TOWN OF CHEEKTOWAGA MEETING NO. 14 JULY 2, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd of July, 2001 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; Susan A. Pella, Coordinator of Employee Relations; Bruce Chamberlin, Chief of Police; Mark Nacke, Police Lieutenant; Salvatore La Greca, Planning Board Chairman; William Pugh, Town Engineer; Christopher Kowal, Highway Superintendent; Thomas Adamczak, Supervising Building and Plumbing Inspector; and Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Patricia Wojcik, Director Senior Services; Mark Wegner, Working Crew Chief, Building & Grounds Division.

I. RESOLUTIONS

Item No. 2a Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

<u>2000</u>

PART TOWN FUND

From: 0800-1910-2799 Appropriated Fund Balance \$49,141.00 To: 0800-9010-8975 Retirement Buyout 49,141.00

Upon roll call

part hereof;

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 2b</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

2001

GENERAL FUND

<u>UND</u>		
100-3120-4046	Motorcycle Division	\$ 500.00
100-1110-2655	Justice Misc. Revenues	2,000.00
100-1430-1901	Regular Wages	4,650.00
100-3120-1931	Vacation Sellbacks	18,000.00
100-3120-4444	Police Towing	500.00
100-1110-2105	Equipment	1,365.00
100-1110-4321	Data Processing Services	500.00
100-1110-4431	Equipment Maintenance	135.00
100-1430-4502	Legal, Personnel	4,650.00
100-3020-2513	Communication Equipment	18,000.00
	100-3120-4046 100-1110-2655 100-1430-1901 100-3120-1931 100-3120-4444 100-1110-2105 100-1110-4321 100-1110-4431 100-1430-4502	100-3120-4046 Motorcycle Division 100-1110-2655 Justice Misc. Revenues 100-1430-1901 Regular Wages 100-3120-1931 Vacation Sellbacks 100-3120-4444 Police Towing 100-1110-2105 Equipment 100-1110-4321 Data Processing Services 100-1110-4431 Equipment Maintenance 100-1430-4502 Legal, Personnel

Item No. 2b cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to June 29, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$	393,671.75
HIGHWAY FUND		75,821.02
TRUST & AGENCY		34,911.35
PART TOWN FUND		15,367.63
RISK RETENTION FUND		47,016.00
HUD HOUSING REHABILITATION FUND		53,115.00
SPECIAL DISTRICTS FUND		329,182.13
CAPITAL FUND		96,106.46
	\$1	,045,191.34

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on June 18, 2001 to consider the advisability of adopting proposed amendments to Chapter 235 (formerly 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 determines it is in the public interest to adopt the following amendments to Chapter 235 (formerly 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

§235-49, SCHEDULE X, PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by deleting therefrom the following:

FRENCH ROAD - North side: from the east curbline of Fradine Drive to a point sixty (60) feet east.

ANDERSON ROAD – East side: from the south curbline of Walden Avenue to the north curbline of Dale Road (to be effective after completion by the Erie County Water Authority of a waterline and hydrant relocation on Anderson Road).

 $\S235-49$ SCHEDULE X, PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Item No. 4 cont'd.

NORTH RUSHFORD DRIVE – West side: from the north curbline of Losson Road to the south curbline of Crabapple Lane.

ELMLEAF DRIVE - North side: from the east curbline of North Rushford Drive to the cul-de-sac.

FRENCH ROAD - North side: from the east curbline of Fradine Drive to a point seventy (70) feet east.

ANDERSON ROAD – West side: from the south curbline of Walden Avenue to the north curbline of Dale Road (to be effective after completion by the Erie County Water Authority of a waterline and hydrant relocation on Anderson Road).

SONWIL DRIVE – East side: from the south curbline of Genesee Street to a point one hundred ninety (190) feet south.

Section 2. Time to Take Effect

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.

Any part or parts of theses 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 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the 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.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

<u>Item No. 5</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, this Town Board has authorized the preparation of plans and specifications for improvements to the traffic signal system at the intersection of George Urban Boulevard and Nagel Drive, AND

WHEREAS, the Town Engineer advises that plans and specifications prepared by FRA Engineering, P.C. have been completed and the project is ready for bidding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for traffic signal system improvements at the intersection of George Urban Boulevard and Nagel Drive, said notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 25th day of July,2001 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 25th day of July, 2001 at 11:00 AM local time, in the Town Hall at Broadway and Union Road, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for signal improvements at the intersection of George Urban Boulevard and Nagel Drive.

On and after the date of this notice, plans and specifications and other contract documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the office of FRA Engineering, P.C., 295 Main Street, Suite 1053, Buffalo, New York. Copies of the Contract Documents, Plans, Specifications, and Instructions to Bidders may be obtained at the office of FRA Engineering, P.C., 295 Main Street, Suite 1053, Buffalo, New York upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York. Contract documents will be mailed by FRA Engineering, P.C. upon receipt of a separate \$15.00 non-refundable check for mailing and handling costs in addition to the contract document deposit. Checks for mailing and handling costs shall be made payable to FRA Engineering, P.C.

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

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

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

Item No. 5 cont'd.

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

By Order of: Richard M. Moleski

Town Clerk

Town of Cheektowaga

Dated: July 2, 2001

Published: July 5, 2001

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 6a Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from August 17-19, 2001, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Building Inspections Department, Highway/Facilities Department, the Department of Parks, Recreation & Youth Services and the Police Department, and has no objection to same, AND

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- 3. Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.
- 6. Approvals from Building Inspections Department, Highway/Facilities Department, Department of Parks, Recreations and Youth Services and the Police Department.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Polish-American Arts Festival Committee for the aforementioned Polish-American Cultural Festival to be held on August 17-19, 2001.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 6b</u> Motioned by Councilmember Mazur, Seconded by Councilmember Johnson

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

WHEREAS, South Cheektowaga Baseball Association has made application to hold its League Picnic in Stiglmeier Park on August 11, 2001, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Highway/Facilities Department and the Department of Parks, Recreation & Youth Services, and has no objection to same, AND

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- 3. Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the South Cheektowaga Baseball Association for the aforementioned League Picnic event to be held on August 11, 2001.

Item No. 6b cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 7a Motioned by Councilmember Jankowiak, 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)/attendant(s), and has recommended that the Town Board issue such licenses, NOW, THEREFORE, BE IT

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

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licensees 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 7b Motioned 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, pursuant to Section 52-5 of the Code of the Town of Cheektowaga accept the recommendations of the Emergency Medical Services Board, and approve the following 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.

LaSalle Ambulance, Inc., d/b/a Rural/Metro Medical Services

<u>VEHICLE MAKE & YEAR</u> <u>LICENSE NO.</u> <u>CALL NO.</u>

2001 Ford 10604ET 552

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, Village of Sloan officials have requested assistance from the Town Sewer Maintenance Department and Town Engineering Department in evaluating the condition and need for remedial improvements for sanitary sewer facilities, including the televising of sewer lines, located within the Village of Sloan and tributary to Town Consolidated Sewer District facilities, NOW, THEREFORE, BE IT

RESOLVED, that the Town Sewer Maintenance Department and Town Engineering Department personnel be and hereby are authorized and directed to provide the necessary assistance to the Village of Sloan Public Works Superintendent in support of the efforts of the Village of Sloan in the cost effective operation and maintenance of its sanitary sewer infrastructure.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9</u> Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Buffalo Bison's and its sponsors be authorized to hold its annual Pitch, Hit and Run competition in Stiglmeier Park on July 23, 2001 from 9:00 a.m. - 1:00 p.m. for youth ages 6-12.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10a Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 124 Alpine Place, Cheektowaga,

New York, SBL #101.44-2-7 and according to the Assessors' Office is owned by Eric Miller, Lakeside, New York 14052-9676.

Item No. 10a cont'd.

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 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, Swiatek, Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10b Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 69 Avery Place, Cheektowaga, New York, SBL #101.36-2-3 and according to the Assessors' Office is owned by Federal Home Loan Mortgage Corporation, 8609 Westwood Center, Vienna, VA 22180.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 10c</u> Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at Carol Drive North of 116 (vacant lot) Cheektowaga, New York, SBL #90.68-5-3.1 and according to the Assessors' Office is owned by Newburgh Coalition Inc., 1936-1938 Genesee Street, Buffalo, New York 14211.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10d Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 23 Evergreen Place, Cheektowaga, New York, SBL #90.08-7-14 and according to the Assessors' Office is owned by Reid & Michelle Johnson, Jamestown, New York 14701.

Item No. 10d cont'd.

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

RESOLVED, that pursuant to Article 4, Section 64, paragraph 5a of the Town law of the State of New York, the high weeds be cut and removed 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10e Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 24 E Glenwood Court, Cheektowaga, New York, SBL #90.08-7-14 and according to the Assessors' Office is owned by Jerald Godrey and Wife, C/O James Mis, Buffalo, New York 14215.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10f Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 66 Haller Avenue, Cheektowaga, New York, SBL #101.60-5-5 and according to the Assessors' Office is owned by James J. Tobolski, Orlando, Florida 32808.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10g Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 195 Kenview Blvd., Cheektowaga, New York, SBL #80.69-1-32 and according to the Assessors' Office is owned by Terry Hopkins, Jr., Buffalo, New York 14215.

Item No. 10g cont'd.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10h Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 96 Preston Road, Cheektowaga, New York, SBL #90.76-4-2 and according to the Assessors' Office is owned by Joseph Garland, Cheektowaga, New York 14225.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10i Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 28 South Century Road, Cheektowaga, New York, SBL #90.80-4-20 and according to the Assessors' Office is owned by June L. Macvittie, Buffalo, New York 14215.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10j Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 71 Southgate Road, Cheektowaga, New York, SBL #90.08-7-

14 and according to the Assessors' Office is owned by David Stewart and Wife, C/O Betty Hughes, Buffalo, New York 14215.

Item No. 10j cont'd.

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 11a</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

Councilmember Johnson

WHEREAS, the Town of Cheektowaga is owner of two telecommunications towers at the Police & Court building at 3223 Union Road, AND

WHEREAS, the Police Department is now hooked up to a new telecommunications tower behind the Police & Court building and no longer need the old telecommunications towers, AND

WHEREAS, the old telecommunications towers need to be disassembled and removed as soon as possible, AND

WHEREAS, these towers are obsolete and of surplus value to the Town, AND

WHEREAS, the Police Department has obtained quotations from various companies to disassemble and remove these structures, AND

WHEREAS, Saia Communications, Inc. has offered to disassemble and remove these towers at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED, that Saia Communications, Inc. be and hereby is retained and is hereby authorized to perform all necessary work to disassemble and remove the old telecommunications towers at the Police Department as per the attached letter (Item 2 only) and memo, AND, BE IT FURHTER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with Saia Communications, Inc. for the removal and disposal of the aforesaid towers.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 11b Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of the property located at 220 South Huxley Drive, Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from InterFirst, which has conditioned its mortgage approval on the subordination of the Town's mortgage to its mortgage, AND

WHEREAS, the Community Development Director has recommended approval of the subordination request, which is consistent with the Town's policies governing such requests, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with InterFirst, a division of ABN AMRO Mortgage Group, Inc., with its primary office located at 777 East Eisenhower Parkway, Ann Arbor, Michigan, 48108, pertaining to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 220 South Huxley Drive, Cheektowaga, New York.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

David Apa

<u>Item No. 12</u> Motioned by Councilmember Mazur, Seconded by Councilmember Swiatek

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:

immediately

immediately

immediately

immediately

		<u>EFFECTIVE</u>
MAIN PUMP STATION :	<u> Laborer - \$7.00 per hour</u>	
William Liberati, Jr.	Sloan, NY 14212	immediately

RECYCLING DEPARTMENT – Laborer - \$7.00 per hour
Steven Krystyniak Cheektowaga, NY 14225
Daniel Krystyniak Cheektowaga, NY 14225
Mohamed Almorabi Depew, NY 14043

Cheektowaga, NY 14211

POLICE DEPARTMENT – Clerk - \$6.75 per hour

Jennifer Gabryszak 36 Depew, NY 14043 immediately

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME employees in the various departments listed, no 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:

		<u>EFFECTIVE</u>
POLICE DEPARTMENT		
Brian Lukasiewicz	Cheektowaga, NY 14225	immediately
Timothy Benson	Cheektowaga, NY 14225	immediately
LAW DEPARTMENT – C Patricia Georger Cheekto	immediately	
SENIOR SERVICES - F	Recreation Attendant - \$6.50 per hour	
Nancy Stepnick	Depew, NY 14043	immediately
Mary Ann Bucholtz	Cheektowaga, NY 14225	immediately

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

Item No. 12 cont'd.

<u>EFFECTIVE</u>

RECYCLING DEPARTMENT
Patrick McCloskey immediately
Alan Cialone immediately

MAIN PUMP STATION

Darius Boyd 06/19/01

RECYCLING DEPARTMENT

 Patrick Santoro
 06/22/01

 Kenneth Piatek
 06/22/01

 Jesse Cole
 06/09/01

PARKS DIVISION

Deric Demyanick immediately
Andres Sciandra, Jr. immediately
Joshua Plewa immediately

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as seasonal employees in the Parks, Recreation & Youth Services Department, effective immediately:

POOLS POOLS

Lifeguards - 7180.1903

<u>Lifeguard – Level II - \$6.15 (Maryvale)</u> Stephen Puff 14225

<u>Lifeguard – Level V - \$7.65 (Maryvale)</u> Stephanie Ketterl 14225

Youth Conservation Corps Participants - 7310.1812

<u>Participants (Laborers) - \$5.15 (Alternate)</u> Mary Beth Sopic 14225

<u>CAMPS</u>

Camp Flamingo - 7310.1810

Recreation Attendant II - \$5.40
Rachael Gorlewski 14212

Recreation Attendant III - \$5.65

Steven Dunning 14227

TEEN CENTER

Teen Center Initiative - 7310.1814

Recreation Attendant VI - \$6.40 Julie Croce 14043

BE IT FURTHER RESOLVED that the following individuals be transferred and/or upgraded as indicated, effective immediately:

Item No. 13 cont'd.

PART-TIME

<u>From Recreation Attendant VI to Recreation Attendant VII - \$6.65</u> Kimberly Michalek

FROM PART-TIME TO SEASONAL

From Recreation Attendant I to Recreation Attendant II - \$5.40 From Adapted Recreation to Administrative Inters – 7310.1804 Corey Burzynski

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 14 Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, funds are presently available under the Buffalo, Erie County, Workforce Development Consortium Summer Youth Program, AND

WHEREAS, the Summer Youth Program starts on July 9, 2001, participants work a minimum of 24 hours per week, \$5.15 per hour, unless stated differently, and a termination date not to exceed August 24, 2001, NOW, THEREFORE, BE IT

RESOLVED, that the following persons will be hired based on availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

Hinca, Adam Depew 14043

Kruczynski, Matthew 142061 Lazewski, Nicholas 14225 LaBarbera, Anthony 14225

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 15a Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated January 2, 2001, this Town Board reappointed members to the Veterans Affairs Committee, AND

WHEREAS, a vacancy exists on such Veterans Affairs Committee, AND

WHEREAS, Raymond Wolniewicz has volunteered to serve on such Committee, NOW, THEREFORE, BE IT

RESOLVED, that Raymond Wolniewicz, Cheektowaga, New York 14225 be and hereby is appointed as a member of the Veterans Affairs Committee, 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

Item No. 15b Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, Erie County Civil Service law stipulates that the Town must appoint an "Appointing Authority" to perform various functions, including the completion and execution of various official personnel forms, personnel changes and reports; AND

WHEREAS, the Office of Employee Relations has been performing these functions and is the proper office in the Town's departmental structure for these functions; THEREFORE, BE IT

RESOLVED, that the Coordinator of Employee Relations, Susan A. Pella, be designated as the Town of Cheektowaga's "Appointing Authority" effective immediately, and that a copy of this resolution be forwarded to the Commissioner of Erie County Personnel Department.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 15c Motioned by Councilmember Mazur, Seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the title of Traffic Signal Technician in the Police Department, AND

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

WHEREAS, no bargaining unit member bid on said vacancy; AND

WHEREAS, said title falls under the competitive class of Erie County Civil Service;

AND

WHEREAS, a current Erie County Civil Service list is not in existence for said title;

AND

WHEREAS, Christopher R. Taber, Jr., a current part-time employee in the Traffic Maintenance Division of the Police Department, has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Christopher R, Taber, Jr., of Cheektowaga, New York 14225, be and hereby is appointed provisionally to the position of Traffic Signal Technician in the Police Department, pending the results of the civil service examination, and 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 15d</u> Fill Vacancy in Position of Light Motor Equipment Operator-B in Recycling Department

This item was withdrawn



MOTIONED BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON TO RECESS TO DISCUSS ITEM 15D AT 8:40 P.M, AND THE VOTING WAS AS FOLLOWS:.

