, NOW, THEREFORE, BE IT

RESOLVED, that Buffalo Tractor & Implement Co. Inc. be awarded the State Contract for the 1998 New tractors as described above at a cost of \$19,951.25 each and, BE IT FURTHER

RESOLVED, that the Town accepts the offer of trade from the Buffalo Tractor & Implement Co. Inc. for the two tractors and three flail mowers for \$4,902.50 and, BE IT FURTHER

RESOLVED, that funds for the above awards be charged or credited to 0100-7110-2303 and a purchase order No. 9023137 be issued in the amount of \$35,000.00

Upon roll call

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

Item No. 6b Moved by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Cheektowaga Engineering Department has requested authorization to purchase one (1) 1999 Ford Windstar Cargo Van to replace a 1985 Chevrolet Cargo Van, as specified in State Contract No. PC 54215 in the total amount of \$16,369.00, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2500-8125-2516, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Engineering Department to purchase one (1) 1999 Ford Windstar Cargo Van from:

Metro Ford Sales, Inc.
3601 State Street
Schenectady, New York 12304

Upon roll call

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

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

WHEREAS, the Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 1999, 2000 and 2001, NOW, THEREFORE, BE IT

Item No. 7a cont'd.

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

RESOLVED, that specifications for said Custodial Supplies 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 1999, 2000, and 2001.

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

Date: December 7, 1998



Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 1999, 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for the Furnishing of Pool Maintenance Chemicals for the year 1999.

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

Date: December 7, 1998



Upon roll call . . .

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Strip 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 Strip 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 1999.

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

Date: December 7, 1998



Upon roll call

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

AFFIDAVIT - NEXT PAGE

Item No. 7d Moved 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 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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DECEMBER 7, 1998



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 1999.

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



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment and operators for said maintenance and installation of storm sewers and erosion control projects, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 23, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, for the furnishing of equipment and operators for the maintenance and installation of storm sewers and erosion control projects in 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 Furnishing of Equipment and Operators for the Maintenance and Installation of Storm Sewers and Erosion Control Projects" and submitted to the Town Clerk prior to bid opening.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 7, 1998



Upon roll call

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

AFFIDAVIT - NEXT PAGE

Item No. 7f Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 1999 for the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 1999, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



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DECEMBER 7, 1998

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 23, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 1999 calendar year.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 7, 1998



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8a Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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

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

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 Strock Paving and Construction to construct a 8,360 s.f. office/warehouse at 2095 Old Union Road, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan by showing the installation of a 5 foot sidewalk along Old Union Road, revising the driveway plan to have one two-way driveway, installing concrete curbs around the front parking area, regarding for detention of stormwaters, as approved by the Town Engineer, AND

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WHEREAS, the applicant has further agreed to participate in an easement for the Rails-to-Trails program when the property to the rear of the proposed facility comes under the applicant's full control, AND

WHEREAS, the Advisory Committee, at its meeting held on December 2, 1998 rendered the determination shown on the attached memo dated December 3, 1998, 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, Johnson,
Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8b Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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 Corp. to demolish the structures at 2565 Union Road and construct an 11,000 \pm s.f. retail store, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by: moving the building further from Union Road to provide landscaping after the NYSDOT project to rebuild Union Road is completed, installing a 5' sidewalk along Union Road and Losson Road, providing pedestrian walkways from the public sidewalks to the store, reducing the number of driveways for improved traffic safety, installing fencing along the south side of the property, installing additional landscaping to screen the rear of the store, AND

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WHEREAS, the applicant has shown future development at the rear of the site which must be reviewed and approved by the Town Board prior to construction, AND

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site throughout the year, AND

WHEREAS, the Advisory Committee, at its meeting held on September 30, 1998 rendered the recommendation shown on the attached memo dated October 1, 1998, 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 purpose of SEQRA.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, as part of the development of a senior citizens housing complex known as French Road Commons on French Road in the Town of Cheektowaga, the developer was requested to construct a drainage system on such property and to convey a storm sewer easement to the Town for such system, AND

WHEREAS, the developer of such housing complex, French Road Commons, L.P., has now submitted such easement document to the Town, AND

WHEREAS, the Town Engineer has reviewed such easement document and found same acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts such easement document 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, Johnson, Swiatek, Jankowiak, and Mazur

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of property located on Harlem Road in the Town of West Seneca (Plant No. 3), AND

WHEREAS, New York State Electric & Gas Corporation ("NYSEG") has requested an easement from the Town over this Town-owned property to permit it to install two (2) guy anchors for a utility pole relocation, AND

WHEREAS, the Town Superintendent of the Wastewater Pump Station has reviewed this request and has deemed acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute the easement requested by NYSEG and, BE IT FURTHER

RESOLVED, that this resolution is subject to a permissive referendum under Article 7 of the Town Law and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on December 7, 1998, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to New York State Electric & Gas Corporation for the installation of two (2) guy wires for a utility pole relocation of Town-owned land located at the southwest corner of Harlem Road and Clinton Street in West Seneca (Wastewater Treatment Plant No. 3).

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

Item No. 10 cont'd.

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

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



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

MEETING NO. 26
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Item No. 11a Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, the Friends of the Woods, Ltd. is a not-for-profit corporation organized and dedicated to appreciating, protecting and preserving nature and the Dr. Victor Reinstein Nature Preserve and Stiglmeier Park, AND

WHEREAS, the Reinstein Woods Nature Preserve is owned by the State of New York and is maintained and administered by the New York State Department of Environmental Conservation ("DEC"), AND

WHEREAS, the Friends of the Woods, Ltd. informed this Town Board that it had previously requested and been promised funding (\$175,000+) from the State of New York to construct a Learning Center in the Reinstein Nature Preserve to educate school children and the general public regarding different aspects of nature, AND

WHEREAS, Friends of the Woods, Ltd. has once again requested the State to allocate funds in its budget for the Learning Center and is awaiting a response, AND

WHEREAS, this Town Board feels that the introduction of a Learning Center in the Reinstein Nature Preserve would promote public support for the Preserve, enhance the knowledge of people who tour the Preserve, and otherwise prevent damage to animal and plant life in the Preserve and Stiglmeier Park, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Legislature and Governor to approve funding for the construction of a Learning Center in the Reinstein Nature Preserve and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor George E. Pataki.

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Upon roll call

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

Item No. 11b Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the County of Erie is the owner of land located on the south side of Cayuga Creek Road known as the Overflow Retention Facility ("ORF") site, AND

WHEREAS, the County of Erie, in October of 1995, entered into a lease agreement with the Town of Cheektowaga wherein the County leased to the Town 55+ acres of land surrounding the ORF site for open drainage and open green space/parkland, AND

WHEREAS, Richard A. Maussner owns land adjacent to the ORF site at the side and rear of 707 Cayuga Creek Road, AND

WHEREAS, Mr. Maussner has offered to sell such land to the County, AND

WHEREAS, Mr. Maussner's land could be used as a staging area/entrance to the ORF and the County lands which are being leased to the Town, AND

WHEREAS, the Town also needs the County to amend the aforementioned lease agreement to extend its term and to authorize the Town to place a tree farm and temporary fencing on such lands, thereby enabling the Town to acquire State funding for such purposes, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the Erie County Legislature and County Executive to:

1. Purchase the above referenced property owned by Mr. Maussner for expansion of the ORF site/open green space area; AND

Item No. 11b cont'd.

2. Modify the terms of the lease with the Town for lands adjacent to the ORF to enable the Town to obtain State funding to preserve and restore portions of the Cayuga Creek Nature Park.

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to County Legislators Raymond Dusza, Gregory Olma, the Clerk of the County Legislature and County Executive Dennis Gorski.

Upon roll call

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

Item No. 12 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, William Street is an Erie County highway, maintained by the County of Erie Department of Public Works, Division of Highways ("ECDPW"), AND

WHEREAS, Theodore Roosevelt Elementary School is located at 2495 William Street in the Town of Cheektowaga, AND

WHEREAS, for pedestrian safety for access to Theodore Roosevelt Elementary School, there is a traffic signal in front of such school, AND

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WHEREAS, for added pedestrian safety, it has been recommended that flashing yellow lights be erected on top of school warning signs on the north and south sides of William Street near the Theodore Roosevelt Elementary School, AND

WHEREAS, in order to erect such flashing yellow lights, it is necessary for the Town to obtain a permit from the ECDPW, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests that the ECDPW grant the Town a permit to install flashing yellow lights on school warning signs in the vicinity of Theodore Roosevelt Elementary School and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the ECDPW.

Upon roll call

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

Item No. 13 Moved 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 8th and 9th, 1999 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" BE IT

Item No. 13 cont'd.

RESOLVED, that the Cheektowaga Town Board permits 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 8th-9th and, BE IT FURTHER

RESOLVED, that a copy of said resolution be forwarded to the Chief of Police and the Facilities Department Director.

Upon roll call

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

Item No. 14a Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

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

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.

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Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 14b Moved by Councilmember Mazur, 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 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 attached list of vehicles 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.

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1998 Ford	AA 8577	255
1998 Ford	AB 8576	524
1998 Ford	AB 8578	532
1998 Ford	AB 8575	586

Upon roll call

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

Item No. 15a Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, the Erie County Department of Environment and Planning is accepting applications for eligible projects for funding through its 1998 Local Master Plan Initiative Program, AND

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WHEREAS, THE Town of Cheektowaga is in need of grant monies to expand and update its existing Local Master Plan to allow for a more regional approach in reaching planning and development decisions, AND

WHEREAS, the proposed master plan update is estimated to cost \$20,000, AND

WHEREAS, the Town may apply to the County of Erie for a 65% grant, NOW,
THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the application materials to be submitted to the County of Erie, and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 15b Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Northeast Document Conservation Center (NEDCC) is accepting applications for eligible projects for funding through its 1999/2000 Conservation/Preservation Grant Program, AND

Item No. 15b cont'd.

WHEREAS, the Town of Cheektowaga is in need of grant monies to preserve significant materials in its archives, AND

WHEREAS, the Town may apply to NEDCC for a 100% grant not to exceed \$25,000,
AND

NOW, THEREFORE, BE IT RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the New York State Archives and Records Administration (SARA) is accepting applications for eligible projects for funding through its 1999 New York State Local Government Records Management Improvement Fund, AND

WHEREAS, the Town of Cheektowaga is in need of grant monies to develop new program components for its ongoing records management activities, AND

WHEREAS, the Town may apply to SARA for a 100% grant not to exceed \$50,000,
AND

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NOW, THEREFORE, BE IT RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the application materials to be submitted to SARA and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application of this grant.

Upon roll call

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

Item No. 15d Moved by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to rehabilitate the two (2) bridge structures which carry the Kensington Expressway over Beach Road identified as PIN 5512.35.121, AND

WHEREAS, the NYSDOT, as part of said bridge reconstruction project, is to provide for the adjustment and modification to 12" and 24" diameter sanitary sewer pipeline facilities owned and maintained by the Town of Cheektowaga within Sanitary Sewer District No. 5 which are located beneath the bridge structures, NOW, THEREFORE, BE IT

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

Item No. 15d cont'd.

RESOLVED, that all costs associated with the modifications to the Town Sanitary Sewer District No. 5 facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project and, BE IT FURTHER

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

Upon roll call

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

Item No. 15e Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, a Flood Study and Flood Plain Delineation for Scajaquada Creek Tributary T-1 has recently been completed, which analysis has identified capacity deficiencies in the downstream portion of the storm sewer system within Town Park, AND

WHEREAS, the provision of increased storm sewer system capacity at the outlet of said Tributary T-1 would result in a reduction of the associated flood plain benefiting numerous property owners, and the Town Engineer has recommended that storm sewer improvements be undertaken in advance of the submission of the Flood Study to the Federal Emergency Management Agency, requesting Flood Insurance Rate Map revisions, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Pratt & Huth Associates, L.L.P. as submitted to the Town Engineer and dated November 9, 1998 to perform topographic survey, base mapping, detailed design and regulatory agency permit application for the Scajaquada Creek Tributary T-1 Improvements Project is hereby approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering agreement for the Tributary T-1 improvements design on behalf of this Town Board and, BE IT FURTHER

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RESOLVED, that funding for professional services associated with this project in an amount not to exceed \$6,010.00 shall be chargeable to Townwide Drainage District Account No. 4000-8140-4581.

Upon roll call

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

Item No. 15f Moved by Councilmember Jaworowicz, seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of reconstructing Broadway from Union Road to Transit Road, AND

WHEREAS, the Town of Cheektowaga owns property east of the Senior Citizen Center on Broadway and Shores Alley at its intersection with Broadway, AND

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to reconstruct Broadway, and has offered the Town \$2,150.00 for such property and signs, AND

WHEREAS, the Town Engineering Department has reviewed the proposed acquisition of Town-owned property by the DOT and have indicated that such acquisition will not interfere with the Town's use of such property, NOW, THEREFORE, BE IT

Item No. 15f cont'd.

RESOLVED, that the Supervisor be and hereby is authorized to execute Agreements of Adjustment with the DOT for the above referenced property.

Upon roll call

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

Item No. 15g Moved by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owners of the property located at 1166 Losson Road, Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from Charter One Bank for the purpose of refinancing existing mortgage debt at a lower interest rate, AND

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement with Charter One Bank, with an office located at 45 Earhart Drive, Williamsville, New York 14221, with respect to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 1166 Losson Road, Cheektowaga, New York.

Upon roll call

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

Item No. 15h Moved by Councilmember Mazur, seconded by Councilmember Swiatek

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WHEREAS, the Town of Cheektowaga has received funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, AND

WHEREAS, energy conservation and weatherization services for income-eligible persons is an eligible activity under the Community Development Block Grant Program, AND

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for income-eligible Town residents, AND

WHEREAS, funding for such services has been included in the Town's 1998-99 Community Development Block Grant budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York in an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents.

Upon roll call

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

Item No. 15i Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

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

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

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 24 Atwood Place in an amount up to \$70,500 due to the amount of work required to bring the property into compliance with Town housing standards, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$70,500 to the owner of 24 Atwood Place, Cheektowaga, New York, and authorizes the Supervisor to execute a loan agreement with the owner of said property and any other necessary related documents.

Upon roll call

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

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

WHEREAS, in October of 1996, this Town Board retained URS Greiner, Inc. to review and make recommendations to the Town relating to zoning district classifications along William Street and Losson Road in the Town, AND

WHEREAS, URS Greiner, Inc., in 1997, completed its review and submitted a William/Losson Corridor Study to the Town, AND

WHEREAS, said William/Losson Corridor Study defined land use planning goals and developed a rational land use plan for the William/Losson Corridor, and acts as a guide for development along William Street and Losson Road in the Town, AND

WHEREAS, further development along William Street and Losson Road is anticipated, and there is a need to have URS Greiner, Inc. review proposed future development along this corridor on a "case by case" basis as per the attached December 2, 1998 letter from URS Greiner, to ensure

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that development proceeds in accordance with the goals and land use plan stated in the William/Losson Corridor Study, AND

WHEREAS, URS Greiner, Inc. has submitted a proposal to perform development review for development which is proposed along William Street or Losson Road, AND

WHEREAS, when a developer seeks to develop its property along this corridor, URS Greiner, Inc. would submit a proposal and quotation; if the developer wishes to proceed, it would deposit the amount of the quotation in escrow with the Town, after the work is completed, the Town would remit the deposited amount to URS Greiner, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with URS Greiner, Inc. and, BE IT FURTHER

RESOLVED, that, effective immediately, anyone wishing to develop property along the William/Losson Corridor, must remit a development review fee in an amount equivalent to the URS Greiner quotation, to the Town before its development plans can be reviewed and/or acted upon by this Town Board or any Town department, committee or agency.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 16b This item was acted upon as the first item of the meeting. See Page 1.

Item No. 17a Moved by Supervisor Gabryszak, seconded by Councilmember Mazur

BE IT RESOLVED, that Robert Brands, Part-Time Van Driver in the Senior Services Department be terminated effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17b Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

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

EFFECTIVE

RECYCLING DEPARTMENT

Anthony Marinaccio Immediately

FACILITIES DEPARTMENT

Richard Pajonk Immediately

Walter Gardon “

Brian Gast “

Shawn McMahon “

Michael Papero “

Christopher Bukowski “

Richard Gramza, Sr. “

Gordon Hagmier “

James P. Rogowski “

John Mazgai “

Jeff Helmbrecht “

James Robinson “

Lucas McCuiston “

Darryl Pichka “

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Todd Stucke	“
Matt Starr	“
David Szcpanek	“
Jason Dorman	“
Christian Lindner	“
David Michalski	“
Adam Nagy	“
Patrick Nagy	“

EMPLOYEE RELATIONS

Lisa Nowicki Immediately

ENGINEERING DEPARTMENT

Henry Borkowski Immediately

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18a Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Senior Clerk Typist in the Office of the Town Clerk, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18b Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Senior Clerk in the Office of the Tax Assessor, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18c Moved by Councilmember Mazur, seconded by Councilmember Johnson

BE IT RESOLVED, the Town Board hereby creates the position of Traffic Signal Technician in the Police Department, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18d Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Building and Zoning Clerk in the Office of the Building and Plumbing Department pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

Item No. 19 Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Program Leader in the Youth & Recreation Department, AND

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

WHEREAS, there is no valid Civil Service list for the title of Program Leader, AND

WHEREAS, Michelle Kunkel applied for said vacancy, was interviewed and meets the qualifications for said position, NOW, THEREFORE, BE IT

Item No. 19 cont'd.

RESOLVED, that Michelle Kunkel of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Program Leader in the Youth and Recreation Department, on a provisional basis, pending the establishment of a valid Civil Service examination list for said position, and as set by the terms and conditions of the Agreement between the Town and the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call

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

Item No. 20a Hiring of Part-Time Employees in Various Departments
This item was withdrawn.

Item No. 20b Hiring of Seasonal Employees in Various Departments
This item was withdrawn.

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

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

From Recreation Attendant II to Recreation Attendant III - \$5.65
7140.1614/7140.1651/7310.1804 - \$5.65 - (effective 12/7/98)
Jill Sieczkarek
(Part-Time)

From Activity Director I to Activity Director II - \$7.15
7140.1651 - \$7.15 (effective 12/7)
Camille Russell
(Seasonal)

From Part-Time to Seasonal

(effective 12/7)
Amie Godzich
Mindy Greenauer

(effective 12/21)

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Jill Marie Matuszewski
Jill Zarazinski

Upon roll call

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

Item No. 22 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, Deputy Highway Superintendent Robert N. Sprada has requested an additional one (1) year leave of absence from his former position as Working Foreman in the Highway Department, NOW, THEREFORE, 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 N. Sprada be and hereby is granted an additional one (1) year leave of absence (until December 1, 1999) from his position as Working Foreman in the Highway Department.

Item No. 22 cont'd.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Building Permits
Received and Filed.

Item No. 24a Minutes of Cheektowaga Library Board - October 28, 1998
Received and Filed.

Item No. 24b Minutes of Cheektowaga Planning Board - November 12, 1998
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25a Notice of Claim: Maria Frayne-Wesolowski vs Town of Cheektowaga vs 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. 25b Notice of Claim: Tammi Yetzer vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Chief of Police, Traffic Maintenance, Sgt. Przepiora and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25c Notice of Claim: State Farm Fire and Casualty Co., as subrogee of Rueben Krause 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. 25d Notice of Claim: Starpoint Transport Inc. - T.A. Blidy, President vs the Town of Cheektowaga

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

Item No. 26 Request to Speak: Residents of Anthony Avenue and Louis Streets Regarding Uncle Bob's Storage
Received and Filed.

Item No. 27 Petition: Residents of Audet Drive Request Change of Mail Delivery
Received and Filed.



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JANKOWIAK 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, Johnson, Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 28 Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, a civil lawsuit has been commenced against the Town claiming damages for both the conscious pain and suffering and the wrongful death of Jacqueline Walsh on September 18, 1992; AND

WHEREAS, the aforesaid lawsuit has been vigorously defended by attorneys for the Town under its self-insured liability claims program; AND

WHEREAS, principles of comparative negligence or fault have been codified as the standard for the recovery of damages for personal injuries and/or wrongful death in Article 14-A of the Civil Practice Law and Rules; AND

WHEREAS, at a pre-trial conference the Hon. John F. O'Donnell, Justice, Supreme Court, has recommended the Settlement of the aforesaid lawsuit by the payment of the sum of \$50,000; AND

WHEREAS, defense counsel for the Town, as well as the claims administrator for the Town, have requested authority to settle the aforesaid action for the sum by Justice O'Donnell,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$50,000 be paid by the Town from its self-insured liability claims fund in full and final settlement of the Supreme Court lawsuit entitled Thomas Walsh, as Administrator of the Goods and Chattels of Jacqueline Walsh, Deceased vs. the Town of Cheektowaga and, BE IT FURTHER

RESOLVED, that attorneys from the lawfirm of Damon and Morey LLP be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement and compromise.

Upon roll call

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

Item No. 29 Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski to adjourn
this meeting in memory of Margaret Niebergall, a long-time town resident. This
meeting was adjourned at 8:35 P.M.

Richard M. Moleski
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 27
December 21, 1998

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 21st day of December, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; Captain Tom Rowan, Police Department; Pat Wojcik, Senior Citizens Director; Ron Marten, Supervising Building and Plumbing Inspector; Frank Max, Interim General Crew Chief; Robert Kucewicz, Mayor of Village of Depew.

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:	0100-1450-1799 Election Inspectors	\$ 1,000.00
	0100-1410-4111 Publishing Notices	2,000.00
	0100-1110-1376 Senior Clerk Typist	950.00
	0100-1110-1492 Seasonal Labor	4,000.00
	0100-1110-4591 Juror Fees	1,200.00
	0100-1220-4093 Town Training	2,000.00
	0100-1315-4011 Printed Forms	1,000.00
	0100-1315-4051 Records Management	1,000.00
	0100-9010-8145 Medical Reimbursements	2,000.00
	0100-1315-1391 Part-time Clerical	300.00
	0100-9010-8111 Police Retirement	154,615.00
	0100-3310-3008 Traffic Safety	30,000.00
	0100-9010-8111 Police Retirement	99,186.00
	0100-9010-8975 Retirement Buyout	60,000.00
	0100-9501-9131 Bond Principal	40,000.00
	0100-9501-9211 Bond Interest	60,000.00
	0100-9010-8190 Retirement Incentive	20,000.00
	0100-9010-8101 ERS Retirement	35,000.00
	0100-3120-1375 Acct. Clerk Typist	10,000.00
	0100-3120-1391 Part-Time Clerk	10,100.00
	0100-3510-1491 Part-Time Laborer	2,200.00
	0100-1430-4754 Drug Testing	350.00

TO:	0100-1410-4051 Records Management	\$ 3,000.00
	0100-1110-1374 Clerk Typist	350.00
	0100-1110-1391 Part-Time Clerk	\$3,400.00
	0100-1110-1901 Court Officer	1,200.00
	0100-1110-2105 Equipment	1,200.00
	0100-1220-4001 Office Expense	2,000.00
	0100-1315-4001 Office Expense	2,000.00
	0100-1430-4502 Legal	2,000.00
	0100-1315-1355 Payroll Clerks	300.00
	0100-3020-1541 Patrolmen	211,801.00

Item No. 2 cont'd

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0100-3020-1551	Sergeants	72,000.00
0100-1420-4501	Contracted Legal Services	115,000.00
0100-9902-9703	Transfer to Risk Retention	100,000.00
0100-3120-1581	Matron	1,000.00
0100-3120-1371	Clerk	1,700.00
0100-3120-1374	Clerk Typist	8,400.00
0100-3120-1351	Senior Clerk	9,000.00
0100-3510-1413	Dog Warden	2,200.00
0100-1430-4502	Legal Personnel	350.00

SPECIAL DISTRICTS FUND

FROM: 1500-8160-4221 Gas \$ 4,000.00

TO: 1500-8160-4211 Electric \$ 4,000.00

CAPITAL FUND

FROM: 5710-1910-5031 Transfers In \$ 39,000.00

TO: 5710-1315-9706 Town Equipment \$ 39,000.00

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

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 18, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$124,207.52
HIGHWAY FUND	68,836.30
TRUST & AGENCY	4,484.19
PART TOWN FUND	248.33
HUD CDBG FUND	24,901.09
RISK RETENTION FUND	64,675.34
SPECIAL DISTRICTS FUND	177,695.90
CAPITAL FUND	<u>317,575.62</u>
	\$782,624.29

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

NAYES: 0

ABSENT: 0

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated January 5, 1998, this Town Board established Town Board meeting dates for 1998, and

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 1998 and the first Town Board meeting date for 1999, NOW, THEREFORE, BE IT

RESOLVED that Town Board meetings shall be held on the following referenced dates at the following times in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 28, 1998	6:00 P.M.
January 4, 1999	7:00 P.M. (6:45 P.M.-public comment)

and BE IT FURTHER

Item No. 4 cont'd

RESOLVED that the Town Clerk be and hereby is directed to give public notice of the times and place of such meetings to the news media at least one week prior to such meetings and to conspicuously post notice at least 72 hours before such meetings.

