

**TOWN OF CHEEKTOWAGA  
MEETING NO. 20  
OCTOBER 1, 2001**



A PUBLIC HEARING WAS HELD ON THE 1<sup>ST</sup> OF OCTOBER 2001 AT 6:30 P.M., ALL TOWN BOARD MEMBERS PRESENT: A MOTION BY COUNCILMEMBER JOHNSON AND SECOND BY SUPERVISOR GABRYSZAK TO ADJOURN PROPOSED ESTABLISHMENT OF REHM ROAD WATER DISTRICT UNTIL OCTOBER 15<sup>TH</sup>, 2001 AT 6:30 P.M.

Upon roll call ....

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



Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1<sup>st</sup> of October, 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; Kevin Schenk, Deputy Town Attorney; Brian Krause, Director of Finance; Susan A. Pella, Coordinator of Employee Relations; Salvatore La Greca, Planning Board Chairman; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Bruce Chamberlin, Chief of Police; Thomas Adamczyk, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director Senior Services and Rudy Santa Maria, Chairman of the Board of Assessment Review.

**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. 2001-5 of the Year 2001, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris in the Town of Cheektowaga" 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 attached:

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 2 cont'd.

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:	100-7620-4680	Van Transportation	\$ 4,410.00
To:	100-1110-1951	Seasonal Payroll	6,900.00
To:	100-7620-4432	Repairs & Maintenance	4,410.00
	100-1110-2105	Equipment	6,900.00

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 & Warrants are submitted to the Town of Cheektowaga prior to September 28, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$ 376,412.97
HIGHWAY FUND	98,412.68
TRUST & AGENCY	14,197.78
PART TOWN FUND	6,757.62
RISK RETENTION FUND	6,026.42
HUD HOUSING REHABILITATION	38,671.00
HUD CDBG FUND	22,940.00
SPECIAL DISTRICTS FUND	273,123.65
CAPITAL FUND	<u>126,835.66</u>
	\$ 963,377.78

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 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

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WHEREAS, an application was submitted by Silvestri Architects, P.C. representing Gabe's Collision to construct a 5,250 square foot building addition at 3700 Genesee Street, AND

Item No. 5a cont'd.

WHEREAS, the Environmental Advisory Committee at its meeting held on September 12, 2001 recommended a determination of non significance as shown on the attached memo dated September 14, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on August 9, 2001 recommends approval of the site plan, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the 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 and approves the site plan.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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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 building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

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

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

WHEREAS, an application was submitted by Benderson Development Company, Inc. / Delta Sonic to rezone a 2.5 acre parcel known as 2285 Walden Avenue from M1-Light Manufacturing District to MS-Motor Service District, AND

WHEREAS, the proposal is to construct a 4,300± square foot muffler/brake shop and 1,410± square foot oil lube shop, 5,000 s.f. convenience store, 5,800 s.f. detail shop and new gas pump canopy and incorporate these as part of the services offered at the Delta Sonic facility, AND

WHEREAS, the existing canopy, detail shop and store would be demolished to provide room for the aforementioned facilities, AND

WHEREAS, the plan shows access from Union Road in the vicinity of the former Brand Names store and from Walden Avenue through both new and existing curb cuts, AND

WHEREAS, the NYS Department of Transportation has determined, as part of its Union Road reconstruction project, that the Union Road driveway will be a right-in/right-out driveway and the westerly Walden Avenue driveway will be a full service driveway, AND

WHEREAS, the applicant had a noise abatement study performed for the facility and as a result will require the muffler shop to have its doors closed during operations and newer, quieter equipment to be installed in the carwash facility, AND

WHEREAS, the applicant has committed in the attached letter to the aforementioned, as well as to providing additional screening and improved drainage for the residents of Schlenker Avenue as shown on the latest site plan, AND

WHEREAS, the Advisory Committee at its meeting held on September 26, 2001 rendered the determination shown on the attached memo dated September 27, 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 purposes of SEQRA.

Upon roll call ....

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

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

WHEREAS, Benderson Development Company petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Service District for property owned by it and located at 2285 Walden Avenue, 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 4<sup>th</sup> day of September, 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 Benderson Development Company for the rezoning from M1-Light Manufacturing District to MS-Motor Service 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

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Item No. 7 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 whereby 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 Year 2001 has been prepared by the Town Attorney on this topic, AND

WHEREAS, in accordance with the Municipal Home Rule Law, a public hearing was held on the 1<sup>st</sup> day of October, 2001 at 7:00 P.M. at the 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. 2001-5 of the Year 2001, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris in the Town of Cheektowaga", should be enacted, AND

WHEREAS, this Board feels that it is in the Town's best interests to enact Local Law No. 5 of the Year 2001, NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 5 of the Year 2001, entitled "A Local Law Pertaining to Brush, Weeds, Obnoxious Growth and Debris in the Town of Cheektowaga", which is attached hereto and made a part 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. 5 of the Year 2001 shall take effect immediately upon filing with the Secretary of State.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 8 Award of Bid: Vending Machine Concessions  
This item was withdrawn.

Item No. 9 Motioned by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, bids were received and publicly opened on September 5, 2001 by the Town Clerk for a Four Wheel Drive 2001 Tractor Flail Mulcher Mower for use by the Town Highway Department in the maintenance of creek corridor and drainage system maintenance, AND

WHEREAS, the Town Engineer, in the attached memorandum dated September 27, 2001, has recommended that the three (3) bids received be rejected, NOW, THEREFORE, BE IT

RESOLVED, that the three (3) bids received by the Town for the above stated Four Wheel Drive 2001 Tractor Flail Mower, as opened on September 5, 2001, be and hereby are rejected.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 10 Order to Establish Rehm Road Water District and Bond Resolution  
This item was withdrawn.

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

WHEREAS, the Town Board has prepared detailed estimates of the anticipated 2002 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

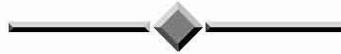
WHEREAS, this Town Board has assessed the Special District costs on a benefit basis against the lots or parcels of land against which the improvement was chargeable, AND

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

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

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 22<sup>nd</sup> day of October, 2001 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES, the official Town newspaper on October 4, 2001.



PUBLIC NOTICE

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

NOTICE IS ALSO GIVEN that a public hearing on such Estimates and Assessment Rolls will be held on October 22, 2001 at 6:00 P.M. at the Town Hall, corner of Broadway and Union Roads, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

Richard M. Moleski  
Town Clerk

Dated: October 1, 2001

Published: October 4, 2001



Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1<sup>st</sup> day of January, 2002, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 4, 2001, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 22<sup>nd</sup> day of October, 2001, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 4, 2001, and post same on the signboard maintained by the Town Clerk.



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

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2002, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours, effective October 4, 2001.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 P.M. on the 22<sup>nd</sup> day of October, 2001, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item therein contained.

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

SUPERVISOR	\$ 71,396
TOWN CLERK	\$ 64,061
HIGHWAY SUPERINTENDENT	\$ 70,804
COUNCILMEMBER	\$ 19,100

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

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Richard M. Moleski, Town Clerk

Item No. 11b cont'd.

Dated: October 1, 2001

Published: October 4, 2001



Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* ATTACHMENT FILED IN TOWN CLERK'S OFFICE (SEE ITEM 26B)

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Item No. 11C Call for Public Hearing: Increase and Improvement of Facilities of Consolidated Sewer District

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 11d Motioned by Councilmember Johnson, Seconded by Councilmember Mazur

WHEREAS, on September 8, 1987, Local Law No. 1 of the Year 1987 pertaining to Flood Damage Prevention was adopted by the Town of Cheektowaga, AND

WHEREAS, a recent issuance of a Letter of Map Revision (LOMR) dated July 5, 2001 by the Federal Emergency Management Agency (FEMA) for Scajaquada Creek Tributary T-1 requires that, in order for this LOMR to become effective on January 26, 2002, the Town must adopt floodplain management regulations which meet the current standards of the National Flood Insurance Program and adopt the revisions made by this LOMR, AND

WHEREAS, the Town Engineer has recommended that this Town Board repeal the existing Flood Damage Prevention Local Law and adopt a new Flood Damage Prevention Local Law which would meet the current standards of the National Flood Insurance Program, AND

WHEREAS, a local law for Flood Damage Prevention is authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36, AND

WHEREAS, Local Law Intro No. 2001-6 of the Year 2001 has been prepared by the Town Engineer on this topic, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 15<sup>th</sup> 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. 2001-6 of the Year 2001, entitled "A Local Law to Repeal the Current Flood Damage Prevention Local Law and to Adopt a New Flood Damage Prevention Local Law 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 OF HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 15<sup>th</sup> 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. 2001-6 of the Year 2001

A Local Law to Repeal the Current Flood Damage Prevention Law and to Adopt a New Flood Damage Prevention Local Law in the Town of Cheektowaga

This Local Law would repeal the current Town of Cheektowaga Flood Damage Prevention Local Law and adopt a new Flood Damage Prevention Local Law which new law would meet the standards of the National Flood Insurance Program.

A copy of the complete text of Local Law Intro No. 2001-6 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  
October 1, 2001

Richard M. Moleski  
Town Clerk

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Item No. 11d cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the contract for the Standby Emergency Generator Installation and Modification Project at the Police & Court Building was awarded by Town Board Resolution dated February 26, 2001 to Tunney Electric, Inc. in the amount of \$62,950.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements, AND

WHEREAS, the Town Engineer has also submitted and recommended the approval of Change Order No. 1 (Final) which provides for the furnishing and installation of a transient voltage suppressor as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the completed project, and directs the Supervisor to sign the Final Contract Acceptance Documents with Tunney Electric, Inc., 8565 Roll Road, Clarence Center, New York 14032, including Change Order No. 1 (Final), which provides for an increase to the aforesaid contract in the amount of \$3,424.30, AND, BE IT FURTHER

RESOLVED, that funding for Change Order No. 1 (Final) shall be chargeable to Account No. 5710-7110-9705.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

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

RESOLVED, that Wednesday, October 31, 2001 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:00 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.



DESIGNATION OF HALLOWEEN NIGHT

BE IT RESOLVED, that Wednesday, October 31, 2001 be designated as 'HALLOWEEN NIGHT' in the Town of Cheektowaga.

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

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

HAPPY HALLOWEEN TO ALL!

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

MEETING NO. 20  
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Richard M. Moleski, Town Clerk



Item No. 13 cont'd.

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 Cleveland Hill School District be and hereby is authorized to hold their Cross Country meet on Tuesday, October 9<sup>th</sup> from 4:00 – 6:00 p.m., and hold their volleyball practices, from now until the end of October in Cheektowaga Town Park. The necessary Certificate(s) of Insurance have been received (attached).

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 15 Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, as part of the remediation of the Pfohl Brothers Landfill Site (the "Site") on Aero Drive in the Town of Cheektowaga, the Erie County Department of Public Works, Division of Highways ("DPW"), agreed to close Aero Drive to public access until October 2, 2001, AND

WHEREAS, Conestoga-Rovers & Associates ("CRA"), the consultants for this project, has informed the Town and the County that, from October 2, 2001 to November 16, 2001, there will still be 1,100 trucks continuing to deliver material to the Site, with an average of two trucks in and two trucks out over a typical nine hour delivery day; at peaks, this number may double or triple, AND

WHEREAS, CRA and the Pfohl Brothers Landfill Steering Committee have recommended that the County delay the reopening of Aero Drive until November 16, 2001, AND

WHEREAS, the Cheektowaga Traffic Safety Commission, based on the recommendations from CRA and the Pfohl Brothers Steering Committee and on accident studies, has also recommended that Aero Drive remain closed to public use until November 16, 2001, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the continued closure of Aero Drive in the vicinity of the Pfohl Brothers Landfill until November 16, 2001, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the DPW to extend the closure of Aero Drive until November 16, 2001, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Maria Lehman, P.E., Commissioner of Public Works for the County of Erie.

Upon roll call ....

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

Item No. 16 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 Lauer-Manguso & Associates Architects for the construction of a 590± square foot building addition at 4199 Union Road (Burger King), AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of September 13, 2001 recommended its approval of this site plan, AND

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

RESOLVED, that this Town Board determines that the project site plan for 4199 Union Road is acceptable and approved.

Upon roll call ....

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

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NAYES: 0  
ABSENT: 0

Item No. 17a Motioned by Councilmember Swiatek, Seconded by Councilmember Rogowski

WHEREAS, many times, individuals and businesses, when they come to Town Hall and the Town Justice Court, need to obtain funds quickly to pay for licenses, permits, fines, etc., AND

WHEREAS, this Town Board feels that the placement of automated teller machines ("ATM's") in the aforementioned Town buildings will make it more convenient for these individuals and businesses to obtain needed cash for their purposes, AND

WHEREAS, the Town has solicited proposals for the placement of ATM's in Town Hall and the Town Justice Court building, AND

WHEREAS, this Town Board, after review of these proposals, feels that the best proposal was submitted by George H. Roberts, d/b/a Ro-Da-Ra Enterprises, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Lease Agreement with George Roberts, d/b/a Ro-Da-Ra Enterprises.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 20  
OCTOBER 1, 2001

Item No. 17b Motioned by Councilmember Johnson, Seconded by Councilmember Jaworowicz  
Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga wishes to develop Phase II of its Bicycle Master Plan; AND

WHEREAS, grant monies are available from the New York State Department of Transportation through the Transportation Act for the Twenty First Century; AND

WHEREAS, matching funds for this grant will be provided from County participation, Town manpower, and from funds to be appropriated in the future by this Town Board; NOW, THEREFORE, BE IT

RESOLVED, that Grantmaker Advantage, Inc. the Town grant consultant, be and is hereby authorized and directed to file a grant application to receive such funding; AND BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized and directed to sign all applications and documents necessary to acquire such funding.

Upon roll call ....