Item No. 15d cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



RESUME REGULAR MEETING AT 9:15 P.M. TO ACT ON ITEM 15D



MOTIONED BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER ROGOWSKI TO RESCIND WITHDRAWN RESOLUTION ITEM 15D AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



<u>Item No. 15d</u> Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator-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, Christopher Bakowski, currently employed as a temporary Laborer's Aide in the Recycling Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Christopher Bakowski of Cheektowaga, New York 14206 be and hereby is appointed to the position of Light Motor Equipment Operator-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 immediately.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 16a Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the 2001 ISMA Conference will be held in the Radisson Riverfront Hotel, St. Paul, Minnesota on July 20-27, 2001, AND

WHEREAS, Chief Bruce D. Chamberlin is requesting authorization from the Town Board to send Lt. Mark Nacke to attend the conference July 21-26, 2001, AND

Item No. 16a cont'd.

WHEREAS, this technical session will cover numerous topics designed to enhance knowledge in monitoring traffic flow and will cover the latest technological advancements available to collect traffic data and will also cover equipment and maintenance standards, and Lt. Mark Nacke will disseminate the techniques learned to other members of the department enabling the crew to work more efficiently and professionally, AND

NOW, THEREFORE, BE IT RESOLVED, that Lt. Mark Nacke is authorized to attend the 2001 ISMA Conference and that approximately \$1,166.35 will be charged to lines 0100-3310-4093 & 0100-3120-4085.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 16b Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the 2001 ISMA Conference will be held in the Radisson Riverfront Hotel, St. Paul, Minnesota on July 20-27, 2001, AND

WHEREAS, Chief Bruce D. Chamberlin is requesting authorization from the Town Board to send Chris Taber to attend the conference July 21-25, 2001, AND

WHEREAS, these technical sessions will enhance knowledge in monitoring traffic flow and will cover the latest technological advancements available to collect traffic data and will also cover equipment and maintenance standards and Chris Taber will disseminate the techniques learned to other members of the department enabling the crew to work more efficiently and professionally, AND

NOW, THEREFORE, BE IT RESOLVED, that Chris Taber is authorized to attend the 2001 ISMA Conference and that approximately \$1,054.48 will be charged to lines 0100-3310-4093 & 0100-3120-4085.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 16c</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the 2001 ISMA Conference will be held in the Radisson Riverfront Hotel, St. Paul, Minnesota on July 20-27, 2001, AND

WHEREAS, Chief Bruce D. Chamberlin is requesting authorization from the Town Board to send Chris Taber, Jr. to attend the conference July 21-26, 2001, AND

WHEREAS, this session will cover Traffic Signal Level I and will enhance knowledge of standard practices in the traffic industry, and the techniques learned will enable Chris Taber, Jr. to work more efficiently and professionally, AND

NOW, THEREFORE, BE IT RESOLVED, that Chris Taber, Jr. is authorized to attend the 2001 ISMA Conference and that approximately \$1,456.35 will be charged to lines 0100-3310-4093 & 0100-3120-4085.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0

ABSENT: 0

<u>Item No. 16d</u> Authorize Detective and Patrol Officer to Attend Police Sniper/Observer Course

This item was withdrawn

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 17</u> Building Permits

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 18 Notice of Claim: State Farm Insurance Company for Emerick G. Matuch vs. Town of

Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation; Highway; Facilities and Allied Claims Insurance Carrier.

Received and Filed.

<u>Item No. 19</u> Request to Speak: Cheektowaga Citizens Coalition, Inc. re: Buffalo Crushed Stone

Received and Filed.

Item No. 20 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting

at 9:16 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 15 JULY 16, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th of July, 2001 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; Michael Stachowski, Town Attorney; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Brian Krause, Director of Administration and Finance; Salvatore LaGreca, Chairman of Planning Board; Bruce Chamberlin, Chief of Police; Mark Wegner, Foreman-Building and Grounds Division and Susan Pella, Director of Employee Relations.

I. RESOLUTIONS

<u>Item No. 2</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

PART TOWN FUND

part hereof:

From:	800-3620-4321	Computer Expense	\$500.00
	800-3620-1901	Plumbing Board Members	100.00
To:	800-3620-4001	Office Supplies	\$500.00
	800-3620-4001	Office Supplies	100.00

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 13, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$198,871.03
HIGHWAY FUND	14,973.96
TRUST & AGENCY	6,107.85
PART TOWN FUND	1,545.31
RISK RETENTION FUND	2,500.00
HUD CDBG FUND	7,588.00
HUD HOUSING REHABILITATION FUND	21,550.00
SPECIAL DISTRICTS FUND	71,359.77
CAPITAL FUND	22,095.59
	\$346,591.51

Item No. 3 cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 4 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the town has been awarded a grant from the East Hill Foundation to supplement its Wednesday in the Park and Playground Rotation programs, AND

WHEREAS, \$2,940.00 has been allotted to the Parks & Recreation Department for said programs, NOW, THEREFORE BE IT

RESOLVED, that the following account lines of the 2001 budget be amended to reflect the additional revenue awarded through the grant:

Account #7140.4024 - \$ 559.44 Account #7140.4515 - \$1,389.74 Account #7140.4519 - \$ 390.00 Account #7140.4674 - \$ 600.82

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 5</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, by resolution dated June 18, 2001, this Town Board enacted Local Law No. 3 of the Year 2001 (A Local Law to amend the Garbage, Refuse and Rubbish Law of the Town of Cheektowaga) and Local Law No. 4 of the Year 2001 (A Local Law amending Local Law No. 1 of the Year 2001), AND

WHEREAS, since the Town's proposed Local Law No. 2 of the Year 2001 was never enacted, Local Laws 3 and 4 should have been numbered Locals Laws 2 and 3 respectively, NOW, THEREFORE BE IT

RESOLVED, that Local Laws Nos. 3 and 4 of the Year 2001, as approved by resolutions dated June 18, 2001, shall be renumbered Local Laws Nos. 2 and 3 respectively and, BE IT FURTHER

RESOLVED, that the Town Clerk's Office shall renumber such local laws and resubmit them to the Secretary of State for filing.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, the roofs on the Police/Court and Town Hall Buildings are in need of immediate repair, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of labor, materials, tools and equipment for said roofing repairs, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

Item No. 6 cont'd.

RESOLVED, that sealed bids will be received on the 1st day of August, 2001 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 1st day of August, 2001 at 11:00 A.M., Local Time, in the Town Hall, Town of Cheektowaga, New York, for furnishing all labor, tools, equipment, materials and incidentals required for the Reroofing of the Police/Court Building at 3223 Union Road and the Reroofing of the Town Hall at 3301 Broadway, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by the Town of Cheektowaga Engineering Department for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be secured at the Office of the Town Clerk in the Town Hall, Town of Cheektowaga, Union Road at Broadway, Cheektowaga, New York.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227 and marked as "Reroofing of the Police/Court Building and Town Hall Building".

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

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

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

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

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

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

The work shall be completed within 100 consecutive calendar days, to begin five (5) days after the "Order to Commence" has been issued.

Item No. 6 cont'd.

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

Richard M. Moleski Town Clerk

Dated: July 16, 2001

Published: July 19, 2001

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7</u> Motioned by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated December 18, 2000, this Town Board awarded a bid for the erection of a large shelter at Cheektowaga Town Park, AND

WHEREAS, the Lions International, since 1917, have served the world's population through hard work and commitment to make a difference in the lives of people everywhere, with 1.4

million members serving in more than 44,500 clubs in over 186 countries, making it the world's largest service club organization, AND

WHEREAS, the Lions Club of Cheektowaga has, for years, been active in working with blind and visually impaired residents of the Town of Cheektowaga and others in need; their members have donated tens of thousands of dollars and thousands of hours of volunteer service to the Town's residents; and the Lions Club of Cheektowaga members are exemplary citizens who live according to the Lions Code of Ethics, thereby setting an example to all residents of our Town, AND

WHEREAS, this Town Board wishes to recognize and acknowledge the Lions Club of Cheektowaga for its outstanding service, dedication, and commitment to the civic, cultural, social and moral welfare of our Town, NOW, THEREFORE BE IT

RESOLVED, that in recognition and acknowledgement of the dedication and spirit of the Lions Club of Cheektowaga, this Town Board hereby names the new shelter at Cheektowaga Town Park the "Lions Pavilion".



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER ROGOWSKI TO AMEND THE ABOVE RESOLUTION, ITEM 7, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



AMENDED

WHEREAS, by resolution dated December 18, 2000, this Town Board awarded a bid for the erection of a large shelter at Cheektowaga Town Park, AND

WHEREAS, the Lions International, since 1917, have served the world's population through hard work and commitment to make a difference in the lives of people everywhere, with 1.4 million members serving in more than 44,500 clubs in over 186 countries, making it the world's largest club organization, AND

WHEREAS, the Lions Club of Cheektowaga has, for years, been active in working with blind and visually impaired residents of the Town of Cheektowaga and others in need; their members have donated tens of thousands of dollars and thousands of hours of volunteer service to the Town's residents; and the Lions Club of Cheektowaga members are exemplary citizens who live according to the Lions Code of Ethics, thereby setting an example to all residents of our Town, AND

WHEREAS, this Town Board wishes to recognize and acknowledge the Lions Club of Cheektowaga for its outstanding service, dedication, and commitment to the civic, cultural, social and moral welfare of our Town, NOW, THEREFORE BE IT

RESOLVED, that in recognition and acknowledgement of the dedication and spirit of the Lions Club of Cheektowaga, this Town Board hereby names the new shelter at Cheektowaga Town Park the "Lions Pavilion" and, BE IT FURTHER

Item No. 7 cont'd.

RESOLVED, that a suitable plaque be affixed to this pavilion recognizing the State and County grants in-aid, and the organizations that participated in the planning of the facility that benefited from said grants.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8a</u> Motioned 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 Uniland Development to rezone a 4.97 acre parcel at the northeast corner of Genesee Street and Airborne Parkway, AND

WHEREAS, the request is to change the zoning from M1-Light Manufacturing to CM-General Commercial to allow for the construction of a five story, 200 room hotel with restaurant, AND

WHEREAS, the applicant has demonstrated that there would be sufficient parking for the entire facility, AND

WHEREAS, the applicant has updated the traffic impact analysis for the proposed development on Genesee Street, AND

WHEREAS, the applicant has reaffirmed the commitment to remove the former railroad embankment to improve driver visibility along Genesee Street and to pursue a NYSDOT permit for a future traffic signal at Airborne Parkway and Genesee Street, AND

WHEREAS, the Advisory Committee, at its meeting held on June 6, 2001 rendered the determination shown on the attached memo dated June 7, 2001, 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,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 8b Motioned 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 Niagara Chocolates, Inc. to rezone a parcel of land to the east of the facility at 3500 Genesee Street, AND

WHEREAS, the request is to change the zoning from CM-General Commercial to M1-Light Manufacturing to construct a 2,800 square foot addition to Niagara Chocolates, AND

WHEREAS, the application has committed to addressing the concerns including drainage, noise and truck traffic, AND

WHEREAS, the Advisory Committee, at its meeting held on June 6, 2001 rendered the determination shown on the attached memo dated June 7, 2001, 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,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 8c Motioned 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 BB & H Enterprises to rezone a 3.4 acre parcel at 207 Youngs Road, AND

WHEREAS, the request is to change the zoning from M1-Light Manufacturing to MS-Motor Service to allow for the storage of rental vehicles, AND

WHEREAS, the applicant has indicated that the building would be used for storage of office and automotive parts, AND

WHEREAS, the applicant has also shown additional landscaping along Youngs Road, AND

WHEREAS, the adjacent property owner has an easement of ingress/egress on the property and the applicant is further providing assurances that the easement will remain, AND

WHEREAS, the Advisory Committee, at its meeting held on June 6, 2001 rendered the determination shown on the attached memo dated June 7, 2001, 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,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 9a Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 57 Marne Road, Cheektowaga, New York, SBL #90.76-4-54 and according to the Assessors' Office is owned by Atlantic Mortgage & Investment Corp., 7159 Cortland Drive, Jacksonville, Florida 32258, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 9b Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 45 Ridge Park Avenue, Cheektowaga, New York, SBL #102.53-4-31 and according to the Assessors' Office is owned by Lisa Leszczynski, Buffalo, New York 14211, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 9c Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 1007 Walden Avenue, Cheektowaga, New York, SBL #101.60-8-6 and according to the Assessors' Office is owned by Jeffrey and Linda Lee Noltee, Tonawanda, New York 14150, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 9d Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 124 Sprucewood Drive, Cheektowaga, New York, SBL #125.11-3-31 and according to the Assessors' Office is owned by Gregory Zdzinski and One, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 9e Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 156 Southcrest Avenue, Cheektowaga, New York, SBL #91.20-3-37 and according to the Assessors' Office is owned by Melvin Brown, Delevan, New York 14042, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 9f Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 1348 Harlem Road, Cheektowaga, New York, SBL #113.70-9-1 and according to the Assessors' Office is owned by Alice Golembek, Cheektowaga, New York 14206, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10a Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, an agreement has been made as of the 1st day of July, 2001 between the Town of Cheektowaga, Erie County, New York, and the Cheektowaga-Maryvale Union Free School District of the Town of Cheektowaga, Erie County, New York, whereby the school district grants to the Town, for a period of ten (10) years, the continued use of a portion of its real property in the vicinity of Beach Road, more commonly known as the "Winston-Vegola Playground", for playground and outdoor neighborhood recreation uses, including tennis courts and basketball courts, AND

WHEREAS, this Town Board feels that it would be advantageous and serve the best interests of the residents of the Town to continue to provide this recreational area for their use, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Agreement on behalf of the Town of Cheektowaga.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, an agreement has been made as of the 1st day of July, 2001 between the Town of Cheektowaga, Erie County, New York and the Cheektowaga-Maryvale Union Free School District of the Town of Cheektowaga, Erie County, New York, whereby the school district grants to the Town, for a period of ten (10) years, the continued use of a portion of its real property at the Maryvale School site located in the vicinity of Beach Road and Maryvale Drive, Cheektowaga, New York for playground and neighborhood recreation center uses, including a wading pool and swimming pool, AND

WHEREAS, this Town Board feels that it would be advantageous and serve the best interests of the residents of the Town to continue to provide this recreational area for their use, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Agreement on behalf of the Town of Cheektowaga.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10c Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, various renovations are required to rehabilitate Town Park and improve the recreational facilities available in the community, NOW, THEREFORE BE IT

RESOLVED, that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 of Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$500,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for Town Park Renovations and, BE IT FURTHER

RESOLVED, that the Town's matching funds for the above referenced grant is available through budget line item 501971800010.

Item No. 10c cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 11</u> Motioned 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:

EFFECTIVE

ACCOUNTING DEPARTMENT - Clerk - \$7.00 per hour

Jeffrey T. Lewandowski Sloan 14206

7/17/01

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

EFFECTIVE

RECYCLING DEPARTMENT

Joseph Ayer 6/29/01 Anthony Marinaccio 7/07/01

And, BE IT FURTHER RESOLVED, that the following Seasonal employee be elevated to the hourly salary as stipulated, effective immediately:

PARKS DIVISION - Laborer - \$7.00 per hour

Nicholas J. Astyk Cheektowaga 14225 5/23/01

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, funds are presently available under the Buffalo, Erie County, Workforce Development Consortium, Summer Youth Program, AND

WHEREAS, the Summer Youth Program starts on July 16, 2001, participants work a minimum of 24 hours per week, \$5.15 per hour, unless stated differently, and a termination date not to exceed August 24, 2001, NOW, THEREFORE BE IT

RESOLVED, that the following persons will be hired based on availability from the Department of Labor and that the alternate portion from the Department of Labor and that the alternate portion may be utilized to met the demographic requirements as stated in our plan submitted to the Department of Labor:

Druar, Matthew 14043 Runfola, Gina 14211 Zakrzewski, Elizabeth 14227

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13 Transfer Part-Time Employee to Seasonal in Parks Division of the Department of

Parks, Recreation and Youth Services

This item was withdrawn.

Item No. 14a Authorize Town Zoning Inspector to Attend Seminar

This item was withdrawn.

<u>Item No. 14b</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Crime Prevention Association of Western New York, in conjunction with the NYS Division of Criminal Justice Services, will be conducting a 40-hour course on Crime Prevention through Environmental Design from July 30th through August 3rd, 2001 at Canisius College in Buffalo, New York, AND

WHEREAS, this course is geared towards reducing the likelihood of the public being injured or killed by criminals through building and design codes, AND

WHEREAS, Daniel J. Ulatowski, the Town Zoning Inspector has requested permission to attend this training course, AND

WHEREAS, it will be advantageous to the Town for the Zoning Inspector to attend this course, NOW, THEREFORE BE IT

RESOLVED, that Daniel J. Ulatowski be and hereby is authorized to attend the aforementioned course and, BE IT FURTHER

RESOLVED, that fees for attendance at this course, in an amount not to exceed \$335.00, shall be appropriated from budget line item number 100-1910-4082.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 15a Supervisor's Statement of Funds - March 2001

Received and Filed.

