TOWN OF CHEEKTOWAGA SPECIAL MEETING NO. 25 OCTOBER 2, 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 2nd of October, 2002 at 6:30 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

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

Councilmember Jeff Swiatek

Councilmember James J. Jankowiak Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Michael J. Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance and Constance M. Paoletti, Municipal Administrative Assistant Legal



*DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER JAWOROWICZ TO ENTER INTO EXECUTIVE SESSION AT 6:20 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



I. RESOLUTIONS

Item No. 2 Motion by Unanimous, seconded by Unanimous

WHEREAS, an action was commenced by Bogdan Wisniewski against the Town for injuries alleged to have been sustained by him on or about April 1, 1997, AND

WHEREAS, the law firm of Damon & Morey was retained to represent the Town with regard to this claim and, after trial, Joseph J. Schoellkopf Jr., Esq., has negotiated a settlement with the claimant's attorney, Robert B. Druar, Esq.; Mr. Schoellkopf and the Town Attorney believe this is a fair and equitable resolution of this matter 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 Jaworowicz, Rogowski, Johnson, Swiatek,

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

SPECIAL MEETING NO. 25 OCTOBER 2, 2002

Item No. 3 Motion by Unanimous, seconded by Unanimous

WHEREAS, Quebecor Printing of Buffalo, Inc., commenced an Article 7 proceeding against the Town, seeking a reduction in the assessment of property owned by them at 2475 George Urban Boulevard, AND

WHEREAS, a hearing was held before Referee George M. Zimmerman, who heard testimony from the parties and their respective witnesses on July 30th, 31st, and August 10th, 2002; thereafter, Referee Zimmerman submitted his report to the Court; a motion was made to the Supreme Court, Erie County, for an Order rejecting this Referee's Report, and said motion was denied, AND

WHEREAS, the Town Attorney has advised this Town Board that an appeal from the final Judgment has merit, there is adequate case law to support the Town's position, and the Town Attorney requests authorization to pursue an appeal from the final Judgment; NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to serve a Notice of Appeal from the final judgment in the above matter and perfect same.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JANKOWIAK TO EXIT THE EXECUTIVE SESSION AT 6:38 P.M. AND RECONVENE THE WORK SESSION. 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. 4 Motion by Unanimous, seconded by Unanimous to adjourn this work session at 9:30 P.M.

Respectfully submitted by,

Michael Stachowski Town Attorney

TOWN OF CHEEKTOWAGA MEETING NO. 26 OCTOBER 7, 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 7th of October, 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 James J. Jankowiak Councilmember Thomas J. Mazur

ABSENT: Councilmember Jeff Swiatek

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

<u>Item No. 2</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

OCI ICI OIL	. I OIID			
FROM:	100-1420-4012	Printed Briefs	\$	400.00
	100-7510-4043	Maps, Records and Supplies		500.00
	100-7510-4375	Historical Observance		500.00
TO:	100-1420-4001	Office Supplies	\$	400.00
	100-7510-4475	Consultant	18	1,000.00

Upon roll call....

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

and Mazur

NAYES: (

ABSENT: Councilmember Swiatek

Item No. 3 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 October 4, 2002 are hereby approved and made a part hereof:

\$ 2,263,354.62
60,384.38
1,173,490.95
335,201.59
21,669.24
20,760.00
2,425.14
73,545.41
<u>157,381.64</u>
\$ 4,108,212.97

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 4</u> Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received by this Town at a Public Bid Opening for the purchase of new trees for the Town's Fall, 2002, planting season, by the Cheektowaga Highway Department. And as a result of advertisement, such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid be awarded to Schichtel's Nursery, Inc., 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof,

BE IT FURTHER RESOLVED, that said monies be charged to line Item No. 0300-5140-4291.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 5a</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2003 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

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

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

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

RESOLVED, that this Town Board shall meet at 6:30 P.M. on the 28th day of October, 2002 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES, the official Town newspaper on October 17, 2002.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek



PUBLIC NOTICE

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

NOTICE IS ALSO GIVEN that a public hearing on such Estimates and Assessment Rolls will be held on October 28, 2002 at 6:30 P.M. at the Town Hall, corner of Broadway and Union Roads, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

Richard M. Moleski Town Clerk

Dated: October 7, 2002

Published: October 17, 2002

AFFIDAVIT NEXT PAGE

<u>Item No. 5b</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 2003, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 10, 2002, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:30 P.M. on the 28th day of October, 2002, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 17, 2002, and post same on the signboard maintained by the Town Clerk.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek



LEGAL NOTICE
of
PUBLIC HEARING
on
PRELIMINARY BUDGET

LIGHTING DISTRICTS and CONSOLIDATED GARBAGE DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2003, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours, effective October 10, 2002.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:30 P.M. on the 21st day of October, 2002, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item therein contained.

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

SUPERVISOR \$71,000

TOWN CLERK \$63,781

Item No. 5b Cont'd.

HIGHWAY SUPERINTENDENT \$70,494

COUNCILMEMBER \$18,551

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

Richard M. Moleski, Town Clerk

Dated: October 7, 2002

Published: October 10, 2002

AFFIDAVIT NEXT PAGE

<u>Item No. 5c</u> Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2003 Program Year, AND

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

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

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

RESOLVED, that a public hearing be held on November 4, 2002 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227, for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Times in Thursday, October 24, 2002.

Upon roll call....

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

and Mazur

NAYES:

ABSENT: Councilmember Swiatek



Notice of Public Hearing
Town of Cheektowaga FY 2003 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 4, 2002 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2003 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been made available by the Department of Housing and Urban Development. In 2002, the Town received \$1,111,000 in CDBG funds and \$352,667 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Item No. 5c cont'd.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically handicapped. Written comments may be submitted to the Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

AFFIDAVIT NEXT PAGE

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

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 Mussachio Architects, P.C. representing New Creation Fellowship Church for the construction of a 10,267 square building addition at 3325 Genesee Street, AND

WHEREAS, the project will be constructed in two phases. Phase one will be the construction of a 6,628 square foot building addition for a gymnasium. Phase two will be the construction of a 3,639 square foot building addition to increase space to the existing sanctuary, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 28, 2002 recommended a determination of non significance as shown on the attached memorandum dated August 30, 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, The Town of Cheektowaga Traffic Safety Commission recommended approval of the subject project at its meeting of July 16, 2002, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, NOW, 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 prepared by Mussachio Architects dated June, 6, 2002 acceptable.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Kulback's Construction representing DWC Mechanical for the construction of a one story, 10,000 square foot metal storage building at 49 Stradtman Street, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 28, 2002 recommended a determination of non significance as shown on the attached memorandum dated August 30, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on August 8, 2002, AND

WHERAS, the land owner provide a written commitment to remove all barbed wire topping his existing fence bordering all residential areas and has further committed to limiting noise by any future tenant to current noise levels (pre-developed conditions) as shown in the attached correspondence dated September 11, 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, 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 prepared by Kulback's Construction, Inc. dated August 8, 2002 acceptable.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 6c</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Robert G. Conway, Architect representing LoVullo Associates, Inc. for the construction of a (79) seventy nine car parking lot expansion to 6450 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 18, 2002 recommended a determination of non significance, with the acknowledgement that the applicant must provide a satisfactory drainage plan for the Town Engineer's approval and obtain the necessary right of way permit from New York State Department of Transportation for any storm water discharges along Genesee Street or Transit Road; as shown on the attached memorandum dated September 26, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on August 8, 2002, as shown on the attached recommendation dated August 16, 2002, AND

WHEREAS, The U.S. Army Corps of Engineers has reviewed the wetland delineation prepared for the subject project and has determined that the wetlands identified are non jurisdictional, as shown on the attached correspondence dated July 1, 2002, AND

WHEREAS, the land owner has offered the Town a monetary donation in the amount of \$ 2500.00 for reforestation projects in the Town, in lieu of replacing trees on a (1) one for (1) one basis pursuant to Chapter 229, section 229-5 of the Town Code as shown in the attached correspondence dated June 30, 2002 to John Marriott, Town of Cheektowaga Conservation Advisory Council Chairman, AND

WHEREAS, the Town Conservation Advisory Council has reviewed the subject project and impacts to the existing natural resources and is recommending that the Town accept the land owners monetary donation, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, 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 prepared by Conway and Company dated August 1, 2002 acceptable.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 6d</u> Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 James Rumsey, Architect representing Benderson Development Co., Inc. for the construction of two retail buildings totaling 17, 200 square feet at the Thruway Plaza, 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 applicant must provide an alternate design for pedestrian routes to the existing M& T Bank building and the proposed westerly building and an acceptable drainage /grading plan must be approved by the Town Engineer, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on July 11, 2002, with the condition that changes be made to the landscaping plan as shown on the attached recommendation dated August 16, 2002, AND

WHEREAS, the applicant has agreed to modify an existing pedestrian accessible route from the Walmart store to the Tops store by constructing a curbed accessible route with tree wells to prevent vehicular obstructions, AND

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

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: 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 John O'Connor for the conversion of a residence to an administrative office with an accessory apartment at 2511 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 28, 2002 recommended a determination of non significance, as shown on the attached memorandum dated August 30, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 13, 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, 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.

Upon roll call....

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

Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 6f Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for 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 Sam Tadio for the rezoning of 5050 Genesee Street from M1- Light Manufacturing to MS – Motor Services for the construction of a 11, 431 square foot automotive collision repair building, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meetings on July 11, 2002 and September 12, 2002 recommended denial of the rezoning request as shown on the attached recommendation dated July 24, 2002 and minutes of the September 12, 2002 meeting, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission reviewed the subject project and has recommended various changes to the site plan as shown on the attached memorandum dated August 12, 2002, AND,

WHEREAS, the Environmental Advisory Committee at its meeting held on September 18, 2002 recommended a determination of non significance as shown on the attached memorandum dated September 26, 2002, 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 August 28, 2002, AND

WHEREAS, the New York State Department of Environmental Conservation has concurred with the Town's Lead Agency Status for the proposed project and has indicated that they will be a permitting agency for activities adjacent to Ellicott Creek, AND

WHEREAS, the developer, has modified his/her project to meet the minimum setback requirements of the Zoning Law and to remove all improvements out of the F.E.M.A. flood way as requested by the Town Engineer, AND

WHEREAS, the developer has agreed to convey to the Town a (50) fifty foot wide access easement along the top of the Ellicott Creek Bank, for Town flood control maintenance, 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, Jankowiak

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

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

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

WHEREAS, an application was submitted by the Town of Cheektowaga Law Department for an amendment to Chapter 166 of the Town Code for the regulation of Noise, AND

WHEREAS, the proposed amendments will enhance the quality of life for the residents of the Town of Cheektowaga by placing reasonable limits on noise emanation, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 18, 2002 recommended a determination of non significance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the proposed amendments to the Noise Law will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 6h</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 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 Karl Frizlen, Architect representing Hunt Real Estate, ERA for the construction of a 7,500 square foot administrative office building at 430 Dick Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 2, 2002 recommended a determination of non significance, with the acknowledgement that the applicant must provide a satisfactory drainage plan for the Town Engineer's approval and provide a pedestrian accessible route from the Dick Road public walk to the existing administrative office, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 12, 2002, AND

WHEREAS, the developer has provided written commitments to maintain the public walks free of snow and to restrict his/her employees to parking on the premises, rather than on North Creek Drive as shown in the attached correspondence dated September 11, 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, THERFORE, BE IT

Item No. 6h cont'd.

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 prepared by The Frizlen Group acceptable.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

WHEREAS, Samuel Tadio petitioned for a rezoning from M1-Light Industrial District to MS-Motor Service District for property owned by him and located at 5050 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 September, 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

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 Samuel Tadio for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description be and the same is hereby approved, AND BE IT FURTHER

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

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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AFFIDAVIT NEXT PAGE

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 Thomas Shelburg, Architect, representing Big L. Distributors for alterations to the parking lot and driveway at 2727 William Street, AND

WHEREAS, the land owner had previously committed to improving traffic safety along William Street by reducing one of his two curb cuts, AND

WHEREAS, the Town Traffic Safety Commission has recommended the reduction in driveway openings, AND

WHEREAS, The County of Erie Highway Department is recommending the removal of the easterly driveway, AND

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

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

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

Upon roll call....

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

and Mazur

NAYES:

ABSENT: Councilmember Swiatek

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

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

WHEREAS, a development review application and site plan was submitted by Frank T. Brzeznski, R.L.A. representing Gardengate Manor Health Care Facility for the construction of a 1, 600 square foot building addition to 2365 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 11, 2002 recommended its approval of the site plan as shown on the attached recommendation dated August 16, 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 October 1, 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 prepared by Fontanese Folts Aubrecht, Architects dated August 12, 2002 is acceptable.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

WHEREAS, the Town has entered into agreement with the Community Action Partnership to implement recreation activities under the Law Enforcement Education Program (LEEP) and,

WHEREAS, a portion of the \$7,685 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(\$1,686)

EXPENSES Account #'s 7140.1614(1,260) 7310.1161(\$426)

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

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

WHEREAS, Airport Drive in the Town of Cheektowaga is a Town highway, AND

WHEREAS, the Town has been working for some time now to extend Airport Drive from its existing terminus across a CSX railroad line to connect to Sonwil Drive for emergency and Town maintenance vehicles only, AND

WHEREAS, that portion of the extension of Airport Drive, from its existing terminus to the CSX railroad line has recently been completed and paved, AND

WHEREAS, this extension now needs to be dedicated as an emergency access public road, NOW, THEREFORE, BE IT

RESOLVED, that the portion of Airport Drive, from its existing terminus (150± feet east of Hyland Avenue) easterly to the CSX railroad line/property be and hereby is dedicated as a Town highway for use solely for emergency vehicles and Town maintenance equipment and vehicles.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town of Cheektowaga is the owner of property known as Cedargrove Park in the middle of the Cedargrove Heights neighborhood in the Town, AND

WHEREAS, such property was conveyed to the Town of Cheektowaga by the United States of America in the late-1940's, AND

WHEREAS, the Town never acquired a survey showing the boundaries of such park, AND

WHEREAS, there is a need to solicit proposals from qualified surveyors to prepare a survey of the boundaries and improvements within Cedargrove Park and the immediate vicinity, AND

WHEREAS, Community Development funds may be utilized for these services, AND

Item No. 11 cont'd.

WHEREAS, the Town Engineer, Deputy Town Attorney and Director of Community Development have met and are in the process of preparing a Request for Proposals ("RFP") for the engagement of a surveyor for the above services, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports and directs that a RFP be issued for the retention of a surveyor to prepare a survey, as hereinabove described, of Cedargrove Park, and proceed as quickly as possible with the retention of a surveyor to perform the necessary survey.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the County of Erie Department of Environment and Planning Division of Sewerage Management is proposing capital improvement projects within its Sewer District No. 1. commonly known as the Hyland Avenue Interceptor Sewer, Losson Subtrunk Sewer and Union Road Pumping Station and Forcemain, AND

WHEREAS, the County has solicited the Town of Cheektowaga for Lead Agency Status pursuant to the provisions of part 617 of the New York State Environmental Conservation Law – State Environmental Quality Review (SEQR), AND

WHEREAS, the County's project will require the conveyance of easements from the Town of Cheektowaga to the County of Erie for the installation of sewer infrastructure on Town lands within Kelly Park and within a Town drainage corridor near Groell Avenue, Rushford Lane and Hillpine Road, AND

WHEREAS, the County of Erie has agreed to make certain drainage improvements within Kelly Park as part of their capital project which will benefit the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga Environmental Advisory Committee and the Town of Cheektowaga Conservation Advisory Council have reviewed the County's proposed projects and have expressed concerns for the potential disturbance of natural resources and cultural resources, AND

WHEREAS, the County of Erie has performed cultural resource surveys and tree surveys and has made revisions to their plans to minimize tree disturbances, AND

WHEREAS, the County has agreed to provide for tree replacements within Town owned lands, and on privately owned lands required to be removed as part of said project, AND

WHEREAS, The Town of Cheektowaga will approve all necessary easement documents for conveyance to the County of Erie with the acknowledgement that the County of Erie provide for (63) sixty three replacement trees in the Losson Subtrunk contact instead of (57) fifty seven trees, AND

WHEREAS, The Town of Cheektowaga also requests that the County of Erie consider providing for replacement trees within the County owned O.R.F. lands leased to the Town, for those trees being displaced by the Union Road Pumping Station and Forcemain project, AND

WHERAS, the Town of Cheektowaga further requests that the County of Erie's contract specifications for the aforesaid projects include provisions to insure compliance with all rules and regulations mandated by the New York State Department of Environmental Conservation for stream bank disturbances and stream crossings, as well as provisions for protection of trees; and that an action plan be provided should archeological resources be unearthed, AND

WHEREAS, The Town of Cheektowaga concurs with the with the County of Erie's Lead Agency Status and determination of Non Significance, pursuant to the State Environmental Quality Review Act (SEQR), NOW, THERFORE, BE IT

Item No. 12 cont'd.

