

**TOWN OF CHEEKTOWAGA
MEETING NO. 1
JANUARY 6, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th of January, 2003 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: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; Thomas Adamczyk, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director Senior Services and Christopher Kowal, Highway Superintendent

I. RESOLUTIONS

Item No. 2 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 January 3, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,261,724.63
RISK RETENTION FUND	37,270.17
DEBT SERVICE FUND	501,887.50
SPECIAL DISTRICTS FUND	779,949.08
HIGHWAY FUND	459,280.89
TRUST & AGENCY	15,454.37
HUD HOUSING REHABILITATION FUND	861.00
PART TOWN FUND	75,428.74
CAPITAL FUND	<u>2,200.92</u>
	\$ 4,134,057.30

Upon roll call

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

Item No. 3a Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2003 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- ♦ First and Third Mondays of March, April, May, June, July, August, October, November and December
- ♦ January 21st
- ♦ February 3rd and 24th
- ♦ September 2nd and 15th

MEETING NO. 1
January 6, 2003

Item No. 3a cont'd.

AND BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter.

Upon roll call

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

NAYES: 0

ABSENT: 0



AFFIDAVIT NEXT PAGE

MEETING NO. 1
January 6, 2003

Item No. 3b Motion by Councilmember Jankowiak; Seconded by Councilmember Rogowski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2003 at 6:00 P.M. on:

- Wednesdays preceding every Town Board meeting,

AND BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

Upon roll call

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

NAYES: 0

ABSENT: 0



AFFIDAVIT NEXT PAGE

MEETING NO. 1
January 6, 2003

Item No. 4a Motion by Councilmember Swiatek; Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2003:

New Year's Day	January 1, 2003	Wednesday
Martin Luther King, Jr. Day	January 20, 2003	Monday
President's Day	February 17, 2003	Monday
Good Friday	April 18, 2003	Friday
Memorial Day	May 26, 2003	Monday
Independence Day	July 4, 2003	Friday
Labor Day	September 1, 2003	Monday
Columbus Day	October 13, 2003	Monday
Election Day	November 4, 2003	Tuesday
Veterans Day	November 11, 2003	Tuesday
Thanksgiving Day	November 27, 2003	Thursday
Day After Thanksgiving	November 28, 2003	Friday
Christmas Eve	December 24, 2003	Wednesday
Christmas Day	December 25, 2003	Thursday

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, Section 64(11) of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, AND

WHEREAS, the CHEEKTOWAGA TIMES has served as the official newspaper of the Town of Cheektowaga for the past several years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that THE CHEEKTOWAGA TIMES be and hereby is designated as the official newspaper of the Town of Cheektowaga.

Upon roll call

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

NAYES: 0

ABSENT: 0



AFFIDAVIT NEXT PAGE

MEETING NO. 1
January 6, 2003

Item No. 4c Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, Article 58-A of the Arts and Cultural Affairs Law of the State of New York, entitled "Local Government Records Law", became effective as of August 5, 1988, AND

WHEREAS, such Local Government Records Law is designated to ensure that public records are systematically managed to provide ready access to vital information and to promote the efficient and economical operation of government, AND

WHEREAS, pursuant to such law, each local government shall have a records management officer to coordinate the development of and oversee a program for the orderly and efficient management of records, NOW, THEREFORE, BE IT

RESOLVED, that Mary F. Holtz, Town Clerk of the Town of Cheektowaga, be and hereby is designated as Records Management Officer of the Town of Cheektowaga, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to notify the Local Government Records Bureau.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 5 Motion by Councilmember Rogowski, Seconded by Councilmember Mazur

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Fleet Bank (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, Citibank (Cheektowaga Office), Charter One Bank (Cheektowaga Office) and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of Dennis H. Gabryszak, Supervisor, AND BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Fleet Bank (Walden Avenue Office), Key Bank (Cheektowaga Office), Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Charter One Bank (Cheektowaga Office) and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon maybe affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6 Motion by Councilmember Mazur; Seconded by Councilmember Swiatek

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2003:

HSBC Bank (Cheektowaga Office)
Manufacturers and Traders Trust Company (Airport Plaza)
Key Bank (Appletree Business Park and Union Road)
Fleet Bank (Harlem Road Office))
JP Morgan Chase Bank
Citibank (Cheektowaga Office)
Charter One Bank (Cheektowaga Office)

MEETING NO. 1
January 6, 2003

Item No. 6 cont'd.

Upon roll call

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

Item No. 7a Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

BE IT RESOLVED, that the salaries of the following Town Officials be and hereby are established and set forth as follows, effective January 1, 2003:

Supervisor	\$71,000.00
Councilmember (6)	\$18,551.00
Tax Receiver	\$56,689.00
Town Clerk	\$63,781.00
Highway Superintendent	\$70,494.00
Town Justice (2)	\$63,779.00
Budget Director	\$ 5,000.00
Registrar of Vital Statistics	\$ 5,000.00

Upon roll call

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

Item No. 7b Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2003:

Town Engineer	\$71,884
Assistant Town Engineer	\$55,646
Director of Administration & Finance	\$68,794
Accountant	\$49,711
Supervising Building & Plumbing Inspector	\$58,425
Assessor	\$65,150
Executive Director Parks, Youth & Recreation	\$73,749
Program Coordinator - I	\$40,562
Town Attorney	\$60,864
Deputy Town Attorney (1)	\$41,061
Deputy Town Attorney (1)	\$31,949
Prosecuting Attorney (2)	\$15,789
Clerk to the Court	\$41,151
Director of Community Development	\$62,110
Council Office Clerk Steno	\$37,187
Administrative Assistant (Town Board)	\$37,187
Assistant to the Supervisor	\$31,000
Deputy Tax Receiver	\$38,845
1 st Deputy Town Clerk	\$45,396
Supervisor of Sanitation	\$12,664
Senior Citizens Director	\$63,365
Deputy Highway Superintendent	\$69,038
Secretary to Coordinator of Employee Relations (1)	\$35,708
Real Property Appraiser	\$47,559
Secretary to the Supervisor	\$29,500

Upon roll call

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

MEETING NO. 1
January 6, 2003

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

BE IT RESOLVED, that the salaries for the following Town employees not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2003:

Disaster Coordinator	\$17,000
Planning Board Members (5)	\$ 3,397
Planning Board Secretary (1)	\$ 4,300
Planning Board Chairman (1)	\$ 5,019
Planning Board Clerical Assistant	\$ 1,500
Zoning Board Member (4)	\$ 4,005
Zoning Board Chairman (1)	\$ 5,425
Zoning Inspector (Part-Time)	\$ 16.955/hr.
Assessment Review Board Member (4)	\$ 1,526
Assessment Review Board Chairman (1)	\$ 1,896
Police Matron (3)	\$13,250
School Crossing Guard (30)	\$ 7.107/hr.
School Crossing Guard Supervisor	\$16,000
Town Historian	\$ 2,000
Court Officer	\$ 12.50/hr.
Court Officer Supervisor	\$ 13.50/hr.
Secretary to Traffic Safety Commission	\$ 4,300
Cell Block Attendants	\$ 14.00/hr.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 8 Motion by Councilmember Johnson; Seconded by Supervisor Gabryszak

WHEREAS, Section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village located partially within its boundaries having a police department of four (4) or more police officers on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, AND

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the village of Depew maintains a police department on an annual full-time basis, AND

WHEREAS, the annual budget of the Town for the fiscal year beginning January 1, 2003 provides for a credit of \$ 325,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, AND

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid agreement is approved, and the Supervisor be and hereby is authorized and directed to execute same 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. 9 Motion by Councilmember Jaworowicz, Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga through and by its Receiver of Taxes and Assessments, receives and collects Town taxes, AND

WHEREAS, it is advantageous to the Town to invest these moneys in short-term savings accounts, certificates of deposit, municipal re-purchase agreements, etc., thereby creating revenues for the Town, AND

MEETING NO. 1
January 6, 2003

Item No. 9 cont'd.

WHEREAS, the Town Receiver of Taxes and Assessments is knowledgeable about the methods of investment and institutions in which investments can be made, AND

WHEREAS, the New York State Comptroller's Office has stated in Opinion Number 80-242, that a Town Board may authorize its Receiver of Taxes and Assessments to temporarily invest town tax moneys, AND

WHEREAS, the County of Erie has also authorized the Receiver of Taxes and Assessments to invest County tax moneys which the Town collects and to retain any interest therefrom to the Town's credit, NOW, THEREFORE, BE IT

RESOLVED, that Joan E. Dudek, Receiver of Taxes and Assessments for the Town of Cheektowaga, be and hereby is authorized to invest real property tax moneys on a short-term basis, and BE IT FURTHER

RESOLVED, that any interest earned on such Town or County tax moneys shall be turned over to the Town of Cheektowaga General Fund.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 10 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town is eligible to receive approximately \$1,111,000 in Community Development Block Grant funds and approximately \$397,000 in Home Investment Partnership program funds for the 2003 Program Year through the Amherst-Cheektowaga-Tonawanda HOME Consortium, AND

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

WHEREAS, proposed activities for Program Year 2003 Community Development Block Grant and HOME Program funds have been made available for public review and comment in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 21, 2003 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 the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 9, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0



**MEETING NO. 1
January 6, 2003**

Item No. 10 cont'd.

**NOTICE OF PUBLIC HEARING
Town of Cheektowaga FY 2003 Annual Plan
Community Development Block Grant/HOME Programs**

A public hearing will be held on January 21, 2003 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14225 for the Town's Fiscal Year 2003 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs. The purpose of the hearings is to obtain the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town as well as on the draft Action Plan which has been made available for public review in Cheektowaga Branch Libraries. The annual plan will outline housing and community development projects to be funded with FY 2003 CDBG and HOME Program funds. For the 2003 Program Year, the Town is eligible to receive approximately \$1,111,000 in Community Development Block Grant funds and approximately \$397,000 in HOME funds. The Town also estimates it will receive approximately \$240,000 in program income from the revolving housing rehabilitation loan program and \$160,000 in economic development revolving business loan program income.

Those wishing to offer comments at the hearing are asked to also submit a written text. Comments may also be submitted in writing to the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, NY 14211. Interpreters will be made available at the meetings upon prior request to sign for the hearing impaired. If you are in need of such special arrangements, please contact the Cheektowaga Community Development Office at 897-7200 seven (7) business days in advance of the hearing. The hearing location is accessible to the physically handicapped.



AFFIDAVIT NEXT PAGE

MEETING NO. 1
January 6, 2003

Item No. 11a Motion by Supervisor Gabryszak Seconded by Councilmember Swiatek

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm for services in the area of:

- A. Annual Audit - A complete financial audit of the Town's records will be performed to include:
 - 1. Compilation of the Annual Financial Report to the New York State Department of Audit and Control.
 - 2. Compilation of financial statements from the Town's records for the year ended December 31, 2002.
 - 3. Preparation of management letter relative to regular audit.
- B. Single Audit
Conduct audit of Town's Federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133.
- C. Consultative Services – Periodic consultation (minimum 90 hours) will be provided to the Supervisor and the Town's Director of Administration and Finance on areas such as: State Revenue Sharing, borrowings, federal and state legislative developments, and other areas as requested.
- D. Benefit Basis Budget Preparation – Assistance will be provided to the Supervisor, Town Board and the Town's Director of Administration and Finance in various phases of the preparation of the 2004 benefit basis budget. Will assist in compiling the special district rates for submission to Erie County to assist in the preparation of individual property tax bills (minimum 125 hours for D, E and F combined)
- E. Ad Valorem Budget Consultation – Will read the tentative 2004 Ad Valorem Budget and report as to their observations and recommendations to the Supervisor and Town Board on that document. Will also provide commentary on the internally-prepared projections of available fund balances related to budget preparation (minimum 125 hours for D, E and F combined).
- F. Compilation of Detailed Budget Presentation Document (minimum 125 hours for D, E and F combined).
- G. Audit of Town Clerk, Tax Receiver and Town Justice Budgets. Will compile financial statements for these departments on the cash basis of accounting.
- H. Will aid the Town in the preparation of the Comprehensive Annual Financial Report to be submitted to the Government Finance Officer's Association – for review in the Certificate of Excellence in Financial Reporting Program.
- I. Additional Procedures Relating to SAS 99. The additional procedures required by the October, 2002 issuance of Auditing Statement No. 99, "Consideration of Fraud in a Financial Statement Audit" will be implemented in the Town's December 31, 2002 audit (minimum 50 hours).

AND

WHEREAS, this Town Board desires to retain the services of Deloitte & Touche, CPA's for these services, NOW, THEREFORE, BE IT

RESOLVED, that Deloitte & Touche be retained to perform the services listed above for the year 2003 according to the following fee schedule:

\$24,715.00	General Fund
\$22,420.00	Sanitary Sewer Dist.
\$34,150.00	Special Districts
\$10,380.00	Capital Projects fund
\$ 9,360.00	Various Federal Programs

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 1
January 6, 2003

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

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the Town with various projects, AND

WHEREAS, Sue Ann Barnes of Grantmakers Advantage, Inc. has had experience in the past preparing grant applications for the Town to assist the Town with obtaining grants AND

WHEREAS, moneys obtained from grants procured outweigh the cost to the Town for such firm's services, AND

WHEREAS, this Town Board wishes to continue to retain the services of a grants consultant firm for the 2003 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Grantmakers Advantage, Inc, AND BE IT FURTHER

RESOLVED, that the fee stipulated in such agreement, \$32,000.00, shall be appropriated from budget line item number 0100-1220-4957.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 1
January 6, 2003

Item No. 12a Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

WHEREAS, the Town's Self-Insured Liability Program is presently administered by Allied Claim Services, Inc. pursuant to an agreement which expired December 31, 2002, AND

WHEREAS, Allied Claim Services, Inc. has administered the Town's Self-Insured Liability Program competently and professionally for the past twelve years, AND

WHEREAS, Allied Claim Services, Inc. has submitted a proposal dated November 21, 2002 to continue its services for the Town for years 2003, 2004 and 2005, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the execution of an Agreement with Allied Claim Services, Inc. for the administration of the Town's Self-Insured Program for 2003, 2004 and 2005 as per its proposal, AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid 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. 12b Motion by Councilmember Swiatek, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga presently purchases its Excess Workers' Compensation Insurance through Arthur Gallagher & Company of NY, Inc., AND

WHEREAS, the Town's Excess Workers' Compensation Insurance expired on December 31, 2002, AND

WHEREAS, Arthur Gallagher & Company has submitted a proposal dated December 20, 2002 to renew such Excess Workers' Compensation Insurance for 2003-2004, AND

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, has recommended that the Town increase its self-insured retention from \$350,000 to \$400,000 across the board in order to reduce the premium for Excess Workers' Compensation Insurance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to renew its Excess Workers' Compensation Insurance through Arthur Gallagher & Company with a self-insured retention of \$400,000 across the board as per the proposal submitted by Arthur Gallagher & Company, AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate such renewed excess workers' compensation insurance.