Item No. 15b Supervisor's Statement of Funds - April 2001

Received and Filed.

<u>Item No. 16a</u> Minutes of Cheektowaga Conservation Advisory Council Meting – July 5, 2001

Received and Filed.

Item No. 16b Minutes of Cheektowaga Planning Board Meeting – June 14, 2001

Received and Filed.

Item No. 16c Minutes of Cheektowaga Traffic Safety Commission Meeting – June 19, 2001

Received and Filed.

Item No. 17 Disaster Coordinator Quarterly Report – April-June 2001

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 18a Notice of Claim: John J. Staniszewski vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 18b Notice of Claim: Michael Mordino vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Chief of Police; Traffic Maintenance and Allied Claims Insurance

Carrier.

Received and Filed.

Item No. 18c Notice of Claim: Charlene R. DeMont vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Sanitation Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 18d Notice of claim: Rita Demler vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway Department and Allied Claims Insurance Carrier.

Received and Filed.

<u>Item No. 19a</u> Summons: Terry R. Blidy and/or Starpoint Transport, Inc. vs. the Town of

Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor and Council.

Received and Filed.

Item No. 19b Summons: Beneficial Mortgage Corporation vs. Jerome Tobolski a/k/a Jerome J.

Tobolski, the Town of Cheektowaga and all occupants of the premises being

foreclosed.

Copies were sent to: Kevin Schenk, Deputy Town Attorney and Community

Development.

Received and Filed.

Item No. 20 New York State Department of Environmental Conservation Fact Sheet: Buffalo

Crushed Stone, Old Land Reclamation Landfill, Landfill Reclamation Landfill and

Schultz C&D Landfill Received and Filed.

Item No. 21 Request to Speak: Cheektowaga Citizens Coalition Inc. Regarding Buffalo Crushed

Stone

Received and Filed.



MOTION BY COUNCILMEMBER MAZUR, 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



IV. SUSPENSION OF RULES

Item No. 22 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, Uniland Development Company has made application and requested the Rezoning from M1-Light Manufacturing District to CM-General Commercial District for property located at 4700 Genesee Street, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 6, 2001 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway, at the corner of Union Road.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 23 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, as part of the development of the Rushford Hollow Subdivision off of Crabapple Lane in the Town of Cheektowaga, Rushford Hollow, LLC agreed to convey an easement to allow the Town to maintain the bed and banks of Cayuga Creek in this area, AND

WHEREAS, Rushford Hollow, LLC has executed and submitted such easement to the Town, AND

WHEREAS, such easement is acceptable to the Town Engineer and the Town Attorney's Office, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned easement and, BE IT FURTHER

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



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SWIATEK TO AMEND THE ABOVE RESOLUTION, ITEM 23, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

NAYES: 0 ABSENT: 0



AMENDED

WHEREAS, as part of the development of the Rushford Hollow Subdivision off of Crabapple Lane in the Town of Cheektowaga, Rushford Hollow, LLC agreed to convey a <u>conservation</u> easement to allow the Town to maintain the bed and banks of Cayuga Creek in this area, AND

WHEREAS, Rushford Hollow, LLC has executed and submitted such conservation easement to the Town, AND

WHEREAS, such <u>conservation</u> easement is acceptable to the Town Engineer and the Town Attorney's Office, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned <u>conservation</u> easement and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file this conservation 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

<u>Item No. 24</u> Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, BB&H Enterprises, LLC petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for property owned by Joseph Paradowski and located at 207 Youngs Road, Cheektowaga, New York, which property is described in the attached legal description, AND

Item No. 24 cont'd.

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of July, 2001 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law") and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of BB&H Enterprises, Inc. for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description be and the same is hereby approved and, BE IT FURTHER

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

Item No. 25 Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

BE IT RESOLVED, that the following individual be and hereby is transferred as a Part-Time Laborer from the Parks Division, 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 as follows:

EFFECTIVE

JUSTICE COURT - Clerk - \$7.00 per hour

Andrea Zawadzki Cheektowaga 14225 Immediately

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 26</u> Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of David Tymorek, a Forks Hose Company firefighter.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 16 AUGUST 6, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th of August, 2001 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; Susan A. Pella, Coordinator of Employee Relations; Bruce Chamberlin, Chief of Police; Salvatore La Greca, Planning Board Chairman; William Pugh, Town Engineer; Christopher Kowal, Highway Superintendent; Thomas Adamczak, Supervising Building and Plumbing Inspector; and Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Patricia Wojcik, Director Senior Services; Earl Loder, Disaster Coordinator; and Mark Wegner, Working Crew Chief - Building & Grounds Division.

I. RESOLUTIONS

<u>Item No. 2</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

GENERAL FUND

part hereof;

From: 100-7325-2389 Neighborhood Wellness \$ 25,000.00
To: 100-7325-4000 Neighborhood Wellness 25,000.00

Contractual Expenses

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to August 3, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$2,325,571.80
HIGHWAY FUND	624,857.65
TRUST & AGENCY	24,557.01
PART TOWN FUND	82,037.30
RISK RETENTION FUND	96,686.35
DEBT SERVICE FUND	1,027,718.75
HUD CDBG FUND	266.38
HUD HOUSING REHABILITATION FUND	36,290.00
SPECIAL DISTRICTS FUND	904,880.72
CAPITAL FUND	<u>169,806.25</u>
	\$5,292,672.21

Upon roll call

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

Jankowiak, and Mazur

Item No. 4a Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, in 1991, the State Legislature Restructured the Consolidated Local Street Highway Improvement Program (CHIPS), creating a new payment mechanism for the capital project portion of the program, AND

WHEREAS, before the Town can avail itself of the CHIPS funding for the capital project portion, the Town must first spend the money and then seek reimbursement from CHIPS, AND

WHEREAS, a capital account must be established, moneys must be transferred into such account, and then moneys from such account will be spent, to be reimbursed later, NOW, THEREFORE, BE IT

RESOLVED, that the following accounts be and hereby are established:

CHIPS State Aid (Expense) - #5714-5132-0002 - \$177,609.37 CHIPS State Aid (Revenue) - #5714-5132-3089 - \$177,609.37

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 4b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated July 16th, 2001 several Parks & Recreation budget lines were amended in anticipation of funding from the East Hill Foundation, AND

WHEREAS, said resolution failed to list the budget revenue line for these additional funds, NOW, THEREFORE, BE IT

RESOLVED, that \$2,940.00 from the East Hill Foundation will be placed in revenue line #7140.2185.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, Uniland Development Company petitioned for a rezoning from M1-Light Manufacturing District to CM-General Commercial District for property owned by it and located at 155 Airborne Parkway, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of July, 2001 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, subject to approval of a final landscaping plan, 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 Uniland Development Company for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved, subject to approval of a final landscaping plan by the Planning Board and approval by the zoning board of a variance for the height of the building, AND, BE IT FURTHER

Item No. 5a cont'd.

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT NEXT PAGE

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

WHEREAS, Niagara Chocolates, Inc. petitioned for a rezoning from CM-General Commercial District to M1-Light Manufacturing District for property owned by it and located at 3500 Genesee Street, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of July, 2001 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

WHEREAS, the petitioner has made the following commitments with respect to drainage and parking spaces/traffic safety:

- 1. Petitioner will engage a consultant to perform a drainage study and design for the west side of the property to permit drainage along the west side of the property to go directly to Genesee Street.
- 2. To permit for safer traffic movements, petitioner shall submit a plan showing the elimination of parking spaces in the area of the addition. Such plan is to be subject to approval by the Cheektowaga Traffic Safety Commission.

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 based on the aforementioned commitments made by the petitioner, the application of Niagara Chocolates, Inc. for the rezoning from CM-General Commercial District to M1-Light Manufacturing District of the property described in the attached legal description be and the same is hereby approved, AND, BE IT FURTHER

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

^{*} SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 6</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak Councilmember Johnson

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Re-roofing of the Police & Court Building and Town Hall Building, which bids were duly received and opened on August 1, 2001 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer dated August 2, 2001, AND

WHEREAS, said report recommends that the contract for the Re-roofing of the Police & Court Building and Town Hall Building be awarded to Jameson Roofing Company, Inc., 3761 East Lake Road, Dunkirk, New York 14048 for their low bid price of \$123,080.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with Jameson Roofing Company, Inc., AND, BE IT FURTHER

RESOLVED, that funding for said projects shall be chargeable to Account #500-3120-2520-5122 for Re-roofing the Police & Court Building and to Account #500-1910-2520-5122 for Re-roofing Town Hall.



MOTIONED BY COUNCILMEMBER JAWORWICZ, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND ABOVE RESOLUTION, ITEM 6 AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



<u>AMENDED</u>

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Re-roofing of the Police & Court Building and Town Hall Building, which bids were duly received and opened on August 1, 2001 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer dated August 6, 2001, AND

WHEREAS, said report recommends that the contract for the Re-roofing of the Police & Court Building be awarded to Jameson Roofing Company, Inc., 3761 East Lake Road, Dunkirk, New York 14048 for their low bid price of \$88,400.00 and that the contract for the Re-roofing of the Town Hall be awarded to Murray Roofing Company, 600 Cayuga Creek Road, Cheektowaga, New York 14227 for their low bid price of \$27,669.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute <u>agreements with Jameson Roofing Company</u>, Inc. and Murray Roofing Company, AND, BE IT FURTHER

RESOLVED, that funding for said projects shall be chargeable to Account #500-3120-2520-5122 for Re-roofing the Police & Court Building and to Account #500-1910-2520-5122 for Re-roofing Town Hall.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 7 Motioned by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, it is in order that bids be advertised for the furnishing and installation of Ornamental and Chain Link Fencing around the Town Park Pavilion and Cultural Center at Cheektowaga Town Park, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of Ornamental Chain Link Fencing around the Town Park Pavilion and Cultural Center, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on August 22, 2001 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on August 22, 2001 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of Ornamental and Chain Link Fencing Around the Town Park Pavilion and Cultural Center.

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

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

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

Richard M. Moleski Town Clerk

DATED: August 6, 2001

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

<u>Item No. 8</u> Renew Contract/Bid for the Purchase of Diesel Fuel, Kerosene and Unleaded Gasoline

This item was withdrawn.

<u>Item No. 9</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by Uniland Development Company for the construction of a 108,294 square foot, three story office building at 300 Airborne Parkway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 12, 2001 recommended its approval of the site plan for 300 Airborne Parkway and reserved their recommendation on the approval of an acceptable landscaping plan, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting of July 17, 2001 recommended its approval of said site plan subject to the installation of various pedestrian mobility enhancements and other modifications as shown in the attached recommendation dated July 16, 2001, AND

WHEREAS, on September 8, 1998 the Town Board of the Town of Cheektowaga previously issued a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the development of a 61.52 acres business park known as the Airborne Business Park, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board and Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan for 300 Airborne Parkway is acceptable subject to the recommendations of the Traffic Safety Commission and the Planning Board of the Town of Cheektowaga.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENTS

Item No. 10 Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 18, 2001, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Building Inspections Department and the Department of Parks, Recreation & Youth Services, and has no objection to same, AND

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

- 1. Submittal of plan for sanitary facilities;
- Submittal of site plan;
- 3. Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the HSBC Sports and Social Club for the aforementioned Co-Ed Softball Tourney to be held August 18, 2001.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 11 Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the Cleveland Hill Elementary School, Middle School and High School are located on Mapleview Road in the Town of Cheektowaga, AND

WHEREAS, the roadway configuration in front of the School at Cory Court creates a traffic safety concern, AND

WHEREAS, representatives from Cleveland Hill U.F.S.D. have met with the Cheektowaga Traffic Safety Commission in order to develop safe alternatives to this intersection as it relates to school bus drop-offs and school bus pick-ups during the day, and a concept design to address this problem has been agreed upon, AND

WHEREAS, moneys are needed in order to retain an engineering consultant to prepare final design drawings for this intersection work and to construct the intersection improvements, AND

WHEREAS, Assemblyman Paul A. Tokasz had indicated that State moneys (\$754,000.00±) may be available to perform the necessary traffic work for this area, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby formally requests State Assemblyman Paul A. Tokasz to make moneys available to the Town of Cheektowaga for the retention of a traffic engineer to prepare final design drawings and for the costs of construction of intersection work on Mapleview Road at Cory Court to alleviate the Cory Court/Mapleview Road traffic safety issues, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Assemblyman Paul A. Tokasz.

Item No. 11 cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motioned by Councilmember Rogowski, Seconded by Councilmember Jaworowicz Councilmember Mazur

WHEREAS, the New York State Superfund Program was created to clean up environmentally hazardous and toxic sites in New York State, AND

WHEREAS, in April of 2001, this State Superfund became bankrupt, leaving hundreds of sites across New York in need of cleanup with a \$50 million shortfall, AND

WHEREAS, the NYS Department of Environmental Conservation has released a list of 766 sites that need additional Superfund funds to be cleaned up, AND

WHEREAS, this Town Board is concerned about potential sites in the Town of Cheektowaga and Western New York which may have hazardous or toxic materials in them and which may be in need of Superfund moneys to be cleaned up, AND

WHEREAS, the clean up of hazardous and toxic sites throughout Western New York and all across New York State is paramount to protect the health, safety and general welfare of residents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Assembly, Senate, Governor and Department of Environmental Conservation to appropriate additional moneys for the State Superfund Program for the environmental cleanup of sites throughout New York State, including Western New York and the Town of Cheektowaga, 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, Governor George Pataki and the Department of Environmental Conservation.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13a Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 80 Claudette Court, Cheektowaga, New York, SBL # 92.17-9-7 and according to the Assessors' Office is owned by William Strasburg, Cheektowaga, New York 14225, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

Item No. 13b Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 33 Elaine Ct., Cheektowaga, New York, SBL # 91.07-1-4 and according to the Assessors' Office is owned by Ronald A. Guile, 3126 Leicester, Mathews, NC 28104, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13c Motioned by Unanimous, Seconded by Unanimous

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

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

tem No. 13d Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 1937-1941 Harlem Road, Cheektowaga, New York, SBL # 113.01-1-4 and according to the Assessors' Office is owned by Mr. & Mrs. Robert M. Schultz, Naples, Florida 34102, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

Item No. 13e Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 63 Lillie Lane, Cheektowaga, New York, SBL # 125.06-15-43 and according to the Assessors' Office is owned by Arthur Koblich, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13f Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 83 Martinique Drive, Cheektowaga, New York, SBL # 125.06-19-24 and according to the Assessors' Office is owned by Mr. & Mrs. Joseph Nadolski, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13g Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at Union Road (Former 2856, 2860 & 2864), Cheektowaga, New York, SBL # 113.12-3-10 and according to the Assessors' Office is owned by Mr. & Mrs. Bernard Rusiniak Sr., Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

Item No. 14 Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town Board is committed to pursuing economic development activities in order to preserve existing jobs, create new employment opportunities for Town residents and increase the Town's property tax base, AND

WHEREAS, in accordance with these goals, the Town created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development and growth in the Town, AND

WHEREAS, use of Community Development Block Grant funds has been approved by the Department of Housing & Urban Development for economic development activities in the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a subrecipient agreement with the Cheektowaga Economic Development Corporation pertaining to the use and expenditure of Community Development Block Grant funds for the 2001-2002 Program Year.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 15</u> Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are terminated from the Parks, Recreation & Youth Services Department, effective immediately (parttime/seasonal):

Jennifer Bogacz
Kristen Catalano
Courtney Costrino
Michelle Diehl
Samantha Garcea
Joann Gareis
Amanda Giczkowski
Amie Godzich
Florian Gutkowski
Brandy Hittle
Mindy Kieser
Mark Kuczmanski
Sherry Lesser
Joanna Stein
Samantha Wood

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 16</u> Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are transferred as a PART-TIME Laborer from the Parks Division, 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 as follows:

		EFFECTIVE
RECYCLING DEPARTME	NT - Laborer - \$7.00 per hour	
Andrew Wastchak	Cheektowaga, NY 14227	7/18/01
Jason Sprada	Cheektowaga, NY 14206	7/23/01

Item No. 16 cont'd.