RESOLVED, that this Town Board, be and hereby authorizes the Town Supervisor to execute all necessary documents for the granting of easements to the County of Erie for the installation of infrastructure on lands owned by the Town of Cheektowaga, following review and approval of the subject easement documents by the Town Engineer and Town Attorney.

Upon roll call....

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

and Mazur

NAYES:

ABSENT: Councilmember Swiatek

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

WHEREAS, there is presently a lease agreement between the Town and St. Patrick's Episcopal Church for the use of church property, commonly referred to as St. Pat's Playground, which expired on December 31, 1994 and which has automatically renewed since said expiration date; AND

WHEREAS, the Town has maintained the property at St. Pat's Playground; however, it now appears that it is no longer fiscally prudent for the Town to continue maintaining said property in view of the declining use of the playground by Cheektowaga residents; AND

WHEREAS, this Town Board feels it is in the best interests of the Town to terminate said lease by serving proper notice to St. Patrick's Episcopal Church, in accordance with the provisions of said lease agreement; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts and acknowledges the termination of the aforesaid lease between the Town of Cheektowaga and St. Patrick's Episcopal Church for the use of church property as a playground, and further authorizes the Parks, Recreation and Youth Department to notify St. Patrick's Episcopal Church of the Town's intentions not to renew the aforementioned lease, said authorization to be retroactive to October 1, 2002.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town of Cheektowaga is the owner of property known as Cedargrove Park in the middle of the Cedargrove Heights neighborhood, and

WHEREAS, in Cedargrove Park, the Town has constructed tennis courts, and

WHEREAS, there is a concern about the need to acquire additional lands adjacent to such tennis courts at the end of Idlebrook Drive, and

WHEREAS, prior to negotiating with the owner of such property, it is necessary to obtain a survey and appraisal of the lands needed by the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney's Office be and hereby is directed to retain a surveyor and appraiser to survey and appraise the necessary land needed by the Town at the end of Idlebrook Drive, and BE IT FURTHER

RESOLVED, that moneys for such survey and appraisal shall be appropriated from budget line item number 100-1700-4460.

Upon roll call....

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

and Mazur

NAYES:

ABSENT: Councilmember Swiatek

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<u>Item No. 15</u> Motion by Councilmember Johnson, Seconded by Councilmember Mazur

WHEREAS, this Town Board held a public hearing on September 16, 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

§235-40. 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.

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, Jankowiak

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT NEXT PAGE

<u>Item No. 16</u> Motion by Supervisor Gabryszak Seconded by Councilmember Johnson

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

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

RESOLVED, that Thursday, October 31, 2002 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:00 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

Upon roll call....

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

Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

"DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Thursday October 31, 2002 has been designated as 'HALLOWEEN NIGHT' in the Town of Cheektowaga.

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

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

HAPPY HALLOWEEN TO ALL!

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

Richard M. Moleski, Town Clerk

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

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

WHEREAS, Life Transitions Center (Perinatal Bereavement) has made application to hold a ceremonial "walk" (to remember babies families have lost) in Cheektowaga Town Park on October 13, 2002 beginning at 1:00 P.M., AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Department of Parks, Recreation and 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. Submittal of Security Plan;
- 4. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THERFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Life Transitions Center for the aforementioned ceremonial "walk" in Cheektowaga Town Park to be held on October 13, 2002.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

<u>Item No. 18a</u> Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

RESOLVED: That Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga is hereby authorized and directed to file an application for funds in an amount not to exceed \$3,500, and upon approval of said request to enter into an execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to this municipality for the Town of Cheektowaga Parkland Tree Planting Program.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

Item No. 18b 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 214 Burke Drive in an amount not to exceed \$31,000, 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 214 Burke Drive, Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$31,000.00.

Item No. 18b cont'd.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS: ESRI, Inc. is awarding a limited number of geographic information system compatible software suites free of charge to governmental entities for the purpose of improving Homeland Security efforts, and

WHEREAS: The Town of Cheektowaga seeks such software for use in developing its geographic information system as it pertains to Homeland Security; 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 ESRI Inc. for the purpose of securing this award of software, 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 software.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

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

WHEREAS, the contract for Traffic Signal Improvements at the intersection of George Urban Blvd and Nagel Drive was awarded by Town Board Resolution dated August 20, 2001 to Spoth Enterprises, Inc., 8746 Lakeshore Road, Angola, New York 14006, for a total approved bid price of \$77,440.00, AND

WHEREAS, FRA Engineering and the Town Engineer have advised that the contract has been completed in accordance with contract requirements, AND

WHEREAS, FRA Engineering and the Town Engineer have further recommended the approval of Change Order No. 1 (Final) which provides for the final adjustment to contract item quantities incorporated into the project as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of -\$18,652.00 as a <u>deduction</u> to the contract of Spoth Enterprises, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the completed project as recommended by the Town Engineer and hereby authorizes the Town Supervisor to execute Change Order No. 1 and the final contract acceptance documents.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

Item No. 20 cont'd.

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

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

WHEREAS, an application for a permit was submitted by the Bellevue Fire Company to conduct a open fire on the property located at 161 Bennett Road, AND

WHEREAS, the applicant intends to burn a vacant house, that is scheduled for demolishing to conduct a firematic drill and training evolution, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the Bellevue Fire Company 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, Jankowiak

and Mazur

NAYES:

ABSENT: Councilmember Swiatek

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

WHEREAS, the Cheektowaga Sewer Maintenance Department has requested authorization to purchase one (1) Chevrolet Express Cargo Van as specified in the New York State OGS Contract NO. 40540, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2550-8125-2500, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Sewer Maintenance Department to purchase one (1) 2003 Chevrolet Express Cargo Van in the amount of \$14,086.00 from: Hoselton Chevrolet, Inc. 909 Fairport Road, E. Rochester, New York 14445 585-586-7373.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

Item No. 22 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):

- --Nicholas Nowicki
- --Jennifer O'Connor
- --Joseph Peters
- --Zachary Porterfield
- -- Mark Przybysz
- --Lindsay Ritzenthaler
- -- Elizabeth Sinski
- -- Jonathan Sinski
- --James Wojciechowski
- --Evan Zynda

Item No. 22 cont'd.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 23 Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Department of Parks, Recreation & Youth Services employees be and hereby are transferred as indicated:

From Seasonal to Part-time From YCC - 7310.1816 to:

Recreation Attendants - 7140.1614

Courtney Fox

Rink Personnel - 7140.1811

Patrick Mudd

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 24</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:

EFFECTIVE

POLICE DEPARTMENT - Matron - \$12.50 per hour

Nancy Owczarczak Cheektowaga, NY 14227 9/04/02

POLICE DEPARTMENT - Clerk - \$6.00 per hour

Frances Rucinski Cheektowaga, NY 14225 immediately

SENIOR SERVICES - Van Driver - \$7.25 per hour

Philip D. Larue Cheektowaga, NY 14225 immediately

PARKS DIVISION - Laborer - \$6.00 per hour

Robert Haas Cheektowaga, NY 14227 immediately

PARKS DIVISION - Laborer - \$6.50 per hour

David Sleight Cheektowaga, NY 14206 immediately

Michael Trembowicz Cheektowaga, NY 14206 "

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:

-	5	EFFECTIVE
RECYCLING DEPARTM	/IENT – Laborer - \$7.00 per hour	8-
Lawrence Nagel, Jr.	Cheektowaga, NY 14227	9/13/02
Robert Graczyk	Cheektowaga, NY 14225	9/30/02
Mark Scheirsing	Cheektowaga, NY 14227	9/30/02
Jason Maslowski	Cheektowaga, NY 14227	9/24/02

Item No. 24 cont'd.

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

EFFECTIVE

POLICE DEPARTMENT

Jill Szczesek immediately
Thomas F. Wnuk 6/06/02

RECYCLING DEPARTMENT

Anthony Castricone 9/10/02
Jason Maslowski 9/25/02
Ronald Juliano immediately

PARKS DIVISION

Jeffrey Brado immediately

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 25 Motion by Councilmember Mazur, Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga Personnel Department has been awarded a State Archives and Records Administrations' (S.A.R.A.) Local Government Records Management Improvement Fund grant; AND

WHEREAS, said grant provides for a part-time Clerk to be hired on a temporary basis; AND

WHEREAS, said grant stipulates an hourly salary of \$10 per hour; AND

WHEREAS, Barbara Daugherty applied for said position and meets all the necessary qualifications; THEREFORE, BE IT

RESOLVED, that Barbara Daugherty of XXXXXXXXXXXXXXX, Cheektowaga, New York, XXXXX, be and hereby is appointed to the position of part-time Clerk to be funded through the State Archives and Records Administrations' (S.A.R.A.) Local Government Records Management Improvement Fund grant at the hourly salary of \$10 effective immediately, AND BE IT

FURTHER RESOLVED, that prior to the beginning of employment, Barbara Daugherty shall sign a confidentiality statement and hereby direct and authorize the Supervisor to sign said attached confidentiality statement.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 26</u> 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:

7140.1614

Recreation Attendant I - \$5.15

Kate Grzedicki

Cheektowaga, NY 14225

Recreation Attendant IV - \$5.90

Jeffrey Brych

Depew, New York 14043

Upon roll call....

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

and Mazur

NAYES:

ABSENT: Councilmember Swiatek

Motion by Councilmember Jankowiak, Seconded by Councilmember Johnson WHEREAS, the Stiglmeier Park Steering Committee was established by Town Board resolution dated September 8, 1998 to help the Town to oversee development within and to protect the integrity of Stiglmeier Park, and

WHEREAS, the term of members of the Stiglmeier Park Steering Committee expired on September 8, 2002, and

WHEREAS, the Stiglmeier Park Steering Committee has recommended that Jeffrey Odrobina and Steve Brosard be appointed as members of such Committee, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Stiglmeier Park Steering Committee, effective September 8, 2002 and expiring on September 8, 2004:

Michael Krasner
Jane Wiercioch
Jerry Coleman
Richard Wozniak
Jeanne Pawlik
Lawrence Watson
Walter Wojdyla
Virginia Wojdyla
Michael Hanchak
Rita Fugulski
Michael Papero
David Smaczniak
Robert Becker
Rosalia Becker
Michael Dusing

And BE IT FURTHER

RESOLVED, that Jeffrey Odrobina, Cheektowaga, New York 14227 and Steve Brossard, Cheektowaga, New York 14227 be and hereby are appointed as members of the Stiglmeier Park Steering Committee, effective immediately and terminating on September 8, 2004.

Upon roll call....

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

and Mazur

NAYES: (

ABSENT: Councilmember Swiatek

II. DEPARTMENTAL COMMUNICATIONS

Item No. 28	Received and Filed.
Item No. 29	2003 Preliminary Ad Valorem Budget Received and Filed.
Item No. 30	Office of Emergency Services – Quarterly Report (July – September 2002) Received and Filed.
Item No. 31	Building Permits – September 2002 Received and Filed.
Item No. 32	Cheektowaga Planning Board Minutes – September 12, 2002 Received and Filed.
Item No. 33	Cheektowaga Conservation Advisory Council Minutes – August 17, 2002 Received and Filed.
Item No. 34	Cheektowaga Conservation Advisory Council Minutes – September 5, 2002 Received and Filed.
Item No. 35	Supervisor's Statement of Funds – August 2002 Received and Filed.
	III. GENERAL COMMUNICATIONS
Item No. 36	Summons and Complaint: Jeffrey L. Bishop 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.
<u>Item No. 37a</u>	Notice of Claim: Cheryl Anderson, Individually and as mother of Derrick Stephens, Infant 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. 37b	Notice of Claim: Eugene Beaver 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. 37c</u>	Notice of Claim: Dona Fleischman 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. 37d	Notice of Claim: Marion Liberati vs. Town of Cheektowaga Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and Allied Claims Insurance Carrier.
Item No. 37e	Received and Filed. Notice of Claim: Derrick Stevens 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. 38a Request to Speak: Daniel Carrier - Train the Trainer Program

Received and Filed.

Item No. 38b Request to Speak: Cheektowaga Citizens Coalition

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, Jankowiak

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek



IV. SUSPENSION OF RULES

Item No. 39a 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 34 Danielle Drive in an amount not to exceed \$30,000, 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 34 Danielle Drive, Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$30,000.

Upon roll call....

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

and Mazur

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 39b</u> 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, air quality monitoring must also be conducted during the asbestos removal process, AND

Item No. 39b cont'd.

WHEREAS, proposals for said air quality monitoring services at said location were also solicited 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 professional air quality monitoring services at 195 East Grand Boulevard be awarded to Upper New York State Environmental, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a contract with Upper New York State Environmental, a division of Environmental Education Associates, Inc., 2929 Main Street, Buffalo, New York, 14214 to perform necessary air quality monitoring services pursuant to the Town's Request for Proposal for Air Monitoring Services for Asbestos Abatement dated October 1, 2002, for a fee not to exceed \$800.00, said cost to be charged to the Community Development Block Grant Program.

Upon roll call....

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

and Mazur

NAYES: C

ABSENT: Councilmember Swiatek

<u>Item No. 40</u> Motion by Supervisor Gabryszak, Seconded by Unanimous

To adjourn the meeting at 8:00 P.M.

RICHARD M. MOLESKI Town Clerk

TOWN OF CHEEKTOWAGA SPECIAL MEETING NO. 27 OCTOBER 16, 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 16th of October, 2002 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

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

ABSENT: Councilmember Jeff Swiatek

Councilmember James J. Jankowiak

Also present were Richard M. Moleski, Town Clerk; Michael J. Stachowski, Town Attorney, Brian Krause, Director of Administration and Finance; Police Chief Christine Ziemba; Police Captain Richard Chamberlin; William P. Keefer, Esq. And John Curran, Esq.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:00 O'CLOCK P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

NAYES: 0

ABSENT Councilmember Swiatek and Councilmember Jankowiak

I. RESOLUTIONS

<u>Item No. 2a</u> Personnel Issues – Police Department

Sealed - refer to Town Attorney

<u>Item No. 2b</u> Personnel Issues – Retain Law Firm

Sealed – refer to Town Attorney

Item No. 3 Motion by Unanimous, Seconded by Unanimous

BE IT RESOLVED, that the Supervisor is hereby authorized to execute a Memorandum of Agreement with the Town of Cheektowaga Public Safety Dispatchers Association, dated October 16, 2002.

Upon roll call..

