TOWN OF CHEEKTOWAGA MEETING NO. 17 JULY 1, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1st of July, 2002 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 Administration and Finance; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Thomas Adamczak, Supervising Building and Plumbing Inspector, Salvatore LaGreca, Planning Board Chairman; Christine Ziemba, Chief of Police and Jerome Gabryszak, Director of Community Development

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the relocation of Network Task Group, Inc. Relocation of Business into Buffalo's Empire Zone, a State Economic Development Zone. 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 notice was as follows:



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, pursuant to the General Municipal Law, Article 18-B, Section 959(a)(iii) will hold a public hearing on the 1st day of July 2002 at 7:00 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the following purpose:

To solicit comments regarding the relocation of Network Task Group, Inc., formerly located at 485 Ludwig Avenue, Cheektowaga, New York 14227 into the Seneca Industrial Center, 701 Seneca Street, Buffalo, New York 14210 in Buffalo's Empire Zone, a State Economic Development Zone.

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting the Cheektowaga Town Clerk's Office at (716) 686-3400. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of any prepared testimony must be submitted to the Cheektowaga Town Clerk's Office, 3301 Broadway, Cheektowaga, New York no later than ten (10) days prior to the hearing date.

Dated: June 17, 2002

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



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 was closed; decision was reserved.

II. RESOLUTIONS

<u>Item No. 3</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

part hereof;

CDBG HUD FUND

FROM: 140-1001-0704 Contingency-Program Income \$1,703.15
TO: 140-1001-2410 Winston Vegola Park Improvements \$1,703.15

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 4 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to June 28, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 434,946.25
RISK RETENTION FUND	80,580.81
SPECIAL DISTRICTS FUND	2,039,768.82
HIGHWAY FUND	207,560.97
TRUST AND AGENCY	26,901.03
HUD HOUSING REHABILITATION FUND	3,376.98
HUD CDBG FUND	31,818.65
PART TOWN FUND	9,875.29
CAPITAL FUND	150,280.14
	\$ 2,985,108.94

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 5</u> Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, a Notice to Bidders was published for the receipt of bids for Storm Sewer Installation on Clover Place and Cedargrove Heights Sanitary/Storm Sewer Improvements Project, which bids were duly received and opened on June 26, 2002 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Engineering Department dated June 27, 2002, AND

WHEREAS, said letter recommends the contract for the Storm Sewer Installation on Clover Place and Cedargrove Heights Sanitary/Storm Sewer Improvements Project be awarded to Nichols, Long & Moore Construction Corporation for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Storm Sewer Installation on Clover Place and Cedargrove Heights Sanitary/Storm Sewer Improvement Project be and hereby is awarded to Nichols, Long & Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 for the total bid price of \$278,709.50, being the lowest bid meeting the requirements of the specifications for Bid Items A, Alt. A, B & C, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Nichols, Long & Moore Construction Corporation for the aforesaid project, AND, BE IT FURTHER

Item No. 5 cont'd.

RESOLVED, that funding for said project shall be funded with budgeted C.D.B.G. funds, AND, BE IT FURTHER

RESOLVED, that said award shall be contingent upon receipt of Release of Funds from the U.S. Department of Housing and Urban Development.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 6</u> Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the Benderson Development Company, as part of the development of #3770 Union Road, has submitted a Public Improvement Permit application, plans and specifications and permit fee for the installation of a 12' X 4' box culvert, enclosing an existing open drainage system which conveys public storm waters, and which drainage system is maintained by the Town, AND

WHEREAS, the Town Engineer and representatives of the New York State Department of Transportation have reviewed the plans and specifications for the 500 \pm L.F. box culvert extension and find said proposal satisfactory, NOW THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid box culvert, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$5,250.00 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of such fees.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 7 Motion by Councilmember Swiatek; Seconded by Councilmember Johnson

WHEREAS, SBA Network Services Inc./Cricket Communications has made application for a Special Use Permit to add a self-supporting telecommunications tower on property located at 93 Maryvale Drive with a permission of the owner, namely Busshart Development LLC, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 15, 2002 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Upon roll call....

AYES: Supervisor Gabryszak, Councilmember Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak

and Mazur

NAYES: 0 ABSENT: 0

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AFFIDAVIT NEXT PAGE

<u>Item No. 8</u> Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

WHEREAS, Nicholas Lewczyk petitioned for a rezoning from R-Residence District to NS-Neighborhood Services District on property owned by him and located at 3991 Union Road, Cheektowaga, New York, which property is described in the legal notice published for the public hearing for such rezoning, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 16th day of December, 1996 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, this Board feels that the rezoning of this property is proper and in accordance with the Town's comprehensive plan based on the following:

- Property is located on the corner of Union Road, a busy State highway, and Orchard Place

- On the south side of this property is a property used for motor service use and on the west side is property used as a restaurant

-Other commercial uses are located on the east and west sides of Union Road in the vicinity of 3991 Union Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a determination that the rezoning will not have a significant effect on the environment, and hereby renders a negative declaration under SEQRA for this rezoning, and BE IT FURTHER

RESOLVED, that the application of Nicholas Lewczyk for the rezoning from R-Residence District to NS-Neighborhood Services District of the above referenced property be and the same is hereby approved, subject to the applicant obtaining the necessary variances from the Zoning Board, and BE IT FUTRHER

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, Councilmember Rogowski, Johnson, Swiatek, Jankowiak and

Mazur

NAYES: 1 ABSENT: 0



Parcel Legal Description

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number twelve (12), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number four hundred twelve (412), the southerly one-half (1/2) of Subdivision Lot Number four hundred eleven (411) as shown on a map filed in the Erie County Clerk's Office under Cover Number 962, bounded and described as follows:

Beginning at a point in the southwest corner of said Subdivision Lot Number four hundred twelve (412) at the intersection of Orchard Place and Union Road in said Town of Cheektowaga; thence northerly along the easterly line of Union Road forty-five (45) feet to a point; thence easterly and parallel to Orchard Place, approximately one hundred nineteen and seventy-nine hundredths (119.79) feet to the east line of said Subdivision Lot Number four hundred eleven (411); thence southerly along the easterly lines of said Subdivision Lots Numbers four hundred eleven (411) and four hundred twelve (412), forty-five feet (45) feet to the southeast corner of said Subdivision Lot Number four hundred twelve (412); thence westerly along the southerly line of said Subdivision Lot Number four hundred twelve (412), also being the northerly line of Orchard Place, one hundred twenty (120) feet to a point or place of beginning.

AFFIDAVIT NEXT PAGE

<u>Item No. 9</u> Motion by Councilmember Swiatek; Seconded by Councilmember Johnson and Councilmember Jankowiak

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 MWT Architects for Peregrine Development Corporation for the re-approval of the site plan for a two story 85, 000 square foot, 100 unit adult care facility at 575 Cayuga Creek Road, AND

WHEREAS, the Town Board on October 2, 2000 previously approved the site plan for the subject project and issued a determination of non significance pursuant to the State Environmental Quality Review Act (SEQRA) as shown on the attached resolution, AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the town board approval of said site plan expired on October 2, 2001 due to the developers failure to commence construction within one year from the date of said site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 13, 2002 recommended its re-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 re-approves the project site plan.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, on January 7, 2002 the Town of Cheektowaga entered into an agreement with the Boys and Girls Clubs of Buffalo for operation of the Cleveland Hill Safe Places Program through June 28, 2002; AND

WHEREAS, the NYS Office of Children and Family Services has now approved a Safe Places Grant Application submitted by Erie County on behalf of the Town and three other suburban municipalities for a period of January 1, 2002 through December 31, 2002, AND

WHEREAS, the town will receive \$10,875.00 from Erie County to allow continuation of the Cleveland Hill Safe Places program through December 31, 2002, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an addendum to the existing agreement with the Boys and Girls Clubs of Buffalo to provide said service for the period January 1, 2002 through December 31, 2002 for a sum not to exceed \$23,375.00

BUDGET LINE ITEM: 7310.4789

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10b Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at 3223 Union Road behind the existing Police & Court Building, AND

WHEREAS, by resolution dated April 16, 2001, this Town Board granted an easement to Verizon New York ("Verizon") over a portion of Town property for the installation of telecommunication lines to service a telecommunications tower behind 3223 Union Road, AND

WHEREAS, pursuant to the terms of such easement, if the Town directed that the telecommunications lines be relocated, Verizon would, at its sole cost, relocate such lines, AND

WHEREAS, the Town contemplates future changes to building footprints or layouts in the vicinity of the Verizon telecommunications tower, AND

WHEREAS, Verizon New York has therefore requested the Town of Cheektowaga to consent to an amendment to the easement wherein the Town of Cheektowaga would, at its expense, relocate the telecommunications lines if the Town requires relocation, AND

WHEREAS, the Police Department has recommended that Verizon's request for the amendment to the easement be approved, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this amendment to easement.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, as part of the review process for the development of property at the corner of Union Road and Galleria Drive (#3770 Union Road), the Town required that NYSEG provide the Town with a drainage easement over the NYSEG property to the north of 3770 Union Road, AND

WHEREAS, NYSEG has submitted the requested easement to the Town, AND

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement on behalf of the Town, and BE IT FURTHER

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

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 11 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Buffalo Bison's and its sponsors be authorized to hold its annual Pitch, Hit and Run competition in Stiglmeier Park on Monday, July 15, 2002 from 9:00 a.m. – 1:00 p.m. for youth ages 6-12.

Item No. 11 cont'd.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, Section 118(1) of the Town Law of the State of New York governs the form of claims submitted to the Town for payment of claims, AND

WHEREAS, pursuant to the State Comptroller's interpretation of such section, only department heads can execute vouchers for items purchased by their respective departments unless the authority is delegated to others for ministerial purchases, AND

WHEREAS, the Town Court Justices desire to have Stephanie Lewandowski, Clerk of the Justice Court, be authorized to sign vouchers in certain circumstances, AND

WHEREAS, the Chief of Police desires to have Captain Thomas Rowan, Captain in Charge of Administration for the Police Department, be authorized to sign vouchers in certain circumstances, AND

WHEREAS, this Town Board supports the aforementioned delegation of authority to execute certain vouchers, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the following individuals be and hereby are authorized to execute vouchers for the purchase of goods and services in amounts not to exceed \$500 per voucher on behalf of the following respective departments:

Authorized IndividualTown DepartmentStephanie Lewandowski, Clerk of the Justice CourtTown Justice CourtThomas Rowan, Administrative CaptainPolice Department

Upon roll call....

AYES: Supervisor Gabryszak, Councilmember 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 FOR ITEM NO. 13 AND ITEM NO. 17 AND THE VOTING WENT AS FOLLOWS:

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



<u>Item No. 13</u> Motion 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 (seasonal):

Item No. 13 cont'd.

Cory Burzynski Danielle Burzynski Thomas Carter

Heather Cepuchowski **Daniel Cummings** Tracy DiBiasio Robert Gladwell Justin Heinrich Laura Kelly Shannon Lach Jill LoBocchiaro Amy Mikolin Cindy Murphy Adam Porter Cassie Ring Dawn Smith Ashley Sutton Jennifer Strobele Melissa Uhteg

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 14</u> Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

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

EFFECTIVE

PARKS DIVISION – Laborer - \$6.00 per hour immediately

Michael Maziarz Cheektowaga, NY 14227

JUSTICE COURT - Court Officer - \$12.50 per hour

John M. Bohen Cheektowaga, NY 14225 immediately

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

<u>EFFECTIVE</u>

POLICE DEPARTMENT

Marcia Morath 06/15/02

PARKS DIVISION

Loren Bauer immediately

Elizabeth Little "
Justin Tricoli "

SENIOR SERVICES

Alice Ciszkowski 05/06/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 15 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are transferred as indicated: (seasonal)

From Recreation Attendant V to Recreation Supervisor (Activity Director II) - \$7.15

Pam Szefler

From Pool Supervisor to Pool Supervisor (Level III) - \$9.68 (retro to June 17, 2002)

Beth Kawczynski

From Bathhouse Attendant II to Bathhouse Attendant III - \$5.65

Daniel Lysiak

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

Administrative Interns - 7310.1804

Clerk - \$6.00

Jennifer Keegan 14215 Jillian Tefft 14227

YCC - 7310.1811

<u>Laborers (Participants) - \$5.15</u>

Shawn Staszczyk 14227 John Szczepanski 14225

Sports Rotation - 7140.1645

Recreation Attendant (I) - \$5.15

Matthew Gaczewski 14225

Arts & Crafts - 7140.1613

Recreation Attendant (I) - \$5.65

Lindsay Gabryszak 14043

Pools - 7180.1903Lifeguards - Level I - \$6.50 (As needed)

Paul Gorczyca 14218 14224

Maria Owen 14225

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 17 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

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

WHEREAS, the Summer Youth Program starts on July 8, 2002, participants work a minimum of 24 hours per week, \$5.15 per hour, unless stated differently, and a termination date not to exceed August 30, 2002, NOW, THEREFORE, BE IT

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

Item No. 17 cont'd.

Abdullah, Nuha	14227
Adams, Saundra	14225
Antwan, Ceasar	14225
Balbuzoski, Kimberly	14225
Barber, Jon	14043
Barleston, DeChante'	14225
Barnes, Nathaniel	14225
Bell, Lindsey	14225
And the Control of th	14223
Bernard, Kelly	
Biller, Michael	14211
Bisantz, Megan	14225
Block, Kayla	14225
Bochmann, Jessica	14225
Branka, Angie	14227
Brown, Raymond	14225
Buie, Tiffany	14225
Bullaro, Robert	14043
Burger, Joshua	14225
Bzibziak, Jason	14227
Cammarata, Nicole	14225
Candella, Amanda	14225
Christian, Eric Jr.	14225
Cieslewicz, Brandie	14211
Cieslinski, Michael	14225
Clinard, Daniel	14043
Monitor \$12.78/Hr.	1
Coffey, Robin	14225
Collins, Jason	14225
Collins, Justin	14225
Cotton, Marcus	14225
Cramer, Pernell	14225
Crowley, Brittani	14223
• 5	
Dembowski, Shane	14227
Ellis, Enquinnette	14225
Fassel, Barbara	14225
Fassel, Frank	14225
Fellinger, Jonathan	14206
Field, Nathan	14225
Fix, Michael	14227
Forant, Steve	14225
Frank, Adrian	14215
Frisicaro, Vincent	14059
Principal Counselor \$17.39/Hr.	
Fulgham, Raymond	14211
Fyda, Leah	14225
Gabryszak, Brian	14043
Galley, Jennifer	14225
Galley, Michael	14225
Garcia, Michelle	14211
Green, Brian	14215
Grillo, Maria	14211
Gullo, Renae	14227
Haurik, Joseph	14043
Horvatits, Matthew	14225
Howard, Jeremy	14212
Ingram, Jonathan	14225
Jablonski, Robert	14225
	14225
Jackson, Kevin	14225
Janicki, David	
Jarzyniecki, Brayn	14043
Jones, Raefield	14225
Kardas, Christopher	14225

Kasprzyk, Jeffrey	14227
Kruczynski, Matthew	14206
Kurek, Eric	14043
Laurent, Pamela	14212

Item No. 17 cont'd.

Item No. 17 cont'd.	
Laurent, Sarah	14212
Lechowicz, William	14225
Lyles, Mario	14225
McAdams, Lisa	14225
McArthur, Donald	14212
McCabe, Brittany	14227
McCabe, Shawn	14227
McMindes, Megan	14225
Messina, Jamie	14225
Mooney, Abraham	14225
Mooney, Gerald	14225
Moore, Nick	14225
Moudy, Michelle	14225
Mrozek, Justin	14043
Nader, Richard	14227
Nowak, Andrew	14227
Nowak, Patrick	14227
Oliver, Johnny	14225
Orlowski, Matthew	14043
Pagano, Michael	14225
Pantano, Ashley	14215
Paradowski, Jennifer	14227
Patti, Gina	14225
Piesczynski, Michael	14212
Pigler, David	14215
Pulley, Breanna	14225
Reynolds, Richard	14215
Rodriguez, Andrew	14227
Rodriguez, Anthony	14227
Root, Krystina	14227
Schaub, Daniel	14225
Schaub, David	14225
Seagrave, Paul	14225
Siess, Stephanie	14225
Sienkiewicz, Eric	14227
Stachowiak, Charles III	14225
Stachowiak, Jeremy	14225
Staszczyk, Shawn	14227
Steinwandel, Daniel	14225
Steinwandel, Scott	14225
Stewart, Ashley	14215
Suba, Jon	14225
Szczesniak, Amanda	14043
Tabak, Andrea	14211
Thauer, Jessica	14225
Thauer, Michael	14225
Tonsoline, Peter	14043
Principal Counselor \$17.39/hr.	
Transue, Jennifer	14227
Traynor, Christopher	14225
Vesneske, Christopher	14227
Walsh, Sarah	14211
Weisner, Ashley	14225
Wellington, Denise	14225
Williams, Ashley	14225
Williams, Marie	14211
Wisniewski, Alicia	14206
Wozniak, John	14225
Wyatt-Bell, Vance	14227

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 18a Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town Board of the Town of Cheektowaga previously created a corporation known as the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, AND

WHEREAS, by Resolution dated February 7, 1983, this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation, AND

WHEREAS, the aforesaid By-Laws provide that the Directors of the Cheektowaga Economic Development Corporation will be appointed by resolution of the Cheektowaga Town Board, AND

WHEREAS, the Cheektowaga Economic Development Corporation has recommended the appointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years and expiring at the time of reappointment to said Board of Directors positions but no later than May 31, 2005:

James Antkowiak Stephen Bojdak Stanley Gajewski Jack Patterson Richard Velez

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 18b</u> Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, Judith Smith was appointed as temporary Clerk to the Town Justice in the Justice Court on April 15, 2002; AND

WHEREAS, Ms. Smith has applied for and has received approval for appointment by Erie County Civil Service; NOW, THEREFORE BE IT

RESOLVED, that Judith Smith of Cheektowaga, New York, 14227 be and hereby is appointed to the position of Clerk to the Town Justice in the Justice Court on a permanent basis effective immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 18c</u> Motion by Councilmember Mazur, Seconded by Councilmember Johnson

WHEREAS, a permanent vacancy exists in the position of Lieutenant in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Sergeant David J. Zack be promoted to the position of Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that David J. Zack of Depew, New York 14043 be and hereby is appointed to the position of Lieutenant in the Police Department effective immediately.

Item No. 18c cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 18d</u> Motion by Councilmember Mazur, Seconded by Councilmember Johnson

WHEREAS, a permanent vacancy exists in the position of Sergeant in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Police Officer Scott C. Prell be promoted to the position of Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Scott C. Prell of Sloan, New York 14212 be and hereby is appointed to the position of Sergeant in the Police Department effective immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 19</u> Building Permits – June 2002

Received and Filed.

<u>Item No. 20a</u> Cheektowaga Conservation Advisory Council Minutes – June 6, 2002

Received and Filed.

<u>Item No. 20b</u> Cheektowaga Conservation Advisory Council Minutes – June 12, 2002

Received and Filed.

Item No. 21 Supervisor's Statement of Funds – May 2002

Received and Filed.

IV. GENERAL COMMUNICATIONS

<u>Item No. 22a</u> Request to Speak – N. Buntinis regarding Residential Zoning District

Received and Filed.

<u>Item No. 22b</u> Request to Speak – Cheektowaga Citizens Coalition

Received and Filed.

Item No. 23 Property Owners Concerned about Storm Sewers and Curbing on Kemp Avenue

Received and Filed.

Item No. 24 Summons and Complaint - One Beacon Ins. As Subrogee of Paul and Susan Crapsi

Received and Filed.

Item No. 25a Notice of Claim: Radames R. & Mary Clavell vs. Town of Cheektowaga

Received and Filed.

Item No. 25b Notice of Claim: Frances Jones vs. Town of Cheektowaga

Received and Filed.