Upon roll call

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

ITEM NO. 13 WAS VOTED ON AFTER ITEM NO. 26

Item No. 14a Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, the term of Jane Wiercioch as Member of the Zoning Board of Appeals expired on December 31, 2002, AND

WHEREAS, Jane Wiercioch has submitted a letter to this Town Board requesting reappointment to this position, AND

MEETING NO. 1
January 6, 2003

Item No. 14a cont'd.

WHEREAS, Jane Wiercioch has satisfactorily served as Member of the Zoning Board of Appeals and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that Jane Wiercioch, Depew, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2003 and terminating on December 31, 2007.

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 Johnson

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, AND

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and expired on December 31, 2002, AND

WHEREAS, this Board wishes to reappoint these members to another one (1) year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Veterans Affairs Committee, effective January 1, 2003 and expiring on December 31, 2003:

Alexander Burke, Cheektowaga, NY 14206
Victor Carlucci, Depew, NY 14043
Robert DelRoy, Depew, NY 14043
Wesley Fuqua, Cheektowaga, NY 14225
Donald LeBarron, Cheektowaga, NY 14225
Joseph Lipowski, Depew, NY 14043
Sylvia Lipowski, Depew, NY 14043
Joseph Porempski, Cheektowaga, NY 14227
Karen Porempski, Cheektowaga, NY 14227
George Ross, Sloan, NY 14212
Edward Schultz, Sloan, NY 14212
Raymond Wolniewicz, Cheektowaga, NY 14225

Upon roll call

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

Item No. 14c Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the terms of Cheektowaga Traffic Safety Commission members Dominick Selvaggio, Carl Perlino and Michael McGuire expired on December 31, 2002, AND

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Executive Secretary Anthony W. Osswald and Sergeant at Arms Daniel Sealander also expire on December 31, 2002, AND

WHEREAS, Dominick Selvaggio, Carl Perlino, Michael McGuire, Anthony W. Osswald and Daniel Sealander have expressed an interest in continuing to serve on the Traffic Safety Commission, AND

WHEREAS, the Traffic Safety Commission has recommended that the aforesaid individuals be re-appointed to the Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2005:

MEETING NO. 1
January 6, 2003

Item No. 14c cont'd

Members:

Dominick Selvaggio, Cheektowaga, NY 14225
Carl Perlino, Cheektowaga, NY 14225
Michael McGuire, Cheektowaga, NY 14225

Executive Secretary:

Anthony W. Osswald

Sergeant at Arms:

Daniel Sealander

Upon roll call

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

Item No. 14d Motion by Councilmember Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the term of Ernest Gawinski as Member of the Cheektowaga Public Library Board expired on December 31, 2002, AND

WHEREAS, Ernest Gawinski has requested reappointment to such position , AND

WHEREAS, Ernest Gawinski has satisfactorily served on the Cheektowaga Library Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Ernest Gawinski be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2003 and terminating on December 31, 2007.

Upon roll call

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

Item No. 14e REAPPOINTMENT OF BINGO INSPECTORS AND CHAIRMAN
THIS ITEM WAS WITHDRAWN.

Item No. 14f Motion by Councilmember Jankowiak, Seconded by Councilmember Rogowski

WHEREAS, the term of Anthony Sisti as Member of the Planning Board expired as of December 31, 2002, AND

WHEREAS, Anthony Sisti has requested reappointment to such position, AND

WHEREAS, Anthony Sisti has satisfactorily served on the Planning Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Anthony Sisti be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2003 and terminating on December 31, 2009.

Upon roll call

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

MEETING NO. 1
January 6, 2003

Item No. 15 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:
Item No. 15 cont'd.

PARKS DIVISION

David Sleight

EFFECTIVE

immediately

\Upon roll call

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

Item No. 16 Motion by Councilmember Mazur Seconded by Supervisor Gabryszak

WHEREAS, four (4) vacancies exist in the position of Police Officer in the Town of Cheektowaga; AND

WHEREAS, the Civil Service eligible list for Police Officer has been canvassed and candidates have been interviewed; NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the position of Police Officer to a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club:

John Krauze	Cheektowaga, NY 14225
Michael J. Smith	Depew, NY 14043
Dawn M. Kwiatkowski	Cheektowaga, NY 14225
Scott E. Leising	Cheektowaga, NY 14227

AND BE IT FURTHER

RESOLVED, that said appointments shall become effective January 23, 2003, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

Upon roll call

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

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

WHEREAS, at the December 30, 2002 Town Board Meeting this Town Board approved the attendance of Building and Plumbing Department employees to attend the Niagara Frontier Building Officials Annual Conference that will be held on February 3, 2003 through February 5, 2003; AND

WHEREAS, two (2) employees were omitted from the list of approved employees;
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:

Matthew Kawczynski
Edward Saturnus

Upon roll call

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Building Permits – December 2002
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No.19 Notice of Claim: Eve Dominique 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.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER JOHNSON TO SUSPEND THE RULES TO ADD THE FOLLOWING RESOLUTIONS AND THE VOTING WENT 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. 20a Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, the Association of Towns of the State of New York Year 2003 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 16-19, 2003, AND

WHEREAS, said training meeting and annual school covers numerous municipal topics of interest to town officials, AND

WHEREAS, it is advantageous to the Town to have certain town officials attend such meeting, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are authorized to attend the 2003 Training School and Annual Meeting of the Association of Towns:

Supervisor Dennis H. Gabryszak
Town Highway Superintendent Christopher J. Kowal
Town Engineer William Pugh
Town Attorney Michael J. Stachowski
Director of Administration and Finance Brian M. Krause
Councilmember William P. Rogowski

AND BE IT FURTHER

RESOLVED, that Supervisor Dennis H. Gabryszak be and hereby is designated as the Official Voting Delegate to represent the Town at the Association of Towns meeting, AND BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individuals for the reasonable and necessary expenses incurred in attending such meeting out of budget line numbers 100-1220-4088, 100-1910-4082, 100-1010-4080, 100-1315-4088 and 100-1110-4082.

MEETING NO. 1
January 6, 2003

Item No. 20a cont'd.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 20b Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

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 recommendations concerning the fire safety and impact to the general public of such application, AND

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

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

WHEREAS, an application for a permit was submitted by the Doyle Fire Department to conduct an open fire on January 15, 2003, on the property located at 575 Cayuga Creek Road, AND

WHEREAS, the applicant intends to burn, for training purposes, the house and out building that have been scheduled for demolitions, 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 Doyle Fire Department and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 21 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga participated in the 2002 New York State Retirement Incentive; AND

WHEREAS, three (3) Highway Department employees chose to participate in said incentive leaving two (2) Laborer vacancies and one (1) Motor Equipment Operator – B vacancy; AND

WHEREAS, two (2) Sanitation and Recycling Department Laborers and one (1) Recycling Department Motor Equipment Operator – B have bid on these vacancies and meet the established qualifications; THEREFORE, BE IT

RESOLVED, the following Sanitation and Recycling Department employees be and hereby are transferred to the Highway Department as follows effective January 13, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

To Laborer

Jerome Czajka

Roy Baer

Cheektowaga, NY 14225

Cheektowaga, NY 14212

To Motor Equipment Operator – B

John Balbuzoski

Cheektowaga, NY 14225

MEETING NO. 1
January 6, 2003

Item No. 21 cont'd.

AND,

WHEREAS, one (1) Sanitation Department employee chose to participate in said incentive leaving one (1) Laborer vacancy; AND

WHEREAS, Thomas Walczak, currently a Laborer in the Recycling Department has bid on this vacancy and meets the established qualifications; BE IT FURTHER

RESOLVED, that Thomas Walczak of Cheektowaga, NY 14227 be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 13, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 22 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

WHEREAS, the term of Andrew H. Schwenk as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2002 , AND

WHEREAS, Andrew H. Schwenk submitted a letter requesting reappointment to said Board, AND

WHEREAS, Andrew H. Schwenk has satisfactorily served as a member of the Board of Assessment Review for a number of years and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Andrew H. Schwenk be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

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

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

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

WHEREAS, an application was submitted by the Town of Cheektowaga to amend Chapter 206, Solid Waste, of the Code of the Town of Cheektowaga, AND

WHEREAS, the amendment will result in the suspension of source separation of recyclable materials, AND

WHEREAS, the suspension of the source separation will not increase or decrease the amount of waste generated nor add or eliminate any solid waste facility, AND

MEETING NO. 1
January 6, 2003

Item No. 23 cont'd.

WHEREAS, the solid waste, including the previously source separated materials, will continue to be sent to the waste-to-energy facility in Niagara Falls operated by American Ref-Fuel, AND

WHEREAS, the Advisory Committee, having met on January 3, 2003, after having reviewed various documents and the applications, has recommended that a negative declaration be issued for the proposed action, AND

WHEREAS, this Town Board has reviewed the applications submitted, the recommendations made by the Environmental Advisory Committee and has taken a hard look at the amendment, NOW, THEREFORE, BE IT

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 1
January 6, 2003**

Item No. 24 Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Sewer Maintenance 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 Supervisory Unit; AND

WHEREAS, Robert Latshaw, currently employed as a Working Crew Chief in the Parks, Recreation, and Youth Services Division, 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 Sewer Maintenance Department, 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 January 27, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 25 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, AND

WHEREAS, Local Law Intro No. 2002-3 of the Year 2002 was prepared to so amend Chapter 260 of the Town Code, AND

WHEREAS, a public hearing was 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 "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", AND

WHEREAS, it is in the public interest to enact "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2003, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, AND BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State, AND BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 2003 shall take effect upon filing with the Secretary of State.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 1
January 6, 2003

Item No. 26 Motion by Councilmember Swiatek, Seconded by Councilmember Jankowiak

WHEREAS, on November 27, 2002, William R. Conway retired from the Town Assessor's office after thirty-four years, and had been the sole Assessor of the Town since his appointment on November 4, 1991; AND

WHEREAS, the Town desires to retain William R. Conway on a contract basis to perform duties as Sole Assessor of the Town, for the 2003 calendar year; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains the services of former Town Assessor William R. Conway, Sloan, New York, as the Sole Assessor of the Town, in accordance with the terms and conditions of the Agreement attached hereto, and the Supervisor is authorized and directed to execute said Agreement, subject, however, to approval of same by the Town Attorney's Office.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 1
January 6, 2003

THIS ITEM WAS ACTED ON OUT OF ORDER.

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

WHEREAS, by resolution dated December 16, 2002, this Town Board transferred certain employees from the Recycling Department to the Sanitation Department, effective January 1, 2003, AND

WHEREAS, by resolution dated December 30, 2002, said resolution was amended, AND

WHEREAS, due to a typographical error, the "RESOLVED" paragraph of said December 30, 2002 resolution stated that certain listed employees were being transferred to the Recycling Department effective January 7, 2003, AND

WHEREAS, said December 30, 2002 resolution should have stated that certain listed employees were being transferred to the Sanitation Department, effective January 7, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the "RESOLVED" paragraph of the aforementioned December 30, 2002 resolution be and hereby is corrected and amended to state that those employees which were listed on the aforementioned December 16, 2002 and December 30, 2002 resolution shall be transferred to the Sanitation Department, effective January 7, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0



A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND SECONDED BY COUNCILMEMBER JOHNSON TO ADJOURN THE MEETING. TIME OF ADJOURNMENT WAS 9:10 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION NO. 2
JANUARY 15, 2003**

Item No. 1 At an executive session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of January, 2003 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 Jankowiak
Councilmember Thomas Mazur

Also present were Michael J. Stachowski, Town Attorney, Brian Krause, Director of Administration and Finance; Alan P. Schaefer, Esq.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY COUNCILMEMBER JOHNSON and SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 7:25 O'CLOCK 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 Authorize Supervisor to Execute Settlement Agreement - Sealed - Refer to Town Attorney

Motion by Unanimous, seconded by Unanimous

Upon Roll Call

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



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 7:28P.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

Executive Session No. 2
January 15, 2003



Item No. 3 Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 8:30 P.M.

MICHAEL J. STACHOWSKI
Town Attorney

**TOWN OF CHEEKTOWAGA
MEETING 3
JANUARY 21, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of January, 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, 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; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services; Christine Ziemba, Chief of Police and Kenneth Kopacz, Director of Parks, Recreation and Youth Services.

I. RESOLUTIONS

Item No. 2a Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

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

2002

GENERAL FUND

From:	100-1315-4011	Printed Forms	\$	774.00
To:	100-1315-2201	Equipment Acquisition	\$	244.00
	100-1315-4001	Office Supplies		425.00
	100-1315-4088	Travel, Training & Conference		105.00

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 2b Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

2003

GENERAL FUND

From:	100-7620-2037	Computer Class Receipts	\$	3,358.00
	100-7550-2039	Polish Festival Revenue		3,000.00
To:	100-7620-2037	Computer Training	\$	1,850.00
	100-7620-2038	Center Programming		68.00
	100-7620-2036	Special Events		1,440.00
	100-7550-4374	Polish Festival		3,000.00

**MEETING NO. 3
JANUARY 21, 2003**

Item No. 2b cont'd.