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December 21, 1998**

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

Item No. 5 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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 Bernard & Disimone Architects to construct an addition of 28,500 s.f. to the Dinaire Corporation facility at 145 Gruner Road and

WHEREAS, the applicant is also proposing to construct a parking lot on the east side of Kennedy Road, and

WHEREAS, the applicant met with the highway department engineer to determine the scope of work on Kennedy Road and it was decided that the applicant will construct concrete curbing at the new entrances on Kennedy Road, submit paving plans for approval to the highway department and have all truck traffic use Kennedy Road, and

WHEREAS, the applicant has submitted a wetland delineation study showing no impact upon wetlands, and

WHEREAS, the Town Engineer has received a stormwater management plan for the site conducted by Kloeber Engineers which indicated no net increase in stormwater runoff, and

WHEREAS, the Advisory Committee at its meeting held on December 16, 1998 rendered the determination shown on the attached memo dated December 17, 1998, 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.

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

-

**SEE NEXT PAGE(S) for ATTACHMENT

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

WHEREAS, Basil Ford, Inc. has petitioned for the rezoning from CM-General Commercial District to MS-Motor Services District of property owned by it and located at 1540 Walden Avenue, Cheektowaga, New York, which property is more particularly described in the legal description published with the Legal Notice of public hearing on this rezoning, and

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WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of November, 1998 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, 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 Basil Ford, Inc. for the rezoning from CM-General Commercial District to MS-Motor Services District of the property specified in the legal description published in the Legal Notice for the public hearing on this rezoning be and the same is hereby granted, subject to the following conditions:

1. Applicant prepare and file a deed restriction acceptable to the Town Attorney prohibiting access to residential streets to the north and resubmission of a site plan should the applicant ever desire to utilize a vacant area to the rear of the cemetery.
2. Applicant convey an additional 15-foot easement to the Town for access to the cemetery.

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Cheektowaga Youth and Recreational Services Department has requested authorization to purchase one (1) 1999 Dodge Ram Van 2500 to replace a 1985 Chevrolet Truck, as specified in State Contract No. PC 54196 in the amount of \$17,965.00, and

WHEREAS, funds for said purchase have been identified and are available by cost center allocations to the following accounts: 7310.4691(\$9,040.00); 7140.4516(\$1,900.00);

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7140.4517(\$1,500.00); 7140.4518(\$5,200.00); 7140.4611(\$265.00) and 7180.4612(\$60.00), NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby authorizes the Youth and Recreational Services Department to purchase one (1) 1999 Dodge Ram Van 2500 from:

Northtown Dodge
2020 Niagara Falls Boulevard
Tonawanda, New York 14150

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

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

WHEREAS, as a result of advertisement, bids were received on December 9, 1998 for the furnishing of equipment and operators for the installation and repair of sanitary sewers during the calendar year of 1999 in the Town of Cheektowaga, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter from Allan Blachowski, Principal Engineer Assistant, to the Town Board dated December 14, 1998, NOW, THEREFORE, BE IT

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

Item 1	Single Axle Dump	\$200.00 per 8 hour day
Item 2	Tandem Dump	\$380.00 per 8 hour day
Item 3	Rubber Tire Backhoe	\$520.00 per 8 hour day
Item 4	Laborers	\$520.00 per 8 hour day
Item 5	Crawler Hydraulic Backhoe	\$500.00 per 8 hour day
Item 6	Front End Loader	\$265.00 per 8 hour day
Item 7	Walk Behind Saw	\$1.00 per 8 hour day
Item 8	Vermeer Road Saw	\$1.00 per 8 hour day
Item 9	Equipment Truck - A	\$1.00 per 8 hour day
Item 10	Equipment Truck - B	\$1.50 per 8 hour day
Item 11	Shield 6' X 8'	\$1.00 per 8 hour day
Item 12	Shield 8' X 16'	\$1.00 per 8 hour day
Item 13	Transport Shield	\$1.00 per 8 hour day
Item 14	Roller (Small)	\$1.00 per 8 hour day

and BE IT FURTHER

RESOLVED that payment for said equipment and operators for sanitary sewer projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

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

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

Item No. 9 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 the Town of Cheektowaga Department of Youth and Recreational Services, NOW, THEREFORE, BE IT

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

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RESOLVED that sealed bids will be received on January 6, 1999 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed 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 6, 1999 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 at his office located in the Cheektowaga Town Hall.

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 21, 1998



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

AFFIDAVIT - NEXT PAGE

Item No. 10a Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga presently maintains bank accounts at The Chase Manhattan Bank ("Chase"), and

WHEREAS, there is a need for the Town to be able to generate and transmit a Direct Deposit file to Chase on occasion and for Chase to verify the authenticity of certain files of debit and/or credit payment orders delivered to Chase through the automated clearing house ("ACH") system, and

WHEREAS, Chase has prepared and submitted to the Town the following referenced agreements which effectuate the above:

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1. Agreement for ACH Payments and Collections;
2. Chase Workspace Agreement;
3. EFT InfoDex System Terms and Conditions;
4. Funds Transfer Agreement for Personal Computer, and

and

WHEREAS, at the request of the Supervising Accountant and Town Attorney, these agreements have been modified to reflect terms acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town, and BE IT FURTHER

RESOLVED that the Supervising Accountant be and hereby is named as the Security Administrator with respect to these agreements.

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

Item No 10b Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated November 2, 1998, this Town Board issued a Request for Proposals for Worker's Compensation Self-Insured Claims Administration Services and Loss Control Services for 1999, 2000 and 2001, and

WHEREAS, proposals were received and reviewed by the Town, and

WHEREAS, a proposal was received by W.C.S. of N.Y., Inc., the Town's existing workers' compensation self-insured claims administrator and loss control service administrator, and

WHEREAS, it is desirable to continue to utilize the services of W.C.S. of N.Y., Inc. for the following reasons:

1. W.C.S. of N.Y., Inc. has handled the Town's workers' compensation and loss control services since January of 1993;
2. Since 1992, there has been a steady decline in workers' compensation losses based on the efforts of W.C.S. of N.Y., Inc.;
3. W.C.S. of N.Y., Inc. has always been flexible in worker irregular hours to accommodate the needs of various Town departments;
4. If another administrator was chosen, there would be a period of transition which would make for potential problems with expeditiously handling claims;
5. Due to the change in the head of the Personnel Department, there would be additional problems created by also changing the workers' compensation claims administrator,

NOW, THEREFORE, BE IT

Item No. 10b cont'd

RESOLVED that W.C.S. of N.Y., Inc. be and hereby is designated to perform Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services on behalf of the Town for 1999, 2000 and 2001 as per the terms of its proposal, subject to negotiation of costs by the Supervising Accountant, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute agreements with W.C.S. of N.Y., Inc. for the above.

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

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Item No. 11 Accept land from Losson-Green, Inc. for Drainage related purposes
This item was withdrawn.

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Unanimous

WHEREAS, by resolution dated August 24, 1998, this Town Board approved the issuance of building permits for homes within Parwood Patio Homes Subdivision - Phase I, and

WHEREAS, such resolution directed that no certificates of occupancy for any of the homes constructed in such subdivision shall be issued until various items were completed by the developer, and

WHEREAS, the developer of such subdivision has now completed all of the listed items to the satisfaction of the Town Engineer and Town Attorney, except for the removal of topsoil piles which exist on the proposed golf course property, and final restoration of Town lands disturbed during infrastructure installation, and

WHEREAS, the developer of the proposed golf course has stated that it has no objection to the topsoil piles remaining on the proposed golf course property until at least March 1, 1999, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the issuance of certificates of occupancy for homes within Parwood Patio Homes Subdivision - Phase I provided other Building Inspections' Office requirements have been satisfied; this approval shall expire on March 1, 1999 unless the topsoil piled on the proposed golf course property;

1. north of Rehm Road is relocated or removed prior to March 1, 1999; and
2. east and south of Rehm Road be removed by May 1, 1999.

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

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, recent tragic and sudden acts of violence within our nation's schools have reminded us that no community can be complacent in its efforts to make its schools and surrounding communities ever safer, and

WHEREAS, this Town Board recognizes that effective and violence free schools are vital centers of our community and maintains a stake in making safety a priority, and

WHEREAS, our Police Department, School Districts and Community Leaders have worked diligently to develop recommendations for action to ensure our schools and our community are the safest places to be on a day-to-day basis, NOW, THEREFORE, BE IT

Item No. 13 cont'd

RESOLVED that the Town of Cheektowaga support and adopt the "Standard Statement on School Violence" developed by the Cheektowaga Central, Cheektowaga-Sloan, Cleveland Hill and Maryvale School Districts in cooperation with the Town of Cheektowaga Police Department and the Community Action Partnership, Inc.

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

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

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WHEREAS, the Village of Sloan has submitted a grant application to the County of Erie for funding assistance to develop and adopt a local master plan through the county's Local Master Plan Initiative Program, and

WHEREAS, the Local Master Plan Initiative Program provides that greater weight be given to grant applications submitted jointly by two or more communities, and

WHEREAS, the Town of Cheektowaga shares major transportation and land use corridors with the Village of Sloan along William Street, Harlem Road, and Broadway and wishes to participate in any master planning process involving those corridors, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga participate jointly with the Village of Sloan in a grant application for funding assistance to develop and adopt a local master plan for the Village of Sloan and adjoining transportation corridors.

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

Item No. 15 Motion by Councilmember Swiatek, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure (single family dwelling) at 133 Wellworth Place, Cheektowaga, New York, SBL# 91.20-11-25 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessor's Office is owned by Edward B. Sell, Jr., 131 Wellworth Place, Cheektowaga, New York 14225-3318, and

WHEREAS, these conditions required that the Town of Cheektowaga Housing and Neighborhood Preservation Office take immediate steps to safeguard and secure the east side front entrance door in the vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and all costs incurred will be assessed against the property hereinbefore described.

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

Item No. 16 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Eugene Czajkowski	Immediately
Paul Ivanowski	"
<u>POLICE DEPARTMENT</u>	
Thelma Burke	12/31/98
<u>ASSESSOR'S OFFICE</u>	
Mary Morris	12/31/98
Suzanne O'Neill	"
<u>SEWER MAINTENANCE</u>	
Eric Czjubaj	12/31/98
Joseph Gruber	"
Donald Hartman	"
Marcus Harman	"
Damian Klosko	"
Mark Klosko	"
Lou Mueller	"

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Alan Ross	“
Phil Tasillo	“
David Tomasello	“
David Klosko	“

<u>RECYCLING DEPARTMENT</u>	
Richard Booker	12/28/98
Gregory Saxe	“
Joseph Wieczorek	“
Edward Pozdyn, Jr.	“
John Balbuzoski	Immediately
Donald Karl	“

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

Item No. 17 Create position of Junior Engineer in Engineering Department
This item was withdrawn.

Item No. 18a Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individual be and hereby is hired as a seasonal employee in the Youth and Recreation Department, effective December 22, 1998:

Administrative Interns - 7310.1804
Recreation Leader X - \$8.00
(transfer to part-time, effective 12/31)
Angela Krzemien XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

Item No. 18b Hiring of seasonal employees - various departments
This item was withdrawn.

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

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:

Item No. 19 cont'd

	<u>EFFECTIVE</u>
<u>EMPLOYEE RELATIONS - Clerk - \$6.00 per hour</u>	
Patricia Albrechcinski XXXXXXXXXXXXXXXXXXXXXXXXXXXX	Immediately
<u>SANITATION DEPARTMENT - Laborer - \$6.00 per hour</u>	
Richard Booker XXXXXXXXXXXXXXXXXXXXXXXXXXXX	1/02/99
Gregory Saxe XXXXXXXXXXXXXXXXXXXXXXXXXXXX	“
Joseph Wieczorek XXXXXXXXXXXXXXXXXXXXXXXXXXXX	“

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

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

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BE IT RESOLVED that the following Youth and Recreation employees be and hereby are transferred as indicated:

From Seasonal to Part-time
(effective December 31, 1998)

Matthew Bean
Lynne Butts
Cindy Pietz
Eugene Pytlewski
Camille Russell

From Part-time to Seasonal
(effective December 28th - 31st, 1998)

Breanne Blachura
Timothy Isch
Mindy Keiser
Victor Nosal
Paula Panasiewicz
Brian Pane
Daniel Quigley

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

Item No. 21a Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, two vacancies exist in the position of LMEO-B in the Recycling Department, and

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

WHEREAS, Ronald Bolognese, currently employed as a Laborer's Aide in the Recycling Department and Charles Nowakowski currently employed as a Laborer's Aide in the Recycling Department, bid on said vacancies and meet all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED that Ronald Bolognese of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX and Charles Nowakowski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby are appointed to the positions of Light Motor Equipment Operator - B in the Recycling

Item No. 21a cont'd

Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

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

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

WHEREAS, David G. Zale resigned from his position as member of the Board of Assessment Review, and

WHEREAS, the Town Assessor has recommended that William B. Giambra be appointed to fill the vacancy in the position for member of Board of Assessment Review, NOW, THEREFORE, BE IT

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RESOLVED that William B. Giambra, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be appointed as member of the Board of Assessment Review, said term to expire on September 30, 1999.

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

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

WHEREAS, the term of Board of Assessment Review Member Andrew H. Schwenk expired on September 30, 1998, and

WHEREAS, the Town Assessor has recommended that Andrew H. Schwenk be reappointed for another term, NOW, THEREFORE, BE IT

RESOLVED that Andrew H. Schwenk, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is reappointed to the Board of Assessment Review, said term to expire on September 30, 2002.

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

Item No. 21d Appointment to Zoning Board of Appeals
Two resolutions were submitted, both resolutions were withdrawn.

Item No. 22a Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Disaster '99 Conference will be held in St. Petersburg, Florida from February 11-14, 1999, and

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

WHEREAS, Mr. Loder's attendance at this conference will enable him to learn the most up-to-date techniques and information concerning the handling of natural and man-made disasters, and

WHEREAS, the State Emergency Management Office will pay one-half of the costs associated with Mr. Loder's attendance at this conference, NOW, THEREFORE, BE IT

Item No. 22a cont'd

RESOLVED that Earl Loder be and hereby is authorized to attend the above referenced conference, and BE IT FURTHER

RESOLVED that the Town's cost for Mr. Loder's attendance at this conference, \$600.00, shall be appropriated from Town budget line item number 0100-1220-4008.

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

Item No. 22b Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, The Concerns of Police Survivors (C.O.P.S.) is a nationwide non-profit organization providing programs and services for the survivors of police officers killed in the line of duty. C.O.P.S. is hosting a training conference in Jacksonville, Florida on January 4-6, 1999, and

WHEREAS, Chief Chamberlin is requesting authorization to send Lt. Gary Grieco to this training. Some topics that will be addressed are Police Victimization, Agency Preparation, Police

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Suicide, Death Notification Procedures, Stage of Grieving, Trauma of Losing a Co-Worker and Support programs. The Police Department will be responsible for the lodging costs amounting to approximately \$411.00. The WNY C.O.P.S. organization will be responsible for Lt. Grieco's airfare. Lt. Grieco as agreed to be responsible for this meal expenses, NOW, THEREFORE, BE IT

RESOLVED that Chief Chamberlin is authorized to send Lt. Grieco to this training and that the time spent there is authorized as normal duty time. The expense will be charged to 0100-3120-4085.

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Supervisor's Statement of Funds - September and October, 1998
Received and Filed.

Item No. 24 Cheektowaga Traffic Safety Commission - Minutes of November 17, 1998 meeting
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 25 Summons & Complaint - American Ref-Fuel Company of Niagara, L.P. vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Sanitation Department.
(Town Attorney's Office advised us they were already served with this summons)
Received and Filed.

Item No. 26a Notice of Claim - Paul R. Henke vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Chief of Police.
Received and Filed.

Item No. 26b Notice of Claim - Christopher Taber, Jr. vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Sgt. Przepiora, Police Department.
Received and Filed.

Item No. 26c Notice of Claim - Louis Costrino vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Ron Marten, Building and Plumbing
Received and Filed.

Item No. 27 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak to adjourn the meeting.
Time Adjourned: 7:30 P.M.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 27
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TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 28
DECEMBER 28, 1998

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 28th day of December, 1998 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember Jeff Swiatek
 Councilmember James J. Jankowiak
 Councilmember Thomas J. Mazur

Also present were: Mary Holtz, 1st Deputy Town Clerk; James J. Kirisits, Town Attorney; William Pugh, Town Engineer; William Conway, Assessor; Robert Kaczmarek, Supervising Accountant; and Salvatore LaGreca, Chairman of Planning Board

I. RESOLUTIONS

Item No. 2 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:	0100-1910-2401	Interest Earnings	\$ 50,000.00
	0100-1910-3005	Mortgage Tax	50,000.00
	0100-1910-1170	Franchise Fees	50,000.00
	0100-1910-1090	Interest & Penalties	50,000.00
	0100-1910-1090	Interest & Penalties	50,000.00
	0100-1910-2401	Interest Earnings	50,000.00
	0100-1910-3005	Mortgage Tax	125,000.00
	0100-1910-1170	Franchise Fees	100,000.00
	0100-3310-2690	Compensation for Loss	26,761.00
To:	0100-1910-4322	Contracted Services Heap	\$200,000.00
	0100-9501-9400	Interfund Transfers	100,000.00
	0100-9501-9400	Interfund Transfers	125,000.00
	0100-9902-9703	Transfer to Risk Retention	100,000.00
	0100-3310-4476	Traffic Signal Repairs	26,761.00

RISK RETENTION FUND

From:	1000-1910-5031	Transfers In	\$100,000.00
To:	1000-1932-4703	Liability Losses	\$100,000.00

CAPITAL FUND

From:	5710-1910-5031	Transfers In	\$100,000.00
	5817-1910-5031	Transfers In	125,000.00
To:	5710-1315-9717	Network Computer	\$100,000.00
	5718-7140-1100	Golf Course	125,000.00

Upon roll call

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

NAYES: 0

ABSENT: 0

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

MEETING NO. 28
DECEMBER 28, 1998

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 23, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$119,528.49
HIGHWAY FUND	21,671.46
TRUST & AGENCY	8,122.03
PART TOWN FUND	686.48
RISK RETENTION FUND	11,777.89
CDBG HUD FUND	41,369.48
SPECIAL DISTRICTS FUND	60,882.75
CAPITAL FUND	<u>8,779.00</u>
	\$272,817.58

Upon roll call . . .

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

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

BE IT RESOLVED, that the salaries of the following Town Officials be and hereby are established and set forth as follows, effective January 1, 1999:

Supervisor	\$67,631.86
Councilmember (6)	\$18,551.00
Tax Receiver	\$52,157.14
Town Clerk	\$58,710.00
Highway Superintendent	\$64,890.00
Town Justice (2)	\$58,710.00
Budget Director	\$ 5,000.00
Registrar of Vital Statistics	\$ 5,000.00

Upon roll call . . .

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

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

BE IT RESOLVED, that the salaries of the following Town Officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 1999:

Town Engineer	\$65,920.00
Assistant Town Engineer	\$50,265.44
Supervising Accountant	\$59,740.00
Accountant	\$44,988.20
Supervising Building Inspector	\$61,800.00
Assessor	\$59,740.00
Executive Director Youth and Rec	\$61,800.00
Program Coordinator - I	\$36,639.24
Town Attorney	\$55,386.41
Deputy Town Attorney	\$37,695.90
Prosecuting Attorney (2)	\$15,254.96
Clerk to Justice Court	\$40,916.26
Director of Community Development	\$56,650.00
Legislative Assistant	\$36,706.08
Council Office Clerk Steno	\$33,593.40
Assistant to the Supervisor	\$36,706.08

Item No. 4b cont'd.

Deputy Tax Receiver	\$35,091.39
1st Deputy Town Clerk	\$41,007.17

MEETING NO. 28
DECEMBER 28, 1998

2nd Deputy Town Clerk	\$38,762.31
Working Crew Chief-Sanitation (Acting)	\$52,204.00
Senior Citizens Director	\$56,650.00
Deputy Highway Superintendent	\$58,452.41
Employment & Training Director	\$61,800.00
Coordinator of Employee Relations	\$61,785.58
Secretary to Coordinator of Employee Relations (2)	\$32,258.12
Junior Accountant	\$36,800.48
Project Director	\$44,943.97
Real Property Appraiser	\$42,962.21

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

Item No. 5 Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, a vacancy currently exists in the position of member of the Zoning Board of Appeals as a result of the resignation of Joseph A. Yantomasi, AND

WHEREAS, this Town Board has evaluated the credentials of applicants for such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York be and hereby is appointed to the vacant position of member of the Zoning Board of Appeals, effective immediately and terminating on December 31, 2001.

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



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER JANKOWIAK 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, Johnson,
Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0



II. SUSPENSION OF RULES

Item No. 6 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

MEETING NO. 28
DECEMBER 28, 1998

WHEREAS, the County of Erie Department of Public Works, Division of Highways ("DPW") previously issued the Town of Cheektowaga a permit to erect a traffic signal at the intersection of Cleveland Drive and Beach Road, AND

WHEREAS, on December 19, 1998, a motor vehicle collided with the Traffic signal pole(s) servicing such traffic signal, resulting in the need for a new traffic signal, AND

WHEREAS, the Town of Cheektowaga needs engineering assistance from the DPW for the placement of traffic signal poles to service the new traffic signal, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the DPW to assist the Town with engineering services in connection with the placement of poles to service the new traffic signal at the intersection of Cleveland Drive and Beach Road and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DPW, c/o Earl Dubin, Traffic Engineer.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of a traffic signal at the corner of Beach Road and Cleveland Drive in the Town of Cheektowaga, AND

WHEREAS, on December 19, 1998, a motor vehicle accidentally struck the traffic signal pole at this intersection and irreparably destroyed such traffic signal, AND

WHEREAS, temporary traffic control signs were erected at this intersection, but another traffic signal is necessary as quickly as possible to properly control traffic at this intersection, AND

WHEREAS, a public emergency situation exists at this intersection, and the life, health and safety of Town residents and others requires that immediate action which cannot await competitive bidding be taken as quickly as possible to replace the traffic signal, AND

WHEREAS, ALJ Electrical Construction Company has performed traffic signal work for the Town in the past and is able to erect a new traffic signal and appurtenances at this intersection in an expeditious manner, NOW, THEREFORE, BE IT

RESOLVED, that, under subdivision 4 of Section 103 of the General Municipal Law, this Town Board hereby declares that a public emergency exists with respect to the replacement of the traffic signal at Beach Road and Cleveland Drive, and retains ALJ Electrical Construction Company, 21 Foundry Street, Buffalo, New York 14207 to perform all work and supply all materials necessary to replace said traffic signal at a cost not to exceed \$26,761.00; said moneys to be appropriated from line item #0100-3310-4476 and, BE IT FURTHER

RESOLVED, that the work shall be performed under the supervision of Sergeant David Przepiora of the Police Department, Traffic Division and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents in connection with this project and, BE IT FURTHER

RESOLVED, that reimbursement for this claim will be sought from the driver of the vehicle which damaged the signal and/or his insurance company.