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

Item No. 18 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 Town of Cheektowaga Employees Association:

<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	<u>EFFECTIVE</u>
David DeFields Cheektowaga, NY 14206	immediately
<u>POLICE DEPARTMENT – Clerk - \$7.00 per hour</u>	
Victoria Manos Cheektowaga, NY 14225	immediately

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:

<u>MAIN PUMP STATION – Laborer - \$7.00 per hour</u>	<u>EFFECTIVE</u>
Joseph Clark Cheektowaga, NY 14225	immediately

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

<u>SEWER MAINTENANCE DIVISION</u>	<u>EFFECTIVE</u>
Joshua Krantz	8/06/01
Joseph Abraham	6/01/01
Jason Lenartowicz	9/01/01
Derek Tricoli	7/28/01
<u>RECYCLING DEPARTMENT</u>	
Jeffrey Speaker	9/20/01
<u>SENIOR SERVICES</u>	

MEETING NO. 20  
OCTOBER 1, 2001

Joel LaCombe

immediately

MAIN PUMP STATION

Richard Wagner

9/19/01

Item No. 18 cont'd.

Upon roll call ....

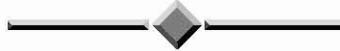
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,  
Jankowiak, and Mazur  
NAYES: 0  
ABSENT: 0

Item No. 19 Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

BE IT RESOLVED, the Town Board hereby creates the position of Computer Support Specialist pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call ....

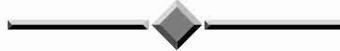
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,  
Jankowiak, and Mazur  
NAYES: 0  
ABSENT: 0



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING OF NAMES, IN THE FOLLOWING RESOLUTION, ITEM 20, 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. 20 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

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

Rink Personnel – 7140.1611  
Recreation Attendant I - \$5.15  
Jenna M. Golf  
Cheektowaga, New York 14225

Gymnastics – 7140.1630  
Recreation Attendant I - \$5.15  
Darlene Adamusik  
Cheektowaga, New York 14225

Krista M. Lesinski  
Cheektowaga, New York 14211

Pre-K – 7140-1664  
Recreation Attendant VI - \$6.40  
Nancy Fumerlle  
Cheektowaga, New York 14227

Volleyball – 7140.1627  
Recreation Leader I - \$6.15  
William E. Strum  
Cheektowaga, New York 14211

MEETING NO. 20  
OCTOBER 1, 2001

Item No. 20 cont'd.

BE IT FURTHER RESOLVED that the following individuals be and hereby are upgraded as indicated:

Seasonal

From Recreation Supervisor VII to Recreation Supervisor VIII - \$8.40

Camille Russell  
(effective 10/08/01)

Part-time

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

Brandon Lehman  
(effective immediately)

Upon roll call ....

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

Item No. 21 Motioned by Unanimous, Seconded by Unanimous

WHEREAS, on September 11, 2001 the United States of America was attacked by terrorists; AND

WHEREAS, these attacks were unprovoked in nature and aimed directly at our country's citizens; AND

WHEREAS, thousands of Americans' lives were lost on this dark day; AND

WHEREAS, the President of the United States has called upon our country to find the perpetrators of these horrific crimes and bring them to justice; AND

WHEREAS, this call for justice has necessitated the United States Military to call reservists to active duty; AND

WHEREAS, the Town of Cheektowaga wholeheartedly supports the President of the United States in his call for justice to all involved in this unprecedented act of terror on our citizens; AND

WHEREAS, an unprovoked terrorist attack has necessitated the United States Military Reserve to call to its personnel to active duty; AND

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements; AND

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of crisis, for the call-up resulting from this singularly tragic event, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis; AND

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country; NOW, THEREFORE, BE IT

RESOLVED, that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; AND, BE IT FURTHER,

RESOLVED, that such policy shall be in effect through December 31, 2001 and be subject to further review at that time.

MEETING NO. 20  
OCTOBER 1, 2001

Item No. 21 cont'd.

Upon roll call ....

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

Item No. 22a Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, the term of Rudy Santa Maria as a member of the Board of Assessment Review in the Town of Cheektowaga will expire on September 30, 2001; AND

WHEREAS, Mr. Santa Maria has performed his duties as a member of the Board of Assessment Review in an exemplary manner; AND

WHEREAS, this Board is desirous of retaining Mr. Santa Maria as a member of the Board of Assessment Review; NOW, THEREFORE, BE IT

RESOLVED, that Rudy Santa Maria of Cheektowaga, New York 14225 be and hereby is reappointed as a member of the Board of Assessment Review in the Town of Cheektowaga for a term effective from October 1, 2001 through September 30, 2006.

Upon roll call ....

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

Item No. 22b Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Computer Support Specialist in the Accounting 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

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;

WHEREAS, Jonathan Jarembek has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jonathan Jarembek of Snyder, New York, 14226 be and hereby is appointed provisionally to the position of Computer Support Specialist in the Accounting 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 October 2, 2001 at a temporary rate of \$40,000, subject to negotiation with the Town of Cheektowaga Employees Association; AND, BE IT FURTHER

RESOLVED, that in compliance with the local Law known as the Residency Law of the Town of Cheektowaga, Jonathan Jarembek be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board resolution.

Upon roll call ....

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

**MEETING NO. 20  
OCTOBER 1, 2001**

Item No. 23a Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Eastern Paralyzed Veterans Association will present a seminar on State and Federal Accessibility Requirements on Wednesday, October 17, 2001 at the Albright-Knox Art Gallery in Buffalo, New York; AND

WHEREAS, the Town of Cheektowaga's Building and Plumbing Department has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the cost of said seminar is \$150; AND

WHEREAS, the cost of said seminar has been budgeted for this fiscal year; AND

WHEREAS, attendance at this conference will provide valuable insight pertaining to inspections and code enforcements because state and federal accessibility laws can be vague and unclear; NOW, THEREFORE, BE IT

RESOLVED, that Thomas Adamczak, Supervising Building and Plumbing Inspector, Gary Parks, Building Inspector, and Gail Milburth, Assistant Building Inspector, be and hereby are authorized to attend the State and Federal Accessibility Requirements Seminar presented by the Eastern Paralyzed Veterans Association at the Albright-Knox Art Gallery in Buffalo, New York on October 17, 2001.

Upon roll call ....

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

Item No. 23b Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Officer of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, to be held from October 2, 2001 through October 4, 2001; AND

WHEREAS, the Town of Cheektowaga's Building and Plumbing Department has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the cost of said seminar has been budgeted for this fiscal year; AND

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

RESOLVED, that Matthew Kawczynski and Edward Saturnus, Fire Inspectors, be and hereby are authorized to attend the "Fire Marshals and Inspectors Seminar" to be held from October 2, 2001 through October 4, 2001 in Montour Falls, New York; AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga pay the registration fees totaling \$50, food and lodging costs of \$120 each, and a travel cost not to exceed \$20 each to attend said seminar; AND, BE IT FURTHER

RESOLVED, said expenses be charged to account number 0800-3620-4088.

Upon roll call ....

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

Item No. 23c Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Network in Aging of Western New York, Inc., will be presenting a seminar, "Challenges of Volunteerism in Aging Services for the New Millennium" on Tuesday, October 23, 2001 at the Hearthstone Manor in Depew, New York; AND

**MEETING NO. 20  
OCTOBER 1, 2001**

Item No. 23c cont'd.

WHEREAS, Patricia Wojcik, the director of Senior Services, has submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the cost of said seminar is \$40; AND

WHEREAS, the cost of said seminar has been budgeted for this fiscal year; NOW, THEREFORE, BE IT

RESOLVED, that Patricia Wojcik, Director of Senior Services, be and hereby is authorized to attend the "Challenges of Volunteerism in Aging Services" Seminar presented by the Network in Aging of Western New York, Inc., on October 23, 2001 at the Hearthstone Manor in Depew, New York.

Upon roll call ....

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

**III. DEPARTMENTAL COMMUNICATIONS**

Item No. 24 Building Permits – September 2001  
Received and Filed.

Item No. 25 Supervisor's Statement of Funds – July 2001  
Received and Filed.

Item No. 26a Tentative Benefit Basis Budget  
Received and Filed.

Item No. 26b Tentative Ad Valorem Budget  
Received and Filed.

**IV. GENERAL COMMUNICATIONS**

Item No. 27 Amended Summons in a Civil Case: Norfolk Southern Railway Co. vs. New York Office of Real Property Services, et.al.  
Received and Filed.

Item No. 28a Notice of Claim: Michael Ketchmark 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. 28b Notice of Claim: Marvin H. Lueke 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.

Item No. 28c Notice of Claim: Henry Skalski 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.

Item No. 29 Request to Speak: Cheektowaga Citizens Coalition, Inc. re: Buffalo Crushed Stone.  
Received and Filed.

MEETING NO. 20  
OCTOBER 1, 2001



MOTION 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: 0  
ABSENT: 0



**V. SUSPENSION OF RULES**

Item No. 30a Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct an open fire on October 12, 2001 on the property located at 3325 Genesee Street, AND

WHEREAS, the applicant intends burning wood in its natural state on the northwest side of the property. U-Crest Fire Department will assist with the burn operation, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call ....

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

Item No. 30b Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

MEETING NO. 20  
OCTOBER 1, 2001

Item No. 30b cont'd.

WHEREAS, an application for a permit was submitted by Maryvale High School to conduct an open fire on October 25, 2001 on the property located at 1050 Maryvale Drive, AND

WHEREAS, the applicant intends on burning a bone fire on the athletic field in conjunction with their home coming activities. The U-Crest Fire Department has been notified and will assist, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Maryvale High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call ....

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

Item No. 30c Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Manzella Productions, Inc. to conduct an open fire on October 26, 2001 on the property located at 80 Sonwil Drive, AND

WHEREAS, the applicant intends to burn a recreational fire in the open area to the rear of parking lot with the assistance of the Hy-View Fire Department, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Manzella Productions, Inc. and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call ....

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

Item No. 30d Motioned by Supervisor Gabryszak, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

MEETING NO. 20  
OCTOBER 1, 2001

Item No. 30d cont'd.

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Cheektowaga Central High School to conduct an open fire on October 24, 2001 on the property located at 3600 Union Road, AND

WHEREAS, the applicant intends on conducting an open fire in conjunction with home coming events, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Cheektowaga Central High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call ....

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

Item No. 24 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. 21  
OCTOBER 15, 2001**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th of October, 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; John, Glascott, Police Lieutenant; Susan Pella, Director of Employee Relations; Earl Loder, Disaster Coordinator; and Patricia Wojcik, Director of Senior Services.

**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. 2001-6 of the Year 2001, entitled "A Local Law to Repeal the Current Flood Damage Prevention Law and to Adopt a New Flood Damage Prevention Local Law in the Town of Cheektowaga" 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 attached.

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.

\* SEE NEXT PAGE(S) FOR ATTACHMENT

**II. RESOLUTIONS**

**MEETING NO. 21  
OCTOBER 15, 2001**

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:	100-1220-2201	Office Equipment	\$ 1,000.00
	100-3120-2203	Typewriters	125.01
	100-3120-4046	Motorcycle Division	817.59
	100-3120-4009	Scientific Unit Supplies	1,857.40
	100-3120-4085	Education Expense	2,000.00
	100-3020-4022	Maintenance Contracts	4,000.00
	100-1440-1951	Seasonal Labor	2,000.00
	100-3120-3820	State Aid Police	43,422.69
To:	100-1220-4001	Office Supplies	\$ 1,000.00
	100-3120-4031	Prisoner Meals	4,000.00
	100-3120-4444	Police Towing	800.00
	100-3020-4431	Equipment Repairs & Maintenance	4,000.00
	100-1440-1902	Principal Engineer Assistant	2,000.00
	100-3120-2206	Law Enforcement Block Grant	43,422.69

SPECIAL DISTRICTS FUND

From:	255-8125-4087	Training & Conference	\$ 880.00
	255-8125-4141	Chemicals	4,675.00
	255-8125-4163	Gas, Oil & Grease	9,029.06
	255-8125-4453	Building Repairs	5,000.00
To:	255-8125-4438	Sewer Repairs	\$19,584.06

HUD-CDBG FUND

From:	700-1001-0704	Contingency	\$10,000.00
To:	700-1001-2410	Winston-Vegola Playground	\$10,000.00

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 October 12, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$1,742,705.46
HIGHWAY FUND	337,204.73
TRUST & AGENCY	7,618.00
PART TOWN FUND	54,388.44
RISK RETENTION FUND	101,133.12
HUD HOUSING REHABILITATION	16,316.81
HUD CDBG FUND	4,269.75
SPECIAL DISTRICTS FUND	569,896.63
CAPITAL FUND	<u>1,370,219.32</u>
	\$4,203,752.26

Item No. 4 cont'd.

Upon roll call ....

MEETING NO. 21  
OCTOBER 15, 2001

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



**ITEM 5A AND ITEM 6 WERE ACTED UPON AFTER ITEM 27.  
SEE PAGES 19 AND 20.**



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 Spectrasite Communications, Inc., for a 13 foot extension to an existing cellular communications tower at 15 Dewberry Lane for a total tower height of 199 feet, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 12, 2001 recommended a determination of non-significance as shown on the attached memorandum dated September 14, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on August 9, 2001 recommended approval of the special use permit as shown on the attached recommendation dated August 14, 2001, AND

WHEREAS, Spectrasite Communications, Inc. 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 as shown in the attached correspondence dated September 28, 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, 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. 5c 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

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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 Mussachio Architects, P.C. representing the New Creation Fellowship Church for a 4,277 square foot building addition at 3325 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 10, 2001 recommended a determination of non-significance and further advising that the New Creation Fellowship Church should take necessary steps to remove the three diseased/dying trees posing a threat to the neighboring residence on Pinehurst Avenue as shown on the attached memo dated October 11, 2001, AND

WHEREAS, Mr. Steven Grant, Administrator for the New Creation Fellowship Church has acknowledged the Town's concerns for the threat the diseased/dying trees pose as shown in the attached correspondence dated October 6, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on September 13, 2001 recommends approval of the site plan, AND

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

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

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 5A AND ITEM 6 WERE ACTED UPON AFTER ITEM 27.  
SEE PAGES 19 AND 20.**

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

WHEREAS, Richard Connor and Associates, L.L.C., on behalf of Spectrasite Communications, Inc. applied for a Special Permit and site plan approval to allow an extension to the existing lattice tower and addition of accompanying equipment shelters to allow Cricket Communications to co-locate on the tower on property located at 15 Dewberry Lane, 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 1<sup>st</sup> day of October, 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 of a 15 foot extension to this lattice tower, AND

WHEREAS, the applicant has agreed to lower the proposed extension so that the height of the finished tower will be 199 feet, 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 subject to the condition that the height of the finished tower will not exceed 199 feet 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

Item No. 8 Approve Establishment of Rehm Road Water District

\* SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

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Item No. 9 Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2002 Program Year, AND

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

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

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

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

RESOLVED, that a public hearing be held on November 5, 2001 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, AND BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the CHEEKTOWAGA TIMES on Thursday, October 25, 2001.