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 Town of Cheektowaga Employees Association:

EFFECTIVE

SEWER MAINTENANCE - Laborer - \$7.00 per hour

Joshua Krantz Cheektowaga, NY 14227 immediately

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

CEVAJE DIMAINITENIA NICE	<u>EFFECTIVE</u>
SEWER MAINTENANCE	
Timothy Andrzejewski	1/01/01
Donald Leidolph	5/19/01
Nicholas Puszert	5/07/01
RECYCLING DEPARTMENT	
Ryan Marra	7/24/01
Kyle Swanson	7/24/01

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 17 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as seasonal employees in the Parks, Recreation & Youth Services Department, effective immediately:

Cheektowaga Conservation Corps

Participants (Laborers) - 7310.1816 - \$5.15

(Alternate)

Jacquelyn Kuster 14225

Pre-K - 7140.1664

Recreation Instructor V - \$6.65

Elizabeth Pazderski 14227

Recreation Instructor VI - \$6.90

Nancy Haak 14225

BE IT FURTHER RESOLVED, that the following seasonal employees revert to their part-time status and also be transferred from their present line number to 7310.1803 (Adapted Recreation), effective 10/01/01:

Katie Astran
Deborah Ann Fleetwood
Kammy Kossow
Tracy Malczewski
Victor Nosal
Barbara Walters
Brian Pane
Daniel Quigley
Melissa Uteg
Timothy Zgliczynski

Item No. 17 cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 18 Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, Joseph Lipowski has served as Member of the Planning Board since March of 1977, AND

WHEREAS, in connection with his retirement from his position as Mediator/Arbitrator for the NYS Employment Relations Board, the New York State Retirement System regulations mandated that Mr. Lipowski, resign/retire from his Planning Board position for at least one full day; therefore, Mr. Lipowski retired from his position of Planning Board Member, effective July 31, 2001, AND

WHEREAS, Mr. Lipowski desires to be reappointed to the Planning Board Member position, AND

WHEREAS, Joseph Lipowski has satisfactorily served as Member of the Planning Board for 20+ years, and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Joseph Lipowski from his position of Member of the Cheektowaga Planning Board, effective July 31, 2001, be and hereby is accepted by this Town Board, and BE IT FURTHER

RESOLVED, that Joseph Lipwoski be and hereby is reappointed to the position of Member to the Cheektowaga Planning Board, effective August 1, 2001 and terminating on December 31, 2005.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Supervisors Statement of Funds - May 2001

Received and Filed.

Item No. 20 Building Permits - July 2001

Received and Filed.

<u>Item No. 21</u> Minutes of Cheektowaga Conservation Advisory Council – July 21, 2001

Received and Filed.

III. GENERAL COMMUNICATIONS

<u>Item No. 22</u> Summons and Complaint: Aaron E. Watson vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Chief of Police and Allied Claims Insurance Carrier.

Received and Filed.

<u>Item No. 23a</u> Notice of Claim: Timothy Eckert vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Police Department and Allied Claims Insurance Carrier.

Received and Filed.

Notice of Claim: Christine Jezioro vs. Town of Cheektowaga Item No. 23b Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and Allied Claims Insurance Carrier. Received and Filed. Item No. 23c Notice of Claim: Eugene Klin vs. Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and Allied Claims Insurance Carrier. Received and Filed. tem No. 23d Notice of Claim: Robin Leminger vs. Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Youth and Recreation and Allied Claims Insurance Carrier. Received and Filed. Item No. 24a Notice of Assessment Petition: Cello-Pack Corp. vs. William Conway, Assessor and the Board of Assessment Review of the Town of Cheektowaga. Received and Filed. Item No. 24b Notice of Assessment Petition: Kmart Corporation vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga. Received and Filed. Item No. 24c Notice of Assessment Petition: Miken Companies vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga. Received and Filed. Item No. 24d Notice of Assessment Petition: National Car Rental vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga. Received and Filed. Notice of Assessment Petition: Reichhold Chemical Corp. vs. Assessor and the Board Item No. 24e of Assessment Review of the Town of Cheektowaga. Received and Filed. Item No. 25 Request to Speak: Cheektowaga Citizens Coalition, Inc. regarding Buffalo Crushed Stone. Received and Filed. Item No. 26 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting at 9:16 P.M. in memory of Anthony (Chipper) Pajak, long time Town Employee and Ann Gabryszak, aunt to Supervisor Gabryszak.

> Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 17 AUGUST 20, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th of August, 2001 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; Michael Stachowski, Town Attorney; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Brian Krause, Director of Administration and Finance; Salvatore LaGreca, Chairman of Planning Board; Bruce Chamberlin, Chief of Police; William Conway, Assessor; Christopher Kowal, Highway Superintendent and Patricia Wojcik, Director of Senior Services.

I. RESOLUTIONS

<u>Item No. 2</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

GENERAL FUND

part hereof:

From:	100-1110-2770	Other Unclassified Revenue	\$ 7,000.00
To:	100-1110-2105	Equipment	\$ 7,000.00

HUD-CDBG FUND

From:	700-1094-0707	Neighborhood Community Development	\$ 464.00
	700-1001-0801	Drainage Improvements	\$13,000.00
	140-1001-0802	Sarabel Ct. Drainage	11,600.00
To:	700-1094-0730	Big Brother Big Sister	\$ 464.00
	700-1001-0720	Cedargrove Heights Drainage	13,000.00
	140-1001-0720	Cedargrove Heights Drainage	11,600.00

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 3</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to August 17, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$151,147.88
HIGHWAY FUND	13,877.12
TRUST & AGENCY	923.40
PART TOWN FUND	1,473.20
RISK RETENTION FUND	71,105.48

Item No. 3 cont'd.

HUD CDBG FUND	\$ 88,481.16
HUD HOUSING REHABILITATION FUND	123,492.25
SPECIAL DISTRICTS FUND	122,627.75
CAPITAL FUND	256,242.76
	\$929.371.00

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motioned 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, a rezoning application was submitted by Uniland Development Company for the rezoning of 2.89 <u>+</u> acres of improved land (existing office building) at 4700 Genesee Street from M1-Light Manufacturing to CM-General Manufacturing, AND

WHEREAS, the Environmental Advisory Committee, at its meeting of June 11, 2001 recommended that a negative declaration be issued for the change in zoning as shown on the attached memorandum dated July 13, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 14, 2001 recommended its approval of the rezoning request to the application's written commitment to limit the number of permitted uses since there is no defined future use at this time, AND

WHEREAS, the applicant has made certain commitments dated July 24, 2001 to limit future land uses and make any necessary future traffic safety improvements along Genesee Street, in particularly reducing the visual obstruction caused by the former railroad embankment to improve line of sight distance for westbound Genesee Street traffic, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations, NOW, THEREFORE BE IT

RESOLVED, that this Town Board, affirms that the change in zoning classification 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(S) FOR ATTACHMENT

<u>Item No. 5</u> Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Uniland Development Company petitioned for a rezoning from M1-Light Manufacturing District to CM-General Commercial District for property owned by it and located at 4700 Genesee Street, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 6th day of August, 2001 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law") and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the condition that only certain uses be allowed on the property, AND

WHEREAS, the petitioner has committed itself to restricting the uses allowed on the property to uses listed in the attached letter dated June 15, 2001 (revised June 27, 2001 and July 24, 2001), AND

WHEREAS, the Town of Cheektowaga is interested in down zoning properties in the vicinity of the GBNA to uses compatible with offices, and the requested zoning is compatible with the Town's long term goals in this area, AND

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

RESOLVED, that the application of Uniland Development Company for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved subject to the uses committed to by the petitioner in the attached letter and, BE IT FURTHER

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 6</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, a Notice to Bidders was published for the receipt of bids for traffic signal improvements at the intersection of George Urban Boulevard and Nagel Drive, which bids were duly received and opened on July 25, 2001 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is attached hereto in a letter from the Town Engineer dated August 13, 2001 which recommends that the contract be awarded to Spoth Enterprises, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE BE IT

RESOLVED, that the contract for traffic signal improvements at the intersection of George Urban Boulevard and Nagel Drive be and hereby is awarded to Spoth Enterprises, Inc., 8746 Lakeshore Road, Angola, New York 14006-9634 for the bid price of \$77,440.00 being the lowest bid meeting the requirements of the specifications and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign any and all agreements for said traffic signal improvements project on behalf of this Town Board and, BE IT FURTHER

RESOLVED, that funding for the aforesaid project shall be chargeable to Account #5315-5141-9346.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 7 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, in conjunction with the award of bid of the contract for traffic signal improvements at the intersection of George Urban Boulevard and Nagel Drive, the Town Engineer has

recommended that FRA Engineering, P.C., the project design consultant, be retained to perform construction phase services as outlined in a proposal dated August 2, 2001, NOW, THEREFORE BE IT

RESOLVED, that the proposal of FRA Engineering, P.C., 245 Summit Point Drive, Suite 4, Henrietta, New York 14467 as submitted to the Town Engineer and dated August 2, 2001 for professional services during construction is accepted and approved and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with FRA Engineering, P.C. for the provision of professional services during construction and, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$3,000.00 shall be chargeable to Account #5315-5141-9346.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8a</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, Nixon Peabody LLP on behalf of Crown Atlantic has made application and requested a Special Use Permit to replace an existing 100 foot self-supporting tower with a 135 foot monopole tower for the co-location of two wireless providers located at 500 Como Park Boulevard, with the permission of the owner of the property, namely Buffalo Crushed Stone, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 4, 2001 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway, at the corner of Union Road.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8b Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, Daniel Blamowski representing Benderson Development Co., Inc. has made application and requested the Rezoning from M1-Light Manufacturing District to MS-Motor Service District for property located at 2285 Walden Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 4, 2001 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway, at the corner of Union Road.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 9a</u> Motioned by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, the Highway Department is in need of one (1) Four-Wheel Drive 2001 Tractor with Flail Mulcher Mower for use in maintaining creek channel embankments and corridors, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) Four Wheel Drive 2001 Tractor with Flail Mulcher Mower for the

Highway Department, which information for bidders and specifications may be obtained from the office of the Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 5th day of September, 2001 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on September 5, 2001 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York 14227 for the furnishing of one (1) Four-Wheel Drive 2001 Tractor with Flail Mulcher Mower.

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 One (1) Four Wheel Drive 2001 Tractor with Flail Mulcher Mower" and submitted to the Town Clerk prior to bid opening.

No bidders may withdraw his bid within forty-five 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: August 20, 2001



Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 9b</u> Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the furnishing and installation of all labor, tools, equipment, materials, and incidentals required for Town Park Pool Renovations, AND

WHEREAS, construction and bid specification documents prepared by Bergmann Associates are complete and the contract is ready for competitive bidding in the areas of general construction, plumbing and electrical, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish Notice to Bidders for the renovation of the Town Park Pool in the CHEEKTOWAGA TIMES, and the CHALLENGER and, BE IT FURTHER

RESOLVED, that the Town Clerk is the officer designated to open sealed bids for this project on the 12th day of September, 2001 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York on the 12th day of September, 2001 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for the Town Park Pool Renovations complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by Bergmann Associates, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

A Pre-Bid Meeting will be held on August 29, 2001 at 10:00 A.M. in the offices of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 40 La Reviere Drive, Suite 150, Buffalo, New York 14202. Copies may be secured at the office of Bergmann Associates, Inc., upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

Any bidder returned such Plans and Specifications in good condition within 30 days following the award of the Contract or the rejection of the bids, will be refunded the full amount of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for the Town Park Pool Renovations Project, Contract _____". Submission of bids must be received prior to 11:00 A.M. on September 12, 2001.

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

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

Item No. 9b cont'd.

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

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

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

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

The work shall be completed by 220 consecutive calendar days from Notice to Proceed, and to begin five (5) days after "Notice to Proceed" has been issued.

BY ORDER OF: THE TOWN OF CHEEKTOWAGA

Richard M. Moleski, Town Clerk

Dated: August 20, 2001 Published: August 23, 2001

August 29, 2001 (Challenger)

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVITS - NEXT PAGE

Item No. 10 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town's agreement for the placement of vending machines at various Cheektowaga Buildings has expired, AND

WHEREAS, the General Crew Chief of the Parks, Division, Department of Parks, Recreation, and Youth Services has recommended that a Request for Proposals ("RFP") for vending machines in all Town buildings and locations be issued to obtain the best price possible for the Town, AND

WHEREAS, the Parks Divisions and Town Attorney's Office have prepared a RFP and License Agreement for vending machine services, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby issues the attached RFP for vending machine services and directs the General Crew Chief of the Parks Division to forward such RFP to at least three vendors and, BE IT FURTHER

RESOLVED, that proposals shall be received and opened by the Town Clerk on September 11, 2001 at 11:00 A.M.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

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

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

WHEREAS, the Buffalo AFL-CIO Council & United Way of Buffalo & Erie County has made application to hold its annual Parade on Monday, September 3, 2001, said Parade route to start at the Thruway Mall, west to Harlem Road, and north to the Cheektowaga Town Park, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Building Inspections Department,

Highway/Facilities Department, the Department of Parks, Recreation & Youth Services and the Police Department, and has no objection to same, AND

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Buffalo AFL-CIO Council & United Way of Buffalo and Erie County, for the aforementioned parade to be held on September 3, 2001.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12 Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, pursuant to the County of Erie's 1998 Municipal Regionalism Program, the Town of Cheektowaga and the City of Buffalo were awarded grant monies for the Genesee Street Corridor Enhancement and Gateway Project, AND

WHEREAS, a portion of said grant monies are earmarked for the construction of two bus shelters along Genesee Street, one in the City of Buffalo (near Schiller Park) and one in the Town of Cheektowaga (near new Beryl Drive sitting park), AND

WHEREAS, the Town of Cheektowaga and the City of Buffalo desire to transfer and donate said dedicated grant monies in the amount of \$8,852.00 to the Niagara Frontier Transportation Authority (NFTA), a collaborative partner in the Genesee Street Corridor Enhancement Project, AND

WHEREAS, the transfer of funds will be for the purchase of two type F 4'x12' bus shelters and two benches, including materials and installation by Niagara Frontier Transportation Authority as indicated in the attached memorandum of agreement between the Town of Cheektowaga/City of Buffalo and the Niagara Frontier Transportation Authority (NFTA), NOW, THEREFORE BE IT

RESOLVED, that this Town Board, authorizes the transfer of a total of \$8,852.00 to the Niagara Frontier Transportation Authority (NFTA) - \$4,426.00 from account number 500-6989-4102-5913 and \$4,426.00 from account number 500-6989-4112-5913.

Item No. 12 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 13</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to Part 617 of the State Environmental Quality Review Act of the Environmental Conservation Law, the Erie County Department of Environment and Planning has referred to the Town of Cheektowaga an unlisted action for the purpose of having Erie County being declared Lead Agency for the action, AND

WHEREAS, the action entails the acquisition of easements from the Town of Cheektowaga to construct a sanitary sewer from Rushford Lane to the Erie County Overflow Retention Facility (ORF) on Cayuga Creek Road, AND

WHEREAS, the sewer will follow a path along the green area between Groell Avenue and Rushford Lane, then along a portion of Slate Bottom Creek to Union Road, then across Union Road and Cayuga Creek, through the lands leased from Erie County for restoration, known as the "Cayuga Creek Nature Preserve", to finally terminate at the ORF, AND

WHEREAS, Erie County will require easements from the Town of Cheektowaga for at least a portion of the construction route, AND

WHEREAS, the town has not yet decided said easements will be issued, AND

WHEREAS, it is known that cultural/archeological sites exist along or near the path of construction, AND

WHEREAS, the portion of Slate Bottom Creek bank to be used may have been part of the New York State Department of Conservation efforts to remediate the Union Road Inactive Hazardous Waste Site, AND

WHEREAS, the construction of this sewer will result in the loss of trees, AND

WHEREAS, said sewer line will cross Cayuga Creek in a Critical Environmental Area as identified in the Town's Master Plan, AND

WHEREAS, this Town Board has reviewed the Environmental Assessment Form and related materials submitted with the referral, NOW, THEREFORE BE IT

RESOLVED, that this Town Board, concurs with the Erie County Department of Environment and Planning that Erie County should be designated as Lead Agency for this action and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga be listed as an involved agency for purposes of SEQR and, BE IT FURTHER

RESOLVED, that Erie County undertake a cultural resource survey to prevent the unnecessary destruction of artifacts, contact the NYSDEC to determine that the disturbance of the Slate Bottom Creek banks will not be environmentally unsound, that a tree survey to undertaken to determine the number of trees, caliper range and species potentially lost to construction and that sufficient replacement trees be included in the project and, BE IT FURTHER

RESOLVED, that the Town Clerk send a copy of this resolution to Erie County.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 14 Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

Item No. 14 cont'd.