Upon roll call

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

Item No. 3 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to January 17, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 531,048.28
RISK RETENTION FUND	84,234.23
SPECIAL DISTRICTS FUND	222,402.23
HIGHWAY FUND	75,497.76
TRUST & AGENCY	11,881.23
HUD HOUSING REHABILITATION FUND	14,671.98
HUD CDBG FUND	35,954.00
PART TOWN FUND	10,224.01
CAPITAL FUND	<u>33,080.03</u>
	\$1,018,993.75

Upon roll call

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

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

WHEREAS, Fort Properties, LLC has made application and requested the Rezoning from C-Retail Business District to MS-Motor Services District for property located at 4019-4025 Genesee Street, NOW, THEREFORE BE IT

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

MEETING NO. 3
JANUARY 21, 2003

Item No. 4b Motion by Councilmember Johnson, seconded by Councilmember Jaworowicz

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 February 3, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES at least ten (10) but not more than twenty (20) days prior to the public hearing, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on February 3, 2003 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V
Schedules

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

PEACH TREE ROAD – north side: from the east curb line of Normandy Avenue easterly for 30 feet.

PEACH TREE ROAD – north side: from the west curb line of Normandy Avenue westerly for 30 feet.

PEACH TREE ROAD – north side: from the east curb line of Rowland Avenue easterly for 30 feet.

PEACH TREE ROAD – north side: from the west curb line of Rowland Avenue westerly for 30 feet.

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

Dated: January 21, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 3
JANUARY 21, 2003

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

WHEREAS, bids were received and publicly opened on December 18, 2002 at 11:00 A.M. by the Town Clerk for the installation of traffic signal improvements at the intersections of Cleveland Drive @ Lamarck Drive and Cleveland Drive @ Ravenswood Terrace, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which report dated January 9, 2003 is attached hereto, AND

WHEREAS, the Town Engineer and FRA Engineering, P.C., the project design consultant, have reviewed the bids and recommend that the bid be awarded to Omer Construction Company, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for installation of traffic signal improvements at the two (2) aforesaid intersections be and hereby is awarded to Omer Construction Company, Inc., 621 Aero Drive, Cheektowaga, New York 14225 for the bid price of \$169,051.00, which was the lowest bid meeting the requirements of the specifications and, BE IT FURTHER

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

RESOLVED, that funding for said traffic signal improvements project shall be chargeable to Account No. 500-1440-9606-5020.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 3
JANUARY 21, 2003**

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

WHEREAS, the contract for the installation of one large park shelter at the Town Park, 2600 Harlem Road, was awarded by Town Board Resolution dated December 18, 2000 to New Cal Construction, 10994 Tinkham Road, Darien, New York 14040, for a total approved bid price of \$156,808.00, AND

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

WHEREAS, the Town Engineer has further recommended the approval of Change Order No. 1 (Final) which provides for the final adjustment to contract item quantities as outlined in the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for the aforementioned project in the amount of \$4,204.86 as an addition to the contract of New Cal Construction be and hereby is approved and shall be chargeable to Account No. 5709-7110-9711 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 (Final) and the final contract acceptance documents.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, the contract for Winston-Vegola Park Improvements was awarded by Town Board Resolution dated September 17, 2001 to Titan Development Inc., 8534 Seaman Road, Gasport, New York 14067, for a total bid price of \$90,947.00, AND

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

WHEREAS, the Town Engineer has further recommended the approval of Change Order No. 1 (Final) which provides for final adjustment to contract item quantities to those actually incorporated into the project and as installed in the park, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for the aforesaid project in the amount of \$150.00 as an addition to the contract of Titan Development 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, and BE IT FURTHER

RESOLVED, that funding for Change Order No. 1 shall be chargeable to Account #01-7140-4601.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6c Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, a contract for Storm Sewer Installation on Clover Place was awarded by Town Board Resolution dated July 1, 2002 to Nichols, Long & Moore Construction Corporation, in the amount of \$149,624.50, AND

MEETING NO. 3
JANUARY 21, 2003

Item No. 6c cont'd.

WHEREAS, the Town Engineer has recommended approval of Change Order No. 1 for the aforesaid project, which provides for additional drainage work needed due to the lack of an outfall connection at U-Crest Fire Hall near Union Road, as outlined in the Change Order Documents dated January 6, 2003, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$5,835.25 as an addition to the contract of Nichols, Long & Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 be and hereby is approved and is to be funded with available CDBG funds and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the issuance of hunting and fishing licenses/stamps by local governments is a valuable and necessary service to the state; AND

WHEREAS, Town Clerks must be aware of and carefully follow the mandates of the Environmental Conservation Law and the New York State Department of Environmental Conservation in connection with the issuance of licenses and/or stamps; AND

WHEREAS, Towns face considerable liability for any failure to properly issue and record such licenses, for failure to properly file the required reports, and for failure to comply with all other requirements of the new legislation; AND

WHEREAS, Towns must maintain a separate telephone line, equipment and space as a condition of participation in the DECALS program; AND

WHEREAS, the state only pays for the installation of such required additional telephone line, but not for the added monthly cost of maintaining such line; AND

WHEREAS, Towns participating in the DECALS program must now also issue free Deer Management Permits, for which no percentage or fee is returned to the Town at all; AND

WHEREAS, Towns currently receive no more than 5.5% of the fee for issuance of resident licenses and 1.1% for issuing non-resident licenses in compliance with the law and all procedural requirements; AND

NOW, THEREFORE BE IT RESOLVED, that the New York State Town Clerks Association, representing the clerks of nearly all of the 932 towns of the State, pause in its deliberation at its December 1, 2002, Regional Meeting to urge in a unified voice that the Legislature of the State of New York pass, and the Governor sign into law, legislation to increase compensation to local governments representing the state with those citizens purchasing licenses under the DECALS program by:

1. Increasing the percentage retained for license issuance from 5.5% to 15% (for resident licenses) and from 1.1% to 3.0% (for non-resident licenses), such increase to help defer the cost of the monthly telephone line service charge incurred by the Towns

2. Paying a percentage on combination licenses and permits issued

3. Paying \$1.00 to the municipality for each deer management permit issued for free by the Towns

4. Establishing a 10% commission reimbursement to the Towns to cover the loss of revenue directly resulting from the DECALS issuance of sporting licenses to town residents

**MEETING NO. 3
JANUARY 21, 2003**

Item No. 7 cont'd.

5. Establishing an ombudsman and information agency or office within NYS Department of Environmental Conservation as a resource for residents to go to with questions or problems relating to DECALS-issued licenses; AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Temporary President of the Senate, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairpersons and members of the Senate and Assembly Environmental Conservation Committees.

Upon roll call

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

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

WHEREAS, as part of the review process for the development of property at 2285 Walden Avenue, the developer was requested to convey a sanitary sewer easement to the Town of Cheektowaga over the front of such property, AND

WHEREAS, Delta Sonic Carwash Systems, Inc., 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 and, BE IT FURTHER

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

Upon roll call

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

Item No. 9 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 Angelo Costanzo, of Costanzo's Bakery for the construction of a 19,200 square foot building addition at 30 Innsbruck Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 8, 2003 recommended a determination of non significance as shown in the attached memorandum dated January 9, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on January 9, 2003, AND

MEETING NO. 3
JANUARY 21, 2003

Item No. 9 cont'd.

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Robert J. Gill, Architect dated January 3, 2003 acceptable with the addition of one additional handicap parking space.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 3
JANUARY 21, 2003**

Item No. 10a 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 Richard Lefrois representing Walden Dodge for the construction of a 1,080 square foot building addition at 2185 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of January 9, 2003 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 Robert P. Meehan, Architect, dated January 2, 2003 is acceptable.

Upon roll call

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

Item No. 10b 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 Certainteed Corporation for the construction of a (12) foot diameter, (48) foot high steel silo at 2525 Walden Avenue, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of December 12, 2002 recommended its approval of the site plan as shown on the attached recommendation dated December 23, 2002, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals granted an area variance to allow the placement of the silo within (1) one foot of the rear property line as shown on the attached resolution dated December 23, 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, Swiatek, Jankowiak and Mazur
NAYES:	0
ABSENT:	0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 3
JANUARY 21, 2003**

Item No. 11 Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz
Councilmember Johnson

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special options program for driving while intoxicated ("STOP-DWI"), AND

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, AND

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and is also desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the STOP-DWI Agreement which commences on January 1, 2003 and terminates on December 31, 2003 with the County of Erie concerning its STOP-DWI program, and BE IT FUTRHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute four (4) copies of the STOP-DWI Agreement and any and all other papers necessary to implement the terms of this Agreement.

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

Item No. 12a Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

BE IT RESOLVED, Rochelle Fennie be and hereby is terminated from the provisional position of Clerk Stenographer in the Council Office effective January 15, 2003.

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

Item No. 12b 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:

--Lori Burdzy
--Michelle Filippi
--Jeffrey Gmerek
--Robert Hurd
--Christian Smithers
--William Strum

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

Item No. 13 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, effective as indicated:

MEETING NO. 3
JANUARY 21, 2003

Item No. 13 cont'd.

Part time	January 1-26, 2003
Seasonal	January 27-February 9
Part time	February 10-16
Seasonal	February 17-April 13
Part time	April 14-April 27
Seasonal	April 28-May 11
Part time	May 12-September 28
Seasonal	September 29-October 12
Part time	October 13-19
Seasonal	October 20-November 23
Part time	November 24-30
Seasonal	December 1-14
Part time	December 15

Mary Beth Seivert
Laila Desjardins
Ann Sheldon

Part-time to

Seasonal	January 21, 2003
Part time	April 21
Seasonal	September 15
Part time	November 17

Camille Russell

Upon roll call

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

Item No. 14 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, by resolution dated July 2, 1990, the Cheektowaga Town Board adopted Local Law No. 2 of the Year 1990, entitled "A Local Law to create the Cheektowaga Conservation Advisory Council", AND

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), AND

WHEREAS, the terms of such members of the CCAC expired on October 15, 2002, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the CCAC, effective October 15, 2002 to October 15, 2004:

John Marriott, Chairman
Raymond Unger, Member
Lawrence Watson, Member
Suzie Maras, Member
Rosalia Becker, Member
Mary Ann Feldt, Member
Patricia Goodwin

and, BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as non-voting members of the CCAC, effective from October 15, 2002 to October 15, 2004.:

Mary F. Holtz, Town Clerk/Town Historian
Earl Loder, Emergency Response Coordinator
Jane Wiercioch, Member, Zoning Board of Appeals

MEETING NO. 3
JANUARY 21, 2003

Alfred F. Wnek, Jr., Foreman, Highway Department
Item No. 14 cont'd.

Daniel Ulatowski, Zoning Inspector
Mark Christel, Principal Engineer Assistant
A. Frederic Beaman, AIA, Landscape Architect

Upon roll call

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

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

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:

	<u>EFFECTIVE</u>
<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Jeffrey Brado Depew, NY 14043	Immediately
<u>POLICE DEPARTMENT – Clerk - \$6.00 per hour</u>	
Stephanie A. Zachowicz Cheektowaga, NY 14206	Immediately
<u>POLICE DEPARTMENT – Detention Officer - \$14.00 per hour</u>	
Gary J. Peperone Depew, NY 14043	Immediately
John T. Jones, Jr. Cheektowaga, NY 14227	"
<u>SENIOR SERVICES – Van Driver - \$7.25 per hour</u>	
James Williams Cheektowaga, NY 14225	1/21/03

BE IT RESOLVED, that the following Seasonal employee's salary and date of hire be and hereby is adjusted:

	<u>EFFECTIVE</u>
<u>BUILDING MAINTENANCE DIVISION – Laborer - \$8.00 per hour</u>	
Felix Lampke Cheektowaga, NY 14227	1/02/03

BE IT RESOLVED, that the following Part-Time employees' salary be and hereby is adjusted:

	<u>EFFECTIVE</u>
<u>BUILDING MAINTENANCE DIVISION – Laborer - \$8.00 per hour</u>	
Francis Strong	Immediately
James DiGiacomo	"
<u>MAIN PUMP STATION – Clerk - \$10 per hour</u>	
Florence Falkiewicz	Immediately
<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Keith Anderson XXXXXXXXXXXXXXXXXXXX, Sloan NY XXXXX	01/01/03

BE IT RESOLVED, that pursuant to Civil Service law, Michelle A. Gaj, be transferred from Temporary Clerk Typist to Part-Time Clerk in the Personnel Department at the hourly rate of \$7.50 per hour effective January 23, 2003 and, BE IT FURTHER

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

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT</u>	
Ryan Schnell	10/03/02

MEETING NO. 3
JANUARY 21, 2003

PARKS DIVISION

Keith Anderson

Immediately

Item No. 15 cont'd.

SENIOR SERVICES

Brian Niedzielski

Immediately

POLICE DEPARTMENT

Tamara Greathouse

Immediately

Joelle Reinheimer

"

Bryon Serio

"

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 16 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the Administrative Clerk annual salary in the Personnel Department hereby be and is adjusted to \$40,708, effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17a Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Parks 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, William J. Lawicki, currently employed as a General Mechanic in the Parks Division, bid on said vacancy, and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that William J. Lawicki of Cheektowaga, New York 14227, be and hereby is appointed to the position of Working Crew Chief in the Parks 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 January 27, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17b Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Parks 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 Employees Association, AND

WHEREAS, John Ross, currently employed as a General Mechanic in the Building Maintenance Division, bid on said vacancy, NOW, THEREFORE BE IT

**MEETING NO. 3
JANUARY 21, 2003**

RESOLVED, that John Ross of Cheektowaga, New York 14227, be and hereby is appointed to the position of General Mechanic in the Parks 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 Employees Association effective January 13, 2003.

Item No. 17b cont'd.

Upon roll call

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

Item No. 17c Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Parks 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 Employees Association, AND

WHEREAS, Joseph Trzaska, currently employed as a Motor Equipment Operator – B in the Highway Department, bid on said vacancy, NOW, THEREFORE BE IT

RESOLVED, that Joseph Trzaska of Cheektowaga, New York 14206, be and hereby is appointed to the position of General Mechanic in the Parks 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 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. 17d Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Building Maintenance 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 Employees Association, AND

WHEREAS, David Gallmeyer, currently employed as a General Mechanic in the Parks Division, bid on said vacancy, was interviewed and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that David Gallmeyer of Cheektowaga, New York 14227 be and hereby is appointed to the position of General Mechanic in the Building Maintenance 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 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. 17e Appointment to Fill Vacancy in Position of Senior Clerk Typist in Police Department
This item was withdrawn.