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

NAYES (

ABSENT Councilmember Swiatek and Councilmember Jankowiak

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

WHEREAS, in 1996, Air Cargo-Buffalo commenced an Article 7 proceeding against the Town seeking, among other things, that property owned by it be exempt from taxation; AND

WHEREAS, the Town Attorney's Office and Town Assessor have vigorously opposed the challenge by Air Cargo to any change in the assessed valuation; AND

WHEREAS, after numerous pre-trial conferences and discussions with all attorneys involved in this litigation, the Town Attorney's Office has negotiated a settlement of this proceeding; AND

SPECIAL MEETING NO. 27 OCTOBER 16, 2002

Item No. 4a cont'd.

WHEREAS, it appears to be in the best interests of the Town to settle this matter as recommended by the Town Attorney's Office; NOW,THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the settlement the above pending proceeding, and the Town Attorney be and hereby is authorized to consent to the entry of any Order and to execute any documents effecting said settlement.

Upon Roll Call

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

NAYES 0

ABSENT Councilmember Swiatek and Councilmember Jankowiak

Item No. 4b Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the years 2001 and 2002, of the real property owned by Upstate Farm Cooperatives, Inc., at 1717 Walden Avenue in the Town of Cheektowaga, Erie County, New York, were duly served upon the Town and its Assessor; AND

WHEREAS, the Town Attorney's Office and David Jones, co-counsel, have vigorously defended the challenge by Upstate Farms to any change in the assessed valuation; AND

WHEREAS, the attorneys for Upstate Farms, the Town, and the Cheektowaga Central School District are prepared to enter into an agreement of compromise and settlement of their differences, which agreement reduces the assessment of petitioner and refunds taxes already paid by petitioner; AND

WHEREAS, it appears to be in the best interests of the Town to settle said matters as recommended by the Town Attorney's Office and Assessor; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the settlement the above pending proceedings, and the Town Attorney be, and is hereby authorized to execute any documents to effect such settlement.

Upon roll call...

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

NAYES (

ABSENT Councilmember Swiatek and Councilmember Jankowiak

<u>Item No. 4c</u> Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the years 1999, 2000, 2001, and 2002, of the real property owned by Cello-Pack Corporation located at 55 Innsbruck Drive in the Town of Cheektowaga, Erie County, New York, were duly served upon the Town and its Assessor; AND

WHEREAS, the Town Attorney's Office and David Jones, co-counsel, have vigorously defended the challenge by Cello-Pack to any change in the assessed valuation; AND

WHEREAS, Cello-Pack Corporation and the Town and the Cheektowaga Central School District are prepared to enter into an agreement of compromise and settlement of their differences, which agreement reduces the assessment of petitioner and refunds taxes already paid by petitioner; AND

WHEREAS, it appears to be in the best interests of the Town to settle said matters as recommended by the Town Attorney's Office and Assessor, without further litigation; NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves of the settlement the above pending proceedings, and the Town Attorney be, and is hereby authorized to execute any documents to effect such settlement.

SPECIAL MEETING NO. 27 OCTOBER 16, 2002

Item No. 4c cont'd.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Swiatek and Councilmember Jankowiak



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 7:30 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WAS AS FOLLOWS:

Upon roll call..

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

NAYES C

ABSENT Councilmember Swiatek and Councilmember Jankowiak

<u>Item No. 5</u> Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 8:00

P.M.

RICHARD M. MOLESKI Town Clerk

TOWN OF CHEEKTOWAGA MEETING 28 OCTOBER 21, 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 Cleveland Hill District No. 6 Fire Hall, 440 Cleveland Drive, in said Town on the 21st day of October, 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services; Salvatore LaGreca, Chairman of Planning Board; Christine Ziemba, Chief of Police and David Dale, Erie County Legislator.

I. RESOLUTIONS

<u>Item No. 2</u> Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

GENERAL FUND

part hereof:

100-1910-2680	Insurance Recoveries	\$ 19,700.00
100-1355-1901	Regular Wages	35,000.00
100-1415-3500	SARA Grant Revenues	67,794.00
100-1110-2105	Equipment	46,000.00
100-1110-4321	Data Processing Services	25,500.00
100-1110-4431	Equipment Maintenance	2,000.00
100-1910-2680	Insurance Recoveries	3,466.22
100-9501-9211	Bond Interest	12,455.00
100-1625-4432	Building Repairs & Maint.	\$ 19,700.00
100-1355-4575	Appraisals	35,000.00
100-1415-1951	Part Time Payroll	2,470.00
100-1415-2000	Equipment	25,372.00
100-1415-4500	Supplies & Materials	39,767.00
100-1415-8000	Social Security	185.00
100-1110-2770	Grant Revenue	73,500.00
100-1625-4432	Repairs & Maint.	3,466.22
100-1625-4432	Repairs & Maint.	12,455.00
	100-1355-1901 100-1415-3500 100-1110-2105 100-1110-4321 100-1110-4431 100-1910-2680 100-9501-9211 100-1625-4432 100-1355-4575 100-1415-1951 100-1415-2000 100-1415-4500 100-1415-8000 100-1110-2770 100-1625-4432	100-1355-1901 Regular Wages 100-1415-3500 SARA Grant Revenues 100-1110-2105 Equipment 100-1110-4321 Data Processing Services 100-1110-4431 Equipment Maintenance 100-1910-2680 Insurance Recoveries 100-9501-9211 Bond Interest 100-1625-4432 Building Repairs & Maint. 100-1355-4575 Appraisals 100-1415-1951 Part Time Payroll 100-1415-2000 Equipment 100-1415-8000 Supplies & Materials 100-1415-8000 Social Security 100-1110-2770 Grant Revenue 100-1625-4432 Repairs & Maint.

SPECIAL DISTRICTS FUND

From: 255-1910-2680 Insurance Recoveries \$ 1,578.00

To: 255-8125-4453 Building Repairs \$ 1,578.00

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 October 18, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$189,925.26
RISK RETENTION FUND	40,001.88
SPECIAL DISTRICTS FUND	200,045.00
HIGHWAY FUND	323,792.53
TRUST & AGENCY	2,080.88
HUD HOUSING REHABILITATION FUND	16,159.02
HUD CDBG FUND	1,805.13
PART TOWN FUND	2,382.66
CAPITAL FUND	_212,988.16
	\$989,180.52

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 4a Bond: Increase and Improvement of Facilities of the Consolidated Refuse and

Garbage District of the Town of Cheektowaga

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

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

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 November 4, 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 on the 24th day of October, 2002, 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 November 4, 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 II

1. A new section, entitled §235-24.A. Right Lane Must Turn Right, shall be added, to read as follows:

§235-24.A. Right Lane Must Turn Right.

Vehicles in the right lane must turn right at the locations listed in Schedule XVII, §235-56, attached to and made a part of this chapter.

2. A new section, §235-24.B., Through Traffic Must Use Left Lane, shall be added, to read as follows:

§235-24.B., Though Traffic Must Use Left Lane.

Through traffic must use the left lane at the locations listed in Schedule XVIII, §235-57, attached to and made a part of this chapter.

ARTICLE V Schedules

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

<u>Stop Signs on</u> <u>Direction Traffic Stops</u> <u>At Intersection of</u>

Airport Road West Hyland Road East Grand Boulevard West Kilbourne Road

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

AIRPORT ROAD - North Side: from the east curbline of Hyland Road to a point 240 feet east.

AIRPORT ROAD – South side: from the east curbline of Hyland Road to a point 240 feet east.

§235-53. SCHEDULE XIV. Left Lane Must Turn Left, shall be amended by adding thereto the following:

Name of Street <u>Direction</u> <u>Location</u>

Towers Boulevard North At approach to Losson Road

A new section, §235-56. SCHEDULE XVII. RIGHT TURN MUST TURN RIGHT, shall be added to read as follows:

§235-56. Schedule XVII: Right Lane Must Turn Right.

Item No. 4b cont'd.

In accordance with the provisions of §235-24.A., traffic in the right lane on the following streets or parts of streets must turn right:

Name of Street <u>Direction</u> <u>Location</u>

Stiglmeier Park Entrance South At approach to Losson Road

§235-54. SCHEDULE XV: Through Traffic Use Right Lane, shall be amended by adding thereto the

following:

Name of Street <u>Direction</u> <u>Location</u>

Towers Boulevard North Approach to Losson Road

A new section, §235-57, SCHEDULE XVIII, entitled "Through Traffic Must Use Left Lane," shall be added, to read as follows:

§235-57. SCHEDULE XVIII: Through Traffic Must Use Left Lane

In accordance with the provisions of §235-24.B., through traffic must use the left lane at the following intersections:

Name of Street <u>Direction</u> <u>Location</u>

Stiglmeier Park Entrance South At approach to Losson Road

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

Dated: October 21, 2002

Richard M. Moleski Town Clerk

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

<u>Item No. 5</u> Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Sanitation Department is in need of two (2) Trucks with 33 Cubic Yard Refuse Packer Bodies, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said vehicles for the Sanitation Department, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 6th day of November, 2002 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on November 6, 2002 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) new 2003 Trucks with Thirty-Three (33) Cubic Yard Refuse Packer Bodies for the Sanitation Department.

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

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

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

Richard M. Moleski Town Clerk

DATED: October 21, 2002

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 6 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

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

WHEREAS, the Cheektowaga Central High School Senior Student Council has made application to hold a Parade on Friday, October 25, 2002, from 6:00 to 7:00 P.M., as follows: Parade will assemble on South Creek Drive, and proceed down Nagel Drive to Zoerb Avenue to Union Road, and end at the Cheektowaga Central High School grounds, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, and has no objection to same, AND

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central High School Senior Student Council for the aforementioned Parade to be held on October 25, 2002 from 6:00 to 7:00 P.M and, BE IT FURTHER

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes the April 2003 letting for the reconstruction of Union Road from Como Park Boulevard to George Urban Boulevard and the reconstruction of Walden Avenue from Union Road to the New York State Thruway, identified as P.I.N. 5131.23.101, AND

WHEREAS, as part of said highway reconstruction project, the NYSDOT proposes the adjustment to Town sanitary sewer district facilities, including manholes and the relocation of four (4) pipe reaches in conflict with proposed storm sewer improvements, AND

WHEREAS, Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide, at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work, AND

WHEREAS, in conjunction with the aforesaid highway reconstruction project, the Town Engineer has recommended that the NYSDOT include as a project betterment, the construction of a 90± L.F. sanitary sewer crossing beneath Union Road to correct a system deficiency, AND

WHEREAS, Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract, AND

WHEREAS, the Town Engineer proposes to fund the betterment improvement at the estimated cost of \$22,210.00 with available funding in the 2003 Consolidated Sanitary Sewer District Budget, NOW, THEREFORE, BE IT

Item No. 7 cont'd.

RESOLVED, that this Town Board, in its capacity as the Board of Managers for the Consolidated Sanitary Sewer District, hereby requests that the NYSDOT make provision for the aforementioned sanitary sewer improvement betterment as part of the Union Road Reconstruction Project and, BE IT FURTHER

RESOLVED, that the Town agrees to deposit with the Comptroller of the State of New York, funding in the amount of \$22,210.00 to finance the cost of the sanitary sewer betterment and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, Ref. #9A and #9A-1, submitted by the New York State Department of Transportation for the adjustment and relocation of Town sewer district facilities and the proposed betterment.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga requires a sanitary sewer easement for the Crandon-Northeast Interceptor Sewer, AND

WHEREAS, as part of the process for this project, the Town requires an easement from NYSEG to the Town for a sanitary sewer pipeline, AND

WHEREAS, NYSEG has prepared and submitted such easement to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves and accepts the aforementioned easement subject to approval of form and content by the Town Engineer and Town Attorney and, BE IT FURTHER

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9a 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 David C. Smith for the construction of a 1,200 square foot warehouse on the northwest corner of Broadway and Dick Road, AND

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

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

Item No. 9a cont'd.

RESOLVED, that this Town Board determines that the project site plan prepared by Mussachio Architects, dated October 11, 2002 is acceptable.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9b 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 Niagara Transformer Corporation for the re-construction of a 4,392 square foot warehouse at 1747 Dale Road, which was destroyed during the snow storm of January 3, 2002, AND

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

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

RESOLVED, that this Town Board determines that the project site plan prepared by RJR Engineering, P.C., dated September 2002 is acceptable.

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, 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 25 Lydia Lane in an amount not to exceed \$30,000, 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 25 Lydia Lane, Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$30,000.

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, the Town of Cheektowaga has previously provided a Housing Rehabilitation Loan to the owner of the property located at 52 Victoria Blvd., Cheektowaga, New York, AND

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

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

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with Flagstar Bank, P.O. Box 7026, Troy, MI 48007-7026, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 52 Victoria Blvd., Cheektowaga, New York.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 11 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, this Town Board appointed Real Property Appraiser Technician Dennis Krysztofowicz to the position of temporary Real Property Appraiser in the Town Assessor's Office on April 15, 2002; AND

WHEREAS, Kevin Gawel has returned to duty as Real Property Appraiser in the Town Assessor's Office; NOW, THEREFORE BE IT

RESOLVED, that Dennis Krysztofowicz, of Depew, New York 14043, be and hereby returned to his former position of Real Property Appraiser Technician in the Town Assessor's Office in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 7, 2002.

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, 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

SENIOR SERVICES - Laborer - \$7.00 per hour

Brian S. Niedzielski Cheektowaga, NY 14225 Immediately

PERSONNEL DEPARTMENT - Clerk - \$7.00 per hour

Erik S. Reinheimer Depew, NY 14043 Immediately

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

Item No. 12 cont'd.

EFFECTIVE

PARKS DIVISION

Walter Gardon

Michael Papero Immediately

Adam Mez

Kevin Kruczkowski

Joseph Bentkowski

Thomas Somogye

"

RECYCLING DEPARTMENT

Ronald Juliano Immediately
Mark Blachowicz "
Brian Bzibziak "

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13a</u> Appointment to Fill Temporary Vacancy in Position of Clerk Typist in Personnel

Department

This item was withdrawn.

Item No. 13b Motion by Councilmember Mazur, seconded by Councilmember Swiatek

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

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

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

WHEREAS, said vacancy is for less than thirty (30) days; AND

WHEREAS, Audrey Owens, currently employed as a part-time Clerk in the Police Department, meets all the necessary qualifications; NOW, THEREFORE, BE IT

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

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

WHEREAS, the Eastern Regional Crime Prevention Summit is being held October 22, 2002 through October 25, 2002 in Daytona Beach, Florida; AND

WHEREAS, this summit will include training in such topics as terrorism, hate crimes, neighborhood crime prevention, senior citizen victimization, school violence along with presentations of success stories from the "Weed and Seed" grant program; AND

WHEREAS, attendance at said summit will enable the Town Police Department to participate in the LEEP Grant focusing on youth and crime in the Cedar Grove area; AND

Item No. 14 cont'd.

WHEREAS, the LEEP Grant shall cover the expenses of attendance at this summit; AND

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

WHEREAS, Lieutenant James Speyer has been requested to attend this summit; AND

WHEREAS, attendance shall satisfy the Crime Prevention Training requirement for the Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant James Speyer of the Police Department, be and hereby is authorized to attend the Eastern Regional Crime Prevention Summit to be held in Daytona Beach, Florida from October 22, 2002 through October 25, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 15 Motion by Unanimous, seconded by Unanimous

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

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

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

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

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

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

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

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

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

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

WHEREAS, by resolutions dated October 1, 2001 and March 4, 2002, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary, NOW, THEREFORE, BE IT

Item No. 15 cont'd.

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

RESOLVED, that such policy shall be extended to and including December 31, 2003, and be subject to further review at that time.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 16a</u> Minutes of Cheektowaga Conservation Advisory Council – October 3, 2002

Received and Filed.

Item No. 16b Minutes of Cheektowaga Traffic Commission - September 17, 2002

Received and Filed.

Item No. 17a General Purpose Financial Statements and Single Audit Reports Year Ended

December 31, 2001 and Independent Auditors' Report

Received and Filed.