Item No. 25c Notice of Claim: One Beacon Ins. As Subrogee of Paul and Susan Crapsi vs. Town of

Cheektowaga Received and Filed.

Item No. 25d Notice of Claim: Michelle Sperduti vs. Town of Cheektowaga

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, Councilmember Jaworowicz, Rogowski, Johnson, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



V. SUSPENSION OF RULES

Item No. 26 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on July 15, 2002 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 at least ten (10) but not more than twenty (20) days prior to the public hearing, said amendments being set fort in the Notice of Hearing.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 27a Motion by Unanimous; Seconded by Unanimous

WHEREAS, The Town of Cheektowaga has received notification of the vacant structure at 89 Henry Street, Cheektowaga, New York SBL# 113.64-2-34 that is unsafe and a danger to the safety of others, and according to the Assessors Office are owned by Bernard J. Jakubiak, Cheektowaga, New York 14227.

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga, and the Town Law of the State on New York, and the owner failed to take actions to safe guard the vacant structure and cut down and remove the collapsed pine trees AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the (2) pine trees 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 VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town law of the State of New York, that the (2) pine trees be cut and removed from the vacant property; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 27b</u> Motion by Unanimous, Seconded by Unanimous

WHEREAS, The Town of Cheektowaga has received notification of the vacant structure at 89 Henry Street, Cheektowaga, New York SBL# 113.64-2-34 that is unsecured and open to unauthorized entry and a danger to the safety of others, and according to the Assessors Office are owned by Bernard J. Jakubiak, Cheektowaga, New York 14227.

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga, and the Town Law of the State on New York, and the owner failed to take actions to safe guard the vacant structure and board up hole on left side of house AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the main vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town law of the State of New York, that all openings in the main structure be safeguarded and secured; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 28</u> Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy will exist in the position of Secretary to the Supervisor on July

8, 2002; AND

WHEREAS, said title is in the exempt class of Erie County Civil Service; AND

WHEREAS, Nancy K. Syracuse has applied for and meets all the qualifications for said position; NOW, THEREFORE, BE IT

Item No. 28 cont'd.

RESOLVED, that Nancy K. Syracuse of Cheektowaga, New York, 14227 be and hereby is appointed to the position of Secretary to the Supervisor at the annual salary of \$29,500 effective July 8, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 29 Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant funds from the Department of Housing and Urban Development, AND

WHEREAS, activities utilizing Community Development funds have been programmed for the Village of Sloan for the 2002 Program Year, AND

WHEREAS, the Town has executed a subrecipient agreement with the Village of Sloan as required by federal regulations, AND

WHEREAS, the Village of Sloan is currently undertaking a sanitary sewer improvements project with Community Development funds and has requested a supplemental allocation of additional funds of up to \$33,500 against next year's allocation in order to extend the scope of the current project, AND

WHEREAS, the Director of Community Development has recommended that the Subrecipient Agreement between the Town and the Village of Sloan be amended to provide the requested supplemental allocation of funds in the amount of up to \$33,500, said allocation to be deducted from the Village's 2003 allocation of Community Development funds, NOW, THEREFORE BE IT

RESOLVED, that the Subrecipient Agreement between the Town and the Village of Sloan is hereby amended to provide a supplemental allocation of up to \$33,500 for sanitary sewer improvement, said allocation to be charged against the Village's 2003 program year allocation of Community Development funds, and BE IT

FURTHER RESOLVED, that the attached budget transfer to effect said supplemental location is hereby approved.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 30 Motion by Councilmember Johnson, 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 PJP Development for the rezoning of 5090–5100 Genesee Street from M1- Light Manufacturing to MS – Motor Services for the construction of a 2,600 square foot petroleum sales /convenience store with accessory car wash, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on March 9, 2002 recommended approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission at its meeting on April 16, 2002 reviewed the proposed project and recommended approval, subject to the installation of sidewalks on Genesee Street, curbing and pedestrian access to the building, AND,

WHEREAS, the Environmental Advisory Committee at its meeting held on June 19, 2002 recommended a determination of non significance, AND

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has reviewed the proposed project and has determined that project will not have an impact on any historic buildings, structures or sites as shown on the attached report, AND

WHEREAS, The developer, has modified his/her project to provide for pedestrian sidewalks and access along Genesee Street, curbing of the drive openings and the relocation of his/her building to maintain a (50) foot setback from the adjacent top of bank of Ellicott Creek, AND

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 31</u> Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, PJP Development, Inc. petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for a motor fuel dispensing station, convenience store and accessory motor vehicle washing establishment for property owned by it and located at 5090-5100 Genesee Street, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of June, 2002 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of PJP Development, Inc. for the rezoning from M1-Light Manufacturing to MS-Motor Services District of the property described in the attached legal description for a motor fuel dispensing station, convenience store and accessory motor vehicle washing establishment 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, Councilmember Jaworowicz, Rogowski, Johnson, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE

<u>Item No. 32</u> Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting at 8:15 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 18 JULY 15, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15TH day of July, 2002 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Thomas M. Johnson, Jr.

Councilmember Jeff Swiatek Councilmember Thomas J. Mazur

ABSENT: Councilmember James J. Jankowiak

Also present were: Richard M. Moleski, Town Clerk; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services; Salvatore LaGreca, Chairman of Planning Board and Christine Ziemba, Chief of Police.

I. PUBLIC HEARING

<u>Item No. 2</u> This being the time and place advertised for a public hearing to consider and discuss amending Chapter 235 of the Code of the said Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:



ARTICLE V Schedules

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

CENTRAL BOULEVARD – south and east sides: from the east curb line of Harlem Road to the south curb line of Anna Court.

DANBURY DRIVE – north side: from the east curb line of Harlem Road to the west curb line of Rosary Boulevard.

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

CENTRAL BOULEVARD – north side: from the east curb line of Harlem Road to the west curb line of East Grand Boulevard.

CENTRAL BOULEVARD – south and east sides: from the east curb line of East Grand Boulevard to the south curb line of Anna Court.

DANBURY DRIVE - south side: from the east curb line of Harlem Road to the west curb line of Woodridge Avenue.

DANBURY DRIVE – north side: from the east curb line of Woodridge Avenue to the west curb line of Rosary Boulevard.

DELLWOOD PLACE – east side: from the north curb line of Genesee Street to a point 190 feet north thereof.



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.

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

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

GENERAL FUND

From: 100-7410-4451 Building & Grounds Maintenance & Repair \$ 3,000.00

To: 100-7410-4439 HVAC \$ 3,000.00

HIGHWAY FUND

From: 300-5150-4458 CHIPS Improvement Projects \$ 40,000.00

To: 300-5110-3501 NYS AID-Improvements \$ 40,000.00

PART TOWN FUND

From: 800-3620-1901 Regular Payroll \$ 5,000.00

To: 800-3620-1902 Over Time \$ 4,000.00

800-3620-4088 Travel & Conference 1,000.00

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

BE IT RESOLVED, that the following Vouchers and Warrant submitted to the Town of Cheektowaga prior to July 12, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,875,650.41
RISK RETENTION FUND	30,925.33
DEBT SERVICE FUND	1,000,637.50
SPECIAL DISTRICTS FUND	716,053.46
HIGHWAY FUND	290,203.44
TRUST & AGENCY	4,011.15
HUD HOUSING REHABILITATION FUND	2,687.00
HUD CDBG FUND	31,181.72
PART TOWN FUND	62,894.12
CAPITAL FUND	<u>966.50</u>
	\$ 4,015,210.63

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 5 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

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

Item No. 5 cont'd.

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

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

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

CHIPS State Aid (Expense) - #5714-5132-0002 - \$225,750.05 CHIPS State Aid (Revenue) - #5714-5132-3089 - \$225,750.05

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

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

WHEREAS, this Town Board held a public hearing on July 15, 2002 to consider the advisability of adopting proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:



ARTICLE V Schedules

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

CENTRAL BOULEVARD – south and east sides: from the east curb line of Harlem Road to the south curb line of Anna Court.

DANBURY DRIVE – north side: from the east curb line of Harlem Road to the west curb line of Rosary Boulevard.

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

CENTRAL BOULEVARD – north side: from the east curb line of Harlem Road to the west curb line of East Grand Boulevard.

CENTRAL BOULEVARD – south and east sides: from the east curb line of East Grand Boulevard to the south curb line of Anna Court.

DANBURY DRIVE - south side: from the east curb line of Harlem Road to the west curb line of Woodridge Avenue.

DANBURY DRIVE - north side: from the east curb line of Woodridge Avenue to the west curb line of Rosary Boulevard.

Item No. 6 cont'd.

DELLWOOD PLACE – east side: from the north curb line of Genesee Street to a point 190 feet north thereof

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE(S)

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

WHEREAS, bids were duly received on June 5, 2002 as a result of advertisement for the purchase of one (1) high velocity side mounted sewer cleaning truck for the Sewer Maintenance Department, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated July 9, 2002, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of one (1) high velocity sewer cleaning truck, as recommended by the Town Engineer, be and the same is hereby awarded to Hanson International Trucks, 2425 Walden Avenue, P.O. Box 247, Cheektowaga, New York 14225 for their bid, less trade-in, in the amount of \$98,740.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said vehicle in Account #2550-8125-

Upon roll call

2550.

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

<u>Item No. 8</u> Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, Rick Zelasko has made application and requested the Rezoning from M1-Light Manufacturing District to M2-General Manufacturing District for property located at 130 & 136-144 Pfohl Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 5, 2002 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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE(S)

Item No. 9a Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from July 19-21, 2002, AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Polish-American Arts Festival Committee for the aforementioned Polish-American Arts Festival to held in Cheektowaga Town Park from July 19 –21, 2002.

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

Upon roll call

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

and Mazur

NAYES:

ABSENT: Councilmember Jankowiak

<u>Item No. 9b</u> Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

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

WHEREAS, the St. Joseph Hospital Foundation has made application to use the Band Shelter and Pavilion at Cheektowaga Town Park on July 30, 2002 from 10:30 A.M. to 1:30 P.M., AND

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

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

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

NOW, THEREFORE, BE IT

Item No. 9b cont'd.

RESOLVED, that this Town Board hereby approves the aforementioned application of the St. Joseph Hospital Foundation for the use of the Pavilion and Band Shell in Cheektowaga Town Park on July 30, 2002, subject to the payment of the required rental fees by St. Joseph Hospital Foundation.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 10 Expression of Concern Over Erie County Proposal to Have New York State Assume

Ownership of William Street This item was withdrawn.

Item No. 11 Motion by Supervisor Gabryszak, seconded by Unanimous

WHEREAS, the Towns of Amherst, Clarence and Lancaster have completed or are in the process of completing and adopting comprehensive plans; AND

WHEREAS, New York State Town Law, Section 272-a, requires consistency between comprehensive plans and municipal land use regulations; AND

WHEREAS, each community has planned extensive areas for intensive commercial, office or industrial development in close proximity to the Transit Road/New York State Thruway interchange which, when developed, will generate significant increases in commuter and commercial traffic; AND

WHEREAS, the Town of Cheektowaga is experiencing significant commercial and office development in the area southwest of the interchange and exhibits the capability for continued growth in close proximity to the Buffalo Niagara International Airport; AND

WHEREAS, the New York State Thruway is currently studying options for relocating the Williamsville Toll Barrier which may impact traffic flow through the Transit Road - Thruway interchange; AND

WHEREAS, it is in the best interest of each community to ensure the safe, adequate, attractive and efficient movement of residents and commerce on the roadways served by the intersection as a means for maintaining their economic vitality and quality of life; AND

WHEREAS, the New York State Department of Transportation Mobility Management Bureau, as part of the New York State Quality Communities Initiative, has solicited grant applications from local municipalities for funding to undertake traffic engineering and transportation planning activities designed to enhance or implement local comprehensive planning; NOW THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga hereby authorizes and directs the Town Supervisor to take the necessary actions to communicate the Town's commitment to participate in a joint application with the Towns of Amherst, Clarence and Lancaster for New York State Technical Assistance in Traffic and Engineering and Transportation Planning for Localities funding, in an amount not to exceed \$50,000 and, BE IT FURTHER

RESOLVED that the Town of Cheektowaga will provide the required matching funds in an amount not to exceed \$2,500 (per community) and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby designates the Town of Clarence as "the applicant" for purposes of this grant application and as project manager for the study to be undertaken pursuant to the grant application and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga, upon receipt of notification of grant award, will designate a "project representative" to provide policy input, information gathering and liaison to the planning process.

Item No. 11 cont'd.



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 11, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak



AMENDED

WHEREAS, the Towns of Amherst, Clarence and Lancaster have completed or are in the process of completing and adopting comprehensive plans; AND

WHEREAS, New York State Town Law, Section 272-a, requires consistency between comprehensive plans and municipal land use regulations; AND

WHEREAS, each community has planned extensive areas for intensive commercial, office or industrial development in close proximity to the Transit Road/New York State Thruway interchange which, when developed, will generate significant increases in commuter and commercial traffic; AND

WHEREAS, the Town of Cheektowaga is experiencing significant commercial and office development in the area southwest of the interchange and exhibits the capability for continued growth in close proximity to the Buffalo Niagara International Airport; AND

WHEREAS, the New York State Thruway is currently studying options for relocating the Williamsville Toll Barrier which may impact traffic flow through the Transit Road - Thruway interchange; AND

WHEREAS, it is in the best interest of each community to ensure the safe, adequate, attractive and efficient movement of residents and commerce on the roadways served by the intersection as a means for maintaining their economic vitality and quality of life; AND

WHEREAS, the New York State Department of Transportation Mobility Management Bureau, as part of the New York State Quality Communities Initiative, has solicited grant applications from local municipalities for funding to undertake traffic engineering and transportation planning activities designed to enhance or implement local comprehensive planning; NOW THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga hereby authorizes and directs the Town Supervisor to take the necessary actions to communicate the Town's commitment to participate in a joint application with the Towns of Amherst, Clarence and Lancaster for New York State Technical Assistance in Traffic and Engineering and Transportation Planning for Localities funding and, BE IT FURTHER

RESOLVED that the Town of Cheektowaga will provide the required matching funds in amount not to exceed \$2,500 (per community) and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby designates the Town of Clarence as "the applicant" for purposes of this grant application and as project manager for the study to be undertaken pursuant to the grant application and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga, upon receipt of notification of grant award, will designate a "project representative" to provide policy input, information gathering and liaison to the planning process.

Item No. 11 cont'd.

Upon roll call

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

and Mazur

NAYES: C

ABSENT: Councilmember Jankowiak

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

WHEREAS, the Town of Cheektowaga is the owner of property located on the south side of Walden Avenue at Reo Avenue, AND

WHEREAS, Verizon New York, Inc., Niagara Mohawk Power Corporation and Western NY Cablevision, L.P. have requested an easement over a portion of this property for the installation of telecommunications lines to service the Federal Express property to the south of the Town-owned property, AND

WHEREAS, this Board is in agreement with the granting of this easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement, subject to final review and approval of the easement form by the Town Attorney and the Town Engineer, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

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



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 15, 2002, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to Verizon New York, Inc., Niagara Mohawk Power Corporation and Western NY Cablevision, L.P. over Town-owned property located on the south side of Walden Avenue opposite Reo Avenue.

A copy of such easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: July 15, 2002

RICHARD M. MOLESKI

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE(S)

Item No. 13a Motion by Unanimous, seconded by Unanimous

WHEREAS, the Housing Standards of the Town of Cheektowaga, State of New York requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure (shed) located at 36E Glenwood Court, Cheektowaga, New York SBL# 91.15-1-7.2 that are unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Richard L. Yancey Jr., Buffalo, New York 14211, AND

WHEREAS, an inspection of such premises was conducted on 36E Glenwood Court by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, unsecured, open to unauthorized entry, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga, and the Town Law of the State on New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions required the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town Law of the State of New York, that all openings in the vacant structure be safeguarded and secured; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

<u>Item No. 13b</u> Motion by Unanimous, seconded by Unanimous

WHEREAS, the Housing Standards of the Town of Cheektowaga, State of New York, requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 14 Mapleview Road, Cheektowaga, New York SBL# 91.05-5-4 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Emilia Jaynes and Etal, Cheektowaga, New York 14225 as the owner, AND

WHEREAS, an inspection of such premises was conducted on 14 Mapleview Road by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, unsecured, open to unauthorized entry, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga, and the Town Law of the State on New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town Law of the State of New York, that all openings in the vacant structure be safeguarded and secured; and all costs incurred be assessed against the property hereinbefore described.

Item No. 13b cont'd.

Upon roll call

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

and Mazur

NAYES: C

ABSENT: Councilmember Jankowiak

Item No. 13c Motion by Unanimous, seconded by Unanimous

WHEREAS, the Housing Standards of the Town of Cheektowaga, State of New York, requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 71 Southgate Road, Cheektowaga, New York SBL# 90.08-7-14 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify David P. Stewart, c/o Betty M. Hughes, Cheektowaga, New York 14225 as the owner, AND

WHEREAS, an inspection of such premises was conducted on 71 Southgate Road by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, unsecured, open to unauthorized entry, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga, and the Town Law of the State on New York, and the owner failed to take actions to safe guard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town Law of the State of New York, that all openings in the vacant structure be safeguarded and secured; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Jankowiak

Item No. 14 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, Kenneth Jeffords has served as Bingo Inspector and Bingo Inspector Chairman for the Town of Cheektowaga for a number of years, AND

WHEREAS, in connection with his retirement from his job with the Erie County Water Authority, the New York State Retirement System regulations mandated that Mr. Jeffords resign/retire from his Bingo Inspector Chairman position for at least one full day; therefore, Mr. Jeffords will be retiring from his position of Bingo Inspector Chairman, effective August 1, 2002, AND

WHEREAS, Mr. Jeffords desires to be reappointed to the Bingo Inspector Chairman position, AND

WHEREAS, Kenneth Jeffords has satisfactorily served as Bingo Inspector and Bingo Inspector Chairman for many years, and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Kenneth Jeffords from his position of Bingo Inspector Chairman, effective August 1, 2002, be and hereby is accepted by this Town Board, and BE IT FURTHER

Item No. 14 cont'.d

RESOLVED, that Kenneth Jeffords be and hereby is reappointed to the position of Bingo Inspector Chairman, effective August 5, 2002 and terminating on December 31, 2002.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 15a Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

BE IT RESOLVED, that Charles R. Nowakowski be and hereby is terminated from the position of Light Motor Equipment Operator-B effective July 2, 2002.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 15b Motion by Councilmember Mazur, 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.

Noelle DeBlasi Jill McFayden Tracy Malczewski Joseph Milazzo Kristina Wood Derrick Warburton

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 16 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as a PART-TIME EMPLOYEES in the 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>

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Cindy Ann Green Cheektowaga, NY 14225 Immediately

JUSTICE COURT - Clerk - \$7.00 per hour

Amy L. Martina 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>EFFECTIVE</u>

MAIN PUMP STATION - Laborer - \$7.00 per hour

Ronald A. Strong Cheektowaga, NY 14227 7/29/02

Item No. 16 cont'd.

RECYCLING DEPARTMENT - Laborer - \$7.00 per hour

Jeff Szymanski Depew, NY 14043 Immediately

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

<u>EFFECTIVE</u>

RECYCLING DEPARTMENT

Joseph Vecere 6/13/02

PARKS DIVISION

Aaron Astyk Immediately

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 17 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the salary rate for Daniel Lysiak, previously hired as a Bathhouse Attendant (Seasonal) in the Department of Parks, Recreation & Youth Services, be made retro to June 17th.