Item No. 7 cont'd.

Upon roll call

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

NAYES: 0

MEETING NO. 28
DECEMBER 28, 1998

ABSENT: 0

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

WHEREAS, Los-Green, Inc. is the owner of 13.69± acres of land south of homes on Elmleaf Lane and north of Losson Road (S.B.L. No. 114.13-2-1.111), AND

WHEREAS, Los-Green, Inc. has offered to convey the above referenced property to the Town at no cost to the Town, AND

WHEREAS, the Town's Open Space Inventory and Soils Map indicates that this property contains Federal jurisdictional wetlands, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced lands from Los-Green, Inc., and dedicates same for use as a preservation/conservation area to remain undeveloped and, BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deed for this property in the Erie County Clerk's Office.

Upon roll call

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

Item No. 9 Moved by Supervisor Gabryszak, seconded by Councilmember Johnson to adjourn this meeting. This meeting adjourned at 6:07 P.M.

MEETING NO. 21
OCTOBER 5, 1998

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 5th day of October, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Thomas J. Mazur

ABSENT: Councilmember James J. Jankowiak

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

I. RESOLUTIONS

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

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

SPECIAL DISTRICTS FUND

From:	1500-8173-4444	Tipping	\$12,000.00
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To:	1500-8160-4453	Building Repairs	\$12,000.00
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CAPITAL FUND

From:	5402-1910-2705	Transfers In-Gifts & Donations	\$13,025.00
	5402-1910-9393	Administrative	29,000.00
	5402-1910-3097	State Grant	41,378.00

To:	5402-7110-9801	North Creek-South Creek Playground	\$83,403.00
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Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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 2, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 88,174.81
HIGHWAY FUND	24,663.58
TRUST & AGENCY	5,106.83
PART TOWN FUND	1,586.11
HUD CDBG FUND	48,611.95
HUD HOUSING REHABILITATION	18,730.00
HUD RENTAL REHABILITATION	8,345.00
RISK RETENTION FUND	64,107.61
SPECIAL DISTRICTS FUND	199,092.98
CAPITAL FUND	<u>40,494.98</u>
	\$498,913.85

Item No. 3 cont'd.

Upon roll call. . . .

MEETING NO. 21
OCTOBER 5, 1998

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

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

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, 1999, 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 8, 1998, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet 6:30 P.M. on the 20th day of October, 1998, 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 8, 1998, and post same on the signboard maintained by the Town Clerk.



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, 1999, 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 .

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 20th day of October, 1998, 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:

Item No. 4a cont'd.

SUPERVISOR	\$67,632
TOWN CLERK	\$58,710

MEETING NO. 21
OCTOBER 5, 1998

HIGHWAY SUPERINTENDENT	\$64,890
COUNCILMEMBER	\$19,107

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

Richard M. Moleski, Town Clerk

Dated: October 5, 1998
Published: October 8, 1998



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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1999 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

MEETING NO. 21
OCTOBER 5, 1998

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 20th day of October, 1998 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 8, 1998



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 20, 1998 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 5, 1998

Published: October 8, 1998



Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE

Item No. 4c Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, a petition dated July 10, 1998 has been duly presented to the Town Board of the Town of Cheektowaga, according to law, proposing that said Town Board authorize and approve the construction of lateral sewers to serve three (3) homes at 175, 183 and 241 Pine Ridge Road, in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, described as follows:

MEETING NO. 21
OCTOBER 5, 1998

Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300±, more or less, east of the centerline of Pine Ridge Road, and extending northerly 280± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).

and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in said petition is eleven thousand Dollars (\$11,000.00), NOW, THEREFORE, BE IT

ORDERED, that, in accordance with the provisions of Section 199 of the Town Law of the State of New York, a public hearing be held on the 19th day of October, 1998 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, to consider said petition and hear all persons interested in the subject thereof concerning the same and, BE IT FURTHER

ORDERED, that the Town Clerk of the Town of Cheektowaga is hereby authorized and directed to publish a copy of this Order certified by him in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and to post a copy of same on the signboard maintained by him, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE

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

WHEREAS, bids were duly received by the Town Board of Cheektowaga at a bid opening on September 23, 1998, for Motor Oils, Lubricants, Anti-Freeze, Diesel Fuel, Unleaded Gasoline, etc. 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

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

MEETING NO. 21
OCTOBER 5, 1998

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, 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

Item No. 6 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 six years, the Community 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 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 month 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

Item No. 7 Moved by Supervisor Gabryszak, seconded by Councilmember Mazur

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

Item No. 7 cont'd.

RESOLVED, that Saturday, October 31, 1998 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.



MEETING NO. 21
OCTOBER 5, 1998

"DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Saturday, October 31, 1998 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!

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, Johnson, Swiatek,
and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak

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

WHEREAS, legislation has been introduced in the State Senate (S.6378-B) and Assembly (A.8567-B) to enact the Wireless Facility Siting Act (Article 13-E of the General Municipal Law), AND

WHEREAS, the Wireless Facility Siting Act would limit the authority of local governments to control the siting of telecommunications towers in their jurisdictions by:

1. Not requiring such facilities to comply with environmental review regulations;
2. Restricting the ability of local governments to prohibit/restrict the location of these facilities in residential areas;
3. Restricting the ability of local governments to prohibit towers over a certain height;
4. Mandating certain procedures for local governments to follow in reviewing applications for towers.

and,

Item No. 8 cont'd.

WHEREAS, the Town of Cheektowaga enacted its own regulations governing communications facilities (Section 82-33.1 of the Zoning Law) to protect Town residents, AND

WHEREAS, these regulations are in compliance with the Telecommunications Act of 1996 that seeks to balance the interests of land zoning and environmental impacts with the interest of the communication companies, AND

WHEREAS, the proposed State legislation would supersede Town regulations and deprive the Town of local home rule authority on this very important local issue, NOW, THEREFORE, BE IT

MEETING NO. 21
OCTOBER 5, 1998

RESOLVED, that this Town Board hereby expresses its opposition to the above referenced proposed legislation and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the State Senate, Assembly and Governor to vote against passage of the above referenced legislation and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution together with copies of the Town's Communications Facilities Law to Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor George Pataki.

Upon roll call. . . .

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

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

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 Anthony Marczak to rezone, from RA-Apartment District to NS-Neighborhood Services District, a 120' x 274' area at the rear of 2437 Union Road, AND

WHEREAS, the rezoning would extend in depth the existing NS-Neighborhood District zoning that presently exists on this property, AND

WHEREAS, the applicant will construct two (2) office buildings with required parking, AND

WHEREAS, the applicant has committed to preserving an archeological site and a portion of the land covered with trees by deeding these lands to the Town of Cheektowaga, AND

WHEREAS, the Advisory Committee, at its meeting held on September 2, 1998 rendered the recommendation shown on the attached memo dated September 3, 1998, 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.

Item No. 9a cont'd.

Upon roll call. . . .

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

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 21
OCTOBER 5, 1998

Item No. 9b Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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 Eugene Piotrowski, as agent for Eric and Sharon Jaszka, to rezone from R-Residence District to NS-Neighborhood Services District a 40'x170' area at the rear of 2550 Union Road, AND

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WHEREAS, the area to be rezoned will be used as a playground for the existing child daycare facility on the site, AND

WHEREAS, the applicant has preserved the trees within this area, except for those damaged in recent storms, AND

WHEREAS, the Advisory Committee, at its meeting held on September 16, 1998 rendered the recommendation shown on the attached memo dated September 17, 1998, 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, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town has refurbished two (2) previously existing street lighting installations located atop two (2) masonry columns at the intersection of Cleveland Drive and Roycroft Boulevard to enable connection to Niagara Mohawk Power Corporation facilities under Service Classification No. 3, Energy-Only, NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to connect the two (2) referenced 70W H.P.S. luminaires at a one time connection fee of \$302.52, which will result in an annual increase to the General Lighting District in the amount of \$48.26 for the energy charge in accordance with the Niagara Mohawk Rate Tariff P.S.C. No. 214 for Service Classification No. 3.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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Item No. 11 Moved by Unanimous, seconded by Unanimous

WHEREAS, the Town is the owner of a one-family dwelling located at 76 Rehm Road in the Town of Cheektowaga, AND

WHEREAS, pursuant to a lease agreement negotiated between the Town and Commonwealth Sport Fund LLC, a golf course will be developed over the land on which this dwelling stands and adjacent acreage, AND

WHEREAS, there is a need to demolish the building at 76 Rehm Road, AND

WHEREAS, Hy-View Fire District No. 8 has agreed to hold fire drills by burning this abandoned house during the month of October through a series of controlled burns pursuant to the terms in the attached letter, NOW, THEREFORE, BE IT

RESOLVED, that Hy-View Fire District No. 8 be and hereby is authorized to burn the Town-owned house at 76 Rehm Road subject to the terms in the attached letter and, BE IT FURTHER

RESOLVED, that the Director of the Facilities Department be and hereby is directed to:

1. Take all steps to ensure all utilities have been shut off for 76 Rehm Road.
2. Cooperate with and provide Hy-View Fire District No. 8 with keys for the existing lock system for 76 Rehm Road.
3. Monitor the burning of 76 Rehm Road and provide for security/safety around the building after each burn.

and, BE IT FURTHER

RESOLVED, that the Town hereby releases Hy-View Fire District No. 8 from any claim for loss resulting from such burning.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town Board has previously adopted guidelines governing the Town's Housing Rehabilitation Loan Program funded by Community Development Block Grant and HOME Partnership Program funds, AND

WHEREAS, current rehabilitation loan program guidelines for said programs do not provide for the rehabilitation of a "life estate" property, that is, a property in which an elderly person, who formerly owned said property, has retained the right to reside for the rest of their life but which ownership of has been transferred to another person or persons, AND

WHEREAS, in order to continue to provide for the effective administration and implementation of said Program, and to assure the achievement program goals, the Director of Community Development has recommended that adoption of the attached amendments to said Guidelines which include provisions for the rehabilitation of "life estate" properties occupied by elderly, low-moderate income persons, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts the attached amendment to the Community Development Block Grant and the HOME Program Housing Rehabilitation Loan Program Guidelines, said amendments to be effective immediately.

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Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 13 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town, as a member of the Amherst-Cheektowaga-Tonawanda HOME Investment Partnership Program Consortium, the Town received HOME Program funds 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 an amount of up to \$120,000.00 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 an amount of up to \$120,000 to the Town's First-Time Homebuyers Program from its housing rehabilitation program allocation.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

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ABSENT: Councilmember Jankowiak

Item No. 14 Moved by Councilmember Mazur, seconded by Councilmember Johnson

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

WHEREAS, Housing Rehabilitation Loan Program Guidelines, were adopted in order to allow for the effective implementation of the housing rehabilitation loan and to ensure the achievement of the Program's goals and objectives, AND

WHEREAS, said guidelines establish limits and conditions on the amount of assistance provided, AND

WHEREAS, the Community Development Director has reviewed a request for rehabilitation assistance which requires a waiver of program guidelines governing debt-to-value ratio and has recommended approval of the loan request in order to accomplish rehabilitation work required to correct and eliminate continued structural deterioration of the housing unit and maintain the unit in a habitable condition, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a housing rehabilitation loan agreement with the owners of 137 Hyland, Depew, New York 14043 in an amount not to exceed \$20,000.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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

EFFECTIVE

SANITATION DEPARTMENT

Andrew Cianflone

9/21/98

Item No. 15 cont'd.

EFFECTIVE

RECYCLING DEPARTMENT

Thomas Porto

9/21/98

Tony Pawlowski

"

John Paluszynski

"

Jeffrey Speaker

"

Charles Cobb

"

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 16 Moved by Councilmember Mazur, seconded by Councilmember Swiatek

WHEREAS, the Maryvale Senior High School established a Career Exploration Internship Program for its students to give them on-the-job experience in different fields of work, AND

WHEREAS, this Town Board accepted the non-paid internship of Jessica Kensy through the Maryvale Senior High School Program, NOW, THEREFORE, BE IT

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RESOLVED, that the resolution accepting the aforementioned internship shall be amended to indicate said internship will take place in the Cheektowaga Building and Plumbing Department's Neighborhood Preservation Office.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 17 Moved by Councilmember Jaworowicz, seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates the position of Network Administrator (Part-Time) pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 18 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, Daniel Kean was appointed to the Investigative Division as an Acting Detective March 30, 1998, AND

WHEREAS, he has successfully completed his Internship Training in the VGN Unit, the Juvenile Unit and the Scientific Investigation Unit of the Detective Bureau, NOW, THEREFORE, BE IT

RESOLVED, that Daniel Kean of XXXXXXXXXXXXXXXX, Cheektowaga XXXXX be appointed to the rank of Detective effective September 30, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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

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

WHEREAS, John E. Rogowski currently employed as a Light Motor Equipment Operator bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that John E. Rogowski of XXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of Cleaner in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

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WHEREAS, a vacancy exists in the position of MEO-B in the Sanitation Department,
AND

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

WHEREAS, James Demler currently employed as a Temporary MEO-B in the
Sanitation Department bid on said vacancy and meets all the necessary qualifications, NOW,
THEREFORE, BE IT

RESOLVED, that James Demler of XXXXXXXXXXXXXXXXXXXX Parkway,
Cheektowaga XXXXX be and hereby is appointed to the position of MEO-B in the Sanitation
Department in accordance with the terms and conditions of the Town's collective bargaining agreement
with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 19c Moved by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of MEO-B in the Sanitation Department,
AND

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

WHEREAS, Brian Poules currently employed as a MEO-A in the Sanitation
Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE
IT

Item No. 19c cont'd.

RESOLVED, that Brian Poules of XXXXXXXXXXXXXXXX Cheektowaga, New York
XXXXX be and hereby is appointed to the position of MEO-B in the Sanitation Department in
accordance with the terms and conditions of the Town's collective bargaining agreement with the Town
of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 19d Moved by Councilmember Mazur, seconded by Supervisor Gabryszak_

WHEREAS, a vacancy exists in the position of Temporary MEO-A in the Sanitation
Department, AND

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

WHEREAS, Gerald Sprada currently employed as a MEO-B in the Sanitation
Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE
IT

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RESOLVED, that Gerald Sprada of XXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Temporary MEO-A in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

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

Item No. 19e Moved by Councilmember Mazur, seconded by Councilmember Rogowski_

WHEREAS, a vacancy exists in the position of LMEO-B in the Recycling Department,
AND

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

WHEREAS, Dennis Szafranski currently employed as a Laborers Aide in the Recycling Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Dennis Szafranski of XXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of LMEO-B in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 6, 1998.

Upon roll call. . . .

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

Item No. 20 Moved by Councilmember Mazur, seconded by Councilmember Rogowski

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

EFFECTIVE

FACILITIES DEPARTMENT - Laborer - \$6.00 per hour

David Roman XXXXXXXXXXXX, Cheektowaga XXXXX Immediately

Upon roll call. . . .

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

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

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

FROM SEASONAL TO PART-TIME

(Effective 10/12/98)

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Gregory Bean
Margaret Brezowski
Catherine Giles
Aaron Grupka
Brian Hansen
Jacqueline Houser
Beth Kawczynski
Stephanie Ketterl
Timothy Skrydlewski
Cheryl Stucke
Susan Switalski
Robin Thompson

Upon roll call. . . .

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

Item No. 22a Moved by Councilmember Mazur, seconded by Councilmember Johnson

BE IT RESOLVED, that the following individual be and hereby is hired as a Part-Time employee in the Police Department, not to exceed 19 hours on a weekly basis, effective October 6, 1998 through December 31, 1998.

NETWORK COORDINATOR - \$25.00 per hour

Mark Orzechowski XXXXXXXXXXXXXXXX, Cheektowaga XXXXX

Upon roll call. . . .

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

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

BE IT RESOLVED, that the following individual be hired as a Part-Time employee in the Youth and Recreation Department:

Volleyball - 7140.1627

Recreation Specialist III - \$6.15
(effective 10/8/98)

Amy Hughes XXXXXXXXXXXXXXXXXXXXXXXX XXXXX

Upon roll call. . . .

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

Item No. 23 Moved by Councilmember Mazur, seconded by Councilmember Johnson

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

SEWER MAINTENANCE - Laborer - \$6.00 per hour

Timothy Tomasik XXXXXXXXXXXXXXXXXXXX, Depew XXXXXX Immediately

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POLICE DEPARTMENT - Matron - \$10.42 per hour

Susan Romaszko XXXXXXXXXXXXXXXX, Cheektowaga XXXXX 9/21/98

POLICE DEPARTMENT - Crossing Guard - \$6.90 per hour

Alice Taber XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

BE IT FURTHER RESOLVED, that the following individual be and hereby is transferred as a Part-Time employee in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

BUILDING & PLUMBING DEPARTMENT - Clerk - \$6.75

Susan Sanscrante XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 24a Moved by Councilmember Rogowski, seconded by Councilmember Jaworowicz

WHEREAS, the National Institute of Parks & Grounds Management will be holding its 28th Annual Educational Conference and Show from October 25-28, 1998 in Las Vegas, Nevada, AND

WHEREAS, the program for this conference includes subjects such as employee training, lawn, shubbery and tree maintenance, personnel policies, coping with storm draining, etc., AND

Item No. 24a cont'd.

WHEREAS, the Director of the Facilities Department feels that his attendance at this conference is critical to the improved management of the Facilities Department, and is requesting permission to attend such conference, NOW, THEREFORE, BE IT

RESOLVED, that William L. Wielinski, Director of the Facilities Department, be and hereby is authorized to attend the above referenced conference and, BE IT FURTHER

RESOLVED, that the expenses for attending such conference, in an amount not to exceed \$1,334.00, shall be appropriated from budget line item number 0100-1910-4082.

Upon roll call. . . .

AYES: Councilmembers Jaworowicz, Rogowski, Swiatek, and Mazur

NAYES: Supervisor Gabryszak and Councilmember Johnson

ABSENT: Councilmember Jankowiak

Item No. 24b Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, on October 13-15, 1998, AND

WHEREAS, Edward J. Saternus, Fire Inspector for the Town of Cheektowaga, has requested permission to attend such seminar, AND

WHEREAS, such seminar will provide the Town's Fire Inspector with up-to-date information and legislation on fire prevention and control and satisfies a State of New York mandate for "in service" training, NOW, THEREFORE, BE IT

RESOLVED, that Edward J. Saternus be and hereby is authorized to attend the "Fire Marshals and Inspectors Seminar" on October 13-15, 1998 and, BE IT FURTHER

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RESOLVED, that the Town pay Mr. Saternus' registration fee of \$25.00, lodging costs of \$80.00, and travel cost not to exceed \$20.00 for attending such seminar, and such expenses be charged to account number 0800-3620-4088, and that a town vehicle be provided for transportation to and from such seminar.

Upon roll call. . . .

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

Item No. 24c Moved by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, the New York State STOP-DWI Coordinator's Association is holding its Annual DWI and Traffic Safety Conference from October 19-21, 1998 in Buffalo, New York, AND

WHEREAS, three (3) members of the Cheektowaga Traffic Safety Commission have requested permission to attend this conference, AND

WHEREAS, this is the only conference the Traffic Safety Commission members attend annually, AND

WHEREAS, this conference will include discussion on topics outlining strategies for effective public safety and innovative ways to deal with traffic problems, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes Traffic Safety Commission members Charles Goetz, Michael McGuire and James Makowski to attend the aforementioned conference and, BE IT FURTHER

Item No. 24c cont'd.

RESOLVED, the registration fees for each of the above mentioned Traffic Safety Commission members (\$85.00 each; \$255.00 total) shall be appropriated from budget line item number 0100-1910-4082.

Upon roll call. . . .

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

II. 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 - July 1998
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 28 Minutes of Cheektowaga Planning Board - September 10, 1998
Received and Filed.

Item No. 29a Notice of Claim: Dennis Kluczynski vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirsits, Town Attorney; Sanitation Department and Allied Claims Insurance Carrier.

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Received and Filed.

Item No. 29b Notice of Claim: Mark Polanski, Parent of Christopher Polanski, vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Department of Youth and Recreational Services and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29c Notice of Claim: E. Carey Cantwell vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Justice Court and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 30a Notice of Petition: Jerald Horowitz, et al vs the Assessor and Town of Cheektowaga
Copies were sent to the Assessor.
Received and Filed.

Item No. 30b Notice of Petition: Daniel T. Scaglione vs Board of Assessment Review.
Received and Filed.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR 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, Johnson, Swiatek, and Mazur
NAYES: 0
ABSENT: Councilmember Jankowiak



Item No. 31 Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

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 1999 Program Year, AND

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

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

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RESOLVED, that a public hearing be held on October 19, 1998 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such hearing be published in the CHEEKTOWAGA TIMES on Thursday, October 8, 1998.



LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Town of Cheektowaga will hold a Public Hearing on Monday, October 19, 1998 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway Avenue, Cheektowaga, New York, regarding the Town's 1999 Annual Plan for the Community Development Block Grant and HOME Investment Partnership Programs.

In 1998, the Town of Cheektowaga received \$856,000 under 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 \$907,000 in Home Investment Partnership program funds for the 1998 Program Year, of which Cheektowaga received \$296,000. 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 Item No. 31 cont'd.

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.

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

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE_

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Item No. 32 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, bids were duly received by this Town Board at a public bid opening held on October 2, 1998, for the purchase of One (1) New and Unused, 1998 or 1999 Model, One Ton Dump Truck as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for the purchase of One (1) New and Unused 1998 or 1999 Model, One Ton Dump Truck be awarded to Joe Basil Chevrolet Inc., 5111 Transit Road, Depew, New York 14043 at a total bid price of \$19,958.00 said bidder being the lowest responsible bidder meeting specifications and, BE IT FURTHER

RESOLVED, that monies be charged to line item 0300-5130-2407 and 0300-5148-4029.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 33 Moved by Supervisor Gabryszak, seconded by Councilmember Mazur to adjourn this meeting in memory of L. Charles Hintermeier, former councilmatic Republican candidate and active member of our community.

Richard M. Moleski
Town Clerk

MEETING NO. 22
October 19, 1998

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 19th day of October, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; John Schaller, Assistant Chief of Police; Pat Wojcik, Senior Citizens Director; Gerry Gabryszak, Director of Community Development; Ron Marten, Supervising Building and Plumbing Inspector; Earl Loder, Coordinator-Disaster Preparedness; Frank Max, Working Foreman-Sanitation Department; Robert Kaczmarek, Supervising Accountant; William Conway, Assessor.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed construction of lateral sewers to serve three (3) homes on Pine Ridge Road, namely; 175, 183 and 241 Pine Ridge Road in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, 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. Description as follows:

Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300± feet, more or less, east of the centerline of Pine Ridge Road, and extending northerly 270± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).