Item No. 17b General Purpose Financial Statements Year Ended December 31, 2001 and

Independent Auditors in Compliance with Government Auditing Standards

Received and Filed.

Item No. 17c Statement of Changes in Cash Balances and Statements of Cash Receipts and

Disbursements of the Receiver of Taxes and Assessments, Town Clerk and the Town Justices for the Year Ended for the Year Ended December 31, 2001 and Independent Auditors' Report

Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 18a Notice of Claim: Gregory Maciejewski vs. the Town of Cheektowaga

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

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

Received and Filed.

Item No. 18b Notice of Claim: Ronald J. Kress 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. 18c Notice of Claim: Irmgard A. Hartung vs. the Town of Cheektowaga

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

Attorney; Council and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 18d Notice of Claim: Kenneth Pietrzak 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. 18e Notice of Claim: America Protection Insurance Company, as Subrogee of Edwin K.

Wichrowski 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. 18f Notice of Claim: Beth A. Lipczynski 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. 19 Summons: Citifinancial Mortgage Company, Inc. a New York corporation (formerly

known as Associates Consumer Discount Company, Inc., a New York corporation vs.

the People of the State of New York, Cheektowaga Town Court, et al

Received and Filed.

Item No. 20 Request to Speak: Michael Papero, President - Friends of the Woods, 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



IV. SUSPENSION OF RULES

Item No. 21 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

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 22 Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has 10 foot wide drainage easement along the rear of 37 Sandy Lane, AND

WHEREAS, years ago, the owner of 37 Sandy Lane erected part of a shed over a portion of this drainage easement measuring 12.20 feet wide by 5.5 feet deep, AND

WHEREAS, presently, the owner of 37 Sandy Lane is selling such property, and the issue of this easement encroachment has arisen, AND

WHEREAS, the owner of 37 Sandy Lane has requested that the Town release this portion of the easement, AND

WHEREAS, the Town Engineer has reviewed this matter and has stated that he has no objection to the release of the aforementioned portion of this easement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned partial release of easement, and authorizes and directs the Town Supervisor to execute a partial release of easement document for same, 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 <u>Cheektowaga Times</u>.



NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on October 21, 2002, adopted a resolution authorizing the Town of Cheektowaga to release a portion of a drainage easement located at the rear/north of 37 Sandy Lane in the Town of Cheektowaga.

A copy of such partial release of easement is on file on 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: October 21, 2002

Richard M. Moleski Town Clerk



Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 23 Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting in memory of Stanley Kaznowski, Jr., President of the Town Park Homeowners Association. This meeting was adjourned at 7:45 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA SPECIAL MEETING NO. 29 OCTOBER 28, 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 28th day of October, 2002 at 6:30 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

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

Councilmember Jeff Swiatek

Councilmember James J. Jankowiak Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Michael Stachowski, Town Attorney; Patricia Wojcik, Director of Senior Services; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Brian Krause, Director of Administration and Finance; Christopher J. Kowal, Highway Superintendent; Thomas Adamczak, Building Inspector; Kevin Glascott, President of Town of Cheektowaga Employees Association; William Pugh, Town Engineer; Andrew Kulyk, Chairman of Zoning Board of Appeals; Christine Ziemba, Chief of Police and Thomas Malecki, Accountant-Deloitte & Touche.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised to consider the Preliminary Benefit Basis Budget of the Town of Cheektowaga for the year 2003. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

(The 2003 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.)

Item No. 3 This being the time and place advertised to consider the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2003. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

(The Preliminary Ad Valorem Budget for 2003 is on file in the Town Clerk's Office.)

<u>Item No. 4</u> Motioned by Unanimous , Seconded by Unanimous to adjourn this special meeting. This meeting was adjourned at 8:55 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING #30 NOVEMBER 4, 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 4th of November, 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; Patricia Wojcik, Director of Senior Services, and Jerry 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 Increase and Improvement of Facilities of the Consolidated Refuse and Garbage District 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:



*SEE NEXT PAGE FOR ATTACHMENT

Item No. 2 cont'd.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. No comments were heard after which the Supervisor declared the hearing was close, decision was reserved.

Item No. 3 This being the time and place advertised for a public hearing to consider and discuss the Traffic Ordinance amending Chapter 235 Articles II and Article V of the Vehicle and Traffic Law for 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:

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 3 cont'd

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. No comments were heard after which the Supervisor declared the hearing was close, decision was reserved.

II. RESOLUTIONS

<u>Item No. 4</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;

GENERA	AL FUND			
FROM:	100-0110-1901	Regular Wages	\$	9,600.00
	100-7310-1931	Vacation Sellback		2,826.00
	100-1440-1931	Vacation Sellback		2,755.00
	100-3120-1931	Vacation Sellback		17,250.00
	100-7620-2041	AARP Revenues		420.00
TO:	100-1110-1902	Overtime Payroll		\$9,600.00
	100-7310-1932	Sick Sellback		2,826.00
	100-1440-1932	Sick Sellback		2,755.00
	100-3120-1917	Clothing Allowance		10,050.00
	100-3120-1990	Other Pay		4,800.00
	100-3020-1990	Other Pay		2,400.00
	100-7620-4641	AARP Programs		420.00
PART T	OWN FUND			
FROM:	800-3620-1901	Transacting Constitution Artificial Artificial Constitution Constituti	\$	
	800-3620-1901	Regular Wages		4,200.00
	800-3620-4088			875.00
	800-3620-4321	Computer Expense		2,375.00
TO:	800-3620-2201	Office Equipment	\$	6,800.00
10.	800-3620-4001	1 1	Ψ	4,200.00
	800-3620-4191	Selection in a representation of the second process and the second process of the second seco		875.00
	800-3620-4191			2,375.00
	555 5525 1101	micoliano do Exponeco		_,0,0.00

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 Supervisor Gabryszak; Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants Submitted to the Town of Cheektowaga prior to November 1, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 409,424.28
RISK RETENTION FUND	56,849.87
SPECIAL DISTRICTS FUND	167,127.81
HIGHWAY FUND	106,636.17
TRUST & AGENCY	30,548.08
HUD HOUSING REHABILITATION FUND	35,318.00

Item No. 5 cont'd.

HUD CDBG FUND 55,158.46

PART TOWN FUND 10,387.62

CAPITAL FUND <u>219,276.05</u> \$ 1,090,726.34

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 6 Increase and Improvement of Consolidated Refuse & Garbage District

*SEE NEXT PAGE FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

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

WHEREAS, this Town Board held a public hearing on November 4, 2002 to consider the advisability of adopting proposed amendments to Chapter 235 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 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 II

1. A new section, entitled §235-23.A. Right Lane Must Turn Right, shall be added, to read as follows:

§235-23.A. Right Lane Must Turn Right.

Vehicles in the right lane must turn right at the locations listed in Schedule XVII, §235-56, attached to and made a part of this chapter.

2. A new section, §235-24.A., Through Traffic Must Use Left Lane, shall be added, to read as follows:

§235-24.A., Though Traffic Must Use Left Lane.

Through traffic must use the left lane at the locations listed in Schedule XVIII, §235-57, attached to and made a part of this chapter.

ARTICLE V Schedules

3. §235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

Stop Signs on Direction Traffic Stops At Intersection of Airport Road West Hyland Road East Grand Boulevard West Kilbourne Road

4. §235-49. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

AIRPORT ROAD – North Side: from the east curbline of Hyland Road to a point 240 feet east. AIRPORT ROAD – South side: from the east curbline of Hyland Road to a point 240 feet east.

5. §235-53. SCHEDULE XIV. Left Lane Must Turn Left, shall be amended by adding thereto the following:

Name of Street Direction Location

Towers Boulevard North At approach to Losson Road

6. A new section, §235-56. SCHEDULE XVII. RIGHT TURN MUST TURN RIGHT, shall be added to read as follows:

§235-56. Schedule XVII: Right Lane Must Turn Right.

In accordance with the provisions of §235-23.A., traffic in the right lane on the following streets or parts of streets must turn right:

Name of Street Direction Location

Stiglmeier Park Entrance South At approach to Losson Road

Item No. 7 cont'd.

7. §235-54. SCHEDULE XV: Through Traffic Use Right Lane, shall be amended by adding thereto the following:

Name of Street Direction Location

Towers Boulevard North Approach to Losson Road

8. A new section, §235-57, SCHEDULE XVIII, entitled "Through Traffic Must Use Left Lane", shall be added, to read as follows:

§235-57. SCHEDULE XVIII: Through Traffic Must Use Left Lane

In accordance with the provisions of §235-24.A., through traffic must use the left lane at the following intersections:

Name of Street Direction Location

Stiglmeier Park Entrance South At approach to Losson Road

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

AFFIDAVIT NEXT PAGE

<u>Item No. 8a</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 the contracting of Snow Removal if a Snow Emergency should occur for use by the Cheektowaga Highway Department.

Information for bidders and specifications may be obtained from the office of the Town Clerk located at 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 November 20, 2002

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



NOTICE TO BIDDERS

The Town of Cheektowaga hereby required sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2002-03 winter season.

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

In order to be considered, all bids must be filed with the Town Clerk's Office, %Town Hall, Broadway and Union Road, Cheektowaga, NY 14227, prior to the time of the bid opening scheduled for Wednesday, November 20, 2002 at 11:00 am in the Town Hall Council Chambers.

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

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

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

RICHARD M. MOLESKI Town Clerk

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AFFIDAVIT - NEXT PAGE

<u>Item No. 8b</u> Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice To Bidders in connection with furnishing of manhole castings with self-sealing covers and manhole castings with vented type covers, notice to be published in the Cheektowaga Times AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 20th day of November 2002 at 11:00 A.M. Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 20, 2002 at 11:00 A.M. EST at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for furnishing of Sanitary Manhole Frames and Covers for the Sewer Maintenance Department.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Sanitary Manhole Frames and Covers" and submitted to the Town Clerk prior to bid opening.

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

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

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

Richard M. Moleski Town Clerk

Dated November 4, 2002

AFFIDAVIT NEXT PAGE

<u>Item No. 9a</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 F.J. Wailand Associates, Inc. representing 600 Cayuga Road, Inc. for the re–construction of 9, 460 square warehouse addition at 600 Cayuga Road which was destroyed during a severe snowfall, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 23, 2002 recommended a determination of non significance as shown on the attached memorandum dated October 30, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 12, 2002, AND

WHEREAS, The Town of Cheektowaga Traffic Safety Commission recommended approval of the subject project, subject to the installation of pedestrian routes from the existing sidewalk along Cayuga Road to the front of the pizzeria building and the warehouse building, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, NOW, 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 prepared by James Allen Rumsey, Architect acceptable, with the changes requested by the Traffic Safety Commission.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 9b 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 Pat Weed for Upstate Farms Cooperative, Inc. for the construction of a 15,030 square foot, second story warehouse addition at 1730 Dale Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 23, 2002 recommended a determination of non significance as shown on the attached memorandum dated October 30, 2002, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 12, 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, 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 prepared by Architecture Unlimited dated May 24, 2002, acceptable.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10 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 James A. Rumsey, Architect, representing Benderson Development for the construction of an (80)+ eighty car parking lot expansion at 1235 French Road, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended its approval of the site plan at a special meeting, AND

WHEREAS, the Town Engineer has received and is reviewing the proposed drainage improvements for subject project, AND

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

RESOLVED, that this Town Board determines that the project site plan prepared by Benderson Development Company, Inc., dated August 16, 2002 is acceptable subject to the approval of the drainage improvements by the Town Engineer.

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 Johnson; Seconded by Councilmember Rogowski

WHEREAS, the New York State Department of Transportation ("DOT"), as part of its Genesee Street highway improvements project (PIN 5512.39.101), will be realigning Genesee Street between Dick Road and Sonwil Drive, AND

WHEREAS, as part of such project, the DOT will be

- reconstructing the intersection of Genesee Street and Holtz Drive,
- realigning Sonwil Drive to meet Holtz Drive
- reconstructing Buell Avenue at its approach to Genesee Street
- constructing two (2) access roads: 1. along the former railroad corridor between Sonwil Drive and Veridian Engineering's east property line; and 2. at the existing traffic signal adjacent to McDonald's (south from Genesee Street along the west property line of McDonald's and Quality Inn, terminating in a cul-de-sac 650± feet south of Genesee Street).
- constructing sidewalks on the south side of Genesee Street, along a portion of Sonwil Drive, on both sides of a portion of Buell Avenue, and along the proposed western access road to a point 230 feet south of Genesee Street
- replacing street lighting on the south side of Genesee Street between Dick Road and the Kensington Expressway
 - installing street lighting along the relocated Sonwil Drive

AND

WHEREAS, since the Town of Cheektowaga will be responsible for maintaining the aforementioned access roads in the future after they are constructed, the DOT has requested the Town to agree to accept such access roads, AND

WHEREAS, the Town Superintendent of Highways has signed off on same, and has agreed to accept and maintain said service roads as designed when constructed provide they meet or exceed Town specifications for Town highways, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to, after completion of construction of the aforementioned Genesee Street access roads meeting or exceeding Town specifications, accept same

Item No. 11 cont'd.

by resolution as Town highways and authorizes and directs the Town Superintendent of Highways to maintain same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT, c/o Thomas S. Messana, Asst. Regional Design Engineer, 125 Main Street, Buffalo, New York 14203.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12a</u> Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Loan to the owner of the property located at 25 Verdun Place, Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from Americas Wholesale Lender, which has conditioned its mortgage approval on the subordination of the Town's mortgage to its mortgage, AND

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

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with Americas Wholesale Lender, 730 Holiday Drive- Building #8, Pittsburgh, PA ,15220 pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 25 Verdun Place, Cheektowaga, New York.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12b</u> Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has received funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, AND

WHEREAS, energy conservation weatherization services for income-eligible persons is an eligible activity under the Community Development Block Grant Program, AND

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for income-eligible Town residents, AND

WHEREAS, funding for such services is available in the Community Development Block Grant Program budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York, for an amount not to exceed \$6,240 to provide energy conservation and weatherization services for income-eligible Town residents through the end of the 2002/2003 Program Year.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 12c Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

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

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

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

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

RESOLVED, that the Agreement with Belmont Shelter Corp., 1195 Main Street, Buffalo, NY 14209, dated November 1, 1999, be and hereby is renewed for a period of five months under the same terms and conditions as the original Agreement for an amount not to exceed \$5,000, AND BE IT

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 12d</u> Motion by Councilmember Swiatek; Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from New York State Senator William Stachowski and Assemblyman Paul Tokasz via Legislative Initiatives to purchase computer equipment and software for use by the Building Inspection Department, NOW, THEREFORE, BE IT

RESOLVED, that the Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to Senator Stachowski and Assemblyman Tokasz for the purpose of securing these grants, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized 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

Item No. 12e Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, moneys are available from New York State through the Division of Criminal Justice Services for the purpose of establishing and operating a Drug Court, AND

WHEREAS, the Town Justice Court desires to apply for \$42,000 in funding to enable it to enhance the current functions of the Town's Drug Court, NOW, THEREFORE, BE IT

RESOLVED, the Grantmakers Advantage Inc., the Town's grants consultant, be authorized and directed to complete the necessary applications, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this funding, AND, BE IT FURTHER

Item No. 12e cont'd.

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. 12f</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga seeks grant monies from Assemblyman Paul Tokasz via the Community Capital Asset Program in the amount of \$250.000 toward the expansion of the Cheektowaga Senior Citizen Center NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to Capital Asset Program for the purpose of securing these grants, 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. 13</u> 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 from seasonal to part-time, effective immediately:

- --Amy Burger
- --Lisa Chenu
- --Jeffrey Duke
- -- Catherine Giles
- --Stephanie Green
- --Brian Hansen
- --Kurt Hansen
- --Brian Koscielniak
- --Jocelyn Kiszewski
- --Holly Rutkowski
- -- Joshua Rutski
- --David Schnettler
- --Jillian Tefft
- -- Colleen Williams

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 14a 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):

Kimberly Alberti

Margaret Brezowski Mary K Brezowski

Item No. 14a cont'd.