Bathhouse Attendant III - \$5.65

Daniel Lysiak

BE IT FURTHER RESOLVED, that the following individuals be and hereby are transferred from Part-Time to Seasonal, effective immediately:

Brian Gromek Ryan Knox Adam Grupka

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

<u>Item No. 18</u> Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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

<u>Lifeguards - 7180.1903</u>

Level I - \$6.50 (Alternate)

Nicholas Erdolino

Cheektowaga, New York 14225

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

<u>Item No. 19</u> Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of Principal Engineer Assistant in the Engineering Department; AND

WHEREAS, a Request for Filling Vacancy application was filed by the Engineering Department; AND

WHEREAS, said application was processed and approved; AND

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

WHEREAS, Mark J. Christel, currently employed as a Senior Engineer Assistant in the Engineering Department, bid on said vacancy; AND

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

WHEREAS, the existing Civil Service list was canvassed; AND

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

RESOLVED, that Mark J. Christel of Cheektowaga, New York 14225, be and hereby is appointed to the position of Principal Engineer Assistant in the Engineering Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 16, 2002.

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Jankowiak

<u>Item No. 20</u> Motion by Councilmember Johnson, seconded by Unanimous

WHEREAS, by resolution dated May 5, 1997 this Town Board authorized the execution of a Settlement Agreement between the Pfohl Brothers Landfill Site Steering Committee and the Town of Cheektowaga, which agreement dated May 13, 1997 requires that the Town perform long term operation and maintenance (O & M) activities at the Pfohl Brothers Landfill Site, consistent with the Operation and Maintenance Plan approved by the New York State Department of Environmental Conservation, AND

WHEREAS, the Operation and Maintenance Monitoring and Inspection Plan requires that the Town obtain specialized technical assistance to perform the various required activities as further outlined in the aforesaid agreement, AND

WHEREAS, the engineering consulting firm of URS Corporation has vast experience in performing the required inspections, sampling, monitoring, and reporting required to be performed in accordance with the approved O & M Plan, NOW, THEREFORE, BE IT

RESOLVED, that the Technical Services Proposal for Operations and Maintenance Monitoring Activities at the Pfohl Brothers Landfill Site dated February 2002 as submitted by the consulting firm of URS Corporation for a 5-year term at a cost not to exceed \$369,281.42 as recommended by the Town Engineer, and as reviewed by an Environmental Management Consultant previously engaged by the Town, and following final review and approval by the Town Attorney be and hereby is approved and accepted, AND, BE IT FURTHER

RESOLVED, that professional fees as set forth in the Proposal and Agreement for Year 1 activities to be performed for the balance of 2002 shall be chargeable to Account #2550-8135-4357 with future year expenses to be chargeable to an account to be established by the Town Director of Administration and Finance, AND, BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said Professional Services Agreement with URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202.

Item No. 20 cont'd.



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

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak



AMENDED

WHEREAS, by resolution dated May 5, 1997 this Town Board authorized the execution of a Settlement Agreement between the Pfohl Brothers Landfill Site Steering Committee and the Town of Cheektowaga, which agreement dated May 13, 1997 requires that the Town perform long term operation and maintenance (O & M) activities at the Pfohl Brothers Landfill Site, consistent with the Operation and Maintenance Plan approved by the New York State Department of Environmental Conservation, AND

WHEREAS, the Operation and Maintenance Monitoring and Inspection Plan requires that the Town obtain specialized technical assistance to perform the various required activities as further outlined in the aforesaid agreement, AND

WHEREAS, the engineering consulting firm of URS Corporation has vast experience in performing the required inspections, sampling, monitoring, and reporting required to be performed in accordance with the approved O & M Plan, NOW, THEREFORE, BE IT

RESOLVED, that the Technical Services Proposal for Operations and Maintenance Monitoring Activities at the Pfohl Brothers Landfill Site dated February 2002 as submitted by the consulting firm of URS Corporation for a 5-year term at a cost not to exceed \$369,281.42 as recommended by the Town Engineer, and as reviewed by an Environmental Management Consultant previously engaged by the Town, and following final review and approval by the Town Attorney be and hereby is approved and accepted, AND, BE IT FURTHER

RESOLVED, that professional fees as set forth in the Proposal and Agreement for Year 1 activities to be performed for the balance of 2002 shall be chargeable to Account #2550-8135-4357 with future year expenses to be chargeable to an account to be established by the Town Director of Administration and Finance, AND, BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said Professional Services Agreement in the form approved by the Town Attorney with URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 21</u> Office of Emergency Services Quarterly Report (April – June 2002)

Received and Filed.

Item No. 22 Minutes of Cheektowaga Conservation Advisory Council – July 3, 2002

Received and Filed.

IV. GENERAL COMMUNICATIONS

<u>Item No. 23</u> Summons and Complaint: Margaret Off and Richard Off, her husband vs. Debra A. Kraus, the County of Erie and the Town of Cheektowaga

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

Received and Filed.

<u>Item No. 24a</u> Notice of Claim: Joseph Zanghi, Individually and as Parent and Natural Guardian of Shane Zanghi, Infant vs. the Town of Cheektowaga, the Town of Cheektowaga Parks,

Recreation & Youth Services, and the Village of Depew

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation & Youth Services and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 24b Notice of Claim: Joseph S. Rusiniak 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. 24c Notice of Claim: Thomas Cecere vs. the Town of Cheektowaga

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

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

Received and Filed.

<u>Item No. 25</u> Petition: Request for New Playground Facilities at Kelly Park

Received and Filed.



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

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak



V. SUSPENSION OF RULES

Item No. 26 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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,

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

Item No. 26 cont'd.

WHEREAS, an application was submitted by Theodore B. Kulbacki for the rezoning of 5074 Transit Road from R-Residence and NS-Neighborhood Services to RSC-Residential Senior Citizens, for the construction of a two story 99 unit senior citizen apartment complex, AND

WHEREAS, the Town Board of the Town of Cheektowaga previously approved the subject rezoning request and issued a Negative Declaration for this same project, as shown on the attached resolution dated January 20, 1998, AND

WHEREAS, the subject property is no longer zoned RSC-Residential Senior Citizen, due to the applicant's failure to submit a building permit within one year of the zoning amendment, AND

WHEREAS, the Town of Cheektowaga Planning Board, at its meeting on February 14, 2002, recommended re-approval of the zoning and site plan, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on March 13, 2002 recommended a determination of non-significance subject to the applicant removing the existing earth/topsoil pile from the subject premises by November 1, 2002, should the applicant fail to obtain the funding to commence construction on the project, AND

WHEREAS, the developer's attorney, Ralph C. Lorigo has reaffirmed his client's commitment to comply with various items as originally outlined in the attached correspondence dated January 9, 1998, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has re-approved variances for the project, subject to conditions as shown on the attached resolution dated March 21, 2002, 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 re-affirms the Negative Declaration for purposes of SEQRA and re-approves the site plan.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, Theodore B. Kulbacki petitioned for a rezoning from R-Residence District and NS-Neighborhood Services District to RSC-Senior Citizen Housing District for property owned by him and located at 5074 Transit 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 18th day of March, 2002 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the applicant has made certain commitments to the Town with respect to the project, 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 Theodore B. Kulbacki for the rezoning from R-Residence District and NS-Neighborhood Services 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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

Item No. 28 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town has previously purchased the property at 195 East Grand Boulevard from the Department of Housing and Urban Development for the purpose of rehabilitating said property and selling it to a first-time homebuyer, AND

WHEREAS, a Notice to Bidders was previously published requesting bids for the rehabilitation of 195 East Grand Boulevard pursuant to a Town Board Resolution approved at the June 17, 2002 Town Board Meeting, AND

WHEREAS, no bids were received in response to said Notice to Bidders, AND

WHEREAS, it is appropriate that a Notice to Bidders be re-advertised for the rehabilitation of said property, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Rehabilitation of 195 East Grant Boulevard, said notice to be published in the BUFFALO NEWS, the CHEEKTOWAGA TIMES and the CHALLENGER, and BE IT

FURTHER RESOLVED, that sealed bids will be received on the 14th day of August, 2002 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York and, BE IT

FURTHER RESOLVED, that the Notice to Bidders pertaining to the rehabilitation of 195 East Grant Boulevard previously published in the BUFFALO NEWS, CHEEKTOWAGA TIMES and the CHALLENGER be and hereby is declared to be null and void.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York on the 14th day of August, 2002, at 11:00 A.M., local time, in the Town of Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, for the furnishing of labor, tools, equipment, materials and incidentals required for the Rehabilitation of 195 East Grand Boulevard, Cheektowaga, New York 14225.

Contract specifications may be examined and secured at the Town Clerk's Office at Cheektowaga Town Hall as of 10:00 A.M. on July 18, 2002.

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

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

The successful bidder will be required to furnish a performance bond acceptable to the Town, in an amount equal to the contact award.

Bidders of this work will be required to comply with federal requirements, including the President's Executive Order number 11246. The requirements for bidders and contracts under this order which concerns non-discrimination in employment is explained in the specifications.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for Rehabilitation of 195 East Grand Boulevard, Cheektowaga, New York."

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

Item No. 28 cont'd.

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

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

The work shall be completed within 90 consecutive calendar days, to begin within forty-five (45) days after the "Order to Commence Work" has been issued.

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

Richard M. Moleski, Town Clerk

Dated July 15, 2002

Published: July 18, 2002

July 24, 2002 (Buffalo Challenger)

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT – NEXT PAGE(S)

<u>Item No. 29</u> Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting in memory of Leonard Andrzejewski. Mr. Andrzejewski was an active 50 year member of Doyle Volunteer Hose Company No. 1, a former Chairman of the Board of Fire Commissioners for many years, and an active member in many other firematic organizations.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 19 AUGUST 5, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th of August, 2002 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 Administration and Finance; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Thomas Adamczak, Supervising Building and Plumbing Inspector, Christine Ziemba, Chief of Police and Patricia Wojcik, Director of Senior Services.

I. RESOLUTIONS

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

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

GENERAL FUND						
FROM:	100-1640-4021	Maintenance Supplies	\$ 100.00			
	100-1910-2701	Refund of P/Y Expense	\$ 168.75			
TO:	100-1640-2502	Other Equipment	\$ 100.00			
	100-1640-4441	Equipment Repair	\$ 168.75			
RISK RETENTION FUND						
FROM:	101-1930-4703	Workers Comp Claims	\$ 2,864.00	į		
TO:	101-1722-4519	Excess Insurance	\$ 2,864.00	`		
10.	101-1722-4519	Excess insurance	\$ 2,004.UC	,		
SPECIAL DISTRICTS FUND						
FROM:	150-8160-1971	Sanitation Part Time Reg.	\$10,000.00	0		
TO:	150-8173-1951	Recycling Seasonal	\$10,000.00	0		

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the following Vouchers and Warrants, submitted to the Town of Cheektowaga prior to August 2, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 267,645.03
RISK RETENTION FUND	81,469.84
SPECIAL DISTRICTS FUND	246,462.33
HIGHWAY FUND	458,808.44

Item No. 3 cont'd.

 TRUST & AGENCY
 39,838.62

 HUD HOUSING REHABILITATION FUND
 2,000.00

 HUD CDBG FUND
 2,873.75

 PART TOWN FUND
 1,894.88

 CAPITAL FUND
 666,610.77 \$ 1,767,603.66

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 4a Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Carl W. Millerschoen representing Sovran Acquisition, L.P. for the for the construction of a 10,000 square foot, one story, climate controlled self storage building at 40 Leo Place, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 10, 2002 recommended a determination of non significance as shown on the attached memorandum dated July 11, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting held on July 11, 2002 recommended approval of the site as shown on the attached recommendation dated July 24, 2002, AND

WHEREAS, the applicant has modified his site plan by relocating his air conditioning condenser units to the east side of the building to minimize any potential noise nuisance, AND

WHEREAS, the applicant has further committed to installing a quiet design air conditioning condenser and enlist the services of an acoustical engineer if in the future the air conditioner condenser unit requires any mitigation of noise generation, as shown on the attached correspondence dated July 29, 2002, 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 finds the site plan acceptable.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4b</u> Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Thomas H. Caley, Architect for Sonwil Distribution Center for the construction a three warehouse /office buildings totaling 124,714 \pm square feet at 450-550 Sonwil Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on April 11, 2002 recommended approval of the site plan, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 31, 2002 recommended a determination of non significance with the acknowledgement that prior to the construction of proposed buildings number 500 and 550, an approval is required from the US Army Corps of Engineers for the disturbance of approximately 0.28 ± acres of Federal Jurisdictional Wetlands which is currently under joint review by the US Army Corps of Engineers and the New York State Department of Environmental Conservation, AND

WHEREAS, the US Army Corps of Engineers has already approved the disturbance of $0.03 \pm acres$ of Federal Jurisdictional Wetlands under a Nationwide # 39 Permit to allow for the interim construction of a Town emergency access roadway through the subject project, AND

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has reviewed the proposed project and has determined that project will not have an impact on cultural resources in or eligible for inclusion in the State and National Registers of Historic Places, as shown on the attached correspondence dated July 17, 2002, AND

WHEREAS, The developer, has modified his/her project to provide a buffer to the adjacent multifamily residential uses in the Village of Depew in response to concerns identified by Officials of the Village of Depew , AND

WHEREAS, The developer will be mitigating for the loss of the 0.28 \pm of Federal Wetlands by creating 0.50 \pm acres of wetlands on site, 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 finds the site plan acceptable.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4c</u> Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Benderson Development Company, Inc. for the construction of a 6,820 square foot one story office building at 909 Dick Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 10, 2002 recommended a determination of non significance as shown on the attached memorandum dated July 11, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan, AND

WHEREAS, The Town of Cheektowaga Traffic Safety Commission reviewed the Traffic Impact Studies prepared by the applicant's consultant and agrees that the project will not generate increased traffic impacts, AND,

WHEREAS, the developer/landowner has provided written commitments to address concerns of the Town of Cheektowaga Environmental Advisory Committee as shown on the attached correspondence dated July 30, 2002, AND

WHEREAS, the developer committed to future uses in the building which would have parking requirements that would not exceed the parking provided on the site, AND

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 4d Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Jeffrey D. Scherzer, representing SBA Network Services, Inc. for the construction of a 150 foot tall monopole cellular communications tower at 93 Maryvale Drive, AND

WHEREAS, voluminous engineering and propagation studies were submitted by the applicant to demonstrate the need for the tower and the applicant appeared at a public hearing on July 15, 2002, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 10, 2002 recommended a determination of non significance as shown on the attached memorandum dated July 11, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on July 11, 2002 recommended approval of the special use permit and site plan, AND

WHEREAS, SBA Network Services, Inc. has agreed to make available co-location space free of charge for use by the Town of Cheektowaga for public safety communications needs, as shown in the attached correspondence dated July 15, 2002, AND

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

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



The Town Board acted upon Item No. 30 out of order after Item No. 4d



Item No. 30 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, SBA Network Services, Inc. / Cingular Wireless / Cricket Communications, as Lessee, has applied for a Special Permit and site plan approval for the erection of a telecommunications facility on property owned by Busshart Development, LLC and located at 93 Maryvale Drive, 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 15th day of July, 2002 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 this Special Permit; 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.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

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

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 recommendations concerning the environmental significance of such applications, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated as 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 Engineer for the establishment of the Honorine Drive Water District and for the installation of a water line along the portion of Honorine Drive which lies south of Como Park Boulevard, AND

WHEREAS, the Environmental Advisory Committee, at its meeting held on July 10, 2002, recommended a determination of non-significance, AND

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

RESOLVED, that this Town Board determines that the above project, the establishment of the Honorine Drive Water District and the installation of a water line along a portion of Honorine Drive, 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

<u>Item No. 5</u> Motion 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 Charles Varco for the construction of a 910 square foot building addition and parking lot expansion at 5132 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of January 10, 2002 recommended its approval of the site plan as shown on the attached recommendation dated February 12, 2002, AND

WHEREAS, the Town Engineer has reviewed the proposed drainage improvements for the subject project and has approved same as shown on the attached memorandum dated July 16, 2002

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.

Item No. 5 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 6 Approve revised site plan for 2437 Union Rd.

This item was withdrawn.

<u>Item No. 7</u> Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing & Urban Development, AND

WHEREAS, the Town wishes to amend its Annual Plan / Final Statements on the Use of Community Development Block Grant Funds relative to various activities in the Villages of Sloan and Depew pursuant to the attached Community Development Block Grant Amendment Report, AND

WHEREAS, citizens and interested parties were provided the opportunity to comment on the proposed amendment pursuant to the Citizen Participation Plan previously adopted by the Town Board, AND

WHEREAS, the Director of Community Development recommends approval of the proposed amendments, NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Annual Plan / Final Statement on the Use of Community Development Block Grant Funds for the affected program years pursuant to the attached Community Development Block Grant Final Statement Amendment Report.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8a</u> Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

WHEREAS, The Town of Cheektowaga Police Department has entered into an agreement with Computer Consulting Services of WNY, Inc. AND

WHEREAS, such agreement will enable CCS of WNY, Inc. to determine the impact and feasibility of converting the data from our old police reporting system to the new CHARM System, AND

WHEREAS, CCS of WNY, Inc. will deliver the services under and in accordance with the state contract number S960275-E, with estimated cost of project at \$8,840.00 to be charged to line Item No. #'s 3120-2205, 3120-2206 & 3120-4321, AND

WHEREAS, the Chief of Police, Christine Ziemba is requesting authorization for Supervisor Dennis H. Gabryszak to sign executed contracts/documentation between Computer Consulting Services of WNY, Inc. and the Town of Cheektowaga Police Department,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to said contract.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

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

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

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 127 Sprucewood Drive in an amount not to exceed \$37,000, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a housing rehabilitation loan agreement with the owner of the property located at 127 Sprucewood Drive, Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$37,000.00.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8c</u> Motion by Councilmember Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the building located at 1030 Losson Road (Julia Boyer Reinstein Library), AND

WHEREAS, during the snowstorm of December, 2001, a portion of the roof at the Julia Boyer Reinstein Library (the "Library") sustained damage, AND

WHEREAS, Foit-Albert Associates, Architecture, Engineering and Land Surveying, P.C., the design consultants for the Library, has submitted a proposal to perform a detailed damage assessment and to prepare remedial design plans and specifications for the repair of the damaged roof, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Foit-Albert, as per the attached proposal dated July 17, 2002, to provide the listed services for the Library at a lump sum fee not to exceed \$1,800.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this proposal on behalf of the Town, AND, BE IT FURTHER

RESOLVED, that the moneys for such services shall be appropriated from budget line item #100-1910-2680.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8d Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, Contract "C", Electrical Work, for the renovation and improvements to the Town Park Pool facility was awarded by Town Board resolution dated November 5, 2001 to CIR Electrical Construction Corporation in the amount of \$39,750.00, AND

WHEREAS, Bergmann Associates, Project Architect, has prepared and submitted, and has recommended approval of Change Order #C-01 for the renovation and improvements to the Town Park Pool facility which provides for modifications to various building and site components as outlined in the Change Order Documents, and as described in the letter from Bergmann Associates, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #C-01 in the amount of \$18,451.00, as an addition to the contract of CIR Electrical Construction Corporation, 2750 Kenmore Avenue, Tonawanda, New York 14150 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #C-01 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #C-01 shall be chargeable to Account #500-7180-0010-5019.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8e</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the State Emergency Management Office and the Federal Emergency Management Agency provide funding under their Hazard Mitigation/Flood Mitigation Assistance Program for municipalities to help control flooding, AND

WHEREAS, recent studies for the Scajaquada Creek T-1 tributary indicate there is a need for storm drainage piping to enhance upstream capacity and further reduce designated flood plain area, AND

WHEREAS, the Town Engineer has recommended that the Town pursue funding under this program for the aforesaid Scajaquada Creek T-1 tributary work, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application forms, etc. to be submitted to the State Emergency Management Office/Federal Emergency Management Agency for the purpose of securing funding in the amount of \$93,750.00 under the aforesaid program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and to the acquisition of such funding, and BE IT FURTHER

RESOLVED, that the Town's matching share of funding, in an amount not to exceed \$31,250 shall be appropriated from the Town-Wide Drainage District, account number 4000-8140-4543.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8f</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, grant monies are available from the Erie County Public Benefit Fund via Legislator Cusack to purchase exercise equipment for the Senior Citizens Center, and

WHEREAS, the Town of Cheektowaga Senior Citizens Center seeks grant monies to purchase exercise equipment to improve the health and well-being of senior citizens; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Erie County Public Benefit Fund for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8g</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga and Rural Metro Medical Services, Inc. had previously entered into an Agreement for Pre-Hospital Emergency Services for ambulance services for emergencies when called into the Cheektowaga Dispatch Office, AND

WHEREAS, such agreement expired on January 1, 2002, AND

WHEREAS, the Town of Cheektowaga Emergency Services Board has been making revisions to such agreement and has recommended that the Town enter into a renewal agreement with Rural Metro Medical Services, Inc., AND

Item No. 8g cont'd.