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject and recommendations submitted to it by the Planning Board, AND

WHEREAS, an application was submitted by Benderson Development Company to revise a previously approved site plan for the former T-W Truckers facility at 2021 Walden Avenue, AND

WHEREAS, the previous plan was to construct a 24,000 s.f. retail store, AND

WHEREAS, the present proposal is to construct a 4,626 s.f. Krispy Kreme store along with a second retail store of 7,440 s.f., AND

WHEREAS, the Traffic Safety Commission has reviewed the proposal with respect to traffic safety and management, AND

WHEREAS, the applicant has agreed to provide traffic control measures during the grand opening, AND

WHEREAS, the applicant has agreed to work with Borders Books and Krispy Kreme to reconfigure the parking to provide safer traffic patterns, AND

WHEREAS, the applicant has included pedestrian friendly features for safer travel to the store, AND

WHEREAS, prior to the construction of the second building, the site plan must be reviewed by the town with conditions existing at that time to be considered, AND

WHEREAS, the Planning Board, at its meeting held on August 9, 2001 rendered the determination shown on the attached memo dated August 14, 2001, AND

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

RESOLVED, that this Town Board, determines that the project site plan is acceptable.

Upon roll call ...

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 15a</u> Cleanup of Vacant Property Located at 2911 William Street This item was withdrawn.

Item No. 15b Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds, and accumulated debris on vacant property located at 155 Wellworth Place, Cheektowaga, New York SBL #91.20-11-27 and according to the Assessor's Office is owned by Lynn M. Ernest, Cheektowaga, New York 14225, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 accumulated 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, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 15c Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at Slate Drive (vacant lot), Cheektowaga, New York, SBL #125.10-5-2 and according to the Assessor's Office is owned by Michael Passucci, 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 accumulated 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, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16a Motioned by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of property fronting on the north and south sides of Rehm Road (Rehm Road Park and other vacant land), AND

WHEREAS, a number of properties on this street are presently on well water, which is of poor quality and has an odor to it, AND

WHEREAS, property owners on this street have signed a Petition, according to law, requesting that Rehm Road Water District be established in the Town of Cheektowaga and a portion of the Village of Depew, to provide public water to this portion of Rehm Road, AND

WHEREAS, it is advantageous to the Town to establish the Rehm Road Water District to provide public water to the Town lands, NOW, THEREFORE BE IT

Item No. 16a cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned petition, which is on file in the Town Clerk's Office, on behalf of the Town, an owner of property located in the proposed Rehm Road Water District.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16b Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town has previously approved an agreement with Be-A-Friend Program, Inc. which is scheduled to expire on September 30, 2001, AND

WHEREAS, Be-A-Friend, Inc., has requested additional funds under said contract in order to assist additional youths in the Town, AND

WHEREAS, additional funds under the Community Development Block Grant Program budget have been allocated for said program, AND

WHEREAS, the Director of Community Development has recommended an extension of said agreement for a period of one year, to September 30, 2002, and an increase in the contract in the amount of \$5,464 which will allow an additional four youths to be assisted, NOW, THEREFORE BE IT

RESOLVED, that the agreement between the Town of Cheektowaga and Be-A-Friend Program, Inc., dated October 1, 1997, be and hereby is extended to September 30, 2002, and the contract amount increased by the amount of \$5,464 and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute any documents necessary to affect said actions.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17</u> Motioned 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

SENIOR SERVICES - Recreation Attendant - \$12.00 per hour

Kimberly Kawa Cheektowaga 14225 Immediately

Paulette Wydro Cheektowaga 14225

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

<u>EFFECTIVE</u>

MAIN PUMP STATION

Leroy Linkner Immediately

Aaron Kuczmarski "William Liberati"

Item No. 17 cont'd.

<u>EFFECTIVE</u>

RECYCLING DEPARTMENT

Joseph Vecere 7/12/01

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Minutes of Cheektowaga Planning Board - July 12, 2001

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 19a Minutes of Claim: Timothy Eckert vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Bruce Chamberlin, Police Department and Allied Claims Insurance

Carrier.

Received and Filed.

Item No. 19b Notice of Claim: Tony J. Worthy vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Sanitation Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 19c Notice of Claim: Dale Gordon vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Sanitation Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 20a Notice of Assessment Petition: Eugene Jason vs. the Board of Assessment Review,

the Assessor and the Town of Cheektowaga.

Received and Filed.

<u>Item No. 20b</u> Notice of Assessment Petition: Robert E. Mariacher and CMS Property Associates vs.

the Board of Assessment Review, the Assessor and the Town of Cheektowaga.

Received and Filed.

Item No. 20c Notice of Assessment Petition: Tops Markets, Inc. (lessee) for itself and as agent-in-

fact for Benenson Capital Company (owner) and Tops Markets, Inc. (lessee) for Itself and as Agent for Charles B. Benenson (owner) vs. the Board of Assessment Review,

the Assessor and the Town of Cheektowaga.

Received and Filed.

<u>Item No. 20d</u> Notice of Assessment Petition: WPH Airport Associates vs. the Board of Assessment

Review, the Assessor and the Town of Cheektowaga.

Received and Filed.

Item No. 20e Notice of Assessment Petition: WPH Gateway Associates vs. the Board of

Assessment Review, the Assessor and the Town of Cheektowaga.

Received and Filed.

<u>Item No. 21</u> Request to Speak: Cheektowaga Citizens Coalition, Inc. regarding NYSDEC Fact

Sheet)

Received and Filed.



MOTION BY COUNCILMEMBER JANKOWIAK, 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, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



IV. SUSPENSION OF RULES

<u>Item No. 22</u> Motioned by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, it is in order that bids be advertised for Park Improvements at the Winston-Vegola Park in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Park Improvements at the Winston/Vegola Park, said notice to be published in the BUFFALO NEWS and THE CHALLENGER and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 12th day of September, 2001 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 12th day of September, 2001 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for Park Improvements at the Winston-Vegola Park, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway and Union Roads, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

Item No. 22 cont'd.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 and marked "Park Improvements at the Winston-Vegola Park".

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

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

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

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

Project activities are Federally funded under Title I Community Development Act of 1974, as amended. The minimum wage rates to be paid to laborers and mechanics engaged in the construction of this project shall be the latest wage rates established by the Secretary of Labor and State Industrial Commissioner, whichever is greater. All bidders must comply with Section 3 Requirements for the Provision of Training Employment and Business Opportunities, the President's Executive Order 11246, as amended, and Non-Discrimination and Equal Employment Opportunity requirements as set forth in the Contract Documents.

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

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

The work shall be completed within 90 consecutive calendar days, to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF: THE TOWN OF CHEEKTOWAGA

Richard M. Moleski, Town Clerk

Dated: August 20, 2001 Published: August 23, 2001

August 29, 2001 (Challenger)

Item No. 22 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE



<u>Item No. 23</u> Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of Mary Travers, Mother of Kathleen Travers, Town Accountant. This meeting was adjourned at 8:15 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 18 SEPTEMBER 4, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th of September, 2001 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; Susan A. Pella, Coordinator of Employee Relations; Salvatore La Greca, Planning Board Chairman; William Pugh, Town Engineer; Christopher Kowal, Highway Superintendent; Thomas Adamczak, Supervising Building and Plumbing Inspector; and William Conway, Assessor.

I. RESOLUTIONS

<u>Item No. 2</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

GENERAL FUND

part hereof;

From: 100-1440-4325 Copy Machine Supplies \$ 1,500.00 To: 100-1440-4191 Miscellaneous 1,500.00

SPECIAL DISTRICTS FUND

From: 400-8140-4432 Maintenance & Supplies \$ 1,500.00 To: 400-8140-4002 Engineering Supplies 1,500.00

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 3 Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to August 31, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$2,070,042.89
HIGHWAY FUND	361,175.32
TRUST & AGENCY	51,514.54
PART TOWN FUND	61,985.41
RISK RETENTION FUND	63,130.57
HUD CDBG FUND	37,396.68
SPECIAL DISTRICTS FUND	705,921.17
CAPITAL FUND	<u>37,900.45</u>
	\$3,389,067.03

Upon roll call

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

Jankowiak, and Mazur

Item No. 4 Motioned 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 site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

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

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

WHEREAS, an application was submitted by the Town of Cheektowaga Engineering Department to decommission a 60 ± year old sanitary sewer pump station commonly known as the Alpine Pump Station and install 1820 lineal feet of 36 inch gravity sanitary sewer trunk line, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 22, 2001 recommended a determination of non significance as shown on the attached memo dated August 24, 2001, AND

WHEREAS, the Town performed a phase 1 and a phase 2 cultural resource inventory within areas considered to be archeologically sensitive as requested by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), AND

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has accepted the findings of the Town's cultural resource inventory and have indicated that the project will not have any impact upon cultural resources as shown on the attached correspondence dated August 9, 2001, AND

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 5 Motioned by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a Notice to Bidders was published for the receipt of bids for the furnishing and installation of ornamental and chain link fencing around the Town Park Pavilion and Cultural Center at Cheektowaga Town Park, which bids were duly received and opened on August 22, 2001 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Engineering Department dated August 27, 2001, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing and installation of ornamental and chain link fencing around the Town Park Pavilion and Cultural Center, as recommended, be and hereby is awarded to Iroquois Fence, Inc., 51 North America Drive, West Seneca, New York 14224 for their bid in the amount of \$36,105.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said fence in account #5709-7110-9711.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 6 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by Ciminelli Development Company, Inc. for the construction of a 76,208 square foot office/warehouse building at the northwest corner of Aero Drive and Scott Place, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 12, 2001 recommended its approval of the site plan for the office/warehouse, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting of July 17, 2001 recommended its approval of said site plan subject to the installation of sidewalks along Scott Place, AND

WHEREAS, on July 20, 1992 the Town Board of the Town of Cheektowaga previously issued a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the development of warehousing/light manufacturing complex, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board and Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan for the 76,208 square foot office/warehouse is acceptable.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the towns of Cheektowaga and Amherst have been reviewing the commercial properties in the area along Harlem Road near Kensington Avenue/Cleveland Drive and Route 33 and have been trying to obtain input from businesses and residences in such area concerning ways to revitalize such area, and

WHEREAS, in an effort to preserve, enhance and revitalize the Harlem-Kensington-Cleveland business district, the Harlem-Kensington-Cleveland Task Force ("Task Force") was created which subsequently facilitated the creation of the Harlem-Kensington-Cleveland Business Association and the Harlem-Kensington-Cleveland Community Association, and

WHEREAS, a Harlem-Kensington-Cleveland Draft Master Plan was prepared by the Task Force and such master plan was submitted to the Town, and

WHEREAS, the Town of Cheektowaga is contemplating making revisions to the Town Zoning Law and/or other laws which will facilitate the implementation of Traditional Neighborhood Development (TND) and require architectural/aesthetic review/approval by Town agencies of any new development, expansion or remodeling of properties along Harlem Road, from the Amherst Town line south to Genesee Street, and

WHEREAS, the New York State Department of Transportation is also performing studies for the redesign and reconstruction of Harlem Road and its principal intersections at Route 33, Cleveland Drive, Wehrle Road and Kensington Avenue, and

Item No. 7 cont'd.

WHEREAS, this Town Board, by resolutions dated March 19, 2001 and June 18, 2001, adopted Local Laws Nos. 1 and 3 of the Year 2001, entitled "A Local Law Creating A Special Review Zoning District Law" and "A Local Law Amending Local Law No. 1 of the Year 2001" imposing a 180-day moratorium on the issuance of building permits, etc. for property abutting on Harlem Road from the Amherst Town line to Genesee Street, and

WHEREAS, the Town needs additional time to study this area of Town and draft revisions to the Zoning Law and other laws to protect this area of Town, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for properties abutting this section of Harlem Road, and

WHEREAS, the courts have held that a local legislature may, by interim or stop-gap ordinance or local law, stop for a reasonable time the commencement of all building in an area under immediate consideration for revision of regulations or legislation, NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 17th day of September, 2001 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2001-4 of the Year 2001, entitled "A Local Law amending Local Laws Nos. 1 and 3 of the Year 2001" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 17th day of September, 2001 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2001-4 of the Year 2001, entitled "A Local Law amending Local Laws Nos. 1 and 3 of the Year 2001". A summary of such proposed Local Law is as Follows:

LOCAL LAW INTRO NO. 2001-4 of the YEAR 2001 A LOCAL LAW AMENDING LOCAL LAW NOS. 1 and 3 of the YEAR 2001

- For a period of Two hundred forty (240) days, the following area is declared a Special Review Zoning District:
 - Property abutting on Harlem Road from the Amherst Town line south to Genesee Street.
- 2. All departments, agencies and authorities of the Town of Cheektowaga shall withhold the issuance of any permits or approvals for the construction of any new structure or additions to any existing structures or additions to any existing structures on all properties described in subdivision one hereof.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this law upon the Town Board's determination, in its absolute discretion, that such variance or modification, is consistent with the Town's comprehensive master plan, the Harlem-Kensington-Cleveland Master Plan and with the health, safety, morals and general welfare of the Town.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed moratorium on the issuance of permits and approvals in the Special Review Zoning District.

Item No. 7 cont'd.

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

Dated: September 4, 2001

RICHARD M. MOLESKI Town Clerk

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 8 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new trees for the Town's tree planting in the Fall of 2001.

Information for bidders and specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 AM and 4:30 PM, Monday through Friday, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, October 3, 2001, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed bids for the purchase of the above-described by the Town of Cheektowaga Highway Department will be received by the Town of Cheektowaga until October 3, 2001, at 11:00 A.M. All bids will then be publicly opened and read aloud in the Council Chambers in the Cheektowaga Town Hall located on the corner of Broadway & Union Roads, Cheektowaga, New York, at such time.

Specifications and other contract or bid documents may be further examined and/or obtained at the Town Clerks Office, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

Each bid shall be accompanied by a bid bond and/or certified check or treasurer's check payable to the "Town of Cheektowaga". For purposes of this bid, the bid security shall be in the amount of \$500.

No bidder may withdraw his bid for a period of forty-five (45) days after the date of the opening of the bid.

Complete instructions for filing bids are included in the information for bidders and the instructions for bidders.

The Town of Cheektowaga reserves the right to waive any informality in or to reject any and all bids if deemed to be in the best interest of the Town.



Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 9 Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the Federation of German-American Societies has made application to hold its annual German Fest in Cheektowaga Town Park from September 1-2, 2001, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Building Department and the Department of Parks, Recreation & Youth Services, and has no objection to same, AND

WHEREAS, due to a delay in paperwork, the aforementioned application was unable to be processed prior to the date of the event, and

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.
- 6. Certificate of Insurance

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retroactively approves the aforementioned application of the Federation of German-American Societies for the aforementioned German Fest celebration held on September 1-2, 2001.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10a Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 229 Medina Street, Cheektowaga, New York, SBL # 113.61-3-29 and according to the Assessors' Office is owned by Albin & Dorothy Lorek and Lorrie Steinthal, Cheektowaga, New York 14211, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10b Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 28 Rowland Road, Cheektowaga, New York, SBL # 102.21-1-8 and according to the Assessors' Office is owned by Mr. & Mrs. Joseph O'Brien, C/O Marie O'Brien, East Aurora, New York 14052, AND

Item No. 10b cont'd.

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 10c</u> Clean Up of Vacant Property Located at 18 Woodell Avenue

This item was withdrawn.

<u>Item No. 11a</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz Councilmember Johnson

WHEREAS, the Bennett-Feinberg Foundation (the "Foundation") is a corporation formed under Section 402 of the Not-For-Profit Law of the State of New York for the purposes, among others, of establishing, maintaining and operating an enriched housing facility as defined in Section 2(28) of the New York Social Services Law and to do any other act or thing incidental to or connected with the foregoing purposes or in incidental advancement thereof, but not for financial gain of its members, directors or officers except as permitted under Article 5 of the Not-For-Profit Foundation Law of New York State, and

WHEREAS, the Foundation owns title to an approximately 9 acre parcel of land located at 575 Cayuga Creek Road in the Town of Cheektowaga, New York (the "Land"), and

WHEREAS, the Foundation, in furtherance of its purposes, intends to finance and cause the development, construction and operation of an approximately 83,000 square foot, 100-unit senior housing facility on the Land (the "Facility"), and

WHEREAS, the Foundation proposes to issue its Project Revenue Bonds in one or more series in the estimated maximum principal amount not to exceed \$11,000,000 (the "Series 2001 Bonds") to provide funds to: (i) finance the development and construction of the Facility; (ii) provide funds for capitalized interest on the Series 2001 Bonds; (iii) fund a debt service reserve account established under the Indenture (as hereinafter defined) to secure the Series 2001 Bonds, and (iv) pay a portion of certain issuance costs (collectively, the "Project"), and

WHEREAS, the Foundation has requested the Town of Cheektowaga (the "Town") to assist the Foundation in financing the Project, and

WHEREAS, under the proposed plan of financing, the Foundation or a New York Limited Liability Company, the sole member of which is the Foundation (the "Issuer") would issue the Series 2001 Bonds on behalf of the Town in accordance with Internal Revenue Service Ruling 63-20, so that the Bonds would qualify as tax-exempt obligations under Section 103 of the Internal Revenue Code of 1986, as amended, and

WHEREAS, it is the Town's intention to assist in facilitating the financing of the Project by authorizing the Issuer to issue the Bonds on behalf of the Town,

NOW, THEREFORE, BE IT RESOLVED THIS 4^{TH} DAY OF SEPTEMBER, 2001 BY THE TOWN BOARD AS FOLLOWS:

<u>Section 1.</u> The Town approves the purposes and activities of the Issuer.