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. 3 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:	0100-3120-4321 Data Processing Services	\$ 5,000.00
	0100-1355-3820 NYS Star Proceeds	2,000.00
TO:	0100-3120-1370 System Engineer	\$ 5,000.00
	0100-1355-4001 Office Supplies	2,000.00

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SPECIAL DISTRICTS FUND

FROM:	2500-1910-2401 Interest Earnings	\$ 1,300.00
TO:	2500-9125-8151 Group Life Insurance	\$ 900.00
	2500-8135-8151 Group Life Insurance	400.00

CAPITAL FUND

FROM:	5301-1450-9312 Repairs & Improvements	\$ 1,167.00
	5301-1625-9313 Flashing & Painting	3,833.00
	5301-1910-9399 Administration	115,000.00
TO:	5301-1640-9304 Building Repairs	\$120,000.00

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

Item No. 4 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 16, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 387,356.92
HIGHWAY FUND	106,889.34
TRUST & AGENCY	21,286.28
PART TOWN FUND	5,277.26
HUD CDBG FUND	1,748.63
HUD HOUSING REHABILITATION	5,117.00
RISK RETENTION FUND	88,020.91
SPECIAL DISTRICTS FUND	302,203.20
CAPITAL FUND	<u>126,199.02</u>
	\$1,044,098.56



Motion by Councilmember Jaworowicz, Seconded by Councilmember Johnson to amend the above resolution, and the voting was as follows:

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



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 16, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 387,356.92
HIGHWAY FUND	106,889.34
TRUST & AGENCY	21,286.28
PART TOWN FUND	5,277.26
HUD CDBG FUND	1,748.63
HUD HOUSING REHABILITATION	5,117.00
RISK RETENTION FUND	88,020.91
SPECIAL DISTRICTS FUND	302,203.20
CAPITAL FUND	<u>126,199.02</u>
	\$1,044,098.56

Item No. 4 cont'd

and BE IT FURTHER

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RESOLVED that approval of the statement submitted by Hawkins & Delafield, such funds to come out of the Capital Fund, is contingent upon review and approval by the Town Attorney.

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

Item No. 5a Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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 Ciminelli Development to rezone 61 Buell Avenue and adjacent property, including a paper street which the applicant has requested the Town Board to abandon, from R-Residence District to M1-Light Manufacturing and,

WHEREAS, the applicant intends to use the property for parking for the Concourse Center at 3909 Genesee Street, a stormwater detention basin and also for a landscaped buffer along Buell Avenue, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan to show a 35 foot wide buffer along Buell Avenue on which would be located at 24 foot landscaped berm 4 feet high, no access drives to Buell Avenue, a storm water detention basin and a 5 foot wide sidewalk, and

WHEREAS, a 30 foot setback with existing trees will be maintained adjacent to the residential lot line to the north, and

WHEREAS, all trees to be removed from the site will be replaced, while many trees are to be preserved, and

WHEREAS, as a result of the locating of the basin closer to Buell Avenue, the parking area will be established further from Buell Avenue than originally proposed, and

WHEREAS, all the above improvements and the restriction that no changes be made without the consent of the Town Board of the Town of Cheektowaga have been made part of an agreement to be executed and filed with the Erie County Clerk's Office upon completion of the rezoning, and

WHEREAS, the applicant has requested that the Town abandon a paper street known as Nowicki Place, and

WHEREAS, the Town has sewer utilities in this paper street, and

WHEREAS, the applicant has agreed to give to the Town an easement for Town-owned utilities on the property, as well as the right to access these utilities throughout the parking area, and

WHEREAS, an unoccupied house located on the subject parcel has been determined to have no historical significance, and

Item No. 5a cont'd

WHEREAS, the abandonment of the paper street would not impact the Town or the area surrounding the site and the abandonment would be in keeping with the policy of the Town to divest itself of paper streets which are not of value to the Town, and

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WHEREAS, the Advisory Committee at its meeting held on July 15, 1998 rendered the determination shown on the attached memo dated July 16, 1998, 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.

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

NAYES: 0

ABSENT: 0

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

Item No. 5b Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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

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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 St. Philip the Apostle Church to establish a parking lot at the rear of the church for additional parking spaces for the facility, and

WHEREAS, this project was subject to review because of its proximity to the Dr. Victor Reinstein Woods Nature Preserve, a Town designated Critical Environmental Area, and its location within a Town designated 400 foot buffer surrounding the preserve, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by rearranging the parking scheme in front of the facility for improved vehicle movements, eliminating a driveway and moving other driveways to further improve traffic access to Losson Road, and

WHEREAS, the applicant has further agreed to provide replacement tree plantings for those lost during construction of the parking lot and to install a 5' sidewalk along Losson Road within two years of the completion of the parking lot, and

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site, and

WHEREAS, the Advisory Committee at its meeting held on October 14, 1998 rendered the determination shown on the attached memo dated October 15, 1998, 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.

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

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

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

WHEREAS, a petition dated July 10, 1998 has been duly presented to the Town Board of the Town of Cheektowaga proposing that said Town Board approve the construction of lateral sewers in or along an easement at the rear of 175, 183 and 241 Pine Ridge Road in Sewer District No. 5 hereinafter described, and

WHEREAS, said Town Board duly adopted on the 5th day of October, 1998, an Order reciting in general terms the filing of said petition, the improvement proposed, the maximum amount

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proposed to be expended for said improvement as stated in said petition, and specifying that a public hearing be held on the 19th day of October, 1998 at 7:00 o'clock P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, to consider said petition and hear all persons interested in the subject matter thereof, concerning the same, and

WHEREAS, certified copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider the matter of the construction of said improvement, and hear all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make the said improvements, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga does hereby authorize and approve the construction of lateral sewers in and along that portion of an easement east of Pine Ridge Road, and north of Scajaquada Creek in Sewer District No. 5, described as follows:

Commencing on the northerly side of Scajaquada Creek at the existing trunk line, 300± feet, more or less, east of the centerline of Pine Ridge Road, and extending northerly 270± feet, more or less, to the north line of S.B.L. No. 101.44-4-12 (241 Pine Ridge Road).

and BE IT FURTHER

RESOLVED that the maximum amount to be expended for said improvement is Eleven Thousand Dollars (\$11,0000.00), and BE IT FURTHER

RESOLVED that moneys for such improvement shall be appropriated from the budget for Sanitary Sewer District No. 5 thereafter to be reimbursed as provided below, and BE IT FURTHER

RESOLVED that the cost of such improvement shall be apportioned and assessed, pursuant to Section 202 of the Town Law, upon the parcels of land deemed benefited, in proportion to the amount of benefit which the improvement conferred upon the same over a period of fifteen (15) years, said moneys to be used to reimburse Sanitary Sewer District No. 5 budget.

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

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

WHEREAS, Concourse Center, L.L.C. has petitioned for the rezoning from R-Residence District to M1-Light Manufacturing District of property owned by it and located at 61 Buell Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 8th day of September, 1998 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

Item No. 7a cont'd

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 Concourse Center L.L.C. for the rezoning from R-Residence District to M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

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

**SEE NEXT PAGE(S) for ATTACHMENT

AFFIDAVIT - NEXT PAGE

Item No. 7b Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Anthony Marczak has petitioned for the rezoning from RA-Apartment District to NS-Neighborhood Services District of property owned by it and located at 2437 Union Road Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of September, 1998 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, and

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WHEREAS, the applicant has committed to conveying an easement or fee title to property adjoining Slate Bottom Creek to the Town and reserving to himself the remainder of the property to the rear of his property under its existing zoning, 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 Anthony Marczak for the rezoning from RA-Apartment 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 Ordinance of the Town of Cheektowaga be amended in accordance with the above.

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

**SEE NEXT PAGE(S) for ATTACHMENT

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Item No. 7c Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

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

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of October, 1998 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, and

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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 Eugene R. Piotrowski, Builder, Dev., Inc. for the rezoning from 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 Ordinance of the Town of Cheektowaga be amended in accordance with the above.

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

**SEE NEXT PAGE(S) for ATTACHMENT

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

WHEREAS, bids were received and opened by the Town Clerk for Vending Machine Concessions for various Town Buildings on September 17, 1998 at 11:00 A.M., and

WHEREAS, Bid proposals have been reviewed by the Facilities Department Director,
NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby awards bid for Vending Machine Concessions for various Town Buildings to:

All Seasons Services, Inc.
255 Cooper Avenue
Tonawanda, New York, 14150-6641

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

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NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the contracting of Snow Removal if a snow emergency should occur, for use by the Cheektowaga Highway Department. 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, NY 14227, between the hours of 9:00 AM and 4:30 PM, Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 AM on October 30, 1998.



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 1998-99 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, NY 14227, between the hours of 9:00 AM and 4:30 PM.

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, NY 14227, prior to the time of the bid opening scheduled for Friday, October 30, 1998 at 11:00 AM 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.

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

RICHARD M. MOLESKI
Town Clerk



Item No. 9 cont'd

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

AFFIDAVIT - NEXT PAGE

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Item No. 10 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated September 21, 1998, this Town Board retained Nussbaumer & Clarke, Inc., at a cost not to exceed \$1,000.00 to locate various easements on the survey for the golf course property, and

WHEREAS, upon meeting with the Deputy Town Attorney and Town Engineer, it was determined that additional work was required from Nussbaumer & Clarke, Inc., and

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a bill for a total of \$1,895.00 for all work performed to revise the golf course survey, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the additional work requested from Nussbaumer & Clarke, Inc., for a total cost of \$1,895.00, and BE IT FURTHER

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

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

NAYES: 0

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ABSENT: 0

Item No. 11a Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

WHEREAS, a housing rehabilitation loan was previously provided to Loretta Abrams, owner of 35 Gabrielle Drive, in the amount of \$23,650, and

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

WHEREAS, additional work of up to \$3,615.00 is necessary to complete the project, thereby raising the total loan amount to over \$25,000, and

WHEREAS, the Town Director of Community Development has recommended approval of the additional loan funds, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes additional housing rehabilitation loan funds in the amount of up to \$3,615.00 for the project located at 35 Gabrielle Drive and directs the Supervisor to execute a loan amendment and any other documents necessary to provide said funding.

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

Item No. 11b Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the Roof Replacement Project at the Main Pump Station was awarded by Town Board Resolution dated March 2, 1998 to Jameson Roofing Co., Inc. in the amount of \$51,199.00, and

WHEREAS, Nussbaumer & Clarke, Inc., the Project Engineer and the Town Engineer have advised that work on the aforesaid contract has been completed in accordance with contract requirements, NOW, THEREFORE, BE IT

RESOLVED that the Town Board accept the completed project as recommended by the Town Engineer and hereby authorizes the Town Supervisor to execute the final contract acceptance documents.

Item No. 11b cont'd

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

Item No. 12 Motion by Councilmember Swiatek, Seconded by Councilmember Mazur

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 24 Homewood Avenue, Cheektowaga, New York, SBL# 114.09-1-12.211 and according to the Assessor's Office is owned by Theodore Kulbacki, 2 Wendling Ct., Lancaster, New York 14086, 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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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

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

RECYCLING DEPARTMENT
Marvin Rowland
Nicholas Jakubczak

EFFECTIVE

10/05/98

"

JUSTICE COURT
Kathryn Kmiotek

"

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

Item No. 13b Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be and hereby are terminated, effective immediately (seasonal):

James Casucci
James Coleman
Nick Wierzbicki
Christian Wild
Eric Zenecki

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

Item No. 14a Appointment of Laborer's Aide in Recycling Department
This item was withdrawn.

Item No. 14b Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, and

WHEREAS, Ronald V. Bolognese, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX, is interested in said vacancy, has submitted an application and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED that Ronald V. Bolognese be and hereby is appointed to the permanent position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective October 26, 1998.

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

Item No. 14c Appointment to Zoning Board of Appeals

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This item was withdrawn.

Item No. 14d Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated September 8, 1998, this Town Board authorized and directed the Supervisor to execute an Indenture of Lease between the Town and Commonwealth Sport Fund, LLC in order to facilitate private development of a golf course on Town-owned land located south of Genesee Street, east of Sonwil Drive and north and west of Rehm Road, and

WHEREAS, the acquisition of said land was financed with a portion of the proceeds of the Town's Various Purposes Serial Bonds - 1989, Series A and Series B, of which portion \$917,800 aggregate principal amount of bonds remain outstanding; and

WHEREAS, in order to preserve the tax-exemption on such bonds after the lease of such land to a private developer such as Commonwealth Sport Fund, LLC it is necessary to provide for the defeasance (within the meaning of federal tax law) of such bonds; and

WHEREAS, such defeasance requires the establishment and funding of an escrow fund, through deposit of moneys in a total amount which, when invested in an appropriate portfolio of United States Government obligations will provide earnings sufficient to pay all required principal and interest payments due on such bonds to maturity; and

WHEREAS, pursuant to said Indenture of Lease, Commonwealth Sport Fund, LLC will make an initial payment of rent in the amount of \$590,000 which, together with available current funds of the Town, will be deposited in said escrow fund and invested in said portfolio in order to effect said defeasance; NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is authorized and directed to establish said escrow fund to be held by M & T Bank upon such terms and conditions as he shall agree upon with said bank; and BE IT FURTHER

RESOLVED that the Supervisor is authorized and directed to cause the deposit in said escrow fund of said initial payment of rent, together with Town current funds hereby appropriated in an amount not to exceed \$550,000.00, and BE IT FURTHER

RESOLVED that the Supervisor is authorized and directed to cause the investment of said deposited funds in such portfolio of United States government obligations as he shall determine, with the assistance of the Town's financial advisor, will be sufficient to effect the defeasance of said outstanding Town bonds, and BE IT FURTHER

Item No. 14d cont'd

RESOLVED that the Supervisor, the Clerk, the Supervising Accountant, and the Town Attorney are each authorized and directed to take such other actions and execute such documents as may be necessary and appropriate to effect said defeasance consistent with the provisions of said Indenture of Lease; and BE IT FURTHER

RESOLVED that this resolution shall take effect immediately.

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

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

BE IT RESOLVED that the following individual be hired as a Recreation Attendant I (trainee) at the ninety (90) day training rate of \$4.25 per hour, and BE IT FURTHER

RESOLVED that the salary rate be increased to the minimum wage of \$5.15 per hour after said ninety day period:

Recreation Supervisors - 7140.1613 (Arts and Crafts)
(part-time)

October 19, 1998

[illegible]

ABSENT: 0

Item No. 15b Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak
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

SANITATION DEPARTMENT - Laborer - \$6.00 per hour
Joseph Sliwinski XXXXXXXXXXXXXXXXXXXX, Chktg, XXXXX 10/20/98

JUSTICE COURT - Clerk - \$6.00 per hour
Judith Smith XXXXXXXXXXXXXXXXXXXX Chktg, XXXXX 10/20/98

ABSENT: 0

Item No. 16 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be and hereby are transferred as indicated, effective immediately:

Item No. 16 cont'd

From seasonal to Part-time

Kimberly Arnold	Shaun Mertz
Anthony Astran	Lisa Robida
John Ciesielski	Sara Sinclair
Erica D'Amico	Cheryl Skrowski
Melissa Gladwell	Eileen Skrowski
James K. Hathaway	Susan Stoklosa
Amanda Jaworowicz	Massoud Toloue
Christine Kempa	Melissa Tweedy
Stephanie King	Melissa Uhteg
Sarah Kosicki	Maria Vannelli
Jason Krasinski	Cheryl Wazny
Kara Krzykowski	Adam Zakrewski

From Part-time to Seasonal

Cindy Pietz

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 17** Supervisor's Statement of Funds - August, 1998
Received and Filed.
- Item No. 18** Office of Disaster Preparedness - Quarterly report from July to September
Received and Filed.
- Item No. 19** Cheektowaga Traffic Safety Commission - Minutes of September 15, 1998.
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 20a** Notice of Claim - Melanie Mruk vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.
- Item No. 20b** Notice of Claim - Steven Chase vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.
- Item No. 21** Order & Settlement Agreement regarding Wal-Mart Stores, Inc.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilmember Johnson, Seconded by Councilmember Mazur
to suspend the rules to include the following three (3) items, and the voting was as follows:

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

- Item No. 22** Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Basil Ford, Inc. has made application and requested the rezoning of property located at 1540 Walden Ave. from CM-General Commercial District to MS-Motor Services District, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on November 2, 1998 at 6:30 o'clock P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

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

AFFIDAVIT - NEXT PAGE

MEETING NO. 22
October 19, 1998

Item No. 23 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the owners of properties at 175, 183 and 241 Pine Ridge Road have petitioned this Town Board to construct lateral sanitary sewers to service their properties, and

WHEREAS, this Town Board has approved the construction of said lateral sewers, and

WHEREAS, in order to install such sewers, it is necessary for the Town to acquire easements from the involved property owners, and

WHEREAS, the property owners at 175, 183 and 241 Pine Ridge Road have executed easements to the Town for the installation of lateral sanitary sewers on their properties, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts sanitary sewer easements from the owners of properties at 175, 183 and 241 Pine Ridge Road, and BE IT FURTHER

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

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

NAYES: 0

ABSENT: 0

Item No. 24 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated March 16, 1998, this Town Board dedicated a strip of land located between the east side of Sonwil Drive and the westerly terminus of Rehm Road, as further described in the Schedule A attached to such resolution, and

MEETING NO. 22
October 19, 1998

WHEREAS, such resolution and Schedule A were filed in the Erie County Clerk's Office on June 26, 1998 in Liber 10934 of Deeds at Page 8731, and

WHEREAS, there was an error in the legal description/Schedule A, which legal description/Schedule A has now been corrected, NOW, THEREFORE, BE IT

RESOLVED that the legal description/Schedule A for the dedicated right-of-way contained in the above referenced resolution be and hereby is amended/corrected as described in the attached Corrected Schedule A, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to file a certified copy of this resolution and corrected Schedule A in the Erie County Clerk's Office.

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

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

Item No. 25 Motion by Councilmember Mazur, Seconded by Councilmember Rogowski
to adjourn the Meeting
Time meeting was Adjourned: 8:00 PM.

RICHARD M. MOLESKI
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO 23
October 20, 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 20th day of October, 1998 at 6:30 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; William Pugh, Town Engineer; Robert Kaczmarek, Supervising Accountant; Ron Marten, Supervising Building & Plumbing Inspector; William Wielinski, Facilities Director; Frank Max, 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; Larry Golas, Foreman-Wastewater Treatment Foreman; Ron Kmiotek, Judge, Cheektowaga Town Court.

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 1999 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 1999 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 1999 for the General Fund, Consolidated Garbage District and General Lighting Districts.

***The 1999 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. 24
NOVEMBER 2, 1998

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 2nd day of November, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember James J. Jankowiak
 Councilmember Thomas J. Mazur

ABSENT: Councilmember Jeff Swiatek

Also present were: Richard M. Moleski, Town Clerk; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; William Pugh, Town Engineer; Robert Kaczmarek, Supervising Accountant; James J. Kirisits, Town Attorney; Ronald Marten, Building and Plumbing Inspector; Patricia Wojcik, Director of Senior Services; and Bruce Chamberlin, Police Chief; Frank Max, Working Crew Chief-Sanitation/Recycling Department; and Tom Carney, Sanitation Foreman.

I. RESOLUTIONS

Item No. 2 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:	0100-1430-4051	Records Management	\$ 392.00
	0100-1430-4088	Travel, Training & Conferences	353.00
	0100-1430-4194	Media Advertising	104.26
	0100-1440-4042	Maps	1,500.00
	0100-1440-4325	Copy Machine Supplies	2,000.00
	0100-7110-1374	Clerk-Typist	4,871.26
	0100-7620-2036	Special Event Revenues	3,000.00
	0100-1910-4711	Contingency	25,000.00
	0100-1110-2610	Fines & Forfeited Bail	10,700.00
	0100-9010-8975	Retirement Buyouts	400.00
To:	0100-1430-4001	Office Supplies	\$ 392.00
	0100-1430-4001	Office Supplies	353.00
	0100-1430-4001	Office Supplies	104.26
	0100-1440-4191	Miscellaneous	3,500.00
	0100-7110-1375	Account Clerk-Typist	4,871.26
	0100-7620-4491	Special Events	3,000.00
	0100-1910-4720	Build Now-NY	25,000.00
	0100-1110-2105	Equipment	1,700.00
	0100-1110-4591	Jurors	1,000.00
	0100-1110-4592	Contracted Clerical	8,000.00
	0100-7270-4388	Friends of the Woods	400.00

HIGHWAY FUND

From:	0300-5150-4178	Special Blacktop	\$ 5,000.00
	0300-5150-4177	Receivers & Pipe	5,000.00
To:	0300-5130-4462	Parts & Supplies	\$ 5,000.00
	0300-5130-4462	Parts & Supplies	5,000.00

Item No. 2 cont'd.

MEETING NO. 24
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PART TOWN FUND

From:	0800-3620-2201	Office Equipment	\$ 500.00
	0800-3620-2201	Office Equipment	1,000.00
	0800-3620-1401	Assistant Building Inspector	2,600.00

To:	0800-3620-4001	Office Supplies	\$ 500.00
	0800-3620-4191	Miscellaneous	1,000.00
	0800-3620-1755	Part-Time Housing Inspector	2,600.00

SPECIAL DISTRICTS FUND

From:	2500-8125-4545	Telemetry-Sewer District	\$ 2,940.00
	2500-8125-4550	Photographic Mapping	1,180.00
	2500-8125-2505	Other Equipment	14,880.00

To:	2500-8125-4955	Capital and Reconstruction	\$11,000.00
	2500-8125-4543	Contracted Sewer Repair	8,000.00

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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 30, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$187,043.33
HIGHWAY FUND	100,446.05
TRUST & AGENCY	5,643.93
PART TOWN FUND	1,821.96
HUD CDBG FUND	23,231.03
HUD HOUSING REHABILITATION	27,107.00
HUD RENTAL REHABILITATION FUND	5,057.50
RISK RETENTION FUND	46,716.56
SPECIAL DISTRICTS FUND	69,529.29
CAPITAL FUND	41,573.17
	<u>\$508,169.82</u>

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 4 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 16, 1998 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 5th day of November, 1998, said amendments being set forth in the Notice of Hearing.

Item No. 4 cont'd.



MEETING NO. 24
NOVEMBER 2, 1998

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on November 16, 1998 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD east and west sides: from the north curblineline of Maryvale Drive to a point one hundred fifteen feet north.

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

BEACH ROAD east side: from the north curblineline of Maryvale Drive to a point one hundred fifteen feet north.

BEACH ROAD west side: from the north curblineline of Cleveland Drive to the south curblineline of Binner Road.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of South Seine Drive to a point sixty (60) feet north of the north curblineline of South Seine Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of North Seine Drive to a point sixty (60) feet north of the north curblineline of North Seine Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of Denise Drive to a point sixty (60) feet north of the north curblineline of Denise Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Cherbourg Drive to a point sixty (60) feet north of the north curblineline of East Cherbourg Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Toulon Drive to a point sixty (60) feet north of the north curblineline of East Toulon Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of East Rouen Drive to a point sixty (60) feet north of the north curblineline of East Rouen Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of LeHavre Drive to a point sixty (60) feet north of the north curblineline of LeHavre Drive.

TOWERS BOULEVARD east side: from a point sixty (60) feet south of the south curblineline of Whitney Place (south) to a point sixty (60) feet north of the north curblineline of Whitney Place (south).

Item No. 4 cont'd.

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

Dated: November 2, 1998

MEETING NO. 24
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Richard M. Moleski
Town Clerk

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak,
and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT - NEXT PAGE

Item No. 5 Moved by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the purchase of clothing for use in various programs in the Youth and Recreational Services Department for the 1999, 2000 and 2001 calendar years, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of said clothing. Information for bidders and specifications may be obtained from the office of

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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 November 17, 1998 at 11:00 A.M., Eastern Standard Time, a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 17, 1998 at 11:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing for use in various Youth and Recreation programs.

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

Bid prices will be in effect for the calendar years 1999, 2000, and 2001.