WHEREAS, the Town Attorney's Office has reviewed and approved the form of such agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the renewed agreement with Rural Metro Medical Services, Inc. for the term from January 1, 2002 to December 31, 2004.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 8h</u> Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga previously erected traffic signals on Maryvale Drive at the Maryvale School Entrance; and on Dingens Street at Alaska Street, AND

WHEREAS, the County of Erie previously issue permits to the Town of Cheektowaga to erect traffic signals at these locations, AND

WHEREAS, upgrades have been made to these traffic signals, AND

WHEREAS, as a result of the traffic signal upgrades, the County of Erie has asked the Town of Cheektowaga to execute revised permit forms, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the revised traffic signal permits for the above referenced traffic signals.

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 JOHNSON TO RESCIND VOTE ON ITEM NO. 8G AND REFERRED TO LAW DEPARTMENT AND THIS ITEM WAS WITHDRAWN.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



<u>Item No. 9a</u> Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the Federation of German-American Societies has made application to hold its annual German Fest in Cheektowaga Town Park from August 31 - September 1, 2002, AND

Item No. 9a cont'd.

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Federation of German-American Societies for the aforementioned German Festival to be held in Cheektowaga Town Park on August 31, 2002 to September 1, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9b</u> Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 17, 2002, AND

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

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

- 7. Submittal of plan for sanitary facilities;
- 8. Submittal of site plan;
- 9. Requirement that application be made at least 60 days prior to the date of the special event;
- 10. Submittal of Security Plan;
- 11. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the HSBC Sports and Social Club for the aforementioned Co-Ed Softball Tourney to be held in Stiglmeier Park on August 17, 2002

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga Animal Control Officer and Cheektowaga Police Department have recommended that the penalties, fees and impoundment fees under the Town Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) be increased to reflect increases in the Town's costs for licensing, enforcement and impounding, AND

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase these fees, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 19th day of August, 2002 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") will be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the <u>Cheektowaga Times</u> not less than ten (10) nor more than twenty (20) days prior to the date of such hearing.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



NOTICE OF HEARING

ON PROPOSAL TO

AMEND DOG ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 5th day of August, 2002, a public hearing will be held on August 19th, 2002 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it may be determined by the Cheektowaga Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

RESOLVED that ARTICLE I, GENERAL REGULATIONS, Section 58-7, Penalties for offenses shall be amended to read as follows:

§58-7. Penalties for offenses.

Any violation of any of the provisions of this article shall be deemed an offense, and any person found guilty of such violation shall be liable for a fine of not less than \$50 nor more than \$500.

2. RESOLVED, that ARTICLE II, DOG LICENSE FEES, Section 58-8.B., shall be amended to read as follows:

§58-8.B. Pursuant to §118, Subdivision 4, of the Agriculture & Markets Law, impoundment fees for dogs shall be as follows:

	Base fee	For Each Day After First Day
First impoundment	\$25.00	
Second Impoundment within one year of first impoundment	\$50	\$10
Third impoundment within one year of first impoundment	\$75	\$10

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

Dated: August 5, 2002

RICHARD M. MOLESKI Town Clerk

AFFIDAVIT NEXT PAGE

Item No. 10b

Creation of Honorine Drive Water District

*SEE NEXT PAGE FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

<u>Item No. 10c</u> Motion by Councilmember Swiatek, Seconded by Councilmember Rogowski

WHEREAS, the New York State Legislature adopted and the Governor signed into law, Chapter 69 of the Laws of 2002, which authorizes local municipalities to provide a retirement incentive for certain employees, AND

WHEREAS, Chapter 69 of the Laws of 2002 requires the Town Board of the Town of Cheektowaga to enact a local law to provide such early retirement incentive, AND

WHEREAS, this Town Board is interested in receiving input on the adoption of such a local law, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of August, 2002 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. 2002-1 of the Year 2002, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Public Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of August, 2002 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. 2002-1

A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- Section 2. The commencement date of the retirement incentive program shall be September 1, 2002.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be thirty (30) days in length.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.

Item No. 10c cont'd.

Section 5. This act shall take effect immediately.

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

Dated: August 5, 2002

Cheektowaga, New York.

RICHARD M. MOLESKI Town Clerk

AFFIDAVIT NEXT PAGE

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

WHEREAS, Sonwil Distribution, Inc. has made application to the Town of Cheektowaga for the construction of a manufacturing/warehouse building at 450 Sonwil Drive, AND

WHEREAS, the portion of Sonwil Drive on which the proposed building would front has not yet been improved or accepted as a Town highway, AND

WHEREAS, pursuant to the terms of an agreement dated February 7, 1994, plans and specifications for this portion of Sonwil Drive were approved, AND

WHEREAS, pursuant to Section 13 of the Town of Cheektowaga Local Law for the Administration and Enforcement of the State Building Construction Code, no building permit shall be issued unless: 1) the highway adjoining the property on which the structure is to be placed is constructed and completed as a public highway; 2) a lateral sewer in the highway complies with the rules and regulations of the State and/or County Health Departments; and 3) a waterline in the highway is either constructed to conform to the rules and regulations of the Erie County Water Authority or satisfactory proof that a contract has been entered into with the Erie County Water Authority for such construction, AND

WHEREAS, in the event all of the aforementioned utilities are not installed at the time application for a building permit is made, the Town Board may issue a permit provided the applicant furnished the Town with a surety bond in a sufficient amount guaranteeing that such highway and utilities will be constructed within six (6) months after issuance of the building permit, AND

WHEREAS, Sonwil Distribution, Inc. has also submitted a public improvement permit application for the extension of Sonwil Drive in front of this property, AND

WHEREAS, Sonwil Distribution, Inc. has submitted the following documents to the Town with respect to a building permit for 450 Sonwil Drive:

- 1. Application for building permit;
- 2. Application for a public improvement permit;
- 3. Performance bond in the amount of \$60,300.00 for the construction of Sonwil Drive extension.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, under Section 13 of the Local Law for the Administration and Enforcement of the State Building Construction Code, hereby issues a building permit to Sonwil Distribution, Inc. for the construction of a manufacturing/warehouse building at 450 Sonwil Drive conditioned on the following:

- 1. Approval of plans by the Town Building Inspector;
- 2. This extension of Sonwil Drive shall be completed and conveyed to the Town of Cheektowaga within six (6) months from the date of this resolution.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Motion by Councilmember Jankowiak, Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner in fee of vacant property on the south side of Walden Avenue (S.B.L. No. 102.53-6-18.3) immediately west of 1307 Walden Avenue, AND

WHEREAS, as part of the transaction for the sale by the Town of Cheektowaga of the property to the rear/south of S.B.L. No. 102.53-6-18.3, the Town of Cheektowaga granted Fed Jones Cheektowaga, LLC an easement for the construction of a road through this Town-owned property, AND

WHEREAS, the roadway over this Town-owned property was constructed and the developer has now requested that the Town formally dedicate this as a public road, AND

Item No. 12 cont'd.

WHEREAS, the Town Highway Superintendent and Town Engineer have inspected this roadway and have recommended that this Town Board accept same as a public highway, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned roadway, being 80 feet in width and 150 feet in length, as more particularly described in the attached Exhibit A, be and hereby is accepted and dedicated as a Town highway to be known as Reo Avenue.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13</u> Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Town has been awarded a \$16,000 grant from the East Hill Foundation to be shared by the Police Department and the Parks, Recreation & Youth Services Department to supplement the "Wednesday in the Park" Program as well as several other Parks, Recreation & Youth Services Department programs, and

WHEREAS, \$8,700 has been specifically allotted to the Parks, Recreation & Youth Services Department for this purpose, NOW, THEREFORE BE IT

RESOLVED, that \$8,700 be placed in revenue line #7140.2185 and BE IT FURTHER,

RESOLVED, that the following account lines of the 2002 budget be amended to reflect the additional grant revenue:

Account # 7140.4024 - \$1,350.00 Account # 7140.4025 - \$ 102.76 Account # 7140.4491 - \$ 600.00 Account # 7140.4515 - \$ 353.24 Account # 7140.4519 - \$ 244.00 Account # 7140.4524 - \$ 750.00 Account # 7310.4674 - \$3,700.00 Account # 7310.4685 - \$1,600.00

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 14</u> Motion by Councilmember Mazur, Seconded by Councilmember Rogowski

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

EFFECTIVE

RECYCLING DEPARTMENT - Laborer - \$7.00 per hour

Steve Krystyniak Cheektowaga, NY 14225 07/29/02

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

EFFECTIVE

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Todd Fial Cheektowaga, NY 14227 08/06/02

Item No. 14 cont'd.

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

EFFECTIVE

MAIN PUMP STATION

Aaron Kuczmarski 07/01/02

POLICE DEPARTMENT

Jennifer Kuma 05/01/02 Rebecca Cwiklinski 07/01/02

EMPLOYEE RELATIONS

Rebecca Stumm 08/01/02

SUPERVISOR'S OFFICE

Christina Lopez 07/06/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

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

- --Ashley Agnew
- --Adam Grupka
- --Joseph Guzowski
- --Adam Kehrer
- --Eleana Kehrer
- --John Kulesz
- --Patrick McDonough
- --Jessica Porter
- --Matthew Zamoyski

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16a Motion by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Laborers' Aide in the Recycling Department; AND

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

WHEREAS, Donald F. Karl, currently employed as a Light Motor Equipment Operator - B in the Recycling Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Donald F. Karl of Cheektowaga, NY 14225 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Item No. 16a cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16b Motion by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator – B in the Recycling Department; AND

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

WHEREAS, Ronald Bolognese, currently employed as a Laborer's Aide in Recycling Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT Depew, New York 14043 be and hereby is appointed to the position of Light Motor Equipment Operator – B in the Recycling Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 16c</u> Motion by Councilmember Mazur, Seconded by Councilmember Swiatek

WHEREAS, a permanent vacancy exists in the position of Sergeant in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Police Officer Michael Sliwinski be promoted to the position of Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Michael Sliwinski of Cheektowaga, New York 14225, be and hereby is appointed to the position of Sergeant in the Police Department effective August 6, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16d Motion by Councilmember Mazur, Seconded by Councilmember Swiatek

WHEREAS, a permanent vacancy exists in the position of Lieutenant in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Sergeant William Nagel be promoted to the position of Lieutenant; NOW, THEREFORE, BE IT

Item No. 16d cont'd.

RESOLVED, that William Nagel of Depew, New York 14043 be and hereby is appointed to the position of Lieutenant in the Police Department effective August 6, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, Robert Mullen, Donald Strozyk, and Paul Batt were assigned to the rank of Acting Detective in the Detective Bureau on December 17, 2001; AND

WHEREAS, these employees have completed the Intern Program and served the six (6) month probationary period; NOW, THEREFORE BE IT

RESOLVED, that Robert Mullen, Donald Strozyk and Paul Batt be assigned to the rank of Detective in the Police Department effective immediately

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 18 Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the Association of Towns of the State of New York and the New York Planning Federation are sponsoring Planning and Zoning Summer School on Thursday, August 8, 2002 at Nazareth College in the Town of Pittsford, New York; AND

WHEREAS, Daniel Ulatowski, Zoning Inspector, has requested permission to attend said seminar; AND

WHEREAS, the seminar will include SEQR and Environmental Assessment, Noise Ordinances and Enforcement, GIS Utilization and other pertinent Planning/Zoning Discussions; AND

WHEREAS the Building and Plumbing Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there is a \$45 seminar fee and no other costs to the Town; AND

WHEREAS, said fee has been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Daniel Ulatowski of the Building and Plumbing Department, be and hereby is authorized to attend the Planning and Zoning Summer School on Thursday, August 8, 2002 at Nazareth College in the Town of Pittsford, New York.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 19</u> Building Permits – July 2002

Received and Filed.

Item No. 20a Cheektowaga Planning Board Minutes - June 13, 2002 Received and Filed. Item No. 20b Cheektowaga Planning Board Minutes - July 11, 2002 Received and Filed. Item No. 20c Cheektowaga Conservation Advisory Committee - July 20, 2002 Received and Filed. Cheektowaga Traffic Safely Commission Minutes - June 18, 2002 Item No. 20d Received and Filed. Item No. 21 Comprehension Annual Financial Report Received and Filed. **III. GENERAL COMMUNICATIONS** Notice of Claim: Edward Leminger vs. Town of Cheektowaga Item No. 22a 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. 22b Notice of Claim: Gary Marino vs. Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and Allied Claims Insurance Carrier. Received and Filed. Item No. 22c Notice of Claim: Marissa Floyd by her mother/Nat'l Guardian Dawn Floyd vs. Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth and Allied Claims Insurance Carrier. Received and Filed. Notice of Claim: Joyce Gardiner vs. Town of Cheektowaga Item No. 22d Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and Allied Claims Insurance Carrier. Received and Filed. Item No. 22e Notice of Claim: Andrea Schiller-Hoesel 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. 22f Notice of Claim: Florence Wasik 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. Notice of Petition: McKesson vs. Assessor/Board of Assessment Review Item No. 23a Received and Filed. Notice of Petition: NYSEG vs. Assessor/Board of Assessment Review Item No. 23b

Received and Filed.

<u>Item No. 23c</u> Notice of Petition: Claire M. Havener vs. Assessor/Board of Assessment Review Received and Filed.

Item No. 23d Notice of Petition: 134 Peachtree Trust vs. Assessor/Board of Assessment Review Received and Filed.

Item No. 24a Summons: HSBC BANK fka Marine Midland, Successor by Merger and Acquisition to First Federal Savings and Loan Association of Rochester vs. David Cegielski, the Town of Cheektowaga, Household Finance Corp. III & Etal

Received and Filed.

Item No. 24b Summons: Beneficial Homeowner Service Corporation vs. Robert William Baker, Carol Ann Baker, the Town of Cheektowaga and the Erie County Department of Social Services, etal.

Received and Filed.

<u>Item No. 25a</u> Designation of Restricted Highway: A portion of Route 277 from Wehrle Drive to South Union Road. All in the Town of Cheektowaga.

Received and Filed.

<u>Item No. 25b</u> Designation of Restricted Highway: A portion of Dick Road from Genesee Street to Walden Avenue in the Town of Cheektowaga.

Received and Filed.

<u>Item No. 25c</u>
Designation of Retricted Highway: A portion of George Urban Blvd from Union Road to French Road in the Town of Cheektowaga.

Received and Filed.

<u>Item No. 26</u> Request to speak: Michael Derrick Received and Filed.



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



IV. SUSPENSION OF RULES

<u>Item No. 27</u> Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on August 19, 2002 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 at least ten (10) but not more than twenty (20) days prior to the public hearing, said amendments being set fort in the Notice of Hearing.

Item No. 27 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



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, 3301 Broadway in said Town of Cheektowaga on August 19, 2002 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V Schedules

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

REO AVENUE - east and west sides: from the south curbline of Reo Avenue south to its end.

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

Dated: August 5, 2002

RICHARD M. MOLESKI Town Clerk

AFFIDAVIT - NEXT PAGE

Item No. 28a Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Public Improvement Permit of the Town of Cheektowaga requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, Sonwil Distribution, Inc. ("Sonwil"), the developer of the Sonwil Industrial Park, has submitted the required Public Improvement Permit application, plans and specifications for the construction of the extension of Sonwil Drive to service 450, 500 and 550 Sonwil Drive, AND

WHEREAS, pursuant to the terms of an agreement between the Town of Cheektowaga and Sonwil dated February 7, 1994, the PIP fees for such roadway extension are to be waived due to the fact that Sonwil's engineers, Nussbaumer & Clarke, Inc., will provide the necessary certifications to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Public Improvement Permit be approved for the extension of Sonwil Drive to service 450, 500 and 550 Sonwil Drive, and BE IT FURTHER

RESOLVED, that, based on the applicant's engagement of an engineering consultant for the provision of inspection and certification acceptable to the Town Engineer and Town Superintendent of Highways, and in accordance with the February 7, 1994 agreement, the permit fee which is meant to reimburse the Town for inspection costs shall therefore be waived.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 28b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all improvements which are to be dedicated to, and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, the Benderson Development Company, Inc., as part of the redevelopment of #2285 Walden Avenue, has submitted a Public Improvement Permit Application, plans and specifications and permit fee for the installation of a 398 L.F. sanitary sewer extension, AND

WHEREAS, the Town Engineer and Erie County Department of Health have reviewed the plans and specifications and find that the design of the subject improvements conform with established requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid sanitary sewer main, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,080.00 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of such fees.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 29 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby

MEETING NO. 19 AUGUST 5, 2002

Item No. 29 cont'd.

are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

MEETING NO. 19 AUGUST 5, 2002

Item No. 30 was acted upon after Item No. 4d see page 6

<u>Item No. 31</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Transportation has been reconfiguring the design of the Harlem Road Corridor with the help of both Amherst and Cheektowaga, community and business leaders; and

WHEREAS, both Towns= business and community leaders have devoted much time, effort and funding into the future of the Harlem Road Corridor; and

WHEREAS, the New York State Department of Transportation project, which was originally scheduled to be completed in the year 2004 has now been pushed forward to the year 2005 and with time crucial to the success and redevelopment of the Harlem-Kensington-Cleveland (HKC) Corridor; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board requests the support from all our local, county and state leaders to assure that this project be expedited and that no further delay be allowed; AND BE IT FURTHER

RESOLVED, that certified copies of this Resolution be forwarded to the following persons:

Governor George Pataki
Timothy Doolittle, Regional Representative of WNY
Mary Lou Rath, NYS Senator, 60th District
Dale M. Volker, NYS Senator, 59th District
William T. Stachowski, NYS Senator, 58th District
James P. Hayes, NYS Assemblyman, 142nd District
Paul A. Tokasz, NYS Assemblyman, 143 District
Elise S. Cusack, E.C. Legislator, District 14
Barry A. Weinstein, E.C. Legislator, District 15
Susan J. Grelick, Amherst Town Supervisor
Town of Amherst Councilmembers
Brian Roebuck, NYS Department of Transportation
Kevin Farri, NYS Department of Transportation

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 32</u> A motion was made by Supervisor Gabryszak, Seconded by Unanimous

To adjourn the meeting in memory of Peter Lis, Volunteer Fireman of Rescue Hose,

who died unexpectedly on July 23, 2002. Time of adjournment was 8 p.m.

RICHARD M. MOLESKI Town Clerk

MEETING NO. 19 AUGUST 5, 2002

TOWN OF CHEEKTOWAGA MEETING 20 AUGUST 19, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19TH day of August, 2002 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Thomas M. Johnson, Jr.

Councilmember Jeff Swiatek Councilmember Thomas J. Mazur Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services and Christine Ziemba, Chief of Police.

I. PUBLIC HEARING

<u>Item No. 2</u> This being the time and place advertised for a public hearing to consider and discuss amending Chapter 235 of the Code of the said Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:



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

Schedules

REO AVENUE - east and west sides: from the south curbline of Reo Avenue south to its end.



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.