Item No. 17f Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

**MEETING NO. 3
JANUARY 21, 2003**

WHEREAS vacancies currently exist on the Cheektowaga Youth Board, AND

Item No. 17f cont'd.

WHEREAS Ryan C. Jones, and Jill Gordon, 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 on January 20, 2006.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, in conjunction with the award of bid of the contract for traffic signal improvements at the intersections of Cleveland Drive @ Lamarck Drive and Cleveland Drive @ Ravenswood Terrace, the Town Engineer has recommended that FRA Engineering, P.C., the project design consultant, be retained to perform construction phase services as outlined in a proposal dated November 12, 2002, NOW, THEREFORE, BE IT

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

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

RESOLVED, that the cost of said professional services in an amount not to exceed \$3,200 shall be chargeable to Accounts #500-1440-9606-5704 and #500-1440-9606-5020.

Upon roll call

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

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Final Report of 2002 Town and County Tax Collection and 2002-2003 School Tax Collection
Received and Filed.

Item No. 20 Quarterly Report From Office of Emergency Services (October-December 2002)
Received and Filed.

Item No. 21a Minutes of Board of Ethics Committee – December 11, 2002
Received and Filed.

Item No. 21b Minutes of Cheektowaga Planning Board – December 12, 2002
Received and Filed.

Item No. 21c Minutes of Cheektowaga Conservation Council – January 2, 2003
Received and Filed.

**MEETING NO. 3
JANUARY 21, 2003**

Item No. 21d Minutes of Town Environmental Advisory Committee – January 8, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22a Notice of Claim: Linda Karaszewski 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. 22b Notice of Claim: Samuel P. Ramaglia 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. 22c Notice of Claim: Timothy Hoffman 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. 22d Notice of Claim: Robert Giermata vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 22e Notice of Claim: Joseph Saskowski vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 22f Notice of Claim: Diane Moleski 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. 22g Notice of Claim: Charles Sciolino 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. 22h Edwin Urbanski 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. 22i Winfried Buntins 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. 22j Hubert Colby 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 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



IV. SUSPENSION OF RULES

Item No. 23 Motion by Councilmember Mazur, seconded by Councilmember Rogowski

WHEREAS, a vacancy exists in the position of Laborer in the Highway 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, Frank Piacente, currently employed as a Recreation Leader in the Parks, Recreation and Youth Services Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Frank Piacente of Cheektowaga, New York 14227 and hereby is appointed to the position of Laborer in the Highway Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective January 1, 2003.

Upon roll call

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

Item No. 24 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, a vacancy exists in the title of Recreation Leader 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 falls under the competitive class of Erie County Civil Service,
AND

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

WHEREAS, John Ciesielski, currently employed as a temporary Recreation Instructor in the Parks, Recreation and Youth Services Department has applied for said position and meets all the necessary qualifications for provisional appointment, NOW, THEREFORE BE IT

MEETING NO. 3
JANUARY 21, 2003

Item No. 24 cont'd.

RESOLVED, that John Ciesielski of Cheektowaga, New York 14225, be and hereby is appointed provisionally to the position of Recreation Leader in the Parks, Recreation and Youth Services Department, pending the results of the civil service examination, and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 22, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 25 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur to adjourn this meeting. This meeting was at 7:00 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION NO. 4
JANUARY 29, 2003**

Item No. 1 At an executive session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 29th day of January, 2003 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: Mary F. Holtz, Town Clerk; Michael J. Stachowski, Town Attorney and Brian Krause, Director of Administration and Finance



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY SUPERVISOR GABRYSAK TO ENTER INTO EXECUTIVE SESSION AT 7:20 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 Councilmember Jaworowicz, seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to improve records management practices associated with the Building Inspection Department, 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 New York State Education Department State Archives for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are 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

EXECUTIVE SESSION NO. 4
JANUARY 29, 2003



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 7:25 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



Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd of February 2003 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: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; Thomas Adamczyk, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director of Senior Services; Christopher Kowal, Highway Superintendent 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 Proposed Amendments to Chapter 235 of the Code of the Town of Cheektowaga V&T Article V, Schedules, Peach Tree Road. 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

**MEETING NO. 5
FEBRUARY 3, 2003**

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 closed, decision was reserved.

II. RESOLUTIONS

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 January 31, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 517,254.52
RISK RETENTION FUND	38,320.00
SPECIAL DISTRICTS FUND	146,625.14
HIGHWAY FUND	130,188.77
TRUST & AGENCY	5,435,019.90
HUD HOUSING REHABILITATION FUND	15,020.00
HUD CDBG FUND	229,004.23
PART TOWN FUND	19,497.47
CAPITAL FUND	<u>4,219.66</u>
	\$ 6,535,149.79

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 4a Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

2002

GENERAL FUND

FROM: 100-1910-2680 Insurance Recoveries \$ 33,524.00

TO: 100-1625-4432 Building Repairs & Maint. \$ 33,524.00

PART TOWN FUND

FROM: 800-3620-2770 Permits & Inspections \$ 2,000.00

TO: 800-3620-4411 Refunds Of Permits \$ 2,000.00

Upon roll call....

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

NAYES: 0

ABSENT: 0

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 4b Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

2003

GENERAL FUND

FROM

100-3120-3820	State Aid Police	\$ 1,735.00
100-7620-2039	Brochure Mailing Receipts	720.00
100-1110-2770	Misc. Revenue Justice	3,128.00

TO

100-3120-2501	Other Equipment	\$ 1,735.00
100-7620-4261	Postage Special Items	720.00
100-1110-2105	Equipment	3,128.00

Upon roll call....

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

NAYES: 0

ABSENT: 0

Item No. 5 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, this Town Board held a public hearing on February 3, 2003 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 V
Schedules

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

PEACH TREE ROAD – north side: from the east curb line of Normandy Avenue easterly for 30 feet.

PEACH TREE ROAD – north side: from the west curb line of Normandy Avenue westerly for 30 feet.

PEACH TREE ROAD – north side: from the east curb line of Rowland Avenue easterly for 30 feet.

PEACH TREE ROAD – north side: from the west curb line of Rowland Avenue westerly for 30 feet.

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.

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 5 cont'd.

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

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 6 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga has supported the Meals on Wheels Program for over twenty years, AND

WHEREAS, we are presently serving over 350 elderly residents daily with two homebound delivered meals, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga will present a grant of \$31,000.00 for the year 2003 to insure the continuity of this program to our Town.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 7 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, Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, the reimbursement to Maryvale Presbyterian Church and Infant of Prague Church for meals served will be increased to twenty-five cents per meal served to help in defraying expenses associated with the program.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 8 Motion by Unanimous; Seconded by Unanimous

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

WHEREAS, The Town of Cheektowaga has received notification of an unsafe structure located at 280 Hyland Avenue, Cheektowaga, New York, SBL#92.15-4-11.1 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office, identify Gregory L. Russell, Jr. and Gregory L. Russell, Depew New York as the owner, AND

WHEREAS, an inspection of such premises was conducted at 280 Hyland Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 8 cont'd.

Upon roll call

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

Item No. 9 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, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 10a Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

WHEREAS, the Town, in its 2003 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town , AND

WHEREAS, agreement(s) between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups, AND

WHEREAS, the organization(s) listed below have completed and returned signed agreement(s) and their accounting report(s) from the 2003 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) in the form(s) attached to this resolution, with the cultural and not-for-profit organization(s) listed below for the amount(s) listed , and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Community Chorus	\$10,000.00
Arts Society of Cheektowaga	\$ 1,000.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2003 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 10b Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,112,000 in Community Development Block Grant Funds for the 2003 Program Year, and, as a member of the Amherst-Cheektowaga-Tonawanda HOME Consortium, the Town is entitled to receive approximately \$397,000 of the HOME Consortium entitlement grant, AND

WHEREAS, Public Hearings regarding the use of said funds were held on November 4, 2002 and January 21, 2003, AND

WHEREAS, the Town Director of Community Development has submitted recommendations regarding the use of said funds, which includes activities to principally benefit low-income persons pursuant to the goals and objectives of the Housing and Community Development Act and its governing rules and regulations, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the submission of the Town of Cheektowaga Annual Plan to the Department of Housing and Urban Development for the 2003 Program Year in conjunction with the Amherst-Cheektowaga-Tonawanda Consortium, including the projects contained on the attached CDBG and HOME Project Summaries, and BE IT

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the required Certifications and any other Community Development Block Grant and HOME Program related documents as may be necessary.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 10c Motion by Councilmember Johnson; Seconded by Supervisor Gabryszak

WHEREAS, the New York State Division of Criminal Justice Services has made funds available to the Town of Cheektowaga for the 2003-2004 year to fund a Motor Vehicle Theft and Insurance Fraud Prevention program to reduce the number of stolen vehicles in the Town and increase the recovery of those cars that are stolen; AND

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding, and has been notified that the Town has been awarded the sum of \$40,000.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

Upon roll call

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

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

WHEREAS, Contract "A" (General Construction) for the renovations and improvements to the Town Park Pool Facility was awarded by Town Board Resolution dated November 5, 2001 to Numarco Inc., in the amount of \$1,736,800.00 AND

WHEREAS, Bergmann Associates, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, AND

WHEREAS, Bergmann Associates has also submitted and recommended the approval of Change Order #A-01 (Final) which is further outlined in a letter to the Town Board January 28, 2003 and the change order documents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board be and hereby accepts the completed project, Contract "A" (General Construction) and directs the Supervisor to sign the final contract acceptance documents with Numarco Inc., 1020 Maple Road, Elma, New York 14059, including Change Order #A-01 (Final) which provides for a decrease to the aforesaid contract in the amount of \$12,453.10 (credit).

Upon roll call

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

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

WHEREAS, a feasibility study of proposed enhancements and renovations to the Cheektowaga Senior Citizen Facility, dated March 12, 2001, prepared by Kideney Architects has identified the need to construct additions to the Banquet Room, Exercise Room, Entrance Vestibule and the Ceramic Mold Storage Room and related modifications to the existing facility in an effort to meet the programming needs at the Senior Facility, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Kideney Architects, 200 John James Audubon Parkway, Suite 303, Buffalo, New York 14228-1120 be and hereby is retained to provide professional services for the design of the additions and alterations to the Senior Citizen Facility, including preparation of contract drawings and specifications for public bidding and services during construction in accordance with the proposal submitted to the Town of Cheektowaga Engineering Department and the Director of Senior Services dated January 27, 2003, AND, BE IT FURTHER

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 10e cont'd.

RESOLVED, that the Supervisor be and hereby is authorized to execute said professional services agreement for the aforementioned project on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for professional services associated with the aforementioned project in the amount of \$85,000.00, including reimbursable expenses as outlined in the stated proposal, shall be chargeable to Account No. 0500-7620-2520-5122.

Upon roll call

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

Item No. 11 Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Cheektowaga Sewer Maintenance Department has requested authorization to purchase one (1) 2003 International M-7400/Dump as specified in the New York State OGS Contract No. PC-58311, AND

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

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Sewer Maintenance Department to purchase one (1) 2003 International M-7400/Dump in the amount of \$60,729.10 from:

Hanson International Trucks, Inc.
2425 Walden Avenue
Cheektowaga, New York 14225

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 hourly salaries for the following PART-TIME titles in the Department of Senior Services be and hereby are established effective February 4, 2003:

Nutrition Site Manager	\$7.25
Ceramics Instructor	\$7.50
Van Drive	\$7.50
Physical Fitness Instructor	\$12.25

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

-- Ryan Mohr
--Barton Nawojski

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 13a cont'd.

Upon roll call

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

Item No. 13b Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT FURTHER RESOLVED, that the following individuals be and hereby are transferred from part-time to seasonal, effective as indicated:

Seasonal – 2/4/03- 4/21/03
Part-time 4/22/03

--Glenn Au
--Matt Bean

Upon roll call

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

Item No. 13c Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individual be and hereby is hired as a part-time employee in the Department of Parks, Recreation & Youth Services effective 1/22/03:

Recreation Attendant (1) - \$5.15
7140.1614-7140.1613

Amanda Kostran
Depew, NY 14043

Item No. 14 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:

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – Sign Maintenance - \$7.10 per hour</u>	
Thomas Maciok Cheektowaga, NY 14225	2/04/03
Mark Blachowicz Cheektowaga, NY 14225	“
<u>POLICE DEPARTMENT – Clerk - \$6.00 per hour</u>	
Steven Morath Cheektowaga, NY 14227	2/04/03
<u>SENIOR SERVICES – Laborer - \$7.00 per hour</u>	
Diane Gallagher Cheektowaga, NY 14227	1/21/03
<u>TOWN CLERK’S OFFICE – Clerk - \$6.00 per hour</u>	
Jessica Odrobina Cheektowaga, NY 14227	2/04/03

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 14 cont'd.

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

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT</u>	
Richard Baron	2/04/03
David Fitch	"
Jennifer Gabryszak	"

Upon roll call

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

Item No. 15 Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

WHEREAS, recycling services have been suspended; THEREFORE, BE IT

RESOLVED, the following Recycling Department employees be and hereby are transferred to the Sanitation Department as follows effective February 4, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

SANITATION LABORER TO TEMPORARY MOTOR EQUIPMENT OPERATOR-B
Thomas Walczak Cheektowaga, NY 14227

RECYCLING LABORER TO TEMPORARY MOTOR EQUIPMENT OPERATOR-B
Timothy Jaworowicz Cheektowaga, NY 14227

MOTOR EQUIPMENT OPERATOR-B IN RECYCLING TO TEMPORARY MOTOR EQUIPMENT OPERATOR-B
Ronald Bolognese Depew, NY 14043

MOTOR EQUIPMENT OPERATOR-B TO TEMPORARY MOTOR EQUIPMENT OPERATOR-B
Gregory Gaczewski Depew, NY 14043

LIGHT MOTOR EQUIPMENT OPERATOR-B IN RECYCLING TO LABORER
Peter Gerlach Cheektowaga, NY 14227

Upon roll call

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

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

WHEREAS vacancies currently exist on the Cheektowaga Youth Board; AND

WHEREAS Laura Mazurkiewicz, and Audrey Fix, 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 on February 2, 2006.