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

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



Richard M. Moleski
Town Clerk

Dated: November 2, 1998

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT - NEXT PAGE

Item No. 6 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town's contracts for Self-Insured Workers' Compensation claim management services and loss control services will be expiring on December 31, 1998, AND

WHEREAS, Holfoth Risk Management, the Town's Insurance Consultant, has prepared a Request for Proposals for these services for 1999, 2000 and 2001, NOW, THEREFORE, BE IT

MEETING NO. 24
NOVEMBER 2, 1998

RESOLVED, that this Town Board hereby issues a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services for 1999, 2000 and 2001 and, BE IT FURTHER

RESOLVED, that Holfoth Risk Management be and hereby is directed to forward copies of this Request for Proposals to interested insurance claims management companies and, BE IT FURTHER

RESOLVED, that sealed proposals shall be submitted to and be opened by Holfoth Risk Management at their offices on November 30, 1998 at 11:00 A.M.



TOWN OF CHEEKTOWAGA

INSTRUCTIONS TO BIDDERS

1. SUBMISSION OF PROPOSALS

The Town of Cheektowaga is requesting proposals for Claims Administration and Loss Control services in connection with a self-insurance program. The selected program will be effective January 1, 1999 and all proposals must be received no later than noon on November 30, 1998 at:

Holfoth Risk Management
3075 Southwestern Boulevard
Suite 202
Orchard Park, New York 14127-1287

The Town of Cheektowaga reserves the right to reject any and all bids, waive any informalities in any bid and *to negotiate terms for such self-insurance services as, in its opinion, best serves the interest of the Town.* It is the intent to select the service provider(s) on the combined basis of cost, service and qualifications.

Interviews with selected service providers will be held and the quality and extent of service and experience with municipalities will be major factors in the decision making process.

2. ITEMS TO BE SUBMITTED WITH BIDS

East bid must include the following items.

- *a. Completed Summary of Quotations.
- *b. Completed Bidder's Questionnaire.
- c. Complete specimen proposed Claim Administration and/or Loss Control contracts.
- *d. Non-Collusive Bidding Certification.
- *e. Quotations Declaration to be furnished by Bidders.
- f. Resumes detailing the qualifications and experience of key personnel to be providing Claims Administration and/or Loss Control services.
- g. Sample loss runs

*Forms for completion are included in this Request for Proposals.

Item No. 6 cont'd.

3. ACCURACY OF INFORMATION IN REQUEST FOR PROPOSALS

The information contained in this Request for Proposals is furnished for the convenience of the bidders. Each bidder must carefully examine this Request for Proposals and make whatever reasonable inquiries or inspections of the operations that are necessary for quotation purposes.

If conditions or exposures are determined to be at variance with information contained herein, bidders are to use the information furnished herein (and subsequently by addenda only) for quotation purposes and submit proposed adjustments to contemplate the variances determined. All

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bidders obtaining the Request for Proposals must make certain that each service provider furnished with the Request for Proposals is also furnished with subsequent addenda, if issued.

4. INQUIRIES

All inquiries regarding the Request for Proposals should be directed to James B. Hood, Jr., CPCU, Executive Director, or Christopher B. Ashton, Holfoth Risk Management Division, Aldrich & Cox, Inc., 3075 Southwestern Boulevard, Suite 202, Orchard Park, New York, Phone: (716) 675-0505, Fax (716) 675-2098.

5. CONDITIONED BID AND RECOMMENDATIONS

Every bid must indicate the bidder's willingness to provide the service proposed at the price proposed without qualification (e.g., subject to inspection or Home Office approval). If acceptance of any service is predicated upon compliance with certain recommendations, they must be clearly indicated in the bid together with an anticipated date of compliance.

If there are additional feasible recommendations which would result in cost savings, such recommendations should be separately stated together with the amount of savings for each.

6. DEVIATIONS AND ALTERNATE PROPOSALS

A declaration of *all* deviations from the Request for Proposals must be clearly stated in the Bidder's Questionnaire. Except for stated deviations, the service contract ultimately purveyed must provide all Services and Modifications in the Request for Proposals with no unusual exclusions or limitations. The submission of specimen contracts shall not waive or modify the requirement to declare all deviations from this Request for Proposals.

Notwithstanding the above, alternate proposals and innovations are welcomed, however, they must be specific. Deviations from this Request for Proposals must be declared in the Bidder's Questionnaire and the cost of savings must be included in the Summary of Quotations.

7. CLAIM AND LOSS INFORMATION

Each claims administrator must agree to give the Town of Cheektowaga monthly reports of claims made and losses paid on behalf of the Town in connection with the Workers' Compensation exposure until such time as all claims are closed. Such reports must show all open and closed claims by year, and must contain sufficient detail to allow verification of such claims or losses and include any other reasonable information as may be required by the Town.

In addition, each claims administrator must agree to prepare and file the periodic reports required by the New York Workers' Compensation Board and check and approve all assessments and prepare Town vouchers for their payment.

8. COMPUTATIONS AND ADJUSTMENTS

Each bidder must make certain that all bids are correct and that the service(s) proposed will be provided. Upon awarding of the contract(s), the successful bidder must provide a written statement of its acceptance of the service(s) as bid and agreed to within 3 working days.

Item No. 6 cont'd.

9. BIDDER'S QUESTIONNAIRE

As stated in item 2 of these instructions, a complete Bidder's Questionnaire must accompany all proposals. If there is insufficient room to provide information on items such as deviations, alternate proposals, etc., an additional page or pages may be attached. Please, however, refer to the question number of the Bidder's Questionnaire, giving appropriate reference from the appropriate Quotation.



Upon roll call. . . .

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

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

WHEREAS, by resolution on May 21, 1990, the consulting engineering firm of Nussbaumer & Clarke, Inc. was retained to provide professional engineering services to the Town, including, but not limited to, the preparation of plans and specifications on the conversion of 3 digesters at the main pump station into garage and storage facilities, and to thereafter supervise the construction of same; AND

WHEREAS, on December 1, 1992, the Town's sewer maintenance garage sustained substantial damage by fire; and on December 21, 1992, Nussbaumer & Clarke, Inc. was retained to assess and evaluate the scope of such fire damage, to prepare plans and specifications for the restoration of the garage and to provide other necessary general construction services thereon; AND

WHEREAS, the aforesaid public projects, known as the Sewer Maintenance Garage Restoration and Digester Conversion at Plant No. 5, were publicly bid, and Contract A-General Construction was awarded to Baker Development and Construction Co., Inc. (Baker); AND

WHEREAS, by letter dated November 16, 1993, the Town was formally notified by the Westchester Fire Insurance Company, the surety for Baker under the general construction contract, that the Baker company had "voluntarily defaulted" on the project; AND

WHEREAS, the Meridian Consulting Group, Inc. was retained by the aforesaid surety to coordinate the completion of the project by North Star Construction, Inc.; AND

WHEREAS, the completion of the project was further complicated by the filing of several mechanics liens by subcontractors, as well as by a withholding of payment notice issued to the Town by the State Department of Labor; AND

WHEREAS, the Town sustained actual delay damages by reason of the failure of Baker to complete the project within the time provided in the contract, including, but not limited to, certain professional engineering services provided by Nussbaumer & Clarke, Inc. in representing the interests of the Town in project construction, inspection, supervision and completion; AND

WHEREAS, despite the withholding notice issued by the State, the Town Engineer has recommended payment of the invoices submitted by Nussbaumer & Clarke, Inc. from funds retained by the Town on the project;

NOW, THEREFORE, BE IT RESOLVED, that the outstanding invoices of Nussbaumer & Clarke, Inc., totaling \$41,147.72, be paid from funds retained by the Town in Capital Account No. 5305-8125-8378, following review and approval by the Town Engineer.

Upon roll call. . . .

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

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

WHEREAS, Buffalo Crushed Stone, Inc. ("BCS") submitted an application to the New York State Department of Environmental Conservation ("DEC") to "renew" its mining permit for property located at 500 Como Park Boulevard in the Town of Cheektowaga ("Cheektowaga Quarry"), AND

WHEREAS, such "renewal" application states that mining is permitted not only on the property which is currently being quarried, but also on adjacent lands owned by BCS which are not zoned and have not been zoned for mining, AND

WHEREAS, the Town of Cheektowaga is in the process of conducting an environmental review of BCS's proposal to rezone 140± acres of land adjacent to the Cheektowaga Quarry, and has issued a Scoping Document to BCS and the DEC for same, AND

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WHEREAS, by resolution dated May 4, 1998 and June 1, 1998, this Town Board memorialized the DEC to not renew BCS's mining permit for those lands which are not zoned for mining; to treat BCS's application as a new application; or to place a general advisory on the DEC "renewal" permit stating that BCS must still obtain local zoning approvals, AND

WHEREAS, the Town of Cheektowaga was notified on October 26, 1998 that the DEC, on October 3, 1998, renewed BCS's application until May 9, 1998 without any advisory, AND

WHEREAS, in light of the on-going environmental review and the inaccuracies in the BCS renewal application, this Town Board disagrees with the issuance of the renewal permit by the DEC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the DEC to reconsider the mining permit renewal it issued to BCS for the Cheektowaga Quarry and adjacent property and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Michael J. Meyers, DEC MLR Specialist, 128 South Street, Olean, New York 14760; Steven J. Doleski, DEC Regional Permit Administration, 270 Michigan Avenue, Buffalo, New York 14203; and Gerald P. Mikol, DEC Regional Director and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to notify BCS that, despite the issuance of the permit/renewal permit by the DEC, 140± acres of land included in the permit are not zoned for mining (AG District) and, as such, BCS is prohibited from conducting mining activities in such area and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office is further directed to review the Town's options with respect to the aforementioned issuance of the permit/renewal permit to, together with the Building Inspections Department, ensure that BCS does not conduct mining operations in the area not zoned for same.

Upon roll call. . . .

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

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

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to install one (1) 5200 lumen high pressure sodium luminaire on Orchard Place, Pole 9, Line 436 to provide for improved highway lumination at an annual increase to the General Lighting District of \$115.37.

Upon roll call. . . .

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

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

WHEREAS, the N.Y.S.D.O.T. has awarded a contract for the reconstruction of Genesee Street identified as P.I.N. 5463.01.301, AND

WHEREAS, as part of said project, Niagara Mohawk Power Corporation will be required to relocate existing street lighting facilities funded annually through the Town General Lighting District, located within the Niagara Mohawk Service District, between the Buffalo City Line and Harlem Road, AND

WHEREAS, the Town incurs an annual charge for wood poles installed exclusively for lighting purposes, a number of which currently exist on the north side of Genesee Street, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board supports the re-establishment of lighting facilities along the described segment of highway, to be provided in the most economical manner, and hereby requests that Niagara Mohawk Power Corporation develop a lighting plan eliminating installation of

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wood poles exclusively for street lighting, relocating such existing facilities to the south side of Genesee Street and, BE IT FURTHER

RESOLVED, that a certified copy of this resolution be delivered to:

Nancy Schott
Consumer Representative
Niagara Mohawk Power Corporation
535 Washington Street
Buffalo, New York 14203-1497

Upon roll call. . . .

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

Item No. 11 Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, as part of the development of property located at 2262 Union Road in the Town, the developer agreed to convey a Conservation Easement to the Town over the rear 225-332 feet of its property, AND

WHEREAS, said Conservation Easement has now been presented to the Town by the developer, and said easement has been reviewed and approved by the Town Engineer and Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned Conservation Easement over 2262 Union Road 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, Johnson, Jankowiak, and Mazur
NAYES: 0
ABSENT: Councilmember Swiatek

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

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

Item No. 12 cont'd.

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, 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 Dean Sutton Architects to convert a former gas station, located at 465-469 French Road, into an ice cream store, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by: installing a 5' sidewalk along French Road and Kelly Drive where necessary, providing pedestrian walkways from the public sidewalks to the store, reducing the driveway width along the public roads for improved traffic safety, installing fencing along the west side of the

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property, installing additional landscaping along the perimeter especially the front, providing an easement to the Town along the west property line for an existing drainage system, AND

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site throughout the year, AND

WHEREAS, the Advisory Committee, at its meeting held on September 30, 1998 render the determination shown on the attached memo dated October 1, 1998, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 13a Moved by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 102 Hedwig, Cheektowaga, New York, SBL #102.45-2-15 and according to the Assessors' Office is owned by Rochester Community Savings Bank, 1215 Superior Avenue, Cleveland, Ohio 44114, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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Item No. 13b Moved by Councilmember Mazur, 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 88 West Toulon Drive, Cheektowaga, New York, SBL #125.06-17-50 and according to the Assessors' Office is owned by Mr. & Mrs. Willard F. Kratze, 88 West Toulon Drive, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 15a Moved by Supervisor Gabryszak, seconded by Unanimous

WHEREAS, to foster economic growth, the State of New York has implemented the "Build Now - N.Y." initiative with a goal of marketing an inventory of pre-approved sites for job creation throughout the State, AND

WHEREAS, matching grants of up to \$50,000 are available under the "Build Now - N.Y." initiative to assist in new jobs creation, recovering brownfields and to promote future investment and economic development, AND

WHEREAS, this Town Board recognizes the potential benefits associated with such economic stimulus related to short term job development through build-out of the private Broadway Development Park, improving access to the Interstate System by planning a new Interchange at Broadway with the I-90, and through preparation of a master plan for redevelopment of hundreds of acres of vacant industrially-zoned railroad lands as a major rail/highway intermodal center for Western New York, AND

WHEREAS, this Town Board previously designated this area off of Broadway as an Economic Development Zone, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to submit an application under the "Build Now - N.Y." program for \$50,000 in funding for the

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aforementioned initiative; and to execute a letter of commitment indicating that the Town will commit the sum of \$50,000 (\$25,000 of which will be contributed by the County of Erie, and \$5,000 of which will be contributed by Benderson Development Company) under this initiative, should the Town's application be approved and, BE IT FURTHER

RESOLVED, that the Town's share of the cost of this initiative shall be appropriated from budget line item number 0100-1910-4720.

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the County of Erie has created the Buffalo Creek Stream Bank Stabilization Program to address stream bank erosion problems in the Buffalo Creek Watershed, which includes Cayuga Creek and Slate Bottom Creek within the Town of Cheektowaga, and the Erie County Soil and Water Conservation District will act as a project partner with the various municipalities in Erie County, AND

WHEREAS, municipalities who wish to participate have been requested to provide a ten thousand dollar (\$10,000) cash or an "in-kind" pledge so that the Partnership Program can use a local match to apply for federal and state cost-sharing funds, AND

WHEREAS, the Town, in committing to the partnership, will not have to expend funds or in-kind services unless and until a specific project is identified and undertaken in the Town of Cheektowaga by the Partnership, AND

WHEREAS, the Town Board has given due review and consideration to joining in the Partnership Program and deems it in the public interest to join said program, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby authorizes the Supervisor to prepare and execute a Letter of Commitment to the County of Erie/Municipal Regionalism Committee of the Erie County Legislature indicating that the Town of Cheektowaga will commit the sum of ten thousand dollars (\$10,000) to the Partnership, such funds to be provided by the Town through the Townwide Drainage District Budget only in the event that a project is identified and undertaken within the Town of Cheektowaga for stream bank erosion control in the Buffalo Creek watershed with the understanding that supplemental funds for the project will be provided through grant funds received by the Partnership and, BE IT FURTHER

Item No. 15b cont'd.

RESOLVED, that a certified copy of this resolution shall be transmitted to:

LuAnn Freeman, Executive Sec/Treas.
Erie County Soil & Water Conservation District
50 Commerce Way
East Aurora, New York 14052-22185

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town of Cheektowaga is the owner of a parcel of vacant land located on the west side of Transit Road south of 4890 Transit Road, AND

WHEREAS, the owners of 4890 Transit Road, Louis P. and Roula Galanes, have requested permission to lease a portion of this property for parking for its business, AND

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WHEREAS, the Town-owned property is not presently needed by the Town, and the proposed parking lot will not interfere with drainage through the property, AND

WHEREAS, if the Town approves a lease with Mr. and Mrs. Galanes, employees will park in the parking lot rather than on Madeira Drive, thereby alleviating a parking problem on the street, AND

WHEREAS, landscaping in the parking lot area will be as directed by the Town Engineer, AND

WHEREAS, the proposed lease agreement, as prepared by the Town Attorney's Office, requires Mr. and Mrs. Galanes to obtain liability coverage over the leased property and to name the Town as an additional insured on same, AND

WHEREAS, the request of Mr. and Mrs. Galanes and the need for additional parking are unique so as to warrant approval of a lease of Town-owned land, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a lease with Louis P. and Roula Galanes for the use of the above referenced Town-owned property at an annual rental of \$1,000.00 and, BE IT FURTHER

RESOLVED, that that resolution is subject to permission referendum under Section 64(2) of the Town Law and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

Upon roll call. . . .

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

AFFIDAVIT - NEXT PAGE

Item No. 16a Moved by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use, AND

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, AND

WHEREAS, John R. Tuck, Appraiser-Auctioneer, will sell such motor vehicle and equipment at a public auction in accordance with his letter dated September 27, 1998, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby retains John R. Tuck, 950 Bowen Road, Elma, New York as per the attached proposal, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at a public sale to the highest responsible bidder at an auction to be held on November 7, 1998 and, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any and all documents that may be required to effectuate the sale and transfer of all said vehicles and equipment.

Upon roll call. . . .

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

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*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Main Pump Station (Plant 5) utilizes an electrically operated megatherm boiler system and electrically operated hot water tanks which are very energy intensive installed during the original facility construction when a natural gas moratorium was in effect, AND

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) offers a program available to municipalities through which NYSERDA funds up to 50% of engineering and technical evaluation/analysis and feasibility study costs associated with energy conservation through the use of alternative fuels, AND

WHEREAS, the Superintendent of the Main Pump Station and Town Engineer have recommended that such a study be performed to investigate opportunities to reduce annual Plant 5 energy costs, NOW, THEREFORE, BE IT

RESOLVED, that the engineering consulting firm of Nussbaumer & Clarke, Inc., be and hereby is authorized and directed to complete the necessary application forms and exhibits to be submitted to NYSERDA for the purpose of securing this grant in accordance with the proposal dated October 14, 1998 submitted to the Town Engineer in an amount not to exceed \$2,500.00 and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute the subject application and, BE IT FURTHER

RESOLVED, that funding for professional technical services associated with the preparation of the grant application shall be chargeable to Account #2500-8125-4581.

Upon roll call. . . .

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

Item No. 17 Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

EFFECTIVE

RECYCLING DEPARTMENT

Joseph Sliwinski Immediately

TAX OFFICE

Delphine Gembka	11/13/98
Judith Havernick	"
Julie Miller	"
Patrica Miller	"
Waltraud Piffel	"

Upon roll call. . . .

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

Item No. 18a Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department, AND

Item No. 18a cont'd.

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

WHEREAS, Richard Latshaw, currently employed as a Temporary General Mechanic in the Facilities Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Richard Latshaw of XXXXXXXXXXXXXXXX, Cheektowaga XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call. . . .

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

Item No. 18b Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department, AND

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

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WHEREAS, John Ross, currently employed as a Cleaner in the Building Maintenance Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that John Ross of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call. . . .

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

Item No. 18c Moved by Councilmember Mazur, seconded by Councilmember Rogowski

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

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

WHEREAS, James Schork, currently employed as a Light Motor Equipment Operator-B in the Recycling Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that James Schork of XXXXXXXXXXXXXXXXXXXX, Depew, New York XXXXX be and hereby is appointed to the position of Cleaner in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Item No. 18c cont'd.

Upon roll call. . . .

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

Item No. 18d Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, Charles Nowakowski is interested in said vacancy, has submitted an application and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Charles Nowakowski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the permanent position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective November 9, 1998.

Upon roll call. . . .

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

Item No. 19a Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

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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 - Laborer

Philip O'Donnell XXXXXXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

EFFECTIVE

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Jane Pulaski XXXXXXXXXXXXXXXXXXXX, Sloan XXXXX Immediately

POLICE DEPARTMENT - Crossing Guard - \$6.90 per hour

Donna Whited XXXXXXXXXXXXXXXX, Cheektowaga XXXXX Immediately

tem No. 19b cont'd.

EFFECTIVE

SENIOR SERVICES - Van Driver - \$6.00 per hour

Raymond Paprocki XXXXXXXXXXXXXXXXXXXX, Cheektowaga XXXXXX Immediately

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

FROM SEASONAL TO PART-TIME

(Effective 11/9/98)

Lynn Butts

Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

II. GENERAL COMMUNICATIONS

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Item No. 21 Building Permits
Received and Filed.

Item No. 22a Minutes of Cheektowaga Planning Board - October 8, 1998
Received and Filed.

Item No. 22b Minutes of Cheektowaga Public Library Board - October 8, 1998
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 23a Notice of Claim: U.S. Postal Service 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. 23b Notice of Claim: David Penvose vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Senior Services and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23c Notice of Claim: Laura Stewart vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Bruce Chamberlin, Chief of Police and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23d Notice of Claim: American Ref-Fuel Company of Niagara, L.P. vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Councilmember James J. Jankowiak and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24 Summons and Complaint: Roger E. Saulter vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Chief Bruce Chamberline and Allied Claims Insurance Carrier.
Received and Filed.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek



IV. SUSPENSION OF RULES

Item No. 25 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

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WHEREAS, by resolution dated October 19th, 1998, 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

WHEREAS, such bids were duly received and opened on October 30, 1998, 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, Johnson, Jankowiak, and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 26 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

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

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

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

WHEREAS, an application was submitted by THD Donut (Delaware), Inc. to demolish 3816 Union Road, formerly Baracini's Restaurant, and construct a 2,815 sq. ft. Tim Horton's Restaurant, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan to show improved traffic movements at Union Road, increased landscaping and improved on-site traffic movements, AND

WHEREAS, the applicant has submitted a shared parking agreement acceptable to the Town Attorney, AND

WHEREAS, additional parking will be provided by acquisition of property, from Atlas Auto Glass, at the rear of the site, AND

WHEREAS, the Advisory Committee, at its meeting held on August 12, 1998 rendered the recommendation shown on the attached memo dated August 13, 1998, 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 purpose of SEQRA.

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Upon roll call. . . .

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak,
and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 27 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak to
adjourn this meeting. This meeting was adjourned at 8:20 P.M.

Richard M. Moleski
Town Clerk

MEETING NO. 25
November 16, 1998

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 16th day of November, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember Jeff Swiatek
 Councilmember James J. Jankowiak
 Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; Captain Tom Rowan, Police Department; Pat Wojcik, Senior Citizens Director; Ron Marten, Supervising Building and Plumbing Inspector; Earl Loder, Coordinator-Disaster Preparedness; Frank Max, Working Foreman-Sanitation Department; Robert Kaczmarek, Supervising Accountant; William Conway, Assessor; Ken Kopacz, Executive Director-Youth & Recreational Services.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof 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 proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD	east and west sides:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
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§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

BEACH ROAD	east side:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
BEACH ROAD	west side:	from the north curbline of Cleveland Drive to the south curbline of Binner Road
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of South Seine Drive to a point sixty (60) feet north of the north curbline of South Seine Drive

Item No. 2 cont'd

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TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of North Seine Drive to a point sixty (60) feet north of the north curbline of North Seine Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Denise Drive to a point sixty (60) feet north of the north curbline of Denise Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Cherbourg Drive to a point sixty (60) feet north of the north curbline of East Cherbourg Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Toulon Drive to a point sixty (60) feet north of the north curbline of East Toulon Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Rouen Drive to a point sixty (60) feet north of the north curbline of East Rouen Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of LeHavre Drive to a point sixty (60) feet north of the north curbline of LeHavre Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Whitney Place (south) to a point sixty (60) feet north of the north curbline of Whitney Place (south).