<u>Item No. 3</u> This being the time and place advertised for a public hearing to consider and discuss amending the Dog Ordinance of the said 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 amendments being as follows:



1. RESOLVED that ARTICLE I, GENERAL REGULATIONS, Section 58-7, Penalties for offenses shall be amended to read as follows:

Item No. 3 cont'd.

§58-7. Penalties for offenses.

Any violation of any of the provisions of this article shall be deemed an offense, and any person found guilty of such violation shall be liable for a fine of not less than \$50 nor more than \$500.

2. RESOLVED, that ARTICLE II, DOG LICENSE FEES, Section 58-8.B., shall be amended to read as follows:

§58-8.B. Pursuant to §118, Subdivision 4, of the Agriculture & Markets Law, impoundment fees for dogs shall be as follows:

First impoundment	<u>Base Fee</u> \$25.00	For Each Day After First Day
Second Impoundment within one year of first impoundment	\$50.00	\$10.00
Third impoundment within one year of first impoundment	\$75.00	\$10.00
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The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 4 This being the time and place advertised for a public hearing to consider and discuss the Establishment of the Honorine Drive Water District in the said 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 amendments being as attached:

Item No. 4 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.

Item No. 5 This being the time and place advertised for a public hearing to consider and discuss the Proposed Adoption of Local Law 2002-1 of the Year 2002, entitled "A Local Law Enacting a Retirement Incentive Program as Authorized by Chapter 69, Laws of 2002 for Eligible Employees in the Town of Cheektowaga" of the said 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 amendments being as follows:



LOCAL LAW INTRO NO. 2002-1

A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- Section 2. The commencement date of the retirement incentive program shall be September 1, 2002.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be thirty (30) days in length.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.
- Section 5. This act shall take effect immediately.



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER JANKOWIAK TO AMEND THE ABOVE PUBLIC HEARING LEGAL NOTICE, ITEM 5, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



<u>AMENDED</u>

LOCAL LAW INTRO NO. 2002-1

A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga

Item No. 5 cont'd.

Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.

Section 2. The commencement date of the retirement incentive program shall be September 1, 2002.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be <u>ninety (90)</u> days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.

Section 5. This act shall take effect immediately.



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

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

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

GENERAL FUND

From: 100-9010-8145 Medical Reimbursements \$1,000.00

To: 100-3310-4471 Traffic-Signs \$1,000.00

HUD CDBG FUND

From: 700-1002-0704 Contingency \$3,503.51

To: 700-1002-0679 Summer Day Camp \$3,503.51

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to August 16, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$3,152,591.01
RISK RETENTION FUND	70,867.33
DEBT SERVICE FUND	32,500.00
SPECIAL DISTRICTS FUND	1,020,391.66
HIGHWAY FUND	606,654.21
TRUST & AGENCY	24,226.17
HUD HOUSING REHABILITATION FUND	48,399.00
HUD CDBG FUND	4,223.00
PART TOWN FUND	86,963.47
CAPITAL FUND	<u>359,446.58</u>
	\$5,406,262.43

Item No. 7 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8a Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Silvestri Architects, P.C. representing Iskalo Development Corp. for the demolition of former Burst Grove and the construction of two warehouse/office buildings totaling 47,700 square feet in area at 3215 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 31, 2002 recommended a determination of non significance as shown on the attached memorandum dated August 1, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on January 10, 2002, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission reviewed the project and has recommended the addition of internal pedestrian walks and traffic signage, AND

WHEREAS, the Town Engineer has reviewed the subject project and has indicated the need for the developer to relocate a sanitary sewer trunk line owned and operated by Erie County Sewer District Number One, 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 finds the site plan acceptable, subject to the developer conveying the necessary easements to Erie County Sewer District Number One and relocating any such sanitary sewer facilities to the satisfaction of Erie County Sewer District Number One.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8b Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Wm. Schutt & Associates, P.C. representing Rick Zelasko for the rezoning of 130 & 136-144 Pfohl Road from M1- Light Manufacturing to M2 – General Manufacturing for the construction of a 5,200 square foot storage garage building and use of the premises for a contractors storage yard, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on July 11, 2002 recommended approval of the rezoning and site plan as shown on the attached recommendation dated July19, 2002, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 14, 2002 recommended a determination of non significance, AND

WHEREAS, the applicant/owner, has modified his project to separate the contractor's storage yard and buildings for same from his existing lawful nonconforming residential uses by providing a solid fence and vegetative screening, 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 finds the site plan acceptable; with the condition that no commercial activities or activities associated with the Zelasko Construction, Inc. business be conducted within the area designated to remain as lawful nonconforming residential uses (as shown on the site plan dated July 10, 2002 as prepared by Wm. Schutt & Associates, P.C.) until such time that a new site plan is presented to the Town Board for approval.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8c Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 MWT Architecture, representing Rosa's Home Store for the construction of a 20,384 square foot warehouse addition at 2331 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 31, 2002 recommended a determination of non significance as shown on the attached memorandum dated August 1, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on July 11, 2002, as shown on the attached recommendation dated July 24, 2002, 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 finds the site plan acceptable.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9a Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga Animal Control Officer and Cheektowaga Police Department have recommended that the penalties, fees and impoundment fees under the Town Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) be increased to reflect increases in the Town's costs for licensing, enforcement and impounding, AND

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase these fees, AND

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 19th day of August, 2002 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens had an opportunity to be heard as to whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") will be amended as provided in the Notice of Hearing, AND

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

RESOLVED, that Chapter 58 of the Code of the Town of Cheektowaga be and hereby is amended and changed as follows:

1. RESOLVED that ARTICLE I, GENERAL REGULATIONS, Section 58-7, Penalties for offenses shall be amended to read as follows:

§58-7. Penalties for offenses.

Any violation of any of the provisions of this article shall be deemed an offense, and any person found guilty of such violation shall be liable for a fine of not less than \$50 nor more than \$500.

2. RESOLVED, that ARTICLE II, DOG LICENSE FEES, Section 58-8.B., shall be amended to read as follows:

§58-8.B. Pursuant to §118, Subdivision 4, of the Agriculture & Markets Law, impoundment fees for dogs shall be as follows:

First impoundment	Base Fee \$25.00	For Each Day After First Day
Second Impoundment within one year of	\$50.00	\$10.00
Third impoundment within one year of first impoundment	\$75.00	\$10.00

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 19, 2002; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and the affidavit of such publication shall be filed with the Town Clerk.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9b Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, this Town Board held a public hearing on August 19, 2002 to consider the advisability of adopting proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V Schedules

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

REO AVENUE - east and west sides: from the south curbline of Reo Avenue south to its end.

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 10 Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, Rick Zelasko petitioned for a rezoning from M1-Light Manufacturing District to M2-General Manufacturing District on property owned by Fred P. Zelasko, et al. and located at 130 & 136-144 Pfohl Road, Cheektowaga, New York, which property is described in the legal notice published for the public hearing for such rezoning, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of July, 2002 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of Rick Zelasko for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the above referenced property 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

<u>Item No. 11</u> Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, Sam Tadio has made application and requested the Rezoning from M1-Light Manufacturing District to MS-Motor Services District for property located at 5050 Genesee Street, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 3, 2002 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

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

WHEREAS, by resolution dated August 5, 2002 (agenda item number 30), this Town Board requested support from all our local, county and state leaders to expedite the Harlem Road Corridor project and to ensure that no further delays occur, AND

WHEREAS, in the third "WHEREAS" paragraph of such resolution, it was incorrectly stated that the project was originally scheduled to be <u>completed</u> in the year 2004 and was pushed forward to the year 2005; whereas it should have stated that it was scheduled to be <u>let</u> in 2004 and pushed forward to 2005, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended by deleting the word "completed" in the third "WHEREAS" paragraph and replacing it with the word "let".

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, a contract for the rehabilitation of sanitary sewers in the Consolidated Sanitary Sewer District utilizing cured in place lining technology within the Town was awarded by Town Board Resolution dated June 4, 2001 to New Hope Pipe Liners Inc., P.O. Box 0915, Hillburn, New York 10931 for a total approved bid price of \$155,544.00, AND

WHEREAS, the Town Engineer has further recommended approval of Change Order No. 1 which provides for a deletion of contract item quantities as outlined in the Change Order Document and the attached letter dated August 14, 2002 from Allan Blachowski, Principal Engineer Assistant, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$10,360.00 as a decrease to the contract of New Hope Pipe Liners Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the Town Supervisor to execute Change Order No. 1.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 14 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Cheektowaga Sewer Maintenance Department has requested authorization to purchase two (2) 2002 Chevrolet, ½ ton 4 X 2 pick-up trucks as specified in State Contract No. PC 40560 in the total amount of \$28,664.00, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2500-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Sewer Maintenance Department to purchase two (2) 2002 Chevrolet ½ ton 4 X 2 pick-up trucks from:

Joe Basil Chevrolet, Inc. 5111 Transit Road Depew, New York 14043

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

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

WHEREAS, Meals On Wheels has made application to hold a benefit for the Meals On Wheels program and its volunteers in Stiglmeier Park on September 7, 2002; AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Meals On Wheels for the aforementioned benefit, to be held in Stiglmeier Park on September 7, 2002 from 9:00 A.M. to 1:00 P.M. of said day.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, pursuant to the Opening 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

Item No. 16a 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 was submitted by the New Creation Fellowship to conduct an open fire on August 18, 2002 on their property located at 3325 Genesee Street, AND

WHEREAS, the applicant intends to maintain a small fire bonfire with the assistance of the U-Crest Fire Department in conjunction with summer youth activities, AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in conjunction with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law and request the Town Board to approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the applications submitted 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. 16b Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, pursuant to the Opening 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 was submitted by the New Creation Fellowship to conduct an open fire on September 20, 2002 on their property located at 3325 Genesee Street, AND

WHEREAS, the applicant intends to maintain a small fire bonfire with the assistance of the U-Crest Fire Department in conjunction with summer youth activities, AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in conjunction with conditions and requirements of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law and request the Town Board to approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the applications submitted 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. 17a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, Contract "B", Plumbing Work, for the renovation and improvements to the Town Park Pool Facility was awarded by Town Board resolution dated November 5, 2001 to Matthew Kandefer, Inc. in the amount of \$136,595.00, AND

Item No. 17a cont'd.

WHEREAS, Bergmann Associates, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed project, Contract "B", Plumbing Work, and directs the Supervisor to sign the final contract acceptance documents with Matthew Kandefer, Inc., 2215 Broadway, Buffalo, New York 14212.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 17b Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga and Rural Metro Medical Services, Inc. had previously entered into an Agreement for Pre-Hospital Emergency Services for ambulance services for emergencies when called into the Cheektowaga Dispatch Office, AND

WHEREAS, such agreement expired on January 1, 2002, AND

WHEREAS, the Town of Cheektowaga Emergency Services Board has been making revisions to such agreement and has recommended that the Town enter into a renewal agreement with Rural Metro Medical Services, Inc., AND

WHEREAS, the Town Attorney's Office has reviewed and approved the form of such agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the renewed agreement with Rural Metro Medical Services, Inc. for the term from January 1, 2002 to December 31, 2004.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17c</u> Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak, be authorized to sign the attached contract, retroactive to July 1st, 2002, between the Town of Cheektowaga and the Community Action Partnership, for the operation of recreation programming in the Cedargrove/Cleveland Hill District under a grant sponsored by the New York State Office of Alcohol and Substance Abuse Services (OASAS) Law Enforcement Education Program (LEEP).

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17d</u> Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak, be authorized to sign the attached contract between the Town of Cheektowaga and the Community Action Partnership, for the operation of a recreation program at 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

Item No. 17e Motion by Supervisor Gabryszak, seconded by Unanimous

WHEREAS, as a means to provide faster and more efficient emergency services to residents of the Town of Cheektowaga, fire districts in the Town of Cheektowaga are purchasing 120 radios for their emergency communications system, AND

WHEREAS, in order to make the Town's fire dispatch system compatible with the new radios being purchased by the fire districts in the Town, it is necessary for the Town to fund and purchase fixed end radio equipment costs and purchase the necessary frequency licenses for UHF frequencies, AND

WHEREAS, equipment in the Police Department's Dispatch office requires Motorola parts exclusively; no other parts are compatible with Motorola parts, AND

WHEREAS, Saia Communications, Inc., the sole source of Motorola parts in the Western New York area, has submitted the attached proposal to the Town of Cheektowaga for the purchase of the required equipment and labor to install such equipment in the Dispatch Office in the Police Department, AND

WHEREAS, the Town will also need to obtain the necessary licensing of UHF channels for this new radio system at a cost between \$1,500 and \$3,800, AND

WHEREAS, as part of its proposal, Saia Communications, Inc., will assist the Town with the required licensing of UHF channels, AND

HEREAS, the Police Dispatch Office is recommending that this Town Board award a contract to Saia Communications, Inc., as per the attached proposal, to supply and install the aforementioned fixed end radio equipment in the Dispatch Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby allocates \$35,500 from budget line item number 100-3020-2513 to purchase and install the aforementioned fixed end radio equipment in the Dispatch Office; and to obtain the necessary licensing of UHF channels for the Dispatch Office radios, and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the attached proposal from Saia Communications, Inc. for the aforementioned work at a cost not to exceed \$31,665, and BE IT FURTHER

RESOLVED, that this Town Board hereby also approves the payment of moneys not to exceed \$3,835 to obtain the required UHF licenses for this new radio system, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute any and all documents to effectuate the above.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, a part-time Clerk was hired at the August 5, 2002 Town Board meeting listing the incorrect first name of Todd Fial residing at Cheektowaga, New York 14227; AND

WHEREAS, the correct first name of the individual to be hired is Jeffrey T. Fial; THEREFORE

BE IT RESOLVED, that the following individual be and hereby are hired as a PART-TIME EMPLOYEE in the department listed, not to exceed 19 hours on a weekly basis, in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Jeffrey Fial Cheektowaga, NY 14227

SENIOR SERVICES - Recreation Attendant - \$7.00 per hour

Elnora Gerlach Depew, NY 14043

Immediately

08/06/02

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

EFFECTIVE

RECYCLING DEPARTMENT - Laborer - \$7.00 per hour

Kevin Mazczak Cheektowaga, NY 14227

08/06/02

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

<u>EFFECTIVE</u>

RECYCLING DEPARTMENT

Kyle Swanson 08/15/02

Jessie Swanson

MAIN PUMP STATION

Leroy Linkner 08/19/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 19 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, Adam Grupka was erroneously terminated from his position as a seasonal Recreation Attendant in the Department of Parks, Recreation & Youth Services at the August 5, 2002 Town Board Meeting, AND

WHEREAS, Abagael Grupka, a seasonal Lifeguard was the actual employee scheduled to be terminated at said Town Board meeting; NOW, THEREFORE, BE IT

RESOLVED, that Adam Grupka continue his employment with the Town of Cheektowaga as a seasonal employee, and BE IT

RESOLVED, that Abagael Grupka be and hereby is terminated effective August 5, 2002, AND

Item No. 19 cont'd.

BE IT FURTHER RESOLVED that Nichole Londo. a seasonal Recreation Attendant, be and hereby is terminated, effective immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 20 Motion 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:

Recreation Attendant (VI) - \$6.40 - 7140.1664 Michele Radlich Cheektowaga, New York 14225

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 21 Motion by Councilmember Jaworowicz, seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Housing Code requires owners of residential properties to maintain said properties and keep same in good repair and in a clean and sanitary manner, AND

WHEREAS, presently there are three (3) full-time and two (2) part-time Housing Inspectors who are dedicated to enforcing the Housing Code throughout the entire Town of Cheektowaga, AND

WHEREAS, it is estimated that there currently are 200+ residences in the Town of Cheektowaga which, for a number of reasons, have been abandoned by their owners and are no longer being maintained, AND

WHEREAS, there are a significant number of other residential properties in the Town of Cheektowaga which are in a state of disrepair and are not kept up in a clean and sanitary manner, AND

WHEREAS, these abandoned and dilapidated houses cause the spread of urban blight in our community and force other residents to move out of the Town, AND

WHEREAS, these abandoned and dilapidated houses also negatively affect the value of other residences in the neighborhood and lead to increased crime in these neighborhoods by virtue of vandalism and the potential for becoming drug houses, AND

WHEREAS, presently there are not enough Housing Inspectors in the Town of Cheektowaga to adequately cite property owners for violations of the Housing Code and to place violators into court, AND

WHEREAS, it is of critical immediate importance that this Town Board act immediately to address the lack of Housing Inspectors and Housing Code enforcement to alleviate these conditions and to stop the spread of urban blight in our Town, AND

WHEREAS, moneys are available in the part-town fund contingency budget for the funding of two (2) part-time Housing Inspector positions in the Building Inspector's Office, AND

WHEREAS, the Supervising Building and Plumbing Inspector and the Senior Housing Inspector have strongly requested the funding of these additional positions to enable their offices to fight this urban blight and to clean up our neighborhoods, NOW, THEREFORE, BE IT

Item No. 21 cont'd.

RESOLVED, that two (2) part-time Housing Inspector positions in the Building Inspections Department (Neighborhood Preservation) be and hereby are created, effective immediately, and BE IT FURTHER

RESOLVED, that funding in the amount of \$7,500.00 shall be transferred from the part-town fund contingency budget line item number 800-3620-4711 into the Building Inspections Department budget line item number 800-3620-1971, and BE IT FURTHER

RESOLVED, that the Personnel Office, in conjunction with the Building Inspections Department, be and hereby is directed to file the necessary paperwork to create the aforesaid positions and to otherwise take all necessary steps to advertise for the filling of these positions as expeditiously as possible.



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER JAWOROWICZ TO AMEND THE ABOVE RESOLUTION, ITEM 21, 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 Town of Cheektowaga Housing Code requires owners of residential properties to maintain said properties and keep same in good repair and in a clean and sanitary manner, AND

WHEREAS, presently there are presently three (3) full-time and two (2) part-time Housing Inspectors who are dedicated to enforcing the Housing Code throughout the entire Town of Cheektowaga, AND

WHEREAS, it is estimated that there currently are 200+ residences in the Town of Cheektowaga which, for a number of reasons, have been abandoned by their owners and are no longer being maintained, AND

WHEREAS, there are a significant number of other residential properties in the Town of Cheektowaga which are in a state of disrepair and are not kept up in a clean and sanitary manner, AND

WHEREAS, these abandoned and dilapidated houses cause the spread of urban blight in our community and force other residents to move out of the Town, AND

WHEREAS, these abandoned and dilapidated houses also negatively affect the value of other residences in the neighborhood and lead to increased crime in these neighborhoods by virtue of vandalism and the potential for becoming drug houses, AND

WHEREAS, presently there are not enough Housing Inspectors in the Town of Cheektowaga to adequately cite property owners for violations of the Housing Code and to place violators into court, AND

WHEREAS, it is of critical immediate importance that this Town Board act immediately to address the lack of Housing Inspectors and Housing Code enforcement to alleviate these conditions and to stop the spread of urban blight in our Town, AND

WHEREAS, moneys are available in the part-town fund contingency budget for funding of one (1) full-time Housing Inspector position and one (1) full-time Housing Inspector with moneys from the Community Development Block Grant funds, AND

Item No. 21 cont'd.