Upon roll call ....

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

AFFIDAVIT - NEXT PAGE

Item No. 10 Motioned by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, the Highway Department is in need of one (1) new and unused 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) new and unused 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

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RESOLVED, that sealed bids will be received on the 31<sup>st</sup> day of October, 2001 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on October 31, 2001 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York 14227 for the furnishing of one (1) new and unused 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) New and Unused Four-Wheel Drive 2001 Tractor with Flail Mulcher Mower" and submitted to the Town Clerk prior to bid opening.

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

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

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

Richard M. Moleski  
Town Clerk

Dated: October 15, 2001



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE

Item No. 11a Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town at a public bid opening for the purchase of New Trees for the Town's Fall 2001 Planting Season, by the Cheektowaga Highway Department. As a result of advertisement, such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid be awarded to Schichtel's Nursery, Inc., 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder meeting

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specifications as set forth in the tabulation attached hereto and made a part hereof, and, BE IT FURTHER

RESOLVED, that said monies be charged to Line Item #0300-5140-4291.

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 Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, bids were received and publicly opened on October 3, 2001 by the Town Clerk for the construction of masonry fire wall partitions and related appurtenances at the Senior Citizen Center, AND

WHEREAS, the Town Engineer and Kideney Architects, project architect, have reviewed the bids and recommend that the contract be awarded to Thomas Johnson, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE BE IT

RESOLVED, that the contract for the installation of fire wall partitions and related appurtenances at the Town Senior Citizens Center be and hereby is awarded to Thomas Johnson, Inc., 3566 North Buffalo Road, Orchard Park, New York 14127 for the bid price of \$70,000, which was the lowest bid meeting the requirements of the specifications and, BE IT FURTHER

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

RESOLVED, that funding for the aforesaid project shall be chargeable to Account #0500-7620-2521-5122.

Upon roll call ....

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

Item No. 11c Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, bids were received and opened by the Town Clerk for vending machines at various Cheektowaga Buildings on September 11, 2001 at 11:00 A.M., AND

WHEREAS, bid proposals have been received by the General Crew Chief of the Parks Division, Department of Parks, Recreation and Youth Services, NOW, THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby award the bid for Vending Machines at Various Cheektowaga Buildings to:

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

Upon roll call ....

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

Item No. 12a Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the contract for Phase I Storm Sewer Installation on Various Town Highways, awarded by Town Board resolution dated June 4, 2001 to Janik Paving & Construction, Inc., in the amount of \$202,655.50 has been substantially completed in accordance with the contract requirements, AND

WHEREAS, the Town Engineer has recommended approval of Change Order No. 1 (Final) for the aforesaid project, which provides for final adjustment to contract item quantities to those actually incorporated into the project, as outlined in the Change Order Documents dated September 14, 2001, NOW, THEREFORE BE IT

Item No. 12a cont'd.

RESOLVED, that Change Order No. 1 (Final) in the amount of \$1,306.10 as an addition to the contract of Janik Paving & Construction, Inc., 97 Evans Street, P.O. Box 706, Hamburg, New York 14075-0706 be and hereby is approved and is to be funded with available CDBG funds and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 (Final) and the owner's acceptance statement for the completed project on behalf of this Town Board.

Upon roll call ....

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

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Item No. 12b Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the contract for Phase II Cedargrove Heights Sanitary/Storm Sewer Improvements, awarded by Town Board resolution dated June 4, 2001 to Kissell Excavating, Inc., in the amount of \$97,980.00 has been substantially completed in accordance with the contract requirements, AND

WHEREAS, the Town Engineer has recommended approval of Change Order No. 1 (Final) for the aforesaid project which provides for final adjustment to contract item quantities to those actually incorporated into the project, as outlined in the Change Order Documents dated September 18, 2001, NOW, THEREFORE BE IT

RESOLVED, that Change Order No. 1 (Final) in the amount of \$4,432.00 as a deduction to the contract of Kissell Excavating, Inc., 1026 Reilein Road, Cowlesville, New York 14037 be and hereby is approved and is to be funded with available CDBG funds and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 (Final) and the owner's acceptance statement for the completed project on behalf of this Town Board.

Upon roll call ....

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

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

WHEREAS, as part of the development of property at 1650 Walden Avenue, Furniture Executives No. 3, LP agreed to convey a drainage easement over the rear of its property, which is tributary to the Scajaquada Creek T-1 system, to the Town, AND

WHEREAS, Furniture Executives No. 3, LP 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.

Item No. 13 cont'd.

Upon roll call ....

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

Item No. 14a 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 158 David Avenue, Cheektowaga, New York, SBL #102.21-6-38 and according to the Assessors' Office is owned by Helfrich Ann Opara, 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

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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. 14b 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 213 Maryvale Drive, Cheektowaga, New York, SBL #91.09-6-14 and according to the Assessors' Office is owned by Gerald Boyd, 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  
NAYES: 0  
ABSENT: 0

Item No. 15 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, Ciminelli Development Company, Inc. has submitted a Public Improvement Permit Application, plans and specifications and permit fee for proposed modifications and improvements to the Town owned and maintained traffic signal system located at the intersection of Cayuga Road and Cleveland Drive, AND

WHEREAS, said intersection and signal improvements are associated with the commercial redevelopment of NFTA property at 455 Cayuga Road, AND

Item No. 15 cont'd.

WHEREAS, representatives of the Town Traffic Safety Committee, Police Traffic Division and Engineering Department have reviewed the plans and specifications and find the design of the traffic signal improvements, including pedestrian features, acceptable and in conformance with Town requirements, NOW, THEREFORE BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid signal modification and improvements project and, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,918.05 be deposited in the Public Improvement Permit Account established for receipt and disbursement of such fees and, BE IT FURTHER

RESOLVED, that the Town Engineer be and is hereby authorized to engage the firm of DiDonato Associates, the project design consultant, on an hourly basis to perform periodic inspection, final engineering certification, and to prepare as-built drawings pursuant to the attached proposal dated October 4, 2001, funded by the Public Improvement Permit fee at a total expense not to exceed \$1,600.00.

Upon roll call ....

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

\* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 16 Motioned by Unanimous, Seconded by Unanimous

WHEREAS, the Town of Cheektowaga has been served with an Order to Show Cause and Temporary Restraining Order, Amended Summons, and Amended Complaint in an action brought by Norfolk Southern Railway Company, against it and other municipalities in Federal District Court, seeking injunctive and declaratory relief from ad valorem taxes, AND

WHEREAS, it is necessary that the Town be represented as a defendant in this complex Article 78 proceeding, AND

WHEREAS, Kenneth Schoetz, special counsel to the firm of Phillips, Lytle, Hitchcock, Blaine & Huber, L.L.P. is presently representing the Town in a manner brought by CSX Transportation, Inc. seeking the same or similar relief, and it is expected that these two proceedings will be joined or consolidated for trial by the federal district court and will proceed on the same track, AND

WHEREAS, Mr. Schoetz has had experience in defending similar actions by the railroads against municipalities, the Town Attorney has determined that it would be prudent to retain his services to represent the Town in this action,

NOW, THEREFORE BE IT

RESOLVED, that Kenneth Schoetz, Esq., Special Counsel to the firm of Phillips, Lytle, Hitchcock, Blaine & Huber, LLP, 3400 HSBC Center, Buffalo, New York, 14203-2887, be and hereby is

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retained to represent the Town as a defendant in said action, and the Town Attorney is hereby authorized to enter into and execute a retainer agreement with said law firm and, BE IT FURTHER

RESOLVED, that the Town pay the reasonable attorneys fees and costs from account number 101-1938-4703, or such other account as may be determined by the Director of Administration & Finance, for their representation of the Town in this matter.

Upon roll call ....

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

Item No. 17a Motioned by Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Maryvale Community Center at 3409 Genesee Street in the Town, AND

WHEREAS, by resolution dated July 3, 2000, this Town Board agreed to lease a portion of such building to the Community Action Partnership, an organization devoted to combating substance abuse by the youth in our community for a period of one (1) year, AND

WHEREAS, such lease expired and CAP has notified the Town that it is interested in renewing such lease for another one (1) year term (from July 1, 2001 to June 30, 2002), NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a renewal of a lease agreement for the aforementioned property for an additional one (1) year on the same terms as the original lease.

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 subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak be authorized to sign the attached contract, retroactive from October 1, 2001, between the Town of Cheektowaga and the Community Action Partnership, for the operation of a recreation program at the JFK Middle School under a grant funded by the New York State Office of Children and Family Services.

Upon roll call ....

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

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 17c Motioned by Councilmember Jaworowicz, Seconded by Councilmember Rogowski

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

WHEREAS, the Dog Control Officer has recommended that the Dog Disposal Agreement with Lancaster be renewed for another five (5) years at a cost of \$13.00 per dead dog, AND

WHEREAS, a new agreement between the Town of Lancaster and the Town of Cheektowaga for the period beginning September 1, 2001, and ending August 31, 2006, has been prepared and is acceptable as to form by the Town Attorney's Office, AND

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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

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

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – School Crossing Guard - \$7.10 per hour</u>	
Sharon Knoph                      Depew, NY 14043	10/15/01

<u>POLICE DEPARTMENT – Traffic Sign Maintenance – Laborer - \$7.00 per hour</u>	
Sean Glascott                      Cheektowaga, 14227	Immediately

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

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT</u>	
Bryan Kazmierczak	9/29/01
Marvin Rowland	9/25/01
Francis Kasprzyk	9/29/01
Michael Full	9/29/01
John Kasperek	10/04/01
<u>PARKS DIVISION</u>	
Joseph Bentkowski	10/01/01
John Mazgaj	10/01/01
Walter Gardon	9/22/01
Jason Winkelman	9/09/01

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Tom Panasiewicz  
Edward Pozdyn

8/31/01  
10/03/01

Upon roll call ....

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

Item No. 19 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

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

Teen Center Initiative – 7310-1814

Recreation Attendant I - \$5.15  
Justin M. Lelonek  
Cheektowaga, New York 14227

Rink Personnel –7140.1611

Recreation Attendant IV - \$5.90  
Jan Kostran  
Depew, New York 14043

Recreation Attendant I - \$5.15  
Michael Young  
Cheektowaga, New York 14225

Item No. 19 cont'd.

Nicholas Conti  
Cheektowaga, New York 14225

Lifeguards – 7180.1903

Lifeguards – Level I - \$5.90  
Zachary Porterfield  
Cheektowaga, New York 14225

Upon roll call ....

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

Item No. 20 Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, a temporary vacancy exists in the position of Clerk Typist 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 job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service open competitive list for said title has been canvassed, AND

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WHEREAS, the Police Department is in the process of interviewing candidates for said position, AND

WHEREAS, there is an immediate need to fill said vacancy, AND

WHEREAS, Sandra Sweeney, currently employed as a temporary Account Clerk Typist in the Police Department, meets all the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Sandra Sweeney of Cheektowaga, New York 14227 be and hereby is appointed to the temporary position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 9, 2001.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

**III. DEPARTMENTAL COMMUNICATIONS**

Item No. 21 Supervisor's Statement of Funds – August 2001  
Received and Filed.

Item No. 22 Office of Emergency Services Quarterly Report July to September 2001  
Received and Filed.

Item No. 23a Minutes of Cheektowaga Conservation Advisory Council – September 6, 2001  
Received and Filed.

Item No. 23b Minutes of Cheektowaga Conservation Advisory Council – September 22, 2001  
Received and Filed.

Item No. 23c Minutes of Cheektowaga Planning Board – September 13, 2001  
Received and Filed.

Item No. 23d Minutes of Cheektowaga Traffic Safety Commission – September 18, 2001  
Received and Filed.

**IV. SUSPENSION OF RULES**

Item No. 24 Summons and Complaint: Starpoint Transport Inc. – Thomas A. Blidy 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. 25 Notice of Claim: Joanne Chuchla 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. 26 Request to Speak: Cheektowaga Citizens Coalition  
Received and Filed.



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MOTION 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: 0  
ABSENT: 0



**V. SUSPENSION OF RULES**

Item No. 27 Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, AHEPA National Housing Corp. has made application and requested the Rezoning from RS-Single Residential District to RSC-Senior Citizen Housing District for property located at 995 French Road and SBL No. 125.11-8-3, with the permission of the owners, namely Michael A. Drabik, Jennifer Drabik, Michael Wycoki, Marilyn Wycoki and Florence Derry, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 5, 2001 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Item No. 27 cont'd.

Upon roll call ....