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. 3 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: 0100-7140-1632	Dartwood Camp	\$ 2,500.00
0100-7140-1632	Dartwood Camp	2,500.00
0100-7140-1632	Dartwood Camp	2,500.00
0100-7140-1651	Theater Workshop	8,000.00
0100-7140-1651	Theater Workshop	585.00
0100-7310-1801	Camp JI-IK-TO-WAH-GAH	10,561.00
0100-7310-1802	Crabapple Day Camp	4,570.00
0100-7310-4677	Catholic Charities	1,840.00
0100-7310-4685	Youth Dept. - Project YES	6,430.00
0100-7310-4687	Child & Family Services	12,980.00
0100-7310-4691	Developmentally Disabled Camp	1,750.00
0100-1910-4711	Contingency	5,000.00
0100-3610-4001	Office Supplies	200.00
0100-3610-4086	Association Memberships	98.00
0100-1355-4575	Contracted Appraisals	12,000.00
0100-1420-4012	Printed Briefs	400.00
0100-1420-4321	Computer Expense	320.00
0100-1910-4101	Unallocated Insurance	10,500.00
0100-1910-4706	Real Property Taxes	9,500.00
0100-1910-2401	Interest Earnings	65,000.00

Item No. 3 cont'd

TO:	0100-7140-1622	Recreation Attendant	\$ 2,500.00
	0100-7140-1623	Recreation Leader	2,500.00

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0100-7140-1664	Pre-K	2,500.00
0100-7140-1611	Rink Personnel	8,000.00
0100-7140-1640	In-Line Skating	585.00
0100-7310-1810	Camp Flamingo	10,561.00
0100-7310-1810	Camp Flamingo	4,570.00
0100-7310-2501	Equipment	1,840.00
0100-7310-2501	Equipment	6,430.00
0100-7310-2501	Equipment	12,980.00
0100-7310-4001	Office Supplies	1,750.00
0100-1420-4501	Contracted Legal Service	5,000.00
0100-3610-4261	Postage	298.00
0100-1355-4561	Contracted Legal	12,000.00
0100-1420-4013	Law Books	400.00
0100-1420-4013	Law Books	320.00
0100-1910-4261	Postage	20,000.00
0100-1910-4322	Contracted Services	65,000.00

PART TOWN FUND

FROM:	0800-3620-1401	Asst. Bldg. Inspector	\$ 2,600.00
	0800-8020-4192	Other Expenses	300.00
TO:	0800-3620-1755	Part-Time Housing Inspector	\$ 2,600.00
	0800-9010-8151	Group Life Insurance	300.00

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

NAYES: 0

ABSENT: 0

Item No. 4 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 13, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$ 769,686.20
HIGHWAY FUND	152,860.94
TRUST & AGENCY	16,428.29
PART TOWN FUND	15,236.55
HUD CDBG FUND	2,818.00
HUD HOUSING REHABILITATION	18,120.00
DEBT SERVICE FUND	180,000.00
RISK RETENTION FUND	83,771.37
SPECIAL DISTRICTS FUND	2,798,073.58
CAPITAL FUND	<u>203,543.79</u>
	\$4,240,538.72

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

NAYES: 0

ABSENT: 0

Item No. 5a Motion by Supervisor Gabryszak, Seconded by Councilmember Swiatek

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 1999 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

Item No. 5a cont'd

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 1999, and a public hearing was conducted thereon October 20, 1998 as required by Section 108 of the Town Law, NOW, THEREFORE, BE IT

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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, 1999, and the same shall be entered in the minutes of the Town Board.

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

Item No. 5b Motion 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 there 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:

Town of Cheektowaga
1999
Final Benefit Basis Budget

and

WHEREAS, a Public Hearing was duly held on the 20th day of October, 1998 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 1999.

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

**SEE NEXT PAGE(S) for copy of:

TOWN OF CHEEKTOWAGA
1999 FINAL AD VALOREM AND BENEFIT BASIS BUDGET

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

WHEREAS, this Town Board held a public hearing on November 16, 1998 at 7:00 P.M., to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED as follows:

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November 16, 1998

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
View Court	East	South View Drive

§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

BEACH ROAD	east and west sides:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
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§76-545, Schedule X, Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

BEACH ROAD	east side:	from the north curbline of Maryvale Drive to a point one hundred fifteen feet north.
BEACH ROAD	west side:	from the north curbline of Cleveland Drive to the south curbline of Binner Road
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of South Seine Drive to a point sixty (60) feet north of the north curbline of South Seine Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of North Seine Drive to a point sixty (60) feet north of the north curbline of North Seine Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Denise Drive to a point sixty (60) feet north of the north curbline of Denise Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Cherbourg Drive to a point sixty (60) feet north of the north curbline of East Cherbourg Drive
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Toulon Drive to a point sixty (60) feet north of the north curbline of East Toulon Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of East Rouen Drive to a point sixty (60) feet north of the north curbline of East Rouen Drive.

Item No. 6 cont'd

TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of LeHavre Drive to a point sixty (60) feet north of the north curbline of LeHavre Drive.
TOWERS BOULEVARD	east side:	from a point sixty (60) feet south of the south curbline of Whitney Place (south) to a point sixty (60) feet north of the north curbline of Whitney Place (south).

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Section 2. Time to take effect

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the Villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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

AFFIDAVIT - NEXT PAGE

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

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on December 7, 1998 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 19th day of November, 1998, said amendments being set forth in the Notice of Hearing.



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NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on December 7, 1998 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop Intersections, shall be amended by deleting therefrom the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop Intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

SONWIL DRIVE east side from south curbline of Genesee Street to its terminus

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curbline of Genesee Street to its
terminus

LeHAVRE DRIVE South side from the west curbline of Dartwood Drive to a point
seventy-five (75) feet west.

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

Dated: November 16, 1998

RICHARD M. MOLESKI
Town Clerk



Item No. 7 cont'd

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

NAYES: 0

ABSENT: 0

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AFFIDAVIT - NEXT PAGE

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

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

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

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

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RESOLVED that sealed bids will be received on the 9th day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Board of the Town of Cheektowaga on December 9, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment, operators and laborers for the Installation and Repair of Sanitary Sewers in the Town of Cheektowaga for the year of 1999.

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

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

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

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any 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 16, 1998



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

AFFIDAVIT - NEXT PAGE

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

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, Hiscock & Barclay has continued to represent the interests of the Town since January of 1998 without payment for such services, 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 \$30,000.00 to be used to pay the expenses of Hiscock & Barclay in the above entitled lawsuit, and BE IT FURTHER

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RESOLVED that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

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

Item No. 10 Motion by Councilmember Mazur, Seconded by Councilmember Swiatek

WHEREAS, continuous complaints have been received by the Town Board regarding weeds and accumulated debris on vacant property located at 4800 Transit Road, Cheektowaga, New York, SBL# 126.05-3-4 and according to the Assessor's Office is owned by James Anderson & Elizabeth Irvin, 6080 Woodward, Detroit, Michigan 48202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by removing the 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.

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

Item No. 11a Motion by Unanimous, Seconded by Unanimous

WHEREAS, the Erie County Industrial Development Agency (EDIDA) is the owner of certain real property located at 4454 Genesee Street, Cheektowaga, New York, which property was formerly owned by the Westinghouse Electric Corporation (the Westinghouse site); and

WHEREAS, the ECIDA leased the Westinghouse site to the Buffalo Airport Associates (BACA); and, pursuant to the terms of a negotiated Lease Agreement, dated August 11, 1985, BACA was required to make certain payments-in-lieu-of-taxes (PILOT) to the County, the Town, the Lancaster School District and the Cheektowaga-Maryvale School District; and

WHEREAS, BACA failed to make the payments specified and agreed to in the aforesaid Lease Agreement; and

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) wishes to acquire the Westinghouse site for expansion of the Buffalo Niagara International Airport, etcetera; and

Item No. 11a cont'd

WHEREAS, the NFTA has entered into a memorandum of understanding with BACA for the purchase of the Westinghouse site and, as part of the transaction, the NFTA has agreed to demolish the buildings on the site, to remediate the site and to assume the liability of all outstanding payments in lieu of taxes on behalf of BACA; and

WHEREAS, the NFTA will pay future PILOTS to local taxing jurisdictions in the event that portions of the Westinghouse site are not used for NFTA's transportation purposes; and

WHEREAS, the NFTA has agreed to pay in full all outstanding PILOT amounts due the Town up to January 5, 1999, including principal, interest and penalties, in three equal annual installments, that is, April 1, 1999, April 1, 2000 and April 1, 2001; and

WHEREAS, the NFTA has further agreed that, in the event it fails to make any of the agreed to payments due the Town and other local taxing jurisdictions, the County will have the right to offset such amount(s) against the transportation payments paid by the County to the Niagara Frontier

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Metro System, Inc. (NFTMS or Metro) under the contract entered into between the County and Metro;
NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of this Town Board and the Town of Cheektowaga, be and he hereby is authorized and directed to execute an agreement, along, with any and all necessary related papers with the NFTA, ECIDA and others confirming the payment of all outstanding PILOT liabilities of BACA by the NFTA as aforesaid.

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

Item No. 11b Motion by Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town of Lancaster has requested the Town of Cheektowaga to renew its agreement with it for the proper disposal of dead dogs for the Town of Lancaster, and

WHEREAS, the dog Control Officer has recommended that the Dog Disposal Agreement with Lancaster be renewed for another three (3) years at a cost of \$11.00 per dead dog, and

WHEREAS, a new agreement between the Town of Lancaster and the Town of Cheektowaga for the period beginning November 1, 1998 and ending October 31, 2001 has been prepared and is acceptable as to form by the Town Attorney's Office, and

WHEREAS, this Town Board, in an expression of inter-municipal cooperation, is willing to enter into this new agreement with the Town of Lancaster, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Dog Disposal Agreement on behalf of the Town of Cheektowaga.

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

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

Item No. 12 Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

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

EFFECTIVE

RECYCLING DEPARTMENT

Philip O'Donnell
Eric Ziarnowski

11/04/98
"

SANITATION DEPARTMENT

Susan Piejda
Timothy Kosiba

10/08/98
10/26/98

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

**MEETING NO. 25
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Item No. 13 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as temporary employees in the Tax Office, pursuant to Section 25.01 of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

<u>TAX OFFICE</u>	<u>EFFECTIVE</u>
Delphine Gembka	Immediately
Judith Havernick	"
Julie Miller	"
Patricia Miller	"
Waltraud Piffl	"

AND BE IT FURTHER

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:

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT - Laborer - \$6.00 per hour</u>	
Joseph Wieczorek XXXXXXXXXXXX, Chktg., NY XXXXX	Immediately

and BE IT FURTHER

RESOLVED that the resolution of November 2, 1998, hiring a Van Driver in Senior Services shall be amended as follows:

<u>SENIOR SERVICES - Van Driver - \$6.50 per hour</u>	
Raymond Paprocki XXXXXXXXXXXXXXXXXXXX, Chktg, NY XXXXX	Immediately

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 14 Minutes of Traffic Safety Commission - October 20, 1998
Received and Filed.

Item No. 15 Supervisor's Statement of Funds - August & September, 1998
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 16 Notice of Claim - Burton G. Denning Jr. & Susan Denning vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department.
Received and Filed.

V. SUSPENSION OF RULES

MEETING NO. 25
November 16, 1998

Motion by Councilmember Johnson, Seconded by Councilmember Mazur to suspend the rules to include the following item, and the voting was as follows:

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

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

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 Fluid Power Service Corporation to rezone 1540 Walden Avenue, Basil Ford, Inc., and adjacent property from CM-General Commercial to MS-Motor Service, and

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan by showing the enlargement of the access easement to the cemetery to a width of 30', a depressed area for display of the vehicles to allow visibility of the cemetery from Walden Avenue and drainage of the site as approved by the Town Engineer, and

WHEREAS, the applicant has committed to a deed restricted prohibiting access to residential streets to the north and resubmission of a site plan should the applicant ever desire to utilize a vacant area to the rear of the cemetery, and

WHEREAS, the Advisory Committee at its meeting held on September 16, 1998 rendered the determination shown on the attached memo dated September 17, 1998, and

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

Item No. 17 cont'd

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.

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

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

MEETING NO. 25
November 16, 1998

Item No. 18

Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn the meeting in memory of Norbert Lonczak, husband of Carol, employed in the Building Inspector's Office, and long-time volunteer Fireman at Cleveland Hill Volunteer Fire Co.

Time Meeting Adjourned: 7:45 P.M.

TOWN OF CHEEKTOWAGA
MEETING NO. 26
DECEMBER 7, 1998

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 7th day of December, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Robert McCarthy, Coordinator of Employee Relations; Salvatore LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant; James J. Kirisits, Town Attorney; Ronald Marten, Building and Plumbing Inspector; Bruce Chamberlin, Police Chief; Frank Max, Working Crew Chief-Sanitation/Recycling Department; and Kenneth Kopacz, Director of Youth and Recreational Services.



PLEASE NOTE THAT THE FOLLOWING RESOLUTION, ITEM 16B, WAS TAKEN OUT OF ORDER FROM THE AGENDA AND ADDRESSED AS THE FIRST ITEM OF THIS MEETING.



Item No. 16b Moved by Councilmember Swiatek, seconded by Unanimous Councilmember Johnson

WHEREAS, Buffalo Crushed Stone, Inc. has commenced a lawsuit against the Town of Cheektowaga relating to the use of its land on Como Park Boulevard for mining purposes, AND

WHEREAS, this lawsuit is of grave concern to this Town Board and, if Buffalo Crushed Stone is successful, many town residents could be negatively affected, AND

WHEREAS, this lawsuit also challenges the viability and integrity of Town ordinances and laws, including the Town Zoning Law and comprehensive master plan of the Town; and could have far-reaching impacts on the enforceability of the Zoning Law, AND

WHEREAS, this litigation involves complex areas of law relating to mining and zoning, AND

WHEREAS, David J. Seeger Esq. is an attorney with offices in Buffalo who has had experience in mining and zoning litigation matters, and is qualified to represent the interests of the Town in this litigation, NOW, THEREFORE, BE IT

RESOLVED, that David J. Seeger be and hereby is retained as counsel to the Town Attorney to represent the interests of the Town at the following referenced rates of pay:

\$ 95/hour - for out of Court work
\$135/hour - for time spent in Court

and, BE IT FURTHER

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

Item No. 16b cont'd.

MEETING NO. 26
DECEMBER 7, 1998

Upon roll call

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

NAYES: 0

ABSENT: 0

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending Chapter 76 of the Code of the Town of Cheektowaga Vehicle and Traffic Ordinance. The Supervisor directed the Town Clerk to present proof of the notice of hearing. The Town Clerk present proof that such notice was duly filed. Said amendment being as follows:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by deleting therefrom the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

SONWIL DRIVE east side from the south curbline of Genesee Street to its terminus.

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curbline of Genesee Street to its terminus.

LEHAVRE DRIVE south side from the west curbline of Dartwood Drive to a point seventy-five (75) feet west.

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;

Item No. 3 cont'd.

GENERAL FUND

MEETING NO. 26
DECEMBER 7, 1998

From:	0100-1315-1370	System Analyst	\$49,000.00
	0100-9010-8975	Retirement Buyout	1,000.00
	0100-1110-4082	Business Travel	1,500.00
	0100-1110-4501	Microfilm, Records Mgt.	3,000.00
	0100-1450-4191	Miscellaneous Expenses	490.00
	0100-1450-4342	Polling Places	1,160.00
	0100-1450-4551	Moving Machines	1,265.00
	0100-1450-4431	Election Repairs & Equipment	305.00
	0100-1450-1799	Election Inspectors	500.00
To:	0100-1315-4321	Computer Expense	\$10,000.00
	0100-9501-9400	Interfund Transfers	39,000.00
	0100-9010-8151	Group Life Insurance	1,000.00
	0100-1110-4001	Office Supplies	3,000.00
	0100-1110-1901	Court Officers	1,500.00
	0100-1410-1380	Records Management Clerk	3,720.00

HIGHWAY FUND

From:	0300-5142-4433	Stakes-Blades-Steel	\$13,000.00
	0300-5141-1412	Laborers	2,500.00
To:	0300-5130-4462	Parts and Supplies	\$13,000.00
	0300-5141-1371	Clerk	2,000.00
	0300-5141-1402	Engineer	500.00

HUD C.D.B.G. FUND

From:	0700-1098-0600	Housing Rehab	\$ 3,750.00
	0700-1098-0600	Housing Rehab	6,000.00
To:	0700-5098-0600	Depew Rehab	\$ 3,750.00
	0700-9098-0600	Sloan Rehab	6,000.00

RISK RETENTION FUND

From:	1000-1910-2798	Appropriated Fund Reserve	\$75,000.00
To:	1000-1932-4703	Liability, Judgment and Claims	\$75,000.00

SPECIAL DISTRICTS FUND

From:	1500-8160-1205	Working Foreman	\$20,000.00
	1500-8160-4468	Composting	40,000.00
	1500-8160-1205	Working Foreman	9,000.00
	1500-8160-1205	Working Foreman	5,000.00
To:	1500-8160-1414	MEO-B	\$20,000.00
	1500-8160-1414	MEO-B	40,000.00
	1500-8173-1409	Lab Aide	9,000.00
	1500-8173-1492	Seasonal	5,000.00

Upon roll call

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

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 December 4, 1998 are hereby approved and made a part hereof;

GENERAL FUND	\$1,696,796.93
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MEETING NO. 26
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HIGHWAY FUND	191,732.26
TRUST & AGENCY	21,237.45
PART TOWN FUND	42,299.19
HUD CDBG FUND	252,970.56
HUD HOUSING REHABILITATION	12,721.00
HUD RENTAL REHABILITATION	4,077.50
RISK RETENTION FUND	60,560.64
SPECIAL DISTRICTS FUND	383,925.30
CAPITAL FUND	<u>123,905.14</u>
	\$2,790,225.97

Upon roll call

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

Item No. 5 Moved by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, this Town Board held a public hearing on December 7, 1998 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V

Schedules

§76-530, Schedule VII, Stop intersections, shall be amended by deleting thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Aurora Street	East	Sugnet Road
Aurora Street	West	Sugnet Road

§76-530, Schedule VII, Stop intersections, shall be amended by adding thereto the following:

<u>STOP SIGNS ON</u>	<u>DIRECTION TRAFFIC STOPS</u>	<u>AT INTERSECTION OF</u>
Sugnet Road	North	Aurora Drive
Sugnet Road	South	Aurora Drive

Item 5 cont'd.

ARTICLE X

Schedules

§76-550, Schedule XI, shall be amended by deleting therefrom the following:

MEETING NO. 26
DECEMBER 7, 1998

SONWIL DRIVE east side from the south curblineline of Genesee Street to its terminus.

§76-545, Schedule X, shall be amended by adding thereto the following:

SONWIL DRIVE west side from the south curblineline of Genesee Street to its terminus.

LEHAVRE DRIVE south side from the west curblineline of Dartwood Drive to a point seventy-five (75) feet west.

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Facilities Department is in need of two (2) new 1998 two wheel tractors with Flail mowers to replace two (2) existing 1983 Ford Tractors Model 530A, AND

WHEREAS, Buffalo Tractor & Implement Co. Inc., 3045 Seneca Street, Buffalo, New York 14224 has been awarded STATE CONTRACT No. 40601 ITEM 8A which is a new Model 4630, 2 WD, New Holland Tractor with a 8 x 2 transmission, turf tires, 88" rear SHD Flail mower and underneath exhaust, AND

MEETING NO. 26
DECEMBER 7, 1998

WHEREAS, Buffalo Tractor & Implement Co. Inc., has offered to accept the trade in of two (2) used 1983 Ford Tractors Model 530A (Town No.'s 137 & 135) along with 3 used flail mowers (1987 Ford flail mower model No. 917, serial No. K420840, 1998 Ford Flail mower model 22BU8801 serial No. Y4JL0312 and 1987 Mott flail mower model 7400-C serial No. 4565 for the sum of \$4,902.50, AND

WHEREAS, funds are available for the purchase of the new tractors less the trade-in allowance, NOW, THEREFORE, BE IT

RESOLVED, that Buffalo Tractor & Implement Co. Inc. be awarded the State Contract for the 1998 New tractors as described above at a cost of \$19,951.25 each and, BE IT FURTHER

RESOLVED, that the Town accepts the offer of trade from the Buffalo Tractor & Implement Co. Inc. for the two tractors and three flail mowers for \$4,902.50 and, BE IT FURTHER

RESOLVED, that funds for the above awards be charged or credited to 0100-7110-2303 and a purchase order No. 9023137 be issued in the amount of \$35,000.00

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6b Moved by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Cheektowaga Engineering Department has requested authorization to purchase one (1) 1999 Ford Windstar Cargo Van to replace a 1985 Chevrolet Cargo Van, as specified in State Contract No. PC 54215 in the total amount of \$16,369.00, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2500-8125-2516, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Engineering Department to purchase one (1) 1999 Ford Windstar Cargo Van from:

Metro Ford Sales, Inc.
3601 State Street
Schenectady, New York 12304

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 1999, 2000 and 2001, NOW, THEREFORE, BE IT

Item No. 7a cont'd.

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

RESOLVED, that specifications for said Custodial Supplies 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

MEETING NO. 26
DECEMBER 7, 1998



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 1999, 2000, and 2001.

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

Date: December 7, 1998



Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 1999, 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

MEETING NO. 26
DECEMBER 7, 1998



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for the Furnishing of Pool Maintenance Chemicals for the year 1999.

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

Date: December 7, 1998



Upon roll call . . .

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Strip 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 Strip 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

MEETING NO. 26
DECEMBER 7, 1998



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 1999.

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

Date: December 7, 1998



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 7d Moved 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 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 21st day of December, 1998 at 11:00 A.M., Eastern Standard Time, a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

MEETING NO. 26
DECEMBER 7, 1998



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 21, 1998 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 1999.

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



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment and operators for said maintenance and installation of storm sewers and erosion control projects, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

MEETING NO. 26
DECEMBER 7, 1998



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 23, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, for the furnishing of equipment and operators for the maintenance and installation of storm sewers and erosion control projects in 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 Furnishing of Equipment and Operators for the Maintenance and Installation of Storm Sewers and Erosion Control Projects" and submitted to the Town Clerk prior to bid opening.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 7, 1998



Upon roll call

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

AFFIDAVIT - NEXT PAGE

Item No. 7f Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 1999 for the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 1999, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of December, 1998 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



MEETING NO. 26
DECEMBER 7, 1998

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 23, 1998 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 1999 calendar year.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 7, 1998



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8a Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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

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

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 Strock Paving and Construction to construct a 8,360 s.f. office/warehouse at 2095 Old Union Road, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has revised the plan by showing the installation of a 5 foot sidewalk along Old Union Road, revising the driveway plan to have one two-way driveway, installing concrete curbs around the front parking area, regarding for detention of stormwaters, as approved by the Town Engineer, AND

MEETING NO. 26
DECEMBER 7, 1998

WHEREAS, the applicant has further agreed to participate in an easement for the Rails-to-Trails program when the property to the rear of the proposed facility comes under the applicant's full control, AND

WHEREAS, the Advisory Committee, at its meeting held on December 2, 1998 rendered the determination shown on the attached memo dated December 3, 1998, 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, Johnson,
Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8b Moved by Councilmember Johnson, seconded by Councilmember Swiatek

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 Corp. to demolish the structures at 2565 Union Road and construct an 11,000 \pm s.f. retail store, AND

WHEREAS, as a result of meetings with the Town Committees/Board, the applicant has agreed to revise the plan by: moving the building further from Union Road to provide landscaping after the NYSDOT project to rebuild Union Road is completed, installing a 5' sidewalk along Union Road and Losson Road, providing pedestrian walkways from the public sidewalks to the store, reducing the number of driveways for improved traffic safety, installing fencing along the south side of the property, installing additional landscaping to screen the rear of the store, AND

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WHEREAS, the applicant has shown future development at the rear of the site which must be reviewed and approved by the Town Board prior to construction, AND

WHEREAS, the applicant will maintain all the landscaping and sidewalks on the site throughout the year, AND

WHEREAS, the Advisory Committee, at its meeting held on September 30, 1998 rendered the recommendation shown on the attached memo dated October 1, 1998, 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 purpose of SEQRA.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, as part of the development of a senior citizens housing complex known as French Road Commons on French Road in the Town of Cheektowaga, the developer was requested to construct a drainage system on such property and to convey a storm sewer easement to the Town for such system, AND

WHEREAS, the developer of such housing complex, French Road Commons, L.P., has now submitted such easement document to the Town, AND

WHEREAS, the Town Engineer has reviewed such easement document and found same acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts such easement document 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, Johnson, Swiatek, Jankowiak, and Mazur

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of property located on Harlem Road in the Town of West Seneca (Plant No. 3), AND

WHEREAS, New York State Electric & Gas Corporation ("NYSEG") has requested an easement from the Town over this Town-owned property to permit it to install two (2) guy anchors for a utility pole relocation, AND

WHEREAS, the Town Superintendent of the Wastewater Pump Station has reviewed this request and has deemed acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute the easement requested by NYSEG and, BE IT FURTHER

RESOLVED, that this resolution is subject to a permissive referendum under Article 7 of the Town Law and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on December 7, 1998, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to New York State Electric & Gas Corporation for the installation of two (2) guy wires for a utility pole relocation of Town-owned land located at the southwest corner of Harlem Road and Clinton Street in West Seneca (Wastewater Treatment Plant No. 3).