Maureen Brezowski Patrick Dalton Marissa Fallacaro Laura Garcea **Brian Gromek** Adam Grupka Nancy Haak Robert Halter Ryan Knox Paul Macjewski Peter Odrobina Maria Owen Cindy Pietz Erik Reinheimer Craig Rejman Nicholas Schanne Justin Stucke William Vannelli Jennifer Weishaupt

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 14b Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

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

EFFECTIVE

RECYCLING DEPARTMENT

Lawrence Nagel, Jr. 10/11/02

POLICE DEPARTMENT

Candace Solecki 10/05/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 15a</u> Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a temporary vacancy exists in the position of Clerk Typist in the Personnel Department; AND

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

WHEREAS, the existing Civil Service open competitive list for said title was canvassed; AND

WHEREAS, Michelle A. Gaj, currently employed as a part-time Clerk in the Personnel Department, appears on said list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Michelle A. Gaj of Cheektowaga, New York 14227 be and hereby is appointed to the temporary position of Clerk Typist in the Personnel Department at the hourly rate of \$13.87 effective October 22, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 15b</u> Motion by Councilmember Mazur, Seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Parks, Recreation and Youth Services Division; 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 Supervisory Unit; AND

WHEREAS, Robert Latshaw, currently employed as a Working Crew Chief in the Sewer Maintenance Department, bid on said vacancy, was interviewed and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Robert Latshaw of Cheektowaga, New York 14225, be and hereby is appointed to the position of Working Crew Chief in the Parks, Recreation and Youth Services Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit effective (to be provided) 2002.



AMENDED

Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Parks, Recreation and Youth Services Division; 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 Supervisory Unit; AND

WHEREAS, Robert Latshaw, currently employed as a Working Crew Chief in the Sewer Maintenance Department, bid on said vacancy, was interviewed and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Robert Latshaw of Cheektowaga, New York 14225 be and hereby is appointed to the position of Working Crew Chief in the Parks, Recreation and Youth Services Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit effective November 5, 2002.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 16</u> Building Permits – October 2002

Received and Filed.

<u>Item No. 17a</u> Minutes Cheektowaga Conservation Advisory Council – October 19, 2002

Received and Filed.

<u>Item No. 17b</u> Minutes – Cheektowaga Planning Board – October 10, 2002 Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 18a Notice of Claim: Nancy Rose and Laura Adamski 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. 18b Notice of Claim: Thomas DeMarzio vs. Town of Cheektowaga

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

Attorney; Council; Sanitation and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 18c Notice of Claim: Dorothy Dukat 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. 18d Notice of Claim: Karen Gancarz 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. 18e Notice of Claim: Kathyann Hulburd 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. 18f</u> Notice of Claim: Jerome Leisner 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. 18g Notice of Claim: Verizon vs. Town of Cheektowaga

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

Attorney; Council; Sanitation / Highway and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 19 NYSDEC Fact Sheet: Leica, Inc., additional cleanup work at Hazardous Waste Site

Received and Filed.

Item No. 20 Petition regarding Town Residents and Dartwood Park

Received and Filed.



MOTION BY COUNCILMEMBER MAZUR, 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,

Jankowiak and Mazur

NAYES: 0

ABSENT: 0



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

WHEREAS, developers are required to install water mains within the rights-of-way of new developments in the Town of Cheektowaga AND

WHEREAS, two (2) hydrants must be installed in the Sonwil Drive road extension prior to acceptance of the water main extension by the Erie County Water Authority as part of their water transmission system, AND

WHEREAS, Sonwil Distribution Center, Inc. has installed two (2) fire hydrants within the right-of-way of the Sonwil Drive extension, AND

WHEREAS, Hy-View Fire District has approved the location of the fire hydrants on the Sonwil Drive extension, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the developer of the Sonwil Drive road extension to install two (2) hydrants at the locations approved by the Chief of Hy-View Fire District No. 8, at the locations described, as detained on design drawings dated August 28, 2002 prepared by Erie County Water Authority, AND, BE IT FURTHER

RESOLVED, that all costs associated with furnishing and installing the subject hydrant was borne by the developer, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible for the payment of annual hydrant charges to the Erie County Water Authority for the subject hydrants, with said charges being recovered by Town billing to the respective fire hydrant rental district.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 22 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

PARKS DIVISION - Laborer - \$6.50 per hour
Keith Anderson Sloan, NY 1412
RECYCLING DEPARTMENT - Laborer - \$7.00 per hour
Nathan Bice Cheektowaga, NY 14227

immediately

10/15/02

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

EFFECTIVE

RECYCLING DEPARTMENT

Nathan Bice 10/19/02

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 23</u> Motion by Supervisor Gabryszak; Seconded by Unanimous

To Adjourn the Meeting in Memory of Detective Wasyl (Bill) Potienko, a 15 Year Veteran of the Cheektowaga Police Department; and also Buffalo Police Officer James Shields, son of Lieutenant Charles Shields retired from the Cheektowaga Department. Time of Adjournment is 7:40 P.M.

RICHARD M. MOLESKI TOWN CLERK

TOWN OF CHEEKTOWAGA MEETING 32 NOVEMBER 18, 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 Roads, in said Town on the 18th day of November, 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Salvatore LaGreca, Chairman of Planning Board; Christine Ziemba, Chief of Police; Christopher Kowal, Highway Superintendent and Kenneth Kopacz, Director of Parks, Recreation and Youth Services.

I. RESOLUTIONS

<u>Item No. 2</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 November 15, 2002 are hereby approved and made a part hereof:

GENERAL FUND	\$2,540,014.30
RISK RETENTION FUND	133,767.87
DEBT SERVICE FUND	371,231.25
SPECIAL DISTRICTS FUND	852,874.12
HIGHWAY FUND	388,821.28
TRUST & AGENCY	240.95
HUD HOUSING REHABILITATION FUND	27,585.39
HUD CDBG FUND	13,920.05
PART TOWN FUND	79,694.27
CAPITAL FUND	<u>129,392.40</u>
	\$4,537,541.88

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 3a Motion by Unanimous, seconded by Unanimous

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

Town of Cheektowaga 2003 Final Benefit Basis Budget

AND,

WHEREAS, a Public Hearing was duly held on the 28th day of October, 2002 at 6:30 P.M., in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE, BE IT

Item No. 3a cont'd.

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

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Rolls for the year 2003.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 3b Motion by Unanimous, seconded by Unanimous

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimates of revenues and expenditures for the 2003 fiscal year, AND

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

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 2003, and a public hearing was conducted thereon October 28th, 2002, as required by Section 108 of the Town Law.

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 2003, and the same shall be entered in the minutes of the Town Board.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Award of Bid: Furnishing of Two (2) Trucks with 33 Cubic Yard Refuse Packer Bodies for the Sanitation Department This item was withdrawn.

<u>Item No. 5</u> Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, by resolution dated August 5, 2002, this Town Board issued a public improvement permit to Sonwil Distribution, Inc. for the extension of Sonwil Drive to service #450, 500 and 550 Sonwil Drive, AND

WHEREAS, the construction of this extension of Sonwil Drive has been completed as per the plans and specifications, as certified to by Bissell, Stone Associates Engineering and Land Surveying, P.C., AND

WHEREAS, the extension of Airport Drive for use as an emergency access road across property owned by Sonwil Distribution, Inc. has also been completed by Sonwil Distribution, Inc., AND

WHEREAS, the Town Superintendent of Highways and the Town Engineer have recommended that the Town accept this extension of Sonwil Drive as a dedicated Town highway, and the extension of Airport Drive as an emergency access road be accepted, AND

WHEREAS, the Town Engineer and the Town Attorney have reviewed the proposed deed, easement for the Airport Drive extension, supplemental drainage easement, maintenance bond and the title insurance for such public road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the extension of Sonwil Drive and dedicates same as a Town highway, and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the extension of Airport Drive across property owned by Sonwil Distribution , Inc. as an emergency access road, and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the aforementioned, deed, easement, maintenance bond and title insurance for the Sonwil Drive extension and Airport Drive extension, subject to final approval of the documents by the Town Attorney's Office and the Town Engineer, and BE IT FURTHER

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

RESOLVED, that the Town Attorney's Office be and hereby is directed to file the deed and easements for the Sonwil Drive and Airport Drive extensions in the Erie County Clerk's Office.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, The Uniland Partnership of Delaware, L.P. is the owner of a narrow strip of property located near the southeast corner of Union Road and Orchard Place (S.B.L. No. 91.20-5-8.1), AND

WHEREAS, The Uniland Partnership of Delaware, L.P. has offered to give this land to the Town of Cheektowaga at no cost, AND

WHEREAS, the Town Engineer has recommended that the Town accept this land since it is adjacent to a Town-owned drainage ditch, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned land from The Uniland Partnership of Delaware, L.P., and BE IT FURTHER

Item No. 6 cont'd.

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the New York State Department of Transportation (NYSDOT) has awarded Contract No. D258662, PIN 5804.94 which is to provide for the installation of street lighting on Walden Avenue at the I-90 Thruway ramps, AND

WHEREAS, this Town Board by resolution dated May 21, 2001 agreed to maintain, repair and energize said highway lighting system following installation by NYSDOT, AND

WHEREAS, the street lighting system consisting of eight (8) light standards and related conduit and appurtenances is to be located on property owned by the New York State Thruway Authority (NYSTA) which agency requires the filing of an Occupancy Permit from the Town for the long term operation and maintenance of the street lighting system, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an Occupancy Permit with the NYSTA and other papers necessary to effect said Occupancy Permit for the aforesaid street lighting improvements on Walden Avenue at the I-90 ramps.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, two (2) vacancies exist in the position of Detective in the Police Department; AND

WHEREAS, in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc., such positions were posted and interested candidates were interviewed; AND

WHEREAS, the Chief of Police has recommended that Officers Michael Hockwater and Joseph Crean be appointed to the positions of Detective; NOW, THEREFORE BE IT

RESOLVED, that Officers Michael Hockwater and Joseph Crean be appointed to the positions of Detective in the Police Department, effective November 19, 2002, and at a salary in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 9 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

Item No. 9 cont'd.

Recreation Attendant (III) - \$5.65 - 7140.1614

(Seasonal) Jessica Porter

Cheektowaga, New York 14227

Recreation Attendant (VIII) - \$6.90 - 7140.1633/7140.1654/7140.1627

(Part-Time) Jay Paradowski

Cheektowaga, New York 14227

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 10</u> Supervisor's Statement of Funds – September 2002

Received and Filed.

<u>Item No. 11</u> Minutes of Cheektowaga Conservation Advisory Council – November 7, 2002

Received and Filed.

III. GENERAL COMMUNICATIONS

<u>Item No. 12</u> Designation of Restricted Highway: A Portion of New York Route 240 (Harlem Road)

1500 feet south of William Street to New York Route 130 (Broadway) in the Town of

Cheektowaga Received and Filed.

Item No. 13 Summons: Mortgage Electronic Registration Systems, Inc., its Successors and

Assigns as Nominee for Household Finance Corporation its Successors and Assigns vs. Cheektowaga Town Court as Agent for the People of the State of New York, et al Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town

Attorney and Community Development.

Received and Filed.

Item No. 14 Summons & Complaint: Cyrilann Clark vs. the Town of Cheektowaga and Diocese of

Buffalo

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

Attorney; Council and Allied Claims Insurance Carrier.

Received and Filed.

Item No. 15a Notice of Claim: Denise Snyder 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.

<u>Item No. 15b</u> Notice of Claim: Curt Taylor 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. 15c</u> Notice of Claim: Daniel J. Ulatowski vs. the Town of Cheektowaga

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

Received and Filed.

Item No. 15d Notice of Claim: David Moscaritolo 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. 15e Richard B. Wood 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.



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: ABSENT:

0



IV. SUSPENSION OF RULES

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

WHEREAS, as part of the review process for the development of property at 590 Duke Road, the developer was requested to convey a drainage easement to the Town of Cheektowaga over the area where the storm sewer pipeline is located, AND

WHEREAS, Derrick Corporation, the owner of such property, 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 NOW, THEREFORE BE IT

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

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

WHEREAS, the Town Board, at their meeting on October 7, 2002, directed that proposals be solicited from qualified surveyors for the preparation of a survey of the boundaries and improvements of Cedargrove Park and the immediate vicinity, AND

WHEREAS, proposals were obtained by the Office of Community Development and Engineering Department from qualified surveyors for the preparation of said survey, AND

WHEREAS, the firm of Pratt & Huth Associates has submitted the proposal with the lowest responsible price quotation for said survey, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a contract with Pratt & Huth Associates, LLP, 4950 Genesee Street, Cheektowaga, New York, 14225, for the preparation of a Boundary/Planimetric Survey in accordance with the Town's Request for Proposals dated October 15, 2002 for a fee not to exceed \$7,325.94, 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. 18 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated October 21, 2002, this Town Board advertised for bids for the purchase of two (2) trucks with 33 cubic yard packer bodies for the Sanitation Department, AND

WHEREAS, bids were received and opened on the 6th day of November, 2002, AND

WHEREAS, such bids were evaluated by the Central Garage and Engineering Department, and it has been recommended that such bids be rejected and the Town readvertise for bids, NOW, THEREFORE, BE IT

RESOLVED, that bids received for the purchase of two (2) trucks with 33 cubic yard packer bodies, as advertised for at the October 21, 2002 meeting, be and hereby are rejected, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of two (2) trucks with packer bodies for the Sanitation Department, said notice to be published in the CHEEKLTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on the 4th day of December, 2002 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED, that this Town Board hereby waives its requirement that the Town Attorney approve the bid specifications as to form prior to the submittal of this resolution.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on December 4, 2002 at 11:00 A.M. Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) new 2003 Trucks with Refuse Packer Bodies for the Sanitation Department. Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

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

Item No. 18 cont'd.

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

Richard M. Moleski Town Clerk

Dated: November 18, 2002

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 19 Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting in memory of Robert Kolbert, brother of the Honorable Judge Thomas Kolbert. This meeting was adjourned at 7:30 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING NO. 33 DECEMBER 2, 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 2nd of December, 2002 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember Thomas M. Johnson, Jr.

Councilmember Jeff Swiatek

Councilmember James J. Jankowiak Councilmember Thomas J. Mazur

ABSENT: Councilmember William P. Rogowski

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; Patricia Wojcik, Director of Senior Services, and Christine Ziemba, Chief of Police.

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

GENER/	AL FUND		
EDOM.	100 2120 2020	CTTT	A La Dallas

FROM:	100-3120-3820	State Aid-Police	\$ 7,300.00
	100-1110-2770	Misc. Revenues-Justice	42,000.00
	100-1685-4088	Travel	291.50
	100-1685-4051	Records Management	15.66
TO:	100-3120-2205	Grant Expense	\$ 7,300.00
	100-1110-4592	Contractual	42,000.00
	100-1685-2000	Equipment	307.16

SPECIAL	<u>. DISTRIC</u>	<u> IS FUND</u>		
EDOM.	255 0425	4400 0	0:1	0 0

FROM:	255-8125-4163	Gas, Oil, & Grease	\$ 9,467.20

TO: 255-8125-4438 Sewer Repairs \$ 9,467.20

HUD CDBG FUND

FROM: 700-5098-0665 Depew Senior Citizen Van \$ 11,713.00

TO: 700-5098-0738 Depew Youth Activities \$ 11,713.00

Upon roll call

part hereof;

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

Item No. 3 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 November 29, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 940,601.93
RISK RETENTION FUND	55,936.80
SPECIAL DISTRICTS FUND	357,231.98
HIGHWAY FUND	236,470.96
TRUST & AGENCY	13,706.36

Item No. 3 cont'd.