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

AFFIDAVIT - NEXT PAGE

MEETING NO. 21  
OCTOBER 15, 2001



***THE TOWN BOARD ACTED UPON ITEMS 5A AND 6 AFTER ITEM 27 AS FOLLOWS.***



Item No. 5a 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 the Town of Cheektowaga Engineering Department for the adoption of a new local for Flood Damage Prevention and the repeal of the existing local law for flood damage prevention commonly known as Chapter 125 of the Code of the Town of Cheektowaga, AND

WHEREAS, the Town Engineer has indicated the need to revise the current Flood Damage Prevention law to enable Town residents to benefit from changes in new flood plane boundaries adopted by the Federal Emergency Management Agency (FEMA), AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on September 26, 2001 recommended a determination of non-significance as shown on the attached memorandum dated September 27, 2001, AND

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

MEETING NO. 21  
OCTOBER 15, 2001

RESOLVED, that this Town Board, determines that the adoption of the new local law 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. 6 Motioned by Councilmember Johnson, Seconded by Councilmember Mazur

WHEREAS, on September 8, 1987, Local Law No. 1 of the Year 1987 pertaining to Flood Damage Prevention was adopted by the Town of Cheektowaga, AND

WHEREAS, a recent issuance of a Letter of Map Revision (LOMR) dated July 5, 2001 by the Federal Emergency Management Agency (FEMA) for Scajaquada Creek Tributary T-1 requires that, in order for this LOMR to become effective on January 26, 2002, the Town must adopt floodplain management regulations which meet the current standards of the National Flood Insurance Program and adopt the revisions made by this LOMR, AND

WHEREAS, the Town Engineer has recommended that this Town Board repeal the existing Flood Damage Prevention Local Law and adopt a new Flood Damage Prevention Local Law which would meet the current standards of the National Flood Insurance Program, AND

WHEREAS, a local law for Flood Damage Prevention is authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36, AND

WHEREAS, Local Law Intro No. 2001-6 of the Year 2001 has been prepared by the Town Engineer on this topic, AND

WHEREAS, a public hearing was held on the 15<sup>th</sup> 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. 2001-6 of the Year 2001, entitled "A Local Law to Repeal the Current Flood Damage Prevention Local Law and to Adopt a New Flood Damage Prevention Local Law in the Town of Cheektowaga", AND

WHEREAS, this Board feels it is in the Town's best interests to enact Local Law No. 6 of the Year 2001, NOW, THEREFORE BE IT

RESOLVED, that Local Law No. 6 of the Year 2001, entitled "A Local Law to Repeal the Current Flood Damage Prevention Law and to Adopt a New Flood Damage Prevention Local Law in the Town of Cheektowaga", 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. 6 of the Year 2001 shall take effect immediately upon filing with the Secretary of State.

MEETING NO. 21  
OCTOBER 15, 2001

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. 28 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of Dorothy Kubik, 1<sup>st</sup> woman Commander of Veterans of Foreign Wars and member of Veterans Affairs Committee. This meeting was adjourned at 8:00 P.M.

Richard M. Moleski  
Town Clerk

**TOWN OF CHEEKTOWAGA  
SPECIAL MEETING NO. 22  
OCTOBER 22, 2001**

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 22nd of October, 2001 at 6:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Michael Stachowski, Town Attorney; Patricia Wojcik, Director of Senior Services; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Brian Krause, Director of Administration and Finance; Christopher J. Kowal, Highway Superintendent; Thomas Adamczak, Building Inspector; and Jerome Gabryszak, Director of Community Development; Arthur Ferdinand, General Crew Chief; Kevin Glascott, President of Town of Cheektowaga Employees Association; Susan Pella, Director of Employee Relations; Walt Domino, Assistant Town Engineer; William Conway, Town Assessor; James Burst, Sewer Maintenance Foreman; Andrew Kulyk, Chairman of Zoning Board of Appeals; Larry Golas, Superintendent of Main Pump Station; Robert Sprada, Deputy Highway Superintendent.

**I. PUBLIC HEARINGS**

Item No. 2 This being the time and place advertised to consider the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2002. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

The 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.

*(The Preliminary Ad Valorem Budget for 2002 is on file in the Town Clerk's Office.)*

Item No. 3 This being the time and place advertised to consider the Preliminary Benefit Basis Budget of the Town of Cheektowaga for the year 2002. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

The 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.

*(The 2002 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.)*

Item No. 4 Motioned by Seconded by, Seconded by Unanimous to adjourn this special meeting. This meeting was adjourned at 8:15 P.M.

Richard M. Moleski  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 23  
NOVEMBER 5, 2001**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5<sup>TH</sup> of November, 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; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Bruce Chamberlin, Chief of Police; Thomas Adamczyk, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director Senior Services and Jerome Gabryszak, Director of Economic and Community Development; William Conway, Town Assessor; and Patricia Staniaszek, Youth and Recreation Program Coordinator.

**I. PUBLIC HEARING**

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss Increase and Improvement of Facilities of Consolidated Sewer District, 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 Consolidation is as attached:

**MEETING NO. 23  
NOVEMBER 5, 2001**

Item No. 2 cont'd.

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:	100-1355-4561	Contracted Legal	\$ 4,500.00
	100-1355-4575	Contract Appraisals	14,000.00
	100-1910-4711	Contingency	31,000.00
To:	100-1910-4322	Contracted Legal Services	49,500.00

**HIGHWAY FUND**

From:	300-5141-1951	Seasonal	\$ 2,200.00
	300-5110-4177	Receivers & Pipes	5,000.00
	300-5110-4185	Barricades	5,000.00
To:	300-5141-1971	Part-Time Clerk	2,200.00
	300-5130-4462	Parts & Supplies	10,000.00

**HUD REHAB**

From:	140-1001-0720	Cedargrove Heights Drainage	\$ 795.99
	140-1001-0704	Contingency – Program Income	2,745.72
To:	140-1001-0802	Sarabel Ct. Drainage Improvement	3,541.71

**PART TOWN FUND**

From:	800-3620-4051	Records Management	\$ 200.00
To:	800-3620-4088	Travel & Conference	200.00

**SPECIAL DISTRICTS FUND**

From:	255-8135-4001	Office Supplies	\$ 1,000.00
To:	255-8135-4203	Cellular Phones	1,000.00

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 & Warrants are submitted to the Town of Cheektowaga prior to November 2, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$ 588,521.81
HIGHWAY FUND	131,963.03
TRUST & AGENCY	32,703.28
PART TOWN FUND	8,205.04
RISK RETENTION FUND	110,819.44
HUD HOUSING REHABILITATION	34,899.39
HUD CDBG FUND	41,326.09
SPECIAL DISTRICTS FUND	504,029.01
CAPITAL FUND	<u>136,782.94</u>
	\$1,589,250.03

MEETING NO. 23  
NOVEMBER 5, 2001

Item No. 4 cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 5 Increase and Improvement of Facilities of Consolidated Sewer District

\* SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT NEXT PAGE



MEETING NO. 23  
NOVEMBER 5, 2001

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

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the contracting of Snow Removal if a Snow emergency should occur for use by the Cheektowaga Highway Department, AND

WHEREAS, Information for bidders and specifications may be obtained from the office of the Town Clerk located at the Town Hall, Broadway and Union Road, Cheektowaga, NY 14227, between the hours of 9:00 A.M. and 4:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on November 21, 2001.

Upon roll call ....

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

NAYES: 0

ABSENT: 0



NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2001-02 winter season.

Specifications and information are available at the office of the Town Clerk at his office in the Cheektowaga Town Hall located at Broadway and Union Roads, Cheektowaga, NY 14227, between the hours of 9:00 AM and 4:30 PM.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway & Union Road, Cheektowaga, NY 14227, prior to the time of the bid opening scheduled for Wednesday, November 21, 2001, at 11:00 AM in the Town Hall Council Chambers.

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

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

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



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MEETING NO. 23  
NOVEMBER 5, 2001

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

WHEREAS, it is in order that bids be advertised for the purchase of clothing for various programs in the Department of Parks, Recreation & Youth Services, AND, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on November 21, 2001 11:00 a.m. Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.

Upon roll call ....

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



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 21, 2001 at 11:00 a.m., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing for use in various Parks, Recreation & Youth Services Programs.

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

Bid prices will be in effect for the calendar years 2002, 2003, 2004.

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

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



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**MEETING NO. 23  
NOVEMBER 5, 2001**

Item No. 10 cont'd.

Upon roll call ....

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

Item No. 11a 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 3870 Union Road, Cheektowaga, New York, SBL # 102.08-10-1 and according to the Assessors' Office is owned by Eileen M. Doino, Williamsville, New York 14221 (formally Williamsville, New York 14221), 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. 11b 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 23 Evergreen Place, Cheektowaga, New York, SBL # 91.19-5-4 and according to the Assessors' Office is owned by Reid & Michelle Johnson, Jamestown, New York 14701, 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 and accumulated debris 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. 11c 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 2421 Genesee Street, Cheektowaga, New York, SBL # 101.28-4-1 and according to the Assessors' Office is owned by Hawley Dev Corp., P.O. Box 987, Lockport, New York 14095, 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.

Item No. 11c cont'd.

**MEETING NO. 23  
NOVEMBER 5, 2001**

Upon roll call ....

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

Item No. 11d 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 44 Peoria Avenue, Cheektowaga, New York, SBL #113.55-11-1 and according to the Assessors' Office is owned by Glen Doran and Wife, 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 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. 12 Change Expiration Dates of Certain Members of Traffic Safety Commission  
This item was withdrawn.

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

WHEREAS, changes in demographic characteristics, business patterns, and the transportation network have resulted in the underutilization of commercial properties along Harlem Road between the Kensington Expressway and Saratoga Road, AND

WHEREAS, the Town Boards of Cheektowaga and Amherst have designated funds for the development of a plan for the Harlem Road Business District, AND

WHEREAS, the Town Board, with the assistance of the Amherst Planning Department and the Cheektowaga Office of Community Economic Development and at the request of the Harlem-Kensington-Cleveland Business Association, has formulated a strategy for developing an economic development strategy, which will identify short term actions designed to improve the business potential of this area, AND

WHEREAS, the Cheektowaga Office of Community and Economic Development and the Amherst Planning Department, with the concurrence of the Cheektowaga and Amherst Town Boards and the Harlem-Kensington-Cleveland Task Force have identified a planning and economic consultant to produce the plan, AND

WHEREAS, the consultant has submitted a satisfactory project budget, schedule and scope of work which provides for a total fee not to exceed \$22,500, which sum shall be shared jointly by the Town of Cheektowaga and the Town of Amherst, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to enter jointly with the Town of Amherst into an agreement with Economic Research Associates, 1101 Connecticut Avenue NW, Suite 750, Washington D.C. 20036 for planning services to complete the Harlem Road Business District Economic Development Strategy at a fee not to exceed \$22,500, for which the Town will contribute fifty-percent (\$11,250) of the cost.

Item No. 13 cont'd.

MEETING NO. 23  
NOVEMBER 5, 2001

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 individuals be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective immediately:

Joseph Alberti  
Katie Frank  
Sara Hammer  
Jessica Hanel  
Natalie Michalski  
Jennifer Pugh  
Jill Otterstein

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 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:

<u>EMPLOYEE RELATIONS – Clerk - \$7.00 per hour</u>	<u>EFFECTIVE</u>
Rochelle Fennie Cheektowaga, NY 14227	immediately
<u>POLICE DEPARTMENT – school Crossing Guard - \$7.10 per hour</u>	
Teresa Pfaff Depew, NY 14043	immediately
<u>SENIOR SERVICES – Van Driver - \$7.00 per hour</u>	
Franklin Collins Cheektowaga, NY	immediately

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

<u>PARKS DIVISION</u>	<u>EFFECTIVE</u>
Paul Gasiewicz	immediately
Darryl Pischka	immediately
Daniel Wagner	immediately
Richard Gramza	immediately

BE IT FURTHER, RESOLVED, that Patrick O'Hare, a part-time Laborer in the Parks Division, has been employed by the Town of Cheektowaga for one (1) year and shall be paid the established hourly salary of \$7.00 per hour effective immediately.

Upon roll call ....

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

Item No. 16 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

MEETING NO. 23  
NOVEMBER 5, 2001

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

Pools

Lifeguards – 7180.1903

Level III - \$6.65

Christopher Garcea 14225

Pre-K – 7310.1664

Recreation Attendant - \$6.40

Cindy Aguglia 14225

Upon roll call ....

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

NAYES: 0

Item No. 17 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:

Aerobics – 7140.1612

From Recreation Instructor VI to Recreation Instructor VII - \$6.90

Valerie Mrzglad (part-time)  
(effective immediately)

From Seasonal to Part-time

Camille Russell  
(effective 11/19)

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 18 Reappoint Chairman of Zoning Board of Appeals  
This item was withdrawn.

Item No. 19 Motioned by Unanimous, Seconded by Unanimous

WHEREAS, a Clerk Stenographer vacancy exists in the Council Office; AND

WHEREAS, said job title is in the competitive class of Civil Service; AND

WHEREAS, the existing Civil Service list of said title was canvassed; AND

WHEREAS, all candidates appearing on said list declined appointment; AND

WHEREAS, Civil Service Law allows jurisdictions the ability to appoint a provisional candidate under such circumstances pending the results of a civil service examination; AND

WHEREAS, Kathleen A. Szewczyk, has applied for said position and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Kathleen A. Szewczyk, residing at Cheektowaga, New York 14227 be and hereby is appointed provisionally to the position of Clerk Stenographer in the Council Office pending the results of a civil service examination, at the annual salary of \$29,400 effective November 7, 2001.

Item No. 19 cont'd.

**MEETING NO. 23  
NOVEMBER 5, 2001**

Upon roll call ....

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

Item No. 20a Motioned by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, the Supervisors' Management School located in Wheeling, West Virginia will be held from Sunday, November 4, 2001 through Friday, November 9, 2001; AND

WHEREAS, Paul Marchewka, Recreation Supervisor in the Parks, Recreation and Youth Services Department, has been invited to teach Large Group Team Building as well as Communication; AND

WHEREAS, Mr. Marchewka will also be able to attend related classes being taught at the seminar; AND

WHEREAS, Mr. Marchewka has gleaned valuable management skills that he has been able to share with departmental staff at various workshops; AND

WHEREAS, the Parks, Recreation and Youth Services Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there will be no cost incurred by Mr. Marchewka to attend said seminar;  
NOW, THEREFORE, BE IT

RESOLVED, that Paul Marchewka, Recreation Supervisor in the Parks, Recreation and Youth Services Department, be and hereby is authorized to attend the Supervisors' Management School in Wheeling, West Virginia, to be held from November 4, 2001 through November 9, 2001.

Upon roll call ....