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

Item No. 10 cont'd.

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

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



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Friends of the Woods, Ltd. is a not-for-profit corporation organized and dedicated to appreciating, protecting and preserving nature and the Dr. Victor Reinstein Nature Preserve and Stiglmeier Park, AND

WHEREAS, the Reinstein Woods Nature Preserve is owned by the State of New York and is maintained and administered by the New York State Department of Environmental Conservation ("DEC"), AND

WHEREAS, the Friends of the Woods, Ltd. informed this Town Board that it had previously requested and been promised funding (\$175,000+) from the State of New York to construct a Learning Center in the Reinstein Nature Preserve to educate school children and the general public regarding different aspects of nature, AND

WHEREAS, Friends of the Woods, Ltd. has once again requested the State to allocate funds in its budget for the Learning Center and is awaiting a response, AND

WHEREAS, this Town Board feels that the introduction of a Learning Center in the Reinstein Nature Preserve would promote public support for the Preserve, enhance the knowledge of people who tour the Preserve, and otherwise prevent damage to animal and plant life in the Preserve and Stiglmeier Park, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Legislature and Governor to approve funding for the construction of a Learning Center in the Reinstein Nature Preserve and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor George E. Pataki.

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Upon roll call

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

Item No. 11b Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the County of Erie is the owner of land located on the south side of Cayuga Creek Road known as the Overflow Retention Facility ("ORF") site, AND

WHEREAS, the County of Erie, in October of 1995, entered into a lease agreement with the Town of Cheektowaga wherein the County leased to the Town 55+ acres of land surrounding the ORF site for open drainage and open green space/parkland, AND

WHEREAS, Richard A. Maussner owns land adjacent to the ORF site at the side and rear of 707 Cayuga Creek Road, AND

WHEREAS, Mr. Maussner has offered to sell such land to the County, AND

WHEREAS, Mr. Maussner's land could be used as a staging area/entrance to the ORF and the County lands which are being leased to the Town, AND

WHEREAS, the Town also needs the County to amend the aforementioned lease agreement to extend its term and to authorize the Town to place a tree farm and temporary fencing on such lands, thereby enabling the Town to acquire State funding for such purposes, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the Erie County Legislature and County Executive to:

1. Purchase the above referenced property owned by Mr. Maussner for expansion of the ORF site/open green space area; AND

Item No. 11b cont'd.

2. Modify the terms of the lease with the Town for lands adjacent to the ORF to enable the Town to obtain State funding to preserve and restore portions of the Cayuga Creek Nature Park.

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to County Legislators Raymond Dusza, Gregory Olma, the Clerk of the County Legislature and County Executive Dennis Gorski.

Upon roll call

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

Item No. 12 Moved by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, William Street is an Erie County highway, maintained by the County of Erie Department of Public Works, Division of Highways ("ECDPW"), AND

WHEREAS, Theodore Roosevelt Elementary School is located at 2495 William Street in the Town of Cheektowaga, AND

WHEREAS, for pedestrian safety for access to Theodore Roosevelt Elementary School, there is a traffic signal in front of such school, AND

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WHEREAS, for added pedestrian safety, it has been recommended that flashing yellow lights be erected on top of school warning signs on the north and south sides of William Street near the Theodore Roosevelt Elementary School, AND

WHEREAS, in order to erect such flashing yellow lights, it is necessary for the Town to obtain a permit from the ECDPW, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests that the ECDPW grant the Town a permit to install flashing yellow lights on school warning signs in the vicinity of Theodore Roosevelt Elementary School and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the ECDPW.

Upon roll call

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

Item No. 13 Moved 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 8th and 9th, 1999 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" BE IT

Item No. 13 cont'd.

RESOLVED, that the Cheektowaga Town Board permits 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 8th-9th and, BE IT FURTHER

RESOLVED, that a copy of said resolution be forwarded to the Chief of Police and the Facilities Department Director.

Upon roll call

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

Item No. 14a Moved by Councilmember Mazur, seconded by Supervisor Gabryszak

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

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.

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Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 14b Moved by Councilmember Mazur, 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 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 attached list of vehicles 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.

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1998 Ford	AA 8577	255
1998 Ford	AB 8576	524
1998 Ford	AB 8578	532
1998 Ford	AB 8575	586

Upon roll call

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

Item No. 15a Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, the Erie County Department of Environment and Planning is accepting applications for eligible projects for funding through its 1998 Local Master Plan Initiative Program, AND

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WHEREAS, THE Town of Cheektowaga is in need of grant monies to expand and update its existing Local Master Plan to allow for a more regional approach in reaching planning and development decisions, AND

WHEREAS, the proposed master plan update is estimated to cost \$20,000, AND

WHEREAS, the Town may apply to the County of Erie for a 65% grant, NOW,
THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the application materials to be submitted to the County of Erie, and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 15b Moved by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Northeast Document Conservation Center (NEDCC) is accepting applications for eligible projects for funding through its 1999/2000 Conservation/Preservation Grant Program, AND

Item No. 15b cont'd.

WHEREAS, the Town of Cheektowaga is in need of grant monies to preserve significant materials in its archives, AND

WHEREAS, the Town may apply to NEDCC for a 100% grant not to exceed \$25,000,
AND

NOW, THEREFORE, BE IT RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application and acquisition of this grant.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the New York State Archives and Records Administration (SARA) is accepting applications for eligible projects for funding through its 1999 New York State Local Government Records Management Improvement Fund, AND

WHEREAS, the Town of Cheektowaga is in need of grant monies to develop new program components for its ongoing records management activities, AND

WHEREAS, the Town may apply to SARA for a 100% grant not to exceed \$50,000,
AND

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NOW, THEREFORE, BE IT RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the application materials to be submitted to SARA and, BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to execute all documents pertaining to the application of this grant.

Upon roll call

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

Item No. 15d Moved by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to rehabilitate the two (2) bridge structures which carry the Kensington Expressway over Beach Road identified as PIN 5512.35.121, AND

WHEREAS, the NYSDOT, as part of said bridge reconstruction project, is to provide for the adjustment and modification to 12" and 24" diameter sanitary sewer pipeline facilities owned and maintained by the Town of Cheektowaga within Sanitary Sewer District No. 5 which are located beneath the bridge structures, NOW, THEREFORE, BE IT

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

Item No. 15d cont'd.

RESOLVED, that all costs associated with the modifications to the Town Sanitary Sewer District No. 5 facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project and, BE IT FURTHER

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

Upon roll call

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

Item No. 15e Moved by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, a Flood Study and Flood Plain Delineation for Scajaquada Creek Tributary T-1 has recently been completed, which analysis has identified capacity deficiencies in the downstream portion of the storm sewer system within Town Park, AND

WHEREAS, the provision of increased storm sewer system capacity at the outlet of said Tributary T-1 would result in a reduction of the associated flood plain benefiting numerous property owners, and the Town Engineer has recommended that storm sewer improvements be undertaken in advance of the submission of the Flood Study to the Federal Emergency Management Agency, requesting Flood Insurance Rate Map revisions, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Pratt & Huth Associates, L.L.P. as submitted to the Town Engineer and dated November 9, 1998 to perform topographic survey, base mapping, detailed design and regulatory agency permit application for the Scajaquada Creek Tributary T-1 Improvements Project is hereby approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering agreement for the Tributary T-1 improvements design on behalf of this Town Board and, BE IT FURTHER

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RESOLVED, that funding for professional services associated with this project in an amount not to exceed \$6,010.00 shall be chargeable to Townwide Drainage District Account No. 4000-8140-4581.

Upon roll call

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

Item No. 15f Moved by Councilmember Jaworowicz, seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of reconstructing Broadway from Union Road to Transit Road, AND

WHEREAS, the Town of Cheektowaga owns property east of the Senior Citizen Center on Broadway and Shores Alley at its intersection with Broadway, AND

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to reconstruct Broadway, and has offered the Town \$2,150.00 for such property and signs, AND

WHEREAS, the Town Engineering Department has reviewed the proposed acquisition of Town-owned property by the DOT and have indicated that such acquisition will not interfere with the Town's use of such property, NOW, THEREFORE, BE IT

Item No. 15f cont'd.

RESOLVED, that the Supervisor be and hereby is authorized to execute Agreements of Adjustment with the DOT for the above referenced property.

Upon roll call

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

Item No. 15g Moved by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owners of the property located at 1166 Losson Road, Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from Charter One Bank for the purpose of refinancing existing mortgage debt at a lower interest rate, AND

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement with Charter One Bank, with an office located at 45 Earhart Drive, Williamsville, New York 14221, with respect to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 1166 Losson Road, Cheektowaga, New York.

Upon roll call

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

Item No. 15h Moved by Councilmember Mazur, seconded by Councilmember Swiatek

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WHEREAS, the Town of Cheektowaga has received funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, AND

WHEREAS, energy conservation and weatherization services for income-eligible persons is an eligible activity under the Community Development Block Grant Program, AND

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for income-eligible Town residents, AND

WHEREAS, funding for such services has been included in the Town's 1998-99 Community Development Block Grant budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York in an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents.

Upon roll call

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

Item No. 15i Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

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

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

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 24 Atwood Place in an amount up to \$70,500 due to the amount of work required to bring the property into compliance with Town housing standards, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$70,500 to the owner of 24 Atwood Place, Cheektowaga, New York, and authorizes the Supervisor to execute a loan agreement with the owner of said property and any other necessary related documents.

Upon roll call

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

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

WHEREAS, in October of 1996, this Town Board retained URS Greiner, Inc. to review and make recommendations to the Town relating to zoning district classifications along William Street and Losson Road in the Town, AND

WHEREAS, URS Greiner, Inc., in 1997, completed its review and submitted a William/Losson Corridor Study to the Town, AND

WHEREAS, said William/Losson Corridor Study defined land use planning goals and developed a rational land use plan for the William/Losson Corridor, and acts as a guide for development along William Street and Losson Road in the Town, AND

WHEREAS, further development along William Street and Losson Road is anticipated, and there is a need to have URS Greiner, Inc. review proposed future development along this corridor on a "case by case" basis as per the attached December 2, 1998 letter from URS Greiner, to ensure

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that development proceeds in accordance with the goals and land use plan stated in the William/Losson Corridor Study, AND

WHEREAS, URS Greiner, Inc. has submitted a proposal to perform development review for development which is proposed along William Street or Losson Road, AND

WHEREAS, when a developer seeks to develop its property along this corridor, URS Greiner, Inc. would submit a proposal and quotation; if the developer wishes to proceed, it would deposit the amount of the quotation in escrow with the Town, after the work is completed, the Town would remit the deposited amount to URS Greiner, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with URS Greiner, Inc. and, BE IT FURTHER

RESOLVED, that, effective immediately, anyone wishing to develop property along the William/Losson Corridor, must remit a development review fee in an amount equivalent to the URS Greiner quotation, to the Town before its development plans can be reviewed and/or acted upon by this Town Board or any Town department, committee or agency.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 16b This item was acted upon as the first item of the meeting. See Page 1.

Item No. 17a Moved by Supervisor Gabryszak, seconded by Councilmember Mazur

BE IT RESOLVED, that Robert Brands, Part-Time Van Driver in the Senior Services Department be terminated effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17b Moved by Councilmember Mazur, seconded by Councilmember Jankowiak

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

EFFECTIVE

RECYCLING DEPARTMENT

Anthony Marinaccio Immediately

FACILITIES DEPARTMENT

Richard Pajonk Immediately

Walter Gardon “

Brian Gast “

Shawn McMahon “

Michael Papero “

Christopher Bukowski “

Richard Gramza, Sr. “

Gordon Hagmier “

James P. Rogowski “

John Mazgai “

Jeff Helmbrecht “

James Robinson “

Lucas McCuiston “

Darryl Pichka “

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Todd Stucke	“
Matt Starr	“
David Szcpanek	“
Jason Dorman	“
Christian Lindner	“
David Michalski	“
Adam Nagy	“
Patrick Nagy	“

EMPLOYEE RELATIONS

Lisa Nowicki	Immediately
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ENGINEERING DEPARTMENT

Henry Borkowski	Immediately
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Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak, and Mazur
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NAYES:	0
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ABSENT:	0
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Item No. 18a Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Senior Clerk Typist in the Office of the Town Clerk, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak, and Mazur
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NAYES:	0
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ABSENT:	0
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Item No. 18b Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Senior Clerk in the Office of the Tax Assessor, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak, and Mazur
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NAYES:	0
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ABSENT:	0
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Item No. 18c Moved by Councilmember Mazur, seconded by Councilmember Johnson

BE IT RESOLVED, the Town Board hereby creates the position of Traffic Signal Technician in the Police Department, pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak, and Mazur
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NAYES:	0
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ABSENT:	0
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Item No. 18d Moved by Councilmember Mazur, seconded by Councilmember Swiatek

BE IT RESOLVED, the Town Board hereby creates the position of Building and Zoning Clerk in the Office of the Building and Plumbing Department pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

Item No. 19 Moved by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Program Leader in the Youth & Recreation Department, AND

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

WHEREAS, there is no valid Civil Service list for the title of Program Leader, AND

WHEREAS, Michelle Kunkel applied for said vacancy, was interviewed and meets the qualifications for said position, NOW, THEREFORE, BE IT

Item No. 19 cont'd.

RESOLVED, that Michelle Kunkel of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Program Leader in the Youth and Recreation Department, on a provisional basis, pending the establishment of a valid Civil Service examination list for said position, and as set by the terms and conditions of the Agreement between the Town and the Town of Cheektowaga Employees Association, effective immediately.

Upon roll call

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

Item No. 20a Hiring of Part-Time Employees in Various Departments
This item was withdrawn.

Item No. 20b Hiring of Seasonal Employees in Various Departments
This item was withdrawn.

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

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

From Recreation Attendant II to Recreation Attendant III - \$5.65
7140.1614/7140.1651/7310.1804 - \$5.65 - (effective 12/7/98)
Jill Sieczkarek
(Part-Time)

From Activity Director I to Activity Director II - \$7.15
7140.1651 - \$7.15 (effective 12/7)
Camille Russell
(Seasonal)

From Part-Time to Seasonal

(effective 12/7)
Amie Godzich
Mindy Greenauer

(effective 12/21)

**MEETING NO. 26
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Jill Marie Matuszewski
Jill Zarazinski

Upon roll call

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

Item No. 22 Moved by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, Deputy Highway Superintendent Robert N. Sprada has requested an additional one (1) year leave of absence from his former position as Working Foreman in the Highway Department, NOW, THEREFORE, 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 N. Sprada be and hereby is granted an additional one (1) year leave of absence (until December 1, 1999) from his position as Working Foreman in the Highway Department.

Item No. 22 cont'd.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Building Permits
Received and Filed.

Item No. 24a Minutes of Cheektowaga Library Board - October 28, 1998
Received and Filed.

Item No. 24b Minutes of Cheektowaga Planning Board - November 12, 1998
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25a Notice of Claim: Maria Frayne-Wesolowski vs Town of Cheektowaga vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25b Notice of Claim: Tammi Yetzer vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Chief of Police, Traffic Maintenance, Sgt. Przepiora and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25c Notice of Claim: State Farm Fire and Casualty Co., as subrogee of Rueben Krause 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. 25d Notice of Claim: Starpoint Transport Inc. - T.A. Blidy, President vs the Town of Cheektowaga

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

Item No. 26 Request to Speak: Residents of Anthony Avenue and Louis Streets Regarding Uncle Bob's Storage
Received and Filed.

Item No. 27 Petition: Residents of Audet Drive Request Change of Mail Delivery
Received and Filed.



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JANKOWIAK 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, Johnson, Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 28 Moved by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, a civil lawsuit has been commenced against the Town claiming damages for both the conscious pain and suffering and the wrongful death of Jacqueline Walsh on September 18, 1992; AND

WHEREAS, the aforesaid lawsuit has been vigorously defended by attorneys for the Town under its self-insured liability claims program; AND

WHEREAS, principles of comparative negligence or fault have been codified as the standard for the recovery of damages for personal injuries and/or wrongful death in Article 14-A of the Civil Practice Law and Rules; AND

WHEREAS, at a pre-trial conference the Hon. John F. O'Donnell, Justice, Supreme Court, has recommended the Settlement of the aforesaid lawsuit by the payment of the sum of \$50,000; AND

WHEREAS, defense counsel for the Town, as well as the claims administrator for the Town, have requested authority to settle the aforesaid action for the sum by Justice O'Donnell,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$50,000 be paid by the Town from its self-insured liability claims fund in full and final settlement of the Supreme Court lawsuit entitled Thomas Walsh, as Administrator of the Goods and Chattels of Jacqueline Walsh, Deceased vs. the Town of Cheektowaga and, BE IT FURTHER

RESOLVED, that attorneys from the lawfirm of Damon and Morey LLP be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement and compromise.

Upon roll call

MEETING NO. 26
DECEMBER 7, 1998

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

Item No. 29 Moved by Supervisor Gabryszak, seconded by Councilmember Rogowski to adjourn
this meeting in memory of Margaret Niebergall, a long-time town resident. This
meeting was adjourned at 8:35 P.M.

Richard M. Moleski
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 27
December 21, 1998

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 21st day of December, 1998 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Town Attorney; Robert McCarthy, Director of Employee Relations; Sal LaGreca, Chairman of the Planning Board; Bill Pugh, Town Engineer; Captain Tom Rowan, Police Department; Pat Wojcik, Senior Citizens Director; Ron Marten, Supervising Building and Plumbing Inspector; Frank Max, Interim General Crew Chief; Robert Kucewicz, Mayor of Village of Depew.

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:	0100-1450-1799 Election Inspectors	\$ 1,000.00
	0100-1410-4111 Publishing Notices	2,000.00
	0100-1110-1376 Senior Clerk Typist	950.00
	0100-1110-1492 Seasonal Labor	4,000.00
	0100-1110-4591 Juror Fees	1,200.00
	0100-1220-4093 Town Training	2,000.00
	0100-1315-4011 Printed Forms	1,000.00
	0100-1315-4051 Records Management	1,000.00
	0100-9010-8145 Medical Reimbursements	2,000.00
	0100-1315-1391 Part-time Clerical	300.00
	0100-9010-8111 Police Retirement	154,615.00
	0100-3310-3008 Traffic Safety	30,000.00
	0100-9010-8111 Police Retirement	99,186.00
	0100-9010-8975 Retirement Buyout	60,000.00
	0100-9501-9131 Bond Principal	40,000.00
	0100-9501-9211 Bond Interest	60,000.00
	0100-9010-8190 Retirement Incentive	20,000.00
	0100-9010-8101 ERS Retirement	35,000.00
	0100-3120-1375 Acct. Clerk Typist	10,000.00
	0100-3120-1391 Part-Time Clerk	10,100.00
	0100-3510-1491 Part-Time Laborer	2,200.00
	0100-1430-4754 Drug Testing	350.00

TO:	0100-1410-4051 Records Management	\$ 3,000.00
	0100-1110-1374 Clerk Typist	350.00
	0100-1110-1391 Part-Time Clerk	\$3,400.00
	0100-1110-1901 Court Officer	1,200.00
	0100-1110-2105 Equipment	1,200.00
	0100-1220-4001 Office Expense	2,000.00
	0100-1315-4001 Office Expense	2,000.00
	0100-1430-4502 Legal	2,000.00
	0100-1315-1355 Payroll Clerks	300.00
	0100-3020-1541 Patrolmen	211,801.00

Item No. 2 cont'd

**MEETING NO. 27
December 21, 1998**

0100-3020-1551	Sergeants	72,000.00
0100-1420-4501	Contracted Legal Services	115,000.00
0100-9902-9703	Transfer to Risk Retention	100,000.00
0100-3120-1581	Matron	1,000.00
0100-3120-1371	Clerk	1,700.00
0100-3120-1374	Clerk Typist	8,400.00
0100-3120-1351	Senior Clerk	9,000.00
0100-3510-1413	Dog Warden	2,200.00
0100-1430-4502	Legal Personnel	350.00

SPECIAL DISTRICTS FUND

FROM: 1500-8160-4221 Gas \$ 4,000.00

TO: 1500-8160-4211 Electric \$ 4,000.00

CAPITAL FUND

FROM: 5710-1910-5031 Transfers In \$ 39,000.00

TO: 5710-1315-9706 Town Equipment \$ 39,000.00

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

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 18, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$124,207.52
HIGHWAY FUND	68,836.30
TRUST & AGENCY	4,484.19
PART TOWN FUND	248.33
HUD CDBG FUND	24,901.09
RISK RETENTION FUND	64,675.34
SPECIAL DISTRICTS FUND	177,695.90
CAPITAL FUND	<u>317,575.62</u>
	\$782,624.29

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

NAYES: 0

ABSENT: 0

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated January 5, 1998, this Town Board established Town Board meeting dates for 1998, and

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 1998 and the first Town Board meeting date for 1999, NOW, THEREFORE, BE IT

RESOLVED that Town Board meetings shall be held on the following referenced dates at the following times in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 28, 1998	6:00 P.M.
January 4, 1999	7:00 P.M. (6:45 P.M.-public comment)

and BE IT FURTHER

Item No. 4 cont'd

RESOLVED that the Town Clerk be and hereby is directed to give public notice of the times and place of such meetings to the news media at least one week prior to such meetings and to conspicuously post notice at least 72 hours before such meetings.

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December 21, 1998**

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

Item No. 5 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

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 Bernard & Disimone Architects to construct an addition of 28,500 s.f. to the Dinaire Corporation facility at 145 Gruner Road and

WHEREAS, the applicant is also proposing to construct a parking lot on the east side of Kennedy Road, and

WHEREAS, the applicant met with the highway department engineer to determine the scope of work on Kennedy Road and it was decided that the applicant will construct concrete curbing at the new entrances on Kennedy Road, submit paving plans for approval to the highway department and have all truck traffic use Kennedy Road, and

WHEREAS, the applicant has submitted a wetland delineation study showing no impact upon wetlands, and

WHEREAS, the Town Engineer has received a stormwater management plan for the site conducted by Kloeber Engineers which indicated no net increase in stormwater runoff, and

WHEREAS, the Advisory Committee at its meeting held on December 16, 1998 rendered the determination shown on the attached memo dated December 17, 1998, 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.