Upon roll call

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

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 16b Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Parks 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 Employees Association; AND

WHEREAS, David Orlikowski, currently employed as a Laborer in the Highway Department, bid on said vacancy, was interviewed and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that David Orlikowski of Cheektowaga, New York 14225, be and hereby is appointed to the position of General Mechanic in the Parks 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 Employees Association effective February 4, 2003.

Upon roll call

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

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

WHEREAS, the Association of Towns of the State of New York Year 2003 Training School and Annual Meeting will be held at the Hilton Hotel and Towners in New York City from February 16-19, 2003 AND

WHEREAS, said training meeting and annual school covers numerous judicial and municipal topics of interest to town officials, AND

WHEREAS, it is advantageous to the Town to have certain town officials attend such meeting, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are authorized to attend the 2003 Training School and Annual Meeting of the Association of Towns:

Town Justice: Honorable Thomas S. Kolbert
Town Justice: Honorable Ronald E. Kmietek

AND, BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individuals for reasonable and necessary expenses incurred in attending such meeting out of budget line numbers 100-1110-4082.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Building Permits – January 2003
Received and Filed.

Item No. 19 Supervisor's Statement of Funds – December 2002
Received and Filed.

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 20a Planning Board Minutes – January 9, 2003
Received and Filed.

Item No. 20b Traffic Safety Commission Minutes – December 17, 2002
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21 Summons and Complaint: Paul Schnitzler vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway, Sewer and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 22a Notice of Claim: Robert Gorny 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. 22b Notice of Claim: Scott Shell vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 22c Notice of Claim: Kenneth Snyder 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.



A MOTION WAS MADE BY COUNCILMEMBER SWIATEK AND 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. 23 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

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

**MEETING NO. 5
FEBRUARY 3, 2003**

Item no. 23 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 Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND,

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct an open fire on February 15, 2003 on the property located at 3325 Genesee Street, AND

WHEREAS, the applicant intends to conduct a bonfire, in conjunction with the U-Crest Fire Department, for youth activity programs, 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 requirements 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 review the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 24a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS it is in order that bids be advertised for the purchase of baseball and softball equipment for the Town of Cheektowaga Department of Parks, Recreation & Youth Services, BE IT

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

RESOLVED that sealed bids will be received on February 12, 2003 at 11:00 a.m. Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.

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, publicly opened and read by the Town Clerk of the Town of Cheektowaga, Erie County, New York on February 12, 2003 at 11:00 AM Eastern Standard Time at Town Ha..., corner of Broadway and Union Road for the purchase of baseball and softball equipment.

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

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 24a cont'd.

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

MARY HOLTZ
TOWN CLERK



AFFIDAVIT NEXT PAGE

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 24b Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga desires to lease, with an option to buy, one (1) 2003 Four-Wheel Drive Tractor/Flail Mower, 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 said lease of one (1) 2003 Four-Wheel Drive Tractor/Flail Mower, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 19th day of February, 2003 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

Upon roll call

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

NAYES: 0

ABSENT: 0



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on February 19, 2003 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the lease with option to buy of one (1) 2003 TS90-4WD New Holland Tractor/Flail Mower for use by the Town of Cheektowaga Parks Division.

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

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

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

Mary Holtz

Town Clerk

DATED: February 3, 2003

AFFIDAVIT NEXT PAGE

**MEETING NO. 5
FEBRUARY 3, 2003**

Item No. 25 Motion by Supervisor Gabryszak; Seconded by Councilmember Rogowski

WHEREAS, the design of the proposed Cheektowaga Municipal Golf Course impacts approximately .72 acre of wetlands which are subject to both State and Federal jurisdiction, based on the completion of a recent wetlands delineation, AND

WHEREAS, there is a need to prepare and submit a Joint Permit Application to the U.S. Army Corps of Engineers and NYSDEC for an Individual Section 404 Federal Wetlands Permit and State 401 Water Quality Certification Permit, together with a wetlands mitigation design plan, design report and alternatives analysis, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Wilson Environmental Technologies, Inc., 1331 North Forest Road, Suite C250, Williamsville, New York 14221 be and hereby is retained to provide consulting services relative to the preparation of the wetland mitigation design plan and report and completion of the Joint Permit Application process as is required by State and Federal wetlands regulations in accordance with the proposal submitted to the Town Engineer dated January 16, 2003 at a fee not to exceed \$10,000, AND, BE IT FURTHER

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

RESOLVED, that funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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

NAYES: 0

ABSENT: 0

A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED COUNCILMEMBER MAZUR TO ADJOURN THE MEETING IN MEMORY OF THE CREW MEMBERS OF SPACE SHUTTLE COLUMBIA. TIME OF ADJOURNMENT 7:10 P.M.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 6
FEBRUARY 24, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 24th day of February, 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Kevin Schenk, Deputy Town Attorney; Brian Krause, Director of Administration and Finance; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services; Christine Ziemba, Chief of Police and Kenneth Kopacz, Director of Parks, Recreation and Youth Services.

I. RESOLUTIONS

Item No. 2a Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

2003

GENERAL FUND

From:	100-3120-2501	Other Equipment	\$1,735.00
To:	100-3120-3820	State Aid Police	\$1,735.00

HUD-CDBG FUND

From:	700-1002-0704	Contingency	\$ 461.19
To:	700-1002-0662	Drainage Improvements	\$ 461.19

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 2b Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

2002

GENERAL FUND

FROM:	100-1220-4088	Travel Training & Conferences	\$ 757.50
	100-6410-4194	Publicity	407.00
	100-1625-4217	Utilities	7,189.30
	100-3120-3820	State Aid Police	1,735.00

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 2b cont'd.

TO:	100-1220-4001	Office Supplies	\$ 1,164.50
	100-3310-4217	Traffic Utilities	1,740.92
	100-3510-4221	Dog Kennel Utilities	5,448.38
	100-3120-2501	Other Equipment	1,735.00

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 3 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to February 21, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,854,968.26
RISK RETENTION FUND	94,344.69
DEBT SERVICE FUND	252,500.00
SPECIAL DISTRICTS FUND	895,524.86
HIGHWAY FUND	601,220.72
TRUST & AGENCY	13,069.17
HUD HOUSING REHABILITATION FUND	485.00
HUD CDBG FUND	9,044.92
PART TOWN FUND	92,290.93
CAPITAL FUND	<u>178,423.83</u>
	\$ 4,991,872.38

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 4 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 Malcom S. Tennant representing Fort Properties, LLC for the rezoning of 4019-4025 Genesee Street from C-Retail Business to MS-Motor Services for the continued use of the premises as a car rental/lease, valet parking and accessory maintenance facility for fleet vehicles, AND

WHEREAS, the premises also has a vested right to continue the use of 4025 Genesee Street for the sale of used surplus motor vehicles subject to the restrictions of Article VII (non conforming use regulations) of the Zoning Law of the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting on April 15, 2002 recommended the approval of the rezoning as shown on the attached recommendation dated April 18, 2002, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on February 12, 2003 recommended a determination of non significance, AND

MEETING NO. 6
FEBRUARY 24, 2003

Item No. 4 cont'd.

WHEREAS, the applicant/owner, has made written commitments to install a sidewalk along Buell Avenue, beginning at a point from the termination of NYSDOT's proposed sidewalk along Genesee Street to the applicant's southerly property line, produced, AND

WHEREAS, the applicant/owner has also made written commitments to replace dead/dying trees along Buell Avenue, AND

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA and finds the site plan (Job No. TCR-102002, Drawing No. 92002) acceptable.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 6
FEBRUARY 24, 2003

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

WHEREAS, Fort Properties, LLC petitioned for a rezoning from C-Retail Business District to MS-Motor Services District for the rental, lease, valet parking and maintenance of its fleet of motor vehicles for property owned by it and located at 4019-4025 Genesee Street, Cheektowaga, New York, which property is described in the attached legal description, AND

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

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

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

RESOLVED, that the application of Fort Properties, LLC. for the rezoning from C-Retail Business District to MS-Motor Services District of the property described in the attached legal description for the rental, lease, valet parking and maintenance if its fleet of motor vehicles be and the same is hereby approved, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 6a Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, by resolution dated February 3, 2003, this Town Board invited sealed bids for the lease of one (1) 2003 model 4-wheel drive tractor/mower for use by the Parks Division for a term of three (3) years, AND

WHEREAS, bids were received and opened at a public bid opening held on February 19, 2003 at 11:00 A.M. and said bid proposals were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that after said analysis, tabulation and report, it has been recommended that the bid for the lease of a 4-wheel drive tractor/mower, less trade-in of one (1) 1984 tractor, be and hereby is awarded to Buffalo Tractor, 3045 Seneca Street, Buffalo, New York 14224 for a period of three (3) years at a fixed yearly amount of \$21,364.31 per year and, BE IT FURTHER

RESOLVED, that funds for such yearly payments are available in Account #0100-7110-2304 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute a lease with Buffalo Tractor on behalf of the Town of Cheektowaga and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute any and all other papers necessary to effectuate the lease of the above mentioned vehicle.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on February 12, 2003 for the furnishing of baseball and softball equipment as a result of advertising thereof, and such bids were referred to the Department of Parks, Recreation & Youth Services for analysis, tabulation and report, AND

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

RESOLVED that the bids be and hereby are awarded to the following bidders meeting specifications.

Jim Ludtka Sporting Goods, Inc.
2500 Walden Avenue
Cheektowaga, New York 14225

Laux Sporting Goods
25 Pineview Drive
Amherst, New York 14228

Baseball Academy of WNY
c/o Justin Santonocito
3689 California Road
Orchard Park, New York 14127

BE IT FURTHER RESOLVED that the costs resulting from the awarding of this bid are funded through 0100-7140-4539 and 0100-7140-4601 accounts for cost centering purposes.

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 6
FEBRUARY 24, 2003

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

WHEREAS, the Town Board has previously adopted guidelines governing the Town's Housing Rehabilitation Loan Programs, AND

WHEREAS, in order to continue to provide for the effective administration and implementation of said Programs, and to assure achievement of program goals, the Director of Community Development has recommended the adoption of the attached amendments to said Guidelines dealing with loan limits and eligible improvements NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the attached amendments to the Housing Rehabilitation Loan Program Guidelines for the Community Development and HOME Program Rehabilitation Programs, said amendments to be effective 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

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 8 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town administers housing rehabilitation programs with federal Community Development and HOME Program funds, AND

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

WHEREAS, the Community Development Director has recommended authorization of a loan to the owner of 288 Boll Street, Sloan, New York, for the demolition and substantial rehabilitation / reconstruction of said property in an amount not to exceed \$93,360 in HOME Program funds through the Amherst HOME Consortium, said project being an eligible activity under federal regulations governing the HOME program, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the approval of a housing rehabilitation loan for the owner of the property at 288 Boll Street, Sloan, New York, utilizing HOME Program funds through the Amherst HOME Consortium in an amount not to exceed \$93,360.

Upon roll call

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

Item No. 9 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, the Niagara Frontier Transportation Authority (NFTA), has solicited the Town of Cheektowaga for Lead Agency Designation pursuant to Article 8 of the Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) for runway rehabilitation, taxiway and runway extension improvements to the Buffalo Niagara International Airport (BNIA), AND

WHEREAS, the Town of Cheektowaga as the host community for the Airport believes that the proposed improvements may have significant environmental impacts to air quality, ground or surface water quality or quantity, traffic or noise levels, a possible creation of a hazard to human health, and the possible creation of a material conflict with the community's land use plans and goals, AND

WHEREAS, the Town of Cheektowaga Environmental Advisory Committee had previously expressed concern for environmental impacts associated with the project as shown in the attached correspondence to James Rasey, Senior Transportation Planner, dated February 22, 2002, AND

WHEREAS, the Town of Cheektowaga believes that the proposed improvements will have significant environmental impacts which must be mitigated, AND

WHEREAS, the Town of Cheektowaga concurs with NFTA's request to be lead agency for the subject the project, however, the Town of Cheektowaga request to be recognized as an interested agency and reserves its right to be an involved agency, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, be and hereby requests that the NFTA issue a positive declaration for the subject project and initiate scoping of this project so that discussions with the Town can commence to establish a draft scope.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 6
FEBRUARY 24, 2003**

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

WHEREAS, as part of the review process for the development of property located at 1700-1750 Walden Avenue, the developer was requested to convey a sidewalk easement to the Town of Cheektowaga over the area where the storm sewer pipeline is located, AND

WHEREAS, The Randall Benderson 1993-1 Trust, 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, and BE IT FURTHER

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

Upon roll call

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

Item No. 11 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Department of Parks, Recreation and Youth Services has requested permission to conduct an overnight camp-out on Friday, February 28, 2003 in the Alexander Community Center, AND

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed," NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, and that said waiver be extended to the Parks, Recreation and Youth Services Department's Adapted Recreation Program, and BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police and the Parks Division.

Upon roll call

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

Item No. 12 Motion by Councilmember Jaworowicz, seconded by Councilmember Mazur

WHEREAS, Bethlehem Steel Corporation has filed for federal bankruptcy protection and is in the process of selling its company and assets to International Steel Group for \$1.5 billion, AND

WHEREAS, the proposed acquisition of Bethlehem Steel by International Steel Group will result in the termination of health and life insurance benefits for approximately 95,000 workers nationwide, AND

WHEREAS, this loss of benefits will be devastating to the 12,000 retirees and their beneficiaries who have toiled for years under harsh conditions to build the industrial base of Western New York, AND

WHEREAS, a number of Bethlehem Steel retirees who reside in the Town of Cheektowaga will be forced to endure severe economic and physical hardships as they seek to find affordable coverage for health care and prescription drug benefits, AND

MEETING NO. 6
FEBRUARY 24, 2003

Item No. 12 cont'd.