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

Item No. 20b Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the annual Comdex Convention will be held on Monday, November 12<sup>th</sup> through Friday, November 16<sup>th</sup>, 2001 in Las Vegas, Nevada, AND

WHEREAS, Chief Bruce D. Chamberlin is requesting authorization from the Town Board to send Mark Orzechowski to the convention, AND

WHEREAS, this computer convention is the largest in the world, and will have the newest technology and products for Network Infrastructure, viruses, paper processing and reports. The information gathered here shall help to overall improve the Town's computer technology, networking and security, AND

WHEREAS, the Cheektowaga Police Department will be responsible for \$399.50 of the expenses incurred, AND

NOW, THEREFORE, BE IT RESOLVED, that Mark Orzechowski is authorized to attend the Comdex Computer Convention and that the expenses stated will be charged to line 0100-3120-4085 (Education Expense), \$150.00 (5 days @ \$30.00/day) and Airfare \$249.50. For a total of \$399.50

Upon roll call ....

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

**III. DEPARTMENTAL COMMUNICATIONS**

**MEETING NO. 23  
NOVEMBER 5, 2001**

- Item No. 21 Supervisor's Statement of Funds – September 2001  
Received and Filed.
- Item No. 22 Building Permits – October 2001  
Received and Filed.
- Item No. 23 Cheektowaga Planning Board Minutes – October 11, 2001  
Received and Filed.
- Item No. 24a Cheektowaga Conservation Advisory Council – September 6, 2001  
Received and Filed.
- Item No. 24b Cheektowaga Conservation Advisory Council – September 22, 2001  
Received and Filed
- Item No. 24c Cheektowaga Conservation Advisory Council – September 6, 2001  
Received and Filed

**IV. GENERAL COMMUNICATIONS**

- Item No. 25a Notice of Claim: Yvonne Jezorski 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.
- Item No. 25b Notice of Claim: Jonathan & Janice Pendergast vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth Services and Allied Claims Insurance Carrier.  
Received and Filed.
- Item No. 25c Notice of Claim: Donald Voit 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.
- Item No. 26 Request to Speak: Cheektowaga Citizens Coalition, Inc. re: Buffalo Crushed Stone.  
Received and Filed.
- Item No. 27 Request to Speak: Online Media re: Internet Web Issues and Computer Related Issues.  
Received and Filed.
- Item No. 28 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting  
at 9:15 P.M.

Richard M. Moleski  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 24  
NOVEMBER 19, 2001**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th of November, 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; Susan Pella, Director of Employee Relations; Patricia Wojcik, Director of Senior Services; John Howlett, Police Captain; Jerome Gabryszak, Director of Community Development; Salvatore LaGreca, Chairman of Planning Board and Christopher Kowal, Highway Superintendent.

**I. RESOLUTIONS**

Item No. 2 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:	100-3020-4022	Maintenance Contracts	\$ 5,000.00
	100-3120-2205	Grant Expenditures	15,000.00
	100-3120-1901	Regular Payroll	55,000.00
	100-1410-4055	General Ordinance Code	3,710.00
	100-1010-2201	Office Equipment	279.60
To:	100-3020-4431	Equipment Repair & Maintenance	\$ 5,000.00
	100-3120-4203	Cellular Phones	15,000.00
	100-3120-1907	Court Time	55,000.00
	100-1410-4051	Records Management	3,710.00
	100-1010-4188	Equipment Rental	279.60

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 and Warrants that were submitted to the Town of Cheektowaga prior to November 16, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$2,113,394.18
HIGHWAY FUND	434,767.72
TRUST & AGENCY	5,175.00
PART TOWN FUND	66,227.68
RISK RETENTION FUND	57,053.91
DEBT SERVICE FUND	331,931.25
HUD HOUSING REHABILITATION	3,707.27

Item No. 3 cont'd.

MEETING NO. 24  
NOVEMBER 19, 2001

HUD CDBG FUND	\$ 47,685.33
SPECIAL DISTRICTS FUND	712,286.95
CAPITAL FUND	<u>2,780.00</u>
	\$3,775,009.29

Upon roll call ....

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

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

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

Town of Cheektowaga  
2002  
Final Benefit Basis Budget

AND,

WHEREAS, a Public Hearing was duly held on the 22<sup>nd</sup> day of October, 2001 at 6:00 P.M., in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE BE IT

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

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Rolls for the year 2002.

Upon roll call ....

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

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

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimates of revenues and expenditures for the 2002 fiscal year, AND

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

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 2002, and a public hearing was conducted thereon October 22, 2001, as required by Section 108 of the Town Law.

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 2002, and the same shall be entered in the minutes of the Town Board.

Item No. 4b cont'd.

Upon roll call ....

MEETING NO. 24  
NOVEMBER 19, 2001

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 Rogowski, Seconded by Councilmember Jaworowicz  
Councilmember Johnson

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235  
(formerly known as Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held

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NOVEMBER 19, 2001

on December 3, 2001 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 22<sup>nd</sup> day of November, 2001, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on December 3, 2001 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V  
Schedules

§235-46, SCHEDULE VII, STOP INTERSECTIONS, shall be amended by adding thereto the following:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
North Creek Drive	West	Ellsworth Drive

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

STEVENS DRIVE – South and west sides: from a point one hundred eighty-five (185) feet east of the east curbline of John Brian Lane to a point three hundred (300) feet east and south.

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

Dated: November 19, 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 Jankowiak, Seconded by Councilmember Johnson

WHEREAS, a Notice to Bidders was published for the receipt of bids for One (1) New and Unused 2001 Four Wheel Drive Tractor with Flail Mulcher Mower for use in stream bank and drainage corridor maintenance, which bids were duly received and opened on October 31, 2002, AND

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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 November 13, 2001, NOW, THEREFORE BE IT

RESOLVED, that the contract for the furnishing of One (1) New and Unused 2001 Four Wheel Drive Tractor with Flail Mulcher Mower be awarded to:

Cyncon Equipment Inc.  
7494 W. Henrietta Road  
Rush, New York 14543

for their bid in the amount of \$50,880.56, said bid being the lowest bid meeting the requirements of the specifications and that Option No. 1 – Snow Blower attachment be and hereby is further awarded to Cyncon Equipment, Inc. for the low bid price of \$5,865.60 meeting the requirements of the specifications and, BE IT FURTHER

RESOLVED, that funds for the Four Wheel Drive Tractor are available in Accounts No. 500-1440-9709-5712 and 4000-8140-2100 and Option No. 1 shall be chargeable to Accounts No. 0300-8540-4572 and 0100-5132-4432.

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. 6b Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, bids were duly received and opened at a public bid opening on May 23, 2001 for the purchase of One (1) New 2001 Television Inspection Unit/Truck for inspecting sanitary sewers, AND

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WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated November 13, 2001, NOW, THEREFORE BE IT

RESOLVED, that the contract for the purchase of One (1) New 2001 Television Inspection Unit/Truck as recommended by the Town Engineer, be and the same is hereby awarded to:

CUES  
3600 Rio Vista Avenue  
Orlando, Florida 32805

for their bid in the amount of \$120,525.00 – Base Bid: \$119,900.00 (less trade in); Option I, 8-30” Skids: \$130.00; Option III, VHS Recorder: \$495.00; said bid being the lowest meeting the requirements of the specifications and, BE IT FURTHER

RESOLVED, that funds have been budgeted for the purchase of One (1) 2001 Television Unit/Truck in Account No. 2550-8125-2550.

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, 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

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

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

WHEREAS, an application was submitted by Benderson Development Co., Inc. to construct an 8,108 square foot building addition to Sam's Club at 3735 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 31, 2001 recommended a determination of non significance as shown on the attached memo dated November 1, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 11, 2001 recommends approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Committee at its meeting held on October 16, 2001 recommended approval of the site plan with the condition that pedestrian walkways be installed from the walk along Union Road to the Party City store, the Holiday Showcase Restaurant and the City Mattress store, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan.

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. 8a Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

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

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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 MWT Architects, representing Norstar LLC for the construction of a 1,200 square foot addition and parking lot expansion at the Wellesley Inn Hotel at 4630 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the site plan at its meeting of September 18, 2001 and has recommended its approval with the condition that pedestrian mobility improvements be made from Genesee Street to the hotel, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 9, 2001 recommended its approval of the site plan, 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 is acceptable.

Upon roll call ....

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

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

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 Paul Ernst, Architect, representing The McGuire Group for the construction of 71 car parking lot expansion at the Garden Gate Manor Health Care Facility at 2365 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 8, 2001 recommended its approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council at its meeting of September 22, 2001 and November 1, 2001 recommended its approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board and the Conservation Advisory Council, NOW, THEREFORE BE IT

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

Item No. 8b cont'd.

Upon roll call ....

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

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

MEETING NO. 24  
NOVEMBER 19, 2001

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 Lamparelli Construction Co., Inc., representing Abbott Laboratories for the construction of a 676 square foot addition at 2400 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 9, 2001 recommended its approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and 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

Item No. 9a Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, price quotations were obtained for landscape improvements at the Cheektowaga Senior Citizen Center based on a landscape plan prepared by Frank Brzezinski, Landscape Architect, AND

WHEREAS, the company submitting the lowest price for said improvements was Scott Lawn Yard, Inc., AND

WHEREAS, Frank Brzezinski has advised the Town that the proposal submitted by Scott Lawn Yard, Inc. meets the requirements of said landscape plan, AND

WHEREAS, Community Development Block Grant funds have been budgeted for said landscape improvements, NOW, THEREFORE BE IT

RESOLVED, that the contract for landscape improvements at the Cheektowaga Senior Citizen Center be and hereby is awarded to:

Scott Lawn Yard, Inc.  
5552 Townline Road  
Sanborn, New York 14132

For the price of \$7,020.00, said price being the lowest submitted meeting the requirements of the architects landscape plan and, BE IT FURTHER

Item No. 9a cont'd.

RESOLVED, that the Supervisor, on behalf of the Town Board, is directed and authorized to sign an agreement with Scott Lawn Yard, Inc. regarding the Cheektowaga Senior Citizen Center Landscape Improvements.

Upon roll call ....

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

**MEETING NO. 24  
NOVEMBER 19, 2001**

Item No. 9b Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town and Belmont Shelter Corp., located at 1195 Main Street, Buffalo, New York 14209, previously entered into an agreement dated November 1, 1999, for the provision of housing counseling services, including mortgage default, pre-purchase and landlord-tenant counseling, AND

WHEREAS, the Town and Belmont Shelter Corp. desire to renew said agreement under the same terms and conditions as said previous agreement, AND

WHEREAS, funding for such services have been budgeted under the Town's Community Development Block Grant Program, AND

WHEREAS, the Director of Community Development has recommended renewal of the agreement with Belmont Shelter Corp. for said services, NOW, THEREFORE BE IT

RESOLVED, that the agreement with Belmont Shelter Corp., 1195 Main Street, Buffalo, New York 14209, dated November 1, 1999, be and hereby is renewed for a period of one year under the same terms and conditions as the original agreement for an amount not to exceed \$8,300 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute as necessary any documents in relation to said agreement.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 9c Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, for prompt and efficient fire protection and emergency purposes, there is a need to construct an emergency access road from the existing terminus of Airport Drive across a CSX railroad line to connect to Sonwil Drive, AND

WHEREAS, the construction of this emergency access road will decrease Hy-View Fire District's response time by 50%, resulting in a saving of lives and property, AND

WHEREAS, CSX Transportation owns and operates the railroad line at the terminus of Airport Drive, AND

WHEREAS, CSX Transportation has forwarded the Town of Cheektowaga an Application For Private Road Crossing Agreement, which application must be filled out by the Town and submitted to CSX for review, AND

WHEREAS, the Town Engineer has filled out this application, AND

WHEREAS, this Town Board wishes to proceed with filing this application with CSX, NOW, THEREFORE BE IT

Item No. 9c cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to sign the aforementioned application to CSX on behalf of the Town and, BE IT FURTHER

RESOLVED, that the Town Engineer be and hereby is directed to forward such completed and signed application to CSX and, BE IT FURTHER

RESOLVED, that the application fee in the amount of \$350.00 shall be appropriated from budget line item number 5914-5141-9901.

Upon roll call ....

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

NAYES: 0

MEETING NO. 24  
NOVEMBER 19, 2001

ABSENT: 0

Item No. 10 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 November 19, 2001. (Part-Time)

Erin Neff  
Barbara Odrobina  
Denise Pajak  
Cheryl Witt

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 11 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, Cheryl Witt has resigned from her Part-Time position as Recreation Supervisor in the Parks, Recreation & Youth Services Department, effective November 19, 2001, in order to accept a full-time appointment as a Clerk-Typist in the Police Department, AND

WHEREAS, Amy Hawrysiak, currently employed as a Part-Time Recreation Instructor III in the Parks, Recreation & Youth Services Department has expressed an interest in said vacancy; AND

WHEREAS, Amy Hawrysiak meets the necessary qualifications for said position, NOW, THEREFORE BE IT

RESOLVED, that Amy Hawrysiak of Cheektowaga, New York 14225 be and hereby is elevated to the Part-Time position of Recreation Instructor IX in the Parks, Recreation and Youth Services Department at the hourly salary of \$7.40, effective November 19, 2001. (Budgeted to Line 7140-1630)

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 12 Motioned by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Clerk Typist in the Police Department, AND

Item No. 12 cont'd.

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

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, such job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service list was canvassed, AND

WHEREAS, Cheryl J. Witt appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE BE IT

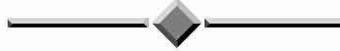
RESOLVED, that Cheryl J. Witt of Depew, New York 14043 be and hereby is appointed to the position of Clerk-Typist in the Police Department in accordance with the terms and

**MEETING NO. 24  
NOVEMBER 19, 2001**

conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective November 20, 2001.

Upon roll call ....

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



*At 7:15 P.M., the Town Board recessed for 15 minutes to discuss the following resolution, Item 13.*



Item No. 13 Reappoint Chairman of Zoning Board of Appeals  
This item was withdrawn.