Section 2. The Town approves the issuance of bonds pursuant to the plan of financing whereby the Issuer will issue the Series 2001 Bonds on behalf of the Town.

Item No. 11a cont'd.

Section 3. The Town hereby agrees to accept the option to obtain at any time unencumbered fee title and exclusive possession of the Land and Facility by placing into escrow an amount that will be sufficient to defease the Series 2001 Bonds and pay reasonable costs incident to such defeasance; and

Section 4. The Town hereby agrees to accept the exclusive option, upon the Issuer's default in its payments under the Series 2001 Bonds, to purchase the Land and Facility for the amount of the outstanding indebtedness and accrues interest to the date of default; and

Section 5. The Town hereby agrees to accept full legal title to the Land and Facility upon retirement of the Series 2001 Bonds, and

Section 6. The Town Board understands and acknowledges that the financing of the Project imposes no obligation, burden or imposition upon the Town, that the Series 2001 Bonds of the Issuer shall not constitute a debt of the Town and that neither the Series 2001 Bonds, the plan of finance not this resolution make the Issuer an agency or instrumentality of the Town for any purpose whatsoever, and

Section 7. The Town Board understands that the following statement will apply to and be printed on the Series 2001 Bonds and on all offering materials associated with the sale and delivery of the Series 2001 Bonds:

Neither the State of New York (the "State"), the Town of Cheektowaga, New York (the "Town") nor any public corporation, political subdivision or agency of the State or the Town, will be obligated to pay the principal of, premium, if any, or interest on the Series 2001 Bonds. Neither the faith and credit nor the taxing power of the State, the Town or any public corporation, political subdivision or agency thereof is pledged to the payment of the principal of, redemption premium, if any, or interest on the Series 2001 Bonds. The Issuer has no taxing power.

Section 8. The Town Supervisor is authorized to take such actions and execute such documents as are necessary to accomplish the purposes of the resolution.

Section 9. This resolution shall take effect immediately.



MOTIONED BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 11A AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



AMENDED

WHEREAS, the Bennett-Feinberg Foundation (the "Foundation") is a corporation formed under Section 402 of the Not-For-Profit Law of the State of New York for the purposes, among others, of establishing, maintaining and operating an enriched housing facility as defined in Section 2(28) of the New York Social Services Law and to do any other act or thing incidental to or connected with the foregoing purposes or in incidental advancement thereof, but not for financial gain of its members, directors or officers except as permitted under Article 5 of the Not-For-Profit Foundation Law of New York State, and

WHEREAS, the Foundation owns title to an approximately 9 acre parcel of land located at 575 Cayuga Creek Road in the Town of Cheektowaga, New York (the "Land"), and

WHEREAS, the Foundation, in furtherance of its purposes, intends to finance and cause the development, construction and operation of an approximately 83,000 square foot, 100-unit senior housing facility on the Land (the "Facility"), and Item No. 11a cont'd.

WHEREAS, the Foundation proposes to issue its Project Revenue Bonds in one or more series in the estimated maximum principal amount not to exceed \$11,000,000 (the "Series 2001 Bonds") to provide funds to: (i) finance the development and construction of the Facility; (ii) provide funds for capitalized interest on the Series 2001 Bonds; (iii) fund a debt service reserve account established under the Indenture (as hereinafter defined) to secure the Series 2001 Bonds, and (iv) pay a portion of certain issuance costs (collectively, the "Project"), and

WHEREAS, the Foundation has requested the Town of Cheektowaga (the "Town") to assist the Foundation in financing the Project, and

WHEREAS, under the proposed plan of financing, the Foundation or a New York Limited Liability Company, the sole member of which is the Foundation (the "Issuer") would issue the Series 2001 Bonds on behalf of the Town in accordance with Internal Revenue Service Ruling 63-20, so that the Bonds would qualify as tax-exempt obligations under Section 103 of the Internal Revenue Code of 1986, as amended, and

WHEREAS, it is the Town's intention to assist in facilitating the financing of the Project by authorizing the Issuer to issue the Bonds on behalf of the Town,

NOW, THEREFORE, BE IT RESOLVED THIS 4^{TH} DAY OF SEPTEMBER, 2001 BY THE TOWN BOARD AS FOLLOWS:

<u>Section 1.</u> The Town approves the purposes and activities of the Issuer.

Section 2. The Town approves the issuance of bonds pursuant to the plan of financing whereby the Issuer will issue the Series 2001 Bonds on behalf of the Town.

Section 3. The Town hereby agrees to accept the option to obtain at any time unencumbered fee title and exclusive possession of the Land and Facility by placing into escrow an amount that will be sufficient to defease the Series 2001 Bonds and pay reasonable costs incident to such defeasance; and

Section 4. The Town hereby agrees to accept the exclusive option, upon the Issuer's default in its payments under the Series 2001 Bonds, to purchase the Land and Facility for the amount of the outstanding indebtedness and accrues interest to the date of default; and

Section 5. The Town hereby agrees to accept full legal title to the Land and Facility upon retirement of the Series 2001 Bonds, and

Section 6. The Town Board understands and acknowledges that the financing of the Project imposes no obligation, burden or imposition upon the Town, that the Series 2001 Bonds of the Issuer shall not constitute a debt of the Town and that neither the Series 2001 Bonds, the plan of finance not this resolution make the Issuer an agency or instrumentality of the Town for any purpose whatsoever, and

Section 7. The Town Board understands that the following statement will apply to and be printed on the Series 2001 Bonds and on all offering materials associated with the sale and delivery of the Series 2001 Bonds:

Neither the State of New York (the "State"), the Town of Cheektowaga, New York (the "Town") nor any public corporation, political subdivision or agency of the State or the Town, will be obligated to pay the principal of, premium, if any, or interest on the Series 2001 Bonds. Neither the faith and credit nor the taxing power of the State, the Town or any public corporation, political subdivision or agency thereof is pledged to the payment of the principal of, redemption premium, if any, or interest on the Series 2001 Bonds. The Issuer has no taxing power.

Section 8. This Resolution is contingent upon the approval of the financing structure as described herein by the Town's Director of Finance and the Town Attorney. Following such approvals, the Town Supervisor is authorized to take such actions and execute such documents as are necessary to accomplish the purposes of this resolution.

Section 9. This resolution shall take effect immediately.

Item No. 11a cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga previously received a Federal ISTEA grant for the purpose of constructing the Rails to Historic Trails bicycle path in the Town, and

WHEREAS, the Town Attorney's Office and the Town Engineering Office have been working with owners of land along the proposed bicycle path to obtain the necessary easements and approvals to construct such bike path on their properties, and

WHEREAS, the Town has requested the Erie County Water Authority, which owns land on the west side of Union Road for permission to construct a portion of the bike path on its property, and

WHEREAS, the Erie County Water Authority has agreed to convey a 12 foot-wide parcel of land along its north property line to the Town subject to the terms contained in the attached Agreement for Conveyance of Property for such bike path, and

WHEREAS, the Town's Rails to Trails Committee has reviewed the terms of such agreement and find same acceptable, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the offer of conveyance of land from the Erie County Water Authority, and authorizes and directs the Town Supervisor to execute the attached Agreement and other documents necessary to effectuate the terms of this Agreement for Conveyance of Property for this bicycle path on behalf of the Town.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

SEE NEXT PAGE(S) FOR ATTACHMENT

THIS RESOLUTION, ITEM NO.. 11B AMENDED SEPTEMBER 17, 2001

Item No. 11c Motioned by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, during wet weather, the Western New York area has been beset with a large mosquito population, which has a potential for spreading the West Nile virus to residents of this area, and

WHEREAS, in order to combat the proliferation of mosquitoes and the spread of the West Nile virus, the County of Erie has made funding available for the purchase and application of larvacide to combat the breeding of mosquitoes, and

WHEREAS, the County of Erie has prepared an Intermunicipal Agreement wherein it would provide the larvacide and on-site instruction and assistance to Town personnel in the application of such larvacide, and

WHEREAS, Town Highway Department employees have received training on the application of these pesticides, and

WHEREAS, the Town's Disaster Coordinator and Superintendent of Highways have met with County officials to discuss this matter and have recommended that the Town enter into a Municipal Cooperation Agreement with the County of Erie for the use of County funds and personnel to assist Town personnel in combating the West Nile virus, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned agreement with the County of Erie and any other documents necessary to effectuate the terms of such agreement on behalf of the Town.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 11d Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the United States Air Force Band of Liberty is currently on tour throughout the New England and New York region, and

WHEREAS, they will perform in Villa Maria College Auditorium on Sunday, October 14 at 3:00 p.m., BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the confirmation agreement between the Town of Cheektowaga and the United States Air Force Band of Liberty.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 12 Motioned by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, there is a need to construct an emergency access road from the terminus of Airport Drive to connect with Sonwil Drive for firefighting and emergency vehicle access, and

WHEREAS, the Town needs to cross an active railroad line at the end of the existing Airport Drive in order to extend Airport Drive, and

WHEREAS, CSX Corporation is the owner of this railroad line, NOW, THEREFORE,

BE IT

RESOLVED, that representatives from the Town Engineering Department and the Town Attorney's Office be and hereby are directed to meet with representatives of CSX Corporation to request permission to cross the aforementioned railroad line at the end of Airport Drive for such emergency access road.

Item No. 12 cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13a Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of three(3) bleachers which are presently located in Cheektowaga Town Park, and

WHEREAS, these bleachers are in unsatisfactory condition and are of surplus need to the Town; as such, the Town desires to dispose of same, and

WHEREAS, Cheektowaga Southside, Inc. has requested that the Town give these outdated bleachers to such organization, and

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services feels that these bleachers are of no value to the Town, that it would otherwise cost the Town to dispose of these bleachers and that it would be in the Town's best interests to give and deliver these bleachers to Cheektowaga Southside, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of the above mentioned bleachers to Cheektowaga Southside, Inc. for no consideration provided Cheektowaga Southside, Inc. executes a document stating that the Town is absolved of any future liability relating to the condition of these bleachers, and BE IT FURTHER

RESOLVED, that the Town Department of Parks, Recreation and Youth Services (Facilities Division), be and hereby is directed to deliver these bleachers to the Cheektowaga Southside, Inc. athletic complex located at ITT Standard.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 13b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Highway Department has two (2) old military generators that it received from government surplus a few years ago, and

WHEREAS, these generators are in unsatisfactory condition and are of surplus need to the Town; as such, the Town desires to dispose of same, and

WHEREAS, the Amateur Radio Emergency Service has requested that the Town give these generators to such organization, and

WHEREAS, the Town Superintendent of Highways feels that these generators are of no value to the Town, that it would otherwise cost the Town to dispose of these generators and that it would be in the Town's best interests to give these generators to the Amateur Radio Emergency Service, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of the above mentioned generators to the Amateur Radio Emergency Service for no consideration provided the Amateur Radio Emergency Service executes a document stating that the Town is absolved of any future liability relating to the condition of these generators.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY SUPERVISOR GABRYSZAK TO DISPENSE WITH READING OF NAMES, IN THE FOLLOWING RESOLUTIONS, ITEM 14 AND 15, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



Item No. 14 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Parks, Recreation & Youth Services employees be and hereby are terminated, effective immediately:

Kathryn Astran

Rayshawn Bolden

Eric J. Burns

Louis Bystrak

Thomas Carter

Gerrie DeBlasi

Noelle DeBlasi

Andrea Deuser

Steve Dunning

Jennifer Etzel

Erin Finn

Robert Gladwell

Rachael Gorlewski

Mindy Greenauer

Kim Kendzierski

Holly Hayes

Melissa King

Jill LoBocchiaro

Christina Mantione

Brion McGhee

Bernadette Pasek

Alexis Rathwell

Nichole Ritzenhaler

Maria Solecki

Melanie Stewart

Julie Suto

Krystyna Szymczyk

Scott Syroczynski

Nick Wierbicki

Lias Wittman

Mike Young

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 15 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Parks, Recreation & Youth Services employees be and hereby are transferred and/or upgraded as indicated:

Item No. 15 cont'd.

Pre-K - 7140.1664

*(parttime/seasonal status as per resolution dated 1/2/01 increases effective 9/10/01)

Recreation Supervisor XII - \$9.40

Mary Beth Seivert

Recreation Supervisor XI - \$9.15

Laila Desjardins (Also 7140.1612/Recreation Supervisor XI - \$9.40)

Recreation Leader VI - \$7.40

Michelle Flippi Joy Donnelly-Smith

Recreation Instructor VII - \$6.90

Ann Sheldon

Recreation Instructor VII - \$6.65

Sandy Suwalski

Recreation Attendants - 7140.1612

*Valerie Mrzglad

From Seasonal to Part-time

Effective Immediately

Ashley Agnew

Margaret Brezowski

Mary Kay Brezowski

Maureen Brezowski

Corey Burzynski

Patrick Dalton

Carrie DiBliasio

Melissa Esposito

Abby Grupka

Jacki Houser

Shannon Lach

Sally Lipinoga

Laura Maile

Roger Newhouse (effective 10/1/01)

Dave Schnettler

From Seasonal to Part-time

Effective 10/01/01

From 7310.1810 to Adapted Recreation - 7310.1803

Joseph Bender

Barbara Czaplicki

Nicholas Czaplicki

Neal Esford

Jilliam Franz

Roseanne Gawronski

Sara Kaczmarek

Amy McMahon

Jennifer Odrobina

Larry Roedl

Kristin Safe

Amber Tracy

Kristina Wood

<u>Transfer from 7140.1632 to Recreation Attendants – 7140.1614</u>

Debbie Garrison Heather Hussar

Item No. 15 cont'd

Transfer from 7140.1632 to Adapted Recreation - 7310.1803

Patrick Hughes

Paul Hughes

Transfer from 7310.1801 to Adapted Recreation - 7310.1803

Kristen Mills Amy Schnettler

<u>Transfer from 7310.1802 to Adapted Recreation – 7310.1803</u>

Krystle Feind Pamela Szefler Kelly McCulloch

From Seasonal to Parttime (effective immediately)

Transfer from 7180.1903 to Recreation Attendants 7140.1614

Shannon Lach Brandon Lehman

<u>Transfer from 7140.1632 to Recreation Attendants – 7140.1614</u>

Debbie Garrison Heather Hussar

<u>Transfer from 7180.1903 to Recreation Attendants – 7140.1614</u>

Nicole Kunkel

BE IT RESOLVED that the following individuals be transferred and/or upgraded as

indicated:

Effective immediately

From Seasonal to Part-time

(increases effective 9/24/01)

Kim Godzich Amy Monkelbaan Jim Neyerlin

Rec Attendant III - \$5.65

Joseph Alberti

From 7140.1613 to 7310.1804 - Administrative Interns - \$7.65

Amy Pruski

<u>From 7310.1814 to Recreation Attendants – 7140.1614</u>

Recreation Attendant IX - \$6.90

Jill Zarazinski

From 7140.1642 to Recreation Attendants - 7140.1614

Recreation Attendant II - \$5.40

Jenelle Kostran Nicole Neyerlin

From 7140.1645 to Recreation Attendants - 7140.1614

Rec Attendant II - \$5.40

Amanda Penski Jessica Porter

Rec Attendant IV - \$5.90

Randy Matuszewski - Also 7310.1814

Rec Attendant VI - \$6.40 Jeremy Hoffman - Also 7310.1814

Item No. 15 cont'd

Rec Attendant VII - \$6.65 Craig Mahalic

From 7140.1648 to 7140.1614

Rec Attendant II - \$5.40
Laura Brown
Joelle Reinheimer
Brad Walters – Also 7310.1814

Rec Attendant III - \$5.65
Julie Mastandrea
Elena Kehrer – Also 7310.1814
Jennifer Weishaupt – Also 7310.1814

Rec Attendant V - \$6.15
Andreas Ketterl
Stephanie Gerace

Rec Attendant VI - \$6.40 Adam Kehrer – Also 7310.1814

Rec Attendant VII - \$6.65 Joelle Pantling

Rec Supervisor X - \$7.40 Dawn Hunger

Rec Supervisor III - \$6.90 Jennifer Garrison

Rec Attendant VIII - \$6.90 Scott Gretch - Also 7310.1804

Rec Attendant VII - \$6.65 George Hunger

Rec Attendant IV - \$6.15 Chris Maciok

<u>Seasonal – effective 9/17/01</u> (increase effective 9/24/01)