WHEREAS, it is the responsibility of the federal government to protect workers and retirees who have been victimized by these bankruptcy proceedings and unfair trade practices in the foreign steel industry, AND

WHEREAS, in May of 2002, the U.S. Senate failed to act upon an amendment to the Trade Adjustment Act, as part of the Senate Trade Promotion Authority bill, which would have provided at least partial coverage of health care benefits for steelworker victims of unfair trade practices NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby supports the establishment of a federal fund dedicated to providing health care benefits and prescription drug coverage for steelworker retirees and their beneficiaries who lose their coverage as a result of bankruptcy proceedings, sale of corporate assets, unfair trade practices, or foreign competition and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the Senate and House of Representatives to enact a bill to establish the aforementioned federal fund for steelworker retirees and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Congressman Jack Quinn, Senator Charles E. Schumer, Senator Hillary Rodham Clinton and President George Bush.

Upon roll call

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

Item No. 13a Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, the Town, in its 2003 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town , AND

WHEREAS, agreement(s) between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups, AND

WHEREAS, the organization(s) listed below have completed and returned signed agreement(s) and their accounting report(s) from the 2003 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) in the form(s) attached to this resolution, with the cultural and not-for-profit organization(s) listed below for the amount(s) listed and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Patriotic Commission	\$13,000.00
Cheektowaga Historical Association	\$ 1,350.00
Cheektowaga Art Guild	\$ 1,100.00
Friends of the Woods, Ltd.	\$ 800.00

and, BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2003 Town budget, subject to audit and approval of a properly signed Town voucher.

MEETING NO. 6
FEBRUARY 24, 2003

Item No. 13a cont'd.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 13b Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Council on the Arts of fund cultural components of the annual Polish-American Festival, NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Council on the Arts 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 acquisition of said funding.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13c Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that subject to approval by the Town Attorney, Supervisor Dennis H. Gabryszak be and hereby is authorized to sign contracts between the Town of Cheektowaga, performers and recurring vendors for concerts and special events to be held during the year 2003.

FUNDING SOURCE: 0100-7140-4503
0100-7140-4491
0100-7620-4685

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13d 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 191 Claudette Court, Depew, New York 14043, AND

WHEREAS, the owner of said property has applied for a mortgage loan from Woodlawn Auto Workers Federal Credit Union, and Woodlawn Auto Workers Federal Credit Union 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 Woodlawn Auto Workers Federal Credit Union, S3811 Lakeshore Road, Blasdell, New York 14219, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 191 Claudette Court, Depew, New York 14043.

Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 13e Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the U.S. Environmental Protection Agency (U.S.E.P.A) has promulgated regulations known as the Phase II Stormwater Rule, which requires a stormwater permit and implementation of a Stormwater Management Program for municipal separate storm sewer systems serving populations under 100,000 in an urbanized area, which applies to the Town of Cheektowaga, AND

WHEREAS, in order to comply with the aforesaid regulations, communities are required to submit a "Notice of Intent" to obtain a General Permit to the New York State Department of Environmental Conservation by March 10, 2003, and to fully implement a Stormwater Management Program within five (5) years, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineer is hereby directed to complete the Notice of Intent Application and, together with the Town Superintendent of Highways, shall commence the development of a Stormwater Management Program and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the Notice of Intent Application for submission to NYSDEC.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, in order to provide for the provisions of emergency medical services on a uniform basis, this Town Board, on May 7, 1984, adopted an Ambulance Services Ordinance, AND

WHEREAS, said Ordinance provides for the establishment of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town in the implementation of the Ordinance, AND

WHEREAS, the composition of the EMS Board is set forth in Section 52-7 of the Code of the Town of Cheektowaga , AND

WHEREAS, the terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals shall be designated to serve as members of the EMS Board for 2003 for a term of one year:

REPRESENTING

Bellevue
Cleveland Hill
Doyle
Forks
Hy-View
Pine Hill
Sloan
South Line
U-Crest
Walden
St. Joe's Hospital
Police Department
Dispatch
Town Board

DESIGNATE

Dell Reitz
Ronald Passmore
Richard Ralecki
Vince Piasecki
Robert Schmitt
Jennifer Cooper
Sean McGee
Ralph Collins
Ronald Wanat
Jack Tower
Dr. Frank Lee
Captain Thomas Rowan
Kenneth Paa
Thomas Mazur

ALTERNATE

Jack McFarland
Robert Trautman
James Tokasz
Neil Cummings
Roman Gawronski

Scott Prell
Mark Kopp
James Williams
Kristen Loeffler

EX-OFFICIO MEMBERS (non-voting)

Rural/Metro
County EMS

Greg Gill
John Adolpf

Timothy Bull

and, BE IT FURTHER

RESOLVED, that Robert Schmitt be appointed to serve as Chairman of the EMS Board.

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 14 cont'd.

Upon roll call

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

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

WHEREAS, a vacancy exists in the position of General Mechanic in the Parks 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 Employees Association, AND

WHEREAS, Louis J. Arricale, currently employed as a Pump Operator in the Main Pump Station, bid on said vacancy, was interviewed and meets the necessary qualifications NOW, THEREFORE BE IT

RESOLVED, that Louis J. Arricale, Cheektowaga, New York 14225, be and hereby is appointed to the position of General Mechanic in the Parks 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 Employees Association effective March 3, 2003.

Upon roll call

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

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

WHEREAS, a vacancy exists in the position of Senior 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, such job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service promotional list for said title was canvassed, AND

WHEREAS, Kathleen Maciejewski, currently employed as a Clerk Typist in the Justice Court, appears on said list and meets all the necessary qualifications NOW, THEREFORE BE IT

RESOLVED, that Kathleen Maciejewski of Cheektowaga, New York 14227 be and hereby is appointed to the position of Senior 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 February 25, 2003.

Upon roll call

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

Item No. 16 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

RESOLVED, the following employees be and hereby are transferred as follows effective February 24, 2003 in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

MEETING NO. 6
FEBRUARY 24, 2003

Item No. 16 cont'd.

FROM SANITATION DEPARTMENT – Motor Equipment Operator – B TO HIGHWAY DEPARTMENT – Laborer

Edward Fialkowski Cheektowaga, NY 14227

FROM SANITATION DEPARTMENT – Temporary Motor Equipment Operator – B TO SANITATION DEPARTMENT – Motor Equipment Operator - B

Timothy Jaworowicz Cheektowaga, NY 14227

FROM RECYCLING – Light Motor Equipment Operator – B TO SANITATION DEPARTMENT – Temporary Motor Equipment Operator – B

Christopher Bukowski Cheektowaga, NY 14206

Upon roll call

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

NAYES: 0

ABSENT: 0

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

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

Effective Immediately

From Administrative Interns (7310.1804) to Lifeguards – \$7.15 - (7180.1903)

Nicole Kunkel

From Lifeguard (7180.1903) to Recreation Attendants - \$5.90 - (7140.1614)

Brandon Lehman

From Recreation Attendant (I) to Recreation Attendant (II) - \$5.40 - (7140.1614)

Ryan Jablonski

Upon roll call

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that the hourly salaries for the following PART-TIME Clerks in the Assessor's Department be and hereby are established effective January 1, 2003:

Suzanne O'Neill Depew, NY 14043 \$7.50 per hour

Beatrice Szymkowiak Cheektowaga, NY 14206 \$7.00 per hour

Marleen Pijacki Cheektowaga, NY 14206 \$7.00 per hour

Upon roll call

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

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19a Minutes of Town Environmental Advisory Committee- February 12, 2003
Received and Filed.

Item No. 19b Minutes of Board of Ethics Committee – January 15, 2003
Received and Filed.

**MEETING NO. 6
FEBRUARY 24, 2003**

Item No. 19c Minutes of Board of Ethics Committee – February 7, 2003
Received and Filed.

Item No. 19d Minutes of Cheektowaga Conservation Advisory Council – January 18, 2003
Received and Filed.

Item No. 19e Minutes of Cheektowaga Conservation Advisory Council – February 6, 2003
Received and Filed.

Item No. 19f Minutes of Traffic Safety Commission – January 21, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 20a Notice of Claim: Steven P. Jastrzab vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 20b Notice of Claim: Jennifer Horan 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. 20c Notice of Claim: Noreen Saemenes 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. 20d Notice of Claim: Val Derenda vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department, Sanitation Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 20e Notice of Claim: Rachel Shostak 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. 20f Notice of Claim: James Nelson 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. 20g Notice of Claim: Jamie Klein 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. 20h Thomas C. Wagner 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.

MEETING NO. 6
FEBRUARY 24, 2003

Item No. 20i Notice of Claim: Norine Liebel 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 MAZUR, SECONDED BY COUNCILMEMBER JOHNSON TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S) AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



IV. SUSPENSION OF RULES

Item No. 21 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

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

BUILDING AND PLUMBING DEPARTMENT – Plumbing Inspector - \$15.00 per hour
Richard C. Coburn Depew, NY 14043 2/25/03

JUSTICE COURT – Court Officer (Provisional) - \$12.50 per hour
James G. Williams Cheektowaga, NY 14225 2/25/03

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

EFFECTIVE

JUSTICE COURT
Elizabeth Sankey 1/01/03

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 Jaworowicz

WHEREAS, a temporary vacancy exists in the position of Dog Control Officer 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

MEETING NO. 6
FEBRUARY 24, 2003

WHEREAS, Nancy Szymkowiak, currently employed as a Senior Clerk Typist in the Highway Department, bid on said vacancy, and meets the necessary qualifications NOW, THEREFORE BE IT

Item No. 22 cont'd.

RESOLVED, that Nancy Szymkowiak of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX, be and hereby is appointed to the temporary position of Dog Control Officer in the Police Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective February 25, 2003.

Upon roll call

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

Item No. 23 Motion by Councilmember Johnson, seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 7:15 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 7
MARCH 3, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd of March 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: Councilmember James J. Jankowiak

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; Lieutenant Mark Nacke; Thomas Adamczak, Supervising Building and Plumbing Inspector; and Jerry Gabryszak, Director of Community Development.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak; Seconded by Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers and Warrants Submitted to the Town of Cheektowaga prior to February 28, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 368,775.62
RISK RETENTION FUND	88,052.04
SPECIAL DISTRICTS	121,700.57
HIGHWAY FUND	81,525.66
TRUST & AGENCY	16,915.82
HUD CDBG FUND	1,278.85
PART TOWN FUND	9,628.92
CAPITAL FUND	<u>17,275.79</u>
	\$ 705,153.27

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 3a Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town was awarded a \$16,000 grant from the East Hill Foundation for youth programs operated through the Police and Parks, Recreation and Youth Services Department, AND

WHEREAS, a portion of the \$8,700 earmarked for programs operated by Parks, Recreation and Youth Services has been designated for activities in 2003, NOW, THEREFORE, BE IT

RESOLVED, that the following account lines of the 2003 budget be amended to reflect the additional revenue:

REVENUE

ACCOUNT #7140.2185

**MEETING NO. 7
MARCH 3, 2003**

Item No. 3a cont'd.

EXPENSES ACCOUNT #7140.4519 - \$800
#7310.4674 - \$470

Upon roll call

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

Item No.3b Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town has entered into agreement with the Community Action Partnership to implement recreation activities at the JFK Middle After-School Program during the 2002/2003 school year AND

WHEREAS, a portion of the \$9,000 allotted in the agreement has been designated for the 2003 budget year, NOW, THEREFORE, BE IT

RESOLVED, that the following account lines of the 2003 budget be and hereby are amended to reflect the additional revenue awarded through said agreement:

REVENUE ACCOUNT #7310.2111 (\$7,303)

EXPENSES	ACCOUNT #7310.1814 (\$4,303)
	#7310.4674 (\$2,448)
	#7140.4519 (\$552)

Upon roll call

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

Item No. 3c Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

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 2003 budget year, NOW, THEREFORE, BE IT

RESOLVED, that the following account lines of the 2003 budget be hereby are amended to reflect the additional revenue awarded through said agreement:

REVENUE ACCOUNT # 7310.211 (\$7,007)

EXPENSES ACCOUNT # 7140.1614 (\$6,107)
#7310.1161 (\$900)

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 4 Motion by Councilmember Mazur,, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 2003 for the Town of Cheektowaga, AND

MEETING NO. 7
MARCH 3, 2003

Item No. 4 cont'd.

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 2003, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 19th day of March, 2003 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, and Mazur

NAYES: 0

ABSENT: Councilmember Jankowiak

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 19, 2003 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 2003 calendar year.

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

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

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

Mary F. Holtz

Town Clerk

DATED: March 3, 2003

AFFIDAVIT NEXT PAGE

**MEETING NO. 7
MARCH 3, 2003**

Item No. 5a Motion by Councilmember Mazur; Seconded by Councilmember Rogowski and Councilmember Johnson

WHEREAS, the Department of Parks, Recreation & Youth Services' Dartwood Travel Club program is desirous of renting camping facilities known as Camp Turner, located in Allegany State Park for the period of April 11th-April 13, 2003, AND

WHEREAS, Camp Turner is willing to rent such facilities to the Town provided that the Town executes a Campsite Use Agreement for the rental of said property totaling \$400.00 (Line No. 7140.4491), AND

WHEREAS, the cost for said program is offset by the user fees collected from the participants, AND

WHEREAS, such agreement has been prepared and is acceptable between both parties, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Camp Turner for the renting of the aforementioned property.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 5b 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 74 Halstead Avenue in an amount not to exceed \$ 36,500, 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 74 Halstead Drive, Sloan, New York, for a housing rehabilitation loan not to exceed \$36,500.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 5c Motion by Councilmember Johnson; Seconded by Councilmember Mazur

WHEREAS, the Town, in its 2003 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town , and

WHEREAS, agreement(s) between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups, and

WHEREAS, the organization(s) listed below have completed and returned signed agreement(s) and their accounting report(s) from the 2003 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) in the form(s) attached to this resolution, with the cultural and not-for-profit organization(s) listed below for the amount(s) listed, and BE IT FURTHER

MEETING NO. 7
MARCH 3, 2003

Item No. 5c cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Community Symphony Orchestra	\$12,000.00

AND BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2003 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 7
MARCH 3, 2003**

Item No. 6a Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

WHEREAS, the Erie County Water Authority has designed Waterline Improvements Project No. 200200034, which provides for the replacement of water mains and hydrants on Mafalda Drive, Nina Place, Fontaine Drive, a portion of Mapleview Road and Commodore Terrace, all located within the Cleveland Hill Fire District, AND

WHEREAS, said project provides for a more uniform spacing of fire hydrants and results in the total addition of three (3) hydrants, specifically two (2) additional hydrants within the Mafalda/Nina/Fontaine Subdivision and one (1) additional hydrant on Mapleview Road, AND

WHEREAS, the Board of Fire Commissioners of Cleveland Hill Fire District No. 6 have reviewed the project design drawings and approve of the proposed hydrant placement as indicated in a February 13, 2003 letter from Fire District Secretary Kenneth J. Paa, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is authorized to install the three (3) additional hydrants pursuant to the contract drawings, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible for the payment of annual rental charges to the Erie County Water Authority for the subject hydrants, with said charges being levied against the Hydrant Rental District.