WHEREAS, the Supervising Building and Plumbing Inspector and the Senior Housing Inspector have strongly requested the funding of these additional positions to enable their offices to fight this urban blight and to clean up our neighborhoods, NOW, THEREFORE, BE IT

RESOLVED, that two (2) full-time Housing Inspector positions in the Building Inspections Department (Neighborhood Preservation) be and hereby are created, effective immediately, and BE IT FURTHER

RESOLVED, that funding shall be transferred from the part-town fund contingency budget for one full-time inspector and from the Community Development Block Grant funds for one (1) full-time Housing Inspector and, BE IT FURTHER

RESOLVED, that the Personnel Office, in conjunction with the Building Inspections Department, be and hereby is directed to file the necessary paperwork to create the aforesaid positions and to otherwise take all necessary steps to advertise for the filling of these positions as expeditiously as possible.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 22</u> Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Court Clerk 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, said title falls under the competitive class of Erie County Civil Service;

AND

WHEREAS, a Civil Service list currently exists for the title of Court Clerk; AND

WHEREAS, said Civil Service list was canvassed; AND

WHEREAS, Sharon A. Walkowiak, appears on said list and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Sharon A. Walkowiak of Cheektowaga, New York 14225 be and hereby is appointed to the position of Court Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective August 20, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 23 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, in 1993, as part of the environmental assessment process associated with the proposed development of a 178± acre parcel of Town owned property for a municipal golf course, a Wetlands Delineation Report was prepared by Wilson Environmental Technologies, Inc. on behalf of the Town in order to define and evaluate wetlands subject to federal jurisdiction under Section 404 of the Clean Water Act, AND

WHEREAS, there is a need to conduct a Supplemental Federal Wetlands Delineation Investigation for an additional 10± acre Town owned parcel located east and adjacent to that parcel previously investigated, NOW, THEREFORE, BE IT

Item No. 23 cont'd.

RESOLVED, that the firm of Wilson Environmental Technologies, Inc., 1331 North Forest Road, Suite C250, Williamsville, New York 14221 be and hereby is retained to provide consulting services relative to Section 404 permitting and jurisdictional determination in accordance with the proposal submitted to the Town Engineer dated August 5, 2002 at a fee not to exceed \$2,500.00, and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with Wilson Environmental Technologies, Inc., and, BE IT FURTHER

RESOLVED, that funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Supervisor's Statement of Funds – June 2002

Received and Filed.

Item No. 25a Minutes of Cheektowaga Public Library Board - June 19, 2002

Received and Filed.

Item No. 25b Minutes of Traffic Safety Commission - July 16, 2002

Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 26a Notice of Claim: State Farm Insurance – Allen R. Knaszak vs. the Town of

Cheektowaga

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

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

Received and Filed.

<u>Item No. 26b</u> Notice of Claim: State Farm Insurance – James Blair 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. 26c Notice of Claim: David A. DeLoach vs. the Town of Cheektowaga

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

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

Received and Filed.

<u>Item No. 26d</u> Notice of Claim: Bradley Schultz 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. 26e Notice of Claim: Adeline Clamp 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. 26f Notice of Claim: Sabina Gena vs. the Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department and Allied Claims Insurance Carrier. Received and Filed.

<u>Item No. 27a</u> Notice of Petition: Gateway Development, LLC vs. the Board of Assessment Review, the Town Assessor and the Town of Cheektowaga Received and Filed.

Item No. 27b Notice of Petition: WPH Airport Associates vs. the Board of Assessment Review, the Town Assessor and the Town of Cheektowaga.

Received and Filed.

<u>Item No. 27c</u> Notice of Petition: WPH Gateway Associates vs. the Board of Assessment Review, the Town Assessor and the Town of Cheektowaga Received and Filed.

<u>Item No. 28</u> Designation of Restricted Highway (A Portion of Kensington Avenue, CR 208, from City Line to Main Street)
Received and Filed.

<u>Item No. 29</u> Petition: Change Schedule A in Map Plan (Honorine Water Line Extension Received and Filed.

<u>Item No. 30a</u> Request to Speak: Anita Depczynski Regarding Deer in Stiglmeier Park Received and Filed.

<u>Item No. 30b</u> Request to Speak: Cheektowaga Citizens Coalition Inc. Received and Filed.



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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



V. SUSPENSION OF RULES

<u>Item No. 31</u> Resolution and Order Approving the Establishment of the Honorine Drive Water District

Item No. 32 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the New York State Association of Magistrates Court Clerks, Inc., is holding its annual conference training from September 29, 2002 through October 2, 2002 in Alexandria Bay, New York; AND

WHEREAS, this conference training will keep the Town of Cheektowaga in compliance with new legislative guidelines; AND

WHEREAS, Susan Allaire, Senior Clerk, and Rose Paa, Clerk Typist, both employees of the Justice Court, have requested authorization to attend said conference; AND

WHEREAS, the Justice Court has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1010.00; NOW, THEREFORE, BE IT

RESOLVED, that Susan Allaire and Rose Paa be and hereby are authorized to attend the New York State Association of Magistrates Court Clerks, Inc. Annual Conference Training from September 29, 2002 through October 2, 2002 in Alexandria Bay, New York

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 33 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, as part of the review process for the development of property at the southwest corner of Union Road and Maryvale Drive, the developer was requested to convey a drainage easement to the Town of Cheektowaga over the area where the drainage ditch is to be relocated, AND

WHEREAS, Siena Builders, Inc., the owners of such property, have submitted the requested easement to the Town, AND

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, and BE IT FURTHER

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 34</u> Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, in today's technological era, electronic equipment is improving at a rapid pace to create the loudest and best sounding equipment money can buy; consumers can purchase stereo equipment, bass boxes and boom boxes for their homes and automobiles, some of this equipment being so powerful that it can rock a house and rattle windows as an automobile passes by with the stereo blasting, AND

WHEREAS, Town officials, employees, and residents have voiced concerns about this new technology and how it affects their quality of life with regard to loud music and other sounds emanating from vehicles and homes alike, AND

Item No. 34 cont'd.

WHEREAS, this Town Board proposes repealing the current Noise Ordinance and adopting, in its place, a local law which incorporates changes that reflect advancing technology and times; AND

WHEREAS, other changes have been recommended to the existing Noise Ordinance;

AND

WHEREAS, a local law for noise is authorized by the New York State Municipal Home Rule Law, AND

WHEREAS, Local Law Intro No. 2002-2 of the Year 2002 has been prepared by the Town Attorney's Office NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 3rd day of September, 2002, 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. 2002-2 of the Year 2002, entitled "A Local Law for Noise 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 3rd day of September, 2002 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. 2002-2 of the Year 2002

A Local Law for Noise in the Town of Cheektowaga

This Local Law would repeal the current Town of Cheektowaga Noise Ordinance and adopt a new Noise Law, which law is more detailed and addresses, with specificity, new technology and advances in amplified sound which are of concern to all Town residents.

A copy of the complete text of Local law Intro No. 2002-2 of the Year 2002 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

August 19, 2002

RICHARD M. MOLESKI Town Clerk



Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 35</u> Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting. This meeting was adjourned at 9:05 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA SPECIAL MEETING NO. 21 AUGUST 31, 2002

<u>Item No. 1</u> 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 31st of August, 2002 at 10:30 o'clock A.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

ABSENT: Councilmember Thomas J. Mazur

Also present were: Richard M. Moleski, Town Clerk; Michael Stachowski, Town Attorney and Kevin Schenk, Deputy Town Attorney

I. RESOLUTIONS

<u>Item No. 2</u> Motioned by Councilmember Swiatek, seconded by Unanimous

WHEREAS, the New York State Legislature adopted and the Governor signed into law, Chapter 69 of the Laws of 2002, which authorizes local municipalities to provide a retirement incentive for certain employees, AND

WHEREAS, Chapter 69 of the Laws of 2002 requires the Town Board of the Town of Cheektowaga to enact a local law to provide such early retirement incentive, AND

WHEREAS, a public hearing was held on the 19th day of August, 2002 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. 2002-1 of the Year 2002, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga", AND

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, AND

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 1 of the Year 2002, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of 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 this Town Board is still undecided what employees, if any, will be eligible under this retirement incentive; this decision will be made at a later date prior to the end of the open period, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his office, one (1) certified copy with the Secretary of State and one (1) certified copy with the New York State and Local Retirement Systems, Employees' Retirement System, together with the necessary affidavit, and BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 2002 shall take effect immediately upon filing with the Secretary of State.

SPECIAL MEETING NO. 21 AUGUST 31, 2002

LOCAL LAW NO. 1 OF THE YEAR 2002

A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga

Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.

Section 2. The commencement date of the retirement incentive program shall be October 1, 2002.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be ninety (90) days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.

Section 5. This act shall take effect immediately.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JANKOWIAK TO AMEND THE ABOVE RESOLUTION, ITEM 2, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

and Jankowiak

NAYES: 0

ABSENT: Councilmember Mazur



<u>AMENDED</u>

WHEREAS, the New York State Legislature adopted and the Governor signed into law, Chapter 69 of the Laws of 2002, which authorizes local municipalities to provide a retirement incentive for certain employees, AND

WHEREAS, Chapter 69 of the Laws of 2002 requires the Town Board of the Town of Cheektowaga to enact a local law to provide such early retirement incentive, AND

WHEREAS, a public hearing was held on the 19th day of August, 2002 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. 2002-1 of the Year 2002, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga", AND

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, AND

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

Item No. 2 cont'd.

SPECIAL MEETING NO. 21 AUGUST 31, 2002

RESOLVED, that the Local Law No. 1 of the Year 2002, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of 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 this Town Board is still undecided what employees, if any, will be eligible under this retirement incentive; this decision will be made at a later date prior to the end of the open period, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his office, one (1) certified copy with the Secretary of State and one (1) certified copy with the New York State and Local Retirement Systems, Employees' Retirement System, together with the necessary affidavit, and BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 2002 shall take effect immediately upon filing with the Secretary of State.



LOCAL LAW NO. 1 OF THE YEAR 2002

A Local Law enacting a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the Town of Cheektowaga

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- Section 2. The commencement date of the retirement incentive program shall be <u>September 17</u>, 2002.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be <u>seventy-five (75)</u> days in length.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.

Section 5. This act shall take effect immediately.

Upon roll call

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

and Jankowiak

NAYES: 0

ABSENT: Councilmember Mazur

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

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

WHEREAS, the Buffalo AFL-CIO Council & United Way of Buffalo and Erie County has made application to hold a parade on September 2, 2002, beginning at the Thruway Plaza; then proceeding west to Harlem Road; then north on Harlem Road to the Cheektowaga Town Park, AND

Item No. 3 cont'd.

SPECIAL MEETING NO. 21 AUGUST 31, 2002

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Buffalo AFL-CIO Council; and BE IT FURTHER

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

Upon roll call

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

and Jankowiak

NAYES: 0

ABSENT: Councilmember Mazur

<u>Item No. 4</u> Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting.

This meeting adjourned at 10:45 A.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 22 SEPTEMBER 3, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd of September, 2002 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 Administration and Finance; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Thomas Adamczak, Supervising Building and Plumbing Inspector, Christine Ziemba, Police Lt. Cheryl Rucinski; Salvatore LaGreca, Planning Board Chairman; Christopher Kowal, Highway Superintendent; Patricia Wojcik, Director of Senior Services, and David Dale, Erie County Legislator

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the Local Law Intro No. 2002-2 Of The year 2002– Noise Ordinance in the Town of Cheektowaga. 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 notice was as follows:



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 3rd day of September 2002 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 2002-2 of the Year 2002

A Local Law for Noise in the Town of Cheektowaga

This Local Law would repeal the current Town of Cheektowaga Noise Ordinance and adopt a new Noise Law, which law is more detailed and addresses, with specificity, new technology and advances in amplified sound which are of concern to all Town residents.

A copy of the complete text of Local law Intro No. 2002-2 of the Year 2002 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 August 19, 2002

> RICHARD M. MOLESKI TOWN CLERK



MEETING NO. 22 SEPTEMBER 3, 2002

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 was closed; decision was reserved.

II. RESOLUTIONS

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

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

Dait Hereor,

GENERAL FUND			
FROM			
100-3120-1931	Vacation Sellbacks	\$	10,000.00
100-1110-4001	Office Supplies	\$	350.00
100-1430-4502	Legal-Personnel	\$	10,000.00
100-1110-4082	Travel & Training	\$	350.00
HUD CDBG FUND			
FROM		825	
700-1096-2500	Pine Hill Neighborhood Imp.`	\$	1,025.00
700-9099-0650	Sloan TV Analysis of Sewer	1924	N 202023 202
	System	\$	1,025.00
700-1002-0662	Clover Place Drainage	_	
	Improvements	\$	41,800.00
140-1001-0704	Contingency	\$	5,551.13
700-1001-0704	Contingency	\$	1,652.00
700-1097-2500	Pine Hill Neighborhood	_	0 101 07
	Improvements	\$	9,481.87
TO:			
700-9096-0655	Sloan-Wrazen Park	\$	1,025.00
700-1099-2500	Pine Hill Neighborhood		
	Improvements	\$	1,025.00
700-1002-0720	Cedargrove Heights Drainag		THE SECOND SECONDS
	and Sewer		41,800.00
140-1001-0720	Cedargrove Heights Drainag		
	and Sewer	\$	5,551.13
700-1001-0720	Cedargrove Heights Drainag		
	and Sewer	\$	1,652.00
700-1097-0720	Cedargrove Heights Drainag		0 404 07
	and Sewer	\$	9,481.87

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants Submitted to the Town of Cheektowaga prior to August 30, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$	550,851.60
RISK RETENTION FUND		26,010.74
SPECIAL DISTRICTS FUND		295,481.78
HIGHWAY FUND		67,681.32
TRUST & AGENCY		20,074.08
HUD HOUSING REHABILITATION FUND		19,550.00
HUD CDBG FUND		143,808.09
PART TOWN FUND		13,987.48
CAPITAL FUND	9	292,693.34
	\$1	,430,138.43

MEETING NO. 22 SEPTEMBER 3, 2002

Item No. 4 cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 5</u> Motion by Councilmember Johnson Seconded by Councilmember Mazur

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 16, 2002 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 at least ten (10) but not more than twenty (20) days prior to the public hearing, said amendments being set fort 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, 3301 Broadway in said Town of Cheektowaga on September 16, 2002 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V Schedules

§235-40. SCHEDULE I: Traffic Control Signals, shall be amended by deleting therefrom the following:

MARYVALE DRIVE at BEACH ROAD

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

REO AVENUE – east and west sides: from the south curbline of Reo Avenue south to its end.

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

REO AVENUE – east and west sides: from the south curbline of Walden Avenue south to its end.

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

Dated: September 3, 2002

RICHARD M. MOLESKI Town Clerk



AFFIDAVIT NEXT PAGE

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

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new trees for the Town's tree planting in the Fall of 2002.

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

RESOLVED, That the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, September 25, 2002 at 11:00 AM in the Council Chambers of 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

TOWN OF CHEEKTOWAGA, NEW YORK

Sealed proposals will be received and considered by the Cheektowaga Town Board on Wednesday, September 25, 2002 at a public bid opening at 11:00 A>M> at the Town Hall located on Broadway, New York, for the purpose of furnishing new trees for tree planting in the fall of 2002.

Specifications for new trees may be picked up at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York between the hours of 9:00 AM and 4:30 PM Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

RICHARD MOLESKI Town Clerk Town of Cheektowaga

Dated September 4, 2002

AFFIDAVIT NEXT PAGE

<u>Item No. 6b</u> Motion 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 purchase of ONE (1), NEW AND UNUSED, 2003 MODEL, 4X4, 4 DOOR, 8 PASSENGER, UTILITY VEHICLE.

Information for bidders and specifications may be obtained from the office of the Town Clerk located at Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, between the hours of 9:00 AM and 4:30 PM, Monday thru Friday, and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 AM on September 11, 2002.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of ONE (1) new and unused, 2003 model, 4x4, 4 door, 8 Passenger, Utility Vehicle for use by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on September 11, 2002 at 11:00 AM

Information for bidders and specifications may be obtained from the office of Richard Moleski, Town Clerk at his office located at Town Hall, Cheektowaga, NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR ONE (1) NEW AND UNUSED, 2003 MODEL, 4X4, 4 DOOR, 8 PASSENGER, UTILITY VEHICLE".

Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD MOLESKI, TOWN CLERK

DATE: SEPTEMBER 4, 2002

PUBLISHED: SEPTEMBER 5, 2002

AFFIDAVIT NEXT PAGE

<u>Item No. 7a</u> Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Louis D. Pease, Architect for Wahl's Candies for the construction of a 8,500 square foot retail candy store with accessory confectionary shop at 120 Losson Road at Crabapple Lane, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 28, 2002 recommended a determination of non significance, with the acknowledgement that the project applicant has agreed to modify the site plan with the removal of the proposed driveway /exit along Crabapple Lane, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan and reserved recommendation on the landscaping plan at its meeting held on August 8, 2002, AND

WHEREAS, The Town of Cheektowaga Traffic Safety Commission recommended approval of the subject project at its meeting of July 16, 2002, with the condition that the applicant limit any subsequent development on the property to a low impact land use, AND

WHEREAS, the applicant met with the Depew – Cheektowaga Taxpayers Association to present the proposed project, AND

WHEREAS, the Applicant's architect has designed the building using residential materials and created a building design consistent with the neighboring residential uses, AND

WHEREAS, the Town's consultant, URS Corporation engaged to provide consistency reviews for the William -Losson Corridor Study has reviewed the application for potential traffic impacts and did not consider the project to be in conflict with the intent of the corridor study as shown in the attached memorandum dated August 21, 2002, AND

\WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, the Traffic Safety Commission and the Town's Consultant for the William – Losson Corridor, NOW, THERFORE, 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 finds the site plan acceptable, with the condition that the driveway be removed along Crabapple Lane and that the applicant's architect provide a drainage design acceptable to the Town Engineer.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Richard Mills for Cello –Pack Corporation for the construction of a 16, 600 square foot warehouse addition at 55 Innsbruck Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 14, 2002 recommended a determination of non significance as shown on the attached memorandum dated August 15, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on July 11, 2002, as shown on the attached recommendation dated July 24, 2002, 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 finds the site plan acceptable.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 7c</u> Motion 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 Benderson Development Co, Inc. for the re-approval of the site plan for a one story, 15,587 square foot retail building addition at 3825-3875 Union Road, AND

WHEREAS, the Town Board on June 15, 1998 previously approved the site plan for the subject project and issued a determination of non significance pursuant to the State Environmental Quality Review Act (SEQRA) as shown on the attached resolution, AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the town board approval of said site plan expired on October 2, 2001 due to the developers failure to commence construction within one year from the date of said site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 13, 2002 recommended its re-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 re-approves the project site plan.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Michael P. Montalto, representing The Restaurant Group, LLC for the demolition of the former Wendy's restaurant and Sherwin Williams paint store for the construction of a 5,791 square foot Perkins Restaurant at 1649-1699 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 28, 2002 recommended a determination of non significance, with the acknowledgement that the project applicant must finalized his drainage design to the satisfaction of the Town Engineer and that the land owner provide a written commitment to consider the placement of access easements on the subject property to benefit future traffic access management goals along Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on August 8, 2002, AND

WHEREAS, the Applicant has made revisions to his plans to address concerns of the Traffic Safety Commission and the Conservation Advisory Council as summarized in the attached correspondence dated July 29, 2002 from Parrone Engineering, 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 finds the site plan acceptable.

Upon roll call....

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

NAYES: 0 ABSENT: 0

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

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

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

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

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9a</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2002-2003 year to fund a "STEP" grant to aid aggressive driving enforcement; AND

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding, and has been notified that the Town has been awarded the sum of \$11,000.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

RESOLVED, that the Supervisor be, and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9b</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2002-2003 year to fund "Buckle Up New York", to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes; AND

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding, and has been notified that the Town has been awarded the sum of \$11,738.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

RESOLVED, that the Supervisor be, and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9c</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS: The Town of Cheektowaga seeks grant monies from the New York State Council on the Arts of fund cultural components of the annual Polish-American Festival; and

WHEREAS, Grantmakers Advantage, Inc., the Town's grants consultants, completed the necessary application, forms, etc. and submitted same to the New York State Council on the Arts for the purpose of securing this grant, and

WHEREAS, the New York State Council on the Arts approved \$8,100 in funding for the Polish-American Festival, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9d</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

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

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

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

RESOLVED, that the Supervisor be and hereby is authorized to execute a subrecipient agreement with the Cheektowaga Economic Development Corporation pertaining to the use and expenditure of Community Development Block Grant Funds for the 2002-2003 Program Year.