 HUD HOUSING REHABILITATION FUND
 49,016.13

 HUD CDBG FUND
 124,354.79

 PART TOWN FUND
 37,417.80

 CAPITAL FUND
 20,857.53

 \$ 1,835,594.28

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Rogowski

<u>Item No. 4</u> 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 November 20, 2002 for Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department as a result of advertisement thereof, and such bids referred to the Superintendent of Highway for analysis, tabulation and reports, AND

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

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

BE IT FURTHER RESOLVED that line item to be used in case of emergency is 0300

Upon roll call

5142 4029.

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 5</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

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 pertaining to senior citizen activities pursuant to the attached Community Development Block Grant Amendment Report, AND

WHEREAS, citizens and interested parties were provided the opportunity to commend 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 year pursuant to the attached Community Development Block Grant Annual Plan/Final Statement Amendment Report.

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Rogowski

<u>Item No. 6a</u> Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Department of Parks, Recreation & Youth Services, Parks Division, utilizes Portable Chemical Toilets at various locations to service their recreational activities and Special Events, NOW BE IT

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

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

RESOLVED, that sealed bids will be received on the 11th day of December, 2002 at 11:00 AM Eastern Standard Time at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

Upon roll call

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

and Mazur

NAYES: C

ABSENT: Councilmember Rogowski

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 11, 2002 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2003.

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

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

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

Richard M. Moleski Town Clerk

Date: December 2, 2002

AFFIDAVIT NEXT PAGE

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

WHEREAS, this Town Board has authorized the preparation of plans and specifications for traffic signal improvements at the intersection of Cleveland Drive @ Lamarck Road and at the intersection of Cleveland Drive @ Ravenswood Terrace, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for traffic signal system improvements at the intersection of Cleveland Drive @ Lamarck Road and Cleveland Drive @ Ravenswood Terrace, said notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18th day of December, 2002 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Rogowski

NOTICE TO BIDDERS

Notice is hereby given that sealed proposals will be received and considered by the Town of Cheektowaga on the 18th day of December 2002 at 11:00 am local time, in the Town Hall at Broadway and Union Road, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for signal improvements at the intersections of Cleveland Drive at Lamarck Road and Cleveland Drive at Ravenswood Terrace.

On and after the date of this notice, plans and specifications and other contract documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the office of FRA Engineering, PC., 295 Main Street, Suite 1053, Buffalo, New York. Copies of the Contract Documents, Plans, Specifications, and Instructions to Bidders may be obtained at the office of FRA Engineering, P.C., 295 Main Street, Suite 1053, Buffalo, New York upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) checks made payable to the Town of Cheektowaga, New York. Contract documents will be mailed by FRA Engineering, PC upon receipt of a separate \$15.00 non-refundable check for mailing and handling costs in addition to the contract document deposit. Checks for mailing and handling costs shall be made payable to FRA Engineering, PC.

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

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

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

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

By Order of: Richard M. Moleski

Town Clerk

Town of Cheektowaga

Dated: December 2, 2002 Published: December 5, 2002

<u>Item No. 7a</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 C. Basil Ford, Inc. for the construction of a 6,445 square foot parking lot expansion at 1540 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 14, 2002 recommended its approval of the site plan as shown on the attached minutes, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the review and approval of the drainage improvements by the Town Engineer.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 7b</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 Bernie Rusiniak for the construction of a 460 square foot building addition at 2916 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 14, 2002 recommended its approval of the site plan as shown on the attached minutes, AND

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

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

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 8a</u> 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 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, Johnson, Swiatek, Jankowiak

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 8b</u> 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

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

LaSalle Ambulance, Inc., dba Rural/Metro Medical Services

<u>VEHICLE MAKE & YEAR</u>

1999 Ford

<u>LICENSE NO.</u>

10605ET

<u>CALL NO.</u>

513

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 9a</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, Erie County Legislator David Dale has agreed to provide \$1,320 in Legislative Initiative funding to the Town of Cheektowaga Records Center for the purchase of equipment.; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultant, be authorized and directed to complete the necessary applications, forms, etc. to be submitted to Erie County for the purpose of securing this funding, 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, Johnson, Swiatek, Jankowiak

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

Item No. 9b Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation and Youth Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at each of Cheektowaga's four branch libraries, to provides special activities that encourage children to read and become more familiar with the library, and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2003 through December 31, 2003 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

Upon roll call

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

and Mazur

NAYES:

ABSENT: Councilmember Rogowski

<u>Item No. 9c</u> Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of the Youth Engaged in Service (Y.E.S.) program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, and

WHEREAS, said program, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers and is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2003 through December 31, 2003 with a total cost not to exceed the sum of \$55,025.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

Item No. 9d Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of a joint program with Catholic Charities Metropolitan Services Department, 525 Washington Street, Buffalo, New York, 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2003 through December 31, 2003 with a total cost not to exceed the sum of \$156,441.00 and BE IT FURTHER

RESOLVED that Catholic Charities Metropolitan Services will reimburse the Town \$43,210.00 of the total budget for said program and the New York State Office of Children and Family services will reimburse the Town \$30,872.00 leaving the actual cost to the Town at \$82,359.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

Upon roll call

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

Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

Item No. 9e Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York, 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Child and Family Services to continue

Item No. 9e cont'd.

said program for a twelve month period, January 1, 2003 through December 31, 2003 with a total cost not to exceed \$117,691.00 and BE IT FURTHER

RESOLVED that Child and Family Services will reimburse the Town for up to \$6,208.00 of the total budget for said program and the New York State Office of Children and Family Services will reimburse the Town for up to \$30,872.00 leaving the actual cost to the Town at \$86,819.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Rogowski

<u>Item No. 10</u> Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, this Town Board, by resolution dated October 17, 1994, engaged the engineering consulting firm of Nussbaumer & Clarke, Inc. to prepare a feasibility study for the construction of an overflow retention facility at the former Wastewater Treatment Plant No. 3 site, AND

WHEREAS, there is a need to update the aforesaid report based on the past five (5) years of flow performance data collected by the Town, to determine suitable volume and design parameters for the overflow retention facility, and a current construction cost estimate which will facilitate grant applications for funding assistance, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer dated November 15, 2002 for the aforesaid Feasibility Report Update for the proposed Plant No. 3 Overflow Retention Facility be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the cost for said professional services in the amount of \$9,900.00 shall be chargeable to Account No. 2550-8125-4581, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby directed and authorized to sign said agreements with Nussbaumer & Clarke, Inc.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 11</u> Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

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 - Laborer - \$7.00 per hour

Bernadette Futch 12/02/02

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

EFFECTIVE

POLICE DEPARTMENT

Norma M. Orlikowski 11/30/02

AND,

WHEREAS, Police Department employee Elaine Juszkiewicz wishes to participate in the New York State Retirement System incentive currently being offered; AND

Item No. 11 cont'd.

WHEREAS, Ms. Juszkiewicz must be terminated by November 30, 2002 in order to qualify for participation in the incentive; AND

WHEREAS, said employee has expressed an interest in employment with the Town as a part-time School Crossing Guard and meets the necessary qualifications; THEREFORE, BE IT

RESOLVED, that Elaine Juszkiewicz be and hereby is terminated from the Police Department effective November 30, 2002, in keeping with the established guidelines of the New York State Retirement System; AND, BE IT FURTHER

RESOLVED, that Elaine Juszkiewicz of Cheektowaga, New York 14225 be and hereby is appointed to the part-time position of School Crossing Guard in the Police Department at the hourly rate of \$7.107 effective December 3, 2002.

Upon roll call ...

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

Mazur

NAYES:

ABSENT: Councilmember Rogowski

Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak Item No. 12

BE IT RESOLVED that the below listed individual be and hereby is transferred, as indicated, in the Department of Parks, Recreation & Youth Services, effective immediately (part-time):

From Recreation Instructor II to Recreation Instructor IV - \$6.15 -

7140.1654/7140.1627/7140.1633

Jocelyn Kiszewski

Upon roll call ...

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

and Mazur

NAYES:

Councilmember Rogowski ABSENT:

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

BE IT RESOLVED, the Town Board hereby creates the part-time position of Clerk Typist pursuant to Civil Service Laws and Rules effective immediately.

Upon roll call

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

Mazur

NAYES:

ABSENT: Councilmember Rogowski

Item No. 14a Motion by Councilmember Mazur; Seconded by Councilmember Swiatek

WHEREAS, a vacancy currently exists in the position of Coordinator of Employee Relations in the Personnel Department; AND

WHEREAS, Beth A. Lipczynski, currently employed with the Town as an Administrative Clerk in the Personnel Department, has applied for said position and meets all the necessary requirements; NOW THEREFORE, BE IT

RESOLVED, that Beth A. Lipczynski of Cheektowaga, NY 14227 be and hereby is appointed to the temporary position of Coordinator of Employee Relations at an annual salary of \$45,000 effective immediately.



THIS RESOLUTION WAS AMENDED AND VOTED ON LATER IN THE MEETING. AFTER THE WAIVER ITEMS



<u>Item No. 14b</u> Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz and Councilmember Jankowiak

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 Pilat be promoted to the position of Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Scott Pilat of Cheektowaga, New York 14227 be and hereby is appointed to the position of Sergeant in the Police Department effective immediately.

Upon roll call

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

and Mazur

NAYES:

ABSENT: Councilmember Rogowski

<u>Item No. 14c</u> Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Program Leader – Youth in the Parks, Recreation and Youth Services 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, said title is in the competitive class of civil service; AND

WHEREAS, a civil service examination was administered and a list established for said title; AND

WHEREAS, said list of Town residents was canvassed; AND

WHEREAS, said list was deemed invalid on the basis on less than three (3) candidates willing to accept appointment to this particular vacancy; AND

WHEREAS, civil service law mandates the established list of all candidates within Erie County be canvassed with the stipulation that they obtain residency within the Town of Cheektowaga within six (6) months of appointment by this Town Board; AND

WHEREAS, Jillian Gorman appears on said civil service list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Jillian Gorman of Hamburg, New York 14075 be and hereby is appointed to the position of Program Leader – Youth the Parks, Recreation and Youth Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately; AND, BE IT FURTHER

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

Upon roll call

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

Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

<u>Item No. 15</u> Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, the Federal Bureau of Investigation is sponsoring the F.B.I. National Academy in Quantico, Virginia from January 12, 2003 through March 21, 2003; AND

WHEREAS, this academy is being offered to support, promote and enhance the personal and professional development of experienced law enforcement officers by providing relevant education and training; AND

WHEREAS, this academy will also increase the information networks necessary to prepare for the complex and dynamic leadership roles necessary in today's law enforcement community; AND

WHEREAS, advanced courses in forensic science, law enforcement communication, leadership development, behavioral science, and physical training; AND

WHEREAS, Lieutenant John Glascott has been requested to attend this academy; AND

WHEREAS, the 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 \$1,085 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 John Glascott of the Police Department, be and hereby is authorized to attend the Federal Bureau of Investigation National Academy to be held at the United States Marine Corps Base in Quantico, Virginia from January 12, 2003 through March 21, 2003.

Upon roll call

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

and Mazur

NAYES:

ABSENT: Councilmember Rogowski



II. DEPARTMENTAL COMMUNICATIONS

Item No. 16 Supervisor's Statement of Funds

Received and Filed.

<u>Item No. 17</u> Building Permits – November 2002

Received and Filed.

<u>Item No. 18</u> Planning Board Minutes – November 14, 2002

Received and Filed.



III. GENERAL COMMUNICATIONS

Item No. 19 Notice of Claim: Eric Danat vs. Town of Cheektowaga

Received and Filed

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<u>Item No. 20</u> Request to Speak: Harry Meyer, LEAC Chairman Received and Filed.



IV. SUSPENSION OF RULES

<u>Item No. 21</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, Article 3-A of the General Municipal Law enacted as part of Chapter 623 of the Laws of 1988 regarding cooperative investing requires the formation of a governing board; comprised of fiscal officers nominated by the Participant they represent;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cheektowaga, New York hereby nominates Robert A. Kaczmarek for board member of the CLASS cooperative investment program.

Upon roll call

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

and Mazur

NAYES:

ABSENT: Councilmember Rogowski

<u>Item No. 22</u> Motion by Unanimous; Seconded by Unanimous

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, this Town Board wishes to amend Chapter 206 of the Town Code;

WHEREAS, Local Law Intro No. 2002-3 of the Year 2002 will be prepared to so amend Chapter 206 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 16th day of December, 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. 2002-3 of the Year 2002, entitled AA Local Law to amend the Solid Waste Law 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 Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

Upon roll call

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

and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

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 16th day of December 2002 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss, and if need by, act upon a proposed Local Law amending Chapter 206, entitled "Solid Waste".

Local Law Intro No. 2002-3 of the Year 2002

A Local Law to Amend the

Solid Waste Law of the Town of Cheektowaga

This local law would amend Section 206 of the Code of the Town of Cheektowaga

Item No. 22 cont'd.

(Solid Waste Law") and change, in part, the designation of recyclable materials collected by the Town.

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

Dated: Cheektowaga, New York December 2, 2002

Richard M. Moleski Town Clerk

AFFIDAVIT NEXT PAGE



Item No. 14a Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

TO AMEND THIS RESOLUTION AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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

and Mazur

NAYES: (

ABSENT: Councilmember Rogowski

Motion by Councilmember Mazur; Seconded by Councilmember Swiatek

WHEREAS, a vacancy currently exists in the position of Coordinator of Employee Relations in the Personnel department; AND

WHEREAS, certain of the Town's collective bargaining agreements contemplate the performance of certain actions by the Coordinator of Employee Relations; AND

WHEREAS, Beth A. Lipczynski, of Cheektowaga, New York, 14227 is currently employed with the Town as an Administrative Clerk in the Personnel Department, and is familiar with the operation and function of the Personnel Department; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby directs Beth A. Lipczynski to perform the duties of the Coordinator of Employee Relations for purposes of administration of the Town's collective bargaining agreements; and be it further

RESOLVED, that this Amended Resolution deletes all language contained in the original hereof, except for the above language which replaces same.

Upon roll call

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

and Mazur

NAYES: C

ABSENT: Councilmember Rogowski

Item No. 23 MOTION BY SUPERVISOR GABRYSZAK, AND SECONDED BY UNANIMOUS

TO ADJOURN THE MEETING IN MEMORY OF MARY ROGOWSKI, MOTHER OF COUNCILMEMBER WILLIAM P. ROGOWSKI. TIME OF ADJOURNMENT WAS 7:45 P.M.

RICHARD M. MOLESKI TOWN CLERK

TOWN OF CHEEKTOWAGA MEETING 34 DECEMBER 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 Roads, in said Town on the 16th day of December, 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Salvatore LaGreca, Chairman of Planning Board; Christopher Kowal, Highway Superintendent; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services and Andrew Kulyk, Chairman of Zoning Board of Appeals.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the proposed adoption of Local Law 2002-3 of the Year 2002 entitled, "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga" of the said Town of Cheektowaga hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said proposed amendments are attached.