Upon roll call

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

Item No. 6b Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

BE IT RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to install one (1) 250 watt high pressure sodium floodlight on distribution pole No. 47 to illuminate the pedestrian bridge spanning Scajaquada Creek linking Victoria Boulevard to Town Park in accordance with the proposal submitted to the Town Engineer dated January 27, 2003, at a total annual cost of \$128.37 which shall be chargeable to Account No. 1615293109, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Ms. Francis Porpiglia
Consumer Representative
Niagara Mohawk Power Corporation
535 Washington Street
Buffalo, New York 14203-1497

Upon roll call

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

Item No. 6c Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

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

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

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

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct a open fire on February 15, 2003 on the property located at 3325 Genesee Street and this event was cancelled due to inclement weather, AND

**MEETING NO. 7
MARCH 3, 2003**

Item No. 6c cont'd.

WHEREAS, the applicant wishes to reschedule this event for March 8, 2003 and conduct a bonfire, with the assistance of the U-Crest Fire Department, for youth activity programs 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 a re-issuance of a permit, AND

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

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

Upon roll call

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

Item No. 6d Motion by Councilmember Jaworowicz; Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is subject to the guidelines set forth in the New York State Constitution, Article VIII, SEC.1; AND

WHEREAS, certain computers, computer monitors, and printers are no longer used in the Police building, Town of Cheektowaga campus buildings, or Alexander Community Center, or any other department in Town, and are otherwise obsolete, non-functioning, or have exceeded their life expectancy, AND

WHEREAS, the MIS department is requesting authorization to dispose of this obsolete equipment, which has little or no resale value; AND

WHEREAS, the Town's Communications contractor, Saia Communications, has agreed to accept this obsolete equipment from the Town, and is offering a \$1,500.00 service credit, as set forth in the attached letter dated February 28, 2003; AND

WHEREAS, Town Network Coordinator Mark Orzechowski recommends that this equipment be removed from Town property and traded to Saia Communications for the service line of credit; AND

WHEREAS, the MIS department has approximately fifty hard drives previously removed from computers that have since been destroyed, and all information contained on said hard drives is no longer accessible or otherwise relevant; AND

WHEREAS, Town Network Coordinator Mark Orzechowski recommends that these hard drives be destroyed; NOW, THEREFORE BE IT

RESOLVED, that Town Network Coordinator Mark Orzechowski, is hereby directed and authorized to remove obsolete computer equipment from the Town of Cheektowaga, and deliver same to Saia Communications, in exchange for a \$1,500.00 service credit, and the Supervisor is authorized to execute all documents to effect said trade; and BE IT FURTHER

RESOLVED, that Town Network Coordinator Mark Orzechowski is hereby authorized to destroy computer hard drives previously removed from Town computers, in such manner as he shall determine.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 7
MARCH 3, 2003**

Item No. 7 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 need to acquire additional lands adjacent to such tennis courts at the end of Idlebrook Drive, AND

WHEREAS, by resolution dated October 7, 2002, the Town retained a surveyor and appraiser with respect to this property, AND

WHEREAS, said survey and appraisal have been received and reviewed by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that, based on the appraisal and survey received on this matter, the Town Attorney's Office be and hereby is directed to negotiate with the owner of 2-4 Idlebrook Drive to acquire the land needed by the Town at the end of Idlebrook Drive, and BE IT FURTHER

RESOLVED, that moneys for such land acquisition shall be appropriated from budget line item number 100-1700-4460.

Upon roll call

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

Item No. 8 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

BE IT RESOLVED that the following individual be and hereby is transferred, as indicated, in the Department of Parks, Recreation & Youth Services (parttime):

Recreation Attendant (IV) - \$5.90
Bradley Walters
(all lines - effective 3/10/2003)

Upon roll call

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

Item No. 9 Motion by Councilmember Mazur; Seconded by; Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Senior 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, such job title is in the competitive class of Civil Service; AND

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

WHEREAS, Kathleen C. Brzyski, currently employed as a Clerk Stenographer in the Personnel Department, appears on said list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Kathleen C. Brzyski of Depew, New York 14043, be and hereby is appointed to the position of Senior 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 March 4, 2003.

**MEETING NO. 7
MARCH 3, 2003**

Item No. 9 cont'd.

Upon roll call

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

Item No. 10 Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

WHEREAS, the New York State Government Finance Officer's Association (NYS-GFOA) is holding its Annual Conference on March 19th, 20th, and 21st, 2003 in Albany, New York; AND

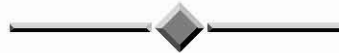
WHEREAS, the conference shall cover such topics as the new Government Accounting Standards Board Financial Reporting Model (GASB 34), New York State's Fiscal Challenges, Federal Legislative and Regulatory Overviews, 2003 Economic Outlook, Strong Investing in a Weak market, Municipal Insurance: Controlling Employee Costs, How to Budget in a Crisis, and Local Government Service Sharing; AND

WHEREAS, Supervisor Dennis H. Gabryszak, Director of Administration and Finance Brian M. Krause, and Accountant Kathleen J. Travers are requesting attendance at this conference,
NOW THEREFORE BE IT

RESOLVED, that Supervisor Gabryszak, Mr. Krause and Ms. Travers are hereby authorized to attend this conference, and all costs not to exceed \$2,000 are to be reimbursed from the following budget account numbers: 100-1315-4088 and 100-1220-4088.

Upon roll call

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



II. DEPARTMENTAL COMMUNICATIONS

Item No. 11. Building Permits – February
Received and Filed.

Item No. 12a Minutes – Planning Board – February 13, 2003
Received and Filed.

Item No. 12b Minutes – Cheektowaga Conservation Advisory Council – February 15, 2003
Received and Filed.



III. GENERAL COMMUNICATIONS

Item No. 13a Notice of Claim: Joseph Gallo 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.

**MEETING NO. 7
MARCH 3, 2003**

Item No.13b Notice of Claim: Paul W. Lorefice 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. 13c Notice of Claim: Frank M. Ruffner, Sr. vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 14 Summons: M & T Bank vs. Richard Thompson Etal
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and Allied Claims Insurance Carrier.
Received and Filed.



A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



IV. SUSPENSION OF RULES

Item No. 15a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Madison County Virginia Sheriff's Department is hosting their annual K-9 Training Seminar. The seminar will be held in Madison, Virginia March 16-22, 2003.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Officer Daniel Smith and "Breston" to this training seminar. Officer Smith and "Breston" have been requested to instruct a portion of this seminar. Officer Smith will be using the K-9 vehicle for transportation to and from this seminar. The Police Department will be responsible for the expense of gasoline and tolls, AND, BE IT FURTHER

RESOLVED, that Chief Ziemba is authorized to send Officer Smith and "Breston" to this seminar and that the time he spends at this training be authorized as normal duty time. The expense will be charged to line 100-3120-4085.

Upon roll call

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

**MEETING NO. 7
MARCH 3, 2003**

Item No. 15b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the 2003 Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN) business meeting and "Exploring Economic and Financial Crimes in Our Society" information Sharing Conference, is being held in Atlantic City, NJ April 14-18, 2003.

WHEREAS, Lt. Jim Starr is our primary representative in MAGLOCLN and his attendance is mandatory and MAGLOCLN will cover transportation and lodging expense and the Police Department will be responsible for the registration fee and meal expenses which will amount to \$305.00.

WHEREAS, the travel request was presented and approved by Town Board Members on February 26, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is authorized to send Lt. Starr to this annual meeting and that the time he spends at this training be authorized as normal duty time. This expense will be charged to line 100-3120-4085 and 100-3120-4093.

Upon roll call

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

Item No. 15c Motion by Councilmember Mazur Seconded by Supervisor Gabryszak

WHEREAS, the New York State DARE Officers Association is holding their annual training conference in Verona, NY on April 28, 2003.

WHEREAS, DARE Officers Scott Scharlau, Michael Pilat, David Stevens, James Reeb, Brian Coons and Robert Ziolkowski are required to attend this training to obtain their mandatory 6-hour re-training and certification necessary for the implementation of new DARE curriculum, AND

WHEREAS, the Police Department will be responsible for lodging, registration, meals and transportation. Department vehicles will be used for transportation to and from this conference. Total expenses will amount to approximately \$1,150.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is authorized to send the above mentioned officers to this conference and that the time spent at this training be authorized as normal duty time. This expense will be charged to line 100-3120-4006 and 100-3120-4085.

Upon roll call

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

Item No. 16 Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, Nancy Szymkowiak was appointed to the temporary position of Dog Control Officer in the Police Department on February 25, 2003; AND

WHEREAS, Ms. Szymkowiak is unable to meet the demands of the position and is requesting to be returned to her permanent competitive title of Senior Clerk Typist in the Highway Department; THEREFORE, BE IT

RESOLVED, that Nancy Szymkowiak of Cheektowaga, New York 14227 be and hereby is appointed to the position of Senior Clerk Typist in the Highway Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective March 4, 2003.

Upon roll call

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

MEETING NO. 7
MARCH 3, 2003

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

WHEREAS, federal regulations pertaining to the treatment of lead-based paint hazards in federally assisted housing activities have gone into effect, and

WHEREAS, testing and analysis of painted surfaces for lead hazards in most of the Town's housing rehabilitation projects will be required to comply with federal regulations, and

WHEREAS, the Town Office of Community Development has solicited proposals from companies possessing the necessary certifications issued by the Environmental Protection Agency to provide necessary lead-based paint hazard testing and consulting services, and

WHEREAS, the Director of Community Development has recommended that the Town engage the services of Stohl Environmental LLC to perform the necessary lead hazard testing and consulting services, Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$21,000 with Stohl Environmental LLC, 1951 Hamburg Turnpike, Lackawanna, New York 14218 to perform necessary lead hazard testing and consulting services for the Town of Cheektowaga pursuant to said company's proposal dated January 20, 2003.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 18 Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, a temporary vacancy exists in the position of Dog Control Officer 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, Thomas Marten, currently employed as a Motor Equipment Operator - B in the Highway Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Thomas Marten of Cheektowaga, New York 14227, be and hereby is appointed to the temporary position of Dog Control Officer in the Police Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective March 4, 2003.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Jankowiak

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER JOHNSON. TIME OF ADJOURNMENT WAS 7:15 P.M.

MARY F. HOLTZ
Town Clerk

MEETING NO. 7
MARCH 3, 2003

**TOWN OF CHEEKTOWAGA
MEETING 8
MARCH 17, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of March, 2003 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 Thomas J. Mazur
Councilmember James J. Jankowiak

ABSENT: Councilmember William R. Rogowski

Also present were: Mary F. Holtz, Town Clerk; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services; Christine Ziemba, Chief of Police and Salvatore LaGreca, Chairman of Planning Board.

I. RESOLUTIONS

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

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

2002

PART TOWN FUND

FROM:	800-3620-2770	Permits & Inspections	\$ 8,950.00
TO:	800-3620-1901	Regular Payroll	\$ 2,400.00
	800-3620-1902	Overtime Payroll	4,400.00
	800-3620-1931	Vacation Sellback	700.00
	800-8020-1901	Regular Payroll	200.00
	800-9010-8143	Retirees Medical Benefits	1,200.00
	800-9010-8151	Group Life Insurance	50.00

SPECIAL DISTRICTS FUND

FROM:	150-8160-1901	Regular Payroll	\$ 64,800.00
	150-8160-1911	Longevity	3,700.00
	150-8160-1971	Part Time Regular	7,000.00
	150-8160-2501	Misc. Equipment	16,000.00
	150-8160-4160	Diesel Fuel	26,000.00
	150-8160-4186	Tolls Consolidated Garbage	4,000.00
	150-8160-4211	Electric	1,000.00
	150-8160-4221	Gas	10,000.00
	150-8160-4469	Landfill Costs	15,000.00
	150-8160-8101	Employee Retirement	50,000.00
	150-8160-8121	Social Security	146,000.00
	150-8160-8157	TCEA Health & Welfare	14,000.00
	150-8160-9211	Bond Interest	43,000.00
	150-8173-8101	Employee Retirement	31,000.00
	150-8173-8121	Social Security	47,200.00
TO:	150-8160-1917	Clothing Allowance	\$ 300.00
	150-8160-1951	Seasonal Regular	1,500.00
	150-8160-4321	Computer Expenditures	600.00
	150-8160-4453	Building Repairs	15,000.00
	150-8160-4468	Composting Costs	7,000.00
	150-8160-4470	Solid Waste Management	1,000.00
	150-8160-4475	Consultants	3,000.00
	150-8160-8141	Medical Insurance	\$ 1,300.00

**MEETING NO. 8
MARCH 17, 2003**

Item No. 2 cont'd.