**II. GENERAL COMMUNICATIONS**

Item No. 14a Notice of Claim: Kathryn A. Miesowicz vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth Services Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 14b Notice of Claim: Ruth Luss vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 14c Notice of Claim: Daren R. Thomas 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. 14d Notice of Claim: Jeffrey L. Bishop vs. the 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.

Item No. 15 Request to Speak: Cheektowaga Citizens Coalition  
Received and Filed.

Item No. 16 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of Sophie Waligora, mother of Patricia Wojcik, Director of Senior Services.

Richard M. Moleski  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3<sup>rd</sup> of December, 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; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Bruce Chamberlin, Chief of Police; Thomas Adamczyk, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director Senior Services and Jerome Gabryszak, Director of Economic and Community Development.

**I. PUBLIC HEARING**

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss Proposed Amendments to Chapter 235 (Vehicle & Traffic) of the Town Code: Art. V, Schedules – North Creek Drive and Stevens Drive, 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 amendment being as follows:



ARTICLE V  
Schedules

§235-46, SCHEDULE VII, STOP INTERSECTIONS, shall be amended by adding thereto the following:

Stop Signs on	Direction Traffic Stops	At Intersection of
North Creek Drive	West	Ellsworth Drive

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

STEVENS DRIVE – South and west sides: from a point one hundred eighty-five (185) feet east of the east curbline of John Brian Lane to a point three hundred (300) feet east and south.



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

**II. RESOLUTIONS**

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

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

**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 3 cont'd.

GENERAL FUND

From:	100-9010-8101	Employees Retirement	\$ 59,308.00
	100-9010-8190	Retirement Incentive	22,498.00
	100-3120-1931	Vacation Sellbacks	102,524.00
	100-1910-2799	Appropriated Fund Balance	370,000.00

To:	100-9010-8111	Police Retirement	\$ 554,330.00
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HUD CDBG FUND

From:	700-1000-0751	Residential Security Inspector Program	\$ 570.88
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To:	700-1000-0676	Police Foot Patrols	\$ 570.88
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PART TOWN FUND

From:	800-3620-4321	Computer Expense	\$ 20.00
	800-3620-4321	Computer Expense	383.86
	800-3620-4051	Records Management	516.14

To:	800-3620-4088	Travel & Conference	\$ 20.00
	800-3620-4001	Office Supplies	383.86
	800-3620-4001	Office Supplies	516.14

SPECIAL DISTRICTS FUND

From:	400-8140-4430	Detention Basin Maintenance	\$ 2,375.00
	400-8140-4581	Consulting Services	6,503.37
	400-8140-4476	Ditch & Creek Pest Control	2,321.63
	150-9010-8101	Employees Retirement	7,900.00

To:	400-8140-4431	Storm Sewer Maintenance	\$ 11,200.00
	150-9010-8190	Retirement Incentive	7,900.00

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 & Warrants are submitted to the Town of Cheektowaga prior to November 30, 2001 are hereby approved and made a part thereof;

GENERAL FUND	\$2,352,308.34
HIGHWAY FUND	248,126.79
TRUST & AGENCY	15,915.62
PART TOWN FUND	31,584.40
RISK RETENTION FUND	102,207.65
HUD HOUSING REHABILITATION	9,005.93
HUD CDBG FUND	29,856.94
SPECIAL DISTRICTS FUND	365,312.90
CAPITAL FUND	<u>21,460.00</u>
	\$3,175,778.57

Upon roll call ....

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

NAYES: 0

ABSENT: 0



MEETING NO. 25  
DECEMBER 3, 2001

Item No. 6a 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 C&S Engineers, Inc. representing Reimann & Georger Corp. to construct a 29,088 square foot building addition at 1849 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on November 28, 2001 recommended a determination of non significance as shown in the attached memorandum dated November 29, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 16, 2001 reviewed the site plan and is recommended approval, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting held on October 11, 2001 recommends approval of the site plan, AND

WHEREAS, Reiman and Georger Corporation has made commitments to secure a perpetual easement from its neighbor (Norfolk Southern) for vehicular access and parking, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan.

Upon roll call ....

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

\* SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 6b Issue Negative Declaration for 131 Buell Avenue  
This item was withdrawn.

Item No. 6c 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, a rezoning application and site plan was submitted by AHEPA Housing Corporation Corp. to construct a 39,600 square foot, three story, (50) fifty unit senior housing facility at 995 French Road and part of SBL No. 125.11-8-3, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on November 28, 2001 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 11, 2001 recommends approval of the site plan and rezoning request, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting held on October 16, 2001 reviewed the site plan and is recommending approval, AND

WHEREAS, this Town Board has reviewed the rezoning application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 6d Issue Negative Declaration for 4822 Genesee Street  
This item was withdrawn.

Item No. 7a Decision on Rezoning of Property Located at 131 Buell Avenue  
This item is withdrawn.

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

WHEREAS, AHEPA National Housing Corporation petitioned for a rezoning from RS-Single Residential District to RSC-Senior Citizen Housing District for property owned by Michael A. Drabik, Jennifer Drabik, Michael Wycoki, Marilyn Wycoki and Florence Derry and located at 995 French Road, 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 5<sup>th</sup> day of November, 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

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 7b cont'd.

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 AHEPA National Housing Corporation for the rezoning from RS-Single Residential District to RSC-Senior Citizen Housing 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

MEETING NO. 25  
DECEMBER 3, 2001

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

WHEREAS, Niagara Mohawk/Cricket Communications has made application and requested a Special Use Permit for a Telecommunications Facility for property located at Broadway (S.B.L. No. 102.04-3-7.1), NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 17, 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

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 9a Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Department of Parks, Recreation & Youth Services, Parks Division requests that bids be advertised for the purchase of Custodial Supplies for 2002, 2003 and 2004, NOW, THEREFORE, BE IT

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

RESOLVED, that specifications for said Custodial Supplies may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 19<sup>th</sup> day of December, 2001 at 11:00 AM Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

Upon roll call ....

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

NAYES: 0

ABSENT: 0



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 19, 2001 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2002, 2003, and 2004.

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

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

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

Richard M. Moleski  
Town Clerk

Date: December 3, 2001



AFFIDAVIT NEXT PAGE

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 9b Notice to Bidders: Leasing and Servicing of Portable Chemical Toilets  
This item was withdrawn.

Item No. 9c Motioned by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year 2002 for the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 2002, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 19<sup>th</sup> day of December 2001 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

Upon roll call ....

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

NAYES: 0

ABSENT: 0



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 2002 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of and Union Roads, for the furnishing of Work Uniforms for the 2002 calendar year.

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

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

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



AFFIDAVIT NEXT PAGE



**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 12 Motioned by Councilmember Swiatek, Seconded by Councilmember Johnson

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 D.R. Chamberlain Corporation, representing Veridian Engineering for the modification of a driveway and parking area at 4455 Genesee Street, AND

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

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the site plan at its meeting of June 19, 2001 recommended its approval of site plan, 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 is acceptable subject to the developer installing a (5) five foot wide concrete sidewalk from the existing Genesee Street sidewalk to the front of the Veridian Engineering building, replacing the walk to be removed.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the New York State Department of Environmental Conservation ("DEC") is preparing to initiate an Immediate Investigatory Work Assignment ("IIWA") at the Old Land Reclamation Site (hereinafter "OLR Site") on Indian Road in the Town of Cheektowaga to assess the presence, if any, of groundwater contamination which may be attributed to the past disposal history of the site, which site is a listed site on the New York State Registry of Inactive Hazardous Waste Sites, AND

WHEREAS, this work may include soil borings and well drilling at the OLR Site, AND

WHEREAS, it is necessary for the DEC to enter a Town-owned parcel at the north end of Old Farm Road (S.B.L. #114.06-2-43) and a Town of Cheektowaga right-of-way location on Rowley Hollow Road on or after December 5, 2001 to install groundwater monitoring wells and to sample the soil and groundwater at the OLR Site, AND

WHEREAS, the DEC has requested the Town's cooperation with this investigatory work, AND

WHEREAS, this Town Board is very interested in having the DEC perform this investigatory work at the OLR Site and wishes to fully cooperate with the DEC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants permission to the DEC to enter the aforementioned Town properties to complete its IIWA work associated with the Old Land Reclamation Site on Indian Road, and BE IT FURTHER

RESOLVED, that the Town Engineer and Town Highway Superintendent be and hereby are directed to cooperate with the DEC with respect to its IIWA activities and access to and across the above referenced Town-owned property, and BE IT FURTHER

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 13 cont'd.

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DEC, Attention: Peter J. Buechi, P.E., 270 Michigan Avenue, Buffalo, New York 14203-2999.



MOTIONED BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MAZUR TO AMEND THE ABOVE RESOLUTION, ITEM 13 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 New York State Department of Environmental Conservation ("DEC") is preparing to initiate an Immediate Investigatory Work Assignment ("IIWA") at the Old Land Reclamation Site (hereinafter "OLR Site") on Broadway in the Town of Cheektowaga to assess the presence, if any, of groundwater contamination which may be attributed to the past disposal history of the site, which site is a listed site on the New York State Registry of Inactive Hazardous Waste Sites, AND

WHEREAS, this work may include soil borings and well drilling at the OLR Site, AND

WHEREAS, it is necessary for the DEC to enter a Town-owned parcel at the north end of Old Farm Road (S.B.L. #114.06-2-43) and a Town of Cheektowaga right-of-way location on Rowley Hollow Road on or after December 5, 2001 to install groundwater monitoring wells and to sample the soil and groundwater at the OLR Site, AND

WHEREAS, the DEC has requested the Town's cooperation with this investigatory work, AND

WHEREAS, this Town Board is very interested in having the DEC perform this investigatory work at the OLR Site and wishes to fully cooperate with the DEC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants permission to the DEC to enter the aforementioned Town properties to complete its IIWA work associated with the Old Land Reclamation Site on Broadway, and BE IT FURTHER

RESOLVED, that the Town Engineer and Town Highway Superintendent be and hereby are directed to cooperate with the DEC with respect to its IIWA activities and access to and across the above referenced Town-owned property, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DEC, Attention: Peter J. Buechi, P.E., 270 Michigan Avenue, Buffalo, New York 14203-2999.

Upon roll call ....

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

MEETING NO. 25  
DECEMBER 3, 2001

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

WHEREAS, the Police Department is requesting authorization to dispose of obsolete computer equipment, AND

WHEREAS, all monitors are 14" and are no longer used by our department nor any other department in the town, PC's were either non-functioning or have exceeded their life expectancy, AND

WHEREAS, such equipment shall be sent to a recycling firm from Rochester, NOW, THEREFORE, BE IT

RESOLVED, that the Police Department is authorized to dispose of the attached list of equipment.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 15a 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 176 Harris Court, Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from Equifirst for the purpose of refinancing her existing mortgage at a lower interest rate, AND

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement with Equifirst, 500 Forest Point Circle, Charlotte, North Carolina, 28273, pertaining to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 176 Harris Court in the Town of Cheektowaga.

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 Johnson

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation loan to the owner of the property located at 27-29 Pendlewood Drive, Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from Indymac Bank 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 Indymac Bank, 3465 East Foothill Boulevard, Pasadena, California, 91107, pertaining to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 27-29 Pendlewood Drive, Cheektowaga, New York.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 16 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:

Stacie Chwojdak  
Jacqueline Kuster  
Jill Litfin  
Natalie Michalski  
Sara Musial  
Margaret Neyerlin  
Joseph Niezgoda  
Elizabeth Sinski  
Matthew Weaver

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 16 cont'd.

Upon roll call ....

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

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

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

PARKS, RECREATION & YOUTH SERVICES – Laborer - \$7.00 per hour (#7110.1971)

Justin Tricoli Cheektowaga, NY 14227 immediately

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

EFFECTIVE

RECYCLING DEPARTMENT

Kenneth Kelly 11/17/01  
Dan Krystyniak immediately  
Steven Krystyniak immediately

Upon roll call ....

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

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

BE IT RESOLVED, that the following Parks, Recreation & Youth Services employees be and hereby are transferred as indicated, effective immediately (part-time):

7140.1627

From Recreation Leader (I) to Recreation Attendant - \$6.15 (V)

William Strum

7310.1814/7140.1614

From Recreation Attendant (II) to Recreation Attendant - \$5.65 (III)

Amanda Pensi

Upon roll call ....

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

Item No. 19 Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individual be and hereby is hired as a part-time employee in the Department of Parks, Recreation & Youth Services, effective immediately (part-time):

7310.1814/7140.1614

Recreation Attendant - \$6.15 (V)

Andrea Deuser  
Cheektowaga, New York 14227

**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 19 cont'd.

Upon roll call ....

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

**III. DEPARTMENTAL COMMUNICATIONS**

- Item No. 20 Building Permits – November 2001  
Received and Filed.
- Item No. 21 Supervisor's Statement of Funds – October 2001  
Received and Filed.
- Item No. 22a Cheektowaga Conservation Advisory Council – October 20, 2001  
Received and Filed.
- Item No. 22b Cheektowaga Conservation Advisory Council – November 1, 2001  
Received and Filed
- Item No. 23 Cheektowaga Traffic Safety Commission Minutes – October 16, 2001  
Received and Filed

**IV. GENERAL COMMUNICATIONS**

- Item No. 24 Notice of Assessment Petition: New Creation Fellowship of Buffalo and Stephan Andzel vs. Board of Assessment Review  
Received and Filed.
- Item No. 25a Summons & Complaint: Mason Herring 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.
- Item No. 25b Summons & Complaint: Mason Herring 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.
- Item No. 25c Summons & Complaint: Thomas J., father of Daniel J. Wasielewski vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Facilities and Allied Claims Insurance Carrier.  
Received and Filed.
- Item No. 26 Notice of Claim: John Hycner 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.
- Item No. 27a Request to Speak: Cheektowaga Citizens Coalition, Inc.  
Received and Filed.
- Item No. 27b Request to Speak: Michael Papero  
Received and Filed.

**V. SUSPENSION OF RULES**

- Item No. 28 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

MEETING NO. 25  
DECEMBER 3, 2001

Item No. 28 cont'd.