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

II. RESOLUTIONS

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

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

GENERAL FUND

From:	100-1110-2770 100-1110-2770 100-7620-3801	Misc. Revenues-Justice Misc. Revenues-Justice Programs for the Elderly	\$ 3,000.00 1,920.00 2,000.00
То:	100-1110-2105 100-1110-2105 100-7620-2501	Equipment Equipment Equipment	\$ 3,000.00 1,920.00 2,000.00

SPECIAL DISTRICTS FUND

From:	255-8135-2500	Pump Station Equipment	\$ 800.00
To:	255-8135-4203	Cellular Phones	\$ 800.00

HIGHWAY FUND

From:	300-5110-4185	Barricades	\$ 7,000.00
To:	300-5130-2407	Misc. Highway Equipment	\$ 7,000.00

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 December 13, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,665,916.06
RISK RETENTION FUND	68,618.67
DEBT SERVICE FUND	790,212.50
SPECIAL DISTRICTS FUND	4,324,746.53
HIGHWAY FUND	627,271.98
TRUST & AGENCY	9,873.23
HUD HOUSING REHABILITATION FUND	36,722.00
HUD CDBG FUND	26,537.43
PART TOWN FUND	109,364.54
CAPITAL FUND	<u>28,748.91</u>
	\$ 8,688,011.85

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 Unanimous, seconded by Unanimous

WHEREAS, Richard M. Moleski, Town Clerk of the Town of Cheektowaga, has notified this Town Board and the Secretary of State, that he will be retiring from his position, effective January 1, 2003, AND

Item No. 5 cont'd.

WHEREAS, First Deputy Town Clerk Mary F. Holtz has expressed an interest in being appointed temporarily to the position of Town Clerk until an election to fill such position can be had, AND

WHEREAS, Mary F. Holtz has 30+ years of experience in the Town Clerk's Office and would be an asset as Town Clerk, AND

WHEREAS, State Law permits this Board to fill such a vacancy in public office, NOW, THEREFORE, BE IT

RESOLVED, that Mary F. Holtz, Cheektowaga, New York 14211 be and hereby is appointed to the position of Town Clerk and Registrar of Vital Statistics for the Town of Cheektowaga, effective January 1, 2003 and expiring on December 31, 2003.

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 Swiatek, seconded by Councilmember Johnson

WHEREAS, Exxon Mobil Oil Corporation has made application and requested the Rezoning from CM-General Commercial and NS-Neighborhood Services District to MS-Motor Services District for property located at 2623, 2627 and 2633 Genesee Street, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on January 6, 2003 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

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

WHEREAS, by resolution dated January 7, 2002, this Town Board established Town Board meeting dates for 2002, AND

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 2002 and the first meeting date for January, 2003, NOW, THEREFORE, BE IT

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

December 30, 2002 6:00 P.M.

January 6, 2003 7:00 P.M. (6:45 P.M. public comment)

and, BE IT FURTHER

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

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 Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of manhole frames with self-sealing covers and manhole frames with vented covers, which bids were duly received and opened at the November 14, 2002 public bid opening, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, bids were reviewed by Allan Blachowski, Principal Engineer Assistant, and it is recommended that the award be made to the lowest responsible bidders meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of manhole frames and covers for 2003 be and hereby is awarded to:

Neenah Foundry Company P.O. Box 729 Neenah, WI 54957 (920) 725-7000

ITEM	QUANTITY	DELIVERED UNIT BID PRICE
Frame with 24" diameter self-sealing cover (set)	25 50 75 100	\$134.00 129.00 127.00 124.00
	Syracuse Castings 6177 South Bay Road P.O. Box 1821 Cicero, New York 13039 (315) 699-2982	
Frame with 24" diameter vented cover (set)	25 50 75 100	\$127.00 122.00 120.00 117.00

Item No. 8a cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) trucks with 32 cubic yard refuse packers for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of two (2) trucks with 32 cubic yard refuse packer bodies be awarded to:

Bison Truck Center, Inc. 2370 Walden Avenue Cheektowaga, New York 14225

for their total bid including options in the amount of \$248,796.00 for two (2) 2003 Peterbilt Trucks with Cat C10 Engine, Heil 5000, 32 Refuse Packer Bodies; said bid being the lowest evaluated bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #500-8160-9364-5221 for this purpose.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 8c Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 11, 2002, AND

WHEREAS, said proposals have been reviewed for compliance under the terms of the specifications, NOW, THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby award said bid for the Leasing and Servicing of Portable Chemical Toilets to:

J. B. New York Enterprises Inc., d/b/a Ball Toilet & Septic Services P. O. Box 2072 3725 Jeffrey Boulevard Blasdell, New York 14219

Category A - Single Unites - \$1.33 per day, per unit, Items I through X

Category B - Handicapped Units - \$2.30 per day, per unit, Item I

Modern Portable Toilets 4746 Model City Road P. O. Box 209 Model City, New York 14107-0209

Category C - Special Events - \$24.95 per day, per unit, Items I through V

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9</u> Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

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 Grand and HOME Investment Partnership Funds pertaining to housing rehabilitation and senior citizen housing activities pursuant to the attached Community Development Block Grant and HOME Investment Partnership Program Amendment Report, AND

WHEREAS, citizens and interested parties were provided the opportunity to commend 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 and HOME Investment Partnership Funds for the affected program year pursuant to the attached Community Development Block Grant and HOME Investment Partnership Program Annual Plan/Final Statement Amendment Report.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

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

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

WHEREAS, pursuant to resolution dated December 17, 2001, this Town Board extended the site plan approval for such project until February 25, 2003, AND

WHEREAS, such site plan approval will expire on February 25, 2003 unless an application for a building permit for such project is filed with the Building Inspections Department, AND

WHEREAS, the Pyramid Company of Buffalo has requested this Town Board to extend the site plan approval for the Walden Galleria expansion until February 25, 2004, AND

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

WHEREAS, the Pyramid Company of Buffalo has reaffirmed its commitments with respect to this project, AND

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

RESOLVED, that this Town Board hereby extends the site plan approval for the Walden Galleria until February 25, 2004 AND, BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to the New York State Department of Transportation, Attention, Design Group.

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 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 Kenneth A. Kozminski for the demolition of and existing 2,100 square foot building at 1248 French Road and the construction of a parking lot addition, accessory to 1250 French Road, AND

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

WHEREAS, the proposed parking area will require variances from the minimum required parking setbacks, which is being considered by Town of Cheektowaga Zoning Board of Appeals, AND

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

Item No. 11 cont'd.

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the approval of the necessary variances from the Town of Cheektowaga Zoning Board of Appeals and the approval of the drainage improvements by the Town Engineer.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12a Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS: The Town of Cheektowaga has been awarded grant monies from Governor George Pataki via Empire State Development in the amount of \$200,000 toward the expansion of the Cheektowaga Senior Citizen Center; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to Empire State Development for the purpose of securing these grants, 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

Item No. 12b Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga has been awarded grant monies from Erie County Executive Joel A. Giambra via the Erie County Department of Environment and Planning in the amount of \$25,000 toward the expansion of the Cheektowaga Senior Citizen Center; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to Empire State Development for the purpose of securing these grants, 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

Item No. 12c Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

Resolution Authorizing the signing of a State Contract for an Aid to Localities Project, Under the Appropriate Laws of New York State.

WHEREAS, the Town of Cheektowaga herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the State Contract, herein called the "Project" is desirable, in the public interest, and is required in order to study and/or implement the local project or program; AND

WHEREAS, under Chapter 55, Section 1 and 2 of the Laws of 1999 relating to the Local Assistance Budget, the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement; AND

WHEREAS, the Municipality has examined and duly considered Chapter 55, Section 1 and 2, of the Laws of 1999 relating to the Local Assistance Budget and deems it to be in the public interest and benefit under this law to entertain a contract therewith; NOW, THEREFORE, BE IT RESOLVED BY the Town of Cheektowaga

- 1. That Dennis H. Gabryszak is directed and authorized as the official representative to act in connection with any contracts between the Municipality and the State, and to provide such additional information as may be required.
- 2. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together with the State Contract.
 - 3. That this Resolution take effect immediately.

Item No. 12c cont'd.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12d Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Loan to the owner of the property located at 41 Reo Avenue, Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from M & T Mortgage Corporation, and M & T has conditioned its mortgage approval on the subordination of the Town's mortgage to its mortgage, AND

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

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with M & T Mortgage Corporation, 1 Fountain Plaza, Buffalo, NY 14203, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 41 Reo Avenue, Cheektowaga, New York.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 12e Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, in 1951, 1952 and 1963, the Town of Cheektowaga obtained licenses from Conrail for the placement of Town piping on Conrail property, AND

WHEREAS, the Town, in 2002, paid CSX Transportation, the successor to Conrail, \$172.67 as an annual license fee for each of these licenses, AND

WHEREAS, pursuant to the terms of such license agreements, the annual fee increases in line with increases in the Consumer Price Index, AND

WHEREAS, CSX Transportation has proposed concerting these annual license fee payments to a one-time lump sum payment of \$3,280.73 for each license, AND

WHEREAS, this one-time lump sum payment would save the Town money and also eliminate a lot of paperwork by the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the lump sum payment for these licenses, and BE IT FURTHER

RESOLVED, that the lump sum payment of \$9,842.19, representing three payments of \$3,280.73 for each license agreement, shall be appropriated from the following budget lines:

Line item number 4000-8140-4581 (drainage district) \$3,280.73 Line item number 2550-8125-4581 (sanitary sewer district) \$6,561.46

and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Supplemental Agreement with CSX Transportation, Inc., and BE IT FURTHER

Item No. 12e cont'd.

RESOLVED, that the Director of Administration and Finance be and hereby is directed to prepare a manual check payable to CSX Transportation, Inc. for \$9,842.19 and forward same to CSX immediately.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 12f Motion by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, as part of the Alpine Pump Station Elimination Project, the Town of Cheektowaga requested sanitary sewer easements from the Order of Felician Sisters of St. Francis and Villa Maria College, AND

WHEREAS, the Town of Cheektowaga obtained appraisals for these easements and negotiated with the attorney for the Order of Felician Sisters and Villa Maria College as to the cost for acquiring such easements, AND

WHEREAS, the Town of Cheektowaga agreed to remit the sum of \$7,500.00 to the Order of Felician Sisters for such easements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the payment to the Order of Felician Sisters for the aforementioned two (2) easements, and BE IT FURTHER

RESOLVED, that moneys for such acquisitions fees shall be appropriated from budget line item number 2550-8125-4581, and BE IT FURTHER

RESOLVED, that the form of such easement shall be subject to the final approval of the Town Attorney's Office and the Town Engineer, and BE IT FURTHER

RESOLVED, that the Supervisor be and herby is authorized and directed to execute such easement agreements and other documents necessary to effectuate the acquisition of said easements.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 13a 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 December 31, 2002 (Seasonal):

Jessica Porter Timothy Zgliczynski

BE IT FURTHER RESOLVED that those listed be and hereby are hired, effective January 1, 2003 in the Department of Parks, Recreation & Youth Services (Part-Time):

Recreation Attendant (III) - \$5.65 - 7140.1614

Jessica Porter 14227

Recreation Supervisor (Activity Director III) - \$7.40 - 7310.1803

Timothy Zgliczynski

Upon roll call

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

14043

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 13b</u> Motion by Councilmember Mazur, seconded by Councilmember Rogowski

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

<u>SENIOR SERVICES – Van Driver - \$7.25 per hour</u> William Lauber Cheektowaga, NY 14206

Immediately

Item No. 13b cont'd.

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

EFFECTIVE

SENIOR SERVICES

Philip LaRue Immediately

SEWER MAINTENANCE

Eric Czubaj 8/04/02

TOWN CLERK'S OFFICE

Carolyn V. Tucholski Immediately
Helen M. Lemke "
Sarah L. Kosicki "

BUILDING AND PLUMBING DEPARTMENT

Dale Marie Parks 11/12/02

PARKS DIVISION

James T. Smith 11/12/02

MAIN PUMP STATION

Ronald A. Strong 12/31/02

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, the Town Board hereby creates the position of Administrative Assistant (Town Board)* PJC pursuant to Civil Service Laws and Rules effective December 17, 2002.

*Pending Jurisdictional Classification

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 Mazur, seconded by Councilmember Rogowski

WHEREAS, the Town Board has elected to eliminate the Recycling Department as of January 1, 2003; AND

WHEREAS, the Town of Cheektowaga participated in the 2002 New York State Retirement Incentive; AND

WHEREAS, four (4) Sanitation Department employees chose to participate in said incentive leaving four (4) Motor Equipment Operator – B vacancies; AND

WHEREAS, four (4) Sanitation Department Laborers have bid on these vacancies and meet the established qualifications; THEREFORE, BE IT

RESOLVED, the following Sanitation Department Laborers be and hereby are transferred to the Sanitation Department as Motor Equipment Operators – B effective January 1, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga:

Item No. 15 cont'd.

Carl Maciuba Cheektowaga, NY 14227
Greg McManus Cheektowaga, NY 14225
David Longo Cheektowaga, NY 14225
Edward Fialkowski Cheektowaga, NY 14227

AND,

WHEREAS, the Town has agreed to transfer Town of Cheektowaga Employee Association members currently employed in the Recycling Department to the Sanitation Department; BE IT FURTHER

RESOLVED, the following Recycling Department employees be and hereby are transferred as follows to the Sanitation Department effective January 1, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga:

To Motor Equipment Operator – B

Gerald Daminski Cheektowaga, NY 14206 Raymond Full Cheektowaga, NY 14225

To Laborer

Kyle Tobolski Cheektowaga, NY 14227

Dennis Szafranski Sloan, NY 14212 Jason Dauscher Sloan, NY 14212

Donald Karl Cheektowaga, NY 14225



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 15, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



AMENDED

WHEREAS, the Town of Cheektowaga participated in the 2002 New York State Retirement Incentive; AND

WHEREAS, four (4) Sanitation Department employees chose to participate in said incentive leaving four (4) Motor Equipment Operator – B vacancies; AND

WHEREAS, four (4) Sanitation Department Laborers have bid on these vacancies and meet the established qualifications; THEREFORE, BE IT

RESOLVED, the following Sanitation Department Laborers be and hereby are transferred to the Sanitation Department as Motor Equipment Operators – B effective January 1, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga:

Carl Maciuba Cheektowaga, NY 14227 Greg McManus Cheektowaga, NY 14225 David Longo Cheektowaga, NY 14225 Edward Fialkowski Cheektowaga, NY 14227

AND,

Item No. 15 cont'd.

WHEREAS, the Town has agreed to transfer Town of Cheektowaga Employee Association members currently employed in the Recycling Department to the Sanitation Department; BE IT FURTHER

RESOLVED, the following Recycling Department employees be and hereby are transferred as follows to the Sanitation Department effective January 1, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga:

To Motor Equipment Operator – B

Gerald Daminski Cheektowaga, NY 14206 Raymond Full Cheektowaga, NY 14225

To Laborer

Kyle Tobolski Cheektowaga, NY 14227

Dennis Szafranski Sloan, NY 14212 Jason Dauscher Sloan, NY 14212

Donald Karl Cheektowaga, NY 14225

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 16a</u> Motion by Councilmember Jankowiak , seconded by Supervisor Gabryszak

WHEREAS vacancies currently exist on the Cheektowaga Youth Board, AND

WHEREAS Camille Brandon, Joe Novak, Dorothy DiPizio, and Diane Panasiewicz, have expressed an interest in serving on the voluntary board; NOW, THEREFORE, BE IT

RESOLVED that the above named individuals be and, hereby, are appointed to the Cheektowaga Youth Board, for three year terms, each, effective this date and expiring December 15, 2005.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 16b Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the title of Administrative Assistant (Town Board)* PJC in the Council Office; AND

WHEREAS, Valerie A. Meyers, meets the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Valerie A. Meyers of New York 14225 be and hereby is appointed to the position of Administrative Assistant (Town Board)* PJC in the Council Office at the annual salary of \$37,187 effective December 17, 2002.

*PJC – Pending Jurisdictional Classification

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 17</u> Minutes of Cheektowaga Conservation Advisory Council – November 16, 2002 Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 18 Summons & Complaint: New York Central Mutual Fire Insurance Company vs. the Town of Cheektowaga

Copies were sent to: Michael Stachowski, Town Attorney and Police Department.

Received and Filed.