Item No. 9d cont'd.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, developers of residential subdivisions are required to install street lighting along public highways as a component of the subdivision improvements and subject to the Public Improvement Permit Ordinance, AND

WHEREAS, a number of homes have been constructed within Phase I of the Emerald Gardens Subdivision and the Town Engineer has recommended that Phase I street lighting improvements be completed by the developer, NOW, THEREFORE, BE IT

RESOLVED, that the developer of the Emerald Gardens Subdivision is hereby authorized to install the remaining six (6) 5200 lumen H.P.S. post top luminaries, fiberglass standards and related conduit and conductors as required in conjunction with the development of Phase I of the subject subdivision, AND, BE IT FURTHER

RESOLVED, that following final inspection by the Engineering Department, the New York State Electric & Gas Corporation be and hereby is authorized to connect six (6) 5200 lumen H.P.S. post top luminaries within said subdivision in the Town of Cheektowaga at an annual increase to the Town's General Lighting District of \$267.66 in accordance with the attached New York State Electric & Gas Corporation proposal dated November 19, 2001 which is hereby made a part of this resolution.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 11</u> Motion by Councilmember Mazur, Seconded by Councilmember Rogowski

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

EFFECTIVE

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Denise Zielonka Cheektowaga, NY 14225 immediately

POLICE DEPARTMENT - Police Matron - \$12.50 per hour

Nancy M. Owczarczak Cheektowaga, NY 14227 immediately

PARKS DIVISION - Laborer - \$6.00 per hour

Donald Searor, Jr. Cheektowaga, NY 14225 immediately

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

EFFECTIVE

RECYCLING DEPARTMENT

Matthew Rich immediately

Bryan Kazmierczak "
Darren Kazmierczak "
Kenneth Piatek "

Patrick Santoro "
Deric Demyanick "
Mohamed Almorabi "
Paul Fenske "

Daniel Krystyniac "
Jeffrey Speaker "

PARKS DIVISION

Jason Sprada

Michael Pawlowski immediately

James P. Rogowski "Jason Rydzynski "George Alder "Donald Staszczyk "Todd Stucke "Thomas Gorski "Jeffrey Smietana "Christopher Meszaros Jason Winkelman "Michael Stachewicz "

Upon roll call....

Gordon Hagmeir

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12 Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, the term of Newton A. Graziano as a member of the Board of Assessment Review in the Town of Cheektowaga, will expire on September 30, 2002 AND

WHEREAS, Mr. Graziano 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. Graziano of the Board of Assessment Review; NOW, THEREFORE, BE IT

RESOLVED, that Newton A. Graziano of Cheektowaga, New York 14215 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, 2002 through September 30, 2007

Item No. 12 cont'd

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, by resolution, this Town Board appointed Donald A. O'Neill to the position of Assistant Plumbing Inspector in the Building and Plumbing Department on a provisional basis, pending the establishment of a valid civil service examination for said position; AND

WHEREAS, said civil service list has been established by the Erie County Department of Personnel; AND

WHEREAS, Donald A. O'Neill is eligible for permanent appointment from said civil service list; NOW, THEREFORE BE IT

RESOLVED, that Donald A. O'Neill, of New York 14043 be and hereby is permanently appointed to the position of Assistant Plumbing Inspector in the Building and Plumbing Department effective immediately.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, by resolution, this Town Board appointed Gary L. Parks to the position of Building Inspector in the Building and Plumbing Department on a provisional basis, pending the establishment of a valid civil service examination for said position; AND

WHEREAS, said civil service list has been established by the Erie County Department of Personnel; AND

WHEREAS, Gary L. Parks is eligible for permanent appointment from said civil service list; NOW, THEREFORE BE IT

RESOLVED, that Gary L. Parks, of Cheektowaga, New York 14225 be and hereby is permanently appointed to the position of Building Inspector in the Building and Plumbing Department effective immediately.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13c</u> Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

WHEREAS, a temporary vacancy currently exists in the position of General Crew Chief in the Parks Division: AND

WHEREAS, Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services, has applied for said position and meets all the requirements; NOW THEREFORE, BE IT

RESOLVED, that Kenneth J. Kopacz of Cheektowaga, NY 14227, be and hereby is appointed to the temporary position of General Crew Chief of the Parks Division.

Item No. 13c cont'd.



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION: AND THE VOTING WENT AS FOLLOWS:

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



AMENDED

WHEREAS, a temporary vacancy currently exists in the position of General Crew Chief in the Parks Division; AND

WHEREAS, Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services, has applied for said position and meets all the requirements; NOW THEREFORE, BE IT

RESOLVED, that Kenneth J. Kopacz of Cheektowaga, NY 14227, be and hereby <u>is</u> temporarily assigned the added duties of the position of general Crew Chief of the Parks Division at no additional salary.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 14 Motion 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 and Youth Services effective immediately:

Recreation Attendant (v) - \$6.15 - 7140.1614

Rob Swiatkowski

Cheektowaga, New York 14227

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED that the following Parks, Recreation & Youth Services employees be and hereby are transferred/upgraded as indicated:

7140.1664

From Recreation Attendant (VI) - to Recreation (VII) - \$6.65

Cindy Aguglia**
Nancy Fumarelle**

Item No. 15 cont'd.

From Recreation Attendant (VII) to Recreation Attendant (VIII) - \$6.90

Elizabeth Pazderski* Sandra Suwalski**

From Recreation Instructor V to Recreation Instructor (VI) - \$6.90

Shannon Cultrara**

021

From Recreation Instructor (VII) to Recreation Instructor (VIII) - \$7.15

Ann Sheldon*

From Recreation Leader (VI) to Recreation Leader (VII) - \$7.65

Michelle Filippi*
Joy Donnelly-Smith**

From Senior Recreation Supervisor (XI) to Senior Recreation Supervisor (XII) - \$9.65

Mary Beth Seivert*

From Recreation Supervisor (X) to Recreation Supervisor (XI) - \$9.40 -7140.1664/7140.1612

Laila Desjardins*

*part-time/seasonal status as per resolution dated 1/22/02/increases effective..... 9/9/02

**part-time - increases effective 9/9/02

From seasonal to part-time (effective immediately)

From 7180.1903 to 7310.1804 - \$6.40 (effective 9/9/02)

Nicole Kunkel

From seasonal to part-time (effective immediately)

Steve Ciemcioch

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 16</u> Motion 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:

Kristina Aquilino Lauren Gaffney Tracey Hoelzl Jennifer Keegan Ed Kasprzak Melissa King Drew Miller Ryan Smith

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 17a Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the Career and Professional Development Conference for Women entitled, "Empowering Yourself," is scheduled to be held on September 30, 2002 in Buffalo, New York; AND

WHEREAS, Director of Senior Services Patricia Wojcik and Senior Services Recreation Supervisor Kerry Switalski, have expressed an interest in attending said conference; AND

WHEREAS, this conference will offer techniques for improving human relationship skills including communication, innovative thinking, managing multiple projects and problem-solving techniques; AND

WHEREAS, Senior Services has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost for these employees to attend said conference shall not exceed \$298; NOW, THEREFORE, BE IT

RESOLVED, that Senior Services Director Patricia Wojcik and Recreation Supervisor Kerry Switalski, be and hereby are authorized to attend the Career and Professional Development Conference for Women entitled, "Empowering Yourself," on September 30, 2002 in Buffalo, New York.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17b</u> Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Fire Marshals and Inspectors Association will hold its Fall 2002 Seminar from October 1, 2002 through October 3, 2002 in Montour Falls, New York; AND

WHEREAS, Fire Inspectors Matthew Kawczynski and Edward Saternus, have requested permission to attend said seminar; AND

WHEREAS, the seminar will provide required in-service training in addition to up-to-date information on the latest fire codes; AND

WHEREAS the Building and Plumbing Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS the total cost for said employees to attend this seminar shall not exceed \$410; AND

WHEREAS, this expense has been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Matthew Kawczynski and Edward Saternus of the Building and Plumbing Department, be and hereby are authorized to attend the New York State Fire Marshals and Inspectors Association's Fall 2002 Seminar from October 1, 2002 through October 3, 2002 in Montour Falls, New York.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 17c Motion by Councilmember Mazur, Seconded by Councilmember Rogowski

WHEREAS, the New York State Emergency Management Association (NYSEMA) Annual Meeting will be held on September 17, 2002 and the New York State Disaster Conference will be held September 18, 2002 through September 20, 2002 in Niagara Falls, New York; AND

Item No. 17c cont'd.

WHEREAS, Earl Loder, Coordinator of Emergency Services in the Town of Cheektowaga, has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

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

WHEREAS, the total cost for the Coordinator of Emergency Services to attend the seminar is \$200; NOW, THEREFORE, BE IT

RESOLVED, that Earl Loder, Coordinator of Emergency Services, be and hereby is authorized to attend the New York State Emergency Management Association (NYSEMA) Annual Meeting to be held on September 17, 2002 and the New York State Disaster Conference to be held from September 18, 2002 through September 20, 2002 in Niagara Falls, New York.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 17d Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, Hornell Police Department in conjunction with Eastern Police Canine Association is hosting the Annual Working K-9 Seminar, Seminar 9-13, 2002 at Johnstown, PA.

WHEREAS, Chief Ziemba is requesting authorization to send K-9 Officer Daniel Smith and Breston to this training. Officer Smith has once again been requested to attend this seminar as an instructor. All lodging and meal expenses for this training will be covered by the Johnstown Police Department. The K-9 Police Vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Officer Smith is authorized to attend this training, and that the time spent there is normal duty time. The fuel expense will be charged to 0100-3120-4095.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 17e</u> Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Law Enforcement Training Director's Association Fall Conference is scheduled to be held from September 18, 2002 through September 20, 2002 in Saratoga Springs, New York; AND

WHEREAS, Lieutenant John Glascott, has been invited to present the Professional Vehicle and Traffic Stops Program that he authored; AND

WHEREAS, Lieutenant Glascott will also attend various seminars and presentations being offered at the conference; AND

WHEREAS Police Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there is no fee to attend said conference; AND

WHEREAS, the cost for lodging and transportation shall not exceed \$200; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

Item No. 17e cont'd.

RESOLVED, that Lieutenant John Glascott of the Police Department, be and hereby is authorized to attend the New York State Law Enforcement Training Director's Association Fall Conference from September 18, 2002 through September 20, 2002 in Saratoga Springs, New York.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 18</u> Supervisor's Statement of Funds for July 2002

Received and Filed.

<u>Item No. 19</u> Building Permits – August 2002

Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 20a Notice of Claim: Robert Danaher vs. Town of Cheektowaga

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

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

Received and Filed.

Item No. 20b Notice of Claim: Losson Garden Apartments 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.

<u>Item No. 20c</u> Notice of Claim: Cheryl Lubecki for Adam Piotrowski vs. Town of Cheektowaga

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

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

Received and Filed.

Item No. 20d Notice of Claim: William Olsen 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. 20e Notice of Claim: John W. Ott 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.

<u>Item No. 20f</u> Notice of Claim: Brian Pane vs. Town of Cheektowaga

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

Attorney; Council; Parks, Recreation and Youth and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 20g Notice of Claim: Ronald D. Passmore 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.

<u>Item No. 20h</u> Notice of Claim: Helen Pilarski vs. Town of Cheektowaga

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

Received and Filed.

Item No. 20i Notice of Claim: Pool Mart Inc. 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.

<u>Item No. 21</u> Designation of Restricted Highway: A portion of NY 130, Broadway beginning

approximately 230 m west of Dick Road and ending 500 m W of Borden Road. Also a

portion of Dick Road between Walden and NY Rt. 130

Received and Filed.

Item No. 22 Summons: First Bank National Association Trust vs. Florence Grochowiak & etal

Received and Filed.

Item No. 23 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



V. SUSPENSION OF RULES

Item No. 24 Motion by Councilmember Mazur, Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga Police Department is involved in the New York State "Watch Your Car" grant program; AND

WHEREAS, New York State is changing the focus of the program to information and motor vehicle insurance fraud prevention; AND

WHEREAS, the Town of Cheektowaga Police Department is to be involved in the creation of this new state initiative; AND

WHEREAS, the Town will share the programs that have been developed here with other program managers and assist in the development of a new statewide project; AND

WHEREAS, Lieutenant James Speyer has been requested to attend this program being conducted from September 12, 2002 through September 13, 2002 at the Department of Criminal Justice Services in Colonie, New York; AND

WHEREAS, this mandatory program will enable the Town to remain active in the current grant and help decrease the incidents of auto theft in the Town of Cheektowaga; AND

Item No. 24 cont'd.

WHEREAS Police Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$50 for said employee to attend this program; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant James Speyer of the Police Department, be and hereby is authorized to attend the New York State "Watch Your Car" grant program being conducted from September 12, 2002 through September 13, 2002 in the Department of Criminal Justice Services in Colonie, New York New York.

Upon roll call....

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

and Mazur

NAYES: 0 ABSENT: 0

Item No. 25 Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

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 safely 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 WAS SUBMITTED BY THE Maryvale High School to conduct a open fire on September 22, 2002 on the property of the Maryvale High School located at 1050 Maryvale Drive, AND

WHEREAS, the applicant intends to maintain a bonfire for the purpose of a home coming activity and the U-Crest Fire Department will be in attendance, AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law and request the Town Board to approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the applications submitted 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. 26 A motion was made by Supervisor Gabryszak, Seconded by Unanimous

To adjourn the meeting in memory of Gordon Hagmier an employee of the Facilities

Department

Time of adjournment was 8:10 P.M.

RICHARD M. MOLESKI Town Clerk

TOWN OF CHEEKTOWAGA EXECUTIVE SESSION NO. 23 SEPTEMBER 11, 2002

<u>Item No. 1</u> At an *Executive Session 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 of the11th of September 2002 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: Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance and Constance M. Paoletti, Municipal Administrative Assistant Legal



*DURING THE PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND SECONDED BY COUNCILMEMBER JANKOWIAK TO ENTER INTO EXECUTIVE SESSION AT 6:30 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Jaworowicz

I. RESOLUTIONS

Item No. 2 Motion by Unanimous, Seconded by Unanimous

WHEREAS, an action was commenced by Elizabeth M. and William W. Lowth, Sr. against the Town for injuries alleged to have been sustained by Elizabeth Lowth on or about July 1, 1993; AND

WHEREAS, the law firm of Damon & Morey was retained to represent the Town with regard to this claim, and Joseph J. Schoellkopf Jr., Esq., has negotiated a settlement with the claimants; attorneys, Zdarsky, Sawicki & Agostinelli; Mr. Schoellkopf and the Town Attorney believe this is a fair and equitable settlement under all the circumstances, and all strongly recommend that a settlement be approved;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 6:34 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WAS AS FOLLOWS:

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 3</u> Motion by Unanimous, Seconded by Unanimous to adjourn this work session at

9:30 P.M.

Respectfully submitted by,

Connie M. Paoletti Acting Secretary

TOWN OF CHEEKTOWAGA MEETING 24 SEPTEMBER 16, 2002

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16TH day of September, 2002 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember William P. Rogowski Councilmember Thomas M. Johnson, Jr.

Councilmember Jeff Swiatek Councilmember Thomas J. Mazur Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Mary Holtz, Deputy Town Clerk; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney and Brian Krause, Director of Administration and Finance.

I. PUBLIC HEARING

<u>Item No. 2</u> This being the time and place advertised for a public hearing to consider and discuss amending Chapter 235 of the Code of the said Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:



ARTICLE V Schedules

§235-40. SCHEDULE I: Traffic Control Signals, shall be amended by deleting therefrom the following:

MARYVALE DRIVE at BEACH ROAD

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

REO AVENUE - east and west sides: from the south curbline of Reo Avenue south to its end.

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

REO AVENUE - east and west sides: from the south curbline of Walden Avenue south to its end.



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

II. RESOLUTIONS

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

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

part hereof:

Item No. 3 cont'd.

GENERAL FUN	ID				
FROM:		Appropriated Fund Balance Appropriated Fund Balance	\$	90,000.00	
	100-1910-2799	Dog Control Training		225.00	
	100-3310-4093	Traffic Maintenance Training		200.00	
	100-9010-8111	Police Retirement		35,500.00	
	100-3120-3820	State Aid Police		52,923.88	
	100-1415-3500	State Aid Archive Revenue		5,505.53	
	100-1410-1255	Town Clerk Fees		1,600.00	
	100-1910-2680	Insurance Recoveries		39,807.63	
TO:	100-9950-8729	Transfer to Capital Projects	\$	90,000.00	
	100-9950-8729	Transfer to Capital Projects		30,000.00	
	100-3510-1917	Dog Control Uniforms		225.00	
	100-3310-1917	Traffic Maintenance Uniforms		200.00	
	100-3020-2513	Communication Equipment		35,500.00	
	100-3120-2206	Law Enforcement Block Grant		52,923.88	
	100-1685-4051	Central Records Management		5,505.53	
	100-1440-4595	Public Improvement Permit		1,600.00	
	100-1625-4432	Building & Grounds Maintenance		9,480.62	
	100-3120-2501	Police Equipment		599.00	
	100-7110-2304	Park Equipment		29,728.01	
SPECIAL DIST	RICTS FUND				
FROM:	255-1910-2680	Insurance Recoveries	\$	5,633.36	
TO:	255-8125-4453	Building Repairs	\$	5,633.36	
HIGHWAY FU	<u>VD</u>				
FROM:	300-1910-2680	Insurance Recoveries	\$	13,886.71	
	300-9501-9131	Bond Principal		6,800.00	
TO:	300-5110-4432	Repairs & Maintenance	\$	13,886.71	
	300-5140-4190	Fences, etc.		6,800.00	
HUD CDBG FU	ND				
FROM:	700-1001-0602	Demolition/Clearance	\$	1,652.00	
TO:	700-1001-0720	Cedargrove Hts. Sewer Drainage	\$	1,652.00	
Upon roll call					
AYES:					W

wiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT:

Item No. 4 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to September 13,2002 are hereby approved and made a part hereof:

GENERAL FUND	\$ 1,882,225.10
RISK RETENTION FUND	260,327.99
DEBT SERVICE FUND	763,387.50
SPECIAL DISTRICTS FUND	548,317.75
HIGHWAY FUND	275,286.56
TRUST & AGENCY	1,991.17
HUD HOUSING REHABILITATION FUND	1,017.50
HUD CDBG FUND	85,978.70
PART TOWN FUND	63,139.90
CAPITAL FUND	41,971.56
	\$ 3,923,643,73

Item No. 4 cont'd.

Upon roll call

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

and Jankowiak

NAYES: C

ABSENT: Councilmember Mazur

Item No. 5 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Town has entered into an Agreement with the Community Action Partnership to implement recreation activities at the JFK Middle After-School Program during the 2002/2003 school year, AND

WHEREAS, a portion of the \$9,000 allotted in the agreement has been designated for the 2002 budget year, NOW, THEREFORE, BE IT

RESOLVED that the following account lines of the 2002 budget be and hereby are amended to reflect the additional revenue awarded through said agreement.

REVENUE Account # 7310.2111 (\$2,655)

EXPENSES Account's 7310.1814 (\$1,655)

7310.4674 (\$1,000)

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, several properties on Honorine Drive, from Como Park Boulevard south to its terminus in the Town of Cheektowaga do not presently have access to public water, AND

WHEREAS, a petition was presented to this Town Board from property owners along this section of Honorine Drive requesting the Town to install water lines, etc. to enable them to have access to public water, AND

WHEREAS, by resolution dated August 19, 2002, this Town Board approved the creation of the Honorine Drive Water District to provide public water to this area of the Town at a cost to the property owners not to exceed \$70,000 (\$40,000 of which is being funded by a State grant), and authorized public borrowing for same, AND

WHEREAS, there are moneys in the Town's General Fund to loan money to the Honorine Drive Water District for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, on behalf of the Town of Cheektowaga, hereby authorizes and approves the loan of \$30,000 from the Town's General Fund to the Honorine Drive Water District upon the following terms:

30 year loan 4.5% annual interest rate

and, BE IT FURTHER

RESOLVED, that this Town Board, as the Commissioners of the Honorine Drive Water District, agree to borrow \$30,000 from the Town General Fund on the above referenced terms and, BE IT FURTHER

RESOLVED, that the Supervisor and Councilmembers be and hereby are authorized and directed, on behalf of the Town and the Honorine Drive Water District, to execute any and all documents to effectuate the above.