Recreation Supervisor VII - \$7.90 Camille Russell

BE IT RESOLVED that the following individual be and hereby is hired, effective immediately (part-time):

Rec Attendant III - \$5.65

Stephanie Gretch 14212

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 16a Motioned by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Assessor's Association is conducting a seminar on Assessment Administration at the Hudson Valley hotel, Kerhonkson, NY on September 30 thru October 3, 2001 and

Item No. 16a cont'd

WHEREAS, said seminar is administered by the New York State Board of Real Property Services for Assessors to obtain continuing education credits, and

WHEREAS, expenses are not to exceed \$860.00 and reimbursement of part of the expenses will be made by the New York State Board of Real Property Services, NOW, THEREFORE, BE IT

RESOLVED, that William R. Conway, Assessor, be and hereby is authorized to attend said seminar September 30 thru October 3, 2001 BE IT

FURTHER RESOLVED, that the registration fee and all other reasonable expenses, not to exceed \$860, incurred by William R. Conway be paid by the Town budget line account #0100-1355-4082.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 16b Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the US Attorneys Office, Northern District of New York, the Department of Veterans Affairs, and the Healthcare Association of New York State are co-sponsoring The 6th Annual Emergency Medical Preparedness Education Symposium on Tuesday, September 11 – Thursday, September 13, 2001 at the Holiday Inn Turf, 205 Wolf Road, Albany, New York, and

WHEREAS, Chief Bruce D. Chamberlin is requesting authorization from the Town Board to send Sgt. Kenneth Rusin and Sgt. David Zack to the symposium, and

WHEREAS, the participants will be able to define, develop and implement Emergency Preparedness Plans for a specific healthcare organization or facility, identify the health and medical consequences of disasters, identify and define specific treatment regimes for various health and medical consequences of disaster situations, identify management plans for coordinating responses to a community disaster, identify lessons learned when responding to various community disaster events, identify appropriate detection devises in the event a Weapon of Mass Destruction is deployed and identify appropriate protective equipment and safety procedures when responding to a contaminated victim and/or situation, and

NOW, THEREFORE, BE IT RESOLVED, that Sgt. Kenneth Rusin and Sgt. David Zack are authorized to attend The 6th Annual Emergency Medical Preparedness Educational Symposium and that \$1,318.85 will be charged to lines 0100-3120-4085 and 0100-3120-4093.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 16c Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the Johnstone Police Department is hosting the Annual Working K-9 Seminar September 10-15, 2001 in Johnstone, Pennsylvania, and

WHEREAS, Chief Bruce Chamberlin is requesting authorization from the Town Board to send K-9 Officer Daniel Smith and K-9 Breston to the seminar, and

WHEREAS, this will serve as the Eastern Police Canine Association certification for Breston and will also enhance the K-9 Team's proficiency in actual street-type situations in all levels of

criminal, narcotic and bomb detection, and will serve as informational updating and training for PO Daniel Smith, K-9 handler, and

WHEREAS, all expenses will be covered by the Johnstone Police Department except for gasoline, and

Item No. 16c cont'd

NOW, THEREFORE, BE IT RESOLVED, that Officer Smith and K-9 Breston are authorized to attend the seminar and that \$150.00 will be charged to line 0100-3120-4095.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 17 Building Permits – August 2001

Received and Filed.

Item No. 18 Minutes of Cheektowaga Traffic Safety Commission – July 17, 2001

Received and Filed.

III. GENERAL COMMUNICATIONS

Designation of Restricted Highway: Portion of US 20 and NY Route 130 (Broadway) Item No. 19

and New York 78 (Transit Road)

Notice of Claim: Kevin Gawel vs. Town of Cheektowaga Item No. 20a

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; and Allied Claims Insurance Carrier.

Received and Filed.

Notice of Claim: Jennifer Golinski vs. Town of Cheektowaga Item No. 20b

> Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation & Youth and Allied Claims Insurance Carrier.

Received and Filed.

Notice of Claim: David Orlikowski vs. Town of Cheektowaga Item No. 20c

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 20d Notice of Claim: Nancy Scarafia vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 20e Notice of Claim: Ryan Wereski vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 20f Notice of Claim: Thomas Willett vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway and Allied Claims Insurance Carrier.

Received and Filed.

Request to Speak: Cheektowaga Citizens Coalition, Inc. regarding Buffalo Crushed Item No. 21

Stone

Received and Filed.



MOTION BY COUNCILMEMBER JANKOWIAK, 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



V. SUSPENSION OF RULES

Item No. 22 Motioned by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, Grant monies are available from State of New York Criminal Justice Services, and

WHEREAS, the Town of Cheektowaga Police Department seeks grant monies to Continue the Motor Vehicle Theft and Insurance Fraud Demonstration Program (Watch Your Car); NOW, THEREFORE, BE IT

RESOLVED, that the Police Department, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 23 Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz Councilmember Rogowski

WHEREAS, the New York State Emergency Management Association (NYSEMA) annual meeting is to be held at the Lake Placid Resort, in Lake Placid, New York on September 19, 2001; AND

WHEREAS, the New York State Disaster Preparedness Conference is also to be held in the Lake Placid Resort on September 19-21, 2001; AND

WHEREAS, the cost of the conference is \$500; AND

WHEREAS, the cost of the conference has been budgeted for this fiscal year; AND

WHEREAS, \$250 of this cost will be paid by the State Emergency Management Office

(SEMO); AND

WHEREAS, attendance at the conference is mandatory in order to receive matching funds from SEMO; THEREFORE, BE IT

Item No. 23 cont'd

RESOLVED, that Earl Loder, Coordinator of Emergency Services, is authorized to attend the NYSEMA annual meeting and the New York State Disaster Preparedness Conference in Lake Placid, New York from September 19-21, 2001.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 24</u> Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting at 9:15 P.M. in memory of Frances Kolbert.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 19 SEPTEMBER 17, 2001

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th of September, 2001 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; Michael Stachowski, Town Attorney; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Brian Krause, Director of Administration and Finance; Salvatore LaGreca, Chairman of Planning Board; Thomas Rowan, Police Captain; William Conway, Assessor; Christopher Kowal, Highway Superintendent; Susan Pella, Director of Employee Relations; Kenneth Kopacz, Director of Parks, Recreation and Youth Services and Mark Wegner, Foreman-Building and Grounds Division.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss adopting Local Law Intro No. 2001-4 of the Year 2001, entitled "A Local Law Amending Local Laws Nos. 1 and 3 of the Year 2001" hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed Local Law is as follows:



LOCAL LAW INTRO NO. 2001-4 OF THE YEAR 2001

A LOCAL LAW AMENDING LOCAL LAW NOS. 1 and 3 of the YEAR 2001

- 1. For a period of Two hundred forty (240) days, the following area is declared a Special Review Zoning District:
 - Property abutting on Harlem Road from the Amherst Town line south to Genesee Street.
- 2. All departments, agencies and authorities of the Town of Cheektowaga shall withhold the issuance of any permits or approvals for the construction of any new structures or additions to any existing structures on all properties described in subdivision one hereof.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this law upon the Town Board's determination, in its absolute discretion, that such variance or modification, is consistent with the Town's comprehensive master plan, the Harlem-Kensington-Cleveland Master Plan and with the health, safety, morals and general welfare of the Town.



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

II. RESOLUTIONS

Item No. 3 Motioned 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: 100-7620-1971 Part-Time Payroll \$ 206.00

To: 100-7620-1902 Rec. Supervisor 206.00

PART TOWN FUND

From: 800-3620-4321 Computer Expense \$1,000.00

To: 800-3620-4001 Office Supplies \$1,000.00

HUD CDBG FUND

From: 700-1001-0704 Contingency \$1,615.00

To: 700-1001-0679 Summer Day Camp \$1,615.00

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 4 Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to September 14, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$2,038,907.58
HIGHWAY FUND	843,724.65
TRUST & AGENCY	4,549.06
PART TOWN FUND	69,177.69
DEBT SERVICE FUND	177,418.75
RISK RETENTION FUND	82,536.50
HUD HOUSING REHABILITATION	5,542.00
HUD CDBG FUND	59.08
SPECIAL DISTRICTS FUND	1,169,747.10
CAPITAL FUND	<u>64,475.67</u>
	\$4,456,138.08

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 5a Motioned 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 site plans, 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

Item No. 5a cont'd.

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

WHEREAS, an application was submitted by the Town of Cheektowaga Engineering Department for the creation of a water district and the construction of an (8) eight inch water main (1300± L.F.) extension on the north side of Rehm Road west of Patsy Lane, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 12, 2001 recommended a determination of non-significance, AND

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

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 5b Motioned 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 site plans, 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 Nixon Peabody, LLP on behalf of Crown Atlantic Company LLC for the construction of a 135 foot tall monopole cellular communications tower which will replace an existing 100 foot communications tower at 500 Como Park Boulevard, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on August 8, 2001 rendered the determination of non-significance as shown on the attached recommendation dated August 9, 2001, AND

WHEREAS, this Town of Cheektowaga Planning Board at its meeting held on June 14, 2001 recommended approval of the special use permit as shown on the attached recommendation dated June 29, 2001, AND

WHEREAS, Crown Atlantic Company, LLC has agreed to consider the Town Police Department's request to make provisions on the subject communication tower for possible future Town Police and Town communications needs, AND

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

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

Item No. 5b cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 6a</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the towns of Cheektowaga and Amherst have been reviewing the commercial properties in the area along Harlem Road near Kensington Avenue/Cleveland Drive and

Route 33 and have been trying to obtain input from businesses and residences in such area concerning ways to revitalize such area, AND

WHEREAS, in an effort to preserve, enhance and revitalize the Harlem-Kensington-Cleveland business district, the Harlem-Kensington-Cleveland Task Force ("Task Force") was created which subsequently facilitated the creation of the Harlem-Kensington-Cleveland Business Association and the Harlem-Kensington-Cleveland Community Association, AND

WHEREAS, a Harlem-Kensington-Cleveland Draft Master Plan was prepared by the Task Force and such master plan was submitted to the Town, AND

WHEREAS, the Town of Cheektowaga is contemplating making revisions to the Town Zoning Law and/or other laws which will facilitate the implementation of Traditional Neighborhood Development (TND) and require architectural/aesthetic review/approval by Town agencies of any new development, expansion or remodeling of properties along Harlem Road, from the Amherst Town line south to Genesee Street, AND

WHEREAS, the New York State Department of Transportation is also performing studies for the redesign and reconstruction of Harlem Road and its principal intersections at Route 33, Cleveland Drive, Wehrle Road and Kensington Avenue, AND

WHEREAS, this Town Board, by resolution dated March 19, 2001 and June 18, 2001, adopted Local Law Nos. 1 and 3 of the Year 2001, entitled "A Local Law Creating A Special Review Zoning District Law" and "A Local Law Amending Local Law No. 1 of the Year 2001" imposing a 180 day moratorium on the issuance of building permits, etc. for property abutting on Harlem Road from the Amherst Town line to Genesee Street, AND

WHEREAS, the Town needs additional time to study this area of Town and draft revisions to the Zoning Law and other laws to protect this area of Town, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for properties abutting this section of Harlem Road, AND

WHEREAS, the courts have held that a local legislature may, by interim or stop-gap ordinance or local law, stop for a reasonable time the commencement of all building in an area under immediate consideration for revision of regulations or legislation, AND

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 17th day of September, 2001 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2001-4 of the Year 2001, entitled "A Local Law Amending Local Laws Nos. 1 and 3 of the Year 2001", which would extend the moratorium an additional 60 days, should be enacted, AND

WHEREAS, this Board feels that it is in the Town's best interests to extend the moratorium by enacting Local Law No. 4 of the Year 2001, NOW, THEREFORE BE IT

RESOLVED, that Local Law No. 4 of the Year 2001, entitled "A Local Law Amending Local Laws Nos. 1 and 3 of the Year 2001", which is attached hereto and made a part hereof, be and the same is hereby enacted and, BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his office and one (1) certified copy with the Secretary of State and, BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2001 shall take effect immediately upon filing with the Secretary of State.

Item No. 6a cont'd.



LOCAL LAW NO. 4 OF THE YEAR 2001

A LOCAL LAW TO AMEND LOCAL LAWS NOS. 1 AND 3 OF THE YEAR 2001

- 1. For a period of two hundred forty (240) days, the following area is declared a Special Review Zoning District:
 - Property abutting on Harlem Road from the Amherst Town line south to Genesee Street.
- 2. All departments, agencies and authorities of the Town of Cheektowaga shall withhold the issuance of any permits or approvals for the construction of any new structures or additions to any existing structures on all properties described in subdivision one hereof.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this law upon the Town Board's determination, in its absolute discretion, that such variance or modification, is consistent with the Town's comprehensive master plan, the Harlem-Kensington-Cleveland Master Plan and with the health, safety, morals and general welfare of the Town.



Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 6b</u> Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, Nixon Peabody, on behalf of Crown Atlantic, applied for a Special Permit and site plan approval to replace an existing 100 foot self-supporting Telecommunications Tower with a 135 foot monopole towers for the co-location of two wireless providers located at 500 Como Park Boulevard, Cheektowaga, New York pursuant to Sections 260-47 and 260-48 of the Code of the Town of Cheektowaga ("Zoning Law"), AND

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of September, 2001 at 6:30 P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the 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 recommended approval, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA for this project, NOW, THEREFORE BE IT

RESOLVED, that the aforesaid Special Permit be and hereby is granted and, BE IT FURTHER

RESOLVED, that this Town Board hereby accepts and approves the site plan that was submitted for this project.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7a</u> Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski Councilmember Swiatek

WHEREAS, presently, pursuant to subdivision 5-a of Section 64 of the Town Law of the State of New York, the Town of Cheektowaga requires the owners of land to cut, trim, etc. from their land brush, grass, rubbish, weeds, etc., AND

WHEREAS, there is a need to simplify and expedite the process where the Town requires property owners to cut, trim, etc. high weeds, grass, etc. from their property, AND

WHEREAS, the Municipal Home Rule Law of the State of New York permits the Town to enact local laws to protect the health, safety and general welfare of the residents of the Town, AND

WHEREAS, Local Law Intro No. 2001-5 of the Year 2001 has been prepared by the Town Attorney on this topic, NOW, THEREFORE BE IT

RESOLVED, that a public hearing be held on the 1st day of October, 2001 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2001-5 of the Year 2001, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris in the Town of Cheektowaga" and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.



NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 1st day of October, 2001 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

Local Law Intro No. 2001-5 of the Year 2001
A Local Law Pertaining to Brush, Weeds, Obnoxious Growth
And Debris in the Town of Cheektowaga

This local law would require the owners of land in the Town of Cheektowaga to cut, trim or otherwise remove all grass, weeds, brush, plant growth and debris from their land and their respective curbs, gutters and sidewalks bordering their parcels. In the event, the landowner neglects to so remove such growth and/or debris from their land, the Town Supervising & Plumbing Inspector is authorized to cut, trim or remove same, with the cost thereof to be assessed on the property owner's tax bill.

A copy of the complete text of Local Law Intro No. 2001-5 of the Year 2001 is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

Dated: Cheektowaga, New York

September 17, 2001

Richard M. Moleski Town Clerk

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 7b</u> Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, Richard Connor Riley and Associates, LLC have made application and requested a Special Use Permit to extend the height of an existing tower located at 15 Dewberry Lane, with the permission of the owner of the property, namely Spectra Site Communications, Inc., NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 1, 2001 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Upon roll call

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

NAYES: ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8 Order Calling for Public Hearing: Proposed Establishment of Rehm Road Water District

* SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

<u>Item No. 9</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

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

WHEREAS, the Cheektowaga Central High School Senior Student Council has made application to hold a Parade on Friday, October 26, 2001, from 6:00 to 7:30 P.M., as follows: Parade will assemble on South Creek Drive, and proceed down Nagel Drive to Zoerb Avenue to Union Road, and end at the Cheektowaga Central High School grounds, AND

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

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- 3. Requirement that application be made at least 60 days prior to the date of the special event;
- 4. Submittal of Security Plan;
- 5. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central High School Senior Student Council for the aforementioned parade to be held on October 26, 2001 and, BE IT FURTHER

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

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 10a Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 166 Claude Drive, Cheektowaga, New York, SBL #112.68-3-11 and according to the Assessors' Office is owned by Amy Lynn Pinker, Buffalo, New York 14206, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 10b</u> Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 196 Cleveland Drive, Cheektowaga, New York, SBL #79.20-8-30 and according to the Assessors' Office is owned by Jennifer M. Smith, c/o Linda M. Jerge, Buffalo, New York 14215, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: C

ABSENT: 0

Item No. 10c Motioned by Unanimous, Seconded by Unanimous

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 43 Woodcliffe Terrace, Cheektowaga, New York, SBL #80.17-10-9 and according to the Assessors' Office is owned by State of New York Mortgage Agency, 641 Lexington Avenue, New York, New York 10022, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 the high weeds and accumulated 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 11a Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, by resolution dated September 4, 2001, this Town Board accepted an offer of conveyance of land from the Erie County Water Authority ("ECWA") for the Town's Rails to Historic Trails pathway project, and authorized the Supervisor to execute an Agreement for Conveyance of Property with the ECWA, AND

WHEREAS, the Erie County Water Authority has made a minor modification to the agreement attached to the aforesaid resolution, AND

WHEREAS, the Town Rails to Trails Committee has reviewed such modification, in concert with the Town Attorney's Office and the Town Engineering Department finds same acceptable, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby again accepts the offer of conveyance of land from the ECWA, and authorizes and directs the Town Supervisor to execute the attached revised Agreement with the ECWA and other documents necessary to effectuate the terms of this Agreement for Conveyance of Property for this bicycle path on behalf of the Town.