<u>Item No. 19a</u> Notice of Claim: Lori Becker vs. the Town of Cheektowaga and the Town of Cheektowaga Police Department

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. 19b</u> Notice of Claim: Verizon (CMR Claims Department) 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. 19c Notice of Claim: Amelia Panneri 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. 19d Notice of Claim: Edward Rodder, Jr. 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. 19e Notice of Claim: Dennis Knueppel, Jr. 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.



MOTION BY COUNCILMEMBER SWIATEK, 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. 20 Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at 1155 Walden Avenue in the Town, AND

Item No. 20 cont'd.

WHEREAS, the Town Historian and others have performed preliminary research into the past history of such property and feel that same may be historically significant and worthy of preservation, AND

WHEREAS, the Town Engineering Department has prepared cost estimates to rehabilitate this property, AND

WHEREAS, in order to obtain additional information or support for information indicating that this property has historic significance, the Town Historian issued a Request for Proposals from architectural/historical consultants to do the necessary research and issue their findings with respect to the historic significance of 1155 Walden Avenue, AND

WHEREAS, Hamilton, Houston, Lownie Architects, LLC submitted the attached proposal to perform the requested work at a cost of \$2,700.00, AND

WHEREAS, County Legislator David Dale provided a Legislative Initiative Grant in the amount of \$1,000 to the Town for this project, AND

WHEREAS, the Cheektowaga Historical Association has donated \$700.00 for this project, AND

WHEREAS, there are other moneys in the Town Historian's budget for this project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board retains Hamilton, Houston, Lownie Architects, LLC to perform the work relating to 1155 Walden Avenue, as outlined in the attached proposal at a cost not to exceed \$2,700.00, and BE IT FURTHER

RESOLVED, that said moneys shall be appropriated from the Town Historian's budget, line item number 100-7510-4375.

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. 21</u> Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting. This meeting was adjourned at 8:30 P.M.

Richard M. Moleski Town Clerk

TOWN OF CHEEKTOWAGA MEETING 35 DECEMBER 30, 2002

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, Item No. 1 New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 30th day of December, 2002 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

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

Councilmember Jeff Swiatek Councilmember 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; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services; Christine Ziemba, Chief of Police; Raymond Dusza, Erie County Legislator and David Dale, Erie County Legislator.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

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

GENERAL FUND

From:	100-1110-1901	Regular Payroll	\$8,349.92
	100-1110-4013	Law Books	500.00
	100-7510-4052	Printing Historical Material	421.25
	100-7510-4375	Historical Observance	244.82
	100-1010-4088	Travel Training & Conference	100.00
	100-3610-4001	Office Supplies	100.00
То:	100-1110-2105	Equipment	\$8,849.92
	100-7510-4043	Records, Maps, Supplies	666.07
	100-1010-4001	Office Supplies	100.00
	100-3610-4261	Postage	100.00
	MATERIAL PROPERTY.		

PART TOWN FUND

800-3620-2770 Permits & Inspections \$8,100.00 From: TO: 800-3620-4411 Refund of Permits \$8,100.00

Upon roll call

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

Jankowiak and Mazur

NAYES: ABSENT: 0

Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak Item No. 3

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to December 26, 2002 are hereby approved and made a part hereof;

GENERAL FUND	\$180,897.59
RISK RETENTION FUND	49,040.75
SPECIAL DISTRICTS FUND	169,845.33
HIGHWAY FUND	65,594.89
TRUST & AGENCY	694.44
HUD HOUSING REHABILITATION FUND	6,655.00

Item No. 3 cont'd.

 HUD CDBG FUND
 \$ 16,448.79

 PART TOWN FUND
 1,160.62

 CAPITAL FUND
 13,796.03

 \$504,133.44

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 Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, this Town Board, by resolution dated December 16, 2002, scheduled a public hearing for the 6th day of January, 2003 relating to the rezoning of 2623, 2627 and 2633 Genesee Street from CM-General Commercial District and NS-Neighborhood Services District to MS-Motor Services District, AND

WHEREAS, the applicant has requested that the Town cancel this public hearing until further notice, NOW, THEREFORE BE IT

RESOLVED, that the aforementioned public hearing scheduled for January 6, 2003 be and hereby is canceled until further notice and, BE IT FURTHER

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



LEGAL NOTICE CANCELLATION OF PUBLIC HEARING FOR REZONING OF 2623, 2627 AND 2633 GENESEE STREET

NOTICE IS HEREBY GIVEN THAT, a public hearing called for by the Cheektowaga Town Board and scheduled for the 6th day of January, 2003 to consider the application of EXXON MOBIL OIL CORPORATION to rezone from CM-General Commercial District and NS-Neighborhood Services District to MS-Motor Services District for property known as 2623, 2627 & 2633 Genesee Street in the Town of Cheektowaga IS CANCELED until further notice.

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

Richard M. Moleski Town Clerk

Dated: December 30, 2002

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 5 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, by resolution dated October 7, 2002, this Town Board reappointed members to the Stiglmeier Park Steering Committee, AND

WHEREAS, inadvertently, individuals who had previously resigned were reappointed to the Stiglmeier Park Steering Committee, NOW, THEREFORE BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to delete the following names from same:

Jerry Coleman Richard Wozniak Walter Wojdyla Michael Hanchak David Smaczniak Rosalia Becker Michael Dusing

and, BE IT FURTHER

RESOLVED, that except as stated above, the aforementioned resolution be and hereby is reapproved and reaffirmed.

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 Jankowiak, seconded by Councilmember Johnson

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

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

WHEREAS, Cash Realty & Auctions will sell such motor vehicles and equipment at a public auction in accordance with their letter dated December 11, 2002, a copy of which is attached hereto, NOW, THEREFORE BE IT

RESOLVED, that the Town hereby retains Cash Realty & Auction, 1325 Main Street, Buffalo, New York, in accordance with the attached proposal, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at a public sale to the highest responsible bidder at an auction to be held on January 25, 2003 and, BE IT FURTHER

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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 7a Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, by resolution dated August 16, 1999, this Town Board entered into a monthly publishing service agreement with Liturgical Publications, Inc. for the publication of the monthly newsletter for the Senior Services Department, AND

WHEREAS, such agreement was for a period of four (4) years, AND

WHEREAS, Liturgical Publishing, Inc. has submitted a contract revision for the aforementioned publishing service agreement wherein it states that it will be changing from a PAN (Alaska) to a PTd (8-page) monthly newsletter, AND

WHEREAS, this contract revision is acceptable to the Director of the Senior Services Department, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this contract revision on behalf of the Town.

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 Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, grant monies are available from the Erie County Legislature District 5 Special Projects "Quality of Life" award via Legislator David Dale to purchase computer equipment for the Justice Court, AND

WHEREAS, the Town of Cheektowaga Justice Court seeks grant monies to purchase computer equipment to improve the efficiency of Court operations, 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 Legislature District 5 Special Projects "Quality of Life" program 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. 7c</u> Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Department of Youth and Recreational Services has identified the need to provide youth development and recreational opportunities during after-school hours that are important to the well being of young people and to the quality of life in our community, AND

WHEREAS, the Boys and Girls Clubs of Buffalo has operated the Cleveland Hill Safe Places program under contract with the Town the past four years, including the first half of the 2002-2003 school year, AND

WHEREAS, although the State grant which partially funds the program expires on December 31, 2002, the Town wishes to continue to provide said program through the end of the 2002-2003 school year, AND

WHEREAS, the Town of Cheektowaga is one of four municipalities included in a Safe Places grant application submitted by Erie County to the NYS Office of Children and Family Services to provide matching funds for a multi-year continuation of said program, NOW, THEREFORE BE IT

Item No. 7c cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Boys and Girls Clubs of Buffalo to provide said service for the period January 1, 2003 through June 30, 2003 for a sum not to exceed \$10,875.00.

Budget Line Item: 7310.4789

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is operating a transportation program for the elderly, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of the said nutrition programs for the year 2003, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said transportation program for the year 2003, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreement on behalf of the Town.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 7e Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is operating nutrition programs for the elderly at the facilities of: Maryvale Presbyterian Church, located at 425 Maryvale Drive, Cheektowaga; Infant of Prague Parish, located at 921 Cleveland Drive; Cayuga Village Community Center, located at 100 Hutchens Drive, Cheektowaga; Maryvale East Apartments, located at 100 Moorman Drive, Cheektowaga; and Bell Tower Senior Apartments, 893 French Road, Cheektowaga, AND

WHEREAS, agreement between the Town of Cheektowaga and the above facilities has been drafted relative to the operation of the said nutrition programs for the year 2003, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said nutrition program for the year 2003, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town.

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 Councilmember Jankowiak

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

Item No. 8 cont'd.

	<u>EFFECTIVE</u>
MAIN PUMP STATION Christopher Wszalek	11/28/02
TAX OFFICE Delphine Gembka Julie Miller Patricia Miller Nancy Paner Waltraud Piffl Patricia Cosimano Geraldine Glascott Eleanor Kantowski Jean Krzykowski Wanda Lennert Arlene Mueller Denise Myers Joan Wojtkowski Rita Wick	12/31/02
PARKS, RECREATION AND YOUTH SERVICES Keith Anderson	12/31/02
SANITATION DEPARTMENT Eric King Steve Krystyniak Kevin Maszczak Mark Schiersing Steve Slevinski Norma Bender	12/31/02
SEWER MAINTENANCE Christopher Buczek Thomas Kazmierczak Justin Maly Michael O'Sullivan Greg Wilder Jacob Wilder	12/31/02 " " " " "

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:

		<u>EFFECTIVE</u>
TAX OFFICE - Clerk (Da	y Shift) - \$7.50 per hour	
Delphine Gembka	Depew 14043	01/01/03
Julie Miller	Sloan 14212	(CC)
Patricia Miller	Cheektowaga 14227	***
Nancy Paner	Depew 14043	"
Waltraud Piffl	Cheektowaga 14225	tt -
TAX OFFICE - Clerk (Nig		04/04/02
Patricia Cosimano	Cheektowaga 14225	01/01/03
Geraldine Glascott	Depew 14043	***
Eleanor Kantowski	Cheektowaga 14227	"
Jean Krzykowski	Cheektowaga 14227	££
Arlene Mueller	Cheektowaga 14227	rr.
Denise Myers	Buffalo 14206	
Joan Wojtkowski	Cheektowaga 14225	
Rita Wick	Cheektowaga 14225	66

PARKS, RECREATION & YOUTH SERVICES (Parks Division) - Laborer - \$7.00 per hour

Keith Anderson Sloan NY 14212 01/01/03

Item No. 8 cont'd.

<u>SEWER MAINTENANCE – Laborer - \$7.00 per hour</u>

Christopher Buczek Cheektowaga 14206 01/01/03
Thomas Kazmierczak Cheektowaga 14227 "
Justin Maly Sloan 14212 "
Michael O'Sullivan Cheektowaga 14227 "

Greg Wilder Cheektowaga 14227 "
Jacob Wilder Cheektowaga 14227 "

BUILDING AND GROUNDS DIVISION - Laborer - \$7.00 per hour

Felix Lampke Cheektowaga 14227 01/06/03

BE IT RESOLVED, that the following employee be and hereby is transferred from parttime to seasonal, not to exceed 24 weeks in a calendar year, in the department 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

POLICE DEPARTMENT (Traffic Maintenance Division) - Laborer - \$7.10 per hour

Sean Glascott Cheektowaga 14227 01/02/03

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

<u>Item No. 9</u> Job Transfers in Sanitation and Highway Department

This item was withdrawn.

<u>Item No. 10</u> Motion by Councilmember Mazur, seconded by Councilmember Swiatek

WHEREAS, by resolution, this Town Board appointed Suzanne Sanscrainte to the position of Building and Zoning Clerk in the Building and Plumbing Department on a provisional basis, pending the establishment of a valid civil service list for said position, AND

WHEREAS, said civil service list has been established by the Erie County Department of Personnel, AND

WHEREAS, Suzanne Sanscrainte is eligible for permanent appointment from said civil service list, NOW, THEREFORE BE IT

RESOLVED, that Suzanne Sanscrainte of Cheektowaga, New York 14227 be and hereby is permanently appointed to the position of Building and Zoning Clerk 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. 11a Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Payroll Clerk in the Payroll Department,

AND

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

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

Item No. 11a cont'd.

WHEREAS, said job title is in the competitive class of civil service, AND

WHEREAS, the existing civil service list was canvassed and interviews were conducted, AND

WHEREAS, Karen L. Eckel appears on said civil service list and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Karen L. Eckel of Cheektowaga, New York 14225 be and hereby is appointed to the position of Payroll Clerk in the Payroll Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 13, 2003.

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 11b Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

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, no current full-time employee 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 interviews were conducted, AND

WHEREAS, Roger L. Martens, Jr. appears on said civil service list and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Roger L. Martens, Jr. of Cheektowaga, New York 14225 be and hereby is appointed to the position of Court Clerk in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 6, 2003.

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 Mazur, seconded by Councilmember Jaworowicz

WHEREAS, the Niagara Frontier Building Officials Annual Conference will take place at the Buffalo/Niagara Marriott, in Amherst, New York on February 3 through February 5, 2003, AND

WHEREAS, this mandatory course will include eighteen (18) of the required twenty-four (24) hours of in-service training mandated by the New York State Department of State Codes Division to maintain qualifications as an inspector, 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 to the Town shall not exceed \$2,025 for said employees to attend this program, AND

Item No. 12 cont'd.

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department, NOW, THEREFORE, BE IT

RESOLVED, that the following employees be and hereby are authorized to attend the Niagara Frontier Building Officials Annual Conference to be held at the Buffalo/Niagara Marriott in Amherst, New York on February 3 through February 5, 2003:

Thomas Adamczak Larry Kensy Gary Parks Gail Milburth Ronald Stepnick Donald O'Neill Mark Radecki Donald Wartinger Gerald Gill Richard Willis

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 13 Supervisor's Statement of Funds - November 2002

Received and Filed.

<u>Item No. 14a</u> Minutes of Cheektowaga Traffic Safety Commission – October 15, 2002

Received and Filed.

Item No. 14b Minutes of Cheektowaga Traffic Safety Commission - November 19, 2002

Received and Filed.

III. GENERAL COMMUNICATIONS

<u>Item No. 15</u> Summons and Complaint: Rose Marie Russell and James J. Russell vs. the Town of

Cheektowaga and Robert Pestka and Geraldine Pestka

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. 16a Notice of Claim: Noreen Wetzler 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. 16b</u> Notice of Claim: Triple R Development of WNY, Inc. 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. 16c</u> Notice of Claim: Sandra Arbutina 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. 16d Notice of Claim: Paul Schnitzler vs. the Town of Cheektowaga

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

Insurance Carrier. Received and Filed.

Item No. 16e Notice of Claim: Colleen Morrissey 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.



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

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0



IV. SUSPENSION OF RULES

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

WHEREAS, by Town Board Resolution dated December 16, 2002, certain employees were transferred from the Recycling Department to the Sanitation Department, effective January 1, 2003, AND

WHEREAS, the correct date for said transfer is January 7, 2003, NOW, THEREFORE

BE IT

RESOLVED, that the resolution dated December 16, 2002 is hereby corrected to reflect that the following employees be and hereby are transferred to the Recycling Department effective January 7, 2003, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga:

To Motor Equipment Operator-B:

Gerald Daminski Cheektowaga, New York 14206 Raymond Full Cheektowaga, New York 14225

To Laborer:

Kyle Tobolski Cheektowaga, New York 14227

Dennis Szafranski New York 14212 Jason Dauscher Sloan, New York 14212

Donald Karl Cheektowaga, New York 14225

Upon roll call

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

Jankowiak and Mazur

NAYES: 0 ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, seconded by Unanimous to adjourn this meeting.

This meeting was adjourned at 6:35 P.M.

Richard M. Moleski Town Clerk