Item No. 6 con't.d

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motion by Councilmember Johnson, seconded by Supervisor Gabryszak Councilmember Swiatek

WHEREAS, in today's technological era, electronic equipment is improving at a rapid pace to create the loudest and best sounding equipment money can buy; consumers can purchase stereo equipment, bass boxes and boom boxes for their homes and automobiles, some of this equipment being so powerful that it can rock a house and rattle windows as an automobile passes by with the stereo blasting, AND

WHEREAS, Town officials, employees, and residents have voiced concerns about this new technology and how it affects their quality of life with regard to loud music and other sounds emanating from vehicles and homes alike, AND

WHEREAS, this Town Board proposes repealing the current Noise Ordinance and adopting, in its place, a local law which incorporates changes that reflect advancing technology and times, AND

WHEREAS, other changes have been recommended to the existing Noise Ordinance;

AND

WHEREAS, a local law for noise is authorized by the New York State Municipal Home Rule Law, AND

WHEREAS, Local Law Intro No. 2002-2 of the Year 2002 has been prepared by the Town Attorney's Office, AND

WHEREAS, a public hearing was held on the 3rd day of September, 2002, 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. 2002-2 of the Year 2002, entitled "A Local Law for Noise in the Town of Cheektowaga," AND

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 2 of the Year 2002, entitled "A Local Law for Noise 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. 2 of the Year 2002 shall take effect January 1, 2003, and, BE IT FURTHER

RESOLVED, that the existing Noise Ordinance of the Town of Cheektowaga be and hereby is repealed, effective January 1, 2003 and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution and Local Law No. 2 of the Year 2002 to the Clerks of the Villages of Sloan and Depew, with a request that they consider adopting a similar Noise Law in their villages.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on September 11, 2002 for the purchase of ONE (1), NEW AND UNUSED, 2003 MODEL, 4x4, DOOR, 8 PASSENGER, UTILITY VEHICLE for use by the Town of Cheektowaga, as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for the purchase of ONE (1), NEW AND UNUSED, 2003 MODEL, 4x4, 4 DOOR, 8 PASSANGER, UTILTIY VEHICLE be awarded to McCARTHY FORD, 900 Maple Road, Elma, NY 14059 at a total bid price of \$15,077.36: said bidder being the lowest responsible bidder meeting specifications, as set forth in the tabulation of the Superintendent of Highways, a copy of which is attached hereto and made a part hereof, and, BE IT FURTHER

RESOLVED, the monies be charged to line items 0300-5130-2407, \$7,538.68 and line item 1500-8160-2501, \$7,538.68.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

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

WHEREAS, Doyle 1 Fire Company has made application to hold a Fireman's Parade and Memorial Mass on Sunday, September 22nd, 2002, from 8:00 A.M. to approximately 8:45 A.M., beginning at 2199 William Street and ending at St. Josaphat's Church on William Street, AND

WHEREAS, Doyle 1 Fire Company has advised the Town that they will continue to provide emergency services during the parade should emergency services become necessary, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, and has no objection to same, AND

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the Doyle 1 Fire Company to hold its Parade on September 22, 2002, from 8:00 A.M. to 8:45 A.M. NOW, THEREFORE BE IT

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, grant monies are available from the State of New York Criminal Justice Services, AND

WHEREAS, the Town of Cheektowaga Police Department seeks grant monies to continue the Motor Vehicle Theft and Insurance Fraud Demonstration Program (Watch Your Car) NOW, THEREFORE BE IT

RESOLVED, that the Police Department be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 10b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, Legislator David Dale has procured a Legislative Quality of Life Grant in the amount of \$1,000.00, which will enable the Town to hire a consultant to prepare a presentation to the Town Board regarding the historical significance and preservation of property located at 1155 Walden Avenue, NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be, and hereby is authorized and directed to execute all documents pertaining to this grant application and acquisition of said funding.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 10c Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, Legislator David Dale has procured a Legislative Quality of Life Grant in the amount of \$100.00 for the Town of Cheektowaga, which will enable the Town to hire a band for a commemorative ceremony at the War of 1812 Cemetery NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be, and hereby is authorized to execute all documents pertaining to this grant application and acquisition of said funding.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 10d Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, several properties on Honorine Drive, from Como Park Boulevard south in the Town of Cheektowaga do not presently have access to public water, AND

WHEREAS, a petition was presented to this Town Board from property owners along this section of Honorine Drive requesting the Town to install water lines, etc. to enable them to have access to public water, AND

WHEREAS, by resolution dated August 19, 2002, this Town Board approved the creation of the Honorine Drive Water District to provide public water to this area of the Town at a cost to the property owners not to exceed \$70,000 (\$40,000 of which is being provided from a state grant), AND

WHEREAS, the Town Engineer has obtained a quotation from the Erie County Water Authority ("ECWA") to install the necessary water line, etc. along this section of Honorine Drive to make public water and fire protection services available to service these properties; said quotation is in the amount of \$69,300, AND

WHEREAS, Bellevue Fire District No. 9, at its meeting held on August 26, 2002, approved the location of a fire hydrant in front of 82 Honorine Drive as part of this project, AND

WHEREAS, this Town Board wishes to accept the estimate/proposal from the ECWA to install the water line, etc. in the Honorine Drive Water District along the aforementioned section of Honorine Drive to expedite the installation of such improvements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned proposal from the ECWA dated June 3, 2002 to install the necessary water line and appurtenances in the Honorine Drive Water District and, BE IT FURTHER

RESOLVED, that the moneys for such project, in an amount not to exceed \$69,300, shall be appropriated from budget line item number 500-1440-4341 and, BE IT FURTHER

Item No. 10d cont'd.

RESOLVED, that the Town accepts responsibility to pay the annual water hydrant charges for the above referenced hydrant to be located in front of 82 Honorine Drive and, BE IT FURTHER

RESOLVED, that this Town Board also requests the ECWA, after completion of the installation of the water line and appurtenances in the Honorine Drive Water District, to accept ownership of the facilities within such district and to hereafter maintain same as a direct service facility and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate the above and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Richard M. Rosenberry, P.E., Erie County Water Authority, 3030 Union Road, Cheektowaga, New York 14227.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 10e Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, Contract "C", Electrical Work, for the renovation and improvements to the Town Park Pool Facility was awarded by Town Board resolution dated November 5, 2001 to CIR Electrical Construction Corporation in the amount of \$39,750.00, AND

WHEREAS, Bergmann Associates, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed project, Contract "C", Electrical Work, in the final amount of \$58,201.00 (amended from previous change order authorization) and directs the Supervisor to sign the final contract acceptance documents with CIR Electrical Construction Corporation, 2750 Kenmore Avenue, Tonawanda, New York 14150.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER SWIATEK TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 11A AND 11B 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. 11a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

Item No. 11a

Pools

Jolene Banach

Jordan Banach

Maegan Brown

Eric Burns

Adam Connor

Colleen Cwiklinski

Carrie DiBiasio

Jennnifer Dunkleman

Melissa Esposito

Christopher Garcea

Brian Gearhart

Diana Geiger

Sarah Geiger

Sheila Glaub

Paul Gorczyca

Aaron Grupka

Michelle Hauser

Alison Hess

Jacqueline Houser

Andrew Kaun

Beth Kawczynski

John Kruse

Jeffrey Kuczmanski

Darryl Lindell

Sally Lipinoga

Melissa Litwin

Kevin Lizak

Daniel Lysiak

Laura Mayle

Luke Mazur

Jonathan Messina

Cory Miller

Jonathan Miller

Daniel Mucyn

Shannon O'Brien

Lauren Pfaff

Leah Thomas

Jennifer White

Tom Wasielewski

Nicole Witman Kelsey Zamoyski

Leah Zamoyski

Cheektowaga Conservation Corps

John Banach Gerald Blady

Charles Caccard

Adam Czerniejewski

Brian Dudas Brandon Kowal

Dave Guercio

Derrick Mertowski Diana Molinares

Jorge Molinares

Adam Nowicki

Mark Puto

Jacek Sienkiel

William Swiat

John Szczepanski

Item No. 11a cont'd.

Matthew Weaver Derek Wiech Lukasz Wojcik

Day Camps

Kelly Carretto

Renee Carretto

Steven Dunning

Andrew Finger

Jillian Franz

Roseanne Gawronski

Mark Gorski

Shane Grochmal

Patrick Hughes

Paul Hughes

Heather Hussar

Sara Kaczmarek

Jessica Krzyzanowski

Jeffrey McCulloch

Natalie Merlino

Kylene Musial

Jennifer Redlein

Kristin Safe

Julie Suto

Lindsay Sieber

Dan Quigley

Ken Wakefield

Kelly Wasinger

Gymnastics

Sarah Stortz

Playground Rotations

Julie Mastandrea

<u>Tennis</u>

Eric Burns

Louis Bystrak

David Jachimiak

Brian McGhee

Nick Wierzbicki

Lisa Wittman

Summer Teen Club

Julie Croce

Scott Syroczynski

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 11b</u> Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

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

Item No. 11b cont'd.

EFFECTIVE

POLICE DEPARTMENT - School Crossing Guard - \$7.10 per hour

James Stock 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:

EFFECTIVE

RECYCLING DEPARTMENT - Laborer - \$7.00 per hour

Steven Slevinski Cheektowaga, NY 14225 09/12/02 Anthony Castricone Cheektowaga, NY 14227 09/09/02

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

EFFECTIVE

RECYCLING DEPARTMENT

Jeffrey Szymanski Immediately

Anthony Castricone 09/10/02

MAIN PUMP STATION

Richard Thrun Immediately

PARKS DIVISION

Donald Searor, Jr. Immediately

Travis Conrad "

POLICE DEPARTMENT

Jeffrey Helmbrecht Immediately
Nancy Owczarczak 9/04/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

BE IT RESOLVED, the Town Board hereby creates the Part-Time position of Court Officer pursuant to Civil Service Laws and Rules effective September 17, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13</u> Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, by resolution, this Town Board appointed Michelle S. Kunkel to the position of Program Leader (Youth) in the Parks, Recreation and Youth Services Department on a provisional basis, pending the establishment of a valid civil service examination for said position, AND

WHEREAS, said civil service list has been established by the Erie County Department of Personnel, AND

WHEREAS, Michelle S. Kunkel is eligible for permanent appointment from said civil service list, NOW, THEREFORE BE IT

RESOLVED, that Michelle S. Kunkel of Cheektowaga, New York 14225 be and hereby is permanently appointed to the position of Program Leader (Youth) in the Parks, Recreation and Youth Services Department effective immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER JAWOROWICZ TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 14, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



Item No. 14 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following employees in the Department of Parks, Recreation & Youth Services be and hereby are transferred and/or upgraded, effective as indicated:

Part-Time - Effective 9/17/02

From 7140.1645 & 7140.1651 to 7140.1611

Rec. Attendant II - \$5.40 Mike Young (also 7310.1814) Lisa Wnuk (also 7140.1614)

Rec. Attendant III - \$5.65 Erica Au (also 7310. 1814) Greg Fischer (also 7140.1614)

From 7140.1645 to 7140.1614

Rec. Attendant I - \$5.15

Dwayne Gaczewski

Matthew Gaczewski

Jeff Gmerek (also 7310.1814)

Thomas Mahoney (also 7310.1814)

Christian Smithers

Rec. Attendant II - \$5.40 Justin Lelonek

Item No. 14 cont'd.

Rec. Attendant V - \$6.15 Jenelle Kostran (also 7140.1611)

Rec. Attendant VI - \$6.40 Andrea Deuser (also 7310.1814)

Rec. Attendant VII - \$6.90 Craig Mahalic

From 7140.1645 to 7310.1814

Rec. Attendant V - \$6.15 Nicole Neyerlin Jennifer Weishaupt

Rec. Attendant VII - \$6.65 Jeremy Hoffmann

From 7140.1648 & 7310.1664 to 7140.1614

Rec. Attendant I - \$5.15
Samantha Cycon (also 7310.1814)
Darlene Bigos
Shawn McAdams

Rec. Attendant II - \$5.40 Kimberly Granich

Rec. Attendant III - \$5.65 Laura Brown Brad Walters (also 7310.1804)

Rec. Attendant V - \$6.15 Debbie Garrison

Rec. Attendant VI - \$6.40 Stephanie Gerace

Rec. Attendant VII - \$6.65 Andrea Ketterl

Rec. Supervisor III - \$6.90 Joelle Pantling

Rec. Supervisor IV - \$7.15 Scott Gretch (also 7310.1804)

From Seasonal to Part-Time, Effective 9/17/02 Lindsay Gabryszak Kim Godzich Amy Monkelbaan Jim Neyerlin (also 7310.1814) Amanda Wyzykowski (also 7140.1614)

From Seasonal 7140.1613(\$9.15) to Part-Time 7310.1804(\$7.90)-Effective 9/23/02 Amy Pruski

BE IT RESOLVED, that the following individuals are upgraded, effective 9/23/02,

Part-Time - Effective 9/17

Rec. Attendant IV - \$5.90 Stephanie Gretch

Rec. Attendant VI - \$6.40

Chris Maciok

Item No. 14 cont'd.

Rec. Attendant VII - \$6.65

Lori Burdzy

Rec. Attendant VIII-\$6.90

George Hunger

Rec. Supervisor IV - \$7.15

Jennifer Maciok

Rec. Supervisor XI - \$8.90

Camille Russell (Part-Time/Seasonal status

as per 4/15/02 resolution)

From 7180.1903 to 7140.1614

Recreation Attendant III - \$5.65

Brandon Lehman (from 7180.1903 to 7140.1614)

7140.1630

Recreation Attendant (X) - \$7.65

Amy Hawrysiak

Recreation Attendant (II) - \$5.40

Darlene Adamusik

From Seasonal to Part-Time

Lindsey Battaglia

Joseph Conti (transfer from 7310.1816 to 7140.1611)

Nicholas Carter

Michael Collins

Nicholas Conti

Jon Deveny

Eric Farinacci

Alex Godzich

Erie Godzich

Robert Hurd

Susan Mayle

Roger Newhouse

Melisa Petre

Tony Perino

Jeffrey Rogowski

Andy Saskowski

Steven Saskowski

Eileen Skowronski

Cher Stucke

Ken Swain

Lisa Wnuk

Jill Zarazinski (from 7310.1814 to 7140.1614)

BE IT FURTHER RESOLVED that the following individuals be and hereby are transferred as indicated, effective immediately:

From Seasonal to Part-Time

From Camp Flamingo to: From Camp JI-IK-DO-WAH-GAH to:

Adapted Recreation - 7310.1803 Adapted Recreation - 7310.1803

Deborah Ann Fleetwood

Amy McMahon

Jennifer Odrobina

Brian Pane Timothy Zglicczynski

Victor Nosal

14

Joseph Bender Nicholas Emmanuele

Amy Schnettler Krystle Feind Linda Farinacci Kristin Mills

Laura Gabryszak Krystyna Szymczuk

Item No. 14 cont'd.

Adapted Recreation - 7310.1803 cont'd.

Heather LaGraves

Amanda Poblocki <u>From Camp Crabapple to:</u>

DeYonca Porter Adapted Recreation – 7310-1803

Larry Roedl

Rachel Gorlewski Barbara Walters
Amy Wroblewski Pamela Szefler
Neal Esford Barbara Czaplicki
Amber Tracy Kelly McCulloch
Nicholas Czaplicki

From Camp Dartwood to:

Adapted Recreation - 7310.1803

Kammy Ciesielski

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 15 Motion 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 Department of Parks, Recreation & Youth Services, effective immediately:

7140.1611

Recreation Attendant (V) - \$6.15

Eugene Gallivan

Cheektowaga, New York 14225

Recreation Attendant (IV) - \$5.90

Ryan Kelly

Cheektowaga, New York 14227

Recreation Attendant IV) - \$5.90

Barton Nawojski

Depew, New York 14043

7140.1614

Recreation Attendant (III) - \$5.65

Kristie Gammack

Cheektowaga, New York 14211

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. GENERAL COMMUNICATIONS

Item No. 16a Notice of Claim: Benjamin Jackson 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.

<u>Item No. 16b</u> Notice of Claim: Arthur Lazewski, Individually and as Parent and Natural Guardian of Chelsea Lazewski vs. the Town of Cheektowaga

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

Received and Filed.

Item No. 16c Notice of Claim: Paul J. Greiner vs. the Town of Cheektowaga

Paul J. Greiner 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.

<u>Item No. 16d</u> Notice of Claim: Donald E. Bishop vs. Cheektowaga Central School District and 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. 17 Notice of Petition: James T. Stelley, Individually and as Owner and Operator of

Stelley's Nursery and Mary Anne Zylka, Individually and as Owner and Operator of Ja Fa Fa Hots Restaurant vs. the Town of Cheektowaga, James Busshart and SPA

Network Services, Inc.

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

Attorney; Council and Building Department.

Received and Filed.

Item No. 18 Summons in a Civil Case: Norfolk Southern Railway Company vs. Town of

Cheektowaga, et al

Copies were sent to: Town Attorney and Town Assessor.

Received and Filed.

Item No. 19a Request to Speak: Cheektowaga Citizens Coalition, Inc.

Received and Filed.

<u>Item No. 19b</u> Request to Speak: Joseph J. Hajduk (William Street Taxpayers Association)

Received and Filed.



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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



IV. SUSPENSION OF RULES

<u>Item No. 20</u> Motion by Councilmember Swiatek, seconded by Councilmember Mazur

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted "A Local Law Establishing a Board of Ethics" (Local Law No. 1 of the year 1993), which was amended by the adoption, on April 4, 1994, of "A Local Law Amending the Board of Ethics Law" (Local Law No. 1 of the year 1994), AND Item No. 20 cont'd.

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics Committee, AND

WHEREAS, as the result of term expirations and resignations, two (2) vacancies exist on said Board, AND

WHEREAS, the following Town residents have expressed an interest in serving on said committee and filling the vacancies that exist: Eleanor A. Peinkofer and Melvin P. Florczak; NOW, THEREFORE, BE IT

RESOLVED, that Eleanor A. Peinkofer, Cheektowaga, New York, 14227 be and hereby is appointed to the Board of Ethics of the Town of Cheektowaga, effective immediately and terminating on August 1, 2005 and, BE IT FURTHER

RESOLVED, that Melvin P. Florczak, Cheektowaga, New York 14227 be and hereby is appointed to the Board of Ethics of the Town of Cheektowaga, effective immediately and terminating on August 1, 2007.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the property purchased from the Department of Housing & Urban Development, located at 195 East Grand Boulevard has been found to contain asbestos, which must be abated pursuant to applicable New York State law, AND

WHEREAS, proposals were obtained for asbestos abatement at said location by the Office of Community Development pursuant to procurement guidelines adopted by the Town Board and federal regulations governing the Community Development Block Grant Program, AND

WHEREAS, the Director of Community Development has recommended that a contract for asbestos abatement at 195 East Grand Boulevard, Cheektowaga, New York, with EPIC Contracting, LLC, P. O. Box 1926, Blasdell, New York 14219, for an amount not to exceed \$4,850.00, said cost to be charged to the Community Development Block Grant Program.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 22 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak to adjourn

this meeting in memory of Dale Czubaj. This meeting was adjourned at 7:40 P.M.

Mary Holtz Deputy Town Clerk