150-8160-8143	Retiree's Medical Insurance	12,000.00
150-8160-8975	Retirement Buyout	62,000.00
150-8173-1901	Regular Payroll	18,000.00
150-8173-1902	Overtime Payroll	24,000.00
150-8173-1951	Seasonal Regular	61,000.00
150-8173-4194	Advertising	13,000.00
150-8173-4444	Tipping Fees	39,000.00
150-8173-4475	Consultants	10,000.00
150-8173-8141	Employee Medical Insurance	12,000.00
150-9010-8121	Social Security	198,000.00

HIGHWAY FUND

FROM:	300-5140-1379	Labor Clerical	\$ 80,000.00
	300-5141-1731	Labor Allocated	94,000.00
	300-5141-1733	Labor Allocated	21,000.00
	300-5141-1734	Labor Allocated	21,000.00
	300-5141-1901	Regular Payroll	67,100.00
	300-1910-1120	Sales Tax Receipts	67,000.00
TO:	300-5110-1701	Labor General	\$ 94,000.00
	300-5130-1701	Labor General	21,000.00
	300-5140-1701	Labor General	101,000.00
	300-5141-1951	Seasonal Labor	67,000.00
	300-5141-1972	Part Time Overtime	100.00
	300-9010-8975	Retirement Buyouts	67,000.00

Upon roll call

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 March 17, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$2,518,452.64
RISK RETENTION FUND	66,652.66
DEBT SERVICE FUND	171,556.25
SPECIAL DISTRICTS FUND	677,346.95
HIGHWAY FUND	462,824.17
TRUST & AGENCY	3,595.52
HUD CDBG FUND	13,561.51
PART TOWN FUND	66,586.70
CAPITAL FUND	<u>7,636.58</u>
	\$3,988,212.98

Upon roll call

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

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

WHEREAS, William D. Lorenz/Marauder Ent., LLC has made application and requested the Rezoning from R-Residence District to C-Retail Business District for parking lot for property located at part of 24 Cloverleaf Drive NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on April 7th, 2003 at 6:30 P.M., Eastern Standard Time at the Cheektowaga Town Hall, 3301 Broadway at the corner of Broadway and Union Roads.

MEETING NO. 8
MARCH 17, 2003

Item No. 4a cont'd.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 8
MARCH 17, 2003

Item No. 4b Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, David E. Wright/Cash Register Sales & Services Co., Inc. has made application and requested the Rezoning from NS-Neighborhood Services to C-Retail Business District for cash register sales an service store for property located at 2501 Union Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on April 7th, 2003 at 6:30 P.M., Eastern Standard Time at the Cheektowaga Town Hall, 3301 Broadway at the corner of Broadway and Union Roads.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 8
MARCH 17, 2003

Item No. 5 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for TOPSOIL by the Cheektowaga Highway Department and various departments in the Town.

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 A.M. and 4:30 P.M., Monday through Friday and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid item at 11:00 A.M. on April 2, 2003.



NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on April 2, 2003 at a public bid opening at 11:00 A.M., at the Town Hall located on Broadway and Union Roads, Cheektowaga, New York, for the purpose of furnishing TOPSOIL for use by various departments in the Town of Cheektowaga.

Specifications may be picked up at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

Mary Holtz
Town Clerk
Town of Cheektowaga

Dated: February 17, 2003



Upon roll call

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 8
MARCH 17, 2003

Item No. 6a Motion by Councilmember Johnson, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga requires a sanitary sewer pipe line crossing Easement Agreement for the Crandon-Northeast Interceptor Sewer Project on property owned by R J Corman Railroad Group, AND

WHEREAS, R J Corman Railroad Group has prepared and submitted said agreement to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute said agreement with R J Corman Railroad Group and other papers necessary to effect said Pipe Line Crossing Agreement following review and approval of said document by the Town Law Department.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

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

WHEREAS, Wendel/Duchscherer, Architects & Engineers, has completed plans and specifications for the Historic Rails to Trails Project, AND

WHEREAS, a portion of the Historic Rails to Trails Project 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 operation and maintenance of the Trail, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute an Occupancy Permit application with the New York State Thruway Authority (NYSTA) and other papers necessary to effect said Occupancy Permit for the aforesaid Historic Rails to Trails Project beneath the NYSTA bridge between William Street and Broadway.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

Item No. 6c Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, grant monies are available from the Erie County Legislature Public Benefit Fund via Legislator Elise Cusack to purchase computer equipment for the Building Inspection Department, AND

WHEREAS, the Town of Cheektowaga Building Inspection Department seeks grant monies to purchase computer equipment to improve the efficiency of building inspection operations thereby enhancing the quality of life in Cheektowaga, 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 Public Benefit Funding 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, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Rogowski

MEETING NO. 8
MARCH 17, 2003

Item No. 6d Motion by Councilmember Jaworowicz, seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund Disaster Recovery Project to partially reimburse the Town for expenses incurred as a result of recent water damage to the Town Justice Court records, 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 New York State Education Department State Archives for the purpose of securing this grant and, BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are 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. 6e Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town has been advised that the Town's allocation of Community Development Block Grant and HOME Investment Partnership Program funds for Fiscal Year 2003 has been increased by \$3,000 and \$7,569, respectively, AND

WHEREAS, the Town is required to revise its Community Development Block Grant Annual Plan to reflect the revised funding amounts and to advise HUD as to the use of said funds, AND

WHEREAS, the Director of Community Development has recommended that the additional \$3,000 in CDBG funds be allocated to the Single Family Housing Rehabilitation Program and the additional \$7,569 in HOME funds be allocated to the First-Time Homebuyers Program, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby approves a revision to the Town's Annual Plan to reflect the recommendations of the Director of Community Development regarding the use of the additional Community Development Block Grant and HOME Program funds allocated to the Town for Fiscal Year 2003 as stated above, AND BE IT

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and submit any forms and documents as may be required by the Department of Housing and Urban Development in relation to said action.

Upon roll call

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

Item No. 6f Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the services of an architect are required for the preparation of plans for the construction of a single-family house at 195 East Grand Boulevard, AND

WHEREAS, proposals for architectural services were solicited by the Office of Community Development, AND

WHEREAS, a proposal for said services was submitted by MWT Architecture, PC, AND

WHEREAS, the Director of Community Development has recommended a contract be awarded to MWT Architecture, PC, for said services, NOW, THEREFORE BE IT

MEETING NO. 8
MARCH 17, 2003

Item No. 6f cont'd.

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with MWT Architecture, PC, 6390 Main Street, Suite 120, Williamsville, New York for architectural services in relation to the construction of a single-family house at 195 East Grand Boulevard pursuant to the Town's Request for Proposals dated January 14, 2003 for a fee for basic services not to exceed \$1,500 plus \$65 per hour for additional services not to exceed \$325, the fees for said services to be paid with Community Development Block Grant funds.

Upon roll call

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

Item No. 6g Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town's Housing Rehabilitation Loan Program 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 72 Euclid Avenue in an amount not to exceed \$ 27,000, 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 72 Euclid Avenue, Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$27,000.

Upon roll call

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

Item No. 6h 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 68 Cheekwood Dr., Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from Charter One Bank, N.A. and Charter One Bank 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 Charter One Bank, N.A., 1215 Superior Avenue, Cleveland, Ohio, 44114, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 168 Cheekwood Drive, Cheektowaga, New York.

Upon roll call

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

MEETING NO. 8
MARCH 17, 2003

Item No. 7 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, Siena Builders, Inc. has submitted a Public Improvement Permit Application, plans and specifications and permit fee for the proposed installation of a twin 36" storm sewer system on property located at the southwest corner of Union Road and Maryvale Drive to enclose an open drainage system as detailed on design drawings prepared by Bissell, Stone Associates, AND

WHEREAS, the aforesaid drainage system also functions as an overflow to the Union Road storm sewer and the NYSDOT and Town Engineer find the design of the proposed improvements acceptable, AND

WHEREAS, Siena Builders, Inc. has previously granted a permanent drainage easement to the Town to provide for the perpetual operation and maintenance of said drainage system, NOW, THEREFORE, BE IT

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

RESOLVED, that the permit fee in the amount of \$1,950.00 be deposited in the Public Improvement Permit Account established for receipt and disbursement of such fees.

Upon roll call

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

Item No. 8 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to install one (1) 100 watt high pressure sodium luminaire and wood pole on Pennock Place, located on the north side between Alpine Place and Avery Place, in accordance with the attached proposal dated February 27, 2003, at a total annual increase of \$175.86 which shall be chargeable to the General Lighting District, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Ms. Francis Porpiglia
Consumer Representative
Niagara Mohawk Power Corporation
535 Washington Street
Buffalo, New York 14203-1497

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

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

BE IT RESOLVED, that the below listed individual be and hereby is terminated from the Department of Parks, Recreation & Youth Services, effective immediately (Part-Time):

Randy Matuszewski
Cheektowaga, New York 14225

Upon roll call

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

Item No. 10 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individual be and hereby is transferred in the Department of Parks, Recreation & Youth Services, effective as indicated:

Administrative Interns – 7310.1804
(Seasonal – effective 6/13/2003 – revert to
Part-Time status 8/16/03) –
\$6.75 (effective 3/24/03)

Alicia Wyzykowski

Upon roll call

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

Item No. 11 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Department of Parks, Recreation & Youth Services is desirous of investigating new sites to add to its field trip schedule, AND

WHEREAS, two of the identified recreational facilities are out of Erie County and would require day trips to investigate the sites to determine the feasibility of placing them on the field trip schedule, NOW, THEREFORE BE IT

RESOLVED, that the following Parks, Recreation & Youth Services employees be and hereby are authorized to travel by van for the following day trips.

Lakeville, NY
Jillian Gorman
Bradley Walters

Erie, PA
Jillian Gorman
Ellen Fischer

Upon roll call

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

MEETING NO. 8
MARCH 17, 2003

Item No. 12 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

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

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION – Laborer - \$7.50 per hour</u>	
Leroy Linkner Cheektowaga, NY, 14225	03/10/03

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

	<u>EFFECTIVE</u>
<u>SENIOR SERVICES</u>	
Jim Williams	02/24/03
Bill Lauber	02/26/03

Upon roll call

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

Item No. 13a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS vacancies currently exist on the Cheektowaga Youth Board, AND

WHEREAS Lisa Melin has expressed an interest in serving on the voluntary board;
NOW, THEREFORE, BE IT

RESOLVED that Lisa Melin be and, hereby, is appointed to the Cheektowaga Youth Board, for a three year term, effective this date, and expiring on March 16, 2006.

Upon roll call

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

Item No. 13b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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 Thomas Wentland be promoted to the position of Sergeant, NOW, THEREFORE, BE IT

RESOLVED, that Thomas Wentland be and hereby is appointed to the position of Sergeant in the Police Department effective March 28, 2003.

Upon roll call

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

Item No. 13c Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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

Item No. 13c cont'd.

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

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

RESOLVED, that Gerald Jankowski be and hereby is appointed to the position of Lieutenant in the Police Department effective March 28, 2003.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

II. DEPARTMENTAL COMMUNICATIONS

Item No. 14 Supervisor's Statement of Funds – January 2003
Received and Filed.

Item No. 15a Minutes of Traffic Safety Commission – February 18, 2003
Received and Filed.

Item No. 15b Minutes of Town Environmental Advisory Committee – February 26, 2003
Received and Filed.

Item No. 15c Minutes of Cheektowaga Conservation Advisory Council – March 6, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 16a Notice of Claim: Michael Harzynski 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. 16b Notice of Claim: Charles C. Markel, as Administrator of the Estate of Ryan C. Markel, Deceased, and Charles C. Markel, Individually vs. Depew Middle School, Depew Union Free School District, Village of Depew, New York and the Town of Cheektowaga, New York
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 16c Notice of Claim: New York State Electric & Gas 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: Robert Ulmer 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Rogowski



IV. SUSPENSION OF RULES

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

WHEREAS, there is a need to update the existing survey and legal description for the proposed municipal golf course associated with the easterly expansion, and to perform boundary monumentation, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 be and hereby is retained to provide professional land surveying services associated with said boundary survey and legal description update in accordance with the attached proposal submitted to the Town Engineer dated January 23, 2003 at a fee not to exceed \$2,800.00 and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with Nussbaumer & Clarke, Inc. and, BE IT FURTHER

RESOLVED, that funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 8
MARCH 17, 2003

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

WHEREAS, in order to facilitate final design and wetlands regulatory permitting for the proposed municipal golf course, it is necessary to prepare updated topographic mapping at a one (1) foot contour interval, NOW, THEREFORE, BE IT

RESOLVED, that the firm of TVGA Consultants, One Thousand Maple Road, P.O. Box H, Elma, New York 14059 be and hereby is retained to provide professional photogrammetric mapping services in accordance with the attached proposal submitted to the Town Engineer dated January 21, 2003 at a fee not to exceed \$7,850.00 and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with TVGA Consultants and, BE IT FURTHER

RESOLVED, that funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 8
MARCH 17, 2003

Item No. 18 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Department of Parks, Recreation & Youth Services utilizes the Class Software System as part of their management information system, AND

WHEREAS, the Escom Corporation is holding a training session at the White Oak Conference Center in Niagara Falls, Ontario from Thursday, May 1st – Saturday, May 3rd, 2003 which will assist local users in enhancing their ability to maximize use of the software applications, BE IT

RESOLVED that Paul Marchewka, Recreation Supervisor, Phyllis Dennis and Kathy Miesowicz, Clerk Typists, be authorized to attend said conference to represent the program planning and clerical staff, NOW, THERFORE, BE IT

RESOLVED that attendance be assigned as follows:

Paul Marchewka	-	May 1 st -3 rd	System Administrator
Kathy Miesowicz	-	May 1 st	Putting Your Data to Work Program Registration Refresher Class Accounting
Phyllis Dennis	-	May 2 nd -3 rd	Class Accounting The Changing Face of Customer Service Delivery Data Dashboard Delivering Customer Service with Technology Program Registration Refresher

RESOLVED that all necessary expenses be authorized to include training fees and meals (In-Service Training – 7310.4681 - not to exceed a total of \$1,190.00), and mileage (1910.4083 - not to exceed a total of \$114.00).

Upon roll call

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

Item No. 19 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

Recreation Attendant (VI) – 7140.1614 - \$6.40

Robert Halter
Cheektowaga, New York 14225

Upon roll call

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

Item No. 20 Motion by Councilmember Johnson, seconded by Councilmember Swiatek to adjourn this meeting. This meeting was adjourned at 7:20 P.M.

Mary F. Holtz
Town Clerk