Item No. 11a cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 11b</u> Motioned by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, Contract "B", Heating, Ventilating & Air Conditioning Work for the addition to the Anna M. Reinstein Memorial Library was awarded by Town Board Resolution dated June 19, 2000 to W.C. Roberson Plumbing & Construction Corporation in the amount \$32,768.00, AND

WHEREAS, Foit-Albert Associates, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, AND

WHEREAS, Foit-Albert Associates have also submitted and recommended the approval of Change Order B-01 (Final) which provides for programmable thermostats and transformers to unit heaters as outlined in the Change Order Document, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby accepts the completed project, Contract "B", Heating, Ventilating & Air Conditioning, and directs the Supervisor to sign the Final Contract Acceptance Documents with W.C. Roberson Plumbing & Construction Corporation, 602 East Delavan Avenue, Buffalo, New York 14211, including Change Order B-01 (Final), which provides for an increase to the aforesaid contract in the amount of \$2,590.00 and, BE IT FURTHER

RESOLVED, that funding for Change Order B-01 (Final) shall be appropriated from the Reinstein Trust Account.

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 SWIATEK TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 12A AND 12B AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



<u>Item No. 12a</u> Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

EFFECTIVE

MAIN PUMP STATION - Laborer - \$7.00 per hour

Richard Wagner - Laborer - \$7.00 per hour

Immediately

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

Item No. 12a cont'd.

Е	F	F	Е	C.	ΤI	٧	Ε

TOWN CLERK'S OFFICE

Meghan Hannel Immediately

RECYCLING DEPARTMENT

Jay Morosey, Jr. 9/01/01

Casey Diaz "

Richard Booker 8/25/01 Ronald Juliano 8/17/01

PARKS DIVISION

Nicholas Astyk 8/21/01

Jeffrey Brado "
Patrick Nagy "
Donald Stasczyk "
Travis Conrad "
Wayne Iwanski "
Christopher Meszaros "

Michael Pawlowski "
Jeffrey Smietana "
Michael Stachewicz "

Michael Stachewicz "
Stephanie Zachowicz "

Gordon Hagmeir "

John Bratek "

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 12b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Parks, Recreation and Youth Services employees be and hereby are terminated effective immediately:

Sean Agnew

Scott Becker

Eric Burns

Danielle Burzynski

Todd Bush

Charles Caccard

Cheryl Castonick

Jolanda Clark

Jeremy Cole

Adam Connor

Joe Conti

Adam Czerniejewski

Amber Derenda

Tracey Di Biasio

Amber Dirschberger

Nick Emmanuele

Kristina Esposito

Theresa Eusanio

Marisa Fallacaro

Jenny Fetes

Wilmer Froman

Chris Fucile

Derek Gabryszak

Chris Garcea

Laura Garcea

Item No. 12b cont'd.

Sheri Greenauer

Aaron Grupka

David Guercio

Allison Hess

David Jachimiak

Alex Jarmusz

Kimberly Johnson

Lindsay Kaminsky

Danielle Kashuba

Steve Kaun

Beth Kawczynski

Danielle Ketterl

Stephanie Ketterl

Ryan Knox

John Kulesz

Michael Lewis

Daryl Lindell

Kevin Lizak

Daniel Lysiak

Nicole Mansfield Sarah Mastandrea

Luke Mazur

Patrick McDonough

Amy Lynn McGill

Kimberly Michalak

Jon Miller Patrick Mudd Adam Nowicki Mark Ostempowski Zack Porterfield Mark Przybysz Steven Puff Eugene Pytewski Erik Reinheimer Craig Rejman Eric Rejman Cassie Ring Lindsay Ritzenhaler April Rodriquez Shaun Rozewicz Holly Rutkowski Joshua Rutski **David Schiess** Elizabeth Sinski Jon Sinski Ryan Smith Ben Stein Jen Strobele William Swiat Robert Swiatkowski Graham Szydlowski Amy Tornambe William Vannelli James Wojciekowski Amber Wozniak Amy Wroblewski Matthew Zamoyski Stephani Zachowicz Evan Zynda

Item No. 12b cont'd.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13</u> Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated July 2, 1990, the Cheektowaga Town Board adopted Local Law No. 2 of the Year 1990, entitled "A Local Law to Create the Cheektowaga Conservation Advisory Council", AND

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), AND

WHEREAS, Edward Kosmoski, Jr. resigned from his position as member of the CCAC by letter dated June 26, 2001, AND

WHEREAS, Patricia Goodwin has expressed an interest in serving as a member of the CCAC, AND

WHEREAS, the Chairman of the CCAC has recommended that Patricia Goodwin be appointed to the CCAC, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby accepts the resignation of Edward Kosmoski, Jr. from his position as member of the CCAC, effective immediately and, BE IT FURTHER

RESOLVED, that Patricia Goodwin, 24 Westland Parkway, Cheektowaga, New York 14225 be and hereby is appointed to the CCAC, effective immediately and terminating on October 15, 2002.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 14 Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Senior Clerk in the Assessor's 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, Dawn M. Cartenuto, currently employed as a Clerk Typist in the Police Department, bid on said vacancy and meets the necessary qualification, NOW, THEREFORE BE IT

RESOLVED, that Dawn M. Cartenuto of 58 Glidden Street, New York 14206 be and hereby is appointed to the position of Senior Clerk in the Assessor's 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, Swiatek,

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 15 Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

BE IT RESOLVED, the Town Board hereby creates 25 Part-Time School Crossing Guard positions 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



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 16, 17A AND 17B, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0



<u>Item No. 16</u> Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Parks, Recreation and Youth Services employees be and hereby are transferred and/or upgraded as indicated:

From Seasonal to Part-Time

Effective Immediately

<u>Transfer from 7310.1812 to Recreation Attendants – 7140.1611</u>

Nicholas Carter Andrew Saskowski Steve Saskowski

<u>Transfer from 7310.1812 to Recreation Attendants – 7140.1614</u>

Courtney Fox

<u>Transfer from 7310.1636 to Recreation Attendants – 7140.1611</u>

Paul Maciewjewski

<u>Transfer from 7140.1645 to Recreation Attendants – 7140.1611 and 7140.1614</u>

Greg Pane Lisa Wnuk

Recreation Attendants - 7140.1639

Eric Godzich

Transfer from Recreation Attendant V to Recreation Attendant VI - \$6.40

Lori Burdzy

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17a</u> Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Parks, Recreation and Youth Services employees be and hereby are transferred from Seasonal to Part-Time, effective immediately.

Erica Au

Julie Babulski

Sara Bush

Amy Cole

Julie Croce

Jacques Desjardins

Greg Fischer - Also 7140.1614

Cathy Giles

Alex Godzich

Robert Halter

Brian Hansen

Kurt Hansen

Amy Hawrysiak

Jocelyn Kiszewski

Brian Koscielniak

Paul Machiejewski

Chris Mahalic

Erin Neff

Peter Odrobina

Denise Pajak

Melisa Petre

Anthony Pierino

Jeff Rogoski

Eileen Skowronski

Cher Stucke

Justin Stucke

Cheryl Witt

Alicia Wyzykowski

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 17b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Parks. Recreation and Youth Services employees be and hereby are transferred from Part-Time to Seasonal, effective immediately.

Glenn Au Matthew Bean Lynne Butts

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 18</u> Motioned by Supervisor Gabryszak Seconded by Councilmember Mazur

WHEREAS, the Department of Housing and Urban Development is conducting a workshop in Syracuse, New York, pertaining to the Integrated Disbursement and Information Systems (IDIS) Program, which is utilized in conjunction with the Community Development Block Grant Program, AND

Item No. 18 cont'd.

WHEREAS, the Department of Housing and Urban Development has requested and recommended that the Town send the appropriate staff person to attend said workshop, AND

WHEREAS, the cost for attendance at said workshop is an eligible expense under the Community Development Block Grant budget, AND

WHEREAS, the Director of Community Development has recommended that Diane Farugia, who is responsible for managing the Town's Community Development Block Grant activities on the IDIS system be authorized to attend said workshop, NOW, THEREFORE BE IT

RESOLVED, that Diane Farugia, Office of Community Development Program Secretary, be and hereby is authorized to attend said Consolidated Planning Workshop sponsored by the Department of Housing and Urban Development on September 24th and 25th, 2001, in Syracuse, New York and, BE IT FURTHER

RESOLVED, that Ms. Farugia be reimbursed from the Community Development Budget (line item 700-1000-0703) for her reasonable and necessary expenses incurred in attending said training seminar pursuant to town travel policies.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

Item No. 19 Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, new federal regulations pertaining to the treatment of lead-based paint and lead-based paint hazards in federally assisted housing activities have gone into effect, AND

WHEREAS, said regulations will have a direct and significant impact on the Town's housing rehabilitation programs, AND

WHEREAS, in many of the Town's housing rehabilitation projects, testing and analysis of painted surfaces will be required to comply with federal regulations, AND

WHEREAS, the Town Office of Community Development has solicited proposals from companies possessing the necessary certifications issued by the Environmental Protection Agency to provide necessary lead-based paint hazard testing and consulting services, AND

WHEREAS, the Director of Community Development has recommended that the Town engage the services of Upper New York State Environmental to perform the necessary lead hazard testing and consulting services, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$21,000 with Upper New York State Environmental, a division of Environmental Education Associates, Inc., 2929 Main Street, Buffalo, New York 14214 to perform necessary lead hazard testing and consulting services for the Town of Cheektowaga pursuant to said company's proposal dated August 6, 2001.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 20</u> Supervisor's Statement of Funds – June 2001

Received and Filed.

Item No. 21 Minutes of Cheektowaga Planning Board – August 9, 2001

Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 22 Summons and Complaint: Ronald R. Norman vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Town of Cheektowaga Employees Association and Allied Claims

Insurance Carrier. Received and Filed.

Item No. 23a Notice of Claim: Susan Roma vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Highway Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 23b Notice of Claim: Liberty Mutual Fire Insurance Company for Timothy Hunter vs. the

Town of Cheektowaga Recycling Division

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney; Council; Recycling Department and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 24 Request to Speak: Cheektowaga Citizens Coalition

Received and Filed.



MOTIONED BY COUNCILMEMBER MAZUR, 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, Swiatek,

Jankowiak, and Mazur

NAYES: C

ABSENT: 0



V. SUSPENSION OF RULES

Item No. 25 Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, by resolution dated June 4, 2001, this Town Board engaged the firm of Kideney Architects to prepare plans and specifications for the construction of masonry fire wall partitions and related work at the Cheektowaga Senior Citizens Center Facility, which plans and specifications have been completed enabling the solicitation of competitive bids for said project, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Construction of Masonry Fire Wall Partitions at the Town Senior Citizens Center Facility, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 3rd day of October, 2001 at 11:00 A.M., local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

Item No. 25 cont'd.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 3rd day of October, 2001 at 11:00 A.M. local time, in the Town Hall at Broadway and Union Road, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for installation of firewalls within the existing Cheektowaga Senior Center at 3349 Broadway.

On and after the date of this notice, plans and specifications and other Control Documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the office of Kideney Architects, 200 John James Audubon Parkway, Amherst, New York. Copies of the Contract Documents, Plans, Specifications and Instructions to Bidders may be obtained at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York upon payment of \$50.00 per each set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga, New York.

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form, and unless complied with, such bid will not be accepted.

A Pre-Bid Conference will be held on Tuesday, September 25, 2001 at 9:00 A.M. at the Cheektowaga Senior Center, 3349 Broadway, Cheektowaga, New York.

By Order Of: Richard M. Moleski

Town Clerk

Town of Cheektowaga

Dated: September 17, 2001

Published: September 20, 2001



Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 26 Motioned by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a Notice to Bidders was published for the receipt of bids for Winston/ Vegola Park Improvements, which bids were duly received and opened on September 12, 2001 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Engineering Department dated September 14, 2001, AND

WHEREAS, said letter recommends the contract for Winston/Vegola Park Improvements be awarded to Titan Development, Inc. for their submission of the lowest bid, NOW, THEREFORE BE IT

RESOLVED, that the bid for Winston/Vegola Park Improvements be and hereby is awarded to Titan Development, Inc., 8534 Seaman Road, Gasport, New York 14067 for the bid price of \$90,947.00, being the lowest bid meeting the requirements of the specifications for:

<u>ITEM</u>		
ĵ	Mobilization	\$ 1,500.00
Ĭ	Concrete Sidewalk	6,585.00
II-A	Pavement Replacement	1,125.00
Ш	Clearing, Grubbing, Stockpiling Topsoil	600.00
IV	Drainage 20,937.00	
V-A	Select Fill - Bedding	3,640.00
V-B	Select Fill - Crusher Run	1,125.00
VI	Grading, Seeding, Mulching	2,000.00
VII	Contingent Items	2,000.00
VIII	Tree Plantings	4,030.00
IX	Park Benches	3,400.00
X	Fence	1,305.00
XI-A	Preschool Playground	33,100.00
XI-B	Intermediate Playground	4,400.00
XI-C	Arch Swings	2,500.00
XII	Not Awarded	
XIII	Park Sign	2,700.00

And, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Titan Development, Inc. for the aforesaid project and, BE IT FURTHER

RESOLVED, that funding for said project shall be funded with budgeted C.D.B.G. funds and, BE IT FURTHER

RESOLVED, that said award shall be contingent upon receipt of Release of Funds from the U.S. Department of Housing and Urban Development.

Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 27 Motioned by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, by resolution dated August 20, 2001, this Town Board advertised for bids for the Town Park Pool Renovations, AND

WHEREAS, bids for such pool renovations were duly opened on September 12, 2001, AND

WHEREAS, after review of the sole bid submitted for the general construction portion of the project, the Town's consulting engineer has recommended that this bid be rejected and that this Town Board readvertise for bids for such general construction portion of the Town Park Pool Renovations project, NOW, THEREFORE BE IT

RESOLVED, that the sole bid received by the Town for the general construction portion of the Town Park Pool Renovations project as advertised and opened as hereinabove stated by and hereby is rejected and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the General Construction portion of the Town Park Pool Renovations project in the CHEEKTOWAGA TIMES and the CHALLENGER and, BE IT FURTHER

RESOLVED, that bid specification documents shall be completed and filed with the Town Clerk's Office no later than Thursday, September 20,2001; as such, the requirement that the Town Attorney's stamp of approval on the bid specification documents is hereby waived for this project and, BE IT FURTHER

RESOLVED, that the Town Clerk is the officer designated to open sealed bids for the general construction portion of this project on the 10th day of October, 2001 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York on the 10th day of October, 2001 at 11:00 A.M. local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for Contract A – General Construction for the Town Park Pool Renovations complete, in place, and ready for use in accordance

with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by Bergmann Associates, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 40 La Riviere Drive, Suite 150, Buffalo, New York 14202. Copies may be secured at the office of Bergmann Associates, Inc., upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

Any bidder returning Plans and Specifications in good condition within 30 days following the award of the Contract or the rejection, will be refunded the full amount of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for the Town Park Pool Renovations Project, Contract A – General Construction". Submission of bids must be received prior to 11:00 A.M. on October 10, 2001.

Item No. 27 cont'd.

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

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

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

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

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

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

The work shall be completed by 192 consecutive calendar days from Notice to Proceed, and to begin five (5) days after the "Notice to Proceed" has been issued.

BY ORDER OF: The Town of Cheektowaga
Richard M. Moleski, Town Clerk

Dated: September 17, 2001 Published: September 20, 2001



Upon roll call

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

Jankowiak, and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVITS - NEXT PAGE

<u>Item No. 28</u> Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of the victims and their families of the terrorist attack (September 11, 2001) on the World Trade Center in and on Pentagon; and to the Police, Firefighters, and helpful organizations. This meeting was adjourned at 8:30 P.M.

Richard M. Moleski Town Clerk