WHEREAS, the Town needs to extend Airport Drive across a piece of vacant privately-owned land, AND

WHEREAS, the Town Assessor's records do not list the owner of this property, and therefore, it is necessary to retain the services of a title company to search records at the Erie County Hall to identify the last record owner of this property, AND

WHEREAS, Monroe Title Insurance Company has offered to perform this work at a cost of \$250.00 and has stated that it can perform such work quickly, NOW, THEREFORE, BE IT

RESOLVED, that Monroe Title Insurance Corporation be and hereby is retained to perform a search of records in the Erie County Clerk's Office to identify the owner of a piece of property between the terminus of the existing Airport Drive and the CSX railroad line, AND, BE IT FURTHER

RESOLVED, that moneys for such services, in an amount not to exceed \$150.00, shall be appropriated from budget line item number 500-5141-9901-5914.

Upon roll call ....

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

Item No. 29 Motioned by Councilmember Mazur, Supervisor Gabryszak

WHEREAS, the Village of Sloan, as a subrecipient of Community Development Block Grant funds from the Town, has advised the Town that it wishes to amend the project budgets for the Village's sewer system televising activity, AND

WHEREAS, the Village has advised the Town Office of Community Development of the requested budget transfers, AND

WHEREAS, the Director of Community Development has advised the Town Board that such request is consistent with the Community Development Block Grant Subrecipient Agreement between the Town and the Village, NOW, THEREFORE, BE IT

RESOLVED, that the transfers of Community Development Block Grant funds requested by the Village of Sloan as indicated on the attached Transfer Request Form be and hereby is approved.

Upon roll call ....

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

\* SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 25  
DECEMBER 3, 2001**

Item No. 30  
at 7:55 P.M.

Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting

Richard M. Moleski  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 26  
DECEMBER 17, 2001**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th of December, 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; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Susan Pella, Director of Employee Relations; Patricia Wojcik, Director of Senior Services; Bruce Chamberlin, Chief of Police; Salvatore LaGreca, Chairman of Planning Board; Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services and Brian Kruase, Director of Administration and Finance.

**I. RESOLUTIONS**

Item No. 2 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:	100-1110-2655	Misc. Revenue Justice	\$ 1,800.00
	100-1220-2201	Office Equipment	790.00
	100-7550-2039	Polish Festival Revenue	450.00
	100-9010-8141	Employees Medical Insurance	61,000.00
	100-9501-9131	Debt Service Principal	12,000.00
To:	100-1110-2105	Equipment	\$ 1,800.00
	100-1220-4001	Office Supplies	790.00
	100-7550-4374	Polish Festival	450.00
	100-9010-8143	Retiree's Medical Insurance	73,000.00

**HUD CDBG FUND**

From:	700-9095-0662	Sloan Storm Receivers	\$ 2,000.00
	700-9099-0655	Sloan Rec. Improvements	5,000.00
	700-9099-0800	Sloan Sidewalk Replacement	3,000.00
	700-9096-0662	Sloan Storm Receivers	5,657.28
	700-9098-0662	Sloan Storm Receivers	150.00
	700-9000-0662	Sloan Storm Receivers	25,440.00
To:	700-9095-0650	TV Analysis of Sewer System	\$ 2,000.00
	700-9099-0650	TV Analysis of Sewer System	5,000.00
	700-9099-0650	TV Analysis of Sewer System	3,000.00
	700-9096-0650	TV Analysis of Sewer System	5,657.28
	700-9098-0650	TV Analysis of Sewer System	150.00
	700-9000-0650	TV Analysis of Sewer System	25,440.00

Item No. 2 cont'd.

**MEETING NO. 26  
DECEMBER 17, 2001**

PART TOWN FUND

From:	800-3620-4321	Computer Expense	\$ 250.00
	800-3620-4321	Computer Expense	250.00
	800-9010-8141	Employee Health Insurance	1,000.00
	800-9010-8190	Retirement Incentive	1,800.00
To:	800-3620-2201	Office Equipment	\$ 250.00
	800-3620-4001	Office Supplies	250.00
	800-9010-8143	Retiree's Health Insurance	2,800.00

SPECIAL DISTRICTS FUND

From:	150-8160-8141	Employee's Health Insurance	\$22,000.00
	150-8173-8141	Employee's Health Insurance	13,000.00
	255-8125-8141	Employee's Health Insurance	13,000.00
	255-8125-8143	Retiree's Health Insurance	6,000.00
To:	150-8160-8143	Retiree's Health Insurance	\$35,000.00
	255-8135-8141	Employee's Health Insurance	19,000.00

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 and Warrants were submitted to the Town of Cheektowaga prior to December 14, 2001 and are hereby approved and made a part hereof:

GENERAL FUND	\$1,944,764.20
HIGHWAY FUND	325,583.04
TRUST & AGENCY	3,451.72
PART TOWN FUND	68,733.84
RISK RETENTION FUND	22,797.04
DEBT SERVICE FUND	147,321.88
HUD CDBG FUND	45,165.50
SPECIAL DISTRICTS FUND	783,869.07
CAPITAL FUND	<u>3,708.27</u>
	<b>\$3,345,394.56</b>

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 Johnson

WHEREAS, by resolution dated January 2, 2001, this Town Board established Town Board meeting dates for 2001, AND

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 2001 and the first meeting date for January, 2002, NOW, THEREFORE BE IT

RESOLVED, that Town Board meetings shall be held on the following referenced dates at the following times in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 27, 2001	6:00 P.M.
January 7, 2002	7:00 P.M. (6:45 P.M. Public Comment)

Item No. 4 cont'd.

and, BE IT FURTHER

**MEETING NO. 26  
DECEMBER 17, 2001**

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the times and place of such meeting to the news media at least one week prior to such meetings and to conspicuously post notice at least 72 hours before such meeting,

Upon roll call ....

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

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

WHEREAS, by resolution dated February 26, 2001, this Town Board issued a "Negative Declaration" for purposes of SEQRA for the proposed expansion of the Walden Galleria, AND

WHEREAS, pursuant to said resolution, this Town Board also accepted the site plan for such project, AND

WHEREAS, such site plan approval will expire on February 25, 2002 unless an application for a building permit for such project is filed with the Building Inspections Department, AND

WHEREAS, the Pyramid Company of Buffalo has requested this Town Board to extend the site plan approval for the Walden Galleria expansion until February 25, 2003, AND

WHEREAS, all commitments received from the Pyramid Company of Buffalo during the original SEQRA and site plan approval process are continuing, AND

WHEREAS, this Board is in support of the proposed expansion of the Walden Galleria and wishes to assist the Pyramid Company of Buffalo with making this expansion a reality, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby extends the site plan approval for the Walden Galleria until February 25, 2003.

Upon roll call ....

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

Item No. 6a Motioned by Councilmember Johnson, Seconded by Councilmember Swiatek  
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, a rezoning application and site plan was submitted by Roberts, Shackleton & Boy Architects representing Hart Hotel, Inc. to construct a (4) story (110) unit hotel at 131 Buell Avenue, AND

Item No. 6a cont'd.

WHEREAS, a public meeting was held before the Town Board on the 19<sup>th</sup> day of November, 2001 at 6:30 P.M. of said day for the purpose of considering said application for a rezoning and providing an opportunity for all interested parties to be heard at such hearing, AND

**MEETING NO. 26  
DECEMBER 17, 2001**

WHEREAS, the Environmental Advisory Committee at its meeting held on November 28, 2001 recommended a determination of non significance as shown on the attached memorandum dated November 29, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 11, 2001 recommends approval of the site plan and rezoning request, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting held on September 18, 2001 reviewed the site plan and is recommending approval, AND

WHEREAS, the developer agreed to provide an eight foot high solid fence along the southerly property line to provide a visual buffer for the abutting residence, and further agreed to seek a variance from the Town of Cheektowaga Zoning Board of Appeals to erect such fence, AND

WHEREAS, the developer has committed to reclaiming green space by reducing parking along the southerly yard and place within said green space deciduous trees of good quality, AND

WHEREAS, this Town Board has reviewed the rezoning application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan.

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. 6b 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

MEETING NO. 26  
DECEMBER 17, 2001

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 James Beaudoin representing Ramsco to construct a 4,000 square foot building addition at 4822 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on November 28, 2001 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 11, 2001 recommends approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting held on October 16, 2001 reviewed the site plan and is recommending approval with the condition that a sidewalk be established along Genesee Street fronting the property, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan subject to the installation of a (5) five foot wide concrete sidewalk along the Genesee Street frontage within (1) one year of the Town's completion of an engineered sidewalk plan for the north side of Genesee Street, from the intersection of Rein Road to the westerly property line of the subject property.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY SUPERVISOR GABRYSZAK TO AMEND ITEM 6B, 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, 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. 6b 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 James Beaudoin representing Ramsco to construct a 4,000 square foot building addition at 4822 Genesee Street, AND

**MEETING NO. 26  
DECEMBER 17, 2001**

WHEREAS, the Environmental Advisory Committee at its meeting held on November 28, 2001 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on October 11, 2001 recommends approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting held on October 16, 2001 reviewed the site plan and is recommending approval with the condition that a sidewalk be established along Genesee Street fronting the property, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 and approves the site plan subject to the installation of a (5) five foot wide concrete sidewalk along the Genesee Street frontage within (1) one year of the Town's completion of an engineered sidewalk plan for the north side of Genesee Street, from the intersection of Rein Road to the westerly property line of the subject property, in conjunction with an order to install said sidewalk that includes both 4822 Genesee Street and the parcels adjoining 4822 Genesee Street.

Upon roll call ....

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

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

WHEREAS, James E. Boy petitioned for a rezoning from M1-Light Manufacturing District to C-Retail Business Housing District for property owned by ATA Associates and located at 131 Buell Avenue, 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 19<sup>th</sup> day of November, 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 James E. Boy for the rezoning from M1-Light Manufacturing District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved subject to:

1. Applicant must apply to and receive a variance from the Zoning Board to erect an 8 foot high stockade fence along the southerly property line.

and, BE IT FURTHER

Item No. 7 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

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DECEMBER 17, 2001

\* SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, bids were duly received by this Town Board at a public bid opening held on November 21, 2001 for Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and reports, AND

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

RESOLVED, that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Custom Topsoil, 320 Crabapple Lane,

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Cheektowaga, New York 14227. Attached and made part of this resolution is the bid submitted for review, AND

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 9a Motioned by Councilmember Johnson, Seconded by Councilmember Jankowiak

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

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

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

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DECEMBER 17, 2001

RESOLVED, that sealed bids will be received on the 9<sup>th</sup> day of January, 2002 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 9, 2002 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment, operators and laborers for the Installation and Repair of Sanitary Sewers in the Town of Cheektowaga.

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

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

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

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

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

Richard M. Moleski  
Town Clerk

DATED: December 17, 2001



Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 9b Motioned by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Department of Parks, Recreation and Youth Services, Parks Division, utilizes Portable Chemical Toilets at various locations to service their recreational activities and special events, NOW, THEREFORE BE IT

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

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

RESOLVED, that sealed bids will be received on the 2<sup>nd</sup> day of January, 2002 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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DECEMBER 17, 2001



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 2, 2002 at 11:00 A.M., Eastern Standard Time, at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2002.

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

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

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

Richard M. Moleski  
Town Clerk

Dated: December 17, 2001



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, reliable communications is a critical component in the delivery of Police and Emergency Services, AND

WHEREAS, some components of the existing public safety communications system in Erie County are aged and fail to meet the current needs of public safety service providers, AND

WHEREAS, following extensive study and system design by a broad base of public safety users and technical experts, a recommendation has been made to construct a new public safety communications system in Erie County, AND

WHEREAS, the proposed 800 MHz system will provide state of the art communications for police, fire and EMS personnel, thus enhancing their communications capability on a daily basis, and during potential or actual disasters, AND

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WHEREAS, earlier this year, proposals were introduced in both the New York State Assembly and Senate on sharing of funds generated by the Wireless Surcharge Fund with counties throughout New York State, AND

WHEREAS, if enacted, this new source of funds from the Wireless Surcharge Fund will be dedicated to upgrading the public safety communications network in Erie County, AND

WHEREAS, County Executive Gambia has committed that any revenues made available from the Wireless Surcharge Fund will be dedicated to upgrading the public safety communications network in Erie County, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby fully supports the proposed legislation that would distribute the Wireless Surcharge revenues to counties throughout New York State and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor George Pataki to support such legislation and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Tokasz, Senator Stachowski and Governor Pataki.

Upon roll call ....

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

Item No. 11a Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is operating nutrition programs for the elderly at the facilities of: Maryvale Presbyterian Church, located at 425 Maryvale Drive, Cheektowaga; Infant of Prague Parish, located at 921 Cleveland Drive; Cayuga Village Community Center, located at 100 Hutchens Drive, Cheektowaga; Maryvale East Apartments, located at 100 Moorman Drive, Cheektowaga and Bell Tower Senior Apartments, 893 French Road, Cheektowaga, AND

WHEREAS, agreement between the Town of Cheektowaga and the above facilities has been drafted relative to the operation of the said nutrition programs for the year 2002, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said nutrition program for the year 2002, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town.

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 Supervisor Gabryszak, Seconded by Councilmember Jankowiak

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

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of the said nutrition programs for the year 2002, AND

MEETING NO. 26  
DECEMBER 17, 2001

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted to the operation of said transportation program for the year 2002, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced 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. 12 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:

	<u>EFFECTIVE</u>
<u>DOG WARDEN – Laborer - \$7.00 per hour</u> John Schuler Depew, NY 14043	12/28/01
<u>JUSTICE COURT – Court Officers - \$12.50 per hour</u> Thomas Juszkievicz Cheektowaga, NY	12/18/01
<u>POLICE DEPARTMENT – Matron – Per Diem</u> Michelle Bliss Cheektowaga, NY 14227 Jennifer Murak Cheektowaga, NY 14227	Immediately “

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u> Thomas Somogye Adam Mez Michael Papero Todd Stucke Aaron Astyk Jennifer Lipiarz David Apa	Immediately “ “ “ “ 12/14/01 12/08/01

Item No. 12 cont'd.