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

-

**SEE NEXT PAGE(S) for ATTACHMENT

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

WHEREAS, Basil Ford, Inc. has petitioned for the rezoning from CM-General Commercial District to MS-Motor Services District of property owned by it and located at 1540 Walden Avenue, Cheektowaga, New York, which property is more particularly described in the legal description published with the Legal Notice of public hearing on this rezoning, and

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WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of November, 1998 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, 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 Basil Ford, Inc. for the rezoning from CM-General Commercial District to MS-Motor Services District of the property specified in the legal description published in the Legal Notice for the public hearing on this rezoning be and the same is hereby granted, subject to the following conditions:

1. Applicant prepare and file a deed restriction acceptable to the Town Attorney prohibiting access to residential streets to the north and resubmission of a site plan should the applicant ever desire to utilize a vacant area to the rear of the cemetery.
2. Applicant convey an additional 15-foot easement to the Town for access to the cemetery.

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Cheektowaga Youth and Recreational Services Department has requested authorization to purchase one (1) 1999 Dodge Ram Van 2500 to replace a 1985 Chevrolet Truck, as specified in State Contract No. PC 54196 in the amount of \$17,965.00, and

WHEREAS, funds for said purchase have been identified and are available by cost center allocations to the following accounts: 7310.4691(\$9,040.00); 7140.4516(\$1,900.00);

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7140.4517(\$1,500.00); 7140.4518(\$5,200.00); 7140.4611(\$265.00) and 7180.4612(\$60.00), NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby authorizes the Youth and Recreational Services Department to purchase one (1) 1999 Dodge Ram Van 2500 from:

Northtown Dodge
2020 Niagara Falls Boulevard
Tonawanda, New York 14150

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

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

WHEREAS, as a result of advertisement, bids were received on December 9, 1998 for the furnishing of equipment and operators for the installation and repair of sanitary sewers during the calendar year of 1999 in the Town of Cheektowaga, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter from Allan Blachowski, Principal Engineer Assistant, to the Town Board dated December 14, 1998, NOW, THEREFORE, BE IT

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

Item 1	Single Axle Dump	\$200.00 per 8 hour day
Item 2	Tandem Dump	\$380.00 per 8 hour day
Item 3	Rubber Tire Backhoe	\$520.00 per 8 hour day
Item 4	Laborers	\$520.00 per 8 hour day
Item 5	Crawler Hydraulic Backhoe	\$500.00 per 8 hour day
Item 6	Front End Loader	\$265.00 per 8 hour day
Item 7	Walk Behind Saw	\$1.00 per 8 hour day
Item 8	Vermeer Road Saw	\$1.00 per 8 hour day
Item 9	Equipment Truck - A	\$1.00 per 8 hour day
Item 10	Equipment Truck - B	\$1.50 per 8 hour day
Item 11	Shield 6' X 8'	\$1.00 per 8 hour day
Item 12	Shield 8' X 16'	\$1.00 per 8 hour day
Item 13	Transport Shield	\$1.00 per 8 hour day
Item 14	Roller (Small)	\$1.00 per 8 hour day

and BE IT FURTHER

RESOLVED that payment for said equipment and operators for sanitary sewer projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

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

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

Item No. 9 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 the Town of Cheektowaga Department of Youth and Recreational Services, NOW, THEREFORE, BE IT

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

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RESOLVED that sealed bids will be received on January 6, 1999 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

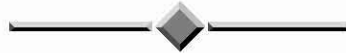
Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, publicly opened and read by the Town Clerk of the Town of Cheektowaga, Erie County, New York on January 6, 1999 at 11:00 A.M., Eastern Standard Time, at Town Hall, corner of Broadway and Union Road, for the purchase of baseball and softball equipment

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

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 21, 1998



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

AFFIDAVIT - NEXT PAGE

Item No. 10a Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga presently maintains bank accounts at The Chase Manhattan Bank ("Chase"), and

WHEREAS, there is a need for the Town to be able to generate and transmit a Direct Deposit file to Chase on occasion and for Chase to verify the authenticity of certain files of debit and/or credit payment orders delivered to Chase through the automated clearing house ("ACH") system, and

WHEREAS, Chase has prepared and submitted to the Town the following referenced agreements which effectuate the above:

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1. Agreement for ACH Payments and Collections;
2. Chase Workspace Agreement;
3. EFT InfoDex System Terms and Conditions;
4. Funds Transfer Agreement for Personal Computer, and

and

WHEREAS, at the request of the Supervising Accountant and Town Attorney, these agreements have been modified to reflect terms acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town, and BE IT FURTHER

RESOLVED that the Supervising Accountant be and hereby is named as the Security Administrator with respect to these agreements.

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

Item No 10b Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated November 2, 1998, this Town Board issued a Request for Proposals for Worker's Compensation Self-Insured Claims Administration Services and Loss Control Services for 1999, 2000 and 2001, and

WHEREAS, proposals were received and reviewed by the Town, and

WHEREAS, a proposal was received by W.C.S. of N.Y., Inc., the Town's existing workers' compensation self-insured claims administrator and loss control service administrator, and

WHEREAS, it is desirable to continue to utilize the services of W.C.S. of N.Y., Inc. for the following reasons:

1. W.C.S. of N.Y., Inc. has handled the Town's workers' compensation and loss control services since January of 1993;
2. Since 1992, there has been a steady decline in workers' compensation losses based on the efforts of W.C.S. of N.Y., Inc.;
3. W.C.S. of N.Y., Inc. has always been flexible in worker irregular hours to accommodate the needs of various Town departments;
4. If another administrator was chosen, there would be a period of transition which would make for potential problems with expeditiously handling claims;
5. Due to the change in the head of the Personnel Department, there would be additional problems created by also changing the workers' compensation claims administrator,

NOW, THEREFORE, BE IT

Item No. 10b cont'd

RESOLVED that W.C.S. of N.Y., Inc. be and hereby is designated to perform Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services on behalf of the Town for 1999, 2000 and 2001 as per the terms of its proposal, subject to negotiation of costs by the Supervising Accountant, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute agreements with W.C.S. of N.Y., Inc. for the above.

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

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Item No. 11 Accept land from Losson-Green, Inc. for Drainage related purposes
This item was withdrawn.

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Unanimous

WHEREAS, by resolution dated August 24, 1998, this Town Board approved the issuance of building permits for homes within Parwood Patio Homes Subdivision - Phase I, and

WHEREAS, such resolution directed that no certificates of occupancy for any of the homes constructed in such subdivision shall be issued until various items were completed by the developer, and

WHEREAS, the developer of such subdivision has now completed all of the listed items to the satisfaction of the Town Engineer and Town Attorney, except for the removal of topsoil piles which exist on the proposed golf course property, and final restoration of Town lands disturbed during infrastructure installation, and

WHEREAS, the developer of the proposed golf course has stated that it has no objection to the topsoil piles remaining on the proposed golf course property until at least March 1, 1999, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the issuance of certificates of occupancy for homes within Parwood Patio Homes Subdivision - Phase I provided other Building Inspections' Office requirements have been satisfied; this approval shall expire on March 1, 1999 unless the topsoil piled on the proposed golf course property;

1. north of Rehm Road is relocated or removed prior to March 1, 1999; and
2. east and south of Rehm Road be removed by May 1, 1999.

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

Item No. 13 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, recent tragic and sudden acts of violence within our nation's schools have reminded us that no community can be complacent in its efforts to make its schools and surrounding communities ever safer, and

WHEREAS, this Town Board recognizes that effective and violence free schools are vital centers of our community and maintains a stake in making safety a priority, and

WHEREAS, our Police Department, School Districts and Community Leaders have worked diligently to develop recommendations for action to ensure our schools and our community are the safest places to be on a day-to-day basis, NOW, THEREFORE, BE IT

Item No. 13 cont'd

RESOLVED that the Town of Cheektowaga support and adopt the "Standard Statement on School Violence" developed by the Cheektowaga Central, Cheektowaga-Sloan, Cleveland Hill and Maryvale School Districts in cooperation with the Town of Cheektowaga Police Department and the Community Action Partnership, Inc.

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

Item No. 14 Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

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WHEREAS, the Village of Sloan has submitted a grant application to the County of Erie for funding assistance to develop and adopt a local master plan through the county's Local Master Plan Initiative Program, and

WHEREAS, the Local Master Plan Initiative Program provides that greater weight be given to grant applications submitted jointly by two or more communities, and

WHEREAS, the Town of Cheektowaga shares major transportation and land use corridors with the Village of Sloan along William Street, Harlem Road, and Broadway and wishes to participate in any master planning process involving those corridors, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga participate jointly with the Village of Sloan in a grant application for funding assistance to develop and adopt a local master plan for the Village of Sloan and adjoining transportation corridors.

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

Item No. 15 Motion by Councilmember Swiatek, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure (single family dwelling) at 133 Wellworth Place, Cheektowaga, New York, SBL# 91.20-11-25 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessor's Office is owned by Edward B. Sell, Jr., 131 Wellworth Place, Cheektowaga, New York 14225-3318, and

WHEREAS, these conditions required that the Town of Cheektowaga Housing and Neighborhood Preservation Office take immediate steps to safeguard and secure the east side front entrance door in the vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and all costs incurred will be assessed against the property hereinbefore described.

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

Item No. 16 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Eugene Czajkowski	Immediately
Paul Ivanowski	"
<u>Item No. 16 cont'd</u>	
<u>POLICE DEPARTMENT</u>	
Thelma Burke	12/31/98
<u>ASSESSOR'S OFFICE</u>	
Mary Morris	12/31/98
Suzanne O'Neill	"
<u>SEWER MAINTENANCE</u>	
Eric Czjubaj	12/31/98
Joseph Gruber	"
Donald Hartman	"
Marcus Harman	"
Damian Klosko	"
Mark Klosko	"
Lou Mueller	"

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Alan Ross	“
Phil Tasillo	“
David Tomasello	“
David Klosko	“

<u>RECYCLING DEPARTMENT</u>	
Richard Booker	12/28/98
Gregory Saxe	“
Joseph Wieczorek	“
Edward Pozdyn, Jr.	“
John Balbuzoski	Immediately
Donald Karl	“

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

Item No. 17 Create position of Junior Engineer in Engineering Department
This item was withdrawn.

Item No. 18a Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individual be and hereby is hired as a seasonal employee in the Youth and Recreation Department, effective December 22, 1998:

Administrative Interns - 7310.1804
Recreation Leader X - \$8.00
(transfer to part-time, effective 12/31)
Angela Krzemien XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

Item No. 18b Hiring of seasonal employees - various departments
This item was withdrawn.

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

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:

Item No. 19 cont'd

	<u>EFFECTIVE</u>
<u>EMPLOYEE RELATIONS - Clerk - \$6.00 per hour</u>	
Patricia Albrechcinski XXXXXXXXXXXXXXXXXXXXXXXXXXXX	Immediately
<u>SANITATION DEPARTMENT - Laborer - \$6.00 per hour</u>	
Richard Booker XXXXXXXXXXXXXXXXXXXXXXXXXXXX	1/02/99
Gregory Saxe XXXXXXXXXXXXXXXXXXXXXXXXXXXX	“
Joseph Wieczorek XXXXXXXXXXXXXXXXXXXXXXXXXXXX	“

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

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

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BE IT RESOLVED that the following Youth and Recreation employees be and hereby are transferred as indicated:

From Seasonal to Part-time
(effective December 31, 1998)

Matthew Bean
Lynne Butts
Cindy Pietz
Eugene Pytlewski
Camille Russell

From Part-time to Seasonal
(effective December 28th - 31st, 1998)

Breanne Blachura
Timothy Isch
Mindy Keiser
Victor Nosal
Paula Panasiewicz
Brian Pane
Daniel Quigley

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

Item No. 21a Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, two vacancies exist in the position of LMEO-B in the Recycling Department, and

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

WHEREAS, Ronald Bolognese, currently employed as a Laborer's Aide in the Recycling Department and Charles Nowakowski currently employed as a Laborer's Aide in the Recycling Department, bid on said vacancies and meet all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED that Ronald Bolognese of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX and Charles Nowakowski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby are appointed to the positions of Light Motor Equipment Operator - B in the Recycling

Item No. 21a cont'd

Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

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

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

WHEREAS, David G. Zale resigned from his position as member of the Board of Assessment Review, and

WHEREAS, the Town Assessor has recommended that William B. Giambra be appointed to fill the vacancy in the position for member of Board of Assessment Review, NOW, THEREFORE, BE IT

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RESOLVED that William B. Giambra, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be appointed as member of the Board of Assessment Review, said term to expire on September 30, 1999.

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

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

WHEREAS, the term of Board of Assessment Review Member Andrew H. Schwenk expired on September 30, 1998, and

WHEREAS, the Town Assessor has recommended that Andrew H. Schwenk be reappointed for another term, NOW, THEREFORE, BE IT

RESOLVED that Andrew H. Schwenk, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is reappointed to the Board of Assessment Review, said term to expire on September 30, 2002.

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

Item No. 21d Appointment to Zoning Board of Appeals
Two resolutions were submitted, both resolutions were withdrawn.

Item No. 22a Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Disaster '99 Conference will be held in St. Petersburg, Florida from February 11-14, 1999, and

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

WHEREAS, Mr. Loder's attendance at this conference will enable him to learn the most up-to-date techniques and information concerning the handling of natural and man-made disasters, and

WHEREAS, the State Emergency Management Office will pay one-half of the costs associated with Mr. Loder's attendance at this conference, NOW, THEREFORE, BE IT

Item No. 22a cont'd

RESOLVED that Earl Loder be and hereby is authorized to attend the above referenced conference, and BE IT FURTHER

RESOLVED that the Town's cost for Mr. Loder's attendance at this conference, \$600.00, shall be appropriated from Town budget line item number 0100-1220-4008.

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

Item No. 22b Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, The Concerns of Police Survivors (C.O.P.S.) is a nationwide non-profit organization providing programs and services for the survivors of police officers killed in the line of duty. C.O.P.S. is hosting a training conference in Jacksonville, Florida on January 4-6, 1999, and

WHEREAS, Chief Chamberlin is requesting authorization to send Lt. Gary Grieco to this training. Some topics that will be addressed are Police Victimization, Agency Preparation, Police

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Suicide, Death Notification Procedures, Stage of Grieving, Trauma of Losing a Co-Worker and Support programs. The Police Department will be responsible for the lodging costs amounting to approximately \$411.00. The WNY C.O.P.S. organization will be responsible for Lt. Grieco's airfare. Lt. Grieco as agreed to be responsible for this meal expenses, NOW, THEREFORE, BE IT

RESOLVED that Chief Chamberlin is authorized to send Lt. Grieco to this training and that the time spent there is authorized as normal duty time. The expense will be charged to 0100-3120-4085.

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Supervisor's Statement of Funds - September and October, 1998
Received and Filed.

Item No. 24 Cheektowaga Traffic Safety Commission - Minutes of November 17, 1998 meeting
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 25 Summons & Complaint - American Ref-Fuel Company of Niagara, L.P. vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Sanitation Department.
(Town Attorney's Office advised us they were already served with this summons)
Received and Filed.

Item No. 26a Notice of Claim - Paul R. Henke vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Chief of Police.
Received and Filed.

Item No. 26b Notice of Claim - Christopher Taber, Jr. vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Sgt. Przepiora, Police Department.
Received and Filed.

Item No. 26c Notice of Claim - Louis Costrino vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Ron Marten, Building and Plumbing
Received and Filed.

Item No. 27 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak to adjourn the meeting.
Time Adjourned: 7:30 P.M.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 27
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TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 28
DECEMBER 28, 1998

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 28th day of December, 1998 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
 Councilmember Patricia A. Jaworowicz
 Councilmember William P. Rogowski
 Councilmember Thomas M. Johnson, Jr.
 Councilmember Jeff Swiatek
 Councilmember James J. Jankowiak
 Councilmember Thomas J. Mazur

Also present were: Mary Holtz, 1st Deputy Town Clerk; James J. Kirisits, Town Attorney; William Pugh, Town Engineer; William Conway, Assessor; Robert Kaczmarek, Supervising Accountant; and Salvatore LaGreca, Chairman of Planning Board

I. RESOLUTIONS

Item No. 2 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:	0100-1910-2401	Interest Earnings	\$ 50,000.00
	0100-1910-3005	Mortgage Tax	50,000.00
	0100-1910-1170	Franchise Fees	50,000.00
	0100-1910-1090	Interest & Penalties	50,000.00
	0100-1910-1090	Interest & Penalties	50,000.00
	0100-1910-2401	Interest Earnings	50,000.00
	0100-1910-3005	Mortgage Tax	125,000.00
	0100-1910-1170	Franchise Fees	100,000.00
	0100-3310-2690	Compensation for Loss	26,761.00
To:	0100-1910-4322	Contracted Services Heap	\$200,000.00
	0100-9501-9400	Interfund Transfers	100,000.00
	0100-9501-9400	Interfund Transfers	125,000.00
	0100-9902-9703	Transfer to Risk Retention	100,000.00
	0100-3310-4476	Traffic Signal Repairs	26,761.00

RISK RETENTION FUND

From:	1000-1910-5031	Transfers In	\$100,000.00
To:	1000-1932-4703	Liability Losses	\$100,000.00

CAPITAL FUND

From:	5710-1910-5031	Transfers In	\$100,000.00
	5817-1910-5031	Transfers In	125,000.00
To:	5710-1315-9717	Network Computer	\$100,000.00
	5718-7140-1100	Golf Course	125,000.00

Upon roll call

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

NAYES: 0

ABSENT: 0

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

MEETING NO. 28
DECEMBER 28, 1998

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 23, 1998 are hereby approved and made a part hereof:

GENERAL FUND	\$119,528.49
HIGHWAY FUND	21,671.46
TRUST & AGENCY	8,122.03
PART TOWN FUND	686.48
RISK RETENTION FUND	11,777.89
CDBG HUD FUND	41,369.48
SPECIAL DISTRICTS FUND	60,882.75
CAPITAL FUND	<u>8,779.00</u>
	\$272,817.58

Upon roll call

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

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

BE IT RESOLVED, that the salaries of the following Town Officials be and hereby are established and set forth as follows, effective January 1, 1999:

Supervisor	\$67,631.86
Councilmember (6)	\$18,551.00
Tax Receiver	\$52,157.14
Town Clerk	\$58,710.00
Highway Superintendent	\$64,890.00
Town Justice (2)	\$58,710.00
Budget Director	\$ 5,000.00
Registrar of Vital Statistics	\$ 5,000.00

Upon roll call

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

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

BE IT RESOLVED, that the salaries of the following Town Officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 1999:

Town Engineer	\$65,920.00
Assistant Town Engineer	\$50,265.44
Supervising Accountant	\$59,740.00
Accountant	\$44,988.20
Supervising Building Inspector	\$61,800.00
Assessor	\$59,740.00
Executive Director Youth and Rec	\$61,800.00
Program Coordinator - I	\$36,639.24
Town Attorney	\$55,386.41
Deputy Town Attorney	\$37,695.90
Prosecuting Attorney (2)	\$15,254.96
Clerk to Justice Court	\$40,916.26
Director of Community Development	\$56,650.00
Legislative Assistant	\$36,706.08
Council Office Clerk Steno	\$33,593.40
Assistant to the Supervisor	\$36,706.08

Item No. 4b cont'd.

Deputy Tax Receiver	\$35,091.39
1st Deputy Town Clerk	\$41,007.17

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2nd Deputy Town Clerk	\$38,762.31
Working Crew Chief-Sanitation (Acting)	\$52,204.00
Senior Citizens Director	\$56,650.00
Deputy Highway Superintendent	\$58,452.41
Employment & Training Director	\$61,800.00
Coordinator of Employee Relations	\$61,785.58
Secretary to Coordinator of Employee Relations (2)	\$32,258.12
Junior Accountant	\$36,800.48
Project Director	\$44,943.97
Real Property Appraiser	\$42,962.21

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

Item No. 5 Moved by Councilmember Swiatek, seconded by Supervisor Gabryszak

WHEREAS, a vacancy currently exists in the position of member of the Zoning Board of Appeals as a result of the resignation of Joseph A. Yantomasi, AND

WHEREAS, this Town Board has evaluated the credentials of applicants for such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer, XXXXXXXXXXXXXXXX, Cheektowaga, New York be and hereby is appointed to the vacant position of member of the Zoning Board of Appeals, effective immediately and terminating on December 31, 2001.

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



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER JANKOWIAK 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, Johnson,
Swiatek, Jankowiak, and Mazur
NAYES: 0
ABSENT: 0



II. SUSPENSION OF RULES

Item No. 6 Moved by Councilmember Johnson, seconded by Supervisor Gabryszak

MEETING NO. 28
DECEMBER 28, 1998

WHEREAS, the County of Erie Department of Public Works, Division of Highways ("DPW") previously issued the Town of Cheektowaga a permit to erect a traffic signal at the intersection of Cleveland Drive and Beach Road, AND

WHEREAS, on December 19, 1998, a motor vehicle collided with the Traffic signal pole(s) servicing such traffic signal, resulting in the need for a new traffic signal, AND

WHEREAS, the Town of Cheektowaga needs engineering assistance from the DPW for the placement of traffic signal poles to service the new traffic signal, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the DPW to assist the Town with engineering services in connection with the placement of poles to service the new traffic signal at the intersection of Cleveland Drive and Beach Road and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DPW, c/o Earl Dubin, Traffic Engineer.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of a traffic signal at the corner of Beach Road and Cleveland Drive in the Town of Cheektowaga, AND

WHEREAS, on December 19, 1998, a motor vehicle accidentally struck the traffic signal pole at this intersection and irreparably destroyed such traffic signal, AND

WHEREAS, temporary traffic control signs were erected at this intersection, but another traffic signal is necessary as quickly as possible to properly control traffic at this intersection, AND

WHEREAS, a public emergency situation exists at this intersection, and the life, health and safety of Town residents and others requires that immediate action which cannot await competitive bidding be taken as quickly as possible to replace the traffic signal, AND

WHEREAS, ALJ Electrical Construction Company has performed traffic signal work for the Town in the past and is able to erect a new traffic signal and appurtenances at this intersection in an expeditious manner, NOW, THEREFORE, BE IT

RESOLVED, that, under subdivision 4 of Section 103 of the General Municipal Law, this Town Board hereby declares that a public emergency exists with respect to the replacement of the traffic signal at Beach Road and Cleveland Drive, and retains ALJ Electrical Construction Company, 21 Foundry Street, Buffalo, New York 14207 to perform all work and supply all materials necessary to replace said traffic signal at a cost not to exceed \$26,761.00; said moneys to be appropriated from line item #0100-3310-4476 and, BE IT FURTHER

RESOLVED, that the work shall be performed under the supervision of Sergeant David Przepiora of the Police Department, Traffic Division and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents in connection with this project and, BE IT FURTHER

RESOLVED, that reimbursement for this claim will be sought from the driver of the vehicle which damaged the signal and/or his insurance company.

Item No. 7 cont'd.

Upon roll call

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

NAYES: 0

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ABSENT: 0

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

WHEREAS, Los-Green, Inc. is the owner of 13.69± acres of land south of homes on Elmleaf Lane and north of Losson Road (S.B.L. No. 114.13-2-1.111), AND

WHEREAS, Los-Green, Inc. has offered to convey the above referenced property to the Town at no cost to the Town, AND

WHEREAS, the Town's Open Space Inventory and Soils Map indicates that this property contains Federal jurisdictional wetlands, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced lands from Los-Green, Inc., and dedicates same for use as a preservation/conservation area to remain undeveloped and, BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deed for this property in the Erie County Clerk's Office.

Upon roll call

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

Item No. 9 Moved by Supervisor Gabryszak, seconded by Councilmember Johnson to adjourn this meeting. This meeting adjourned at 6:07 P.M.