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – Matron</u> Margaret Viscuso	12/07/01
<u>POLICE DEPARTMENT – Dog Warden</u> Jennifer Lipiarz	12/07/01

Upon roll call ....

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

II. DEPARTMENTAL COMMUNICATIONS

**MEETING NO. 26  
DECEMBER 17, 2001**

Item No. 13 Minutes of Cheektowaga Conservation Advisory Council – November 17, 2001  
Received and Filed.

**III. GENERAL COMMUNICATIONS**

Item No. 14a Notice of Claim: Daniel Pawlowski 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. 14b Notice of Claim: Nationwide Mutual Insurance Company as subrogee of Katie L. Fuller vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Chief Chamberlin and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 14c Notice of Claim: Andrew Wastchak vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Chief Chamberlin and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 14d Notice of Claim: Samuel Sciria 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. 14e Notice of Claim: Thomas Edward 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. 14f Notice of Claim: Cyrilann Clark vs. the 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. 14g Notice of Claim: Lee Regent vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Chief Chamberlin and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 14h Notice of Claim: Lee Regent vs. the Town of Cheektowaga Police Department  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Chief Chamberlin and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 15a Summons and Complaint: Anna and Clair Flory vs. the Town of Cheektowaga and David Reinhardt  
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. 15b Summons and Complaint: Liberty Mutual Fire Insurance Company for Timothy Hunter vs. the Town of Cheektowaga Recycling Division

MEETING NO. 26  
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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. 16 Request to Speak: Cheektowaga Citizens Coalition  
Received and Filed.



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

Upon roll call ....

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



**IV. SUSPENSION OF RULES**

Item No. 17 Motioned by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated November 19, 2001, this Town Board authorized the Supervisor to execute an application to CSX Corporation for an emergency access road crossing of a CSX railroad line at the terminus of Airport Drive, AND

WHEREAS, such resolution also authorized the payment of a \$350.00 application fee to CSX, AND

WHEREAS, CSX has just notified the Town of Cheektowaga that the application fee for this project will be \$500.00, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby amends the aforementioned resolution to authorize an application fee for this application in the amount of \$500.00 to be appropriated from budget line item number 5914-5141-9901.

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 Councilmember Mazur, Seconded by Councilmember Jaworowicz

BE IT RESOLVED, the Town Board hereby creates the position of Senior Clerk Typist pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call ....

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

Item No. 19 Motioned by Councilmember Mazur, Seconded by Councilmember Johnson

MEETING NO. 26  
DECEMBER 17, 2001

WHEREAS, a vacancy exists in the title of Senior Clerk Typist in the Justice Court,  
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, such job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service promotional list was canvassed, AND

WHEREAS, Constance Chojnacki, a Senior Clerk in the Justice Court, appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Constance Chojnacki of Cheektowaga, New York 14227 be and hereby is promoted to the position of Senior Clerk Typist in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective December 18, 2001.

Upon roll call ....

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

Item No. 20 Motioned by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

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

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

Item No. 20 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

MEETING NO. 26  
DECEMBER 17, 2001

Item No. 21 Motioned by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, the Town purchases gasoline and diesel engine fuel under contracts administered by the New York State Office of General Services Group, AND

WHEREAS, the Town Attorney's office has received notice that the Office of General Services requires authority for their office to make contracts for the requirements of gasoline (unleaded) for the contract period August 2, 2002 to July 31, 2003, and diesel engine fuel for the contract period August 16, 2002 to August 14, 2003, NOW, THEREFORE BE IT

RESOLVED, that this Town Board is desirous of continuing to participate in these state contracts to assure that the Town receives the best quality and lowest price for these commodities and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to sign the requested Requirement Letters authorizing the New York State Office of General Services to make contracts on behalf of the Town for the requirements of gasoline and diesel engine fuel for the contract periods indicated above.

Item No. 22 Motioned by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting. This meeting adjourned at 7:30 P.M.

Richard M. Moleski

**MEETING NO. 26  
DECEMBER 17, 2001**

Town Clerk

**TOWN OF CHEEKTOWAGA  
SPECIAL MEETING NO. 27  
DECEMBER 27, 2001**

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 27th of December, 2001 at 6:00 o'clock P.M. there were:

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

ABSENT: Councilmember Patricia A. Jaworowicz

Also present were: Mary Holtz, Deputy Town Clerk and Brian Krause, Director of Administration and Finance.

**I. RESOLUTIONS**

Item No. 2 Motioned by Supervisor Gabryszak, Seconded by Councilmember Mazur

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

**GENERAL FUND**

From:	100-1355-4575	Contracted Appraisals	\$ 8,900.00
	100-9501-9211	Bond Interest	10,000.00
	100-1640-4163	Diesel Fuel	5,000.00
To:	100-1910-4322	Contracted Services HEAP	\$18,900.00
	100-1640-4161	Unleaded Mid Gr. Gasoline	5,000.00

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 and Warrants were submitted to the Town of Cheektowaga prior to December 21, 2001 are hereby approved and made a part hereof:

GENERAL FUND	\$ 880,189.06
RISK RETENTION	72,018.20
DEBT SERVICE	500,000.00
HUD HOUSING REHABILITATION FUND	6,565.00
SPECIAL DISTRICTS	3,542,527.39
HIGHWAY FUND	336,200.91
CAPITAL FUND	11,952.35
HUD CDBG FUND	49,528.08
PART TOWN FUND	33,914.44
	<u>\$5,432,895.43</u>

Upon roll call ....

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

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

MEETING NO. 27  
DECEMBER 27, 2001

WHEREAS, the Town of Cheektowaga owns and operates a dog kennel/holding area on Town-owned property in front of the Sanitation Department building, AND

WHEREAS, such holding area is old, small and needs to adequately handle the number of dogs and cats which must be brought to the facility, AND

WHEREAS, there is also a need to obtain additional funds for the spay/neuter program and for training of some dogs by a professional prior to adoption, AND

WHEREAS, non-matching funding up to \$5,000.00 is available from the Shelter Partners Charter Membership Grant Program of The Humane Society of the United States for the purposes of developing, improving or expanding innovative programs that promote responsible pet care giving and enhance and preserve the bond between people and companion animals, AND

WHEREAS, the Town's Dog Control Officer has recommended that the Town apply for a grant under this program to improve and expand the dog holding areas, increase moneys for the spay/neuter program and provide professional training required for some dogs prior to adoption, NOW, THEREFORE BE IT

RESOLVED, that this Town Board directs Grantmakers Advantage, the Town's grants consultant, to apply for funding on behalf of the Town of Cheektowaga through the Shelter Partners Charter Membership Program of The Humane Society of the United States in the amount of \$5,000.00 for the above purposes and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to sign any and all documents necessary to effectuate the receipt of the above referenced grant.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, as part of the Alpine Pump Station Elimination Project, the Town needs a temporary and permanent easement over land owned by the Villa Maria College of Buffalo and the Order of Felician Sisters, AND

WHEREAS, in order to compensation such property owners for said easements, the Town of Cheektowaga needs to retain an appraiser to determine the fair market value of such easements, AND

WHEREAS, Right-Of-Way Professionals, LLC has experience performing appraisals of easements for municipalities, and has submitted an estimate of the cost for preparing the appraisals needed by the Town, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby retains Right-Of-Way Professionals, LLC as per the attached letter to perform the above referenced appraisals on behalf of the Town of Cheektowaga and, BE IT FURTHER

RESOLVED, that moneys for such services, in an amount not to exceed \$900.00, shall be appropriated from budget line item number 2550-8125-4581.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\* SEE NEXT PAGE(S) FOR ATTACHMENT

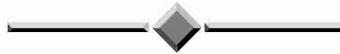


MEETING NO. 27  
DECEMBER 27, 2001

MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER JOHNSON TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 6, 7 AND 8, 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. 6 Motioned by Councilmember Mazur, Seconded by Councilmember Jankowiak

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

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION</u>	
Joseph Clark	12/31/01
<u>TOWN CLERK'S OFFICE</u>	
Sarah Kosicki	12/31/01
Meghan Hannel	"
<u>TAX OFFICE</u>	
Delphine Gembka	12/31/01
Julie Miller	"
Patricia Miller	"
Nancy Paner	"
Waltraud Piffel	"
Patricia Cosimano	"
Geraldine Glascott	"
Eleanor Kantowski	"
Jean Krzykowski	"
Wanda Lennert	"
Arlene Mueller	"
Denise Myers	"
Joan Wojtkowski	"
Rita Wick	"
<u>PARKS, RECREATION AND YOUTH SERVICES – Parks Division</u>	
Justin Tricoli	12/31/01
<u>SANITATION DEPARTMENT</u>	
David Apa	12/31/01
Mohamed Almorabi	"
Jeremy Gaca	"
Andrew Wastchak	"
Jason Sprada	"
<u>HIGHWAY DEPARTMENT</u>	
Eric Bakowski	12/31/01
Mark Fullagar	"
Michael Ivansitz	"

Item No. 6 Cont'd.

	<u>EFFECTIVE</u>
<u>SEWER MAINTENANCE</u>	

**MEETING NO. 27  
DECEMBER 27, 2001**

Christopher Buczek	12/31/01
Eric Czubaj	"
Thomas Kazmierczak	"
Justin Maly	"
Michael O'Sullivan	"
Greg Wilder	"
Jacob Wilder	"

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:

		<u>EFFECTIVE</u>
<u>MAIN PUMP STATION – Laborer - \$7.25 per hour</u>		
Leroy Linkner	Cheektowaga 14225	01/01/02
<u>MAIN PUMP STATION – Laborer per hour</u>		
Aaron Kuczarski	Depew 14043	01/10/02
<u>TAX OFFICE – Clerk (Day Shift) - \$7.50 per hour</u>		
Delphine Gembka	Depew 14043	01/01/02
Julie Miller		"
Patricia Miller	Cheektowaga 14227	"
Nancy Paner	Depew 14043	"
Waltraud Piffel	Cheektowaga 14225	"
<u>TAX OFFICE – Clerk (Night Shift) - \$6.00 per hour</u>		
Patricia Cosimano	Cheektowaga 14225	01/01/02
Geraldine Glascott	Depew 14043	"
Eleanor Kantowski	Cheektowaga 14227	"
Jean Krzykowski	Cheektowaga 14227	"
Wanda Lennert	Cheektowaga 14225	"
Arlene Mueller	Cheektowaga 14227	"
Denise Myers	Buffalo 14206	"
Joan Wojtkowski	Cheektowaga 14225	"
Rita Wick	Cheektowaga 14225	"
<u>PARKS, RECREATION &amp; YOUTH SERVICES (Parks Division) – Laborer - \$7.00 per hour</u>		
Justin Tricoli	Cheektowaga, NY 14227	01/01/02
<u>SEWER MAINTENANCE – Laborer - \$7.00 per hour</u>		
Christopher Buczek	Cheektowaga 14206	01/01/02
Eric Czubaj	Sloan 14212	"
Thomas Kazmierczak	Cheektowaga 14227	"
Justin Maly	Sloan 14212	"
Michael O'Sullivan	Cheektowaga 14227	"
Greg Wilder	Cheektowaga 14227	"
Jacob Wilder	Cheektowaga 14227	"
<u>BUILDING AND GROUNDS DIVISION – Laborer - \$7.00 per hour</u>		
Felix Lampke	Cheektowaga 14227	01/01/02
<u>HIGHWAY DEPARTMENT – Laborer - \$7.00 per hour</u>		
Eric Bakowski	Cheektowaga 14206	01/02/02
Deric Demyanick	Cheektowaga 14206	"
Gregory Ford	Cheektowaga 14227	"
Mark Fullagar	Cheektowaga 14227	"
Mike Gordon	Depew 14043	01/07/02
Michael Ivansitz	Depew 14043	01/02/02
Derrick Kowal	Depew 14043	"
Jeremy Kowal	Depew 14043	"
Marian Swiatek	Cheektowaga 14227	"
David Zablotny	Cheektowaga 14225	"

Item No. 6 cont'd.

Upon roll call ....

MEETING NO. 27  
DECEMBER 27, 2001

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

Item No. 7 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 12/31/01:

Glenn Au  
Matthew Bean  
Lynn Butts  
Nancy Haak  
Elizabeth Pazderski

Upon roll call ....

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

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

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

Seasonal – effective 1/1/02  
Part-Time – effective 4/15/02

Recreation Leader - \$8.40 (X)  
Glen Au 14225  
Recreation Leader - \$7.65 (VII)  
Matt Bean 14225

Recreation Attendant - \$7.15 (IX)  
Lynn Butts 14225

Part-Time – effective 1/1/02

Recreation Instructor - \$6.90 – (VI)  
Nancy Haak 14225

Recreation Instructor - \$6.65 – (V)  
Elizabeth Pazderski 14227

Upon roll call ....

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

**II. DEPARTMENTAL COMMUNICATIONS**

Item No. 9 Minutes of Cheektowaga Planning Board – November 8, 2001  
Received and Filed.

Item No. 10 Minutes of Cheektowaga Traffic Safety Commission – November 20, 2001  
Received and Filed.

Item No. 11 Comprehensive Annual Financial Report – Fiscal Year Ended December 31, 2000  
Received and Filed.

**MEETING NO. 27  
DECEMBER 27, 2001**

Item No. 12      General Purpose Financial Statement and Single Audit Reports – Year Ended December 31, 2000  
Received and Filed.

Item No. 13      Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes and Assessments, Town Clerk and Town Justice – Year Ended December 31, 2000 and Independent Auditor's Report  
Received and Filed.

**III. GENERAL COMMUNICATIONS**

Item No. 14      Notice of Claim: Justin Bohall/Prudential Insurance vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Bruce Chamberlin, Chief of Police and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 15      Motioned by Supervisor Gabryszak, Seconded by Councilmember Jankowiak to adjourn this meeting. This meeting adjourned at 6:20 P.M.

Mary F. Holtz  
Deputy Town Clerk